

Conservation Review Board
Commission des biens culturels



ISSUE DATE: August 17, 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

Borg Group Ltd.

George Condoyannis

Carmelo Linardi Group Holdings Inc.

Town of Aurora

Counsel/Representative*

Joel Farber

Russell Cheeseman

Carmelo Linardi*

Signe Leisk

HEARD:

ADJUDICATOR(S):

In writing

Daniel Nelson, Member

PROCEDURAL ORDER

Background

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

Organization/Conduct of the Hearing

[2] Owing to the current provincial emergency, the Review Board has determined that the hearing, which was scheduled for October 5 to 7, 2020, will be held by video conference call.

[3] The Review Board will hold the hearing by Microsoft Teams video conference call on October 5 to 7, 2020 commencing at 9:30 a.m. The hearing will be open to the public and public notice will be published. No adjournments will be granted before or during the hearing except in accordance with the Review Board's *Rules of Practice and Procedure* ("Rules").

[4] The Active Parties and Participant (as defined in the Review Board's orders of March 16, 2020 and May 29, 2020) and the witnesses they intend to call (if applicable) to provide evidence at the hearing are directed to dial into the call prior to the start time of the hearing each day in accordance with instructions that will be issued by the Review Board.

Photos in Lieu of Site Visit

[5] The site visit scheduled to take place at 9:00 a.m. on October 5, 2020 with the parties in attendance is cancelled as it is not practical to have a site visit in this matter. In lieu of this, the Active Parties (and the Participant, if it wishes to participate) are directed to jointly provide photographs of the properties in accordance with the Review Board's *Photos In Lieu of Site Visit Guidance to Parties* as set out in Appendix 1 hereto.

[6] Such photographs are not evidence but a joint submission of the Active Parties (and Participant, if applicable) to assist the Review Board in understanding the context of the site.

Expert Witnesses and Evidence

[7] All expert reports are expected to conform to the Review Board's *Guidance to Parties on Expert Reports & Other Disclosure Matters* as set out in Appendix 2 hereto.

[8] 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 – Photos In Lieu of Site Visit Guidance to Parties

Appendix 2 – Guidance to parties on Expert Reports & Other Disclosure Materials

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Conservation Review Board

A constituent tribunal of Ontario Land Tribunals

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

APPENDIX 1**Photos in Lieu of Site Visit
Guidance to Parties**

It is the practice of the Review Board, on the morning of the first day of a hearing, to visit the property that is the subject of the hearing. Site visits allow the members of the Review Board to understand the property in its context while illuminating the testimony of any witness discussing the property. While no evidence may be presented at a site visit, the parties are invited to draw the Review Board's attention to particular features of a property, if applicable.

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, site visits, at this time, may not be practical or desirable despite their importance.

In the alternative, the Review Board, during the currency of this emergency, may request that the parties submit photos of a property in lieu of a site visit.

If such a request is issued, the site photos will be submitted to the Review Board in accordance with the following requirements:

1. The parties will jointly submit these materials not less than 5 days before the hearing date or at such other time as the Review Board may order.
2. Photos must be in colour.
3. Photos should be of sufficient resolution to allow the Review Board to see the property and zoom in on relevant features without a loss of picture quality.
4. There must be:
 - a. Wide-angle shots of the property from each side of the property, capturing all buildings on the property, if applicable, to allow for a contextual understanding of the how the buildings relate to each other;
 - b. Wide-angle shots of the property from each side of the property, sufficiently wide to capture some of the adjoining properties to allow for a contextual understanding of the property as it relates to its community;
 - c. Wide angle shots of each side of each building on the property;
 - d. Close-up shots of each side of a building;
 - e. Close-up shots of any applicable architectural features or heritage attributes, from multiple angles and directions, if applicable, with text and arrows identifying such attributes;
 - f. If available, aerial photos of the property with text and arrows identifying all buildings or applicable heritage attributes on the property;
 - g. Equivalent wide-angle and close-up photos for any identified heritage attributes found inside a building, if applicable;

