

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** October 24, 2023

**CASE NO(S):** OLT-23-000729

**PROCEEDING COMMENCED UNDER** subsection 34.1(1) of the *Ontario Heritage Act, R.S.O. 1990, c. O.18.* as amended

**Applicant/Appellant:** Southbridge Health Care GP Inc., CVH (NO. 6) GP INC., CVH (NO. 6) LP  
**Subject:** Refusal of application to demolish a building or structure  
**Description:** Applied for Heritage Permit to demolish the buildings and structures to construct a new 192-bed long term care home.  
**Reference Number:** 2023-12  
**Property Address:** 65 Ward Street, 36-38 Hope Street & 20 Hope Street  
**Municipality/UT:** Port Hope/Northumberland  
**OLT Case No:** OLT-23-000729  
**OLT Lead Case No:** OLT-23-000729  
**OLT Case Name:** Southbridge Health Care GP Inc., CVH (NO. 6) GP INC., CVH (NO. 6) LP v. Port Hope (Municipality)

**Heard:** October 13, 2023 via Video Hearing

**APPEARANCES:**

**Parties**

Southbridge Health Care GP Inc. (amalgamated with CVH (No. 6) GP Inc.) and CVH (No. 6) LP

Municipality of Port Hope

**Counsel**

David Tang  
Thomas Sanderson

Jennifer Savini

**MEMORANDUM OF ORAL DECISION DELIVERED ON BY S. deBOER AND D. COLBOURNE ON OCTOBER 13, 2023, AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This Decision arises from the first Case Management Conference (“CMC”) held in preparation for a hearing of the merits of the Appeal by Southbridge Health Care GP Inc. (amalgamated with CVH (No. 6) GP Inc.) and CVH (No. 6) LP (“Appellant”) pursuant to s. 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (“Act”), against the Municipality of Port Hope’s (“Municipality”) decision to deny the Demolition Permit for the properties municipally known as 65 Ward Street, 36-38 Hope Street and 20 Hope Street (“Subject Properties”).

[2] The purpose of this CMC is twofold. First, to approve the Parties and Participants that are to be involved in the merits hearing, secondly, to authorize a Procedural Order (“PO”) and Issues List (“IL”) that is to be used to govern the merits hearing.

**BACKGROUND**

[3] The purpose of the Heritage Permit was to allow the demolition of the buildings and structures on the Subject Properties in order to construct a new 192-bed long term care home.

[4] The history of the permit application process dates back to 2018 and includes *inter alia* a decision in 2019 on the heritage designation by the Tribunal previously known as the Conservation Review Board.

[5] In February 2022, the Municipality approved the issuance of a permit for the demolition of the Subject Properties subject to conditions. In December 2022, the Municipality started the process to repeal the Demolition Permit due to the municipality not approving the Zoning By-law Amendment needed as a condition of the Development Agreement.

[6] On June 3, 2023, the Appellant made another Permit Application based on the revised development that was submitted to the Municipality. On June 9, 2023, the Ministry of Municipal Affairs and Housing (“Ministry”) issued a Ministerial Zoning Order (“MZO”) in respect to the Subject Properties to allow for the 2023 Revised Development.

[7] On June 29, 2023, Port Hope Council denied the 2023 Permit Application. The Appellant appealed the decision of Council to the Tribunal.

### **PARTY REQUESTS**

[8] The Tribunal did not receive any further requests for Party status at the CMC.

### **PARTICIPANT REQUESTS**

[9] The Tribunal had received three Participant requests before the CMC. The Tribunal approved the following to be Participants for the Merits Hearing:

- a) Anthony Jenkins
- b) Jenny Munro
- c) Bruce Bowden on behalf of the Architectural Conservancy of Ontario.

[10] There were no objections by the Parties to the Participant requests, as such, the Tribunal granted participant status to these individuals. However, in the case of Mr. Bowden, he is to provide to the Parties and the Tribunal authorization of his representation of the ACO concerning this matter.

[11] The Appellant requested that once the PO and IL is finalized, that the Participant’s statements be focused on the issues that were approved and before the Tribunal for the Hearing of the Merits.

[12] The Tribunal ruled that once the IL is approved, that the Participant Statements would be focused on the approved issues and any scoping of outside of the issues would not be taken into account when considering the Participant Statements.

### **MOTION REQUEST**

[13] The Tribunal was notified prior to the CMC that the Appellant may be filing a Motion concerning the previously approved demolition permit. The Appellant made a request to have a Motion heard as soon as possible understanding the need to notice to the Party and Participants concerning the Motion.

### **PROCEDURAL ORDER AND ISSUES LIST**

[14] A draft PO and IL were received by the Tribunal prior to the commencement of the CMC. The Parties agreed that the issues may become clearer once a decision is rendered on the Motion.

### **OPPORTUNITIES FOR RESOLUTION**

[15] The Parties confirmed that they had received correspondence notifying them that Tribunal-led Mediation is available if this would be agreeable to the Parties. Both Parties stated that tribunal-led mediation was not contemplated at this time.

### **SCHEDULING OF HEARINGS**

[16] The Tribunal has scheduled a hearing for the Motion to occur by video on **Thursday November 23, 2023, at 10 a.m.** The purpose on this hearing event is to hear the Appellant's Motion concerning the aforementioned Demolition Permit.

[17] The Tribunal has scheduled a second CMC to occur by video on **Tuesday January 23, 2024, at 10 a.m.** The purpose of this CMC is to approve a draft PO and IL, which will be used to govern the Merits Hearing for this matter. It is the request of the

Tribunal that an agreed upon PO and IL be submitted to the Tribunal for review no later than **Friday, January 19, 2024**.

[18] The Tribunal has scheduled a hearing of the merits to occur by video beginning on **Wednesday March 6, 2024**, at **10 a.m.** for a period of three days.

[19] Parties and Participants are asked to log into the video hearing at least 15 minutes before the start of the event to test their video and audio connections.

[20] The hearings are scheduled to proceed by video as follows:

**Thursday November 23, 2023 at 10 a.m.**

GoTo Meeting: <https://meet.goto.com/680885805>

Access code: 680-885-805

Audio-only telephone line: (Toll Free) 1-888-299-1889 or +1 (647) 497-9373

**Tuesday January 23, 2024 at 10 a.m.**

GoTo Meeting: <https://global.gotomeeting.com/join/979388733>

Access code: 979-388-733

Audio-only line: (Toll Free) 1-888-299-1889 or +1 (647) 497-9373

**Wednesday March 6, 2024 at 10 a.m.**

GoTo Meeting: <https://global.gotomeeting.com/join/687587165>

Access code: 687-587-165

Audio-only line: (Toll Free) 1-888-299-1889 or +1 (647) 497-9373

[21] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[22] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html) or a web application is available:

<https://app.gotomeeting.com/home.html>

[23] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line.

[24] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

## **ORDER**

[25] **THE TRIBUNAL ORDERS** that a Hearing for the Motion is to commence on **Thursday November 23, 2023, at 10 a.m.**

[26] **THE TRIBUNAL ORDERS** that a second Case Management Conference will commence on **Tuesday January 23, 2024, at 10 a.m.** for the purpose of finalizing the Procedural Order and the Issues List that will be used to govern the Hearing of the Merits.

[27] **THE TRIBUNAL ORDERS** that a Hearing of the Merits is to commence on **Wednesday March 6, 2024, at 10 a.m.** for a period of three days.

[28] No further Notice is necessary.

[29] The Panel is not seized.

*“S. DeBoer”*

S. DEBOER  
MEMBER

*“D. Colbourne”*

D. COLBOURNE  
VICE CHAIR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.