

ONTARIO LAND TRIBUNAL

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

Owner: Solmar (Niagara 2) Inc.
Objector: Two Sisters Resorts Corp.
Subject: Notice of Intention to Designate
Property Address: 200 John Street East and 588 Charlotte Street
Municipality: Town of Niagara-on-the-Lake
CRB Case No.: CRB1824 and CRB1825

**WITNESS STATEMENT OF
LEAH D. WALLACE**

This Witness Statement is organized as follows:

Part I – Qualifications

Part II – Retainer

Part III – Documents

Part IV – History of the Rand Estate Lands

Part V – Description of the Rand Estate Lands

- i. Randwood
- ii. 200 John Street East
- iii. 588 Charlotte Street
- iv. Surrounding Land Use

Part VI – Designation of 200 John Street East and 588 Charlotte Street

Part VII – Notices of Intention to Designate and Lists of Heritage Attributes

Part VIII – Detailed Description of the Structures and Features on the Property

- i. 200 John Street East
- ii. 588 Charlotte Street
- iii. Evolution of the Rand Estate Property
- iv. Tree Cutting

Part IX – Heritage Status and Context

Part X – Town of Niagara-on-the-Lake Official Plan (2017)

Part XI – Town of Niagara-on-the-Lake Adopted Official Plan (2019)

Part XII – The Ontario Heritage Act – Regulation 9/06 – Assessment and Ontario Heritage Toolkit – Evaluating and Designating Heritage Properties

Part XIII – Response to Issues for 200 John Street East

Part XIV – Response to Issues for 588 Charlotte Street

Par XV – Conclusion

Part I – Qualifications

1. I am a Registered Professional Planner in the Province of Ontario, and a member of the Canadian Institute of Planners.
2. Since 2016, I have worked as a private consultant providing services in land use and heritage planning.
3. Prior to that, I was the heritage planner for the Town of Niagara-on-the-Lake (the “**Town**”) from 2000 until 2012, and senior planner for the Town from 2012 until 2016.
4. Attached hereto and marked as **Appendix “A”** is a copy of my *Curriculum Vitae*.
5. I have over 18 years of experience working as a land use planner, in which I have focused primarily on heritage planning matters, particularly in the Town and the Niagara Region. Through my work with the Town, and as Chair of the Town of Flamborough (“**Flamborough**”) Local Architectural Conservation Advisory

Committee, I have been involved in the heritage designation processes under the *Ontario Heritage Act* (the "**OHA**") for numerous properties within the Town and Flamborough.

6. I have been qualified as an expert witness in the disciplines of land use and heritage planning by the Local Planning Appeal Tribunal and its predecessor, the Ontario Municipal Board, on numerous occasions.
7. I am aware of and accept my duties to this Board in giving evidence. I have reviewed and signed an Acknowledgment of Expert's Duty dated June 28, 2021, which is attached hereto and marked as **Appendix "B"**.

Part II – Retainer

8. I am very familiar with the properties known municipally as 144, 176, 200 John Street East and 588 Charlotte Street and their cultural heritage features. I have visited them all at least a dozen times throughout my current retainer and during my previous employment with the Town.
9. Further, since 2010, I have extensively researched all four (4) of these properties.
10. I was retained by Solmar (Niagara 2) Inc. ("**Solmar**") in August 2018, to provide heritage planning advice in relation to the Town's proposed designation of the 200 John Street East and 588 Charlotte Street (the "**Subject Properties**"). I have prepared a Cultural Heritage Evaluation Report ("**CHER**") of the Subject Properties. The purpose of the CHER is to evaluate the heritage value of each of

the Subject Properties in accordance with O. Reg 9/06, *Criteria for Determining Cultural Heritage Value or Interest* (“Regulation 9/06”) made under the *OHA*.

11. In my capacity as a land use and heritage planner, I had been retained previously by Two Sisters Resorts Corp. (“**Two Sisters**”) in July 2017 to prepare a Heritage Impact Assessment (“**HIA**”) in respect to 144 and 176 John Street East for the purposes of a land use planning application for a zoning by-law amendment and site plan approval. I had also been retained by Solmar to prepare an HIA in respect of the Subject Properties for the purposes of land use planning application relating to the development of these lands as a residential subdivision.

Part III – Documents

12. In preparing my witness statement, I have reviewed or relied on various reports and material that I may refer to in my evidence. These include:
 - a. Notice of Intention to Designate – 144 John St. East;
 - b. Notice of Intention to Designate – 176 John St. East;
 - c. Notice of Intention to Designate – 200 John St. East;
 - d. Notice of intention to Designate – 588 Charlotte Street;
 - e. Notice of Objection – 200 John St. East;
 - f. Notice of Objection – 588 Charlotte Street;
 - g. The *Ontario Heritage Act*, R.S.O. 1990;
 - h. Excerpts from the Official Plan (2017 Consolidation);
 - i. The adopted but not approved 2019 Official Plan;
 - j. Estates Lot Study prepared by Bray Heritage;

- k. Minutes of Municipal Heritage Committee of May 8, 2018 and August 8, 2019 and Council Meeting of August 13, 2018;
 - l. Town Planning Staff Reports MHC-18-039 dated August 8, 2018 and CDS-18-047 dated August 13, 2018;
 - m. Cultural Heritage Evaluation Report prepared by Letourneau Heritage Consulting Inc., September 2018;
 - n. Cultural Heritage Evaluation Report – 200 John Street East and 588 Charlotte Street dated June 28, 2021 (CHER) prepared by Leah Wallace;
 - o. Heritage Impact Assessment dated October 30, 2017 prepared by Leah Wallace in respect of 144/176/200 John Street East and 588 Charlotte Street;
 - p. Addendum Heritage Impact Assessment dated May 18, 2018 prepared by Leah Wallace in respect of 144/176/200 John Street East and 588 Charlotte Street;
 - q. Heritage Impact Assessment dated July 9, 2020 prepared by Leah Wallace in respect of 200 John Street East and 588 Charlotte Street;
 - r. Ontario Heritage Toolkit – Heritage Property Evaluation and Designating Heritage Properties; and
 - s. Standards and Guidelines for the Conservation of Historic Places in Canada, Second Edition – Chapter 4 – Sections 4.1 Guidelines for Cultural Landscapes and 4.3 Guidelines for Buildings.
13. My conclusions and opinions in this Witness Statement are based on my CHER, dated June 28, 2021, and I adopt that CHER as part of this Witness Statement.

