



## TOWN STATEMENT

# Niagara-on-the-Lake Update Re: Rand Estate

For Immediate Release

January 17, 2024

The purpose of this statement is to provide public insight into the challenge that the Town Council has faced in determining its position on matters related to the appeals by Solmar of Zoning By-law Amendment, Plan of Subdivision and Heritage Planning Applications related to 200 John Street East and 588 Charlotte Street (“the Rand Estate”).

The Ontario Land Tribunal (OLT) hearing on the Rand Estate is scheduled for an eight-week period starting on March 25, 2024. The list of issues for the OLT to consider is lengthy. Legal and expert witness costs will be significant.

In a planning case that has not been appealed to the OLT, the Town conducts public open meetings where it carefully considers and balances provincial, regional and Town interests to determine its position.

In this case, where the matter has been appealed to the OLT, the law requires settlement talks to occur confidentially to balance those same interests. In these situations, all litigants must feel free to fully explore compromise. If a settlement is not reached, revealing discussions would undermine litigants’ positions at a contested hearing. The Town has acted appropriately in its closed session decision-making. The process followed by the Town has been guided by prevailing provincial legislation.

Between September and December of 2023, Solmar, SORE and the Town met often to talk about settling matters prior to the hearing. A settlement of one or more issues would reduce hearing time and costs. The meetings were, as required by law, confidential. Settlement has not been achieved. Consequently, Solmar, SORE and the Town cannot reveal anything that was discussed in the settlement meetings.

On December 15, 2023, the Town released a public statement outlining the position it would take for the hearing. That position was the result of adopting a “constraints-based” approach to determine the appropriate balance between natural heritage features, cultural heritage attributes, stormwater management and access to the existing public road network. At times, the choice is between two or more undesirable alternatives, as illustrated by the matter of the road access location.

The Town confirmed that the Historical John Street access was feasible but Solmar has not offered it as available from their related corporation. In supporting cultural heritage conservation per the [Horne Report \(April 12, 2023\)](#), the Town confirmed that it opposed Solmar’s request for the Panhandle access. To remove the Panhandle as an access option, the Town consented to the use of Town-owned land at the existing Charlotte Street access to the Rand Estate. This would achieve cultural heritage conservation in the Panhandle area of the subdivision. In addition, it would reduce hearing time and costs.



On January 12, 2024, following a further balancing of provincial, regional and Town interests, the Town chose to withdraw its consent to use Town-owned land at Charlotte Street. The Town understands that removing the Charlotte Street access option will increase OLT hearing time and costs and that Solmar will pursue access through the Panhandle, which would impact cultural heritage attributes, as noted in the Horne Report. The Town will oppose the Panhandle access at the OLT hearing.

The Town will continue to work with Solmar and SORE prior to the hearing to reduce issues and streamline the evidence required to properly adjudicate all issues remaining in dispute. The Town will continue to be guided by prevailing provincial legislation in doing so.

**For additional information, please refer to the attached documents:**

- [Horne Report \(April 12, 2023\)](#)
- [Horne Presentation \(April 24, 2023\)](#)

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The Corporation of the Town of Niagara-on-the-Lake  
[info@notl.com](mailto:info@notl.com) | 905-468-3266