



TOWN STATEMENT

Niagara-on-the-Lake Withdraws Appeal

Provincial Offences Under the *Ontario Heritage Act* re: Randwood Estate

For Immediate Release

February 14, 2023

The Town of Niagara-on-the-Lake has decided to withdraw the appeal concerning the Provincial Offences violations under the *Ontario Heritage Act* at Randwood Estate (144, 176, and 200 John Street East and 588 Charlotte Street).

The original charges arose from allegations that heritage features were damaged because of tree cuttings at the properties. In October 2022, the courts decided that the case would not be heard on its merits and that the trial would no longer continue.

Every individual has a right to be tried within a reasonable time frame, and the courts have provided guidelines concerning those timelines. The Supreme Court of Canada set out the framework for analyzing S. 11(b), establishing deadlines by which those accused need to be tried within 18 months for Provincial Court trials, absent exceptional circumstances.

In this circumstance, the accused was not able to have the trial within these prescribed timelines. Several factors contributed to the time delay, including the lack of judicial resources. On this basis, the Town believes financial resources are better used in the interests of the public, and the appeal will not proceed.

When making its decision, the Town was also mindful of the high legal costs associated with an appeal on this matter without any assuredness of ultimate success.

In consultation with the Town's legal experts and to protect the Town's interests, the Court's decision was appealed within the allotted time.

The public may be assured that the Town continues to value the conservation of heritage resources and will make the most of opportunities through *Heritage Act* and *Planning Act* applications.

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