

DATE: March 22, 2024

TO: Heritage Vaughan Committee

FROM: Haiqing Xu, Deputy City Manager, Planning and Growth Management
Wendy Law, Deputy City Manager, Legal & Administrative Services &
City Solicitor

RE: **COMMUNICATION – Heritage Vaughan Committee, March 27, 2024**

Item #6

**SITUATION REPORT STEMMING FROM THE UNLAWFUL
IRREVERSIBLE ALTERATIONS CAUSED WITHOUT PERMIT AT 51
NAPIER STREET, IN THE KLEINBURG-NASHVILLE HERITAGE
CONSERVATION DISTRICT**

Recommendation

That this communication be received.

Background

The purpose of this communication is to correct certain information provided in the above noted report with respect to the charges before the Court.

The required briefs to commence prosecutions before the Provincial Offences Court were provided to the Court on December 13, 2023, with an attached note that the legal limitation period to submit for action expires on Friday, January 12, 2024 (not January 13, 2024 as currently noted in the report).

On Monday January 15, 2024, the City's Legal Services Staff followed up with York Region Court Administration Staff about the status of the file, and similarly on January 23, 2024, when staff did not hear back from York Region. On January 25, 2024, York Region's Court Administration Staff advised that due to holiday closures and staff shortages, the relevant documentation was not sworn by a Justice of the Peace prior to the limitation period, despite the notice provided in the City's email. Given the expiry of the limitation period, the charges under the Ontario *Heritage Act* are now statute-barred.

For clarity, the reference on page 3 in the fourth paragraph to information related to "holiday closures and staff shortages" was provided by Court Administration Staff at York Region, who receive and manage court filings for the Provincial Offences Court, not the City's Legal Services Department.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Haiqing'.

Haiqing Xu
Deputy City Manager, Planning and Growth Management

A handwritten signature in black ink, appearing to read 'Wendy'.

Wendy Law
Deputy City Manager, Legal and Administrative Services & City Solicitor