

Conservation Review Board
Commission des biens culturels



ISSUE DATE: December 18, 2019

CASE NO.: CRB1912

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

Owner/Objector:	Carvest Properties Limited
Subject:	Notice of Intention to Designate
Property Address:	3303 Westdel Bourne
Legal Description:	LT 22 RCP 423; DELAWARE TWP
Municipality:	City of London
CRB Case No.:	CRB1912
CRB Case Name:	Carvest Properties Limited v. London (City)

Heard: November 20, 2019 by telephone conference call

APPEARANCES:

Parties

Counsel

Carvest Properties Limited

Alexandre Mouret

City of London

Aynsley Anderson

ORDER OF THE BOARD DELIVERED BY MARCIA VALIANTE AND HUGH S. WILKINS

Background

[1] This is a procedural order of the Conservation Review Board (“Review Board”) arising from a pre-hearing conference in respect of an objection by Carvest Properties Limited to a Notice of Intention to Designate (“NOID”) the property at 3303 Westdel

Bourne in the City of London, Ontario (the “property”). In the NOID, the City states that it considers the existing farmhouse and Barn 1 (bank style barn) on the property to support or contribute to the cultural heritage value or interest of the property.

Organization/Conduct of the Hearing

[2] The hearing will take place on March 2nd, 2020 at 10:00 a.m. and March 3rd, 2020 at 9:00 a.m. at Committee Room 5, London City Hall, 300 Dufferin Avenue, London, ON N6B 1Z2. The hearing will be open to the public and public notice will be published. A site visit will take place at 9:30 a.m. on March 2nd, 2020 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:

- Carvest Properties Limited, Owner/Objector; and
- City of London.

[4] 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.

[5] 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.

[6] The issue for the hearing is: does Barn 1 on the property meet the criteria in O. Reg. 9/06, made under the *Ontario Heritage Act*, for designation?

[7] The Owner/Objector intends to call two witnesses and the City intends to call one witness.

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

[8] By February 10, 2020, the following items are to be served on every other party and filed with the Review Board:

- a list of intended witnesses and the order in which they will be called;
- a list of intended expert witnesses and the order in which they will be called. In addition, 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;
- an Agreed Statement of Facts; and
- copies of all other documentary and other evidence that the party will refer to, or tender as evidence, at the hearing.

[9] 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.

[10] 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

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

[12] 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.

[13] 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.

"Marcia Valiante"

MARCIA VALIANTE
MEMBER

"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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