Part IV – History of the Rand Estate Lands

14. The Subject Properties were once part of the original Rand Estate which was generally located on the southeast corner of John Street East and Charlotte Street. The estate extended south to the railway trail and east to 210 John Street East (now a private residence known as Brunswick Place) and which encompassed what is now 144 and 176 John Street East, 200 John Street East, 580 and 588 Charlotte Street, Christopher Court and Weatherstone Court.
15. The property at 200 John Street East, known as the Calvin Rand property, is an irregularly shaped lot accessed from John Street via a long gravel driveway located within a 20 metre (66 feet) right-of-way. The major portion of the lot is located behind 176 and 210 John Street East and extends south to the railway trail which delineates the southern boundary of the property.
16. The property at 588 Charlotte Street is located on the east side of Charlotte Street between John Street East and the Promenade. It is an irregularly shaped lot accessed by a long, narrow gravel driveway from Charlotte Street.
17. Over the years, there have been extensive changes to the lands, mostly carried out by the Rand family, including prior subdivision of the lands for development purposes.
18. Commencing in the 1940s when the area that is now Christopher Court and Weatherstone Court was conveyed by Evelyn Rand, portions of the property along Charlotte Street were severed from the Rand Estate.

19. In the 1950s Colonel Henry Sheets sold the milk house, stables and gatehouse to the Laidlaw family. The Laidlaws in turn sold the property in the late 1950s when the portion at 580 Charlotte Street was converted to the Randwood Apartments. In the 1970s Henry Sheets Junior severed 6.45 acres and the land was sold and developed as Weatherstone Court and Christopher Court. The original milkhouse and stables is located on Weatherstone Court and is designated under Part IV of the *OHA*.
20. The four remnant parcels that comprise the former Rand Estate can be characterized in two groups. The lands known municipally as 144 and 176 John Street East are known in the community, and referred to herein, as the “Randwood Lands”. The lands at 200 John Street East and 588 Charlotte Street are behind and adjacent to the Randwood Lands.

Part V – Description of the Rand Estate Lands

i. Randwood

21. Randwood consists of two lots, 144 and 176, fronting on John Street East, east of Charlotte Street and south of the Commons which is the site of Fort George and Butler’s Barracks and is a National Historic Site administered by Parks Canada.
22. These lots contain three significant built heritage resources, as described below, and a designed landscape of considerable value. Both lots are designated under Part IV of the *OHA*.

23. The Randwood Lands are enclosed on the north and west sides by a high wall, and contain the main buildings from the original estate, which are as follows:
 - a. Randwood House, which is the main dwelling, being a large brick manor located on the east side between the front and rear boundaries of the lot;
 - b. The Sheets (Devonian) House, which is an existing, frame guest house located nearer to the west boundary; and
 - c. The Coach House, which is an existing two-storey building located near the southwest side of the Randwood Lands.

24. There are additional structures on the Randwood Lands, consisting of pavilions, entrance gates, walkways, stone bridges, a pond with central sculpture, a brick patio, a wooden pergola, and the stone, concrete and brick wall which is referenced above.

25. The significant components of the Randwood cultural heritage landscape include the brick pavilion and wooden pergola; the brick, stone and concrete wall that surrounds and encloses the property on two sides; the boxwood hedge; and remnants of the designed landscape developed by the landscape architecture firm of Dunington-Grubb, which forms the grand formal entrance and walkway that leads from the main gate terminating at a low stone wall and Randwood house. The components of this formal landscape include the entrance gate, a formal stone path, sunken lily pond with sculpture, arched stone bridges that span a tributary of One Mile Creek and a low stone wall.

26. The Randwood Lands were listed on the Town's Municipal Register of Properties of Cultural Heritage Value or Interest before 2010 and were designated under Part IV of the *OHA* on December 21, 2020 (Designation By-law 5284-20 – 176 John Street East and Designation By-law No. 5285-20 – 144 John Street East). The Statements of Significance and list of heritage attributes for each property are the same as the statements and heritage attributes that appeared in the NOIDs. The by-law for 176 John Street East acknowledges the Dunington-Grubb landscape design for its historical/associative value and not for its physical design value.

ii. 200 John Street East

27. The property at 200 John Street East is within the Urban Area Boundary of the Town, is designated "Low Density Residential" in the Official Plan, and zoned "Residential Development (RD)", with the remainder being outside the Urban Area and designated "Agricultural".

28. 200 John Street East is accessed via a long, tree-lined driveway from John Street East, and is partially enclosed to the south, along the railway trail, by a high wall. With the exception of the entrance pillars and gate on John Street East, it is not visible from a public roadway. It contains the following buildings and structures:

- a. A former one-storey guest cottage converted for summer use by Calvin Rand;
- b. A two-storey garage or carriage house with an apartment above;
- c. A pool and tea house; and
- d. A bath house.

29. There is also a pergola at the “whistle stop”, which can be accessed by an entrance in the wall along the railway trail, as well as the foundation and brick remnants of a greenhouse which was dismantled with the permission of the Rand family and moved to the School of Restoration Arts at Willowbank in Queenston.

iii. 588 Charlotte Street

30. The property at 588 Charlotte Street is designated “Low Density Residential” in the Town’s Official Plan, and is zoned “Residential Development (RD)” under the Town’s Comprehensive Zoning By-law 4316-09.
31. 588 Charlotte Street is accessed via a long, narrow driveway from Charlotte Street. The majority of this property is located to the east of Weatherstone Court and south of 144 John Street East and, with the exception of the entrance gates and laneway from Charlotte Street, is not visible from any public roadway. It is enclosed at the rear by the same high wall enclosing the south border of 200 John Street East. A portion of this wall collapsed before Solmar took possession of the property, and has been replaced by a wooden fence. It contains the following buildings and structures:
- a. One-storey former stables converted to a dwelling with a self-contained apartment;
 - b. Various small, one-storey outbuildings or sheds of indeterminate past use, surrounding the stables;
 - c. An in-ground pool and wooden pool house; and
 - d. A wooden pergola.

32. The properties at 200 John Street East and 588 Charlotte Street were added to the *Town of Niagara-on-the-Lake Municipal Register of Properties of Cultural Heritage Value or Interest* in April 2018 as per section 27 of the OHA.

iv. Surrounding Land Use

33. The land uses of the properties surrounding the Subject Properties are residential and open space. The residential properties consist of single detached dwellings of varying ages and styles as well as townhouses and condominium developments.
34. The remnant of Randwood Estate at 144 and 176 John Street East has a commercial and open space designation that permits a hotel, spa, restaurant and conference centre. Immediately to the north are the Commons and Butler's Barracks which are federal lands administered by Parks Canada. These lands, along with Fort George, are nationally designated.
35. The Old Town, the Queen-Picton Heritage Conservation District and the Niagara-on-the-Lake National District lie to the north and east of the Rand Estate.

