

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.3 PUBLIC PARTICIPATION MEETING – 2096 Wonderland Road North – Request for Demolition

- Laverne Kirkness, Kirkness Planning Consultants, on behalf of the applicant – indicating that Invest Group is a small land development company out of Mississauga; noting that they have not developed anything in London, this is their first go at it; hoping that it will not be their last but they are a little bit frustrated at this point; asking the Planning and Environment Committee to please defer the matter of moving towards designation until their full zoning application is considered; advising that they submitted the zoning application with all the supporting materials; in order to make sure the heritage issue was brought forward, they also put in an application that says on it “Required clearances for demolition permit” and that was only to operate on the principle of full disclosure, that they wanted the demolition issue discussed as part of all of the merits of a zoning application; indicating that it turns out that that got him on a track, a sixty day track that brought him here; noting that they do not want to be here, they think it is premature; advising that the other application is an application to permit, to construct or to demolish; pointing out that there are two different applications and the clearance one is one that they put in trying to operate on the principle of full disclosure; reiterating that that got them on the sixty day track to get them here today that forces the Planning and Environment Committee to make a decision about demolition and moving to designate; stating that he does not know if the Planning and Environment Committee can get out of the sixty day thing; if you consider that they did make an application, even the Planning report says they made an application; believing that, apparently, these two application forms are really one; finding it very confusing; Invest Group is, of course, out of town and they hired him because they figured he knew what he was doing and he has to submit that maybe he did not know what he was doing because he thought they were two separate application forms; indicating that he never would have put in the clearance application form had he known that they would be on this sixty day track; the second problem is that he tried to withdraw the application and the legal advice is that there is no provisions in the *Ontario Heritage Act* for one to withdraw an application; realizing that there is probably a lot of enabling legislation that he is not familiar with that comes from the Province but he does not know of any that sets out requirements to withdraw an application, you just do it, you put an application in and if you do not like it or if it is not going the way you think it should be or if it is the wrong approach, you just withdraw it but he cannot withdraw it, he is committed to this sixty day process to force a decision, to make the Planning and Environment Committee forced into a decision that is premature in their view; if nothing happens out of what he is saying other than getting these applications more clearly defined for the public would really be of help to make it clear; as on the zoning application, it has a couple of pages of introduction and guidance before you get to the content of the form; thinking that these two should have some explanation as they are really one application form and the clearance form is the demolition permit application form, it is not another one that says it is; explaining that is why they are here and they are sad to be here because the system seems to be forcing a decision that is premature because they have not considered everything, that is all the merits of what a rezoning application does; the other point is, why they cannot withdraw the application if they want to, it seems like a denial of natural justice not to be able to do that; advising that Invest Group has taken Mr. K. Gonyou, Heritage Planner’s, advice and the London Advisory Committee on Heritage’s advice very seriously, they have taken back their application for rezoning, the proposed eighteen townhouse units and the demolition, they have taken it back, they are trying to consider an approach where they could keep the heritage farmhouse; asking the Planning and Environment Committee to defer the consideration of heritage designation until they come back with their full application which may very well have the inclusion of the preservation of the farmhouse; indicating that they are at early stages but they are showing very good intent and that is why they asked for the deferral. *(Councillor Turner providing a quick context as to why the demolition application is requested in advance of an application in general; early in their term they had encountered similar circumstances and it became very challenging to concurrently hear a development application and a demolition application or consideration for designation all at the same time; they wanted those treated as separate entities and staff, on their request, have separated those processes so that it is brought forward; perhaps staff might be able to elaborate on that as well.);* Mr. J.M. Fleming, Managing Director, Planning and City Planner, pointing out that there is another piece to that as well, there is

the sixty day time limit that the municipality has when a demolition application is submitted and the clock starts ticking and they are told by their own review of the legislation but also Legals' perspective that there is not an ability to stop that clock by an applicant asking for it to be deferred or any kind of mechanism along those lines so he thinks they were looking for ways to help Mr. L. Kirkness out but at this point they think the clock has begun and Council either has to make a decision whether they want to go forward with designation or not go forward with that at this time.

