

Divisional Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

B E T W E E N:

SAVE HERITAGE SANDBANKS HOMES INC.

Applicant

- and -

**MINISTRY OF ENVIRONMENT, CONSERVATION AND PARKS
AND MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE
INDUSTRIES**

Respondents

**AFFIDAVIT OF LIZ DRIVER
(Affirmed September 9, 2021)**

I, Liz Driver, a resident of the City of Toronto in the Province of Ontario, AFFIRM:

1. I am the President of Save Heritage Sandbanks Homes Inc. (“SHSH”) and a member of the Prince Edward Heritage Advisory Committee (“PEHAC”), and, as such, I have knowledge of the matters to which I depose, except information provided to me by third parties, which information I believe to be true.
2. Attached and marked as **Exhibit “A”** is a copy of the Certificate of Incorporation of SHSH, No. 002865150, dated September 7, 2021.
3. Attached and marked as **Exhibit “B”** are screen shots of the SHSH website home page launched on July 4, 2021, stating SHSH’s mission “To save and repurpose the Hyatt and Macdonald Houses to enrich the visitor experience at Sandbanks Provincial Park and to preserve and promote the County’s cultural heritage” and its goals to bring people

together – Ontario Parks, the Municipality and the community – to find an alternative to demolition and to work collaboratively with Sandbanks Provincial Park to identify partners to support the adaptive re-use of the Hyatt and MacDonald Houses.

4. Attached and marked as **Exhibit “C”** is the May 28, 2021 announcement by Ontario Parks of a new program and associated investment that provides an alternative to demolition of the Hyatt and MacDonald Houses at Sandbanks Provincial Park and which inspired the formation of SHSH.

5. Attached and marked as **Exhibit “D”** is SHSH’s Survey Results Report of August 22, 2021 presenting the public opinion about the future of the houses – should they be saved and repurposed or demolished?

6. Attached and marked as **Exhibit “E”** are the Standards and Guidelines for Conservation of Heritage Properties (the “Provincial Standards and Guidelines”).

7. Attached and marked as **Exhibit “F”** are the only MHSTCI “observations and recommendations to help support fulfillment of [MECP’s] obligations under the S&Gs” [i.e., Provincial Standards and Guidelines] provided to MECP, not before the posting to the Environmental Registry of Ontario (“ERO”) process to amend the Sandbanks Provincial Management Plan to allow demolition of the houses on December 6, 2019, but on the very last day of the public comment period, in the form of two letters dated January 20, 2020, which, among other things, list the only documents reviewed by MHSTCI and its findings of those documents at that time.

8. Attached and marked as **Exhibit “G”** is a copy of the MHSTCI’s reply to PEHAC Chair Ken Dewar, February 6, 2020, declining to review or consider cultural heritage comments submitted through the ERO and henceforth leaving compliance with the

Provincial Standards and Guidelines solely within the purview of the Ministry of the Environment, Conservation and Parks (“MECP”).

9. Attached and marked as **Exhibit “H”** is a copy of the MHSTCI’s reply to heritage architect Edwin Rowse, February 6, 2020, similarly declining to review or consider his expert cultural heritage comments submitted through the ERO and henceforth leaving compliance with the Provincial Standards and Guidelines solely within the purview of the MECP.

10. Attached and marked as **Exhibit “I”** is a copy of heritage architect Philip Evans’ initial offer to Ontario Parks, October 7, 2020, seeking a pause in demolition to allow him access for due diligence.

11. Attached and marked as **Exhibit “J”** is a copy of heritage architect Philip Evans’ slide deck presentation to Ontario Parks, October 29, 2020.

12. Attached and marked as **Exhibit “K”** is a copy of the finalized Heritage Impact Assessment for the Hyatt House, October 30, 2020, without reference to Philip Evans’ alternative to demolition.

13. Attached and marked as **Exhibit “L”** is a copy of the finalized Heritage Impact Assessment for the MacDonald House, October 30, 2020, without reference to Philip Evans’ alternative to demolition.

14. Attached and marked as **Exhibit “M”** is a copy of Ontario Parks’ rejection of Philip Evans’ offer, February 4, 2021.

15. Attached and marked as **Exhibit “N”** is a copy of Philip Evans’ enhanced offer, addressing Ontario Parks’ concerns and again seeking access and time for due diligence, February 7, 2021. No reply received from Ontario Parks.

16. Attached and marked as **Exhibit “O”** is a copy of Mr. Rowse’s March 3, 2021 letter to Karla Barboza at MHSTCI, requesting an urgent review of the several serious problems noted in his letter, especially the fact that the consultant, in the Heritage Impact Assessment for each house, had not considered the alternative to demolition of “adaptive re-use by a third-party ... which should be part of the hierarchy of possible conservation measures discussed by the consultant” – an option first presented by heritage architect Philip Evans in his letter to Ontario Parks, October 7, 2020, before the consultant finalized the HIAs on October 30, 2020. Ms. Barboza never replied to Mr. Rowse.

17. Attached and marked as **Exhibit “P”** is a copy of a letter from Kae Elgie, President of the Architectural Conservancy of Ontario, to the Honourable David Piccini, MECP, August 12, 2021, requesting a pause in demolition “to consider adaptive re-use, with community input,” and noting the “reasonableness of the community’s request and ideas” and that “the formation of the group Save Heritage Sandbanks Homes shows the determination of citizens to conserve and repurpose the Sandbanks houses.”

18. Attached and marked as **Exhibit “Q”** is a copy of the Motion of the Council of the Municipality of Prince Edward, August 17, 2021, authorizing the Mayor to write to Minister Piccini.

19. Attached and marked as **Exhibit “R”** is a copy of a letter from the Mayor of Prince Edward County, Steve Ferguson, to Minister Piccini, August 18, 2021, referencing his earlier March 10, 2020 letter to Minister Yurek about the houses and requesting that the Minister pause demolition and review alternatives for the future of the houses, in light of the County’s new Official Plan approved by the Province on July 10, 2021, PEHAC’s ongoing support of adaptive re-use of heritage buildings, and the new Ontario Parks program.

20. Attached and marked as **Exhibit “S”** is a copy of SHSH’s letter to the officials at MHSTCI and MECP who have specific responsibilities with respect to the application of the Provincial Standards and Guidelines to the Sandbanks houses, dated August 29, 2021, requesting, in light of the new Ontario Parks program, their urgent review to ensure compliance. The officials never replied.

21. Attached and marked as **Exhibit “T”** is a copy of SHSH’s letter to Minister Piccini, August 31, 2021, inviting the Minister to meet with the Mayor, Bay of Quinte MPP Todd Smith, SHSH members, and Park officials for a “collaborative, informed discussion to explore creative options to demolition.”

22. Attached and marked as **Exhibit “U”** is a copy of MECP’s letter to SHSH, received later the same day, August 31, 2021, stating that MECP “is moving forward with the demolition” and conveying similar information to the Minister’s letter to the Mayor (**Exhibit “V”**).

23. Attached and marked as **Exhibit “V”** is the Minister’s letter to the Mayor, September 2, 2021, informing the Mayor of MECP’s decision to “proceed with the planned demolition” and providing the “rationale behind the ministry’s decision,” which, among other misapprehensions, crucially misinterprets the attached charts from the Cultural Heritage Evaluation Reports (“CHERs”) as indicating that the buildings have “limited heritage value,” when the charts clearly indicate that each building meets two of the three criteria under O.Reg. 9/06 of the Ontario Heritage Act, making them more than worthy of heritage designation as only one criteria is needed to classify a building as a provincial heritage property.

AFFIRMED BEFORE ME in)
the City of Toronto)
in the Province of Ontario, this)
9th day of September, 2021)




A commissioner etc.

Liz Driver

LIZ DRIVER

**This is Exhibit “A” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

Request ID: 026664743
Demande n°:
Transaction ID: 080486882
Transaction n°:
Category ID: CT
Catégorie:

Province of Ontario
Province de l'Ontario
Ministry of Government Services
Ministère des Services gouvernementaux

Date Report Produced: 2021/09/07
Document produit le:
Time Report Produced: 14:30:29
Imprimé à:

Certificate of Incorporation Certificat de constitution

This is to certify that

Ceci certifie que

SAVE HERITAGE SANDBANKS HOMES INC.

Ontario Corporation No.

Numéro matricule de la personne morale en
Ontario

002865150

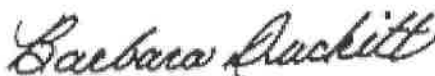
is a corporation incorporated,
under the laws of the Province of Ontario.

est une société constituée aux termes
des lois de la province de l'Ontario.

These articles of incorporation
are effective on

Les présents statuts constitutifs
entrent en vigueur le

SEPTEMBER 07 SEPTEMBRE, 2021



Director/Directeur
Business Corporations Act/Loi sur les sociétés par actions

Request ID / Demande n°

26664743

Ontario Corporation Number
Numéro de la compagnie en Ontario

2865150

FORM 1

FORMULE NUMÉRO 1

BUSINESS CORPORATIONS ACT

/ LOI SUR LES SOCIÉTÉS PAR ACTIONS

ARTICLES OF INCORPORATION
STATUTS CONSTITUTIFS

1. The name of the corporation is: *Dénomination sociale de la compagnie:*
SAVE HERITAGE SANDBANKS HOMES INC.

2. The address of the registered office is: *Adresse du siège social:*

26 WAYLAND AVENUE

(Street & Number, or R.R. Number & if Multi-Office Building give Room No.)
(Rue et numéro, ou numéro de la R.R. et, s'il s'agit d'édifice à bureau, numéro du bureau)

TORONTO
CANADA

(Name of Municipality or Post Office)
(Nom de la municipalité ou du bureau de poste)

ONTARIO
M4E 3C7

(Postal Code/Code postal)

3. Number (or minimum and maximum
number) of directors is:
Minimum 1

*Nombre (ou nombres minimal et maximal)
d'administrateurs:*
Maximum 11

4. The first director(s) is/are:

Premier(s) administrateur(s):

First name, initials and surname
Prénom, initiales et nom de famille

Resident Canadian State Yes or No
Résident Canadien Oui/Non

Address for service, giving Street & No.
or R.R. No., Municipality and Postal Code

*Domicile élu, y compris la rue et le
numéro, le numéro de la R.R., ou le nom
de la municipalité et le code postal*

* MARION ELIZABETH
DRIVER

YES

26 WAYLAND AVENUE

TORONTO ONTARIO
CANADA M4E 3C7

Request ID / Demande n°

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2865150

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5. Restrictions, if any, on business the corporation may carry on or on powers the corporation may exercise.

Limites, s'il y a lieu, imposées aux activités commerciales ou aux pouvoirs de la compagnie.

There shall be no restrictions on the business the Corporation may carry on, nor on the powers the Corporation may exercise.

6. The classes and any maximum number of shares that the corporation is authorized to issue:

Catégories et nombre maximal, s'il y a lieu, d'actions que la compagnie est autorisée à émettre:

The Corporation is authorized to issue:

- a) An unlimited number of common shares without par value;
- b) An unlimited number of non-cumulative, non-voting, redeemable, Class A special shares without par value (herein referred to as "Preference A Shares"); and
- c) An unlimited number of non-cumulative, non-voting, redeemable, Class B special shares without par value (herein referred to as "Preference B Shares").

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7. Rights, privileges, restrictions and conditions (if any) attaching to each class of shares and directors authority with respect to any class of shares which may be issued in series:
Droits, privilèges, restrictions et conditions, s'il y a lieu, rattachés à chaque catégorie d'actions et pouvoirs des administrateurs relatifs à chaque catégorie d'actions que peut être émise en série:

a) DIVIDEND

The holders of the Preference B Shares, in priority to the holders of the Common Shares, the Preference A Shares and any other shares ranking junior to the Preference B Shares, shall be entitled to receive and the Corporation shall pay thereon if, as and when declared by the Board of Directors of the Corporation out of the monies of the Corporation properly applicable to the payment of dividends at a rate to be determined by the Board of Directors. If within four (4) months after the expiration of any fiscal year of the Corporation, the Board of Directors in its discretion shall not declare the said dividend or any part thereof on the Preference B Shares for such fiscal year, then the rights of the holders of the Preference B Shares to such dividend or to any undeclared part thereof for such fiscal year shall be forever extinguished. The holders of the Preference B Shares shall not be entitled to any dividends other than or in excess of the preferential non-cumulative cash dividend hereinbefore provided for.

b) PARTICIPATION IN ASSETS ON DISSOLUTION

In the event of the liquidation, dissolution or winding up of the Corporation whether voluntary or involuntary, the holders of the Preference A Shares and the Preference B Shares shall be entitled to be paid, *pari passu*, in priority to any distribution to the holders of the Common Shares, all unpaid dividends which have been declared thereon, provided that the holders of Preference A Shares and Preference B Shares shall be entitled to receive no further participation in the assets of the Corporation.

c) REDEMPTION OF PREFERENCE AND COMMON SHARES

The Corporation shall have the right, at its option at any time on notice as hereinafter provided, to redeem all or any portion of the Preference B Shares together with any declared and unpaid dividends thereon.

The Corporation shall have the right, at its option at any time after the death of any shareholders, on notice as hereinafter provided, to redeem all or any portion of the Common Shares and the Preference A Shares together with any declared and unpaid dividends thereon.

In all cases of redemption, one (1) week's notice shall be given by registered letter directed to the respective shareholders whose shares are chosen for redemption at their respective addresses appearing on the books of the Corporation. Within the period of one (1) week from the date of mailing of the said notice, the holders of the Shares to be redeemed shall deposit with the secretary of the Corporation the certificates for the said shares, duly

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26664743

2865150

7. Rights, privileges, restrictions and conditions (if any) attaching to each class of shares and directors authority with respect to any class of shares which may be issued in series:
Droits, privilèges, restrictions et conditions, s'il y a lieu, rattachés à chaque catégorie d'actions et pouvoirs des administrateurs relatifs à chaque catégorie d'actions que peut être émise en série:

endorsed, in default of which may be redeemed on the Corporation's paying the amount due thereon, on redemption as aforesaid into a chartered bank at the City of Toronto, Ontario, of which notice shall have been given, to the credit of the said holders.

d) PURCHASE PREFERENCE B SHARES FOR CANCELLATION

The Corporation may at any time and from time to time purchase for cancellation the whole or any part of the Preference B Shares by invitation for tenders addressed to all the holders of record of the Preference B Shares to be purchased at the lowest price obtainable, at which in the opinion of the Directors, such shares are obtainable, plus all declared and unpaid dividends thereon. If in response to an invitation for tenders, two or more shareholders submit tenders at the same lowest price and the tenders are accepted by the Corporation as to part only of the shares offered, the Corporation shall accept part of the shares offered in each tender in proportion as nearly as may be to the total number of shares offered in each tender.

e) VOTING RIGHTS

The holders of Preference A and B Shares shall not be entitled to vote at any meeting of the shareholders of the Corporation but shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Corporation or the sale of its undertaking or a substantial part thereof. Holders of Common Shares shall be entitled to one (1) vote for each Common Share held by them at all shareholders' meetings.

f) AMENDMENT OF ARTICLES

The confirmation required by Section 170(1) of the Business Corporations Act, R.S.O. B.16, as amended, to amend to the Corporation's articles to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to the Preference A Shares or Preference B Shares or to create special shares ranking in priority to or on a par with the said Shares may be given by a resolution passed or confirmed at a meeting of the holders of the said Shares duly called for that purpose and held upon at least ten (10) days' notice at which the holders of at least a majority of the outstanding Preference A Shares and the holders of at least a majority of the outstanding Preference B Shares are present or represented by proxy and carried by the affirmative votes of the holders of two-thirds (2/3) of the Preference A Shares and the Preference B Shares represented and voted at such meeting cast on a poll. If at any such meeting the holders of a majority of the outstanding Preference A Shares or Preference B Shares are not present or represented by proxy within half an hour after the time appointed for the meeting, then the meeting shall be adjourned to

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7. Rights, privileges, restrictions and conditions (if any) attaching to each class of shares and directors authority with respect to any class of shares which may be issued in series: *Droits, privilèges, restrictions et conditions, s'il y a lieu, rattachés à chaque catégorie d'actions et pouvoirs des administrateurs relatifs à chaque catégorie d'actions que peut être émise en série:*

such date not being less than ten (10) days after and to such time and place as may be appointed by the Chairman and at least five (5) days' notice shall be given of such adjourned meeting, but it shall not be necessary in such notice to specify the purpose for which the meeting was originally called. At such adjourned meeting the holders of Preference A Shares or Preference B Shares present or represented by proxy may transact the business for which the meeting was originally called and a resolution passed thereat by the affirmative votes of the holders of the two-thirds (2/3) of the Shares represented and voted at such adjourned meeting cast on a poll shall constitute the confirmation of the holders of the said Shares referred to above. The formalities to be observed with respect to the giving of notice of any such meeting and the conduct thereof shall be those from time to time prescribed in the by-laws of the Corporation with respect to meetings of shareholders. On every poll taken at every such meeting every holder of Preference A Shares or Preference B Shares shall be entitled to one (1) vote in respect of each such Share held.

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26664743

2865150

8. The issue, transfer or ownership of shares is/is not restricted and the restrictions (if any) are as follows:

L'émission, le transfert ou la propriété d'actions est/n'est pas restreinte. Les restrictions, s'il y a lieu, sont les suivantes:

No share of the Corporation shall be transferred to any person or Corporation without the consent of the directors of the Corporation expressed by a resolution of the directors, or other instrument in writing signed by the directors.

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9. Other provisions, (if any, are):

Autres dispositions, s'il y a lieu:

- (a) the Corporation may purchase any of its common shares out of surplus;
- (b) the number of shareholders of the Corporation (exclusive of the employees of the Corporation or former employees of the Corporation who become shareholders during their employment with the Corporation) is limited to fifty (50), two or more persons holding one or more shares jointly, being counted as one shareholder; and
- (c) any invitation to the public to subscribe for any securities of the Corporation is prohibited.

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2865150

10. The names and addresses of the incorporators are

Nom et adresse des fondateurs

First name, initials and last name
or corporate name

*Prénom, initiale et nom de
famille ou dénomination sociale*

Full address for service or address of registered office or of principal place of business
giving street & No. or R.R. No., municipality and postal code

*Domicile élu, adresse du siège social au adresse de l'établissement principal, y compris
la rue et le numéro, le numéro de la R.R., le nom de la municipalité et le code postal*

* MARION ELIZABETH DRIVER


26 WAYLAND AVENUE

TORONTO ONTARIO
CANADA M4E 3C7

**This is Exhibit “B” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

The background of the entire page is a sepia-toned photograph of a large, multi-story brick building, likely a historic residence or institutional structure. It features a prominent porch with a railing. Several people are visible on the porch, including a man in a suit and a woman in a long dress. The building has multiple windows and a gabled roof.

[- Home](#)

[Our Mission](#)

[History](#)

[Gallery](#)

[Blog](#)

[More](#) 

Save the Heritage Sandbanks Homes

Citizens building on their Cultural Heritage

VIDEO



Hello there!

Our Mission

To save and repurpose the Hyatt and MacDonald houses to
enrich the visitor experience at Sandbanks Provincial Park
and to preserve and promote
Prince Edward County's Cultural Heritage

photographs from the Hyatt Mullins Collection

About Us

How We're Helping

We are a community based group working to:

Bring people together to prevent the demolition of the Hyatt and Macdonald homes

Find uses for the houses that:

Respects the County's Cultural Heritage

Brings economic value to the community and Ontario Parks

Serves the objective of the Sandbanks Provincial Park to provide opportunities for the exploration and appreciation of the outdoor natural and cultural heritage of Ontario

Responds to the Ontario Parks' strategy to develop innovative ideas for recreational experiences in partnership with private and not for profit sectors

OUR GOAL is to work with Sandbanks Provincial Park to:

Identify partners to support the adaptive re-use of the Hyatt and Macdonald houses.

**This is Exhibit “C” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

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A Commissioner, etc.

<https://news.ontario.ca/en/backgrounder/1000218/ontario-investing-in-enhancements-and-upgrades-to-provincial-parks>

Backgrounder

Ontario Investing in Enhancements and Upgrades to Provincial Parks

May 28, 2021

[Environment, Conservation and Parks](#)

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The Ontario government is investing in upgrades to Ontario Parks that will boost outdoor recreational experiences for all visitors.

Partnering to enhance outdoor experiences

In the coming months, the province will work with partners in the private and not-for-profit sectors to find new ways to:

- develop innovative ideas for new recreation experiences at provincial parks, with the best ideas receiving support through seed money;
- use technology to create easier and faster entry and payment, reducing traffic when entering parks;
- enhance online reservations and online retail shopping at Ontario Parks; and,
- create an online platform that would provide a one-stop shop for all local, regional, provincial and national park recreation opportunities in Ontario.

More details about the new enhancement opportunities, including how businesses and not-for-profit organizations can get involved, will be available in the coming months.

Upgrades to Ontario Parks programs and services

Ontario is also moving forward with a \$6 million investment, announced in the Fall 2020 Budget, in upgrades to provincial parks to improve the quality and availability of overnight stays,

including providing more electrical campsites and expanding and improving roofed accommodations, such as cabins and yurts.

Work has already begun and the first of these upgrades will be completed in 2021.

In addition, Ontario Parks is expanding its popular [Discovery programs](#) by using online tools. This will make it easier for Ontario's families and students anywhere across the province to learn about biodiversity, the environment and the importance of protecting greenspace.

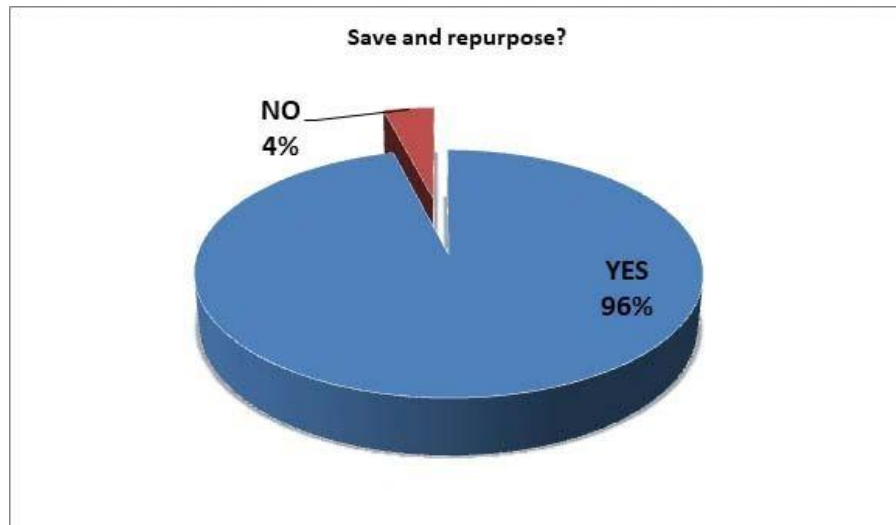
**This is Exhibit “D” referred to in the
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A Commissioner, etc.

"The Count is in!"