Part VI – Designation of 200 John Street East and 588 Charlotte Street

36. Solmar concluded the purchase of 200 John Street East in January 2018 and 588 Charlotte Street in April 2018.
37. A municipal pre-consultation for the subdivision application on the Subject Properties was held in 2017.

38. In June 2018, Solmar provided written notice to the Council of the Town of the intention to demolish all buildings and structures on the Subject Properties.
39. In August 2018, the Town of Niagara–on-the Lake issued the Notices of Intention to Designate (the “**NOIDs**”) for the Subject Properties.
40. In December 2018 the subdivision application was caught by Interim Control By-law 5105-18 which froze all development in Old Town, including the subdivision application for the Subject Properties.
41. I was in attendance at many of the meetings of the Municipal Heritage Committee (the “**MHC**”), Council-in-Committee, and Town Council when planning and/or heritage matters pertaining to the Subject Properties were dealt with or discussed.
42. At its May 8, 2018 meeting, the MHC adopted a recommendation to Council that heritage designation be initiated by Council. It did so without any notice on the meeting agenda, or other notice to the Owner, that this recommendation would be considered, and without any report from Town staff assessing or proposing it.
43. MHC’s recommendation proved to be a critical component in the designation process, as it was subsequently adopted by the Committee of the Whole and Council, thereby initiating the formal designation process.
44. On August 7, 2018, the Owner was provided with a report from Town staff to be presented on August 8, 2018 to the MHC, which recommended that the NOIDs be given and included draft Notices.

45. I was present at the MHC meeting on August 8, 2018 in which the recommendation to issue the NOIDs was made. Ms. Barnes of Letourneau Heritage Consulting Inc., the Town's consultant, was also present. She advised the MHC that she had not finished her analysis nor had she attended the Randwood Lands.
46. In my opinion, the August Staff Report did not constitute a Regulation 9/06 Analysis. The requisite Regulation 9/06 Analysis had not been completed in accordance with section 29 of the *OHA*, nor had sufficient work been done to properly identify the heritage attributes at the time when the MHC, and subsequently Council, gave the direction to issue the NOIDs.
47. The MHC amended the staff report to include buildings and structures that were not considered to be heritage attributes by the Town's consultants. The amendment was approved by the MHC, and subsequently by Council, contrary to the advice of the Town's consultant, Ms. Barnes, who advised the MHC at the meeting that she did not feel that these attributes were significant. Specifically, the NOID for 200 John was amended to add the Calvin Rand Summer House as a heritage attribute, and the NOID for 588 Charlotte was amended to add the main structure and sheds. Further, and also contrary to staff recommendation, the application to demolish the Calvin Rand Guest House at 200 John Street and the main dwelling and sheds at 588 Charlotte was refused.
48. On August 13th, Council approved the August 8th recommendations from the MHC, and directed that NOIDs be given for all of the Subject Properties. In my opinion,

this direction was made without having any basis to do so through a proper heritage evaluation, and without having completed a Regulation 9/06 Analysis as required by the *OHA*.

49. In August 2018, like the MHC, Council ignored the recommendations of the staff report and approved the MHC recommendation to add heritage attributes to the NOIDs, contrary to the staff report and to the report prepared by consultants Marcus Letourneau and Amy Barnes.
50. The Regulation 9/06 Analysis report ultimately prepared by Mr. Letourneau is dated September 2018, a month after the NOIDs were issued. It was not provided to the property owners until November 2018, two months after the NOIDs were issued.
51. In my opinion, no proper municipal heritage report had been finalized or presented, to the MHC, the Committee of the Whole or Council at the time that the designation decisions respecting the Subject Properties were made.

Part VII – Notices of Intention to Designate – Content of Notices and Lists of Heritage Attributes

52. The NOID published by the Town of Niagara-on-the-Lake states, in respect of 200 John Street East, that the subject property is of cultural heritage value or interest for its design/physical, historical/associative and contextual values. The design and physical values are tied to the Dunington-Grubb design for the tea house and pool. The historical and associative values are tied to Dunington-Grubb and the Rand family.

53. The NOID lists the heritage attributes of 200 John Street East proposed for designation as follows:
- a. The Property:
 - i. The tea house and pool;
 - ii. The surviving elements of the Dunington-Grubb landscape;
 - iii. The one-storey, rectangular bath pavilion;
 - iv. The extant wooden gazebo/whistle stop; and
 - v. The wall and red pillars located at the rear of the property and on John Street East.
 - b. The Carriage House:
 - i. The two-storey carriage house with hipped roof;
 - ii. The asymmetrical façade with three large French style door openings on the main floor; and
 - iii. The original rectangular diamond patterned windows.
 - c. The Calvin Rand Summer House (the Guest House):
 - i. Entire exterior of the dwelling.
54. The NOID published by the Town states, in respect of 588 Charlotte Street, that the subject property is of cultural heritage value or interest for its design/physical, historical/associative and contextual values.
55. The NOID in respect of 588 Charlotte Street provides the following description of key heritage attributes:
- a. The stone wall located along the rear of the property;

- b. The red brick pillars and stone wall located at the entrance on Charlotte Street;
- c. Main Dwelling and Sheds; and
- d. The one-storey rectangular outbuilding with hipped roof and overhanging eaves and large French doors with ornate diamond shaped windows associated with the original estate.

Part VIII – Detailed Property Descriptions – A Description of the Structures and Features on the Property

i. 200 John Street East

- 56. This property was severed from the properties at 144 and 176 John Street East when Calvin Rand sold these properties to the Devonian Foundation in 1971.
- 57. The property contains the Rand Estate garage or carriage house with a second floor apartment; a reconstructed one storey guest house known as the Calvin Rand Summer Home; the pool with its related tea house and plantings and a small temple-like structure set apart from the other buildings and structures on the site which is frequently referred to as the bath house. The original purpose of this building is not evident. These are described in detail below.
- 58. A Lord and Burnham greenhouse located behind the summer residence was dismantled and donated to the School of Restoration Arts at Willowbank by Calvin Rand.
- 59. At the rear of the property is the concrete and cobblestone wall which borders both the Randwood Estate and the former railway line.

