

**Conservation Review Board**  
Commission des biens culturels



**ISSUE DATE:** October 19, 2017

**CASE NO.:** CRB 1709

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

Owners/Objectors: Fatemah Faghani, Hassan Mohammadi Haji and Negar Haji  
Subject: Notice of Intention to Designate (Arthur D. Morrow House)  
Property Address: 276 Forest Hill Road  
Legal Description: Plan 1860, Lot 49 and part of Lots 48 and 50  
Municipality: City of Toronto  
CRB Case No.: CRB 1709  
CRB Case Name: Faghani v. Toronto (City)

Heard: August 14, 2017 by telephone conference call and in writing

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Fatemah Faghani, Hassan Mohammadi Haji and Negar Haji

Brian Sherman \*

City of Toronto

Mark Crawford\*

**Participants**

Mark and Shelley Diamond

Kelly Oksenberg\*

Aaron Moscoe

Self-represented

Forest Hill Homeowners' Association

Brian Maguire

**ORDER OF THE BOARD DELIVERED BY BRUCE KRUSHELNICKI AND DANIEL NELSON**

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**Background**

[1] This is a procedural order of the Conservation Review Board (“Review Board”) arising from a pre-hearing conference (“PHC”) in respect of an objection by Fatemah Faghani, Hassan Mohammadi Haji and Negar Haji (“Owners/Objectors”) to a Notice of Intention to Designate the property at 276 Forest Hill Road in the City of Toronto, Ontario ( “Property”) and from procedural matters that arose after the PHC.

**Agreed Statement of Facts**

[2] At the PHC on August 14, 2017, the Review Board directed the parties to prepare an Agreed Statement of Facts. This has not been completed.

[3] The Review Board orders that the parties prepare and submit an Agreed Statement of Facts to the Review Board, and to each of the participants, as identified below, by November 3, 2017.

**Organization/Conduct of the Hearing**

[4] The hearing will take place on January 29, 30 and 31, 2018 starting at 10 a.m. at the offices of the Review Board, Hearing Room 12-3, 12<sup>th</sup> Floor, 655 Bay Street, in the City of Toronto. The hearing will be open to the public and public notice will be published. A site visit will take place at 9 a.m. on January 29, 2018 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”).

[5] The parties and participants identified at the PHC are:

- Fatemah Faghani, Hassan Mohammadi Haji and Negar Haji (Owners/Objectors)
- City of Toronto (Municipality)
- Mark and Shelley Diamond (Participant)
- Aaron Moscoe (Participant)
- Forest Hill Homeowner's Association (Participant).

[6] 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.

[7] The Forest Hill Homeowners' Association, as a participant, shall submit a Form 1, Representative of a Party – Commencement of Authorization (which can be found in Appendix A to the Rules) by November 3, 2017. The Review Board may require any other representative or party to file the said form as well.

[8] 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.

[9] The Owners/Objectors intend to call two witnesses and the Municipality intends to call one witness. Each of the three participants, as set out above, intends to call one witness each.

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

[10] By January 12, 2018, 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; and
- copies of all other documentary and other evidence that the party will refer to, or tender as evidence, at the hearing.

[11] The materials are to be exchanged between 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.

[12] 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.

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

[14] 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.

[15] 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.

*“Bruce Krushelnicki”*

BRUCE KRUSHELNICKI  
EXECUTIVE CHAIR

*“Daniel Nelson”*

DANIEL NELSON  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Conservation Review Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
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