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November 30, 2018

**DELIVERED BY EMAIL ONLY TO: [tarichardson@sullivanmahoney.ca](mailto:tarichardson@sullivanmahoney.ca)**

**SULLIVAN, MAHONEY, LLP**

Barristers & Solicitors  
40 Queen Street, P.O. Box 1360  
St. Catharines, ON, L2R 6Z2

**Attention: Thomas Richardson**

Dear Sir:

**Re: TWO SISTERS RESORTS CORP. and SOLMAR (NIAGARA) 2 Inc.  
Conservation Review Board - CRB1822, CRB1823, CRB1824 and  
CRB1825**

144 and 176 John Street E., 200 John Street E., and 588 Charlotte St., Town  
of Niagara on the Lake

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Thank you for your letter of November 27.

In response to your inquiries and comments, using your numbering:

1. Earlier this year, you had inquired whether SORE was at that point incorporated or not. We responded that it was not, and in your letter of April 30 you thanked us for clarifying that matter. You have made no further "repeated requests to define our client's status." We can now advise that SORE Association has been incorporated as a not-for-profit corporation.

2. Earlier this year, you made the same assertion that SORE's website-sorenotl.ca had posted "inaccurate information" about your client's proposal. We asked you to identify any such information and committed to rectify same if correct. In response (your letter of April 30, 2018) you identified the following:

- the proposal is for a six storey hotel, not a seven storey hotel.
- you stated that the application was not filed by Benny Marotta but rather by Two Sisters Resort Corp.
- you stated that the protected boxwood hedge had not been cut down and "remains intact".
- you objected to SORE's inclusion of Council positions on the website.

In response:

- your client, Mr. Marotta, and his consultant confirmed in the "Good Friday" meeting, a video record of which is on the SORE website, that the first storey of the hotel proposal is in fact two storeys high, which in effect makes this a seven storey proposal.
- we refer you to the applications for a ZBA and site plan filed with the Town. Both were signed personally by Benny Marotta. You have identified Mr. Marotta as your client to Council and he has been the face of the project and its spokesperson for many months.
- it is now clear and has been conceded by your client that a material portion of the protected boxwood hedge was in fact cut down by his contractors.
- it is not clear to us how SORE's inclusion of prospective Councillor's responses to several questions concerning development in NOTL and your client's Randwood proposal in particular is "inaccurate information".

3. We are well aware of the Conservation Review Board's Rules with respect to granting of party status. In our view, SORE readily and easily meets the criteria set out in the Rules. We will be making those submissions to the Board at the appropriate time. Your suggestion that SORE's interests have now been somehow taken over by the Town does a grave disservice to our client, its ongoing purpose and its record of involvement in protecting the significant cultural heritage assets of and at Randwood. In the interim, enclosed are the records of some of our inquiries to you and more importantly the delegations and written submissions to the Town by ERA Architects, the heritage experts retained by SORE, which clearly show that the assertion in your letter that SORE's "involvement to date has been solely for the purpose of interference and delay." is demonstrably false. In fact, nothing could be further from the truth as even a cursory review of the various ERA submissions to the Town and its committees and Council will demonstrate.

We will be pleased to address the matter of our client's party status at the December 14 prehearing conference as directed by the Board.

Yours very truly,

**HEELIS, LITTLE, ALMAS & MURRAY, LLP**

Per:

  
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**H. A. Patrick Little**  
 HAPL:amd

cc. Callum Shedden, Town Solicitor  
 cc. Paul De Medeiros, Case Co-Ordinator, Conservation Review Board  
 cc. SORE Association

ENCL.