

Conservation Review Board
Commission des biens culturels



ISSUE DATE: September 26, 2019

CASE NO(S): CRB1826

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

Owner/Objector: Taylor Rogers
Subject: Notice of Intention to Designate (Brown Family Estate)
Property Address: 1042 Sixth Line
Legal Description: PT LT 16, CON 2 Trafalgar, South of Dundas Street, as in 763321
Municipality: Town of Oakville
CRB Case No.: CRB1826
CRB Case Name: Rogers v. Oakville (Town)

Heard: September 12, 2019

APPEARANCES:

Parties

Counsel

Taylor Rogers

Russell Cheeseman

Town of Oakville

Dennis Perlin

ORDER OF THE BOARD DELIVERED BY DANIEL NELSON AND MARCIA VALIANTE

Background

[1] This is a procedural order of the Conservation Review Board (“Review Board”) arising from the second pre-hearing conference, held on September 12, 2019, in

respect of an objection by Taylor Rogers to a Notice of Intention to Designate the property at 1042 Sixth Line in Oakville, Ontario (the “property”).

Organization/Conduct of the Hearing

[2] The hearing will take place over three days, commencing on a date in the last two weeks of March 2020, at 10 a.m. at Oakville Town Hall, 1225 Trafalgar Road, Oakville, Ontario. The hearing will be open to the public. The Conservation Review Board’s (“Review Board”) Case Coordinator will determine the dates for the hearing in consultation with the parties and public notice will be published. A site visit will take place at 9 a.m. on the first day of the hearing 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”).

[3] The parties are:

- Taylor Rogers, Owner/Objector; and
- Town of Oakville

[4] No persons have requested participant status.

[5] 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.

[6] 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.

[7] The issues are: the formal cedar hedge bordering the designed landscape on the north, east and south; the “arboretum” east of the open lawn; and the association with the Mississaugas of the New Credit First Nation. These issues may be modified in the Final Issues List, to be served and filed as set out below.

[8] The Owner/Objector intends to call two witnesses and the Municipality intends to call two witnesses.

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

[9] Each party shall serve on the other party and file with the Review Board the following items, by the dates specified:

- an Agreed Statement of Facts, by January 3, 2020;
- a Final Issues List, by January 3, 2020;
- a list of all intended witnesses, including expert witnesses and their qualifications, and the order in which they will be called, by eight weeks before the first day of the hearing;
- copies of each witness statement, expert witness report(s) and all documents to which the witness will refer, by four weeks before the first day of the hearing; and
- copies of all other documentary and other evidence, to which the party will refer, or which the party will tender as evidence, at the hearing, by two weeks before the first day of the hearing.

[10] 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.

[11] 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.

Expert Witnesses and Evidence

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

[13] 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.

[14] 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.

"Daniel Nelson"

DANIEL NELSON
MEMBER

"Marcia Valiante"

MARCIA VALIANTE
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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