

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 17, 2021

CASE NO(S): CRB2014

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

Objectors: Jennifer Amy, Marcia Cannon, Larry Cochran, Mary Daniel, Harold Danilkewich, Conor Desmond, Rachel Epstein, Mary Enid Haines, Diane Haskins, Betty James, Maggie McGlade, Isabelle Schmid, Portland Rideau Historical Society

Owner: Rideau Lakes Township

Subject: Proposed Repeal of Designation By-law No. 734

Property Address: 14 Water Street, Portland (The Albert Gallagher House)

Legal Description: PLAN 27 LOTS 2 TO 6 S W; WATER ST PT LOT 1 S W WATER; ST.

Municipality: Township of Rideau Lakes

CRB Case No: CRB2014

CRB Case Name: Amy v. Rideau Lakes (Township)

Heard: June 9, 2021 by telephone conference call

APPEARANCES:

Parties

Counsel*/Representative

Please see Appendix 1

DECISION DELIVERED BY DANIEL NELSON AND PROCEDURAL ORDER OF THE TRIBUNAL

[1] This is a procedural order of the Conservation Review Board¹ (“Review Board”) arising from a pre-hearing conference (“PHC”) held on June 9, 2021, in respect of an objection by the parties set out in Appendix 1 hereto to a Notice of Intention to Repeal Designation for the property at 14 Water Street (also known as the Albert Gallagher House) in Portland, Ontario (the “property”).

[2] On February 23, 2021, the Review Board provided notice to all parties of the PHC scheduled for March 23, 2021. On May 25, 2021, the Review Board provided notice to all parties of the PHC scheduled for June 9, 2021. Section 7(1) of the *Statutory Powers Procedures Act* (“SPPA”) provides as follows:

Where notice of an oral hearing has been given to a party to a proceeding in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.

[3] Proper notice of both PHCs were provided by the Review Board to every party. The following objectors (hereinafter “Inactive Party”) failed to appear at both PHCs and, pursuant to the SPPA, are no longer entitled to further notice in the proceedings:

- a. Larry Cochran
- b. Diane Haskins
- c. Betty James

[4] Any Inactive Party may bring a motion to become an active party and thereby become entitled to further notice in the proceedings. Such a motion must be brought in accordance with the Review Board’s *Rules of Practice and Procedure*.

¹ Pursuant to the *Ontario Land Tribunal Act*, S.O. 2021, c. 4, sched. 6, the Conservation Review Board (“CRB”) was amalgamated and continued as the Ontario Land Tribunal (“OLT”) as of June 1, 2021. Pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 (“OHA”) authority to hold a hearing under the OHA remains with the CRB until July 1, 2021 when certain changes are proclaimed into force that transfers such authority explicitly to the OLT. For convenience, this order, issued before July 1, 2021, continues to refer to the CRB instead of the OLT. This matter, having begun before July 1, 2021 will be subject to the OHA as of June 30, 2021, pursuant to O. Reg. 385/21.

[5] The Review Board may vary or add to this Order at any time, either on request or as it sees fit.

“Daniel Nelson”

DANIEL NELSON
MEMBER

Ontario Land Tribunal

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

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.

APPENDIX 1

Objectors

Name	Attended PHC #1	Attended PHC #2	Status	Representative
Mary Daniel	Yes	Yes	Party	N/A
Rachel Epstein	No	Yes	Participant	N/A
Portland Rideau Historical Society	Yes	Yes	Party	Form 1 - Marcia Cannon
Larry Cochran	No	No	Unknown	N/A
Diane Haskins	No	No	Unknown	N/A
Betty James	No	No	Unknown	N/A
Isabelle Schmid	No	Yes	Participant	N/A
Mary Enid Haines	Yes	Yes	Participant	N/A
Jennifer Amy	Yes	Yes	Participant	N/A
Harold Danilkewich	Yes	No	Participant	N/A
Maggie McGlade	Yes	Yes	Party	N/A
Conor Desmond	No	Yes	Party	N/A