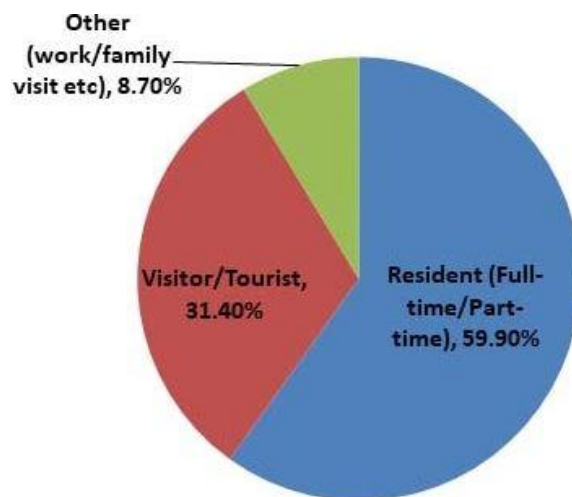
August 22, 2021 - Updates – Save Heritage Sandbanks Homes



As of August 20, an analysis of the results of the more than 425 surveys submitted brought forward interesting insights, most specifically the **overwhelming 96% of participants who stated YES, these heritage homes should be saved and repurposed!** This response was what we hoped for, but never fully anticipated such a resounding positive outpouring.

The first week in July, Save Heritage Sandbanks Homes (SHSH) launched a survey to gather public opinion regarding the future of the heritage Hyatt/MacDonald Sandbanks homes –should they be saved and repurposed or demolished? In order to obtain a fair sampling of opinions the survey was offered on line though SHSH's website and in paper version at pop up tables located during 5 weeks in July and August in Wellington, Bloomfield and Picton.

Demographics



About **60% of the survey submissions were made by full-time and part-time residents. Almost 32% were submitted by visitors/tourists**, with the balance of surveys being submitted by “Others” (County workers living elsewhere, parents or children returning home to see family etc.)

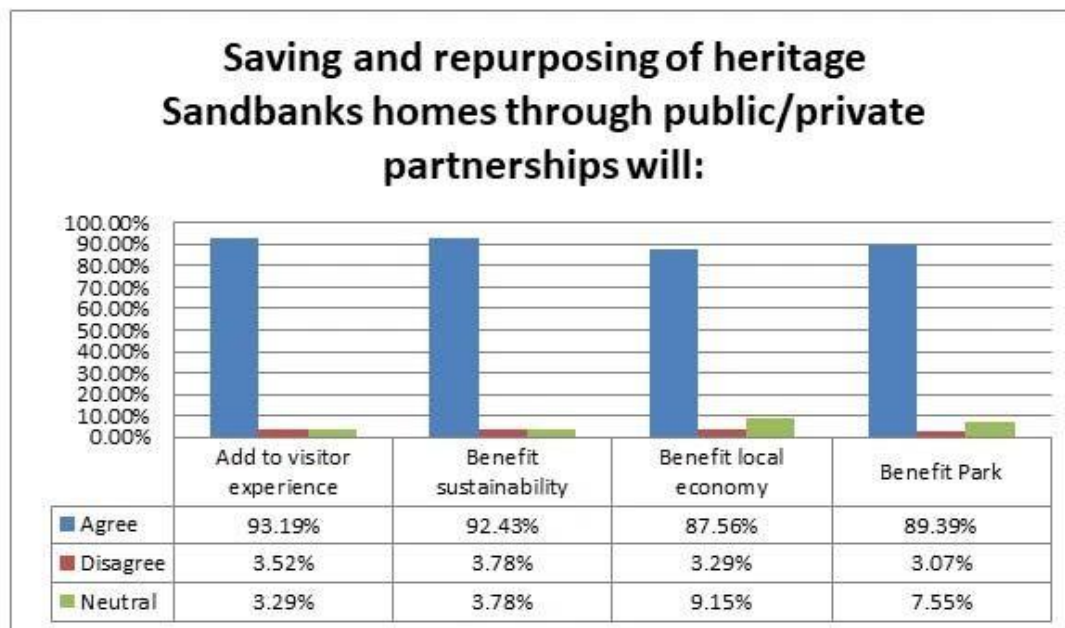
We had the opportunity to speak to participants at the pop up survey tables and one **key observation** made there and in tabulating the results was that **100% of the visitor/tourists said YES to saving and repurposing the heritage properties**. This is a significant indicator that visitors want heritage experiences at the Park.

Through discussion we discovered a majority of visitors claimed the County’s heritage, natural and cultural landscapes and pastoral setting was a major attraction that made them continue to return, enhanced by the added attractions of farmers markets, arts and food scene, shopping and the winery/brewery industry.

As one visitor put it,” The first time you drive through the County, you’re stricken by the landscape with its patches of different coloured fields, the fencerows and heritage homes and barns scattered throughout the island and bordered by lake views. That is what makes you so unique. There is also lot to do - different activities. I love the wineries and businesses that are located in historic buildings. The historic architecture on the main streets in Bloomfield, Picton and Wellington and the other small villages like Milford really make the County feel different than other regions in Ontario.”

One common comment made by visitors and locals alike, was that they are tired of seeing heritage sites demolished, removing what makes an area interesting, only to be replaced by modern common construction, or not replaced at all.

What else did survey participants say?

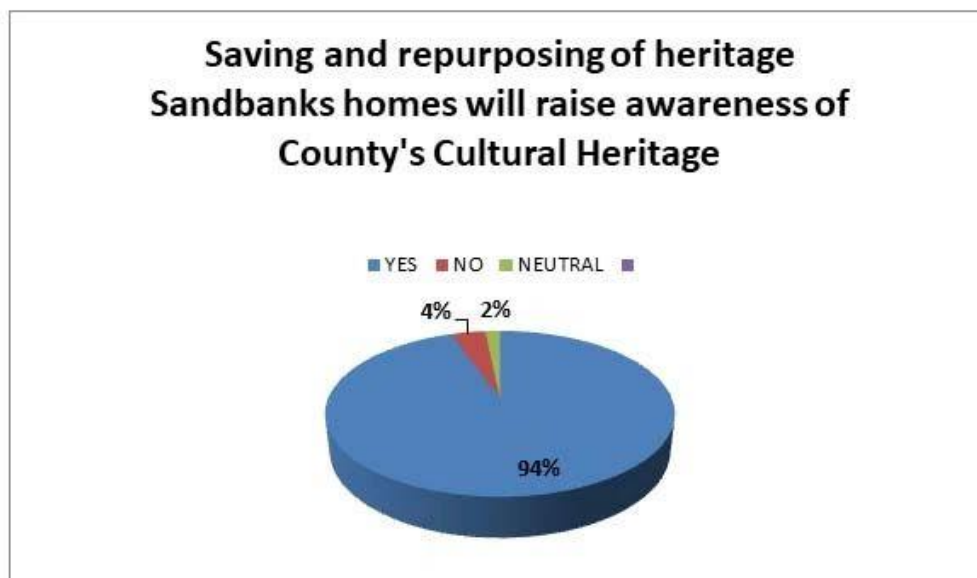


Ninety-three percent of those surveyed believe the repurposing of the Hyatt/MacDonald properties will add to the experience of the Park, and to the County as a whole. Comments were: *“It will provide other activities for people who do not want to just line up for the beach...It will provide some options to tourists at the Park...Repurposing these homes will open up the Park to new visitors interested in more than trail walking and beach going”.*

In a letter to Minister David Piccini of Environment, Conservation and Parks one supporter stated, *” The cultural heritage value of these assets is critical to augment the natural values of the park - these farmhouses are precious artifacts of the fundamental relationship that the people of Prince Edward County (both before and after settlement) have had with the natural landscape - that of agriculture.*

It is a relationship that continues to sustain us, and one whose past we need to revisit for its lessons to ensure that relationship has a sustainable future. There is a wealth of educational and recreational/economic opportunities to be found with the protection and restoration of these assets... “

This is a watershed moment



Developer Greg Sorbara said it well when he indicated there is a renaissance of thinking, where repurposing of heritage properties is replacing demolition – **94% of those surveyed believe that it will raise awareness of the County’s cultural heritage** The timeliness of the effort to save the two last standing heritage Sandbanks homes that represent the birth of tourism in Prince Edward County, has brought to the forefront the public’s desire to retain our heritage assets, learn from them and develop a sustainable future through them. **It is a watershed moment where we can effect a change of direction.**

Save Heritage Sandbanks Homes

heritagesandbankshomes@gmail.com

Contact: Debra Marshall 613-777-8879

Liz Driver 647-526-4877

**This is Exhibit “E” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



MINISTRY OF TOURISM AND CULTURE

**Standards & Guidelines for Conservation of
Provincial Heritage Properties**

STANDARDS & GUIDELINES

April 28, 2010

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Appendix A – Criteria for Determining Cultural Heritage Value or Interest (Ontario Regulation 9/06)

Appendix B – Criteria for Determining Cultural Heritage Value or Interest of Provincial Significance (Ontario Regulation 10/06)

INTRODUCTION AND PURPOSE

These Standards and Guidelines apply to properties the Government of Ontario owns or controls that have cultural heritage value or interest—provincial heritage properties. They are issued under the authority of section 25.2 of the Ontario Heritage Act (the “Act”) and come into effect on July 1, 2010. They are mandatory for ministries and prescribed public bodies and have the authority of a Management Board of Cabinet directive.

Many provincial heritage properties are icons in the Ontario landscape. They are important to the social, economic, and cultural well-being of Ontario communities. The following are some examples:

- Many of Ontario's courthouses, jails, and provincial hospitals are provincial heritage properties. The Ministry of Energy and Infrastructure manages these capital real estate assets through its agency, the Ontario Realty Corporation.
- Bridges can have cultural heritage value. The Ministry of Transportation, which manages provincial highways, also manages bridges owned by the province.
- Ontario's 330 provincial parks cover 7.9 million hectares. They include natural heritage resources, but many also have cultural heritage value. The Ministry of Natural Resources manages Ontario's provincial parks.
- The Ontario Heritage Trust holds title to 180 natural and cultural provincial heritage properties.

The Ontario Heritage Act provides the framework for provincial and municipal responsibilities and powers in the conservation of cultural heritage resources.

In 2005, the Government of Ontario amended the Ontario Heritage Act to strengthen and improve heritage protection in Ontario. The amendments enacted new heritage protection powers and mechanisms including:

- Provincial designation: the Minister of Tourism and Culture may designate properties of cultural heritage value or interest of provincial significance
- Strengthened demolition controls: both municipalities and the Minister of Tourism and Culture, in respect of properties of provincial significance, have the power to prevent demolition of designated heritage structures, subject to the owner's right of appeal
- Enhanced protection of heritage conservation districts, marine heritage sites and archaeological resources
- Provision for the development of standards and guidelines for the conservation of provincial heritage properties (new Part III.1)

Provincial heritage properties are not subject to designation by municipalities or the Minister. The amendments to the Act gave the Minister of Tourism and Culture the authority to develop standards and guidelines for the conservation of provincial heritage properties. As a result, the province now has the responsibility to establish a comparable standard of identification, protection and care for provincial heritage properties as already exists for private property.

Part III.1 of the Act enables the Minister of Tourism and Culture, in consultation with the ministries and public bodies affected, to prepare standards and guidelines that set out the criteria and process for identifying provincial heritage properties and to set standards for their protection, maintenance, use, and disposal. In developing these Standards and Guidelines, the Ministry of Tourism and Culture drew from existing standards, policies, and best practices currently in use by the Government of Ontario, the federal government, and leading international jurisdictions. The Ministry consulted with affected ministries, public bodies proposed to be prescribed by Regulation 157/10 and the Ontario Heritage Trust.

It is important to recognize that many ministries and public bodies already take steps to protect the cultural heritage resources in their care. Some have processes consistent with the Class Environmental Assessments approved for them by the Minister of the Environment. Others are required to do so by legislation or their own charter, mandate or mission statement. Building on the measures already in place, these Standards and Guidelines will bring consistency and uniformity to the management of provincial heritage assets.

Ontario's cultural heritage resources belong to present and future generations of Ontarians. Managing provincial heritage properties wisely is in the best interest of the people of Ontario. By following these Standards and Guidelines, government ministries and public bodies will show that the province values the cultural heritage resources in its care and leads by example in conservation and responsible stewardship.

APPLICATION AND SCOPE

All Ontario government ministries and prescribed public bodies **must comply** with these Standards and Guidelines in the management of properties in their ownership or under their control. They apply to provincial heritage properties that are:

- owned by a ministry; or
- owned by a prescribed public body; or
- occupied by a ministry or a prescribed public body if the terms of the occupancy agreement are such that the ministry or public body is entitled to make alterations to the property.

Prescribed public body means a public body prescribed for the purposes of Part III.1 of the Act by a regulation made under clause 70(1)(i) of the Act.

Provincial heritage properties include three types of cultural heritage resources: built heritage resources, cultural heritage landscapes, and archaeological sites.

Built heritage resources means one or more significant buildings (including fixtures or equipment located in or forming part of a building), structures, earthworks, monuments, installations, or remains that have cultural heritage value.

Cultural heritage landscape means a defined geographical area that human activity has modified and that has cultural heritage value. Such an area involves one or more groupings of individual heritage features, such as structures, spaces, archaeological sites, and natural elements, which

together form a significant type of heritage form distinct from that of its constituent elements or parts. Heritage conservation districts designated under the Ontario Heritage Act, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trails, and industrial complexes of cultural heritage value are some examples.

Archaeological site means any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest.

PRINCIPLES

The purpose of these Standards and Guidelines is the appropriate conservation and management of provincial heritage properties. They are rooted in the following principles:

Accountability and Transparency

Decisions about provincial heritage properties will be made in an open, accountable way, taking into account the views of interested persons and communities.¹

Identification and Evaluation

Provincial heritage properties will be identified and evaluated based on research and documentary evidence.

Continuing Care

Sustaining the cultural heritage value of provincial heritage properties for long term benefit will be achieved most effectively by preventing deterioration through regular, on-going care.

Impact Assessment

Assessment of the impact of proposed activities on the cultural heritage value and the heritage attributes of provincial heritage properties will inform the decisions that may affect them.

Use and Reuse

Provincial heritage properties in active use by ministries and public bodies will continue to be used, or will be adaptively re-used, but uses that threaten a property's cultural heritage value will be avoided. Where no use of a property is possible, appropriate, timely disposal will take place.

¹ With respect to Aboriginal communities, ministries and prescribed public bodies should be aware that the Crown has a duty to consult with Aboriginal peoples when the following conditions occur:

- The Crown has knowledge, real or constructive, of the existence, or potential existence, of an Aboriginal right or treaty right and
- The Crown contemplates conduct that might adversely affect the right in question.

(From "Draft Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights," Ministry of Aboriginal Affairs, June 2006)

STANDARDS AND GUIDELINES

(Note: Refer to the Glossary, which begins on page 12, for definitions of *italicized terms*.)

A. General Provisions

Ministries and prescribed public bodies shall:

- A.1. Recognize, manage, and use *provincial heritage properties* as assets that can support ministry or public body mandates and contribute to the social and economic well-being of Ontario's communities.
- A.2. Be accountable for all decisions affecting the cultural heritage value of property in their care and shall integrate provisions for conserving *provincial heritage properties* into decision-making processes in property planning and asset management.
- A.3. Base decisions affecting a *provincial heritage property* on appropriate studies and research (including analysis of physical, documentary, and oral evidence), aimed at understanding the property's cultural heritage value, including its level of significance (e.g., local, provincial, etc.), the impact of proposed activities on its cultural heritage value and *heritage attributes*, and measures to mitigate these impacts.
- A.4. Engage groups and individuals with associations to a *provincial heritage property* by providing them with opportunities to participate in understanding and articulating the property's cultural heritage value and in making decisions about its future.
- A.5. Establish and maintain a cultural heritage conservation policy and procedure(s) for identifying and managing *provincial heritage properties*, including objectives and targets and a commitment to continual improvement. The policy and procedure(s) should be available for review by the public.
- A.6. Follow their cultural heritage policy and procedure(s) in complying with these Standards and Guidelines.

B. Identification and Evaluation

Ministries and prescribed public bodies shall:

- B.1. Apply the "Criteria for Determining Cultural Heritage Value or Interest" set out in Ontario Regulation 9/06 under the Act as amended or replaced from time to time (see Appendix A) to determine the cultural heritage value or interest of a property; and apply the "Criteria for Determining Cultural Heritage Value of Provincial Significance" set out in Ontario Regulation 10/06 as amended or replaced from time to time (see Appendix B) to determine whether a property is of provincial significance.

- B.2. Develop an evaluation process to identify *provincial heritage properties*, consisting of the general sequence of events and actions set out below, and submit the process to the Ministry of Tourism and Culture for approval.
- Prepare a description of the property.
 - Gather and record information about the property sufficient to understand and substantiate its heritage value.
 - Determine cultural heritage value or interest, including potential provincial significance, based on the advice of *qualified persons* and with appropriate community input. **If the property meets the criteria in Ontario Regulation 9/06, it is a *provincial heritage property*.** If the property meets the criteria in Ontario Regulation 10/06, it is a *provincial heritage property of provincial significance*.
 - Document the identification process with a written account of the research and the evaluation.
 - For each *provincial heritage property*, prepare a *Statement of Cultural Heritage Value* and a description of its *heritage attributes*.

In reviewing and approving a ministry's or public body's evaluation process under this section the Ministry of Tourism and Culture shall take into account the mandate of the ministry or public body and its cultural heritage conservation policy.

- B.3. As they are identified, add properties to the list of *provincial heritage properties* maintained by the Ministry of Tourism and Culture, in order to ensure that decision-makers, asset managers, and the public know the extent and nature of the *provincial heritage properties* in the control of each ministry and prescribed public body (including whether a property has been evaluated as being of local or provincial significance).
- B.4. If a ministry or prescribed public body has not evaluated a property in its care or control, and if that property contains a building or structure that is 40 or more years old, then the ministry or prescribed public body shall:
- prevent the building or structure from undergoing *demolition by neglect*; and
 - obtain the consent of the Minister of Tourism and Culture before removing or demolishing the building or structure, or before transferring the property from provincial control.

Property, for purposes of this provision, excludes unpatented Crown land unless the land is within a provincial park or conservation reserve, or is being considered for development, change in use or *disposal*.

C. Protection

Ministries and prescribed public bodies shall:

- C.1. For identified *provincial heritage properties*, prepare a *Strategic Conservation Plan* to provide guidance on conserving, maintaining, using and disposing of them.

For each *provincial heritage property of provincial significance*, submit the *Strategic Conservation Plan* to the Ministry of Tourism and Culture for approval.

- C.2. Place records associated with identifying and conserving a *provincial heritage property* in a permanent archive and make information about *provincial heritage property* publicly accessible, observing security, privacy and other requirements.
- C.3. Protect *archaeological sites* by conserving them in their original location or through *archaeological fieldwork*. Endeavour to *conserve* significant *archaeological resources* in their original location through documentation, protection, and avoidance of impacts. Where activities could disturb significant *archaeological resources* or *areas of archaeological potential*, take appropriate measures to mitigate impacts.
- C.4. Ensure that only archaeologists licensed under Part VI of the Ontario Heritage Act will conduct *archaeological fieldwork* on *provincial heritage property*.

D. Maintenance

Ministries and prescribed public bodies shall:

- D.1. *Maintain provincial heritage properties* through continuous care, guided by the property's *Statement of Cultural Heritage Value* and *Strategic Conservation Plan*.
- D.2. Repair or *conserve*, rather than replace, building materials and finishes and other components that are part of a *provincial heritage property's heritage attributes*. Apply a *minimum intervention approach* that protects the cultural heritage value of the property.
- D.3. Retain and *maintain* the visual settings and other physical relationships that contribute to the cultural heritage value of a *provincial heritage property*. Ensure that new construction, visual intrusions, or other interventions do not adversely affect the *heritage attributes* of the property.
- D.4. If changes that may adversely affect a *provincial heritage property's* cultural heritage value are proposed for purposes of compliance with *health and safety requirements*, obtain advice from *qualified persons* on compliance alternatives or reasonable variances that protect cultural heritage value while satisfying health and safety objectives.
- D.5. In *maintaining provincial heritage properties*, consider energy-efficiency technologies and energy-saving practices and incorporate them in ways that do not adversely affect cultural heritage value. Make decisions on energy saving measures based on the total environmental cost of proposed changes compared to the total environmental cost of retaining existing features.

E. Use

Ministries and prescribed public bodies shall:

- E.1. Where the use of a *provincial heritage property* is significant or of long standing, and the property has cultural value or interest because of that use, apply best efforts to continuing that use.
- E.2. When an existing use of a *provincial heritage property* ends, or the property is no longer fully used, or any part of the property becomes surplus to the needs of the occupant, apply best efforts to arrange for an alternate use of the property that requires minimal or no change to its heritage attributes (*adaptive reuse*).
- E.3. Apply best efforts to avoid uses which adversely affect the cultural heritage value of a *provincial heritage property*.
- E.4. Give preference to using existing *built heritage resources* over constructing or leasing new space for accommodation needs, if those needs can be met without adverse impact on the cultural heritage value of a *provincial heritage property*. In accommodation design and space planning, respect and reinforce the heritage attributes of the property.
- E.5. In implementing accessibility standards made pursuant to the Accessibility for Ontarians with Disabilities Act, 2005, balance accessibility needs with the need to *conserve* the cultural heritage value of *provincial heritage properties*, with the objective of providing the highest degree of access with the lowest level of impact on the *heritage attributes* of the property. Determine appropriate solutions by consulting *qualified persons* as well as affected users.
- E.6. Ensure that the cultural heritage value or interest of a *provincial heritage property* is appropriately interpreted and presented to communicate its meaning and to enhance public understanding and enjoyment.

F. Disposal

Ministries and prescribed public bodies shall:

- F.1. Where an *adaptive reuse* cannot be found within a reasonable period, take timely steps to *mothball* or otherwise *dispose* of the property.
- F.2. If a *provincial heritage property* is to leave provincial control, use best efforts to the extent possible in law to ensure the ongoing, legally binding protection of the property's cultural heritage value (such as designation under Part IV of the Act, heritage conservation easement, etc.) in any sale or other *disposal* agreement. The level of protection should be appropriate to the cultural heritage value of the property.

- F.3. Make provisions for effective protection of *heritage attributes when granting leases, licences, rights, or operating agreements affecting provincial heritage property.*
- F.4. All other alternatives having been considered, consider removal or demolition as a last resort, subject to heritage impact assessment and public engagement. Use best efforts to mitigate loss of cultural heritage value.
- F.5. In the case of a *provincial heritage property of provincial significance*, obtain the consent of the Minister of Tourism and Culture before removing or demolishing buildings or structures on the property, or before transferring the property from provincial control. The Minister may grant consent, with or without conditions, where the Minister is of the opinion that all alternatives to the removal, demolition or the transfer of the property have been considered by the Ministry or the prescribed public body requesting consent, including alternatives that would not adversely affect the property, and the best alternative in all the circumstances has been adopted. The Minister, as a condition of consent, may require that such reasonable steps as the Minister may specify be taken to minimize or mitigate adverse effects on the property resulting from the removal, demolition or the transfer of the property.
- F.6. When disposing of property considered to contain an area of archaeological potential, take appropriate measures to notify future owners, tenants or licensees of the existence of archaeological potential.

