

Conservation Review Board
Commission des biens culturels



ISSUE DATE: December 19, 2017

CASE NO: CRB1712

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

Objector: The Governing Council of the University of Toronto
Owners: Samuel Moskowitz and Stanley Reisman
Subject: Notice of Intention to Designate
Property Address: 698 Spadina Avenue
Legal Description: Plan 438 Lot 1
Municipality: City of Toronto
CRB Case No.: CRB1712
CRB Case Name: University of Toronto v. Toronto (City)

Heard: November 27, 2017 by telephone conference call

APPEARANCES:

Parties

Counsel/Representative⁺

The Governing Council of the University of Toronto

Signe Leisk and Melissa Winch

City of Toronto

Sharon Haniford

Harbord Village Residents' Association

Susan Dexter⁺

Participants

Norman Track

Self-represented

Melissa Duff

Self-represented

**ORDER OF THE BOARD DELIVERED BY DANIEL NELSON AND
ROBERT V. WRIGHT**

REASONS

Overview

[1] This is a procedural order of the Conservation Review Board (“Review Board”) arising from the second pre-hearing conference (“PHC”) telephone conference call (“TCC”) on November 27, 2017 in respect of an objection by The Governing Council of the University of Toronto (“Objector”) to a Notice of Intention to Designate the property at 698 Spadina Avenue in the City of Toronto, Ontario (“Property”).

[2] This order concerns the Review Board’s decision to set dates for the hearing and pre-hearing matters, rather than adjourning the proceeding *sine die* pending an Ontario Municipal Board (“OMB”) hearing concerning the property as requested by the Objector.

[3] Additional background information concerning this proceeding is contained in the Review Board’s order dated August 15, 2017 arising out of the first PHC TCC held on July 25, 2017.

Scheduling of Hearing Dates, etc.

[4] At the November 27, 2017 PHC TCC the parties, who participated in the call, advised the Review Board panel that they, and others, are also involved in an OMB proceeding regarding the property and that there would be a first PHC in that matter at the beginning of January, 2018.

[5] The Objector submits that it will be seeking formal mediation by the OMB to deal with all issues regarding the Property, including the heritage designation, and that if the Review Board PHC was adjourned for a status update in March 2018 then there would not be a duplication of the OMB and Review Board proceedings.

[6] The City of Toronto and the Harbord Village Residents' Association ask that the hearing be scheduled, submitting that the cultural heritage designation issue can, and should, be determined as it is not contingent upon the OMB matter and the heritage determination will inform the zoning issue that is before the OMB, including any mediation.

[7] In response, the Objector requested that if the Review Board decides to set hearing dates, then that should be in the Spring of 2018 in consultation with the parties about the specific dates.

[8] Given that:

- a. the request for an adjournment is not on consent;
- b. the OMB matter has not advanced very far at this point; and,
- c. the party requesting an adjournment has not demonstrated that the determination of the Property's cultural heritage value or interest is contingent on the OMB matter,

in accordance with the Review Board's *Rules of Practice and Procedure*, Rule 2.02, the Review Board finds that the just, most expeditious and cost-effective determination of this proceeding is best served by scheduling a third PHC TCC by mid-February, 2018 and a hearing date in the Spring of 2018.

ORDER

[9] The Review Board's case coordinator will canvas the parties for mutually agreeable dates for a third PHC TCC in February 2018.

[10] At the third PHC TCC, the parties will come prepared to discuss and, where applicable, set:

- a. the date for the hearing in the Spring of 2018;
- b. the number of days for the hearing;

- c. confirmation regarding venue for the hearing from the municipality;
- d. the day and time for the site visit, with the parties in attendance;
- e. the approximate number of witnesses that will be called by each party;
- f. confirmation of the issues at stake in the matter and a timetable, where applicable, for the preparation and submission of an agreed statement of facts;
- g. confirmation of the schedule for the exchange of:
 - i. lists of intended witnesses and the order in which they will be called;
 - ii. lists of intended expert witnesses and the order in which they will be called together with 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;
 - iii. witness statements for all intended witnesses; and
 - iv. copies of all other documentary and other evidence that the party will refer to, or tender as evidence, at the hearing.

[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

"Robert Wright"

ROBERT V. WRIGHT
VICE-CHAIR

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please visit www.elto.gov.on.ca to view the attachment in PDF format.

Conservation Review Board

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