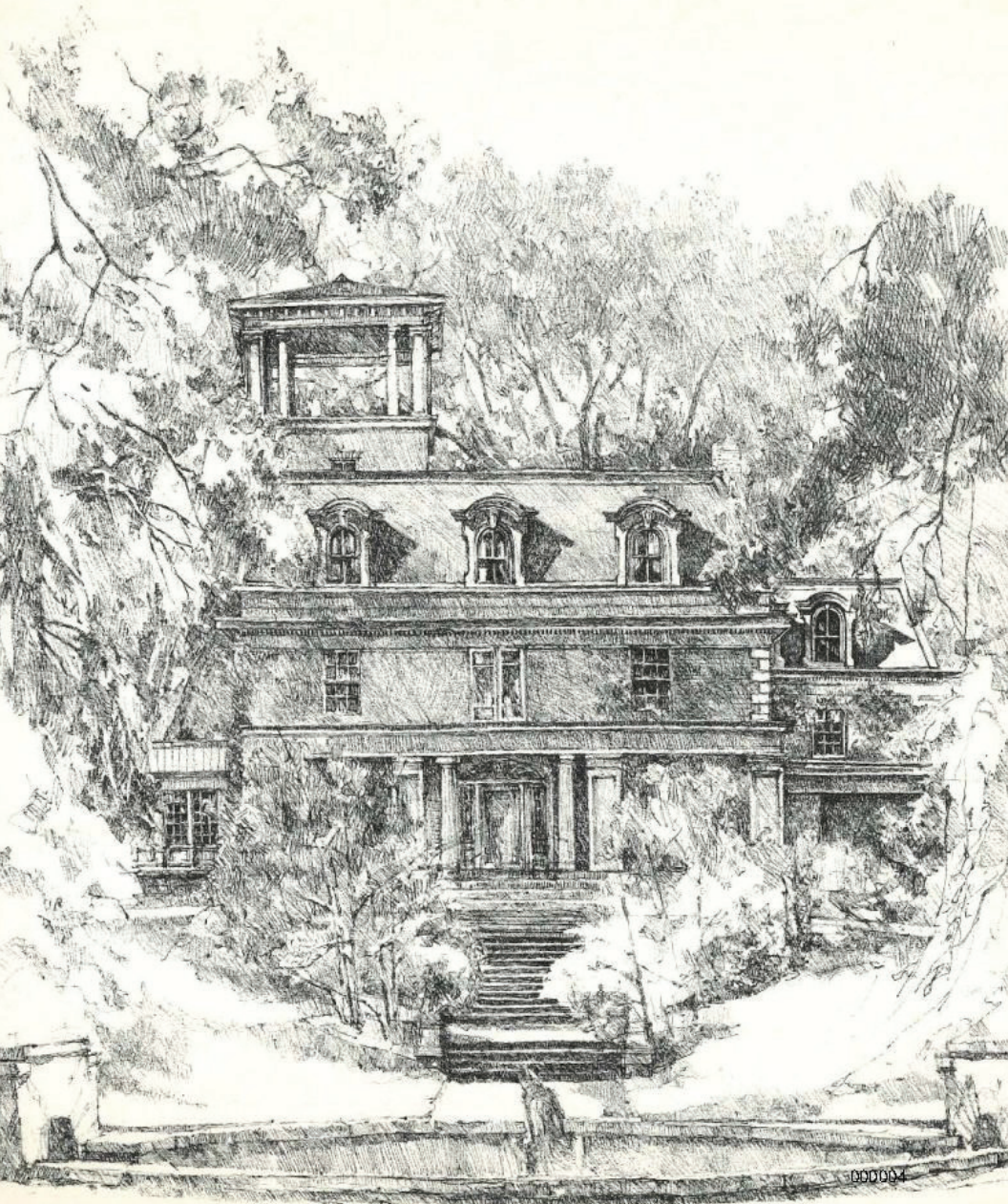


UPDATE FROM SORE RE RAND ESTATE



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As 2019 draws to a close, SORE wants to wish all its supporters the best of the season. We also want to take the opportunity to update our supporters and all interested residents on the current status of Benny Marotta's attempt to redevelop the Rand Estate.