RESPONSIBILITIES

Management Board of Cabinet

- a. Reviews the Standards and Guidelines and recommends their approval to the Lieutenant Governor in Council.

Minister of Tourism and Culture

- a. Prepares the Standards and Guidelines, consulting with affected ministries, the Ontario Heritage Trust, and prescribed public bodies.
- b. Reports to Management Board of Cabinet and the public on the effectiveness of the Standards and Guidelines and on compliance with them.
- c. Consents to proposals for the removal, demolition or transfer from provincial control any *provincial heritage properties of provincial significance*.

Deputy Minister of Tourism and Culture

- a. Interprets and communicates the Standards and Guidelines to ministries and prescribed public bodies.

- b. Provides guidance and advice on the application of the Standards and Guidelines. Develops, as appropriate, advisory materials and training programs on the Standards and Guidelines for ministries and prescribed public bodies.
- c. Reviews and approves:
 - i) the process ministries and prescribed public bodies use to evaluate property of cultural heritage value or interest, including the assessment of provincial significance; and
 - ii) *Strategic Conservation Plans* for *provincial heritage properties of provincial significance*
- d. Advises the Minister on requests for the Minister's consent to proposals for the removal, demolition or transfer from provincial control of *provincial heritage property of provincial significance*.
- e. Keeps and maintains a list of all *provincial heritage properties* based on information provided by ministries and prescribed public bodies.
- f. Monitors and reviews the effectiveness of the Standards and Guidelines and compliance with them.

Deputy Ministers of ministries and Executive Leads of prescribed public bodies

- a. Develop and implement a cultural heritage conservation policy and procedure(s) to identify and manage *provincial heritage properties* consistent with these Standards and Guidelines.
- b. Establish heritage conservation objectives and plans for management of the ministry's or prescribed public body's *provincial heritage properties* consistent with these Standards and Guidelines.
- c. Record the ministry's or prescribed public body's *provincial heritage properties* on the list maintained by the Ministry of Tourism and Culture.
- d. Make strategic plans and decisions that conform to their cultural heritage conservation policies and objectives.
- e. Include measures for conserving the ministry's or prescribed public body's *provincial heritage properties* as an integral part of overall business planning, decision-making and resource requests to Treasury Board.
- f. Ensure that the Ministry of Tourism and Culture is consulted and its approval is obtained for:
 - i. the process for evaluating *provincial heritage properties*; and
 - ii. *Strategic Conservation Plans* for *provincial heritage properties of provincial significance*
- g. Ensure that the Minister of Tourism and Culture is consulted and the Minister's consent is obtained for the demolition, removal, or transfer from provincial control of *provincial heritage property of provincial significance*.
- h. Ensure that staff responsible for giving advice, making decisions, and undertaking activities that may affect *provincial heritage properties* are aware of and adhere to these Standards and Guidelines and any other approved cultural heritage conservation policies and procedures.
- i. Report on progress in implementation of their heritage policies, plans and procedures.

TRANSITION AND PHASE-IN

It is recognized that ministries and prescribed public bodies may already have policies or processes for the conservation of provincial heritage properties in their ownership or control. It is also recognized that on the date when these Standards and Guidelines take effect, planning and other activities affecting provincial

heritage properties may be underway following those existing policies or processes. The provisions below are intended to facilitate a smooth transition between those existing policies or processes and the requirements of these Standards and Guidelines.

1. Until the evaluation process required under section B.2. has been developed and approved by the Ministry of Tourism and Culture, ministries and prescribed public bodies may continue to use their existing evaluation processes. Properties evaluated and identified as heritage properties under those processes shall be subject to the requirements of section B.3. and parts C, D, E and F of these Standards and Guidelines.
2. The requirements of section B.4. apply in all cases.
3. At the request of the Ministry of Tourism and Culture, each ministry and prescribed public body shall establish with the Ministry of Tourism and Culture a mutually agreeable timeframe, no later than one year of the date of approval of these Standards and Guidelines, for the submission for approval of the evaluation process required under section B.2.
4. If, before the date when these Standards and Guidelines take effect, a ministry or prescribed public body has applied a planning process authorized by legislation to a proposed undertaking and has concluded that its preferred alternative for the undertaking involves demolishing or removing a building or structure on provincial heritage property of provincial significance, the requirement for the consent of the Minister of Tourism and Culture under section F.5. does not apply.

GLOSSARY

Adaptive reuse means the *alteration* of heritage buildings and structures to fit new uses or circumstances while retaining their heritage attributes.

Alter means to change in any manner and includes to restore, renovate, repair, or disturb. "Alteration" has a corresponding meaning.

Archaeological fieldwork means any activity carried out on, above or under land or water for the purpose of obtaining and documenting data, recovering artifacts and remains or altering an *archaeological site* and includes monitoring, assessing, exploring, surveying, recovering and excavating. (Ontario Heritage Act, O.Reg. 170/04)

Archaeological resources include artifacts, *archaeological sites*, and marine *archaeological sites*. The identification and evaluation of such resources are based upon *archaeological fieldwork* undertaken in accordance with the Ontario Heritage Act.

Archaeological site means any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest. (Ontario Heritage Act, O.Reg. 170/04)

Areas of archaeological potential means areas with the likelihood of containing *archaeological resources*. Criteria for determining archaeological potential are established by the Ministry of Tourism and Culture. Archaeological potential is confirmed through *archaeological fieldwork* undertaken in accordance with the Ontario Heritage Act.

Built heritage means one or more significant buildings (including fixtures or equipment located in or forming part of a building), structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history and identified as being important to a community. For the purposes of these Standards and Guidelines, "structures" does not include roadways in the provincial highway network and in-use electrical or telecommunications transmission towers.

Conserve means identifying, protecting, using, and/or managing cultural heritage resources in such a way that retains their heritage value. "Conserving" and "conservation" have corresponding meanings.

Cultural heritage landscape means a defined geographical area of heritage significance that human activity has modified and that a community values. Such an area involves a grouping(s) of individual heritage features, such as structures, spaces, *archaeological sites*, and natural elements, which together form a significant type of heritage form distinct from that of its constituent elements or parts. Heritage conservation districts designated under the Ontario Heritage Act, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trails, and industrial complexes of cultural heritage value are some examples.

Demolition by neglect occurs when preventative actions are not taken with the result that a building or structure is allowed to undergo change, through natural action, arson or vandalism, to the point of severe deterioration or collapse, often beyond repair.

Development means the construction or placing of buildings or structures on land; the addition to or alteration of existing buildings or structures; site alteration, including but not limited to, alteration of the grade of land, and placing or dumping fill; or the removal of vegetation.

Dispose means transferring control to another ministry or prescribed public body, granting licences or rights, entering into operating agreements, or leasing or selling the property. "Disposal" has a corresponding meaning.

Health and safety requirements include public health, occupational health and safety, life safety, fire code/safety, and electrical, seismic, structural, and building codes.

Heritage attributes means the physical features or elements that contribute to a property's cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its *visual setting*.

Maintenance generally includes routine, cyclical, anticipatory actions necessary to keep a property's *heritage attributes* in sound condition and to retard deterioration, and remedial or reactive actions that are intended to retain the integrity of a resource. "Maintain" has a corresponding meaning. Maintenance may include minor repair and refinishing operations; replacement of damaged, broken, or deteriorated materials that are impractical to save (e.g., broken window glass); rust removal; and cyclical horticultural activities such as pruning, planting, etc.

Minimum intervention approach means the course of action that applies the most benign physical effects to achieve the longest-term protection of *heritage attributes* while allowing compatible functional goals to be met.

Mothball means to remove a resource from active use and apply long-term stabilization intended to safeguard it from deterioration or damage over an extended period. Mothballing should provide for adequate safety, security, and regular monitoring.

Provincial heritage property means real property, including buildings and structures on the property, that has cultural heritage value or interest and that is owned by the Crown in right of Ontario or by a prescribed public body; or that is occupied by a ministry or a prescribed public body if the terms of the occupancy agreement are such that the ministry or public body is entitled to make the alterations to the property that may be required under these heritage standards and guidelines.

Provincial heritage property of provincial significance means provincial heritage property that has been evaluated using the criteria found in Ontario Heritage Act O.Reg. 10/06 and has been found to have cultural heritage value or interest of provincial significance.

Qualified persons means individuals – professional engineers, architects, archaeologists, etc. – having relevant, recent experience in the conservation of cultural heritage resources.

Statement of Cultural Heritage Value means a concise statement explaining why a property is of heritage interest; this statement should reflect one or more of the criteria found in Ontario Heritage Act O.Reg. 9/06 and 10/06.

Strategic Conservation Plan means a document detailing how the property will be conserved in accordance with these Standards and Guidelines.

Visual setting includes significant views or vistas to or from a heritage property.

Appendix A – REGULATION: Criteria for Determining Cultural Heritage Value or Interest**Ontario Heritage Act
ONTARIO REGULATION 9/06****CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST****Criteria**

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.

Appendix B – REGULATION: Criteria for Determining Cultural Heritage Value or Interest of Provincial Significance**Ontario Heritage Act
ONTARIO REGULATION 10/06****CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST OF PROVINCIAL SIGNIFICANCE****Criteria**

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 34.5 (1) (a) of the Act. O. Reg. 10/06, s. 1 (1).

(2) A property may be designated under section 34.5 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest of provincial significance:

1. The property represents or demonstrates a theme or pattern in Ontario's history.
2. The property yields, or has the potential to yield, information that contributes to an understanding of Ontario's history.
3. The property demonstrates an uncommon, rare or unique aspect of Ontario's cultural heritage.
4. The property is of aesthetic, visual or contextual importance to the province.
5. The property demonstrates a high degree of excellence or creative, technical or scientific achievement at a provincial level in a given period.
6. The property has a strong or special association with the entire province or with a community that is found in more than one part of the province. The association exists for historic, social, or cultural reasons or because of traditional use.
7. The property has a strong or special association with the life or work of a person, group or organization of importance to the province or with an event of importance to the province.
8. The property is located in unorganized territory and the Minister determines that there is a provincial interest in the protection of the property. O. Reg. 10/06, s. 1 (2).

**This is Exhibit “F” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

January 20, 2020

VIA EMAIL ONLY

Kendra Couling
Parks Planner, Ontario Parks Southeast Zone
Ministry of the Environment, Conservation and Parks
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Peterborough, ON K9J 8M5
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MHSTCI File : 0011881
Proponent : Ministry of the Environment, Conservation and Parks – Ontario Parks
Subject : Notice of Commencement
Project : Sandbanks Provincial Park – Demolition of Heritage Buildings
Location : Geographic Townships of Athol and Hallowell, Prince Edward County

Dear Kendra Couling:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the initial public notice (Notice of Commencement) for the above-referenced project. MHSTCI's interest in this Environmental Assessment (EA) project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- Archaeological resources, including land and marine;
- Built heritage resources, including bridges and monuments; and,
- Cultural heritage landscapes.

Under the EA process, the proponent is required to determine a project's potential impact on cultural heritage resources.

Under section 25.2 of the *Ontario Heritage Act (OHA)*, all Ontario government ministries and public bodies prescribed under Ontario Regulation 157/10 are required to comply with the [Standards and Guidelines for Conservation of Provincial Heritage Properties](#) (S&Gs) in the management of properties in their ownership or under their control.

Project Summary

The Ministry of the Environment, Conservation and Parks, Ontario Parks is proposing to demolish 2 (two) heritage buildings (Gray House and MacDonald House) located in the Sandbanks Provincial Park.

MHSTCI has reviewed the following documents:

- Cultural Heritage Evaluation Report: Site #13 (Hyatt House) dated March 2018 prepared by Letourneau Heritage Consulting Inc.
- Cultural Heritage Evaluation Report: Site #17 (MacDonald Farm) dated May 2019 prepared by Letourneau Heritage Consulting Inc.
- Heritage Impact Assessment: Site #13 (Hyatt House) dated March 2018 prepared by Letourneau Heritage Consulting Inc.
- Heritage Impact Assessment: Site #17 (MacDonald House) dated November 2019 prepared by Letourneau Heritage Consulting Inc.
- Sandbanks Provincial Park: A Cultural Resources Study dated January 1991 prepared by Commonwealth Historic Resource Management Limited

Comments

Given the above, we have the following observations and recommendations to help support fulfillment of your obligations under the S&Gs and requirements under the environmental assessment process:

- Under the S&Gs, ministries and prescribed public bodies have the responsibility to identify provincial heritage properties under their ownership or control and determine their cultural heritage value or interest. Undertaking technical cultural heritage studies by qualified persons in order to support decisions about them is an important application of the S&Gs.
- Please note that under provision B.4. of the S&Gs, if a ministry has not evaluated a property in its care or control, and if that property contains a building or structure that is 40 or more years old, then the ministry shall obtain the consent of the Minister of Heritage, Sport, Tourism and Culture Industries before removing or demolishing the building or structure. While we recognize that cultural heritage evaluation of the two subject heritage buildings was undertaken, we continue to recommend that a cultural heritage landscape approach be applied when evaluating cultural heritage value or interest in the case of large areas such as provincial parks. This approach can not only support MECP in fulfilling its responsibilities under the S&Gs, it can also help to avoid some of the costs and expenditure of time associated with individual evaluations.
- The Cultural Heritage Evaluation Reports (CHERs) for Hyatt House and MacDonald Farm do not clearly articulate or include supporting evidence in the application of criteria under O.Reg. 10/06. For example, the theme of the developing industry was not fully explored and did not include evidence to support whether or not it meets that criterion.
- Provision F.4. of the S&Gs requires that the removal or demolition of any building or structure on a provincial heritage property be considered a last resort after all other alternatives have been considered, subject to heritage impact assessment and public engagement. Ministries and prescribed public bodies are required to use best efforts to mitigate loss of cultural heritage value or interest.
- A review of the Heritage Impact Assessment (HIA) report for the MacDonald House does not appear to support the recommendation of demolition. The extent of the damage does not appear to have been fully analysed to support demolition as a last resort. Recommendations of the HIA should be to undertake further analysis and a cost estimate, including a Return On Investment (ROI), to stabilize and properly secure the property prior to any final decision to demolish and before seeking Minister's Consent.
- Archaeology – A Stage 1 archaeological assessment (Project Information Form Number P336-0074-2015) was undertaken for the whole park in 2015 and the report has been entered into the Ontario Public Register of Archaeological Reports. The Stage 1 AA identified all portions of the study area (buildings and structures to be demolished) determined to have archaeological potential or consist of actively or recently cultivated agricultural land should be subject to a Stage 2 archaeological assessment prior to any proposed development that would result in below grade disturbance.

Next Steps

- MECP (Ontario Parks) to advise MHSTCI on the Minister's Consent. Guidance on the Documentation Requirements for Minister's Consent is attached to this letter.
- The HIA for MacDonald House should be revised. MECP (Ontario Parks) to confirm to MHSTCI that it will follow the recommendations from the Heritage Impact Assessment reports.
- MECP (Ontario Parks) to confirm that a Stage 2 archaeological assessment will be undertaken by a licensed archaeologist prior to any demolition or removal of any buildings or structures as it would result in below grade disturbance.
- MHSTCI recommends that a mothballing policy and process be developed by MECP (Ontario Parks) in order to prevent buildings and structures within its portfolio from undergoing 'demolition by neglect'.

All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects. We would be pleased to discuss our comments further and/or provide additional information. Thank you again for consulting MHSTCI on this project and please continue to do so throughout the EA process.

Sincerely,



Karla Barboza
(A) Team Lead, Heritage Planning Unit
karla.barboza@ontario.ca

Copied to: Ontario Parks - Planning South East Zone (MECP) <planning.sez@ontario.ca>
Jon Orpana, Environmental Resource Planner & EA Coordinator, MECP
James Hamilton, Manager, Heritage Planning Unit, MHSTCI

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. MHSTCI makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MHSTCI be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Please notify MHSTCI if archaeological resources are impacted by EA project work. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

If human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

January 20, 2020

VIA EMAIL ONLY

Kendra Couling
Parks Planner, Ontario Parks Southeast Zone
Ministry of the Environment, Conservation and Parks
300 Water St, 4th Floor N
Peterborough, ON K9J 8M5
planning.sez@ontario.ca

MHSTCI File : 0011882
Proponent : Ministry of the Environment, Conservation and Parks – Ontario Parks
Subject : Invitation to Comment
Project : Amendment to Sandbanks Provincial Park Management Plan to Enable Building Demolition
ERO (Environmental Registry of Ontario) number 019-0977
Location : Geographic Townships of Athol and Hallowell, Prince Edward County

Dear Kendra Couling:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the notice of invitation to comment on the above-referenced posting. MHSTCI's interest in this posting relates to its mandate of conserving Ontario's cultural heritage, which includes:

- Archaeological resources, including land and marine;
- Built heritage resources, including bridges and monuments; and,
- Cultural heritage landscapes.

Under section 25.2 of the *Ontario Heritage Act (OHA)*, all Ontario government ministries and public bodies prescribed under Ontario Regulation 157/10 are required to comply with the [Standards and Guidelines for Conservation of Provincial Heritage Properties](#) (S&Gs) in the management of properties in their ownership or under their control.

Project Summary

The Ministry of the Environment, Conservation and Parks, Ontario Parks is proposing to demolish 2 heritage buildings (Gray House and MacDonald House) located in the Sandbanks Provincial Park. Currently the 1993 management plan for Sandbanks Provincial Park commits to preserving buildings within the historical zone of the park. MECP (Ontario Parks) is proposing amendments to specific sections of the management plan to allow for the demolition of the two buildings.

MHSTCI has reviewed the following documents:

- Cultural Heritage Evaluation Report: Site #13 (Hyatt House) dated March 2018 prepared by Letourneau Heritage Consulting Inc.
- Cultural Heritage Evaluation Report: Site #17 (MacDonald Farm) dated May 2019 prepared by Letourneau Heritage Consulting Inc.
- Heritage Impact Assessment: Site #13 (Hyatt House) dated March 2018 prepared by Letourneau Heritage Consulting Inc.
- Heritage Impact Assessment: Site #17 (MacDonald House) dated November 2019 prepared by Letourneau Heritage Consulting Inc.
- Sandbanks Provincial Park: A Cultural Resources Study dated January 1991 prepared by Commonwealth Historic Resource Management Limited
- Sandbanks Provincial Park Management Plan dated 1993

- Proposed Amendments to the Sandbanks Provincial Park Management Plan posted in the Environmental Registry.

MHSTCI supports the conservation of cultural heritage resources in provincial parks and notes that this is also consistent with the purpose of the Provincial Parks and Conservation Reserves Act (PPCRA), which has among its objectives the permanent protection of provincially significant elements of Ontario's cultural heritage. This planning framework is also guided by MNR's Protected Areas Planning Manual (2009), which references the compilation of background information as an important component of planning, and includes information about cultural heritage values. (pages 18-19)

Comments

Given the above, we have the following observations and recommendations to help support fulfillment of your obligations under the S&Gs and requirements under the environmental assessment process:

- Overall, we would recommend that more detailed language to align and reflect the S&Gs requirements to the park be included, with deletion of language that is not consistent with the S&Gs.
 - If there is an opportunity, at a minimum, to replace the terms "cultural heritage values", "cultural values", "cultural features", "cultural resources", "cultural heritage features" with "cultural heritage resources" that would bring the document into greater alignment with current terminology.

More specific comments in track changes are attached. Comments on the environmental assessment related to the proposed demolition will be sent separately.

We would suggest that, if it has not done so already, MECP (Ontario Parks) identify any (cultural) heritage stakeholders such as historical societies, museums and archives.

MHSTCI would be available to assist MECP (Ontario Parks) in developing and updating language to align with the S&Gs. We would be pleased to discuss our comments further and/or provide additional information. Thank you again for the opportunity to comment on this process.

Sincerely,



Karla Barboza
(A) Team Lead, Heritage Planning Unit
karla.barboza@ontario.ca

Copied to: Ontario Parks - Planning South East Zone (MECP) planning.sez@ontario.ca
James Hamilton, Manager, Heritage Planning Unit, MHSTCI

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. MHSTCI makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MHSTCI be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Please notify MHSTCI if archaeological resources are impacted by EA project work. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

If human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

Proposed amendments to the Sandbanks Provincial Park Management Plan

Currently the 1993 management plan for Sandbanks Provincial Park commits to preserving buildings within the historical zone of the park. However, due to costs and competing priorities, Gray House and MacDonald House, buildings that date back to the late 1870s, are now in an advanced state of disrepair.

Cultural heritage evaluations of the buildings have indicated that the buildings are no longer candidates for reconstruction; however, there are opportunities for commemoration.

We would like to better ensure park visitor safety by demolishing the buildings in 2020, as funding permits.

We are proposing specific sections of the management plan to be amended to allow the demolition of the two buildings, but continue the original intent of considering other uses (e.g., roofed accommodation) in those locations. We are proposing changes to the following sections:

Proposed amendments to Chapter 5 Park Boundary and Zoning:

5.2.2 Historical Zone 2 MacDonald Farm (56 ha)

The MacDonald Farm offers insights into historical agricultural uses of park lands. It dates back to the time of United Empire Loyalist settlement and illustrates the historical themes of agriculture and resort development unique to this area of the province.

~~DELETED: The cultural heritage features within this zone include the MacDonald House, dating back to 1878, the barns and outbuildings, the remnants of the Lakeland Lodge and the historic MacDonald/Hyatt wharf. The latter structure was most popular in the late 1800s.~~ **ADDED: The cultural heritage features-resources within this zone include buildings associated with the MacDonald farm, the remnants of the Lakeland Lodge, and the historic MacDonald / Hyatt wharf and areas of archaeological potential. The Gray House operated as the Lakeview Lodge soon after its construction in 1869 by the Hyatt family.**

~~DELETED: Management policies for this zone include the preservation of the MacDonald House and the barns, as well as the MacDonald/Hyatt wharf site and the site of the Lakeland Hotel. Any deterioration will be arrested, and potential for restoration, adaptive reuse and interpretation of the structures will be examined as part of the cultural resources management plan.~~

ADDED: Management policies for this zone include the interpretation of the elements of the former agricultural and resort development character of the area. The potential for restoration, adaptive reuse and interpretation of the structures will be examined and

Commented [MHSTC11]: Please clarify the intent.

considered. ~~Decisions will be based on appropriate technical cultural heritage studies.~~
~~The MacDonald House and Gray House had potential for adaptive reuse, but over time their condition deteriorated to the point that they could no longer be repurposed. The MacDonald House and Gray House were scheduled to be demolished in 2020. In keeping with the intent of adaptive reuse of buildings, the development of other facilities (e.g., roofed accommodation) may be considered in the location of the historical buildings.~~

This Historical Zone also includes several of the agricultural fields associated with the MacDonald Farm and the historic Gray House. ~~DELETED: The Gray House operated as the Lakeview Lodge soon after its construction in 1869 by the Hyatt family. The house is in good condition and it will not be allowed to deteriorate further. The house's potential as a candidate site for a heritage bed and breakfast establishment will be examined in the cultural resources management plan.~~ The agricultural fields contained in the Historical Zone will be managed to retain the spatial form of the field and hedgerow patterns of the late 1800s period, as determined by the cultural resources management plan (or any updated studies such as archaeological assessment(s) and strategic conservation plan) and as detailed in the vegetation management plan.

