

Conservation Review Board
Commission des biens culturels



ISSUE DATE: May 19, 2020

CASE NO(S): CRB 1822
CRB 1823
CRB 1824
CRB 1825

(revisions of May 21, 2020 have been incorporated herein)

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

Owner/Objector: Two Sisters Resorts Corp.
Subject: Notice of Intention to Designate
Property Address: 144 John Street East
Legal Description: Lot 144 RCP 692 Niagara
Municipality: Town of Niagara-on-the-Lake
CRB Case No.: CRB1822
CRB Case Name: Two Sisters Resorts Corp. v. Niagara-on-the-Lake (Town)

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

Owner/Objector: Two Sisters Resorts Corp.
Subject: Notice of Intention to Designate
Property Address: 176 John Street East
Legal Description: Lot 144 RCP 692 Niagara
Municipality: Town of Niagara-on-the-Lake
CRB Case No.: CRB1823
CRB Case Name: Two Sisters Resorts Corp. v. Niagara-on-the-Lake (Town)

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

Owner: Solmar (Niagara 2) Inc.
Objector: Two Sisters Resorts Corp.
Subject: Notice of Intention to Designate
Property Address: 200 John Street East
Legal Description: Lot 145 RCP 692 Niagara Except Pt 1 to 9, 30R8436
Municipality: Town of Niagara-on-the-Lake
CRB Case No.: CRB1824
CRB Case Name: Two Sisters Resorts Corp. v. Niagara-on-the-Lake (Town)

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

Owner: Solmar (Niagara 2) Inc.
 Objector: Two Sisters Resorts Corp.
 Subject: Notice of Intention to Designate
 Property Address: 588 Charlotte Street
 Legal Description: Lot 156 RCP 692 Niagara; Part Lot 145 RCP 692 Niagara Part 1 to 9, 30R-8436; S/T RO718339, S/T RO413742, T/W RO413742 (PT 13, 30R1792 Except Pt 5, 30R8436)
 Municipality: Town of Niagara-on-the-Lake
 CRB Case No.: CRB1825
 CRB Case Name: Two Sisters Resorts Corp. v. Niagara-on-the-Lake (Town)

APPEARANCES:

Parties

Counsel

Township of Niagara on the Lake	Nancy Smith
Solmar (Niagara 2 Inc. and Two Sisters Resorts Corp.	Michael Melling
SORE Association (Save Our Randwood Estate)	Catherine Lyons

HEARD: May 4, 2020 by telephone conference call
ADJUDICATOR(S): Maureen Helt, Acting Associate Chair

PROCEDURAL ORDER

Background

[1] The owners of the Subject Properties (“Owners”) appeal the Notices of Intention to Designate related to 144, 176 and 200 John Street East and 588 Charlotte Street

(Subject Properties”) issued by the Town of Niagara on the Lake (the Town) as they apply to certain heritage attributes.

[2] The Board scheduled this pre-hearing telephone conference call for the purpose of establishing a schedule to move this matter forward toward settlement and, if necessary, a hearing.

Case Management

[3] The Owners advised, on behalf of all the parties, that the internal site visit of the Subject Properties was completed on March 9, 2020. In addition, the Owners circulated a with prejudice Issues List for the Subject Properties to the other Parties on April 30, 2020. The Owners also advised that as a result of operational limitations arising from the restrictions put in place for public gatherings, the external site visit of the Subject Properties has not yet taken place.

[4] All Parties agreed that the preferred method of moving forward is to schedule a further pre-hearing settlement conference (“PHSC”) to deal with the internal aspect of the Subject Properties and a further PHSC to address the external issues associated with the Subject Properties. All parties also requested that the further PHSC’s be conducted by videoconference.

[5] In the event the matter does not settle, all Parties advised of their availability to schedule hearing dates and it was agreed that dates should be scheduled at this time for the hearing.

[6] I asked the Parties to provide me with confirmation of their available dates for each of the PHSCs to be scheduled and dates for the hearing. The Parties were also asked about witnesses and the Owners advised they have four witnesses and the Town and SORE Association (Save Our Randwood Estate) (“SORE”) have two witnesses.

[7] In the usual course of examination in chief and cross examination the Parties agreed that 1.5 days for each witness seems to be the accepted practice. I advised the Parties that the Tribunal does not see the need for lengthy, if any, examination in chief of expert witnesses as the expert reports speak for themselves.

[8] It is the position of the Town and SORE that a half hour be allowed for examination in chief of each witness. The Owners do not believe any examination in chief is required. The Tribunal has considered this matter and finds that a strict timeline of a half hour examination in chief is the appropriate balance in this particular case. With that in mind, the Tribunal is prepared to schedule a six-day hearing.

[9] Procedural matters relating to the scheduling of a hearing, including the introduction of a hearing plan, will be dealt with at a later time, subsequent to the two PHSC's which will occur over the course of the next few months.

ORDER

[10] On consent, the Board orders that:

1. a PHSC with respect to resolving issues related to the interior of the Subject Properties is scheduled for June 23, 2020. The PHSC will be scheduled to occur by way of telephone conference call or videoconference call with further details to follow;
2. a PHSC with respect to resolving issues related to the exterior of the Subject Properties is scheduled for July 29, 2020. The PHSC will be scheduled to occur by way of telephone conference call or videoconference call with further details to follow;

3. the hearing of this matter is scheduled for December 9, 10, 11, 14, 15 and 16, 2020. Matters related to the scheduled of the hearing will be set out in further procedural orders as necessary.

“Maureen Helt”

MAUREEN HELT
ACTING ASSOCIATE CHAIR

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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