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G. Barrett:

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD CITY OF LONDON BY-LAW: L.S.P. 3431-177 BLACKFRIARS /PETERSVILLE HERITAGE CONSERVATION STUDY AREA MEETING ON TUESDAY, AUGUST 20, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, dated July 5, 2013 and submitted by Patton Cormier & Associates on behalf of JLC Homes Ltd. relating to By-Law L.S.P. 3471-177 as it relates to 186 Wharncliffe Road North, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it, and that the City Solicitor shall represent Council’s interests in these matters and may retain outside expert witnesses in support of Council’s position.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

May 08, 2013: Report to the London Advisory Committee on Heritage: ***Blackfriars / Petersville Heritage Conservation District.***

May 14, 2013: Report to Special Meeting of the Planning and Environment Committee: ***Blackfriars / Petersville Heritage Conservation District.***

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action would direct the City Solicitor to represent Council’s interest in this matter before the Ontario Municipal Board.

BACKGROUND

Arising from Council meetings on April 30 and May 14, 2013 in response to redevelopment applications in the Blackfriars / Petersville areas, Municipal Council approved By-Law L.S.P. 3431-177 to provide time to study the area for a potential heritage conservation district under Section 40 of the Ontario Heritage Act. The nature of this by-law is to restrict changes to the exteriors of all properties listed in Schedule B of the by-law pending the assessment of the study area by outside consultants to determine if the area meets the Municipal and Provincial criteria to designate the area as a heritage conservation district. By-Law L.S.P. 3431-177 is to be in effect until June 6, 2014.

On July 5, 2013 within the appeal period, a letter was received by Clerks from Patton Cormier & Associates advising that they were issuing notice of appeal to By-Law L.S.P.3431-177 on behalf of JLC Homes (Jon Leahy), owner of the property at the municipal address of 186 Wharncliffe Road.(Appendix 1)

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On July12, 2013, Clerks received a letter from P. Lombardi, Siskinds, advising that the firm had been retained by the Blackfriars Residents Group with respect to the heritage conservation study for Blackfriars / Petersville Neighbourhood and would be seeking party status to any OMB hearing, requesting a copy of the appeal and any documentation filed in support of the appeal.(Appendix 2)

In a letter dated July 18, 2013 and received by Clerks on July 22, 2013, the Ontario Municipal Board acknowledged receipt of the appeal by JLC Homes Ltd. (John Leahy) and assigned a case/file number MM130060. At the date of the preparation of this report, no date had been scheduled.

Update on 13 Blackfriars Street

At its meeting on July 23, 2013, members of the Planning and Environment Committee were advised of a property at 13 Blackfriars Street, within the proposed study area for the Blackfriars / Petersville neighbourhood, that had been damaged by fire in 2011. Its owner, B. Storonianski, was denied delegation status at a future Planning and Environment Committee meeting but the committee noted *“that staff will work with the applicant to try to resolve this matter.”* Staff have met with the owner on two occasions and have requested further information with respect to the extent of the damage.


PREPARED BY:	SUBMITTED BY:
D. MENARD HERITAGE PLANNER POLICY PLANNING AND PROGRAMS	GREGG BARRETT, AICP MANAGER, POLICY PLANNING AND PROGRAMS
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

August 9, 2013
DM/
Attach: Appendix 1- Notice of Appeal; Appendix 2- Siskinds’ Letter; Appendix 3- Location Map - 186 Wharncliffe Road North.
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Appendix 1: Notice of Appeal -186 Wharncliffe Road North

<p>PATTON CORMIER & ASSOCIATES LAWYERS</p>	
<p>Alan R. Patton, B.A., LL.B. Elizabeth K. Cormier, B.A., LL.B. Analee J.M. Ferreira, B.A., LL.B.</p>	<p>RECEIVED JUL 5 - 2013</p>
<p>July 5, 2013 via courier</p>	
<p>THE CORPORATION OF THE CITY OF LONDON City Hall - 3rd Floor 300 Dufferin Avenue London, ON N6A 4L9</p>	
<p>Attention: CLERK</p>	
<p>Dear Sir/Madam:</p>	
<p>Re: Notice of Appeal By-law No. L.S.P. - 3431-177 Blackfriars/Petersville Heritage Conservation Study Area <u>Part V, Ontario Heritage Act</u></p>	
<p>We are the lawyers for Appellants who object to By-law No.L.S.P.-3431-177. The name of the Appellant and their addresses are attached hereto as Schedule A to this Notice of Appeal.</p>	
<p>The objections to the By-law and the reasons in support of the objection are:</p>	
<ol style="list-style-type: none"> 1. The one-year restriction on any alterations, erections, demolitions or removals of buildings or structures within the study area is neither necessary nor justified in the circumstances related to our client's property; 2. No exemptions to the Study Area were considered at the time the By-law was implemented; 3. Such further and other reasons as Counsel and the Appellants advise. 	
<p>Enclosed herewith is the Appellant's cheque payable to the Minister of Finance the amount of \$125.00 representing the prescribed appeal fee.</p>	
<p>Yours truly PATTON CORMIER & ASSOCIATES per:</p>	
<p> Alan R. Patton apatton@pattoncormier.ca ARP/dr Encl.</p>	
<p>cc: Jon Leahy, JLC Homes Ltd.</p>	
<p>1512-140 Fullarton Street, London, ON N6A 5P2 tel: 519.432.8282 fax: 519.432.7285</p>	

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Appendix 2- Letter from Siskinds

680 Waterloo Street, London, ON N6A 3V8

SISKINDS

THE LAW FIRM

FILE NO. 840643/pll/pll

Delivered by Email jnetherc@london.ca

July 12, 2013

Jana Nethercott

City Manager's Department / City Clerk's Office

Document Services Representative

City Hall

300 Dufferin Avenue

P O Box 5035

London, Ontario N6A 4L9

Dear Ms. Nethercott:

Re: Heritage Conservation Study Blackfriars/Petersville Neighbourhood pursuant to section 40.1 of the *Ontario Heritage Act* for the purposes of designating one or more heritage conservation districts under section 40 of the *Ontario Heritage Act* ("Heritage Conservation Study")


We have been retained to represent the Blackfriars Residents' group with respect to the above noted matter. Our clients are residents and property owners in the area affected by the By-law and have a direct interest in the Heritage Conservation Study.

It is our understanding that an appeal of the by-law to designate a heritage conservation study area for the Blackfriars/Petersville neighbourhood has been filed with the City. As our clients will be seeking party status to any Ontario Municipal Board ("Board") hearing we are requesting a copy of the appeal and any documentation filed in support of the appeal.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Siskinds LLP

Per: 

Paula Lombardi

DIRECT TELEPHONE (519) 660-7878

FACSIMILE (519) 660-7879

HEAD OFFICE TELEPHONE (519) 672-2121

FACSIMILE (519) 672-6065

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Appendix 3- Location Map – 186 Wharncliffe Road North