Proposed amendments to Chapter 6 Resource Management Policies:

6.5 Cultural Resources

~~A cultural resources management plan will be developed to guide the management of the cultural resources of the park. The cultural resources management plan will include recommendations on:~~

- ~~the preservation of significant cultural landscape patterns, structures and sites;~~
- ~~the restoration, interpretation and/or adaptive reuse of significant heritage structures and sites;~~
- ~~the development of new facilities for the display and interpretation of elements of the cultural heritage of the park;~~
- ~~specific management techniques for preserving or allowing the evolution of the cultural resources of the park.~~

A cultural resources management plan study was completed in 1991 which identified the cultural heritage resources of Sandbanks Provincial Park, outlined their significance and made recommendations for their management. ~~Resources of primary significance~~ Heritage attributes in the park include:

- archaeological sites near the carrying place on the West Lake dunes and near the former Lakeshore Lodge site;
- the Lakeshore Lodge ruins and the associated landscape;
- the MacDonald Farm and the associated wharf site and agricultural field patterns;
- the Gray House (Lakeview Lodge);
- the Barrett House;
- the sugar bush at the intersection of Maple Lane and the West Point Road.

Application

The cultural heritage value or interest of the park will be appropriately interpreted and presented to communicate its meaning and to enhance public understanding.

Commented [MHSTCI2]: We suggest that the potential for adaptive reuse and interpretation be separated in two sentences.

The potential for restoration or adaptive reuse of the structures will be examined and considered. Decisions will be based on appropriate technical cultural heritage studies. Opportunities for interpretation of cultural heritage resources will be explored. The cultural heritage value or interest of the park will be appropriately interpreted and presented to communicate its meaning and to enhance public understanding

Commented [MHSTCI3]: See provision A.3 and Principles of the S&Gs

Commented [MHSTCI4]: We recommend that this paragraph is deleted. Suggest to leave it more high level as the environmental assessment is still unfolding and the demolition may require MHSTCI Minister's consent.

Commented [MHSTCI5]: Provision E.6 of the S&Gs

~~An interpretation plan will be developed based on Heritage interpretation messages will be developed for each of these features and others as determined by the cultural resources management plan and other future studies or research.~~
In the interim,

~~ADDED: as resources permit,~~ cultural heritage resources will be ~~stabilized mothballed~~ and will not be allowed to deteriorate further. ~~DELETED: Restoration of the MacDonald House and farm buildings, the Gray House and the Barrett House will be undertaken in conjunction with future adaptive reuse of the structures (see Sections 7.4 and 8.9).~~ ADDED: Restoration of the Barrett House took place in 1998/1999 in conjunction with adaptive reuse of the structure (see Section 7.4.3). A Strategic Conservation Plan will be developed to provide guidance on conserving, maintaining, using and disposing of the park.

Commented [MHSTC16]: See Provision F.1 and B.4 (demolition by neglect) of the S&Gs

Commented [MHSTC17]: Please clarify why this statement is relevant.

A Stage 1 archaeological assessment was undertaken in 2015 and the report has been entered into the Ontario Public Register of Archaeological Reports. A number of recommendations were made and will be followed, such as:

- All areas of the park determined to have archaeological potential or consist of actively or recently cultivated agricultural land should be subject to a Stage 2 archaeological assessment prior to any proposed development that would result in below grade disturbance.
- In the event of future proposed shoreline or off-shore developments involving lakebed disturbances or other alterations (i.e. filling), the work should be preceded by an underwater archaeological assessment conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act.

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Archaeological sites that have been identified in the park, as well as sites that are discovered, will be protected by conserving them in their original location or through archaeological fieldwork. Endeavour to conserve significant archaeological resources in their original location through documentation, protection, and avoidance of impacts. Where activities could disturb significant archaeological resources or areas of archaeological potential, appropriate measures to mitigate impacts will be taken.

Commented [MHSTC18]: Provision C.3 of the S&Gs.

from development. Opportunities for archaeological research will be sought and will be guided by the recommendations of the cultural resources management plan.

Commented [MHSTC19]: Please delete as the recommendations to be followed will be from the Stage 1 AA and legislative requirements.

Coordination of the Vegetation and Cultural Resources Management Plans or future studies such as archaeological assessment(s) and Strategic Conservation Plan will be required for common elements such as hedgerows and old fields.

Proposed amendments to Chapter 7 Operations Policies:

DELETED: 7.4.3 Bed and Breakfast Accommodations

Opportunities will be permitted for privately operated bed and breakfast establishments at selected heritage homes within the park. These bed and breakfast homes will offer an alternative accommodation service, on a reservation basis, for visitors to the park. They will have themes which interpret the heritage of the local area. Market rates will be charged for these accommodations to eliminate the potential for unfair competition with existing local businesses around the park.

Three potential bed and breakfast locations have been identified. These include the

MacDonald House, the Gray House and the Barrett House. The operation of bed and breakfast establishments in these homes will be offered as concessions to interested and qualified private operators.

ADDED: 7.4.3 Roofed Accommodation

At this time, two roofed accommodation facilities are available at Sandbanks Provincial Park: Maple Rest (Barrett House) and Jacques' Cottage. Both facilities offer fully equipped kitchens, multiple bedrooms and excellent access to the park.

Roofed accommodation could also be developed on other areas of the park, such as the Historical Zones, the site of the MacDonald House or Gray House.

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Proposed amendments to Chapter 8: Development Policies:

In Chapter 8 Development Policies

Park facilities will be maintained or replaced as necessary, as budgets allow, to provide

continued service to park visitors and to ensure that public safety and environmental protection needs are met. **ADDED: Any structures posing a health and safety risk will be removed.** New development is planned as follows.

8.3 Parking Areas

Existing parking areas in the Outlet Sector will be redesigned and reorganized to reduce the environmental impact on the dune systems. The revisions will improve the efficiency of the traffic movement system during peak use periods and pedestrian safety in the day use areas. The redesign will also enhance the aesthetics of the recreational experience at Outlet Beach. A more detailed description of the proposed redesign of parking areas is included under Section 8.5.1.

Parking areas will be designed for the proposed new visitor centre and at the West Lake Day Use Area. The parking area at West Point will accommodate users of the visitor centre and the Lakeshore Trail and picnic areas. A separate, smaller parking area at West Lake will accommodate users of the interpretive trails that begin at West Lake.

Small parking areas will be provided at the MacDonald Farm and at the Gray House to accommodate those using the trail systems and the small day use/interpretive sites at the MacDonald Farm. **DELETED: They will also serve the bed and breakfast establishments at the Gray House and MacDonald House.**

A parking area will also be provided at the main gatehouse and park administration headquarters, to accommodate those people who attend the daily roll-call for vacant campsite reservations or who seek information at the park headquarters.

8.5.2 MacDonald Farm Day Use Area

The MacDonald Farm day use area is associated with an Historic Zone around the farm and the former wharf site. Site development will be limited to picnic sites on the point near the wharf, as well as a small parking area for 5-10 cars. This area will also serve as the access to the Lakeshore Trail and the Woodlands Trail to West Lake. Potential ~~restoration-adaptive reuse~~ **DELETED: adaptive reuse such as bed and breakfast accommodation** and interpretation of the MacDonald **DELETED: House and farm buildings and the former wharf will be considered** ~~in the cultural resources management plan~~ **based on technical cultural heritage studies.**

8.6 Boat Launching and Mooring

There are currently very few opportunities for public launching of small craft onto Lake Ontario in the southwest area of Prince Edward County and none onto Athol Bay. This situation has led the boating public and elected representatives to ask the Ministry of Natural Resources to consider locating a public launch and mooring site on Athol Bay within Sandbanks Provincial Park.

Commented [MHSTC110]: This statement needs to be revised. Provision D.4 states that if changes that may adversely affect a provincial heritage property's cultural heritage value are proposed for purposes of compliance with health and safety requirements, ministries shall obtain advice from qualified persons on compliance alternatives or reasonable variances that protect cultural heritage value while satisfying health and safety objectives.

After consideration of the backshore, shoreline and lake conditions on Athol Bay, it has been decided that any new public small craft launch facility on Athol Bay is not practical. There is a lack of a natural harbour of any kind in Athol Bay and the wind and wave conditions create very dangerous waters for launching and mooring small craft, particularly in stormy weather.

The site that received most attention was the historic MacDonald / Hyatt wharf site. This site is highly exposed to wind and wave action. The cost of creating a safe artificial harbour basin is judged to be exorbitant. Furthermore, the area required for parking and launching facilities on the backshore is not available at this site. Given a ramp's probable popularity, the launch traffic would be incompatible with the values of the ~~DELETED: adjacent MacDonald Farm bed and breakfast potential~~ ADDED: area. Use of this area by the few commercial fishermen active in the waters near the park can continue, subject to monitoring.

Commented [MHSTC11]: Please clarify which values? Cultural heritage value of the area?

A facility for small craft mooring is included as part of the West Lake Day Use Area, allowing small craft to dock, but not launch, at the swimming beach and picnic area. The existing launching opportunity on the Outlet River is continued, subject to the restrictions outlined in Section 8.2.

8.8 Cultural Heritage Interpretation Facilities

The current park museum and visitor centre are inappropriately located. The former Lakeshore Lodge site near West Point will more evenly distribute use in the park and offer associated historic and prehistoric themes. ADDED: An alternative location could be on the site of the MacDonald House or Gray House. The functions of the park museum and visitor centre should be located ~~DELETED: here~~ in a new visitor centre which:

- reflects the historic character of the park's early architecture;
- retains the historic traces of the old lodge;
- does not have impact on the nearby archaeological resources;
- encourages high quality interpretive programming and visitor services.

An approved site selection plan and site plan are required in locating and developing this new park visitor centre.

Cultural heritage interpretation in the entire park will be enhanced. An interpretation plan will be developed. There are several additional facilities that may be ~~restored-conserved~~ to ensure the cultural heritage value of the park is appropriately interpreted and presented. ~~improve the delivery of heritage interpretation services and to preserve cultural heritage features and landscapes in the park.~~

These facilities include the MacDonald ~~DELETED: House and farm~~, the MacDonald/Hyatt wharf site ~~DELETED: the Gray House (Lakeview Lodge)~~ and the Barrett House, ~~ADDED: restored in 1998/1999, which contribute to the cultural interpretation of the park.~~ Restoration, interpretation and construction Conservation of all cultural

Commented [MHSTC12]: Please clarify why this would be deleted. Even if the demolition of the Gray House is the preferred alternative, there is still an opportunity to interpret and commemorate.

heritage ~~facilities resources~~ will be guided by ~~the comprehensive cultural resources management plan~~ a Strategic Conservation Plan for the park.

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8.9 Park Administration and Headquarters

A new park headquarters and administration building will be developed in a more central location. The current location along the road to Outlet Beach reinforces the perception that Sandbanks Provincial Park is primarily centred on the Outlet Sector. The current location is not at the central distribution point for visitors to the park, once the proposed new park entrance road is in place. The current location is also constrained by limited parking facilities, especially during the hectic campsite roll-call period.

A proposed location for the park headquarters is shown on Figure 5 near the proposed gatehouse on the park entrance road. ~~DELETED: As an option, should a bed and breakfast concession establishment in the MacDonald House prove not to be feasible, this house could be renovated and reused as the new park headquarters.~~ ~~ADDED: An alternative location could be at the site of the MacDonald House.~~ A site selection plan and site plan will be prepared before locating a new site for this facility.

Proposed amendments to Chapter 9 Implementation Policies:

In 9.3 Phase 3

This phase covers further initiatives that complete the implementation of the Management Plan.

- Construct a new visitor's centre in the West Point area.
- Construct dune observation deck and interpretive trail near West Point.
- Complete overall park trail system.
- Close landfill site.
- ~~ADDED: Demolish Management of Gray House and MacDonald Houses Farm.~~ Undertake Stage 2 archaeological assessment prior to any proposed new construction, adaptive reuse or demolition of any building or structures

Under Section 11 (References), we suggest that the archaeological assessments and heritage impact assessment reports be included.

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**This is Exhibit “G” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

Director
Programs and Services Branch
Culture Division
401 Bay Street, Suite 1700
Toronto ON M7A 0A7
Tel.: 416-314-7342
Email: Gavin.Downing@ontario.ca

Directeur
Direction des programmes et des services
Division de la culture
401, rue Bay, bureau 1700
Toronto ON M7A 0A7
Tél. : 416-314-7342
Courriel : Gavin.Downing@ontario.ca

February 6, 2020

VIA EMAIL ONLY

Mr. Kenneth Dewar
Chairperson
Prince Edward Heritage Advisory Committee
280 Picton Main St.
Picton, ON K0K 2T0
Phone: 613-476-2148, ext. 339
Fax: 613-476-2051
Email: ken@kdewar.com

RE: Amending the Sandbanks Provincial Park Management Plan to enable the demolition of two buildings

Dear Mr. Dewar,

Thank you for sharing a copy of the Prince Edward County Heritage Advisory Committee's submission regarding proposed amendments to the Sandbanks Provincial Park Management Plan.

As you know, Sandbanks Provincial Park, which includes the Gray House (also known as the Hyatt House) and the MacDonald Farm, is managed on behalf of the Province by the Ministry of the Environment, Conservation and Parks (MECP).

Under section 25.2 of the *Ontario Heritage Act* (OHA), all Ontario government ministries and public bodies prescribed under Ontario Regulation 157/10 are required to comply with the Standards and Guidelines for Conservation of Provincial Heritage Properties in the management of heritage properties in their ownership or under their control.

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) has provided comments on this proposal to MECP, both in its role as a commenting agency under the environmental assessment process, and as the Ontario government lead in administration of the OHA.

I am confident that MECP, consistent with established processes and in fulfilment of its responsibilities under the OHA, will consider the views of all interested parties regarding this proposal.

For all matters related to the management of Sandbanks Provincial Park, I would encourage you to contact Robin Reilly, Park Superintendent (MECP) at robin.reilly@ontario.ca or 613-393-3319 ext. 233.

If you have any questions about the OHA or the Standards and Guidelines, please contact Karla Barboza, (A) Team Lead – Heritage Planning Unit (MHSTCI) at karla.barboza@ontario.ca or 416-314-7120.

Thank you for your interest in the conservation of Ontario's cultural heritage.

Sincerely,



Gavin Downing

- c. Ernie Margetson, Councillor – Ward 7, Prince Edward County emargetson@pecounty.on.ca
- John Hirsch, Councillor – Ward 9, Prince Edward County jhirsch@pecounty.on.ca
- Liz Driver, Prince Edward Heritage Advisory Committee liz.driver@sympatico.ca
- Brendan O'Connor, Prince Edward Heritage Advisory Committee oconnorplanning@gmail.com
- James Hamilton, Manager, Heritage Planning Unit (MHSTCI)
- Karla Barboza, (A) Team Lead, Heritage Planning Unit (MHSTCI)
- Kendra Couling, Park Planner – Southeast Park Zone, Ontario Parks (MECP)
- Robin Reilly, Park Superintendent, Sandbanks Provincial Park (MECP)

**This is Exhibit “H” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

Director
Programs and Services Branch
Culture Division
401 Bay Street, Suite 1700
Toronto ON M7A 0A7
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Tél. : 416-314-7342
Courriel : Gavin.Downing@ontario.ca

February 6, 2020

VIA EMAIL ONLY

Mr. Edwin Rowse
Principal, E.R.A. Architects
Email: edwinr@eraarch.ca

RE: Amending the Sandbanks Provincial Park Management Plan to enable the demolition of two buildings

Dear Mr. Rowse,

Thank you for sharing a copy of your submission regarding proposed amendments to the Sandbanks Provincial Park Management Plan.

As you know, Sandbanks Provincial Park, which includes the Gray House (also known as the Hyatt House) and the MacDonald Farm, is managed on behalf of the Province by the Ministry of the Environment, Conservation and Parks (MECP).

Under section 25.2 of the *Ontario Heritage Act* (OHA), all Ontario government ministries and public bodies prescribed under Ontario Regulation 157/10 are required to comply with the Standards and Guidelines for Conservation of Provincial Heritage Properties in the management of heritage properties in their ownership or under their control.

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) has provided comments on this proposal to MECP, both in its role as a commenting agency under the environmental assessment process and as the Ontario government lead on administration of the OHA.

I understand that MECP, consistent with established processes and in fulfilment of its responsibilities under the OHA, will consider the views of all interested parties regarding this proposal.

For all matters related to the management of Sandbanks Provincial Park, I would encourage you to contact Robin Reilly, Park Superintendent (MECP) at robin.reilly@ontario.ca or 613-393-3319 ext. 233.

If you have any questions about the OHA or the Standards and Guidelines, please contact Karla Barboza, (A) Team Lead – Heritage Planning Unit (MHSTCI) at karla.barboza@ontario.ca or 416-314-7120.

Thank you for your interest in the conservation of Ontario's cultural heritage.

Sincerely,

A handwritten signature in black ink, reading "Gavin Downing". The signature is fluid and cursive, with the first name "Gavin" and last name "Downing" clearly distinguishable.

Gavin Downing

- c. James Hamilton, Manager, Heritage Planning Unit (MHSTCI)
- Karla Barboza, (A) Team Lead, Heritage Planning Unit (MHSTCI)
- Kendra Couling, Park Planner – Southeast Park Zone, Ontario Parks (MECP)
- Robin Reilly, Park Superintendent, Sandbanks Provincial Park (MECP)

**This is Exhibit “I” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



ERA Architects Inc.
#600-625 Church St
Toronto ON, M4Y 2G1

October 7, 2020

Kendra Couling, Park Planner – Southeast Zone
Ministry of the Environment, Conservation and Parks
300 Water Street, 4th Floor North
Robinson Place, South Tower
Peterborough, Ontario K9J 8M5
Email: kendra.couling@ontario.ca

Dear Ms Couling,

**R E : COMMENTS AND PROPOSAL MACDONALD AND HYATT HOUSES:
 SANDBANKS PROVINCIAL PARK**

I am writing in response to the September 15, 2020 “Demolition of Heritage Buildings // Notice of Completion for Category B Project Evaluation” for the MacDonald and Gray (also known as Hyatt) Houses at Sandbanks Provincial Park. I note that interested persons may submit additional comments and concerns by October 15, 2020 to you or to Park Superintendent Robin Reilly, copied here.

My comments and proposal relate specifically to “the potential to invest in the restoration of the buildings” referenced in the September 15 Notice. I understand that the Prince Edward County Heritage Advisory Committee (PEHAC) submitted one of the two comments arguing for this approach, and that Mayor Steve Ferguson’s March 10, 2020 letter to Minister Yurek reinforced PEHAC’s position and encouraged the review of alternate options. My proposal for private sector investment to preserve the two buildings is a response to the Ministry of the Environment, Conservation and Parks’ (MECP) decision not to take on the financial commitment, as announced in the Notice.

The MacDonald and Hyatt Houses are two culturally significant dwellings that are important to the local community and have immense potential within the special setting of Sandbanks Provincial Park. The buildings’ significance and potential are clearly recognized in the 1993 Sandbanks Provincial Park Management Plan and underscored by PEHAC’s submission to the Environmental Registry of Ontario. **I am aware that these buildings have fallen into disrepair; however, I am most interested in taking on their stewardship to ensure that they are repaired, maintained, managed, and celebrated, with new and impactful long-term sustainable uses.**

As an owner of ERA Architects, a Toronto firm of about 100 professionals with a commitment to conserving heritage buildings across Canada, I understand the needs of these buildings and the

alternative economic models that will allow them to flourish. I understand further that the MECP is unable at this time to make the financial commitment in these properties and that there is a need for a significant injection of capital to repair and operate them. It is for these reasons that I am proposing to enter into an agreement to lease the buildings and to identify appropriate new uses for them.

I have experience in developing the potential of heritage buildings in Prince Edward County. In 2015, I played a significant role in supporting the Drake Hotel's introduction to the region. Leading the ERA team as Architects of Record for the project, I guided the successful restoration and rehabilitation of the former inn, which is now a leading tourism and economic driver in downtown Wellington.

As the founder and former President of "Small", a non-profit organization committed to the regeneration of small rural communities, I understand what it is to build a cultural economy and invest in rural places. This non-profit leveraged unused, unique rural assets in order to complement and support other community initiatives. The organization is now a part of ERA, and the principles of the program live on as a key practice area for our company, for example, from facilitating community engagement in Newfoundland to reimagining civic assets in Banff National Park.

ERA looks to reimagine uses of heritage buildings in ways that celebrate their history, while increasing their contemporary usefulness and boosting access for all people. Here is a brief synopsis of some of the ERA projects I have led that provide a precedent for future adaptive reuse of the MacDonald and Hyatt Houses.

Evergreen Brick Works was once an abandoned brick factory and quarry. It is now a community hub with inclusive programming that showcases innovations in green design, place-making and city building. The lands are operated by Evergreen as part of a 25-year lease with the Toronto and Region Conservation Authority and required engagement with the Ontario Heritage Trust.

Coboconk Wellness Centre is a community wellness centre that involves the adaptive reuse of a historic train station on city-owned land leased to the local Chamber of Commerce.

Creemore Cultural Economic Plan is an engagement mandate with the community and board to explore an economic framework to leverage heritage buildings and local businesses towards a strong "cultural economy" and vision. This work is currently underway and builds on previous engagement on asset management we'd previously advised on.

TD Lands is a swath of downtown Creemore left vacant after the departure of the TD Bank. ERA led a public consultation with the Creemore Community Foundation to establish design parameters for new use of the space.

Bruce's Mill, located in a conservation area in Whitchurch-Stouffville, is the subject of a new engagement plan by the Toronto and Region Conservation Authority with ERA that will reimagine the use of the only structure in the area (pending).

Port Perry's Mill is located at the terminus to the downtown main street, on a site owned by the town. Small and ERA provided guidance to town staff and Council in the management of the unused structure. We also provided strategies for adaptive reuse and rehabilitation funded by an innovative leasing model with various entrepreneurial businesses (pending).

The Basins Project is a partnership between ERA and ARUP Canada that targets best practices for cultural assets in sensitive flood plains. Together we are working on a policy framework to increase the resiliency of communities and cities in the Great Lakes Basin. The understanding that I have gained from this work would benefit the rehabilitation of the MacDonald and Hyatt Houses within a park on the Lake Ontario waterfront.

Through these and other projects, I have seen the emergence of new models for client groups that provide innovative approaches to raise funds privately through grants, public-private partnerships, and operation leasing.