60. The entrance accessing the railway and the gazebo where the family could wait for the train is located in this area. All of the wooden members of the gazebo have collapsed. The decorative iron gate was removed by a member of the Rand family before Solmar assumed ownership.
61. The property at 200 John Street East contains two (2) buildings and three (3) structures. These are:
- a. A summer residence (Calvin Rand Summer House);
 - b. A garage or carriage house;
 - c. A bath pavilion (folly);
 - d. A tea house with associated pool and formal plantings; and
 - e. A wooden gazebo located to the rear adjacent to a gate in the concrete and cobblestone wall.
62. The buildings are of different architectural styles and ages. The tea house and the plantings immediately surrounding the structure were designed by Lorrie and Howard Dunnington-Grubb.
63. While the summer residence has been rebuilt and modernized, the garage is relatively untouched. My comments in terms of each feature are set out below.

a. Calvin Rand Summer House

64. The house, formerly a guest house, was reconstructed in the 1970s by Calvin Rand and used as his summer home when he severed the property and moved from Randwood, which was then occupied by the Devonian Foundation.

65. The reconstruction, carried out after a fire reputedly destroyed the original guest house, is in a contemporary style common for residential homes in the 1950s, 1960s and 1970s.
66. The building is a one-storey structure clad in a smooth white stucco finish and is set directly on a low concrete foundation. It consists of a more traditional central gable-roofed structure with several additional extensions to the rear and sides. These extensions have both flat roofs and unusual projecting half gables containing clerestory windows in the upper flat sections.
67. The interior of the house is plain and functional with simple six panel slab doors. There is an absence of architectural details.

b. The Garage or Carriage House

68. The garage or carriage house is located to the north and slightly west of the Calvin Rand Summer House. It was probably built in the 1920s, at the same time as the Sheets (Devonian) House, though there is no definitive date for its construction and stylistically it does not resemble that house which was constructed in the Colonial Revival style.
69. It is a two-storey stucco-clad structure with a shallow gable roof terminating in a slight flare with wide unenclosed eave overhangs. Stylistically it displays characteristics of both the Prairie and Craftsman styles popular from about 1905 until 1930, though the Prairie style did not last long after World War I.

70. The building is a side-gabled two-storey structure clad in grey stucco with three wide double entrance doors for vehicle access. These doors have diamond-paned windows surmounted by pediments. A central door, also with diamond-paned windows, gives access to the apartment above. A continuous string course delineates the break between the first and second floors. The eave overhang is wide and open rather than boxed in keeping with both the Craftsman and Prairie styles.
71. The first floor interior has not been used to house cars or other equipment for many years. The walls and ceilings on the first floor are clad in bead-board and shiplap, some of which is stained and varnished and some of which is painted a dark green. There is a small brick fireplace with no mantel or surround and some enclosed storage. The floor is concrete.
72. The second floor contains an apartment which has been abandoned for some time. It originally housed a gardener or estate staff; but was clearly used at a later date by other tenants.
73. When the garage was first viewed in August 2017, before it was acquired by the present owner, it was in a deteriorated condition. When viewed again in March 2018, it had not been altered and, though it had not deteriorated any further, it continued to be in poor condition.
74. This building was always intended as secondary or accessory building constructed for the utilitarian function of housing cars or other equipment, such as gardening supplies used in the maintenance of the Rand Estate.

c. The Bath Pavilion

75. The small Neo-classical building has been identified as a pool or bath house. It sits at some distance from the pool and is not clearly related to it or any other structure or design feature on the property. Currently there is no documentary evidence that the building is a pool or bath house and no documentary evidence that it was part of the Dunington-Grubb landscape design. Nothing on the exterior or inside the building indicates its original purpose though it may have been used to store pool furniture and equipment in recent times.
76. The structure is designed in the temple style with a Tuscan order portico and pediment. The building is clad in smooth white stucco. The portico is of wood. The shallow hip roof is flat at the peak. The building is deteriorating and will require extensive restoration and conservation.
77. There is also no evidence that the building was part of the Dunington-Grubb design for the pool area. There are no drawings or plans of the building in the archives at Guelph, though the building was assessed and as-found drawings were produced by students at the School of Restoration Arts at Willowbank.

d. The Tea House and Pool

78. The tea house is located to the rear or west of the pool which fronts on the driveway. The structure sits on a raised platform of brick veneer. The hip roof has a deep overhang and exposed rafters in the Craftsman style. Simple Tuscan columns, coupled at the corners of the building, and a plain entablature support

the roof structure. The interior ceiling of the pavilion is clad in tongue and groove boards that have been stained a deep brown. Stone and brick steps lead up to the structure and a picket fence is located to the rear. The tongue and groove boards and the roof are collapsing and the surrounding plantings are overgrown. The pergola, indicated in the Dunington-Grubb plans, is no longer extant.

79. The pool, though in the original location, appears to be of newer construction, though this has not been verified. Earth berms or banks surround the structures. These enclose the remnants of a formal landscape, some of which survives as proposed by Lorrie and Howard Dunington-Grubb in their April 1928 blueprint.
80. Remnants of the pergola bases are located in front of the pool. However, the wooden structure is no longer extant and visual evidence in the form of photographs or drawings is not available at this time.

e. The Wall and Wooden Gazebo at the Whistle Stop

81. At the rear of the property is the high wall consisting of concrete with applied cobblestones. The wall is surmounted by a sloping concrete cap. It extends along Charlotte Street and turns east at the railway trail, the site of the former steam train tracks. It marks the full extent of the Rand Estate as it existed during the tenure of that Rand family. It follows the former steam railway tracks to an opening which contained an elaborate wrought iron gate between brick pillars with concrete caps.

82. Behind the wall and slightly to the left or west is a wooden gazebo which sits on a cobblestone base. The roof is missing but a few wooden structural members remain, including large brackets and some of the roof members. These appear to have supported a roof that was conical in configuration. This feature is in a deteriorated state and is overgrown with weeds and vines.

ii. 588 Charlotte Street

83. The property at 588 Charlotte Street contains a one-storey stable or barn which was converted into a residence in the early 20th century. The building includes a self-contained apartment.
84. The building is a rambling generally u-shaped structure of the same general style as other outbuildings, such as the garage at 200 John Street East. The building has a series gables and a small original cupola and is clad in stucco. Some of the doors have diamond paned lights similar to those on the garage at 200 John Street East. The building was extensively renovated by both the Sheets family and the Dingmans who were the previous owners of the property.
85. There are also three small outbuildings or sheds surrounding the converted stable. The original purpose of these structures is not clear.
86. There is a pool to the rear of the house which was constructed in the 1980s. In front of the house is a large lawn with a linear hedge and a modern wooden gazebo. To the rear or south the cobblestone and concrete wall continues from the entrance on Charlotte Street to the rear boundary of 200 John Street East.

