



**Heelis
Little
Almas &
Murray LLP**
HLAMLaw.com

P.O. Box 1056, 14 Church Street
St. Catharines ON L2R 7A3
905•687•8200
Fax 905•684•4844
www.14churchstlawoffice.com

November 12, 2018

Via Email Only To: clarmour@notl.org

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON, L0S 1T0

Attention: Craig Larmour- Town Planner

Dear Sir:

**Re: Destruction of Protected Dunnington-Grubb Designed
Landscape
144/176/200 John St., Niagara-on-the-Lake
HLAM File No.: 718-015**

We are counsel for SORE Association.

We are in receipt of information provided to you yesterday:

- i. email from Alex Topps outlining nature and extent of Dunnington-Grubb designed landscape on the Randwood Estate.
- ii. email from David Bell enclosing drone surveillance pictures- from Sept 3, 2018 and yesterday, November 11, 2018.

Mr. Bell's email clearly demonstrates that the owner(s) of the Randwood Estate have eliminated a section of Dunnington-Grubb designed landscape on 200 John St. within the last two months. This landscape was, as you know, accorded protection under Part IV of the Ontario *Heritage Act* by the Town by issuance of Notices of Intent to Designate prior to September 3, 2018. We understand that you supervised that process. You will also be aware that the Dunnington-Grubb landscape on the Randwood estate is considered one of the finest remaining examples of this firm's work in all of Canada.

William E. Heelis

H.A. Patrick Little

James D. Almas

Bryce W.B. Murray

Ross A. Wilson Q.C.
(1911 - 2011)

In light of the recent conduct of Two Sisters, including the appeal of the heritage designations of the Rand properties and the history of its spokesperson and directing mind, Mr. Marotta, there can be no reasonable conclusion other than this illegal

destruction is a deliberate act in aid of Mr. Marotta's development scheme for the Estate. Regardless, it is a clear contravention of the *Heritage Act* and constitutes a provincial offence prosecutable under the *Provincial Offences Act*. SORE expects such a prosecution to be initiated forthwith by the Town, hopefully using counsel well experienced in such prosecution. The *Heritage Act* also provides for restoration orders in these circumstances and our client expects such an order to be vigorously pursued by the Town. Finally, our client requests that the various Two Sisters companies and Mr. Marotta be put clearly on notice that any further work on any of the four Rand Estate properties is to cease forthwith until the appropriate permit applications have been made and determined by the Town.

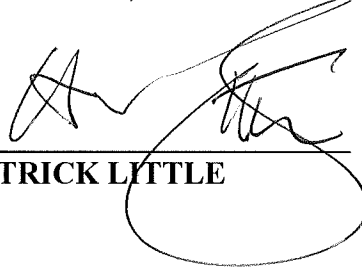
As a postscript, our client has today observed one of Mr. Marotta's machines engaged in work on 144 John St E, where even the mature trees are expressly protected by the recent heritage designation by the Town. This underlines the urgency of this situation.

Our client has initiated steps to begin a private prosecution should we not hear from you in the affirmative by the end of the day on Thursday November 15, 2018.

Yours truly,

HEELIS, LITTLE, ALMAS & MURRAY LLP

Per:

A handwritten signature in black ink, appearing to be 'H. A. Patrick Little', written over a horizontal line. The signature is stylized and somewhat cursive.

H. A. PATRICK LITTLE

HAPL:amd
Encls.

cc. Holly Dowd, Raymond Tung and members-elect of Council