MY PROPOSAL

1. A 3-month due diligence period would be mutually agreed, and demolition paused, to allow me to:
 - a. confirm funding sources;
 - b. assess the condition of the buildings;
 - c. define the scope of work;
 - d. determine the financial feasibility of the project; and
 - e. develop an understanding with the Province and the Municipality.
2. Following the period of due diligence, I would enter into negotiation for a lease agreement with the MECP for a one-time modest consideration, for a proposed length of 49 years (or another time period agreeable to the parties), which would include the following elements:
 - a. a conservation and renovation scope for the rehabilitation of the buildings agreeable to the Province;
 - b. leaseholder's responsibility for the buildings, including a commitment to protect their recognized heritage value;
 - c. as landowner, MECP's responsibility for maintaining public utilities to the buildings, with coordination and implementation of any changes to the services to form part of the lease negotiation;
 - d. acceptable uses and activities for the buildings;
 - e. leaseholder's responsibility for operations;
 - f. houses to be operational within two to three years of possession at an agreed schedule; and
 - g. an agreed understanding with respect to net revenue over the term of the lease.

I am bringing forward my proposal as a private individual leading a group of potential investors. I believe that this proposal supports Mayor Ferguson's stated wish to find a path forward to respecting the Sandbanks Provincial Park Management Plan and also fulfills the expectation of the community that these valuable heritage assets will be conserved.

I look forward to your response to this proposal.

Regards,



Philip Evans
Principal, ERA Architects

Copies to:

Robin Reilly, Park Superintendent
Sandbanks Provincial Park

3004 County Road 12,
Picton, ON K0K 2T0

robin.reilly@ontario.ca

Jeff Yurek, Minister of the Environment, Conservation and Parks
jeff.yurek@pc.ola.org

Todd Smith, MPP Bay of Quinte
todd.smithco@pc.ola.org


Mayor Steve Ferguson, County of Prince Edward
sferguson@pecounty.on.ca

Councillor Ernest Margetson, County of Prince Edward
emargetson@pecounty.on.ca

**This is Exhibit “J” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



Hyatt & MacDonald Houses: Sustainability & Place

Philip Evans, ERA Architects

ERA

small

THE
BASINS
PROJECT



ERA Architects Profile:

Architecture, landscape, and planning
specialized in heritage conservation,
cultural engagement, democratic
design, and values-based city building.

ERA



small

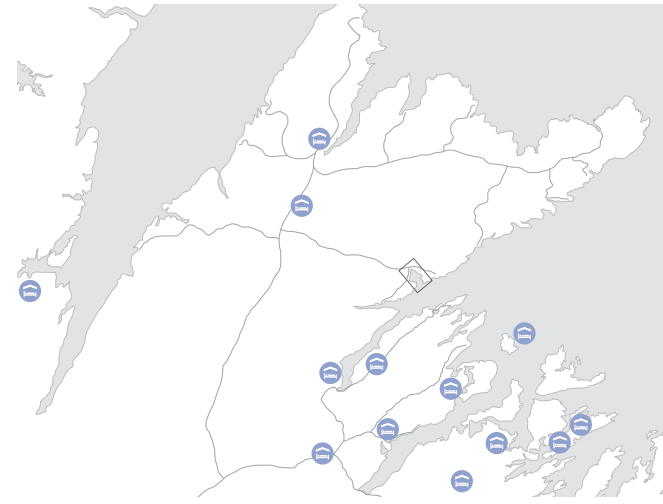
Advancing rural community sustainability by engaging public policies and private initiatives, individuals and investors, and urban and rural areas to identify, catalyze, and support new cultural economies

Curating and producing events, workshops, conferences, and cultural spaces for the purposes of contributing to rural cultural heritage, community revitalization, sustainable development, and place-based economies

Developing and supporting networks of cultural producers to share best practices and leverage regional strengths toward community economic development and broader market access

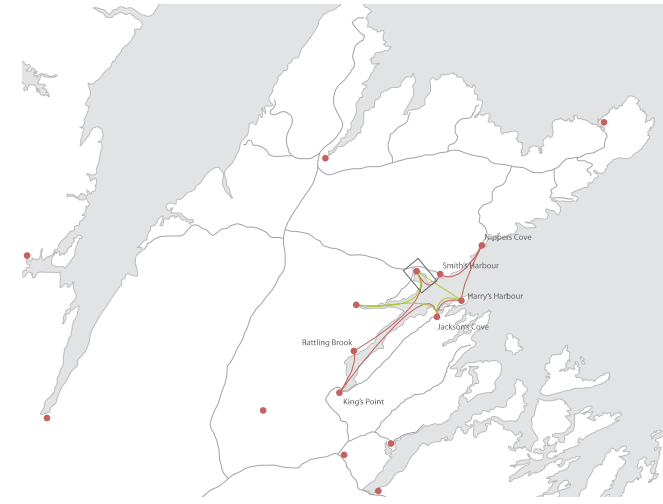
Studying and fostering sustainable placemaking practices sensitive to local cultural heritage, to support community-led revitalization and regeneration objectives

4.2 Regional Cultural Programming



Hotels and Lodging Connections

Throughout the Baie Verte Peninsula there are half a dozen lodging facilities. The majority of these accommodations are in the community of Baie Verte, towards the southern portion of the region and towards Notre Dame Bay. A destination hotel in Burlington would be the only hotel along the east side of the peninsula.



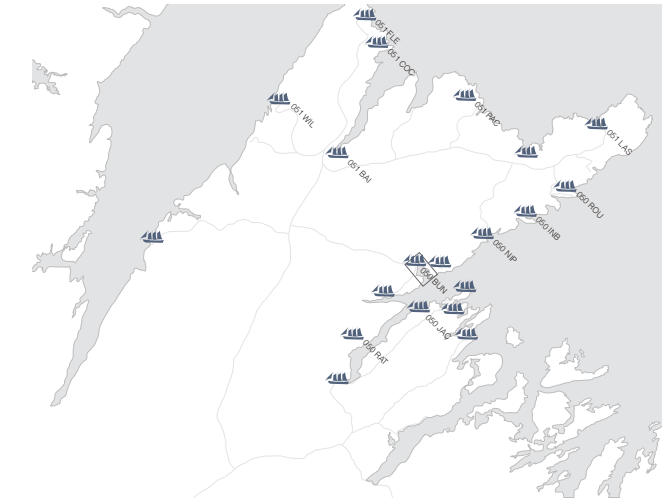
Boat Tours

A series of boat tours could offer visitors a tour of Green Bay and its communities. Connections to seven other outport communities are accessible in short and long duration trips.



Snowmobiling Treks, Races, Tours

A network of snowmobile trails is well defined in the region. Burlington is quite centrally located and provides additional offerings to the snowmobiling culture. Currently Burlington offers a gas pump station and informal repair at Saunder's Repair Shop. Winter activities could include races or tours.



Shipbuilding Site Tours

Though Burlington produced most of the ships in the region, there is an understanding of the many other outports that built ships as well. Historically, almost 20 other outport communities had been hosts to shipbuilding sites. A shipbuilding site tour with markers at each site would offer a unique interpretation of Burlington and other outports within the region.

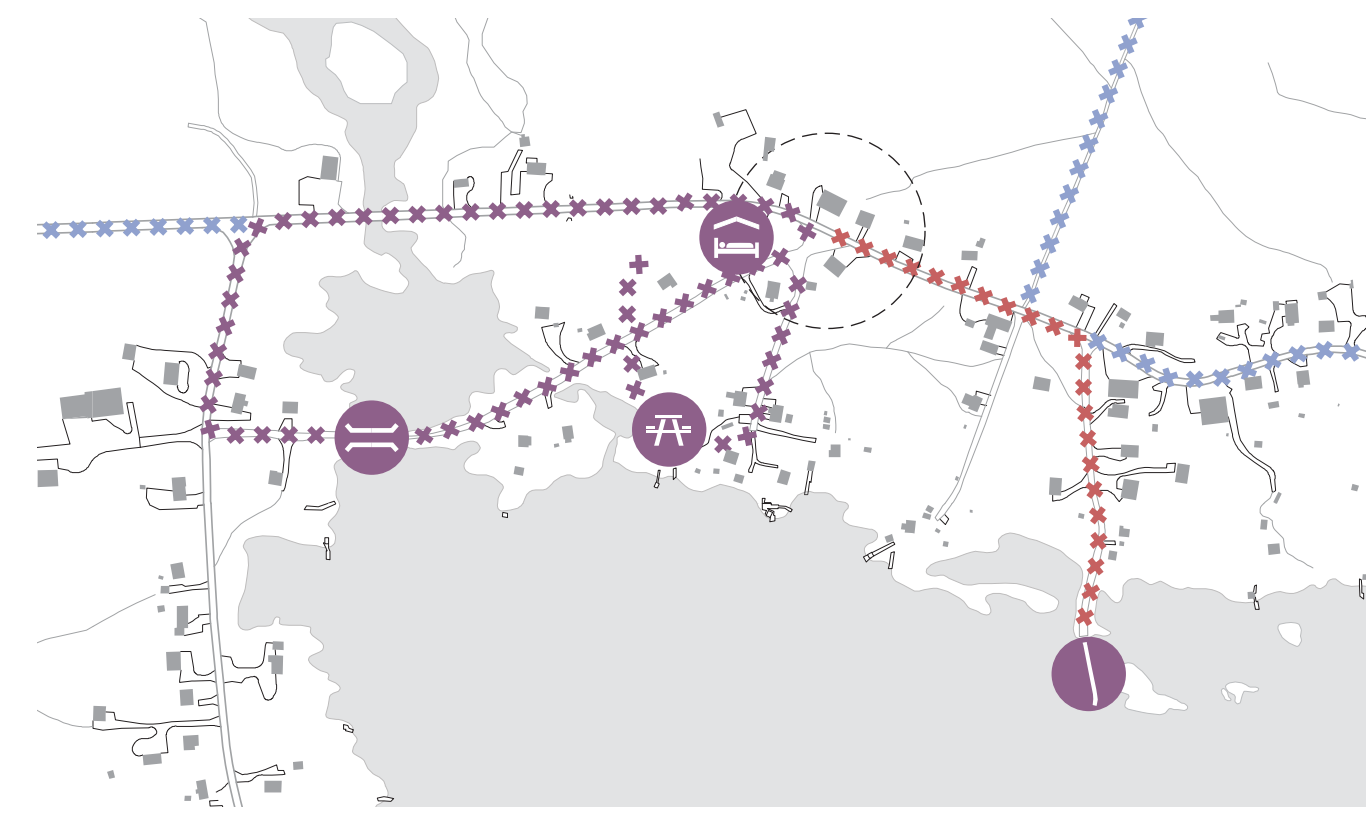
4.3 Cultural Heritage Infrastructure Strategy

A few strategic investments in cultural heritage resources within the town centre could go a long way towards redefining a livable community that enhances an authentic experience for visitors and acts as an amenity for local and regional cultural tourism.

These community building projects are sizable investments. They are ambitious without an economic business model that could support them. They require discussion and planning within the community. Incremental progress could be considered for each.

Together they form a comprehensive range of experience and benefits for hotel and community programming.

- **majumder manor**
Majumder Manor presents many opportunities to support the cultural resources within the town and support the community. It is a major contribution. The community can play a significant role in managing the hotel within its collection of existing physical and intangible resources, particularly in its endless possibilities for programming.
- **the old wood bridge**
A future project that would improve the setting for the hotel and enhance connections in the community would include reinstating the old wood bridge. Its completion would create a "loop" in the original form in which it historically existed in the town. Even as a footprint, this connection could do much for a pedestrian friendly condition at the mouth of the brook.
- **the park**
The town owns a portion of land at the water's edge that has been informally used as a picnic area for visitors and members of the community. It's an exciting use and represents the essence of incremental growth. Opportunities to enhance the park could provide a formal gathering place within Burlington for both the community and its visitors.
- **the burlington wharf**
This mighty wharf was once the largest in the entire region and serviced ships and boats for generations. Reinstating the wharf would require a real need within the community. Its revival would offer a full experience for visitors of potential boat tours.



Burlington Nfld Case Study

**Burlington
Nfld**

**Case
Study**





**Mitchell's
Bay
ON**

**Bay Lodge
Case
Study**



**Mitchell's
Bay
ON**

**Bay Lodge
Case
Study**



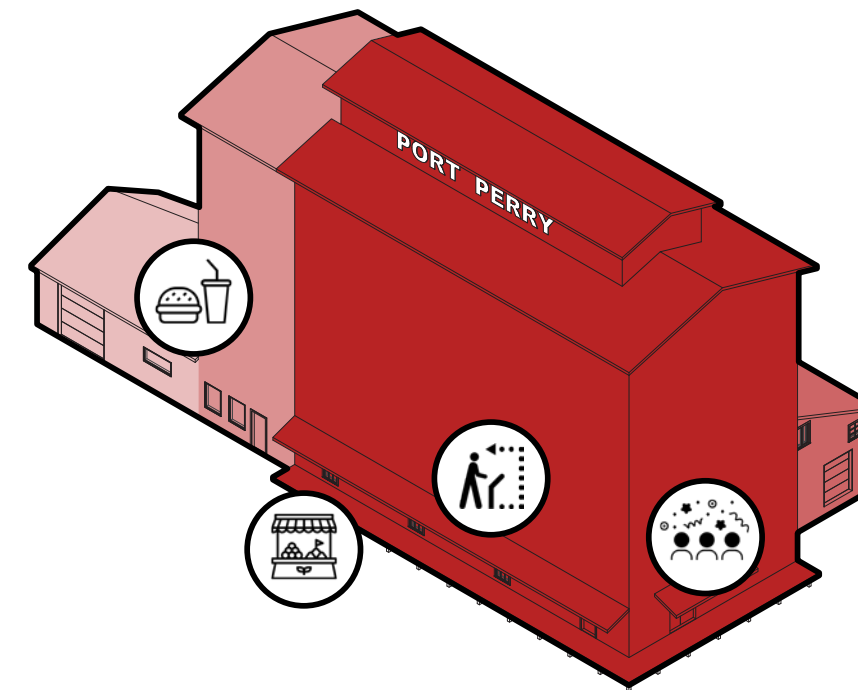
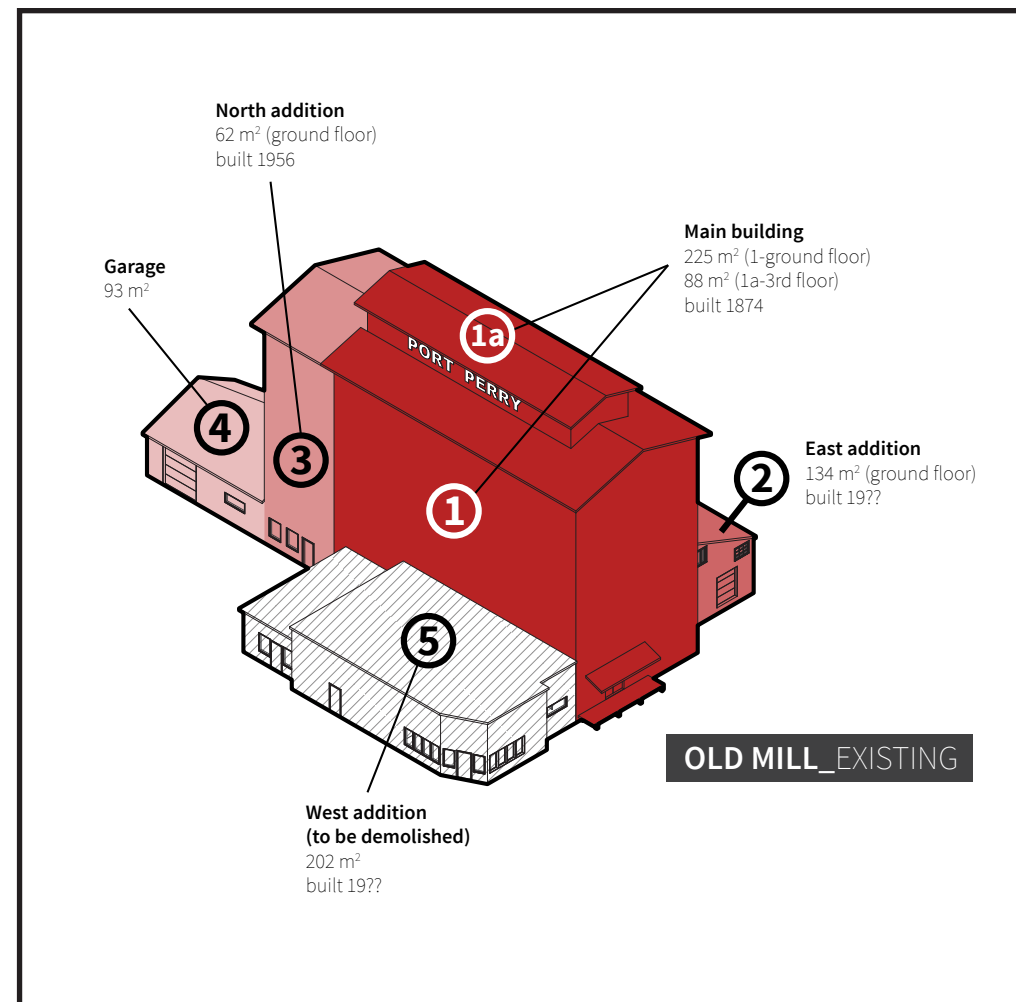
**Port
Perry, ON**

**Port
Perry
Old Mill
Case
Study**



Port Perry, ON

Port Perry Old Mill Case Study

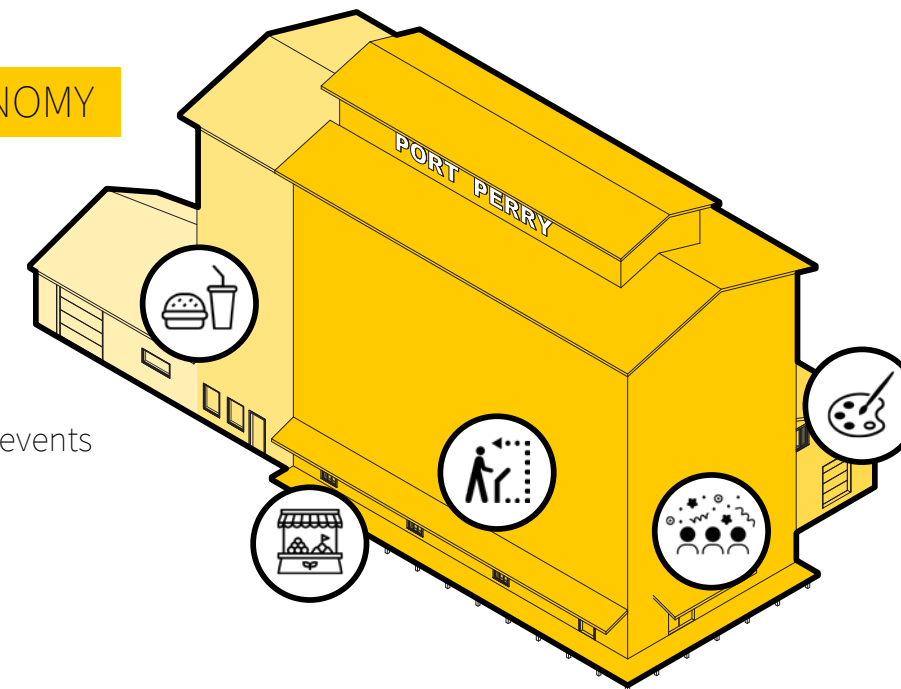


1_ACTIVATION

- Event space
- Food & drink
- Self-guided tour
- Farmer's market/activation events

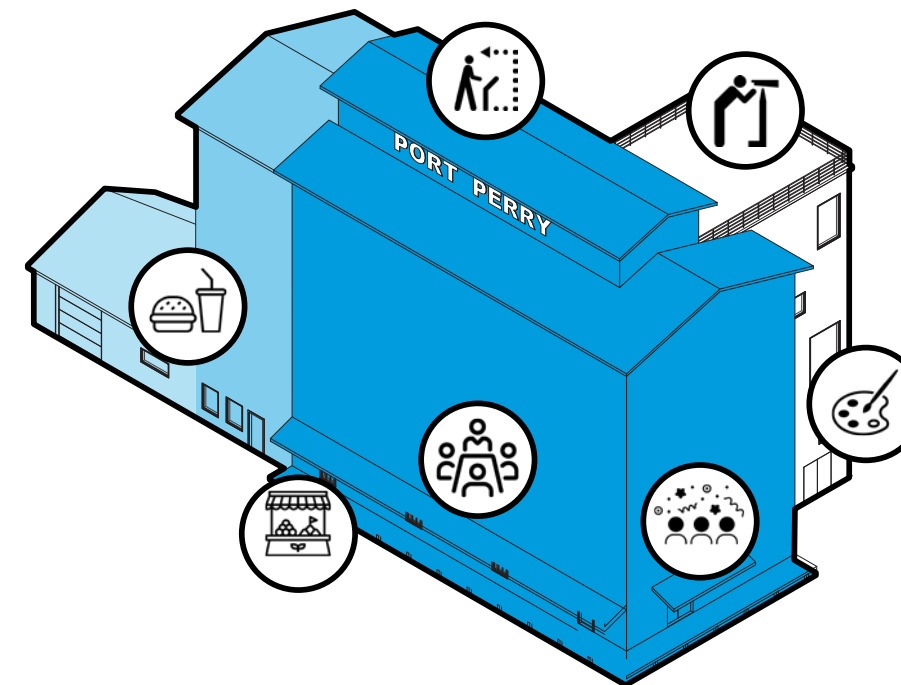
2_TOWARD A CULTURAL ECONOMY

- Event space
- Food & drink
- Self-guided tour
- Farmer's market/activation events
- Artist studios/hot desks



3_CULTURAL INNOVATION HUB

- Event space
- Food & drink
- Self-guided tour
- Farmer's market/activation events
- Artist studios/hot desks
- Waterfront viewing platform
- Meeting rooms