87. There are no discernible designed landscape features on the site with the exception of the stone wall that runs behind the property bordering the railway trail. The wall in this area is in poor condition with gaps where it has collapsed. The gaps had been replaced by wooden fencing by the previous owners.
88. The entrance gates and the cobblestone and concrete wall, which continues along the railway trail from 200 John Street East, defines the eastern and southern boundaries of the property, though a large portion has collapsed and been replaced by an expanse of wooden wall which is not particularly compatible or appropriate in relation to the original wall and should be repaired and replaced to limit continued deterioration.

iii. Evolution of the Rand Estate Property

89. Aerial photographs taken between 1934 and 2018 show the changes to the Rand Estate landscape as it evolved over 84 years including how the property was divided up into the separate properties and residential developments that exist today. These include the developments on Weatherstone Court and Christopher Court; the apartment complex at 580 Charlotte Street, the creation of the Calvin Rand property at 200 John Street East and the property at 588 Charlotte Street.
90. The evolution of the properties resulted in the conversion of buildings such as the barn on 588 Charlotte, from their original use as farm buildings to residential structures; the construction of new buildings such as Calvin Rand's summer home; the abandonment of others such as the gazebo, Bath House and Carriage House

on 200 John Street East and the removal of structures such as the greenhouse on 200 John Street East.

91. Landscape features associated with the original estate farm disappeared as did any designed landscape features such as the Memorial Garden, for which there is no documented plan or design.

iv. Tree Cutting

92. Tree cutting on the both 200 John Street East and 588 Charlotte Street commenced in November 2016, before Solmar acquired the property. The Rand family had applied for and received a permit to cut trees in 2014 but had not commenced work. They permitted Solmar to apply for and receive a permit to cut trees before the purchase closed. The Town and the Niagara Peninsula Conservation Authority was notified of the tree cutting and did not object.
93. Tree cutting occurred in 2017 and the remaining trees were removed in November 2018.
94. I have had several site visits site before and after tree cutting occurred. At no time did the tree cutting impact the Heritage Attributes that were identified by the Town in the NOIDs issued in August 2018.

Part IX – Heritage Status and Context

95. The Subject Properties were listed in the Town's Municipal Register of Properties of Cultural Heritage Value and Interest in 2018 as were the properties at 1 and 9

Christopher Street and 580 Charlotte Street “*in recognition of the brick, concrete and stone walls and related arch and gateway features that define the original extent of the Rand Estate.*” The adjacent property to the east at 210 John Street (Brunswick Place) is also listed on the Register. All of these properties, including 144 and 176 John Street East, with the exception of Brunswick Place, constitute the extent of the Rand Estate as it was in the first half of the 20th century.

Part X – Town of Niagara-on-the-Lake Official Plan (2017)

96. General heritage policies in section 18 of the current Official Plan include:

- a. Encouraging the preservation of buildings and sites having historical and/or architectural values;
- b. Designating and regulating heritage resources under appropriate legislation, including the *Ontario Heritage Act*, the *Planning Act* and the *Municipal Act*;
- c. Exercising legislative authority to control the alteration or demolition of heritage;
- d. Ensuring through by-laws designating individual buildings or districts under the *Ontario Heritage Act* that no person shall demolish the whole or any part of the designated property or property in a designated area, or alter or make additional to a designated property or property in a designated area, without first receiving a permit issued by Council;
- e. On the advice of the Municipal Heritage Committee (MHC), regulating and guiding alterations and additions to heritage resources;

- f. Requesting comments from the MHC for any development within a heritage district, proposed expansion area or where it is believed that a development may impact heritage resources; and
- g. Requiring an archaeological survey as a result of a planning application. This policy can also be found in Section 6, General Development Policies.

Part XI – Town of Niagara-on-the-Lake Adopted Official Plan (2019)

- 97. A new Official Plan was adopted by the Council of the Town in August 2019. However, this Plan has not received approval from the Region of Niagara.
- 98. Section 7 – Heritage, Arts and Culture includes enhanced heritage policies that address policies that are absent from the existing Official Plan. These include requirements for Heritage Impact Assessments for all development applications that are likely to impact identified cultural heritage resources; identification and protection of cultural heritage landscapes; and identification of heritage character areas including the John Street East Summer Home Heritage Character Area.
- 99. Once the Region of Niagara approves the adopted Official Plan, policies relating to this character area with specific impact on the Subject Properties include: those requiring maintenance and conservation of mature vegetation, the existing stone walls and the requirement for a vegetation plan. Site alteration or development must conserve the specific heritage values and attributes of the area as a Cultural Heritage Landscape.

Part XII – The Ontario Heritage Act – Regulation 9/06 – Assessment and Ontario Heritage Toolkit – Evaluating and Designating Heritage Properties

100. An amended *OHA* was approved by the government on June 6, 2019 and will receive royal assent on July 1, 2021. The *OHA* provides policies and regulations for the protection of built heritage resources, cultural landscapes such as heritage conservation districts and archaeological resources through the process of identifying, listing and designating those resources.

101. Part IV of the *OHA* (Conservation of Property of Cultural Heritage Value or Interest) comprises:

- a. Listing designated and non-designated properties on the Register [Section 27.(1)(1.1)(1.2)] and restriction on demolition [Section 27(3)(4)(5)];
- b. Designation of individual properties [Section 29.(1) – 29.(19)];
- c. Alterations that are likely to affect the heritage attributes of those properties as specified in designation by-laws [Section 33]; and
- d. Requests to demolish those properties [Section 34].

102. Regulation 9/06 prescribes criteria set out in subsection (2) for the purposes of determining cultural heritage value or interest. A property may be designated if it meets one or more of the criteria listed in the Regulation. These criteria include:

- a. Design or Physical Value:
 - i. It is a rare, unique, representative or early example of a style, type, expression, material or construction method; or
 - ii. Displays a high degree of craftsmanship or artistic merit; or
 - iii. Demonstrates a high degree of technical or scientific achievement.

b. Historical or Associative Value:

- i. It has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community; or
- ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
- iii. Demonstrates or reflects the works or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

c. Contextual Value:

- i. Is important in defining the character of an area; or
- ii. Is physically, functionally, visually or historically linked to its surroundings; or
- iii. Is a landmark.

103. The Provincial Policy Statement 2020 defines a Heritage Attribute as the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting.

104. A *protected heritage property* is a property designated under Parts IV, V or VI of the *OHA*; property subject to a heritage conservation easement under Parts II or IV of the *OHA*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal legislation; and UNESCO World Heritage Sites.

