

**SULLIVAN MAHONEY** LLP  
**LAWYERS**

November 27, 2018

**Via Email**

Please reply to St. Catharines office  
**Thomas A. Richardson**  
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Mr. Patrick Little  
Heelis, Little, Almas & Murray LLP  
14 Church Street, P.O. Box 1056  
St. Catharines, ON L2R 7A3

Dear Sir:

**Re: 144 John St. E., 176 John St. E., 200 John St. E. and 588 Charlotte St.  
Town of Niagara-on-the-Lake  
Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc.  
CRB1822, CRB1823, CRB1824 and CRB 1825**

We act as solicitors to Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc., the owners of the properties known municipally as 144 and 176 John Street East and 200 John Street East and 588 Charlotte Street, Town of Niagara-on-the-Lake, respectively.

As you are aware, the Town of Niagara-on-the-Lake issued Notices of Intention to Designate the above-noted properties on August 23, 2018. Objections to the proposed designation were received by the Clerk of the Town and as such, the matter has now been referred to the Conservation Review Board for a hearing.

We have for acknowledgment your correspondence of November 5, 2018 to Mr. De Medeiros, Case Co-ordinator of the Conservation Review Board indicating your client's intention to apply for party status in the above-noted proceedings.

The purpose of this correspondence is to advise you of our instructions to oppose your client's application.

Our position is based on the following:

40 Queen Street, P. O. Box 1360, St. Catharines, Ontario L2R 6Z2 Telephone: 905-688-6655, Facsimile: 905-688-5814  
4781 Postage Road, Niagara Falls, Ontario L2E 6B1 Telephone: 905-357-0500, Facsimile: 905-357-0501  
[www.sullivan-mahoney.com](http://www.sullivan-mahoney.com)

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V.F. Muratori, Q.C.	T.A. Richardson	P.M. Sheehan	W.B. McKaig	J. Dallal	D.A. Goslin	J.M. Gottli
R.B. Culliton	J.R. Bush	P.A. Mahoney	B.A. Macdonald	M.J. Bonomi	G.W. McCann	S.J. Premi
C. D'Angelo	R. Vacca	T. Wall	B.J. Troup	D.M. Continenza	D.M. Willer	L.K. Parsons
J.P. Maloney	L.T. Sgambelluri	D.A. Maloney	S.C. Anello	P.A. Bush	C.L. Dilts	E.L. Bush
R.C. Corbett	A.M. Mannell	C.J. White				

1. We have repeatedly asked you to define your client's status and have had no response. Is your client a corporation? Is your client an association? What is its legal status and who are its members?
2. Your client has, throughout both this process and the land use planning process, maintained an active website/blog. That website/blog which advocates against our clients' development has continuously posted misinformation about our clients' proposal and its applications.

Further, your client's advocacy efforts and its actions in posting/blogging in respect of this proposal may be at odds with the obligations of a party. Does your client wish to be a party and abide by all of the rules and obligations that would apply or does your client wish to be a blogger/reporter?

3. Rule 21.03 of the Conservation Review Board Rules of Procedure provides as follows:

*In deciding whether to grant a person party status, the Review Board may consider:*

- (a) The nature of the case;*
- (b) The issues;*
- (c) Whether the person has a genuine interest in the issues;*
- (d) The likelihood of the person being able to make a useful and different contribution to the understanding of the issues;*
- (e) The delay or prejudice to the parties; and*
- (f) Any other matter the Review Board considers appropriate.*

Your client has been actively involved in this matter before the Municipal Heritage Committee and Council in lobbying these entities to designate the four (4) above-noted properties, even before any heritage report or assessment was completed.

Your client dominated this process and resulted in it being significantly more complicated than, in our respectful opinion, it needed to be. Now that the municipality has issued Notices of Intention to Designate, your client's interests are represented by the municipality. We fail to see how your client's involvement in the matter will assist the Board in adjudicating on the issues in the proceeding.

It is our respectful submission that your client's involvement will unnecessarily lengthen and delay the proceeding and that it will have nothing to offer that is not already being put forward by the municipality in its position seeking designation. Our client's have worked diligently with the Town and all agencies with respect to both its planning applications and the heritage designation process. Your client's involvement to date has been solely for the purpose of interference and delay. We do not wish to see that conduct become part of the Conservation Review Board Tribunal process.

We believe that if your client intends to seek party status, it should file a formal motion along with affidavit evidence setting out its justification for party status and we will be happy to respond.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly

**Sullivan Mahoney LLP**

Per:



Thomas A. Richardson

TAR:bj

cc—Mr. Callum Shedden, Town Solicitor  
cc—Mr. Paul De Medeiros, Case Co-ordinator  
cc—client