

Conservation Review Board
Commission des biens culturels



ISSUE DATE: October 08, 2019

CASE NO(S): CRB1902

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

Owner: TTRAM Developments Inc.
Objectors: Ken Vogel
Subject: Notice of Intention to Designate (former Victoria School Annex)
Property Address: 400 Maple Street
Legal Description: Lots 10, 11 and 12 South of Fifth Street and Lots 10, 11 and 12 North of Sixth Street, Registered Plan No. 45
Municipality: Town of Collingwood
CRB Case No.: CRB1902
CRB Case Name: Vogel v. Collingwood (Town)

Heard: April 25, 2019 and June 4, 2019

APPEARANCES:

Parties

TTRAM Developments Inc.
Ken Vogel

Town of Collingwood

Counsel*/Representative

Jason Price

Eric Davis+
Trenton Johnson+
Sara Almas

ORDER OF THE BOARD DELIVERED BY DANIEL NELSON

[1] This is the second order of the Conservation Review Board (“Review Board”) in respect of an objection by TTRAM Developments Inc. to a Notice of Intention to Designate the property at 400 Maple Street in the Town of Collingwood (“Town”), Ontario, and which is commonly known as the Victoria School Annex (the “property”).

[2] TTRAM Developments Inc. is owned by Messrs Vogel and Price. Mr. Price has previously withdrawn his objection.

Background

[3] The background and details of this matter are set out in the Review Board’s order of September 18, 2019. See *Vogel v. Collingwood (Town)*, 2019 CanLII 89275 (ON CONRB) (hereafter “September 18 Order”).

[4] That order required, by September 25, 2019,

- That the parties provide written submissions as to:
 - whether or not these proceedings should be dismissed under Rule 14.01 (a) or (b), or otherwise; and,
 - whether or not costs should be assessed against a party in accordance with Rule 34.
- That the Objector complete and submit a Form 1, specifying which person represents TTRAM Developments.

Request for an Extension

[5] On September 24, 2019 at 2:51 pm, Mr. Vogel wrote to the Review Board requesting an extension to the deadline. This request was copied to certain Town officials but not to Mr. Davis, counsel for the Town.

[6] Mr. Vogel made this request because a meeting, scheduled for September 24, 2019, with the Town’s chief administrative officer, Mr. Amin, was cancelled by the Town.

Mr. Vogel's stated purpose for the meeting was "...to discuss the heritage designation request put forth by the town and to hopefully come to an agreement on the process." The meeting was not, according to Mr. Vogel's request, about his written submissions or the Form 1, as required. No specific date for the extension was provided, but Mr. Vogel asked for a new deadline to be set for three days following a rescheduled meeting with the Town's Chief Administrative Officer. Mr. Vogel did not indicate when a rescheduled meeting may take place.

[7] The following day, at 3:24 pm, Mr. Davis, for the Town, provided his written submissions as required in the September 18 Order. In addition, Mr. Davis wrote to object to any extension:

"Regardless of whether or not a meeting occurred, Mr. Vogel had the ability to make submissions to the Board, to address the issues and questions raised in the Order, but he chose not to do so. As a result, we must object to any extension of time being granted."

[8] The Review Board was unable to respond to the request for an extension on the day it was received and wrote back to Mr. Vogel late in the afternoon on September 25. The Review Board granted a one-day extension, because it was not able to address the request in a timely manner, only. It was not based on the submissions of the parties.

[9] On the morning of September 26, 2019, Mr. Vogel wrote again and declared that the one-day extension was not satisfactory. He stated that he was out of town and had no access to his files and limited access to email. He requested a one-month extension. In response, the Town wrote to the Review Board objecting to the one-month extension on the same basis as its earlier objection.

[10] In considering the submissions of the parties, and the surrounding circumstances as outlined, the Review Board must agree with Mr. Davis' point, referenced above. The status of the meeting with the Town has no bearing on Mr. Vogel's ability to provide the written submissions and Form 1 that Mr. Vogel was required to submit by the deadline. Furthermore, his request for an extension was not provided in accordance with Rule 6

and his request did not set out how an anticipated meeting with the Town responds to the issues set out in the Board's September 18 Order; including that he failed to address whether there is disagreement over the property's cultural heritage value or interest that would be the focus of a Review Board hearing. The Review Board finds that there is not a sufficient basis on which to grant an extension of time.

[11] Additionally, Mr. Vogel failed to submit the proper Form 1 as ordered. Mr. Vogel was provided clear notice in the September 18 Order that a failure to provide such materials by the deadline would result in a dismissal of the proceedings in accordance with Rule 15.03. The Review Board finds that Mr. Vogel has not complied with an order, direction, or request for information.

Order

[12] For the reasons set forth above,

- The request of Mr. Vogel for a one-month extension is denied; and,
- These proceedings are dismissed in accordance with Rule 15.03 and the September 18 Order.

[13] The Review Board's Case Coordinator is directed to close this file forthwith.

"Daniel Nelson"

DANIEL NELSON
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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