

Conservation Review Board
Commission des biens culturels



ISSUE DATE: December 14, 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

Counsel*/Representative

Rick Ferron, David Vida

Self-represented

City of Niagara Falls

David Neligan*

HEARD: December 8, 2020 by telephone conference call
ADJUDICATOR(S): Daniel Nelson, Member

PROCEDURAL ORDER

[1] This is a procedural order of the Conservation Review Board ("Review Board") arising 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] The August 31, 2020 hearing was adjourned to consider a motion by the City with respect to a question of jurisdiction to hear certain evidence. The Review Board issued its ruling on that motion on November 25, 2020.

[3] As a result of that November 25, 2020 ruling, a pre-hearing conference ("PHC") was held on December 8, 2020 wherein the parties agreed, with the consent of the Review Board, that the hearing in this matter would resume in writing and not *viva voce*.

[4] For the purposes of resuming the hearing in writing,

- The City will file its written submissions with the Review Board and the Objectors by December 18, 2020;
- The Objectors intend to rely on their submissions previously filed with the Review Board and the City for the August 31, 2020 hearing. If the Objectors wish to make further submissions, in reply to the City's submissions, they may do so by filing same with the Review Board and the City by January 8, 2021; and,
- If the Objectors wish to waive their right to make submissions in reply, they are directed to indicate same to the Review Board by January 8, 2021.

[5] Despite any previous order made, and despite any rule of the Review Board, the parties may file their written submissions, per above, electronically with the Review Board and with all other parties. The parties are also permitted to rely upon and reference any materials previously submitted to the Review Board for the purposes of the August 31, 2020 hearing.

[6] The Review Board will deem that the hearing in this matter took place on January 11, 2021 for administrative purposes.

[7] 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

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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