

Conservation Review Board
Commission des biens culturels



ISSUE DATE: May 29, 2020

CASE NO(s): CRB1827 et al

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

Owner: Socia Investments Inc.
Objector: Borg Group Ltd.
Subject: Notice of Intention to Designate (Imperial Bank)
Property Address: 15195 Yonge St.
Legal Description: PT LT 8 E/S YONGE ST PL 68, PT LT 9 E/S YONGE ST PL 68 AS IN R485345
Municipality: Town of Aurora
CRB Case No.: CRB1827
CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owners: Victor W. Cummings, Susanna Cummings
Objectors: Victor W. Cummings, Susanna Cummings, Borg Group Ltd.
Subject: Notice of Intention to Designate (Grimshaw's Bakery)
Property Address: 15199 Yonge St.
Legal Description: PT LT 4 E/S YONGE ST PL 68, PT LT 8 E/S YONGE ST PL 68, PTS 1, 2 65R3215; T/W, S/T AS IN R255688
Municipality: Town of Aurora
CRB Case No.: CRB1828
CRB Case Name: Cummings v. Aurora (Town)

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

Owner: York Professional Care & Education Inc.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Butcher Building)
 Property Address: 15203 Yonge Street
 Legal Description: PT LT 4 E/S YONGE ST PL 68 AS IN R649417; S/T, T/W AS IN R649417
 Municipality: Town of Aurora
 CRB Case No.: CRB1829
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: 15210 Yonge Aurora Inc.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Andrews Block)
 Property Address: 15210 Yonge Street
 Legal Description: PT LT 13 W/S YONGE ST PL 9 R422075 EXCEPT EASEMENT THEREIN
 Municipality: Town of Aurora
 CRB Case No.: CRB1830
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Trustees of Lodge No. 148 of the Independent Order of Odd Fellows
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Oddfellows Block)
 Property Address: 15216 Yonge Street
 Legal Description: PT LT 13 W/S YONGE ST PL 9 AS IN R271931; EXCEPT EASEMENT THEREIN
 Municipality: Town of Aurora
 CRB Case No.: CRB1831
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Jolly Good Hospitality Holdings Inc.
 Objectors: Rajesh Jolly, Natasha Jolly, Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Clift Block)
 Property Address: 15218 Yonge Street
 Legal Description: PT LT 14 W/S YONGE ST PL 9 AS IN R366174; EXCEPT EASEMENTS THEREIN
 Municipality: Town of Aurora
 CRB Case No.: CRB1832
 CRB Case Name: Jolly v. Aurora (Town)

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

Owners: 1087931 Ontario Ltd., Murray Fitzgerald, 2095227 Ontario Inc.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (Sterling Bank)
 Property Address: 15221 Yonge Street
 Legal Description: PT LT 1 E/S YONGE ST PL 68 PT 1 65R1833 T/W R282286; S/T AN EASEMENT OVER PT 3 ON 65R-36371 IN FAVOUR OF PT LT 2 E/S YONGE ST. PL 68 (PIN 03651-0035) AS IN YR2474705; T/W AN EASEMENT OVER PT LT 2 E/S YONGE ST PL 68 AS PT 2 PL 65R36371 AS IN YR2474704
 Municipality: Town of Aurora
 CRB Case No.: CRB1833
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: 1612959 Ontario Ltd.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Faughner Building)
 Property Address: 15222 Yonge Street
 Legal Description: PT LT 14 W/S YONGE ST PL 9 AS IN R100290; S/T & T/W R100290, IF ANY
 Municipality: Town of Aurora
 CRB Case No.: CRB1834

CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Carmelo Linardi Group Holdings Ltd.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Faughner Building)
 Property Address: 15224 Yonge Street
 Legal Description: PT LT 14 W/S YONGE ST PL 9; PT LT 15 W/S YONGE ST PL 9 AS IN R600337
 Municipality: Town of Aurora
 CRB Case No.: CRB1835
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Carmelo Linardi Group Holdings Ltd.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Faughner Building)
 Property Address: 15226 Yonge Street
 Legal Description: PT LT 15 W/S YONGE ST PL 9 AS IN R393704
 Municipality: Town of Aurora
 CRB Case No.: CRB1836
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Iraj Keshavarz Mashhour
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (Winter's Bakery)
 Property Address: 15225 Yonge Street
 Legal Description: PT LT 1 E/S YONGE ST PL 68 PT 1 65R6220
 Municipality: Town of Aurora
 CRB Case No.: CRB1837
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Soben Properties Inc.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Willis Building)
 Property Address: 15229 Yonge Street
 Legal Description: LT 143 PL 246; PT LT 1 E/S YONGE ST PL 68 PTS 1 & 3, 65R135
 Municipality: Town of Aurora
 CRB Case No.: CRB1838
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: 15233 Yonge Aurora Inc.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (Medical Hall)
 Property Address: 15233 Yonge Street
 Legal Description: LT 141 PL 246 T/W R530937
 Municipality: Town of Aurora
 CRB Case No.: CRB1839
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Soben Properties Inc.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Ashton Building)
 Property Address: 15240 Yonge Street
 Legal Description: PT LT 16 W/S YONGE ST PL 9 AS IN R166329 (FIRSTLY); EXCEPT EASEMENT THEREIN; S/T AN EASEMENT IN GROSS OVER PT 2 PL 65R35487 AS IN YR2262931
 Municipality: Town of Aurora
 CRB Case No.: CRB1840
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: Arnold Lane Corp.
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Lloyd Building)
 Property Address: 15242 Yonge Street
 Legal Description: PT LT 16 W/S YONGE ST PL 9 AS IN B33331B; EXCEPT EASEMENT THEREIN; S/T AN EASEMENT IN GROSS OVER PT 1 PL 65R35487 AS IN YR2262932
 Municipality: Town of Aurora
 CRB Case No.: CRB1841
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: George M. Condoyannis
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (Mulock Block)
 Property Address: 15243A Yonge Street
 Legal Description: LT 139 PL 246; LT 140 PL 246 T/W R229757; S/T INTEREST IF ANY IN A66989A
 Municipality: Town of Aurora
 CRB Case No.: CRB1842
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owner: George M. Condoyannis
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (Whimster's Store)
 Property Address: 15243B Yonge Street
 Legal Description: LT 139 PL 246; LT 140 PL 246 T/W R229757; S/T INTEREST IF ANY IN A66989A
 Municipality: Town of Aurora
 CRB Case No.: CRB1843
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

