

Conservation Review Board
Commission des biens culturels



ISSUE DATE: September 03, 2020

CASE NO.: CRB1914

PROCEEDING COMMENCED UNDER subsection 31(5) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Objectors: Rick Ferron, David Vida
Owner: The Corporation of the City of Niagara Falls
Subject: Proposed Repeal of Designation By-law No. 2010-90
Property Address: 7565 Lundy's Lane (Former Parks, Recreation & Culture Building)
Legal Description: PT TWP LT 132 Stamford as in ST51544, ST23564, ST22849 & ST21927 Except RO180983 & PT 1, 59R594
Municipality: City of Niagara Falls
CRB Case No.: CRB1914
CRB Case Name: Ferron v. Niagara Falls (City)

APPEARANCES:

Parties

Rick Ferron, David Vida

City of Niagara Falls

Counsel

Self-represented

David Neligan

HEARD:

August 31, 2020 by MS Teams video conference call

ADJUDICATOR(S):

Daniel Nelson, Member

PROCEDURAL ORDER

[1] This is the third procedural order of the Conservation Review Board (“Review Board”) and arises from a hearing that was held on August 31, 2020 in respect of objections by Rick Ferron and David Vida (“Objectors”) to a Notice of Intention to Repeal Designating By-law No. 2010-90 for the property at 7565 Lundy’s Lane in Niagara Falls, Ontario (the “property”). The property is owned by the City of Niagara Falls (“City”).

[2] At the hearing, the counsel for the City raised a jurisdictional issue related to the type of evidence that the Review Board may hear. As a result of this, the Review Board adjourned the hearing and ordered that the issue be considered by way of a motion in writing in accordance with the following procedure:

- The City of Niagara Falls will serve its written motion materials on the Objectors and file it with the Review Board by Monday, September 14, 2020.
- The Objectors will advise the Review Board and the City whether they intend to reply to the City’s submissions by Wednesday, September 30, 2020. They are not required to provide submissions.
- If the Objectors’ intend to file reply submissions, their written submissions are to be served on the City and filed with the Review Board by Wednesday, October 14, 2020. Such submissions may be joint or separate as the Objectors may determine.
- After the Review Board issues its decision on the motion, a Pre-hearing Conference will be scheduled with the parties to discuss next steps in the process.

[3] 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

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