

Conservation Review Board
Commission des biens culturels



ISSUE DATE: October 23, 2020

CASE NO(s): CRB1828

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)

APPEARANCES:

Parties

Counsel*/Representative

Victor W. Cummings,
Susanna Cummings

Submissions not received

Town of Aurora

Signe Leisk*

HEARD:

In writing

ADJUDICATOR(S):

Daniel Nelson, Member

PROCEDURAL ORDER

[1] This is a procedural order of the Conservation Review Board (“Review Board”) in respect to CRB1828, which deals with the property at 15199 Yonge Street, Aurora, owned by Victor W. Cummings and Susanna Cummings (hereinafter “the Cummings”).

[2] This was one matter in a group of proceedings involving some 17 separate properties in the Town of Aurora, which were heard concurrently (but not consolidated). Each had a separate file number from CRB1827 through to CRB1844. All of these matters, except CRB1828, have been dismissed and administratively closed, pursuant to the Review Board’s Procedural Order of September 30, 2020 (“September 30 Order”) because all extant objections regarding designation were withdrawn.

[3] The relevant background to CRB1828 is as follows:

- The Cummings submitted an objection to the municipality’s Notice of Intention to Designate 15199 Yonge Street, Aurora within the time prescribed by the *Ontario Heritage Act* but have not otherwise participated in these proceedings.
- They were directed to participate in the pre-hearing conference of February 27, 2020 and did not. As a result, they were made “inactive parties” in the Review Board’s procedural order of March 16, 2020. They took no steps thereafter to apply to be made active parties.

[4] As a result of the lack of communication from the Cummings, the Review Board issued the September 30 Order. In that order, the Cummings were required to respond with their intentions with respect to their objection. They could withdraw their objection, or they could provide written submissions as to why the matter should not be dismissed, given their failure to participate in the proceedings.

[5] A copy of the September 30 Order was emailed to the Cummings and was also sent to them by mail.

[6] The September 30 Order required that the Cummings provide the required information within 10 days of the date of issuance of the September 30 Order, which meant that the Cummings needed to respond to the order by October 13, 2020.

[7] Victor Cummings contacted the Review Board by telephone on October 20, 2020. The Review Board followed up with an email on October 21, 2020 informing him that he must provide the submissions as outlined in the September 30 Order by 4:30 p.m. on Friday, October 23. No further extension would be granted.

[8] The September 30 Order stated that, in the event of a failure of the Cummings to respond as required within the time specified in the order, the Review Board would dismiss CRB1828 in accordance with Rule 16.01 without further notice or hearing.

[9] No submissions from the Cummings were received by the extension deadline of 4:30 p.m. on October 23, 2020.

[10] For the reasons set forth above, the Review Board hereby dismisses CRB1828 and the Case Coordinator is directed to close the file forthwith.

[11] 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,
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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