Port Perry, ON

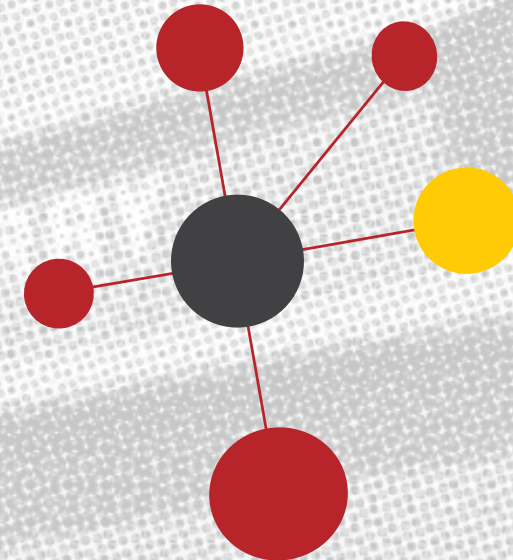
Port Perry Old Mill Case Study



1 DEFINE FUNCTIONAL PROGRAM



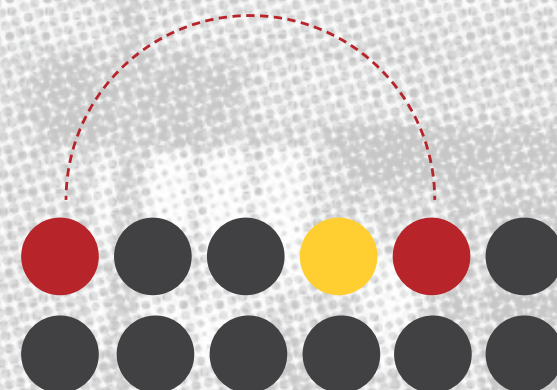
2 PARTNER



3 FUND



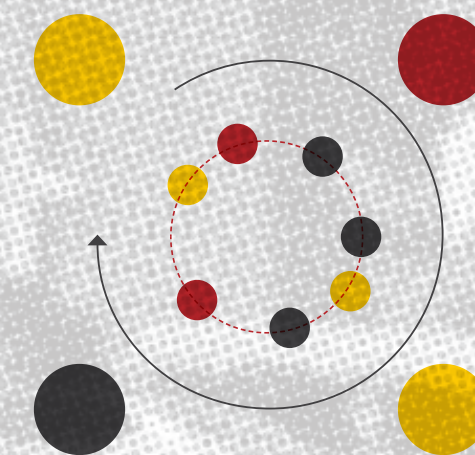
4 PITCH AND CONNECT



5 ADAPT SPACE

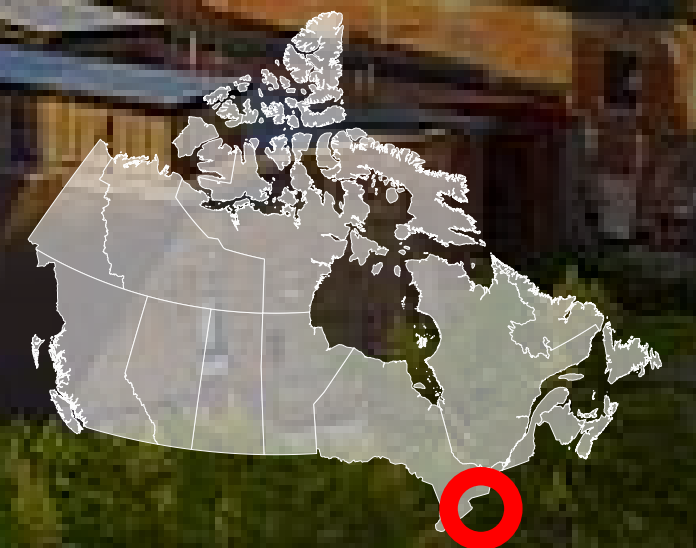


6 MANAGE



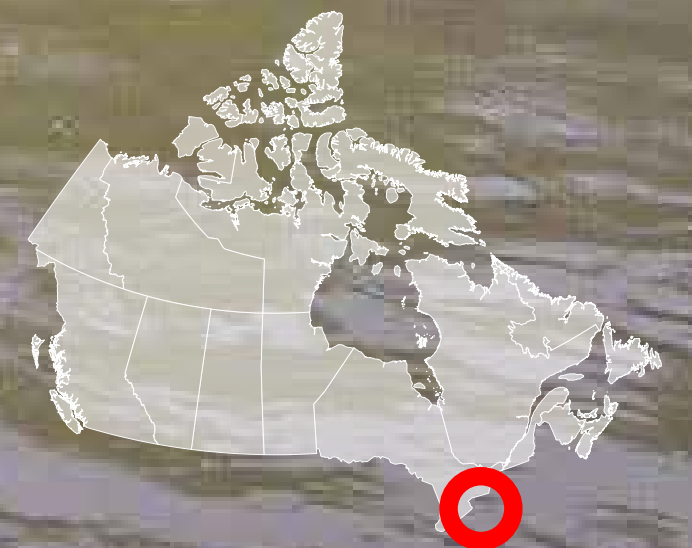
Toronto
ON

Evergreen Brickworks Case Study



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ON**

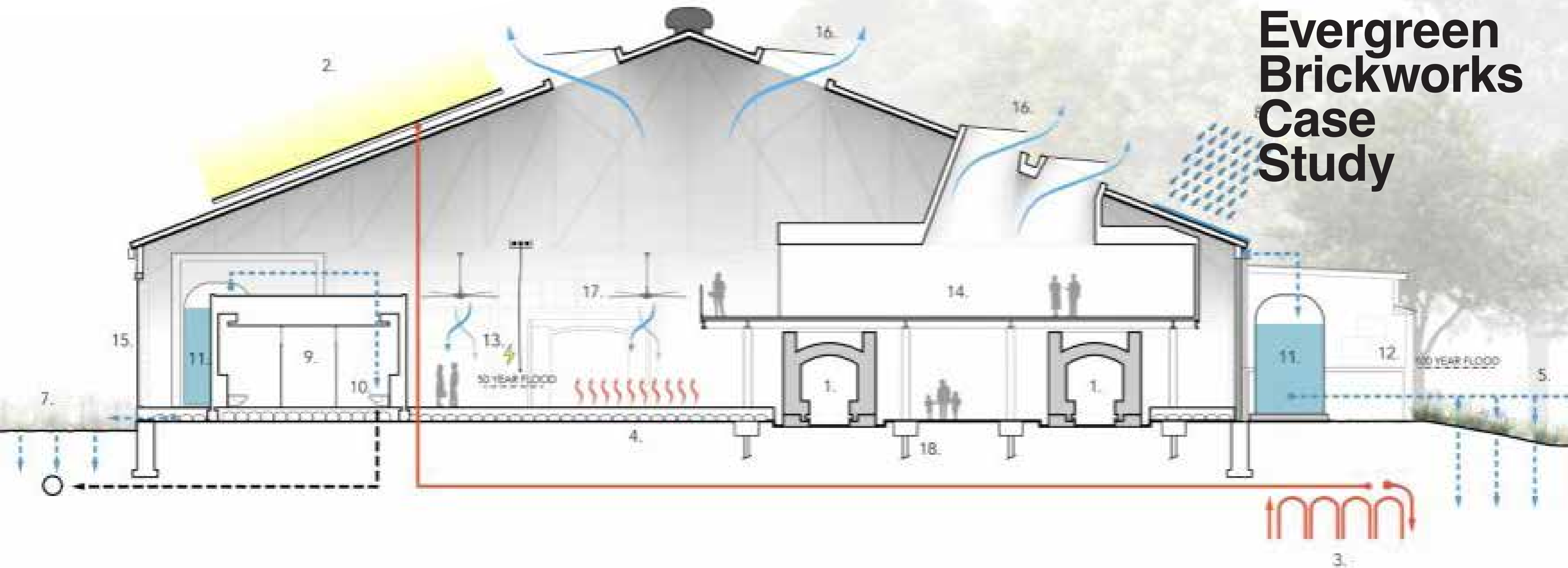
**Evergreen
Brickworks
Case
Study**

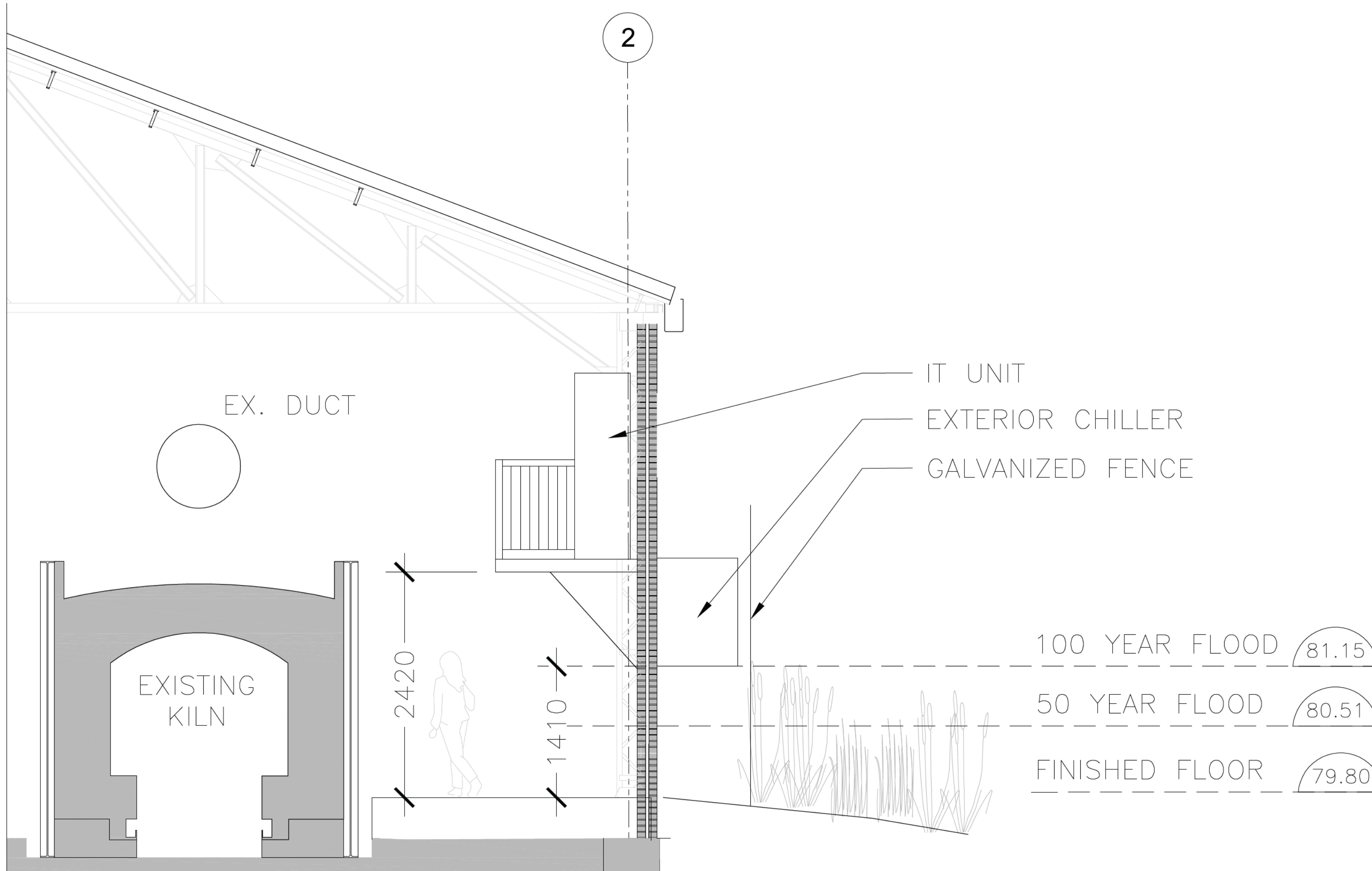




**Toronto
ON**

Evergreen Brickworks Case Study





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Evergreen Brickworks Case Study



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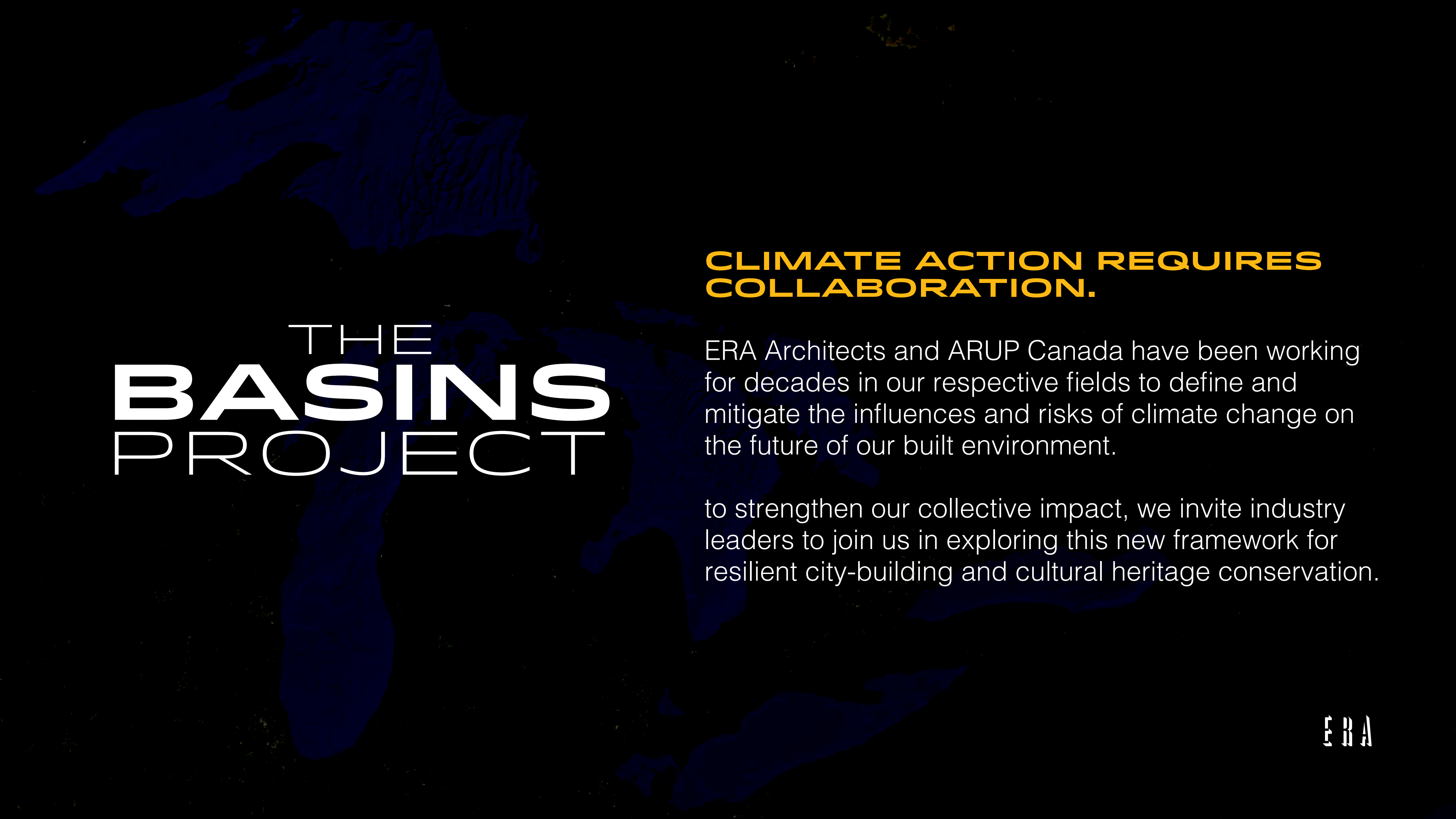
**Evergreen
Brickworks
Case
Study**



**Toronto
ON**

**Evergreen
Brickworks
Case
Study**





THE BASINS PROJECT

CLIMATE ACTION REQUIRES COLLABORATION.

ERA Architects and ARUP Canada have been working for decades in our respective fields to define and mitigate the influences and risks of climate change on the future of our built environment.

to strengthen our collective impact, we invite industry leaders to join us in exploring this new framework for resilient city-building and cultural heritage conservation.



ERA

small

THE
BASINS
PROJECT

**This is Exhibit “K” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

REPORT:

Heritage Impact Assessment

Site Number 13, Hyatt House,
Sandbanks Provincial Park, Picton,
Ontario



**Letourneau
Heritage
Consulting Inc.**

837 Princess Street
Suite 400
Kingston, ON K7L 1G8

Phone: 613-507-7817
Toll Free: 1-833-210-7817
E-mail: info@lhcheritage.com

October 2020

Project # LHC0148



EXECUTIVE SUMMARY

Letourneau Heritage Consulting Inc. (LHC) was retained by Kendra Couling, Parks Planner for Ontario Parks, Southeast Zone to prepare a Heritage Impact Assessment (HIA) for Site Number 13, Hyatt House in Sandbanks Provincial Park. As a result of significant deterioration, security, and safety concerns, Ontario Parks is contemplating the demolition of the Hyatt House. Because Site Number 13, Hyatt House, is a Provincial Heritage Property, a HIA is required to evaluate proposed options for the future of the Hyatt House as part of Ontario Parks' obligations under the *Standards and Guidelines for the Conservation of Provincial Heritage Properties* and Section III.1 of the *Ontario Heritage Act*. This HIA has been conducted in compliance with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) *Information Bulletin 3: Heritage Impact Assessments for Provincial Heritage Properties*.

The Hyatt House has been identified as a Provincial Heritage Property (PHP), as it satisfies Ontario Regulation 9/06 under the *Ontario Heritage Act*. There are no other heritage recognitions by the federal government, no municipal designations and no other heritage recognitions by other provincial agencies.

The boundaries of the PHP are the footprint of the key resource, the 1869 structure comprising the Hyatt House.

A site visit was conducted on April 9, 2019 by M. Létourneau and C. Uchiyama. The purpose of this site visit was to tour the property and document observed changes to the conditions of the cultural heritage resource and its heritage attributes since March 2017 when the property was documented for the CHER.

The following document: provides an overview of the proposed activity and its purpose; summarizes the constraints that led to the selection of the proposed activity; provides an overview of alternatives; outlines potential impacts of the proposed activity on the cultural heritage value and heritage attributes of the Hyatt House; and, provides recommendations to mitigate identified potential impacts.

Direct adverse impacts related to the irreversible loss of the structure and its heritage attributes have been identified. However, Ontario Parks has advised that the resources do not exist to undertake further studies or to rehabilitate and maintain the structure. As a result, Ontario Parks will pursue demolition as a last resort.

Recommended mitigation measures include the following:

- A Designated Substance Report and Salvage Plan should be prepared for the structure to help determine the feasibility of salvage of any of the materials prior to demolition.
- A documentary record of the Hyatt House should be compiled. This record should include digital copies of available archival materials and reports, a set of high-resolution photographs of the structure and its heritage attributes; and, elevations and measured drawings. This documentary record should be held on file by Ontario Parks and a copy should be provided to the MHSTCI and local archives for their files; and,

- A commemorative and interpretive installation should be constructed on-site to illustrate the historical and associative value of the Hyatt House.

6 CONSIDERED ALTERNATIVES AND MITIGATION MEASURES

The following outlines potential alternatives to demolition.

6.1 Retention

This alternative essentially sees the retention of the Hyatt House *in situ*. Retention is generally the preferred option for cultural heritage resources. This alternative is, however, not recommended for the Hyatt House in its current state – without significant intervention - as it poses a safety and security risk. Not only are there concerns for any persons gaining unauthorised access to the structure, but there are also safety concerns for park visitors being in close proximity to the structure as a number of exterior elements appear to be failing.

Given the current condition of the property, Ontario Parks would be required to immediately undertake the additional structural investigations and a Designated Substances Report to determine the extent of repairs that would be required to stabilise, secure, and clean the structure. Significant intervention and replacement of structural elements would be required to make the structure safe. It is unclear to what extent existing materials (structural elements and finishes) might safely be retained, although it is clear that significant intervention is required and it may result in the extensive loss of original fabrics and heritage attributes. Per the 2012 structural engineering investigations, the retention of the west wing, even with significant intervention is unlikely. In the event that a use, such as lodging, can be found for the structure, additional intervention would be required to rehabilitate the structure for use.

Ontario Parks has been unable to identify a use for the structure that fits within its mandate and lacks the resources to undertake additional engineering studies to determine the extent of intervention required to secure the structure or to undertake the necessary work to rehabilitate and maintain the structure. In the interim, efforts to secure the structure against animal and visitor intrusions are ongoing, but unsustainable.

6.2 Demolition

This alternative essentially sees the demolition of the Hyatt House and the removal of all of its heritage attributes.

Given that Ontario Parks has been unable to identify a use for the structure and lacks resources to further study, secure, rehabilitate and maintain the structure, Ontario Parks has advised that this last resort option is the only viable alternative. It is recommended that the demolition be undertaken before the structure and its features are allowed to deteriorate further.

6.3 Mitigation Measures

Per the S&Gs:

F.4. All other alternatives having been considered, consider removal or demolition as a last resort, subject to heritage impact assessment and public engagement. Use best efforts to mitigate loss of cultural heritage value.

The following section outlines recommended mitigation measures to lessen the loss of the cultural heritage value of the Hyatt House.

Salvage and Documentation

Salvage and documentation are preferred to demolition and disposal of materials in landfill. This option allows for the thoughtful demolition of the Hyatt House, ensuring that structural components and features are removed for re-use either for repairs of other structures on site, commemorative feature, or elsewhere. Prior to salvage, a Designated Substances Survey should be undertaken to determine if materials can safely be salvaged.

A documentary record of the Hyatt House should be compiled. This record should include digital copies of available archival materials and reports, a set of high-resolution photographs of the structure and its heritage attributes; and, elevations and measured drawings. This documentary record should be held on file by Ontario Parks and a copy should be provided to the MHSTCI and local archives for their files.

Commemoration and Consideration of Cultural Heritage Value in New Development

It is recommended that the history of the Hyatt House should be commemorated through an interpretive sign, plaque, or similar interpretive medium.

**This is Exhibit “L” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

REPORT

Heritage Impact Assessment

Site Number 17, MacDonald House,
Sandbanks Provincial Park,
Picton, Ontario



**Letourneau
Heritage
Consulting Inc.**

**837 Princess Street
Suite 400
Kingston, ON K7L 1G8**

**Phone: 613-507-7817
Toll Free: 1-833-210-7817
E-mail: info@lhcheritage.com**

October 2020

Project # LHC0184



EXECUTIVE SUMMARY

Letourneau Heritage Consulting Inc. (LHC) was retained by Kendra Couling, Parks Planner for Ontario Parks, Southeast Zone to prepare a Heritage Impact Assessment (HIA) for Site Number 17, MacDonald Farm in Sandbanks Provincial Park. As a result of significant deterioration, security, safety concerns, and lack of resources Ontario Parks is contemplating the demolition of the MacDonald House. Because Site Number 17, MacDonald House, is a Provincial Heritage Property, a HIA is required to evaluate proposed options for the future of the MacDonald House as part of Ontario Parks' obligations under the *Standards and Guidelines for Conservation of Provincial Heritage Properties* and Section III.1 of the *Ontario Heritage Act*. This HIA has been conducted in compliance with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) *Information Bulletin 3: Heritage Impact Assessments for Provincial Heritage Properties*.

The MacDonald Farm has been identified as a Provincial Heritage Property (PHP), as it satisfies Ontario Regulation 9/06 under the *Ontario Heritage Act*. There are no other heritage recognitions by the federal government, no municipal designations and no other heritage recognitions by other provincial agencies.

The boundaries of the PHP are the footprint of the key resource, the 1876 structure comprising the MacDonald House, the wood frame hog shed, and concrete silo.

A site visit was conducted on September 27, 2019 by C. Uchiyama. The purpose of this site visit was to tour the property and document observed changes to the conditions of the cultural heritage resource and its heritage attributes since March 2017 when the property was documented for the CHER.

The following document: provides an overview of the proposed activity and its purpose; summarizes the constraints that led to the selection of the proposed activity; provides an overview of alternatives; outlines potential impacts of the proposed activity on the cultural heritage value and heritage attributes of the MacDonald House; and, provides recommendations to mitigate identified potential impacts.

