

**REPLY WITNESS STATEMENT OF MICHAEL MCCLELLAND**

**Case Nos. CRB 1824  
CRB 1825**

**CONSERVATION REVIEW BOARD**

**PROCEEDING 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  
Legal Description: Lot 145 RCP 692 Niagara Except Pt 1 to 9 30R8436  
Municipality: Town of Niagara-on-the-Lake  
CRB Case No. CRB 1824  
CRB Case Name: Two Sisters Resorts Corp. v. Niagara-on-the-Lake (Town)

**PROCEEDING 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: 588 Charlotte Street  
Legal Description: Lot 156 RCP 692 Niagara; Part Lot 145 RCP 692 Niagara Part 1 to 9, 30R8436; S/T RO718339, S/T RO413742, T/W RO413742 (PT 13,30R1792 Except Pt 5, 30R8436)  
Municipality: Town of Niagara-on-the-Lake  
CRB Case No. CRB 1825  
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## REPLY WITNESS STATEMENT OF MICHAEL MCCLELLAND

### 1. INTRODUCTION

- 1.1. I have prepared a Witness Statement as a heritage architect for this hearing on behalf of Save Our Rand Estate Association (“SORE”). I have reviewed the Witness Statements of Mr. David Waverman and Ms. Leah Wallace. My response to their Witness Statements is below, and the opinions expressed in my Witness Statement remain unchanged.

### 2. THE CULTURAL HERITAGE LANDSCAPE EVALUATION AND CULTURAL HERITAGE EVALUATION REPORTS

- 2.1. In paragraph 13 of his Witness Statement, Mr. Waverman states that he was retained in November 2020 to provide ‘cultural heritage landscape advice’.

- 2.2. In paragraph 15, Mr. Waverman states he prepared a Cultural Heritage Landscape Evaluation Report (“CHLER”) and:

“The purpose of the CHLER is to evaluate the cultural heritage landscape value of each of the properties in accordance with Ontario Regulation 9/06, *Criteria for Determining Cultural Heritage Value of Interest* (“Regulation 9/06”) made under the Ontario Heritage Act, (the “OHA”) and identify the heritage attributes on each property”.

- 2.3. In paragraph 18, Mr. Waverman states:

“Stantec’s work in relation to this proceeding does not include a re-evaluation to built heritage features on the property, as they were evaluated by Ms. Leah Wallace in the course of conducting a CHER and Heritage Impact Assessments”.

- 2.4. In paragraph 10 and 11 of her Witness Statement, Ms. Wallace states that she was retained in August 2018 to provide ‘heritage planning advice’ related to the proposed designations, with an earlier retainer as a ‘land use and heritage planner’, to provide a Heritage Impact Assessment (“HIA”) for the proposed development of the properties.

- 2.5. In paragraph 10 Ms. Wallace states:

“I have prepared a Cultural Heritage Evaluation Report (CHER). The purpose of the CHER is to evaluate the cultural heritage value of each of the Subject

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

- 2.6. Ms. Wallace's HIA was finalized and submitted on September 7<sup>th</sup> 2020, two months prior to Mr. Waverman's retainer. Ms. Wallace's HIA was revised and re-submitted on June 28<sup>th</sup>, 2021 as a Cultural Heritage Evaluation Report ("CHER"). However, Mr. Waverman's report is not mentioned in either Ms. Wallace's 2021 CHER, or in her Witness Statement as a document 'reviewed and relied on'.
- 2.7. Essential to the work of the Dunington-Grubbs was the belief that landscape design and architecture are sister art forms that are "in reality interdependent, both being essential to form a complete home," and that "the garden should never be regarded as a separate unit to be added later or not".<sup>1</sup> The Witness Statements and Reports of Ms. Wallace and Mr. Waverman are separate units. This divorcing of two disciplines, where their collaboration is needed, makes it exceedingly difficult to assert that assessment of the cultural heritage value of the properties was as comprehensive or thorough as is required under Ontario Regulation 9/06. The built heritage resource assessment was undertaken prior to the landscape expertise being brought on, and the heritage landscape assessment was undertaken after all the decisions had been made.

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<sup>1</sup> Dunington-Grubb, L.A. 1932. "Is Gardening a Luxury?" *Canadian Homes and Gardens*, December: p. 14 & 42.