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

Owners: Pamela McPherson, Thomas McPherson
 Objector: Borg Group Ltd.
 Subject: Notice of Intention to Designate (The Clift Block")
 Property Address: 15219 & 15220 Yonge Street
 Legal Description: PT LT 14 W/S YONGE ST PL 9 AS IN R150121; S/T INTEREST IN R150121
 Municipality: Town of Aurora
 CRB Case No.: CRB1844
 CRB Case Name: Borg Group Ltd. v. Aurora (Town)

APPEARANCES:

Parties

Counsel/Representative*

Borg Group Ltd.

Joel Farber

George Condoyannis

Russell Cheeseman

Carmelo Linardi Group Holdings Inc.

Carmelo Linardi*

Town of Aurora

Signe Leisk

HEARD:

In writing

ADJUDICATOR(S):

Daniel Nelson, Member

PROCEDURAL ORDER

Background

[1] This is a second procedural order of the Conservation Review Board ("Review Board") in respect of certain objections to Notices of Intention to Designate the properties as set out above.

Organization/Conduct of the Hearing

[2] The hearing for these matters will begin on October 5, 2020 at 10 a.m. in the Council Chambers, Aurora Town Hall, in the Town of Aurora. The hearing will be open to the public and public notice will be published.

[3] A site visit will take place at 9 a.m. on October 5, 2020, with the parties in attendance. The site visit route will start at 15242 Yonge Street and then proceed south on the west side of Yonge Street until Mosley Street and proceed north up the east side of Yonge Street, ending at 15243B Yonge Street.

[4] No adjournments will be granted before or during the hearing except in accordance with the Review Board's *Rules of Practice and Procedure* ("Rules").

[5] The "Active Parties" and "Participant" as used herein are defined in the Review Board's first procedural order dated March 16, 2020 in respect to these matters and as set out in Appendix 1 hereto.

[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 Active Parties have prepared an Agreed Issues List and an Agreed Statement of Facts for the hearing and have submitted same to the Review Board.

[8] Pursuant to the Review Board's Order in these matters, dated March 16, 2020, the following disclosure schedule was prepared by the Active Parties and is hereby adopted by the Review Board:

DATE	EVENT
June 15, 2020 (Sixteen weeks before start of hearing)	Exchange of witness lists (names, addresses, qualifications, and order to be called) between the parties.
August 10, 2020 (Eight weeks before start of hearing)	Experts meeting prior to this date
September 8, 2020 (28 days before start of hearing)	Exchange of witness statements, summonsed witness outlines, expert reports, all documents to which each expert will refer, and participant statements, between the parties.
September 8, 2020 (28 days before start of hearing)	Exchange of visual evidence (if any) between the parties.
September 21, 2020 (14 days before start of hearing)	Exchange of reply witness statements (if any) between the parties.
September 21, 2020 (14 days before start of hearing)	Submission of Joint Document Book to Review Board. <u>Two</u> 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.

[9] Expert witnesses who are providing opinion evidence:

1. must execute the *Acknowledgement of Expert's Duty* form prior to or at the hearing; and,
2. must 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 an expert 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.

[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.

[11] Given the current emergency declared by the Government of Ontario pursuant to *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, the Review Board may:

1. reschedule the hearing or may hold the hearing in writing or by video conference, or any combination thereof, on its own motion, or at the request of a party; and/or
2. order the parties to jointly provide photos of the sites in lieu of a site visit in accordance with any direction the Review Board may provide regarding same.

[12] 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

Appendix 1 – Active Parties and Inactive Parties

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
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Appendix 1

Active Parties and Participants	Inactive Parties
Town of Aurora, party in all files	Soscia Investments Inc.
George Condoyannis, party in CRB1842 & CRB1843	Victor W. Cummings & Susanna Cummings
Borg Group Ltd., party in all files	York Professional Care & Education Inc.
Carmelo Linardi Group Holdings Inc., participant in CRB1835 & CRB1836	15210 Yonge Aurora Inc.
	Trustees of Lodge No. 148 of the Independent Order of Odd Fellows
	Jolly Good Hospitality Holdings Inc.
	1087931 Ontario Ltd, 2095227 Ontario Inc., & Murray Fitzgerald
	1612959 Ontario Ltd.
	Iraj Keshavarz Mashhour
	Soben Properties Inc.
	15233 Yonge Aurora Inc.
	Arnold Lane Corp.
	Pamela McPherson & Thomas McPherson