105. The Ontario Heritage Toolkit guide, *Designating Heritage Properties, A Guide to Municipal Designation of Individual Properties Under the Ontario Heritage Act* (the “**Toolkit**”) is published by the Ministry of Tourism, Culture and Sport, and provides guidance on the description of heritage attributes, including:
- a. On page 18, the Toolkit defines a Heritage Attribute as an attribute (i.e. materials, forms, location and spatial configurations) of property, buildings and structures that contribute to the property’s cultural heritage value or interest and which should be retained to conserve that value;
 - b. Also on page 18, the Toolkit describes heritage attributes as the principal features or characteristics that together characterize the core heritage values of a property. They should be identified and described in relation to the heritage value they contribute to; and
 - c. On page 22, the Toolkit directs that the description of the heritage attributes should be kept to the property’s existing attributes, and not ones that could or should be added. Further, the Toolkit stresses clarity, and directs that the relationship between the attributes and the heritage values identified in the statement of cultural heritage value or interest must be clearly demonstrated.
106. Only those principal features or characteristics that together characterize the core heritage values of the property should be included and should be identified and described in relation to the heritage value that they contribute to. Where more than one value has been outlined in the Statement of Cultural Heritage Value or Interest, more than one list should be provided to distinguish between the attributes associated with each value.

107. The NOIDs do not follow the direction of the Toolkit as, in the case of 200 John Street East, they fail to clearly identify and define all of the heritage attributes, particularly those related to the surviving elements of the Dunington-Grubb landscape, and fail to clearly establish the relationship of the built heritage resources to the value of the lands or to distinguish the relationship between each attribute and the heritage value they contribute to.

108. In the case of 588 Charlotte Street, the NOIDs do not clearly establish the relationship of the built heritage resources to the value of the lands and distinguish the relationship between each attribute and the heritage value they contribute to.

Part XIII – Response to Issues for 200 John Street East

109. The issues that pertain to 200 John Street East are set out in the Procedural Order issued March 24, 2021, as follows:

1. Has the Town correctly, clearly and accurately described the Heritage Attributes of 200 John for the purpose of establishing that it has cultural heritage value or interest as prescribed by O.Reg. 9/06 and, therefore, should be designated under Section 29 of the OHA? Specifically:
 - a. What are the “surviving elements of the Dunington-Grubb landscape” the Town wishes to protect, other than the:
 - Tea Pavilion;
 - Pool House; and
 - Tea Pavilion Formal plantings and Pergola surrounding the Pool?
 - b. Other than the Heritage Attributes listed in Issue 1(a), are the “surviving elements of the Dunington-Grubb landscape” that the Town wishes to protect Heritage Attributes, and should they be identified as such for the purpose of establishing that 200 John has cultural heritage value or interest as prescribed by O.Reg.

9/06 and, therefore, should be designated under Section 29 of the OHA?

- c. Are the structures listed below Heritage Attributes, and do they contribute to the heritage value of 200 John for the purpose of establishing that it has cultural heritage value or interest as prescribed by O.Reg. 9/06 and, therefore, should be designated under Section 29 of the OHA:
- The Pool associated with the Tea house;
 - The extant Wooden Stop/Whistle Stop;
 - The two-storey Carriage House with hipped roof; and
 - The Calvin Rand Summer House (a.k.a. the Guest House)?

110. The CHER that I have prepared concludes that 200 John Street East has cultural heritage value. The Regulation 9/06 evaluation in my CHER has determined that the property meets all three of the criteria for designation. It has design and physical value for its connection to the landscape architects Lorrie and Howard Dunnington-Grubb and the wall was constructed by the Elliott family, prominent stonemasons in Niagara. It has contextual value for the wall that defines what was once the full extent of the Rand Estate. It has associative value for its connections to the Rand family, the creation of the Shaw Festival, the firm of Dunnington-Grubb and the Elliott family of stonemasons.

111. It is my opinion that:

- a. The Town has not correctly, clearly and accurately described the Heritage Attributes of 200 John Street East for the purpose of establishing that it has cultural heritage value or interest as prescribed by Regulation 9/06. The NOIDs fail to clearly identify and define the heritage attributes, related to the surviving elements of the Dunnington-Grubb landscape;

- b. There are no additional surviving elements of the Dunington-Grubb landscape that can be documented other than the tea house, pool and surrounding plantings. My opinion is based on the extant plans and drawings in the Centre for Canadian Landscape Architecture Archives, Dunington-Grubb and Stensson Fonds, at the University of Guelph which includes plans and drawings for the tea house, pool and surrounding plantings. There are no extant plans and drawings for any other features on the property at 200 John Street East such as the axial walkway that can be seen in the 1934 aerial photograph or the memorial garden referred to on the blueprint in the Dunington-Grubb and Stensson Fonds dated 1928;
- c. The Town has failed to clearly establish that the structures on 200 John Street, with the exception of the tea house and surrounding plantings, which are the documented work of Dunington-Grubb, the Bath Pavilion and the wall that defines the full extent of the Rand Estate, are significant built heritage resources. Based on the Regulation 9/06 analysis in my CHER, dated June 28, 2021, the pool, the Calvin Rand Summer House, the Carriage House and the Gazebo at the Whistle Stop are not rare or unique in style, material or construction and are constructed of ordinary materials common in the period and do not display a high degree of technical achievement.

The pool has been modernized and altered. The Calvin Rand summer house, which was constructed after Calvin Rand's association with the Devonian Foundation and the School of Philosophy ended; the Carriage House and the Gazebo at the Whistle Stop, which were abandoned and no longer used for

their original function within the Rand Estate do not have contextual value and are not related to buildings and structures on the other properties that were once part of the Rand Estate.

- d. The Town has failed to establish the relationship of the built heritage resources to the cultural heritage interest or value of the lands or to distinguish the relationship between each attribute and the heritage value they contribute to in the Statement of Significance; and
- e. For these reasons, the pool, gazebo at the whistle stop, the carriage house and the Calvin Rand Summer House are not heritage attributes and do not contribute to the heritage value of 200 John Street East for the purpose of establishing that 200 John has cultural heritage value or interest as prescribed by Regulation 9/06.

Part XIV – Response to Issues for 588 Charlotte Street

112. The issues that pertain to 588 Charlotte Street are set out in the Procedural Order issued March 24, 2021, as follows:

1. Do the structures listed below contribute to the heritage value of 588 Charlotte for the purpose of establishing that it has cultural heritage value or interest as prescribed by O. Reg 9/06 and, therefore should be designated under Section 29 of the *OHA*:
 - the Main Dwelling;
 - Outbuilding One - fronting onto gravel driveway;
 - Outbuilding Two - adjacent to Main Dwelling;
 - Outbuilding Three - single entrance; and
 - the One-storey Rectangular Building with hipped roof and overhang eaves and large French doors with ornate diamond-shaped windows associated with the original design?

