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Date: May 15, 2020

To: Mayor and Council

Author: Sandra Kitchen, Deputy Clerk-Council Services

RE: 183 Main St. East, Kingsville—Notice of Objection of Brotto Investments Inc. filed pursuant to s.29(5) of the Ontario Heritage Act

Report No.: CS-2020-13

AIM

To update Council regarding its stated intention to designate the property at 183 Main St. East, Kingsville.

BACKGROUND

As Council will recall, at its Regular Meeting held March 9, 2020 (after consultation with the Kingsville Municipal Heritage Advisory Committee, and as per the requirements of the *Ontario Heritage Act*, herein the “Act”), Notice of Intention to Designate the property municipally known as 183 Main St. East was authorized via Council Motion 198-2020. For reference, an excerpt of the Minutes of that Meeting is attached as Appendix “A”.

Subsequently, the Notice of Intention to Designate (the “Notice”) was prepared and served on the property owners and upon Ontario Heritage Trust according to the provisions of Part IV, Section 29 of the Act. A copy of the Notice is attached as Appendix “B”.

The Notice was published in The Kingsville Reporter, a newspaper having general circulation in the municipality, on April 7, 2020. Objections to designation were required to be served on the Clerk within thirty (30) days after publication.

DISCUSSION

On April 29, 2020 a Notice of Objection was served upon the Clerk by Ms. Analee J. M. Baroudi via email. A hard copy of the Notice of Objection was also received by the Clerk on May 1, 2020 (Appendix “C”). Ms. Baroudi filed the Objection on behalf of Brotto Investments Inc. (the “Objector”), both on the Objector’s own behalf and acting as agent for Donna and Will Krahn, the owners of the property. The Notice of Objection was duly

filed within the thirty-day period, and no further objections were received by any other person or party.

Because an Objection has been filed within the thirty-day period, Council must refer the the objection to the Conservation Review Board (CRB) for a hearing. The Act mandates this tribunal to conduct hearings and make recommendations to Council regarding objections to proposals to designate, as well as other Council decisions under Part IV of the Act. Following the hearing, the CRB writes a report to Council with its recommendation on whether or not the property should be designated. Council is not bound to follow the recommendation of the CRB. After considering the CRB recommendation, Council may decide to go ahead with the designation, or withdraw its intention to designate. A Flowchart summarizing the steps of Designation by Municipal By-law under Section 29 of the Act is attached as Appendix "D".¹

LINK TO STRATEGIC PLAN

None.

FINANCIAL CONSIDERATIONS

If the Town obtains a solicitor to represent the Town at the hearing, there will be costs for such representation. Presently, the Board is conducting hearings by teleconference, so there will be no associated travel expenses.

CONSULTATIONS

Director of Corporate Services J. Astrologo

RECOMMENDATION

That Council directs Administration to refer the Notice of Objection of Brotto Investments Inc., filed pursuant to s.29(5) of the *Ontario Heritage Act*, to the Conservation Review Board for a hearing.

Sandra Kitchen

Sandra Kitchen, Deputy Clerk-Council Services

Jennifer Astrologo

Jennifer Astrologo, B.H.K (hons.) LL.B.
Director of Corporate Services/Clerk

¹ Ontario, Ministry of Culture, "Designating Heritage Properties", Ontario Heritage Tool Kit (Ontario: Queen's Printer for Ontario 2006) at 34.

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