Direct adverse impacts related to the irreversible loss of the structure and its heritage attributes have been identified. However, Ontario Parks has advised that the resources do not exist to undertake further studies or to rehabilitate and maintain the structure. As a result, Ontario Parks will pursue demolition as a last resort.

Recommended mitigation measures include the following:

- A Designated Substance Report and Salvage Plan should be prepared for the structure to help determine the feasibility of salvage of any of the materials prior to demolition.
- A documentary record of the MacDonald Farm should be compiled. This record should include digital copies of available archival materials and reports, a set of high-resolution photographs of the structure and its heritage attributes; and, elevations and measured drawings. This documentary record should be held on file by Ontario Parks and a copy should be provided to the MHSTCI and local archives for their files; and,

- A commemorative and interpretive installation should be constructed on-site to illustrate the historical and associative value of the MacDonald Farm.

6 CONSIDERED ALTERNATIVES AND MITIGATION MEASURES

6.1 Retention

This alternative essentially sees the retention of the house *in situ*. Retention is generally the preferred option for cultural heritage resources. This alternative is, however, not recommended for the residence based in its current state – without intervention to secure the structure - as it poses a health, safety and security risk. Ontario Parks has been unable to identify a use for the structure that fits within its mandate.

Given the current condition of the property, Ontario Parks would be required to immediately undertake the additional structural investigations and a Designated Substances Report to determine the extent of repairs that would be required to stabilise, secure, and clean the structure to ensure adequate mothballing conditions. The financial resources do not exist to allocate towards additional engineering studies or the work to rehabilitate and maintain the structure. Efforts to secure the structure against animal and visitor/vandal intrusions are ongoing, but are unsustainable.

Significant intervention and replacement of structural elements appear to be required to make the structure safe given the visible mould, rot, and warping that was identified during the 2019 site visit. It is unclear to what extent existing materials (structural elements and finishes) might safely be retained, although it is clear that significant intervention is required and it may result in the extensive loss of original fabrics and heritage attributes. Intervention is required to remediate damage to the stucco cladding and adequately address infiltration concerns on exterior walls that have been exposed as a result of the removal of the porch and additions. Per the 2012 structural engineering investigation, additional ventilation and improved rainwater management is required to avoid further water damage.

6.2 Demolition

This alternative essentially sees the demolition of the house and the removal of all of its heritage attributes and can only be considered, under the S&Gs, as a last resort.

Given that Ontario Parks has been unable to identify a use for the structure and lacks resources to further study, secure, rehabilitate and maintain the structure, Ontario Parks has advised that this last resort option is the only viable alternative. It is recommended that the demolition be undertaken before the house and its features are allowed to deteriorate further.

6.3 Mitigation Measures

Per the S&Gs:

F.4. All other alternatives having been considered, consider removal or demolition as a last resort, subject to heritage impact assessment and public engagement. Use best efforts to mitigate loss of cultural heritage value.

The following section outlines recommended mitigation measures to lessen the loss of the cultural heritage value of the MacDonald Farm.

6.3.1 ***Salvage and Documentation***

Salvage and documentation are preferred to demolition and disposal of materials in landfill. This option allows for the thoughtful demolition of the structure, ensuring that structural components and features are removed for re-use either for repairs of other structures on site, commemorative feature, or elsewhere. Prior to salvage, a Designated Substances Survey should be undertaken to determine if materials can safely be salvaged.

A documentary record should be compiled. This record should include digital copies of available archival materials and reports, a set of high-resolution photographs of the structure and its heritage attributes; and, elevations and measured drawings. This documentary record should be held on file by Ontario Parks and a copy should be provided to the MHSTCI and local archives for their files.

6.3.2 ***Commemoration and Consideration of Cultural Heritage Value in New Development***

It is recommended that the history of the MacDonald Farm should be commemorated through an interpretive sign, plaque, or similar interpretive medium. If the pig barn and silo are to remain *in situ* commemoration should contextualise the remaining attributes geographically and historically.

**This is Exhibit “M” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



Ontario Parks, Southeast Zone
300 Water Street, 4th Fl N.
Peterborough, ON
K9J 3C7

February 4, 2021

Philip Evans
ERA Architects Inc.
625 Church St, Suite 600
Toronto, ON
M4Y 2G1

Dear Mr. Evans,

Thank you for your interest in the Category B Project Evaluation for the demolition of heritage buildings at Sandbanks Provincial Park. I appreciate the submission of your October 7, 2020 comments and proposal submitted during the Notice of Completion period, which ended October 15, 2020.

I would also like to thank you for meeting with the Southeast Zone Planner and Ecologist, and the Assistant Superintendent of Sandbanks on October 29, 2020. They informed me that your presentation and proposal to address challenges by adaptively reusing buildings was very informative.

The Ministry of the Environment, Conservation and Parks appreciates your commitment to preserving heritage buildings in Prince Edward County and we have considered your proposal carefully. We do however respectfully decline your proposal that we pause our processes for three months and later enter into discussion with you regarding a long-term lease for the buildings.

Heritage assessments finalized on March 5, 2020 indicate that the buildings are in an advanced state of disrepair and that they pose significant health and safety risks. Also, Designated Substances Surveys conducted in September 2019 have indicated that the buildings contain asbestos, lead and silica, all of which are hazardous to human health.

Furthermore, the heritage assessments completed for the houses indicate that the buildings are not considered provincially significant and that commemoration is appropriate mitigation.

More information detailing our decision will be posted in the coming months on the [Environmental Registry of Ontario](#).

Ontario Parks, Southeast Zone is interested in engaging with you and other interested parties in discussions regarding the commemoration of these buildings. Should you wish to participate in those discussions, please contact Robin Reilly, Sandbanks Provincial Park Superintendent at robin.reilly@ontario.ca or (613) 393.3319 ext 229.

Thank you again for your continued interest in this project.

Greg Walsh
Southeast Zone Manager

CC: Todd Smith, MPP Bay of Quinte
Robin Reilly, Superintendent, Sandbanks Provincial Park
Kendra Couling, Park Planner, Southeast Zone

**This is Exhibit “N” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

From: Philip Evans <PhilipE@eraarch.ca>
Date: Sunday, February 7, 2021 at 11:16 AM
To: Walsh, Greg (MECP) <greg.walsh@ontario.ca>
Cc: Reilly, Robin (MECP) <robin.reilly@ontario.ca>, Couling, Kendra (MECP) <Kendra.Couling@ontario.ca>, todd.smithco@pc.ola.org <todd.smithco@pc.ola.org>
Subject: Re: Heritage Buildings at Sandbanks Provincial Park

Thanks Greg and team,

I appreciate taking the meeting with me last fall and considering my offer.

Regardless of the outcome, I'm totalling excited by any potential to work with the province on the stewardship of these lands and other within the park as outlined in the basins initiative which I know the province shares: <https://basinsproject.ca>

On the matter of the houses, if the province's key concern is the condition I'd like to reiterate: the buildings' condition is not an issue for me or my investors. Our offers will assume as-is condition.

I still have 3 separate and very real investors interested. I just need formal acknowledgement that the province is willing to consider the offers before they invest their time and effort on my behalf.

In light of this, I am willing to extend my offer to include:

1. I accept the building's as-is condition for any offers;
2. I will provide the province a summary of the condition assessment findings (as a sort of second opinion) that you can rely on if my investors do not proceed with an offer at the end of the due diligence;
3. I will commit to access to the property during due diligence be done at our own risk for any concerns the province might have for safety; and
4. I will reduce the due diligence period to 1 month with your expressed acknowledgment to consider offers.

I hope this helps limit any risk for the province, particularly if the only concern is the condition of the buildings.

Respectfully, almost 4 months have passed since my request for a 3-month due diligence. Please give me 1 month to bring you're a committed offer in writing.

Happy to jump on a call,

Cheers,
Philip
647.808.4183

Philip Evans | Principal OAA, CAHP, MRAIC

ERA Architects Inc.

625 Church St, Suite 600
Toronto, ON M4Y 2G1

T 416.963.4497

F 416.963.8761

E PhilipE@eraarch.ca

eraarch.ca | [Twitter](#) | [Facebook](#) | [Instagram](#)

Please note that due to the continued spread of COVID-19 and recommendations from public health officials, ERA is moving to a virtual office mode. We remain committed to ensuring the quality of our work remains high to serve the needs of clients, colleagues and the wider community. [Read our full letter to clients](#). If you have any questions, please don't hesitate to ask.

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Note: Ce courriel et toutes ses pièces jointes sont privilégiés, confidentiels, et assujettis au droit d'auteur. S'il vous plaît considérer l'environnement avant d'imprimer.

From: Walsh, Greg (MECP) <greg.walsh@ontario.ca>

Date: Friday, February 5, 2021 at 3:38 PM

To: Philip Evans <PhilipE@eraarch.ca>

Cc: Reilly, Robin (MECP) <robin.reilly@ontario.ca>, Couling, Kendra (MECP) <Kendra.Couling@ontario.ca>, todd.smithco@pc.ola.org <todd.smithco@pc.ola.org>

Subject: Heritage Buildings at Sandbanks Provincial Park

Warning: External Sender

Dear Mr. Evans

Thank you for your recent involvement in the consultation process for the Category B Project Evaluation for the demolition of heritage buildings at Sandbanks Provincial Park. Please find attached a response to your proposal that we pause our processes for three

months and later enter into discussion with you regarding a long-term lease for the buildings.

Regards,

Greg Walsh | A/Zone Manager Southeast

Zone- Ontario Parks

300 Water St., Peterborough, Ontario, K9J 3C7

P: 705-755-2176 (Alternate 905-715-3106) **W:** OntarioParks.com



Ministry of the Environment, Conservation and Parks

Please note: As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

**This is Exhibit “O” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

March 3, 2021

Dear Karla,

URGENT REQUEST re: Heritage assessment process for the MacDonald and Hyatt Houses at Sandbanks Provincial Park and decision to demolish the buildings, ERO # 019-0977

I am writing to you as you have knowledge of this file. The matter is urgent as demolition by Ontario Parks appears imminent: Tree clearing began this morning at the Hyatt House.

I respectfully request that the Ministry of Heritage, Sports, Tourism and Culture Industries **urgently undertake a review of the file in light of the several serious problems** noted in this email and briefly summarized in my March 2, 2021 email to Mayor Steve Ferguson and our MPP Todd Smith, copied to Mr Greg Walsh at the Ministry of the Environment, Conservation and Parks (Attachment #1), and also with reference to the detailed submissions from PEHAC and myself made through the Environmental Registry. If you find that even one concern is valid, I submit that demolition should be paused to allow time to seek a remedy.

The recent premature start, then pause of demolition of the Foundry Building in Toronto has shone a light on the Province's approach to the disposition of its heritage assets, especially assets with local significance. For this reason, MECP and MHSTCI should be meticulous and thorough in their response to concerns regarding the heritage process for the Sandbanks houses.

It was only this week that the final heritage impact assessments for the MacDonald and Hyatt Houses were released to the public through the Prince Edward Heritage Advisory Committee (PEHAC), and I was able to review them. The release of the final HIAs comes after the decision to demolish the buildings was posted on the ERO on February 22, 2021 by MECP. Serious concerns about the final HIAs remain, despite strong and detailed comments submitted through the ERO by PEHAC and myself, and a letter from the Mayor supporting retention of the buildings and PEHAC's comments.

I am writing to MHSTCI now because Mr Walsh responded to my March 2 email on the same day with further information regarding the HIA review process and MHSTCI and making statements that do not stand up to scrutiny (Attachment #2). He states:

"Ontario Parks ensured that the licensed heritage consultant considered the comments submitted during consultation. They have reconfirmed their original findings. Ontario Parks has further confirmed the findings of the consultant, as well as the heritage evaluation process undertaken, with the Ministry of Heritage, Sport, Tourism and Culture Industries ... The ministry [of Environment, Conservation and Parks] determined that the proposal [of an individual to enter into an agreement to restore the buildings] was not feasible ..."

It is misleading for Mr Walsh to claim that Ontario Parks ensured that the consultant considered the ERO comments. Nowhere in the final HIAs – and importantly not in the section discussing the option of retention of the buildings – is there any evidence that the consultant considered

the option of adaptive re-use by a third party. The omission is odd and troubling because the option of some sort of public/private partnership was strongly recommended by PEHAC and the Mayor (and also by me). The option of retention through a public/private partnership should be part of the hierarchy of possible conservation measures discussed by the consultant. In the case of the MacDonald and Hyatt Houses, it is especially important for the consultant to consider this option because Ontario Parks claims it does not have the financial resources to do any of the needed work itself (professional engineering and architecture studies, followed by rehabilitation).

Mr Walsh further claims, without explanation, that the proposal of an individual to enter into an agreement to restore the buildings was not feasible. This claim is simply not credible: Governments commonly make such agreements, and in this case the individual is a highly qualified heritage architect (Philip Evans of ERA Architects Inc.). Mr Evans brought forward his proposal on October 7, 2020, before the end of the Notice of Completion period on October 15, 2020, and presumably before the HIAs (dated October 2020) were finalized. Yet, the consultant did not discuss this real, potential conservation option or (also a possibility) Ontario Parks failed to bring the opportunity to the consultant's attention. The final HIAs should offer an explanation of why this conservation option is not feasible. Only a feasibility study by the appropriate professionals (engineer, architect) can determine whether rehabilitation is feasible – not Ontario Parks without qualified advice.

Mr Walsh does not indicate the degree or nature of the oversight that MHSTCI provided to Ontario Parks with respect to this file, stating only that he “confirmed” the findings and heritage evaluation process with your Ministry. Again, I respectfully request that MHSTCI reassure the public by carrying out an in-depth review of this file for.

Thank you for your attention to this matter.

Sincerely,

Edwin Rowse
Edwin Rowse Architecture Inc.
416 579-9947
Edwin@rowsearchitecture.ca

Copies to:

Lisa MacLeod, Minister of MHTSCI
Jeff Yurek, Minister of MECP
Todd Smith, MPP for Prince Edward Hastings
Steve Ferguson, Mayor, Prince Edward County
Ken Dewar, Chair, and Peter Lockyer, Vice Chair, PEHAC
Councillors Ernie Margetson and John Hirsch, PEHAC

ATTACHMENT #1

From: Edwin Rowse <Edwin@rowsearchitecture.ca>

Date: Tuesday, March 2, 2021 at 2:24 PM

To: "sferguson@pecounty.on.ca" <sferguson@pecounty.on.ca>, "Smith-co, Todd" <todd.smithco@pc.ola.org>, "david.joyce@pc.ola.org" <david.joyce@pc.ola.org>

Cc: "emargetson@pecounty.on.ca" <emargetson@pecounty.on.ca>, "jhirsch@pecounty.on.ca" <jhirsch@pecounty.on.ca>, "ken@kdewar.com" <ken@kdewar.com>, Peter Lockyer <historyliveshere@bell.net>, "greg.walsh@ontario.ca" <greg.walsh@ontario.ca>

Subject: Response to final Heritage Impact Assessments for Sandbanks houses

Dear Mayor Ferguson and Minister Smith,

In the week since my email of February 23, 2021 to Mr Walsh at Ontario Parks and copied to you, I have had an opportunity to review the finalized heritage impact assessments (HIAs) for the Hyatt and MacDonald Houses. I am writing to you now to provide my distilled observations on the final HIAs to underscore the poor reasons given for Ontario Parks' decision to demolish the houses and also to urge you to work to persuade Ontario Parks to choose a better course.

The finalized HIAs reveal more starkly than I anticipated that Ontario Parks' decision is unsupportable on both technical and heritage grounds.

In my Environmental Registry submission and recent email to Mr Walsh, I stated that engineering and technical architectural studies need to be done to justify the demolition of these houses with recognized cultural heritage value. Yet, in the final HIAs, Ontario Parks discloses that it will not do the studies because it "lacks the resources."

I also emphasized in my recent email that heritage consultants are not qualified to comment on structural condition. Yet, the heritage consultant for the Sandbanks houses continues to comment on this matter in the final HIAs and to draw conclusions, albeit this time with the caveat that the consultant does not actually know for sure. For example, in Section 6.1 of the final HIA for the Hyatt House, the consultant discusses the preferred option of retention, stating: "Significant intervention and replacement of structural elements would be required to make the structure safe ... It is unclear to what extent existing materials (structural elements and finishes) might safely be retained"; and for the MacDonald House, similarly inconclusive language that no professional with specialized knowledge would make: "Significant intervention and replacement of structural elements appear to be required ..."

Nowhere in the discussion on retention does the consultant address the frequently used option in Ontario of adaptive re-use of heritage buildings – leasehold arrangements or other public/private partnerships – the idea originally brought forward by PEHAC and the Municipality of which the consultant was well aware, having reviewed the consultation input.

Instead, extraordinarily, it is Ontario Parks itself that offers the determining advice, in the discussion of demolition, Section 6.2: "Given that Ontario Parks has been unable to identify a use for the structure and lacks resources to further study, secure, rehabilitate and maintain the structure, Ontario Parks has advised that this last resort option is the only viable alternative."

Adaptive re-use by a third party has always been a viable alternative. As you know, Ontario Parks has received a specific offer from Philip Evans of ERA Architects to do a feasibility study, followed by a detailed proposal; and there may well be other interested parties. Not taking reasonable action to preserve these buildings erodes public trust.

Finally, I would add that the adaptive re-use of the Sandbanks houses for accommodation through a leasehold arrangement or other public/private partnership is entirely consistent with Ontario Parks' mandate "to protect significant natural and cultural resources in a system of parks and protected areas that is sustainable and provides opportunities for inspiration, enjoyment and education: now and for future generations" and this option would provide an ongoing revenue stream to support park activities. Such adaptive re-use would also respond to the community's deeply held wish to preserve this County heritage.

Please know that the houses were still standing yesterday (Monday).

Sincerely,

Edwin Rowse

Edwin Rowse Architecture Inc
Cell 416 579-9947

ATTACHMENT #2

From: "Walsh, Greg (MECP)" <greg.walsh@ontario.ca>
Date: Tuesday, March 2, 2021 at 4:44 PM
To: Edwin Rowse <Edwin@rowsearchitecture.ca>
Subject: RE: Further URGENT request re Sandbanks houses - Edwin Rowse, Architect

Dear Mr. Rowse,

Thank you for your email regarding the Sandbanks houses. The Environmental Registry of Ontario notice posted on February 22, 2021 reflects the decision of the Ministry of Environment, Conservation and Parks to approve the newly amended management plan, which allows for demolition of the two heritage buildings.

Although the previous park management plan committed to preserving buildings within the historical zone of the park, due to costs and competing priorities, Gray House and MacDonald House are now in an advanced state of disrepair.

The comment period for the proposed management plan amendment, and the associated environmental assessment public notice for heritage building demolition, concluded on January 20, 2020. The notice for these processes were mailed directly to Indigenous communities, stakeholders and adjacent landowners. The Notice of Completion associated with the Environmental Assessment was emailed to interested parties on September 15, 2020. This concluded the engagement and appeal component of the Environmental Assessment process.

Ontario Parks retained a licenced heritage consultant to prepare the heritage assessments which indicate that the buildings are in an advanced state of disrepair and that they pose significant health and safety risks. The buildings contain asbestos, lead and silica; all of which are hazardous to human health. Furthermore, the heritage assessments completed for the houses indicate that the buildings are not considered provincially significant and that commemoration is appropriate mitigation.

Ontario Parks engaged, on multiple occasions, with members of the Prince Edward Heritage Advisory Committee as well as members of the public regarding the proposal and their comments were considered. Ontario Parks ensured that the licensed heritage consultant considered the comments submitted during consultation. They have reconfirmed their original findings. Ontario Parks has further confirmed the findings of the consultant, as well as the heritage evaluation process undertaken, with the Ministry of Heritage, Sport, Tourism and Culture Industries.

We carefully considered the proposal by an individual interested in entering into an agreement for restoring the buildings. The ministry determined that the proposal was not feasible and respectfully declines reconsidering the decision to proceed with demolition.

I thank you for your interest in preserving cultural heritage in Prince Edward County. If you have any further questions or concerns, please do not hesitate to contact me at Greg.walsh@ontario.ca.

Sincerely,


Greg Walsh | A/Zone Manager Southeast Zone- Ontario Parks
300 Water St., Peterborough, Ontario, K9J 3C7
P: 705-755-2176 (Alternate 905-715-3106) **W:** OntarioParks.com



Ministry of the Environment, Conservation and Parks

Please note: As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

**This is Exhibit “P” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

August 12, 2021



Dear Minister Piccini,

Request to pause demolition of Hyatt and MacDonald heritage houses in Sandbanks Provincial Park, to allow consideration of adaptive re-use, with community input

First, let me say how happy Architectural Conservancy Ontario was to learn of your recent appointment as Minister of Environment, Conservation and Parks. Congratulations! We look forward to helping you in any way we can.

I'm writing you today about an urgent matter. Our ACO Prince Edward County members tell us that Ontario Parks is planning to demolish the 1869 Hyatt House and 1878 MacDonald House in Sandbanks Provincial Park as early as September 1. We ask you to pause this demolition and consider the efforts, offers and proposals of local residents to help Sandbanks Provincial Park make good on its 1993 commitment, in its Park Management Plan, to preserve these houses.

From our meetings with you in your capacity as MPP for Northumberland-Peterborough South we know you understand the cultural and economic value of adaptively reusing heritage buildings. Prince Edward County residents are eager to do this. One proposal envisioned these houses as commercially viable visitor accommodations. Heritage architects from the renowned award-winning ERA Architects Inc. firm are offering to undertake feasibility studies and develop proposals which meet Ontario Parks health and safety concerns, while also conserving the cultural heritage values of these properties.

As early as 1984, the Hyatt and MacDonald houses were recognized for their significance by inclusion in the Historical Architectural Survey of Prince Edward (aka HASPE files). The 1993 Management Plan for Sandbanks Provincial Park, which was produced with extensive public input, committed Ontario Parks to preserving the Hyatt and MacDonald houses within a defined "historical zone." In its January 20, 2020 submission to the Environmental Registry of Ontario (019-0977), the Prince Edward Heritage Advisory Committee (PEHAC) stated that "[b]oth buildings provide significant physical, visual and historical context to the evolution of the Sandbanks area." Ontario Parks' heritage consultant found that the houses have historical context and are worthy of designation for their cultural heritage value under Reg. 9/06 of the Ontario Heritage Act.

For the community, the survival of the Hyatt and MacDonald houses has huge symbolic value because they are the *last remaining structures* associated with the early lodges that gave birth to Prince Edward County's vibrant and successful tourism industry.

As ACO Board Chair, I receive many calls for help from around the province. In this case, I am struck by:

1. The reasonableness of the community's request and ideas. A pause to explore, with local people, the possibilities of adaptive re-use is simply good practice. The

buildings are prime candidates for new, innovative uses because of their historical interest and their prime location within the Park, by the lake, and they are also accessible on County Road 12 to all residents and County tourists without registration at the Park gate.