113. The CHER that I have prepared concludes that 588 Charlotte Street has cultural heritage value. The Regulation 9/06 evaluation in my CHER determined that the property meets two of the criteria for designation. It has associative value for its connection to the Rand family and the Elliott family of stonemasons and it has contextual value for the wall which defines the full extent of the Rand Estate before it was divided into separate properties.

114. It is my opinion that:

- a. The Town has failed to clearly establish that the structures on the property, with the exception of the wall and pillars which define the full extent of the Rand Estate as it existed in the first half of the 20th century, are significant heritage attributes.
- b. Based on the Regulation 9/06 analysis in my CHER, dated June 28, 2021, the outbuildings and the residence on the property are simple utilitarian structures dating from the early 20th century. They are constructed using common materials and common construction techniques. They do not display any unique design features. The buildings are crafted from factory made products and are not handcrafted. The buildings are not technically complex in their construction. None of the buildings and none of the landscape reflect the work of an architect or builder who is significant to the community with the exception of the wall which was constructed by members of the Elliott family. The barn was altered for residential purposes and its original use as a building on a working farm has been subsumed by alterations to accommodate the residential nature of the structure. These alterations have

- continued over the years. The outbuildings or sheds are no longer used for their original purposes and their original purpose as farm outbuildings is not known.
- c. There is a discrepancy between the number of outbuildings or sheds on the property. There are three sheds, not four. The one-storey rectangular building is the building that is adjacent to the main dwelling is actually the building described as the One-storey Rectangular Building with hipped roof and overhang eaves and large French doors with ornate diamond-shaped windows associated with the original design.;
 - d. The Town has failed to clearly establish the relationship of the built heritage resources to the cultural heritage value of the lands or to distinguish the relationship between each attribute and the heritage value they contribute to in the Statement of Significance; and
 - e. For these reasons, buildings and structures on the property are not heritage attributes and do not contribute to the heritage value of 588 Charlotte Street for the purpose of establishing that 588 Charlotte Street has cultural heritage value or interest as prescribed by Regulation 9/06. Only the wall, which defines the full extent of the Rand Estate as it once existed, contributes to the heritage value of 588 Charlotte Street.

Par XV – Conclusion

115. 200 John Street East meets all three of the Regulation 9/06 Criteria and should be designated under Part IV of the *OHA*.

116. Based on the analysis in my CHER, the Calvin Rand Summer House, Carriage House, Pool and Gazebo at the Whistle Stop are not Heritage Attributes.
117. It is my opinion that there are no additional documented Dunington-Grubb designed landscape features on the property.
118. 588 Charlotte Street meets two of the three Regulation 9/06 Criteria and should be designated under Part IV of the *OHA*.
119. Based on the analysis in my CHER, none of the structures or building on the property are Heritage Attributes with the exception of the wall and red brick pillars define the full extent of the Rand Estate before it was divided up.
120. In summary, it is my recommendation to the Ontario Land Tribunal that:
- a. The property known municipally as 200 John Street East has cultural heritage value and interest and should be designated under Part IV, section 29 of the *OHA*;
 - b. Further, it is my recommendation that the following constitute the appropriate heritage attributes to be identified in the Designating By-law:
 - i. The Tea House and Surrounding Plantings that constitute the surviving elements of the Dunington-Grubb landscape;
 - ii. The one storey rectangular Bath Pavilion;
 - iii. The concrete and cobblestone wall and red brick pillars located at the rear of the property and on John Street East; and
 - iv. The Concrete and Cobblestone Wall and the Entrance Pillars at the Whistle Stop.

- c. The property known municipally as 588 Charlotte Street has cultural heritage value and interest and should be designated under Part IV, section 29 of the *OHA*;
- d. Further, it is my recommendation that the following constitute the appropriate heritage attributes to be identified in the Designating By-law:
 - i. The concrete and stone wall located along the rear of the property; and
 - ii. The red brick pillars and concrete and stone wall located at the entrance on Charlotte Street.

DATED at Niagara-on-the-Lake, Ontario this 28th day of June, 2021.

A handwritten signature in cursive script that reads "Leah D. Wallace".

Leah D. Wallace, MA MCIP RPP

Appendix A

LEAH D. WALLACE, MA MCIP RPP

15 Brock Street, RR#3, NIAGARA-ON-THE-LAKE, ONTARIO L0S 1J0

CURRICULUM VITAE

PRESENT POSITION

Consulting Heritage Planner
Niagara-on-the-Lake

EDUCATION

University of British Columbia
Master of Arts, 1978

University of Guelph
Honours B.A., 1973

PROFESSIONAL MEMBERSHIPS

Ontario Professional Planners Institute (OPPI)
Canadian Institute of Planners (MCIP)

CAREER HISTORY

2016 – Present	Consulting Heritage Planner
2012 – 2016	Senior Planner, Town of Niagara-on-the-Lake
2000 – 2012	Heritage Planner, Town of Niagara-on-the-Lake
1994 – 2000	Contract Heritage Planner Hynde Paul Associates Incorporated, St. Catharines
1984 – 1994	Planning Consultant Robert J. Miller & Associates Ltd., Mississauga
1979 – 1984	Editor and Division Manager Longmans Canada, Toronto

APPOINTMENTS AND AWARDS

2017 - Present	Member, Board of Directors, Lower Grand River Land Trust, Cayuga Ontario (Ruthven Park)
----------------	---

2007 - 2014	Member, Niagara-on-the-Lake Citizens' War of 1812 Bicentennial Committee and the Niagara Region Bi-national Bicentennial Working Group
2006 – 2020	Faculty Member, Willowbank School of Restoration Arts, Queenston
2002 – 2004	Municipal Sector Focus Group on Changes to the Ontario Heritage Act, Provincial Consultations, Ministry of Culture
2002	Member, Bi-national Coordinating Committee, First Bi-national Doors Open, Niagara Region
2000 – Present	Chair, Ruthven Park Building Conservation Committee Lower Grand River Land Trust
1999	Heritage Community Program Recognition Award, Ontario Heritage Foundation
1997 – 2000	Member, Ruthven Park Building Conservation Committee Lower Grand River Land Trust, Cayuga
1997 – 2002	Member, Bay Area Artists for Women's Art Hamilton-Burlington
1989 – 2000	Member and Chair (1991–1997), Local Architectural Conservation Advisory Committee Town of Flamborough

