

Conservation Review Board
Commission des biens culturels



ISSUE DATE: May 23, 2019

CASE NO(S): CRB1809

PROCEEDING COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Owner: Ashkan Omidisahneh, Ardeshir Omidisahneh
Objectors: Ashkan Omidisahneh
Subject: Notice of Intention to Designate (Page House and Grocery Store)
Property Address: 505 Balliol Street
Legal Description: PLAN M5 PT LOT 75
Municipality: City of Toronto
CRB Case No.: CRB1809
CRB Case Name: Omidisahneh v. Toronto (City)

Heard: April 15, 2019 in Toronto, Ontario and in writing

APPEARANCES:

Parties

Ashkan Omidisahneh
Ardeshir Omidisahneh

City of Toronto

Counsel

Ian Andres

Amanda Hill

Participant

Sharon Mourer

Self-represented

ORDER OF THE BOARD DELIVERED BY LAURIE SMITH AND HUGH S. WILKINS

Background

[1] This is a procedural order of the Conservation Review Board (“Review Board”) arising from a pre-hearing conference (“PHC”) in respect of an objection by Ashkan Omidisahneh to a Notice of Intention to Designate (“NOID”) the property at 505 Balliol Street in Toronto, Ontario (the “property”).

[2] The parties attended a PHC on April 15, 2019 to address certain procedural matters.

Participant Status

[3] Sharon Mourer requested participant status in the proceeding. Ms. Mourer confirmed that she has an interest in the proceeding and is familiar with the property by virtue of her role as Chair of the Heritage Committee, South Eglinton Ratepayers and Residents Association (“SERRA”) and her residency in the neighbourhood. She made presentations supporting the designation during the municipal process leading to the NOID and would like to make a presentation at the hearing.

[4] The Review Board grants participant status to Ms. Mourer as an individual. As a participant, she can attend any PHC in the proceeding and can make an oral statement at the hearing and be cross-examined on it.

[5] If Ms. Mourer wishes to speak on behalf of SERRA at the hearing, she must submit a completed Form 1 – Representative of a Party, completed by SERRA and request participant status for SERRA.

Organization/Conduct of the Hearing

[6] The hearing will take place on **November 18-20, 2019** at **10:30 a.m.** at the Tribunals Ontario office, Suite 1200, 655 Bay Street in the City of Toronto. The hearing will be open to the public and public notice will be published. A site visit will take place at 9 a.m. on **Tuesday, November 18, 2019** with the parties in attendance. No

adjournments will be granted before or during the hearing except in accordance with the Review Board's *Rules of Practice and Procedure* ("Rules").

[7] The parties and participants identified at the Pre-hearing Conference are:

- Ashkan Omidisahneh (owner/objector)
- Ardeshir Omidisahneh (owner)
- City of Toronto (municipality)
- Sharon Mourer (participant)

[8] A party may attend or participate in a proceeding in person, with a representative, or may send a representative to attend in place of the party. A representative or party shall file, upon request of the Review Board, Form 1, Representative of a Party – Commencement of Authorization, which can be found in Appendix A to the Rules.

[9] If a party fails to appear at the hearing without giving notice to the Review Board and all parties in advance and/or does so without reasonable cause, the Review Board has the discretion under the *Statutory Powers Procedure Act* to proceed with the hearing in their absence.

Pre-hearing Conference

[10] The PHC is adjourned to **Thursday, July 11, 2019 at 9 a.m.**, to be held by teleconference. The case coordinator will provide the call-in details to all parties and participants. At the PHC, the parties will share a list of intended witnesses and expert witnesses that they intend to call at the hearing.

Requirements for the Hearing: Witnesses, Document Exchange and Expert Evidence

[11] By **Monday, October 21, 2019**, the following items are to be served on every other party and filed with the Review Board:

- a list of confirmed witnesses and the order in which they will be called;
- a list of confirmed expert witnesses and the order in which they will be called;
- the name, address and qualifications of each expert, and copies of the expert's report(s) and all documents to which the expert will refer;
- witness statements for all intended witnesses; and
- copies of all other documentary and other evidence that the party will refer to, or tender as evidence, at the hearing.

[12] The materials are to be exchanged between all parties and two paper copies are to be provided to the Review Board, as well as an electronic copy. Paper copies should be paginated, with tab markers, and colour images, where appropriate.

[13] By **Monday, October 21, 2019** the parties shall submit to the Review Board an Agreed Statement of Facts, outlining the facts which are agreed upon by the parties and are not in dispute in the proceeding.

[14] Any intended evidence, including documents, not disclosed within the timeframe set out above, may not be used as evidence at the hearing unless the Review Board directs otherwise. Where a witness statement or expert report has not been provided by the required date, the witness may not give evidence at the hearing unless the Review Board directs otherwise.

[15] An expert witness who is providing opinion evidence must execute the Acknowledgement of Expert's Duty form prior to or at the hearing.

[16] An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Review Board may refuse to hear the expert's testimony.

[17] The Review Board may vary or add to this Order at any time, either on request or as it sees fit, and may do so by an oral ruling or in writing.

"Laurie Smith"

LAURIE SMITH
VICE-CHAIR

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Conservation Review Board

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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