



April 29, 2020

Delivered via email and courier to: jastrologo@kingsville.ca

Jennifer Astrologo, Clerk
Town of Kingsville
2021 Division Road North
Kingsville, ON N9Y 2Y9

Dear

**RE: 183 Main Street East, Kingsville;
Notice of Objection to Conservation Review Board under the *Ontario Heritage Act***

This Notice of Objection relates to a Notice of Intent to Designate property known municipally as 183 Main Street East, Kingsville, Ontario (“the Subject Property”) dated April 1, 2020. This Notice is being filed pursuant to s.29(5) of the *Ontario Heritage Act*.

I am the Lawyer for Brotto Investments Inc. (“the Objector”). The Objector hereby files this Objection both on its own behalf and acting as agent for Donna and Will Krahn, the owners of property (“the Owners”).

Please accept this letter as a Notice of Objection to the Notice of Intent to Designate the Subject Property as a property of cultural heritage value or interest.

The reasons for the Objection and the relevant facts are as follows:

Context

1. The Objector is the Purchaser in an Agreement of Purchase and Sale of the Subject Property and therefore has a direct interest in this matter.

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2. The Objector and the Owners have openly and publicly opposed the designation of the Subject Property.
3. The Subject Property is currently occupied by a vacant single detached dwelling. The Objector has applied to the Municipality for a Zoning By-law Amendment to permit development of two four storey, 20 unit residential apartment buildings and surface parking. A decision has not yet been rendered on the application for Zoning By-law Amendment.
3. The Owners have appointed the Objector as their agent to deal with all matters relating to opposing designation of the Subject Property and requesting demolition of the vacant single detached dwelling located on the Subject Property.
4. The evaluation of the Subject Property carried out by the Kingsville Municipal Heritage Committee (“the Evaluation”) was not completed using Regulation 9/06 of the *Ontario Heritage Act*, thereby rendering the Notice of Intent to Designate invalid and premature.
5. The Evaluation is speculative. It is based on incomplete information and irrelevant information.
6. The Subject Property does not meet the prescribed criteria for designation as set out in Regulation 9/06 or elsewhere in the *Ontario Heritage Act*.
7. The Statement of Cultural Value or Interest and the Evaluation overly focus on Bon Jaspersen, an individual whose achievements relate to a neighbouring designated property at 171 Main Street East, not the Subject Property.
8. The Statement of Cultural Value or Interest contains errors in property addresses.

9. The achievements of Esther (Jasperson) and Thomas Campbell, residents of 183 Main Street, should not be considered outstanding. These individuals were not significant to the community to the degree intended by the prescribed regulation to meet the test for designation.
10. The Statement of Cultural Heritage Value or Interest refers to Gertrude Jasperson and Frederick Kent Jasperson. These individuals appear to have had no connection to the Subject Property.
11. The dwelling is not a “Neo-Georgian style”, as claimed in the Notice of Intent to Designate.
12. There is no solid evidence to support the finding in the Evaluation that this is a true Aladdin kit home. A full review of the structure, interior and exterior, was not completed.
13. The conclusion that this is a true kit house cannot be made based solely on its exterior appearance. A review of the interior would be required in order to reach that conclusion. Based on a preliminary review by the Owners, there is no evidence of such things as stamped lumber or logos on fixtures that would indicate this is a true kit house.
14. The list of heritage attributes is overly broad and is not supported by evidence. There is no basis for concluding that the heritage attributes are original to the structure.
15. There is no evidence or justification for concluding that the structure at 183 Main Street East is a stately building which has “landmark” status in the Town of Kingsville.
16. The Municipality is pursuing designation of the Subject Property for political reasons, rather than as a result of a thorough and proper evaluation in accordance with the prescribed criteria. Neighbouring owners have placed significant pressure on Municipal Council to designate this property in a veiled attempt to stop the Objector’s proposed development for reasons unrelated to legitimate heritage concerns.

17. The Objector reserves the right to expand on these reasons or provide further reasons in the event the Objector carries out its own full architectural review of the property as well as a proper review in accordance with Regulation 9/06.

18. The Objector, as agent for the Owners, has submitted a request to demolish the single detached dwelling on the Subject Property. Should the demolition request ultimately be appealed to the Local Planning Appeal Tribunal, a consolidated hearing with this Objection will be requested.

In light of the foregoing, my Client objects to the designation of the Subject Property as a property of cultural heritage value or interest and requests a hearing before the Conservation Review Board pursuant to subsection 29(7)-(8) of the *Ontario Heritage Act*.

A hard copy of this Notice of Objection will be delivered via overnight courier.

Yours Truly,

BAROUDI LAW

A handwritten signature in cursive script, reading "Analee Baroudi".

Analee J.M. Baroudi