Background

- In late 2017, two years ago now, Mr. Marotta's companies surfaced with an application to the Town for what was described as a hotel on the Rand Estate. A quick review of the reports accompanying that application showed that he was also planning a dense 160-unit subdivision on the back half of the Rand Estate, with access roads crossing the Town's Heritage Trail and exiting to The Promenade and Charlotte Street.
- A public meeting was held by the Town on the hotel proposal in January of 2018. An overflow crowd of more than 800 people jammed the Community Centre and over 30 speakers made it clear to Mr. Marotta's representatives that his proposal was outrageous and would be strongly resisted. That was followed by a similar meeting of the Town's Municipal Heritage Committee (MHC) a couple of months later. The Town's Urban Design Committee also considered the hotel proposal, with the acting chair describing it as a "cross between an airport hotel and a Soviet apartment block."
- In July 2018, Mr. Marotta filed a revised hotel proposal and shortly thereafter appealed to the Local Planning Appeal Tribunal (LPAT) before Council could assess or make a decision on the revised proposal.
- In August of 2018, Council decided to proceed with designation of the Rand Estate under the Ontario Heritage Act, on the recommendation of the Town's MHC. Mr. Marotta's companies then promptly requested a review of that decision by the Conservation Review Board (CRB). The CRB awarded SORE party status in January of 2019 over the objection of Mr. Marotta's lawyers.
- Later that month, Mr. Marotta brought in a new lawyer and commenced a Superior Court challenge of the Town's August 2018 decision to designate the Rand Estate under the Heritage Act.
- In the interim, after the municipal election in October of 2018 resulted in almost an entirely new Council, and in the period between the election and swearing in of the new Council, Mr. Marotta's companies clear cut a large portion of the Rand Estate. This led to public protests and ultimately to quasi-criminal charges being laid by the Town against Mr. Marotta's companies for alleged violations of the Heritage Act.
- In April of 2019, SORE was awarded party status by the Superior Court in the Two Sisters' court challenge, again over the objection of Mr. Marotta's lawyers.
- In May of 2019, SORE was given party status by LPAT.
- Shortly thereafter, following radical changes to the Planning Act by the Ford government, Mr. Marotta's company withdrew its zoning appeal to LPAT, thereby avoiding the restrictive rules under the Planning Act that the Two Sisters zoning appeal would otherwise have been subject to.

Where are we Now?

- Recently, Mr. Marotta's company refiled its zoning appeal to LPAT. SORE's lawyers are assessing whether this is permissible or should be permitted by LPAT. We assume the Town is doing the same.
- No hearing date has been set. If the purported new appeal is allowed by LPAT, a hearing date is likely several months in the future.

- The CRB has recently stated its intention to proceed with its hearing on the merits of the Town's notice of heritage designation, after waiting for almost a year because of the Superior Court challenge initiated by the Marotta group (see below)
- The Superior Court challenge by the Marotta companies of the Town's heritage designation by-laws is currently set for the week of January 6th in St. Catharines.
- The prosecution by the Town of the Marotta companies for the outrageous November 2018 clear cutting of Randwood is hopefully proceeding to a trial in the New Year. In the event of a conviction on these charges, one remedy available to the Court is to require the Marotta companies to fund restoration of any heritage landscape features deemed to be destroyed illegally.

SORE'S Position

SORE has been given party status in every legal forum in which Mr. Marotta's companies are challenging the Town's heritage designations or attempting to advance his hotel proposal. SORE believes the hotel proposal, with its close to 400 parking spots and massive function rooms, would result in the Rand Estate turning into a convention centre and wedding factory. More importantly, our experts have advised us that the proposal is inconsistent with the Town's Official Plan and incompatible with the acknowledged and extensive heritage attributes of this nationally-significant estate property. SORE further believes that the Marotta proposal, unlike the Romance Inn, will result in endless noise, light and traffic conflicts with the established residential neighbourhood in which the Rand Estate is situated.

The Town went through an exhaustive two-year planning process less than 10 years ago for the proposed Romance Inn that resulted in a narrow Council decision to approve a land use change for part of Randwood. The Romance Inn as approved by Council in 2011 was a heavily negotiated compromise for a boutique hotel that respected the heritage character and attributes of the Rand Estate. Everyone involved with the process believed that careful limits had been placed on every aspect of that proposal to maintain the look and feel of the Rand Estate and NOTL as a special place. Mr. Marotta must have been aware of the Romance Inn compromise when he bought the various parcels of the Rand Estate. Had he simply proceeded with what was already approved for Randwood (the Romance Inn) after two years of public debate, negotiation and compromise by a number of concerned citizens and heritage experts, there would be little reason to object today.

We view Mr. Marotta's proposals for the Rand Estate as a watershed moment for the future of NOTL. The town that most of us grew up in or moved here to enjoy is at risk. If the Marotta companies are allowed to build an ill-conceived hotel/convention centre/wedding factory and 160-unit subdivision on this signature piece of property, it will be open season in NOTL for all developers. We stand for the premise that our Town, and what it represents, is worth protecting for the benefit of those who live here and for the many thousands who visit each year precisely because of the character of the town.

We thank you for your continued support. SORE would also like to acknowledge, with gratitude, the unwavering commitment of our elected Council to defend our Official Plan and our irreplaceable heritage resources. While we regret the significant costs both the Town and SORE have incurred to respond to the various legal proceedings initiated by Mr. Marotta, the alternative-rolling over for him and every developer who just sees NOTL as an opportunity to make money-is unthinkable.

Please visit our website at sorenott.ca for more information and to sign up for email alerts about ongoing developments.