PUBLICATIONS AND PRESENTATIONS

Presenter, Ontario Heritage Conference (Ottawa), Municipal Grant Programs and Bill C323, Ontario Heritage Trust Session, 2017

Article, *Up in Flames*, Ontario Planning Journal, January/February 2015

Field Session Manager, National Trust for Historic Preservation (Buffalo, New York National Conference), Mobile Workshop – Adaptive Re-use of Culturally Sensitive Properties, Canadian Experiences

CIDA Sponsored Walking Tour and Public Planning Session, Niagara-on-the-Lake for Visitors from Xi'an, China Studying the Reconstruction of an Ancient Urban Area

Article, *Heritage Conservation Districts*, Heritage Matters Journal, March 2010

Presenter, Heritage Planning in Niagara-on-the-Lake in association with the Ministry of Culture and the Regional Municipality of Niagara, Association of Municipal Clerks and Treasurers of Ontario Conference

Restoration Case Study: Ruthven Park National Historic Site – Course Presented to Students at the School of Restoration Arts, Willowbank

Presenter, Heritage Conservation Districts – The Good, the Bad & the Ugly Canadian Association of Professional Heritage Consultants Conference

Presenter, Protecting Special Places: Tax Relief Incentives for Heritage Properties, OPPI/OALA Conference – Power of Place

Presenter, Co-curator, The Sacred Sites Tour, Art Gallery of Hamilton, An Architectural Evaluation of the Sacred Sites, The Art Gallery of Hamilton, Lecture Series

The Sacred Site Project, Research Project Exploring the Contemporary and Historical Relationships between Artists and Faith Communities in Hamilton-Wentworth, Art Gallery of Hamilton

Presenter, ARCHINET, An Interactive Guide to Canadian Building Styles Paper presented at Continuity with Change, the 1997 Community Heritage Ontario Conference, Huronia

Presenter, Flamborough and Its Community Identity, Wentworth North Riding Association Town Hall Meeting

Presenter, Suitable Housing for Arts Groups: The Planning Process, The Art of Coming Together Conference, Hamilton Artists Inc.

PROJECTS

ARCHINET, An Interactive Guide to Canadian Building Styles

Architectural and Historical Appraisal of the National Fireproofing Company of Canada (Halton Ceramics Limited) Burlington, Ontario, Architectural Conservancy of Ontario and the Burlington Local Architectural Conservation Advisory Committee

Municipal Register of Properties of Cultural Heritage Value or Interest (inclusion of non-designated properties), Town of Niagara-on-the-Lake, Project Manager

Community Vision Statement, Town of Niagara-on-the-Lake, Project Manager

Queen-Picton Streets Heritage Conservation District Expansion Study and Draft of Revised District Plan, Town of Niagara-on-the-Lake

Dock Area Public Realm and Urban Design Master Plan, Project Manager

Official Plan Review; Community Engagement Sessions, Background Reports, Heritage Policies, Third Draft of Official Plan, Project Manager

Heritage Impact Assessment, Plan of Subdivision, 1382 Decew Road, City of Thorold

Heritage Impact Assessment, Hotel Expansion, 124 on Queen Hotel and Spa, Old Town, Town of Niagara-on-the-Lake

Heritage Permit and Minor Variance Application, 7 Queen Street (Exchange Brewery), Town of Niagara-on-the-Lake

Heritage Impact Assessment, Randwood Estate, Hotel Development, 144-176 John Street and Conservation Review Board Pre-hearing, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 200 John Street & 588 Charlotte Street, Proposed Plan of Subdivision and Conservation Review Board Pre-hearing and Hearing, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Report, 1317 York Road, Consent Application, St. Davids, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 240-246 Main Street East, Plan of Subdivision Application, Town of Grimsby

Heritage Impact Report, 705 Nashville Road, Proposed Demolition, (Kleinburg-Nashville Heritage Conservation District) City of Vaughan

Heritage Impact Assessment, 6320 Pine Grove Avenue, Severance Application, City of Niagara Falls

Built Heritage Assessment and Recommendations, 133 Main Street East (Nelles House), Town of Grimsby

Heritage Impact Assessment, 133 Main Street East, Application for Official Plan and Zoning By-law Amendments, Town of Grimsby - 2020

Heritage Impact Assessment, 95 Cline Mountain Road, Niagara Escarpment Commission Development Permit Application and Heritage Permit Application, Town of Grimsby

Peer Review of Cultural Heritage Impact Assessment, Proposed Development, Guelph Avenue, City of Cambridge

Heritage Designation Evaluation and Regulation 9/06 Review, 4105 Fly Road, Campden, Town of Lincoln

Heritage Impact Assessment, 4918 King Street, Beamsville, Town of Lincoln

Heritage Impact Assessment, Heritage Permit Application for Garage, 4918 King Street, Beamsville, Town of Lincoln

Cultural Heritage Assessment Report, 177 Byron Street, Town of Niagara-on-the-Lake

Heritage Impact Assessment Report, 3627 Campden Road, Town of Lincoln

Heritage Attribute Assessment, 1389 Progreton Road, Carlisle (Former Town of Flamborough), City of Hamilton

Heritage Impact Report, 17 Peel Street, City of St. Catharines (Port Dalhousie Heritage Conservation District)

Heritage Impact Assessment, 30 McLaughlin Road South, Brampton, Ontario

Conservation and Temporary Protection Plan, 9-11 Queen Street, Town of Niagara-on-the-Lake, Ontario

Heritage Impact Assessment, 262 Main Street West, Town of Grimsby, Ontario

Heritage Impact Assessment, 31 Queen Street South, Demolish and Construction of New Building, City of Mississauga (Streetsville)

Appendix B

Acknowledgement of Expert's Duty: Video Hearing

Case Number	Municipality
CRB1824 and CRB1825	Town of Niagara-on-the-Lake

1. My name is Leah Wallace (name)
I live at the Town of Niagara-on-the-Lake (municipality)
in the Regional Municipality of Niagara (county or region)
in the Province of Ontario (province)

2. I have been engaged by or on behalf of ..Solmar.(Niagara 2).Inc.....
(name of party/parties) to provide evidence in relation to the above-noted Review Board proceeding.

3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the Review Board may reasonably require, to determine a matter in issue.
 - d. not to seek or receive assistance or communication, other than technical support, from any third party, including but not limited to legal counsel or client, while giving oral evidence in chief, under cross-examination or while in reply.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date June 28, 2021



Signature