2. The community's steadfast commitment to heritage and to adaptive re-use.

PEHAC and Prince Edward County Council have expressed strong support for saving and repurposing the Hyatt and MacDonald houses. Prince Edward County has many examples of private sector owners leveraging heritage assets to benefit the local economy, the question we explored with you in the meeting you convened of Northumberland-Peterborough South municipalities on 14 October, 2020. The formation of the group [Save Heritage Sandbanks Homes](#) shows the determination of citizens to conserve and repurpose the Sandbanks houses.

ACO strongly encourages you, your Ministry and Ontario Parks to work together with the municipality and the community, as you have in Cobourg and Port Hope, to find new uses for the heritage Sandbanks houses that will “inspire and benefit Ontarians.”

Sincerely,



Kae Elgie
Chair, Board of Directors

cc Hon. David Piccini, MPP Northumberland-Peterborough South
Hon. Todd Smith, MPP Bay of Quinte
Mayor Steve Ferguson, Prince Edward County
Save Heritage Sandbanks Homes

**This is Exhibit “Q” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

- 11.9 Resolution by Councillor Margetson seeking Council's support to authorize the Mayor to send a letter to the Minister of Environment, Conservation and Parks regarding the Hyatt and MacDonald houses

WHEREAS the Corporate Strategic Plan of the Council of The County of Prince Edward County includes maintaining rural and historic character as a priority, with an objective to support and facilitate adaptive reuse of heritage assets and discourage demolitions; and

WHEREAS the Prince Edward County Official Plan includes policy to ensure the conservation, restoration, maintenance, and enhancement of identified cultural heritage resources; and

WHEREAS Ontario Parks is deliberating over the future of two cultural heritage buildings, the Hyatt and MacDonald houses, which provide historical context for the history of Sandbanks Provincial Park as a center for summer lodges and recreation, and a direct connection to the current vibrant tourist activity in the Sandbanks area; and

WHEREAS the Prince Edward County Heritage Advisory Committee recommended that Ontario Parks “seek the creation of a joint public/private partnership to restore and repurpose the MacDonald and Hyatt properties” (Environmental Registry submission, January 20, 2020);

THEREFORE, be it resolved

THAT Council authorize the Mayor to send a letter to the Minister of the Environment, Conservation and Parks requesting that the Ministry seek innovative options for preservation of the Hyatt and MacDonald houses as an alternative to demolition, respect Municipal strategic priorities and planning policy regarding cultural heritage to ensure building preservation, and to pursue a protection strategy for these provincially owned heritage assets for the future benefit of the citizens of the Province of Ontario.

**This is Exhibit “R” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



August 18, 2021

The Honorable David Piccini
Minister of the Environment, Conservation and Parks
College Park 5th Floor
777 Bay Street
Toronto, Ontario
M7A 2J3

Dear Minister Piccini:

RE: Repurposing the Hyatt and MacDonald Houses at Sandbanks Provincial Park

On behalf of the Corporation of the County of Prince Edward, I am writing to formally request that your Ministry pause the planned demolition of the Hyatt and MacDonald houses in Sandbanks Provincial Park, and review alternatives for the future of these historic buildings. This request is made in light of the County's new Official Plan, the Heritage Advisory Committee's ongoing support of adaptive re-use of heritage buildings, and Ontario Parks' announcement on May 28, 2021 that the Province "will work with partners in the private and not-for-profit sectors ... to develop innovative ideas for new recreation experiences at provincial parks" that will enhance the visitor experience. Please refer to the link below concerning the announcement.

<https://news.ontario.ca/en/backgrounder/1000218/ontario-investing-in-enhancements-and-upgrades-to-provincial-parks>

Prince Edward County's new Official Plan, approved by the Province on July 8, 2021, commits the municipal government to identifying the County's cultural heritage resources "while ensuring their conservation, restoration, maintenance and enhancement as part of the community's ongoing evolution". The OP links the functions of cultural heritage resource management with municipal economic & tourism strategies and plans (Sec. 3.3.4, paragraphs 1 and 16). Adaptive re-use is cited as an important mechanism for conservation.

Over one million annual visitors to the County are attracted to this community's unique mix of cultural and natural heritage. The still-standing Hyatt and MacDonald houses represent the earliest origins of today's vibrant tourist activity in the Sandbanks area.

Given the new Official Plan and the County's recent coordination of tourism management with Sandbanks Provincial Park, the County would welcome the opportunity to provide input to the Province regarding adaptive re-use of the Hyatt and MacDonald houses to provide new visitor experiences. A citizen group - *Save Heritage Sandbanks Homes* - has suggested a range of possible new uses for the buildings, including a visitor interpretation centre and exhibit space, overnight accommodations, a restaurant or cafe, a general store, administrative and hospitality support for new nearby yurts or cabins, or a combination of different uses.

The Prince Edward Heritage Advisory Committee (PEHAC) is a statutory advisory committee of Prince Edward County Council appointed to advise Council on all matters relating to the Ontario Heritage Act and the protection of the County's heritage. On March 11, 2020 I wrote to the former Minister of the Environment, Conservation and Parks, the Honorable Jeff Yurek, to formally express Municipal and Council support for PEHAC's January 20, 2020 comments to the Environmental Registry of Ontario (ERO: 019-0977) regarding the Hyatt and MacDonald houses. The Committee's comments suggested that the buildings present a unique opportunity to restore and repurpose heritage assets. The Committee recommended that Ontario Parks "seek the creation of a joint public/private partnership to restore and repurpose the MacDonald and Hyatt properties."

On behalf of the Council of the Corporation of the County of Prince Edward, I respectfully request that the Ministry of the Environment, Conservation and Parks, and Ontario Parks, consider how the recently announced new mandate to seek innovative ideas from the private and not-for-profit sectors could provide a path forward for the repurposing of the two houses.

Prince Edward County's creative rural economy is driven by the imagination and entrepreneurial spirit and skills of local people. Your thoughtful attention to this matter would honour our community's steadfast and consistent commitment to our heritage buildings.

Thank you for your consideration of this request, and I would be pleased to answer any questions or concerns you may have.


Yours sincerely,



Steve Ferguson
Mayor, The Corporation of the County of Prince Edward

cc. Ken Dewar, Chair, Prince Edward Heritage Advisory Committee
Peter Lockyer, Vice-Chair, Prince Edward Heritage Advisory Committee
The Honourable Todd Smith, MPP

**This is Exhibit “S” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



Save Heritage Sandbanks Homes

August 29, 2021

Kevin Finnerty, Deputy Minister of Heritage, Sport, Tourism and Culture Industries
kevin.finnerty@ontario.ca

Serge Imbrogno, Deputy Minister of Environment, Conservation and Parks
serge.imbrogno@ontario.ca

Chloe Stuart, Assistant Deputy Minister, Land and Water Division, Executive Lead for
Ontario Parks, MECP chloe.stuart@ontario.ca

Copied to:

Minister David Piccini, MECP: minister.mecp@ontario.ca david.piccini@pc.ola.org

Chelsea Dolan: chelsea.dolan@ontario.ca

Robin Reilly, Superintendent, Sandbanks Provincial Park: robin.reilly@ontario.ca

Hon. Todd Smith, Minister of Energy and MPP Bay of Quinte: todd.smithco@pc.ola.org

Minister Lisa MacLeod, Ministry of Heritage, Sport, Tourism, and Culture Industries:
minister.macleod@ontario.ca

Karla Barboza, Team Lead - Heritage (Acting), MHSTCI, karla.barboza@ontario.ca

Mayor Steve Ferguson: sferguson@pecounty.on.ca

Kae Elgie, President, Architectural Conservancy of Ontario: president@arconserv.ca

Dear Mr Finnerty, Mr Imbrogno and Ms Stuart,

Re: In light of new information arising, urgent request to review the application of the provincial *Standards & Guidelines* to Hyatt and MacDonald Houses at Sandbanks Provincial Parks for compliance

Our group, Save Heritage Sandbanks Homes (SHSH), is writing to you because of your responsibility for monitoring and reviewing the effectiveness of the *Standards & Guidelines for Conservation of Provincial Heritage Properties* and compliance with them (Deputy Minister, MHSTCI); and your responsibility to ensure that staff responsible for making decisions and undertaking activities that may affect provincial heritage properties are aware of and adhere to the *Standards & Guidelines* (Deputy Minister MECP and Executive Lead for Ontario Parks).

We understand that for some time the Architectural Conservancy of Ontario has been generally concerned about adherence to the *Standards & Guidelines*; therefore, we have copied Kae Elgie, ACO President on this letter. Ms Elgie is aware of the imminent threat of demolition of the Hyatt and MacDonald Houses in Sandbanks Provincial Park as early as September 1, 2021, and she has written a letter to Minister Piccini about ACO's concerns.

For those officials who are coming fresh to the matter of these culturally significant heritage buildings (both of which meet the criteria of O.Reg. 9/06 of the Ontario Heritage Act), please see our video *Saving Heritage Sandbanks Homes*, which is an easily digestible primer about the houses and an expression of our community's commitment to adaptive re-use of heritage buildings. Indeed, we believe that our community is an example of the entrepreneurial and

creative spirit that drives the conservation of Ontario's built heritage and cultural heritage landscapes. We believe further that the future survival of this heritage legacy lies in close cooperation and respect between government and the community. The video can be viewed at:

<https://saveheritagesandbankshomes.com/video>

or

<https://www.youtube.com/watch?v=gbq1l4nzxjA>

or

home page of countylive.ca (top right)

In this letter, SHSH is bringing to your attention new information that was not available at the time that MHSTCI provided its input to Ontario Parks. The new information triggers a **fresh and urgent reconsideration** of two requirements of the *Standards & Guidelines*: E2, demolition as the last resort, requiring Ontario Parks to “apply best efforts to arrange for an alternate use of the property”; and F3, “granting leases, licences, rights, or operating agreements” as recognized alternatives to demolition.” Significantly, nowhere do the *Standards & Guidelines* limit or prescribe adherence to a particular point in a particular administrative process. Rather, best efforts are required, following the (very first) principle of “accountability and transparency ... taking into account the views of interested persons and communities” (p 4).

The new circumstance is Ontario Parks' May 28, 2021 announcement of a program to seek innovative proposals from the private and not-for-profit sectors to enhance visitor experiences, funded by a \$6M investment: <https://news.ontario.ca/en/backgrounder/1000218/ontario-investing-in-enhancements-and-upgrades-to-provincial-parks> We are told that the details of the new program have not yet been worked out, but as we noted to Minister Piccini in our call with him on August 17, a program that sees Ontario Parks entering into partnership with the private and not-for-profit sectors is tailor-made for Prince Edward County and the Sandbanks heritage houses.

The key points arising from this new circumstance are:

- The Hyatt and MacDonald Houses are still standing.
- The new program offers an alternative to demolition (F3).
- Ontario Parks is required to apply best efforts to arrange for this alternate use (E2), especially as this is the expressed wish of the community (first principle).

In our view, Ontario Parks can, and should be required to, pursue this approach now, to be in compliance with the *Standards & Guidelines*.

Ontario Parks' original stated reason for demolition was that “the resources do not exist to undertake further studies or to rehabilitate and maintain the structure” (final Heritage Impact Assessments for both houses, p iii). Although this was never an acceptable reason for demolition as a last resort, the reason is now moot, given the new program.

We must also mention that MECP recently stated publicly that Ontario Parks' cultural heritage consultant recommended tearing down the buildings for health & safety reasons as they are “no longer safe to maintain or access” (CKWS Global Kingston News, 27 August 2021). This advice from a cultural heritage consultant who is unqualified to comment on such technical matters is contradicted by the highly qualified heritage architects Edwin Rowse and Philip Evans of the pre-eminent Toronto firm ERA Architects. As per *Standards & Guidelines* (D4), when changes are proposed to meet health & safety requirements and the changes adversely affect a property's

cultural heritage value, advice must be obtained from a qualified person on compliance alternatives. In the case of the Hyatt and MacDonald Houses, the qualified person would be an engineer or architect.

Demolition of the Hyatt and MacDonald Houses could happen as early as September 1. In light of Ontario Parks' new program, **SHSH requests your urgent review** of the application of the provincial *Standards & Guidelines* to these heritage houses, to ensure compliance and to ensure that the relevant staff are aware of and adhere to the *Standards & Guidelines*. We trust that MHSTCI and MECP will work closely together on this review.

In our view, compliance requires Ontario Parks to take decisive steps now to seek proposals for adaptive reuse of the Hyatt and MacDonald Houses.

Sincerely,

Liz Driver on behalf of:

Lead Team for Save Heritage Sandbanks Homes

Liz Driver, Debra Marshall, Sarah Sinclair, Peter Lockyer

heritagesandbankshomes@gmail.com

liz.driver@sympatico.ca

dsmangus@gmail.com

sarah.sinclair.ma@gmail.com


historyliveshere@bell.net

Telephone contacts:

Debra Marshall, 613 777-8879

Liz Driver, 647 526-4877 for this letter

**This is Exhibit “T” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



Save Heritage Sandbanks Homes

August 31, 2021

Hon. David Piccini, Minister of the Environment, Conservation and Parks
and MPP for Northumberland-Peterborough South
117 Peter St, Port Hope, Ontario L1A 1C5
minister.mecp@ontario.ca
david.piccini@pc.ola.org

Copied to:

Hon. Todd Smith, Minister of Energy, MPP Bay of Quinte: todd.smithco@pc.ola.org
Chelsea Dolan: chelsea.dolan@ontario.ca
Chloe Stuart, Assistant Deputy Minister, Land and Water Division, Executive Lead for Ontario
Parks, MECP: chloe.stuart@ontario.ca
Robin Reilly, Superintendent, Sandbanks Provincial Park: robin.reilly@ontario.ca
Hon. Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries:
minister.macleod@ontario.ca
Karla Barboza, MHSTCI: karla.barboza@ontario.ca
Mayor Steve Ferguson: sferguson@pecounty.on.ca
Kae Elgie, President, Architectural Conservancy of Ontario: president@arconserv.ca
Greg Sorbara, Sorbara Group, The Royal Hotel: gregorysorbara@gmail.com;
slaredo@sorbara.com

Dear Minister Piccini,

We are writing to **invite you to a meeting at the Sandbanks Provincial Park** in Prince Edward County to discuss the preservation and re-imagining of the Hyatt and MacDonald homes, which are currently destined for demolition despite the strong opposition of the community.

We would like to bring together you, our Mayor, MPP Todd Smith, members of our organization, Save Heritage Sandbanks Homes, and park officials for a thoughtful and practical discussion of the future of these two heritage properties. We're concerned that without this collaborative, informed discussion to explore creative options to demolition, the houses will be torn down in the coming days as this is legally possible as of September 1, 2021. There is still time to intervene and develop an outcome that is a "win-win" for all parties.

At this uncertain moment for the future of the houses (and as we have not yet received clarification about MECP's August 27th statement to CKWS Kingston Global News), we ask simply that you direct Sandbanks officials to stop demolition until after you have had the opportunity for an on-site meeting at the park with local people. Given the potentially imminent demolition, we propose scheduling the meeting for next week, after Labour Day.

At the meeting, you would learn more about how County people approach the adaptive re-use of historic buildings and why the future of the Sandbanks houses in particular matters so much to us; we would learn more about the new provincial program announced in May to seek partnerships with the private and not-for-profit sectors to enhance the visitor experience. Together we can explore the program's suitability for a pilot project at the park for the Sandbanks heritage homes.

Heritage isn't free or an indefinite resource. It is the result of enormous effort and creativity by previous generations. It is our responsibility to be stewards of the past in our time. Today, in the County, there is a renaissance in thinking about heritage that has encouraged many property owners, businesses and the municipality itself to embrace more enlightened approaches to re-purposing old buildings into a wide range of vibrant businesses

We welcome a meeting with you and park officials within the next week to discuss imaginative alternatives and a new future for these two heritage properties. We look forward to your response.

Best regards,

Lead Team for Save Heritage Sandbanks Homes

Liz Driver, Debra Marshall, Sarah Sinclair, Peter Lockyer

heritagesandbankshomes@gmail.com

liz.driver@sympatico.ca

dsmangus@gmail.com

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Telephone contacts:

Liz Driver, 647 526-4877

Debra Marshall, 613 777-8879

Peter Lockyer 613 922-9045

**This is Exhibit “U” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.

Dear Ms. Driver, Ms. Marshall, Ms. Sinclair and Mr. Lockyer,

Thank you for taking the time to write to the ministry. The ministry strives to balance the conservation of provincial heritage properties with public safety concerns.

When considering the future of the two buildings in Sandbanks Provincial Park, Ontario Parks had independent Cultural Heritage Evaluation Reports (CHER) and Heritage Impact Assessments (HIA) completed by a qualified company, Letourneau Heritage Consulting Inc. The studies confirmed the deteriorated condition of the houses and that they present significant health and safety risks. The studies also confirmed there is limited heritage value of the two buildings due to the relocation of outbuildings or their outright removal, the past owners followed the trend of lakeside cottaging and were not the leaders in the industry, and there is nothing unique or innovative about the buildings. The MacDonald Farm hog shed is the only structure found to have provincial heritage importance. This structure will be retained and interpreted for park visitors.

Even if private funding was secured for the renovation of both houses, Ontario Parks would still incur annual costs for operating and maintaining the buildings. Given the findings in the studies, it would be inappropriate to use taxpayer dollars for this purpose.

Public consultation was undertaken regarding the proposal to demolish the buildings, as part of the environmental assessment process, as well as the amendments to the Sandbanks Provincial Park Management Plan.

The ministry has completed its due diligence and is moving forward with the demolition of the two structures as these buildings pose a significant health and safety risk if left standing. Following demolition of the buildings, Ontario Parks will invite the Prince Edward Heritage Advisory Committee and the other interested individuals to assist Ontario Parks in preparing materials to commemorate the buildings, as recommended in the Heritage Impact Assessments. As well, the community will be involved in discussions around how to best use the sites.

If you have any further questions or comments, I encourage you to contact, Greg Walsh, Southeast Zone Manager at greg.walsh@ontario.ca or (905) 715-3106.

Sincerely,



Susan Ecclestone *on behalf of* Chloe Stuart

ADM, Land and Water Division
Ministry of the Environment, Conservation and Parks

**This is Exhibit “V” referred to in the
Affidavit of LIZ DRIVER affirmed before
me this 9th day of September, 2021.**

A handwritten signature in cursive script, appearing to read "Eric Liff".

A Commissioner, etc.



357-2021-3033

September 2, 2021

Steve Ferguson
Mayor
Prince Edward County
Email: sferguson@pecounty.on.ca

Dear Mayor Ferguson:

It has come to my attention that you have expressed interest in the future of the Hyatt House and MacDonald Farm buildings at Sandbanks Provincial Park. My ministry strives to balance the conservation of provincial heritage properties with public safety concerns and I want to ensure you are aware of the rationale behind the ministry's decision to proceed with the planned demolition.

When considering the future of two buildings in Sandbanks Provincial Park, Ontario Parks ensured any decision would be evidence based and informed by facts. The Cultural Heritage Evaluation Reports (CHER) and Heritage Impact Assessments (HIA) completed by qualified individuals at Latourneau Heritage Consulting (expertise in archaeology, heritage evaluations and assessments, and cultural heritage evaluation) was recognized by the Ministry of Heritage, Sport, Tourism and Culture Industries. The studies confirmed the deteriorated condition of the houses and that they present significant health and safety risks. The studies also confirmed there is limited heritage value of the two buildings due to the relocation of outbuildings or their outright removal. Further, the past owners followed the trend of lakeside cottaging and were not the leaders in the industry. Finally, the studies concluded that there is nothing unique or innovative about the buildings. I have included a particularly helpful chart taken from the Cultural Heritage Evaluation Reports which outlines the provincial criteria and the summary of the buildings evaluation.

The studies concluded that the MacDonald Farm hog shed is the only structure found to have provincial heritage importance. I have instructed Ontario Parks staff to ensure this structure will be retained and interpreted for park visitors.

Public consultation first began in December, 2019 on the Environmental Registry of Ontario (ERO) regarding the proposal to demolish the buildings, as part of the Sandbanks Provincial Park Management Plan. There were only five (5) comments received as a part of this process and to date, no private entities have stepped forward with funding and a comprehensive plan and/or business case. Even if private funding was secured for the renovation of both houses, Ontario Parks would still incur annual costs. Given the findings in the studies, it would inappropriate to use taxpayer dollars for this purpose.

Mayor Steve Ferguson

Page 2.

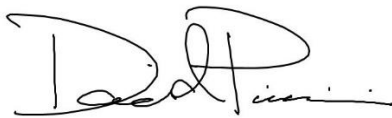
My ministry has completed its thorough due diligence and is moving forward with the demolition of the two structures as these buildings pose a significant health and safety risk if left standing.

Following demolition of the buildings, Ontario Parks will invite the Prince Edward Heritage Advisory Committee and the other interested individuals to assist Ontario Parks in preparing materials to commemorate the buildings, as recommended in the Heritage Impact Assessments.

I would also like to highlight, that the Government of Ontario is currently undertaking a number of initiatives to modernize Ontario Parks to improve the experience for all visitors and we look forward to working with you and other stakeholders to find innovative ideas for new recreation experiences at provincial parks, while enhancing existing programs and services. More details on these new opportunities will be announced in the coming months and again, I look forward to input from municipalities like yours.

If you have any further questions or comments, I encourage you to contact Tory Pearson, Director of Stakeholder Relations, in my office at Tory.Pearson@ontario.ca.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Piccini', with a stylized flourish at the end.

David Piccini

Minister of the Environment, Conservation and Parks

- c: The Honourable Todd Smith, MPP, Bay of Quinte
Tory Pearson, Director of Stakeholder Relations, Minister's Office, MECP
Marcia Wallace, Chief Administrative Officer, Prince Edward County
Kate MacNaughton, Councillor Ward 1 – Picton
Phil St-Jean, Councillor Ward 1 – Picton
Brad Nieman, Councillor Ward 2 – Bloomfield/Hallowell
Phil Prinzen, Councillor Ward 2 – Bloomfield/Hallowell
Mike Harper, Councillor Ward 3 – Wellington
Andreas Bolik, Councillor Ward 4 – Ameliasburgh
Janice Maynard, Councillor Ward 4 – Ameliasburgh
Bill McMahon, Councillor Ward 4 – Ameliasburgh
Jamie Forrester, Councillor Ward 5 – Athol
Bill Roberts, Councillor Ward 6 – Sophiasburgh
Ernie Margetson, Councillor Ward 7 – Hillier
Stewart Bailey, Councillor Ward 8 – North Marysburgh
John Hirsch, Councillor Ward 9 – South Marysburgh

**SAVE HERITAGE
SANDBANKS HOMES INC.**

- and
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**MINISTRY OF ENVIRONMENT,
CONSERVATION AND PARKS
AND MINISTRY OF HERITAGE,
SPORT, TOURISM AND CULTURE
INDUSTRIES**

Divisional Court File No.

Applicant

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding Commenced at Toronto

**AFFIDAVIT OF LIZ DRIVER
(Affirmed September 9, 2021)**

**ERIC K. GILLESPIE
PROFESSIONAL CORPORATION**

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