5. A failure to provide required photos of an identified heritage attribute may result in the Review Board's refusal to hear any evidence on such an attribute.
6. The parties may add text, arrows, or other identifying marks to a digital photo to highlight applicable features or heritage attributes of a property/building. No evidence regarding such features or attributes, nor any comments regarding same may be added to the photo.
7. Each photo must be sequentially numbered in accordance with the index required below.
8. The photos must be accompanied by an index identifying each photo by number and notes indicating what is being shown in the photo, any relevant features found in the photo, and the direction of shot. Such index should be typed and submitted in MS Word or PDF format in accordance with the template below.
9. The name of each photo will be the CRB case number and its index number (e.g. CRB0000photo1).
10. Each digital photo and the photo index may be sent to the Case Coordinator by email (Conservation.Review.Board@ontario.ca). The maximum size of any one email sent to this email address is 35 mb. Depending on the size of the files, it may be necessary to send multiple emails. **In this case, please ensure the subject line of each email states the CRB file number and that the body of the email states that it is photo submission in lieu of a site visit and the number of emails constituting the submission (e.g. "email 1 of 4").**

CONSERVATION REVIEW BOARD

PHOTO INDEX

CRB File No.	Hearing Date:
Property Address:	Municipality:

Photo Number	What is being Shown?	Applicable Heritage Attributes <small>(if none write "N/A")</small>	Direction of Shot <small>(in what direction was photographer facing)</small>
1	<i>(e.g. front of house)</i>	<i>(e.g. "cornice")</i>	<i>(e.g. "West")</i>
2			
3			

APPENDIX 2**GUIDANCE TO PARTIES ON EXPERT REPORTS
& OTHER DISCLOSURE MATERIALS**

1. The Review Board expects that any expert report would consist of the following elements, in the following sequence:
 - a. An analysis of the property as it exists, describing its features in architectural terms, and placing such features and overall design in the context of architectural history by citing academically credible secondary sources on such history. Images appropriate for highlighting features described should be included. Accurate reference to the architectural lexicon is expected when describing architectural features.
 - b. Where applicable, an analysis of the property as it relates to the available corpus of work of the architect or craftsperson in question with reference to primary/archival sources, including contemporaneous issues of relevant architectural journals. Reference should also be made to academically credible secondary sources including, if applicable, the Biographical Dictionary of Architects in Canada.
 - c. Where applicable, a review of the history of the property and the historically relevant themes, events, beliefs, persons, activities, organizations or institutions connected with the property (whichever is applicable), placing the property or such relevant factors in its historical context by citing primary/archival sources, including (but not limited to) archival photographs, historical atlases, archival newspapers, fire insurance plans, original business directories, and archival diaries and correspondence, together with academically credible secondary sources.

- d. A detailed and criterion-by-criterion evaluation of the property, in light of the analysis conducted, as it applies to the criteria set out in O. Reg. 9/06. If a criterion does not apply, the expert should explain why.
 - e. A conclusion, drawing together these various analytical elements.
 - f. A bibliography, as per the citation guidelines below.
 - g. Appendices consisting of:
 - fully and clearly replicated historic and archival materials relied upon in the expert report.
 - relevant extracts from secondary sources relied upon in the expert report.
2. The report should be cited in accordance with a consistent academic citation method appropriate for historical research. Generally, as this is historical research, the Review Board would expect the report to comply with the Chicago (Notes-Bibliography) citation method. An expert report using, for example, the APA or MLA citation method, while not standard for historic research, is also acceptable. Both primary and secondary material should be appropriately cited.
 3. Expert reports, in the context of heritage preservation, are not acceptable where the expert simply rephrases a criterion set out in O. Reg. 9/06 in either the negative or the positive. It is never enough to make such an assertion without a detailed evaluation of the criterion, as it relates to a property, and linking such evaluation to the historical record and secondary sources.
 4. The Review Board recognizes that there may be good reason to vary from these expert report guidelines and the author of an expert report may do so, provided that an explanation for such variation is provided; otherwise, an unfair adverse inference could be drawn as to the credibility of the expert.

5. It is not necessary for any party to replicate in disclosure materials the following standard sources:
- The *Ontario Heritage Act* or any other Ontario legislation freely available from www.ontario.ca/laws
 - O. Reg. 9/06
 - Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada
 - Ontario's Provincial Policy Statement
 - The Ontario Heritage Toolkit
 - Any caselaw, including the Review Board decisions, freely available on www.canlii.org.
6. The Review Board also recognizes that producing expert reports and disclosure materials with elaborate tabs and binding can be costly for some parties. Neither is required, provided that the materials are securely bound together in some fashion, and comprehensively and sequentially paginated.