

Conservation Review Board
Commission des biens culturels



ISSUE DATE: May 18, 2017

CASE NO.:

CRB1621

PROCEEDING COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Owner/Objector:	Sara Ghaemmaghami
Subject:	Notice of Intention to Designate
Property Address:	68 Baby Point Road (Conn Smythe House)
Legal Description:	Plan 2313 Lot 20 Pt Lt 3 HR
Municipality:	City of Toronto (Etobicoke)
CRB Case No.:	CRB1621
CRB Case Name:	Ghaemmaghami v. Toronto (City)

Heard: April 19, 2017 by telephone conference call

APPEARANCES:

Parties

Counsel

Sara Ghaemmaghami

Denise Baker

City of Toronto

Mark Crawford

Baby Point Heritage Foundation

David Bronskill

ORDER OF THE BOARD DELIVERED BY JERRY V. DEMARCO AND ROBERT V. WRIGHT

Background

[1] This is the procedural order of the Conservation Review Board (“Review Board”) in respect of an objection by the owner, Sara Ghaemmaghami, to a Notice of Intention to Designate the property at 68 Baby Point Road (Conn Smythe House) in Toronto, Ontario.

Organization/Conduct of the Hearing

[2] The hearing will take place on December 4, 5, 6, 2017 at 655 Bay Street, in the City of Toronto. The hearing will begin at 11 a.m. on December 4, 2017 and will be open to the public and public notice will be published. A site visit will take place at 9 a.m. on December 4, 2017 with the parties in attendance. No adjournments will be granted before or during the hearing except in accordance with the Review Board’s *Rules of Practice and Procedure* (“Rules”).

[3] The parties identified at the PHC are the owner, the City of Toronto and the Baby Point Heritage Foundation. The request for party status by Baby Point Heritage Foundation was unopposed and was granted.

[4] A party may attend or participate in a proceeding in person, with a representative, or may send a representative to attend in place of the party. A representative or party shall file, upon request of the Review Board, Form 1, Representative of a Party – Commencement of Authorization, which can be found in Appendix A to the Rules.

[5] If a party fails to appear at the hearing without giving notice to the Review Board and all parties in advance and/or does so without reasonable cause, the Review Board has the discretion under the *Statutory Powers Procedure Act* to proceed with the hearing in their absence.

Requirements for the Hearing: Witnesses, Document Exchange and Expert Evidence

[6] By November 14, 2017, the following items are to be served on every other party and filed with the Review Board:

- a list of intended witnesses and the order in which they will be called;
- a list of intended expert witnesses and the order in which they will be called.
In addition, the name, address and qualifications of each expert, and copies of the expert's report(s) and all documents to which the expert will refer;
- witness statements for all intended witnesses;
- an Agreed Statement of Facts, where applicable; and
- copies of all other documentary and other evidence that the party will refer to, or tender as evidence, at the hearing.

[7] The materials are to be exchanged among all parties and two paper copies are to be provided to the Review Board, as well as an electronic copy. Paper copies should be paginated, with tab markers, and colour images, where appropriate.

[8] Any intended evidence, including documents, not disclosed within the timeframe set out above, may not be used as evidence at the hearing unless the Review Board directs otherwise. Where a witness statement or expert report has not been provided by the required date, the witness may not give evidence at the hearing unless the Review Board directs otherwise.

[9] An expert witness who is providing opinion evidence must execute the Acknowledgement of Expert's Duty form prior to or at the hearing.

[10] An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Instead of a witness statement, the expert may file his or her entire report if it

contains the required information. If this is not done, the Review Board may refuse to hear the expert's testimony.

[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.

"Jerry V. DeMarco"

JERRY V. DEMARCO
ASSOCIATE CHAIR

"Robert V. Wright"

ROBERT V. WRIGHT
VICE-CHAIR

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

Conservation Review Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.eldo.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248