- *(Councillor T. Park recognizing that they are in the middle of a public participation meeting but thinking it is important to get this question answered before they hear from other people; recognizing the information that they have heard from Mr. Kirkness and Mr. J.M. Fleming, Managing Director, Planning and City Planner, she is really confused about the recommendation that they have before them, it talks about designating but no contemplation about whether to approve or deny a demolition request so if she could hear a bit more about that, it might put some more minds at ease.);* Mr. K. Gonyou, Heritage Planner, responding that the purpose of the notice of intent to designate is to prohibit the demolition of the building on the property; *(Councillor Turner asking for a bit of an expansion on that, asking Mr. G. Barrett, Manager, Long Range Planning and Research, to explain from the conversation had at pre-PEC on Friday morning.);* Mr. G. Barrett, Manager, Long Range Planning and Research, responding that what the Planning and Environment Committee has in front of them is an application to demolish and in the consideration of that application, as a listed property, the time that the Committee has in order to make a decision is to allow the Committee to determine whether or not the property is worthy of designation; the recommendation that the Committee has in front of them this evening is that the property has been recommended to you by staff as being worthy of designation; the effect that that has, as Councillor Turner said, is that then means that the demolition application does not go forward; the demolition triggers the review, the review said this property is worthy of designation, the next step is to issue a Notice of Intent to Designate and then that has the effect of stopping the demolition; Mr. J.M. Fleming, Managing Director, Planning and City Planner, indicating that if you do not move forward with designation, then the demolition will move forward; Mr. G. Barrett, Manager, Long Range Planning and Research, building on that, that is what Mr. L. Kirkness was alluding to, under the *Act*, if Council fails to make a decision on the demolition within a certain period of time that you are deemed to have consented to the demolition and that is why it has this confusing overlap of processes.
- *(Councillor M. van Holst following the same line of questioning; the sixty day period starts when and ends when.);* Mr. G. Barrett, Manager, Long Range Planning and Research, responding that the sixty day period starts on the receipt of the application together with the information as you may require so it was the date that they received it, so it was the date that they received that information from Mr. Kirkness that included his Heritage Impact Statement so all of the information that Mr. K. Gonyou, Heritage Planner, referred to and relied upon in his initial review and subsequent follow-up was all provided by the applicant, so essentially a complete application was made, all the information that they would need in order to make a decision was provided and that is what started the clock; *(Councillor M. van Holst indicating that he was looking for the last date at which they can make a decision, does a decision have to be made tonight or could it be made a cycle or two from now; he wanted to know that.);* Mr. K. Gonyou, Heritage Planner, responding that the demolition request was received on April 18, 2018 and the sixty day time period expires on June 17, 2018; it is his understanding that the Planning and Environment Committee's report will be received on June 12, 2018 which would comply with the sixty day timeline but not enable the deferral.
- *(Councillor A. Hopkins asking for staff's comment on the opportunity not to be able to withdraw the application, is that because the time has started; asking if staff could further comment to the applicants comments on not being able to withdraw.);* Ms. A. Anderson, Solicitor II, responding that there was a reference to a legal opinion and it is just the function of the way the *Act* works, there are other provisions in the *Act* that set out a process for withdrawing something, for example in section 29, subsection 15, it speaks to withdrawing an objection, you serve notice on the Clerk and the Register and that forms the opinion that, because there is no mechanism to withdraw this time of request and accommodation with the deeming to have permitted the demolition, the advice that they have provided is that it cannot be withdrawn once it has gone and been submitted; otherwise, the sixty days will come and go and there is nothing in the *Act* that could be a fall-back for somehow reopening that process; there is nothing that prohibits the applicant

from reapplying once they have more information or are further down a path of a development concept; that is the advice that was provided.

- *(Councillor J. Helmer pointing out that we are still in the middle of the public participation meeting and they have gotten off a bit.)*
- *(Councillor S. Turner indicating that he is allowing it as questions of a technical nature.)*
- Jennifer Grainger, President, Architectural Conservancy of Ontario (ACO), London Branch – relating to the letter that she sent, ACO is obviously not in favour of demolishing the building, it seems to still be in fairly good condition, it has not been terribly neglected; indicating that it is a beautiful example of a Georgian style farmhouse and it is of some historical importance, the Warner family having settled on the farm in 1819 and presumably they built this house in approximately 1853; expressing that they would be absolutely delighted to hear at ACO that Invest Group could find a way to not demolish it after all and to simply incorporate it into their development and hopefully the house itself could be sold to some family who could continue to use it as a home; indicating that what Mr. L. Kirkness was saying is music to their ears and that is exactly what they would hope for.
- Janet Hunten, 253 Huron Street – expressing support for the value of the house and its situation of being surrounded by suburbs so it is a reminder of the agricultural past of that area.