

**WITNESS STATEMENT OF BRENDAN STEWART**

**LPAT Case Nos. PL171084  
PL180158  
PL180580  
MM180022  
MM170004**

**LOCAL PLANNING APPEAL TRIBUNAL**

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.  
Subject: Request to amend the Official Plan - Refusal of request by the Town of Oakville

Existing Designation: Private Open Space and Natural Area  
Proposed Designation: Site Specific (to be determined) – including Residential, Mixed Use and Community Commercial

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive  
Municipality: Town of Oakville  
Approval Authority File No.: OPA.1519.09  
LPAT Case No.: PL171084  
LPAT File No.: PL171084  
LPAT Case Name: Clublink Corporation ULC v. Oakville (Town)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.  
Subject: Application to amend Zoning By-law No. 2014-014 - Refusal of Application by the Town of Oakville

Existing Zoning: Private Open Space (O2), Private Open Space-Special (O2- Sp. 114), and Natural Area (N)

Proposed Zoning: Site Specific (to be determined)

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive  
Municipality: Town of Oakville  
Municipality File No.: Z.1519.09  
LPAT Case No.: PL171084  
LPAT File No.: PL171085

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.  
Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision  
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses  
Property Address/Description: 1333 Dorval Drive  
Municipality: Town of Oakville  
Municipality File No.: 24T-17003/1519  
LPAT Case No.: PL171084  
LPAT File No.: PL171086

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.  
Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision  
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses  
Property Address/Description: 1333 Dorval Drive  
Municipality: Town of Oakville  
Municipality File No.: 24T-17003/1519  
LPAT Case No.: PL171084  
LPAT File No.: PL171167

**PROCEEDING COMMENCED UNDER** subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.  
Subject: Proposed Plan of Subdivision  
Property Address/Description: 1333 Dorval Drive  
Municipality: Town of Oakville  
Municipality File No.: 24T-17003/1519  
LPAT Case No.: PL171084  
LPAT File No.: PL180034

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.  
Subject: Proposed Official Plan Amendment No. 24  
Municipality: Town of Oakville  
LPAT Case No.: PL180158  
LPAT File No.: PL180158  
LPAT Case Name: ClubLink Corporation ULC et al. v. Oakville (Town)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.  
Subject: By-law No. 2018-016  
Municipality: Town of Oakville  
LPAT Case No.: PL180158  
LPAT File No.: PL180159

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.  
Subject: Proposed Official Plan Amendment No. 15  
Municipality: Town of Oakville  
LPAT Case No.: PL180580  
LPAT File No.: PL180580

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.  
Subject: Proposed Official Plan Amendment No. 16  
Municipality: Town of Oakville  
L.P.A.T. Case No.: PL180580  
L.P.A.T. File No.: PL180581

**PROCEEDING COMMENCED UNDER** subsection 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.  
Subject: Appeal of a decision of Council on an application to demolish a building or structure  
Municipality: Town of Oakville  
LPAT Case No.: MM180022  
LPAT File No.: MM180022

**PROCEEDING COMMENCED UNDER** subsection 69(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.  
Subject: Appeal against the levying of an application fee  
Municipality: Town of Oakville  
LPAT Case No.: MM170004  
LPAT File No.: MM170004

## WITNESS STATEMENT OF BRENDAN STEWART

### 1. EXPERIENCE AND QUALIFICATIONS

- 1.1. I received my Bachelor of Landscape Architecture degree from the University of Guelph in 2004 and my Master of Landscape Architecture degree from the University of California, Berkeley, in 2009. I was in private practice between 2004 and 2007 and between 2009 and 2017, when I joined the landscape architecture faculty at the University of Guelph. My role as a faculty member involves teaching four landscape architecture courses per year (50% of my appointment), research (30% of my appointment), and serving on committees and boards and other related professional activities (20% of my appointment). Much of my teaching and research has focused on my interest in the adaptive re-use of cultural heritage landscapes through contemporary design, and community design.
- 1.2. Since joining the University, one of my primary service roles has been to sit as an 'Appointed Educator' on the Ontario Association of Landscape Architects (OALA) Council. I have continued to consult with ERA Architects Inc. (ERA) on cultural heritage landscape projects in relation to my research and teaching practice during this time. I have been a full member of the OALA since 2011, and a full member of the Canadian Association of Heritage Professionals (CAHP) since 2016.
- 1.3. My interest in the heritage field began during my graduate studies through courses in cultural landscape theory and landscape architectural history. My graduate thesis project considered the adaptive re-use of the landscapes surrounding modern high-rise apartment buildings in Toronto's inner suburbs; rethinking the 'park' in the 'tower in the park'. My research developed strategies to enhance livability by proposing community-based design processes, as well as strategies for physical interventions. With its focus on questions of modern heritage, this work led me to ERA where I worked as a project manager from 2009 – 2014, and as an associate from 2014 – 2017.
- 1.4. During my time at ERA, I was involved with numerous projects for public, private, not-for-profit and institutional clients, with a focus on conserving built heritage, or cultural heritage landscape resources. Many of my projects were located in the GTA, but I also have done work in Gothenberg, Sweden, Edmonton, Ottawa, London (Ontario), Guelph and Newfoundland.
- 1.5. With ERA I worked on several cultural landscape conservation projects in Oakville involving large-scale, privately-owned properties including the Smye Estate (394 Lakeshore Road West), Appleby College (540 Lakeshore Road West), and the Edgemere Estate (1502 Lakeshore Road East).
- 1.6. My practice experience includes providing landscape architectural design services, as well as heritage planning and interpretation services, a unique combination that

has allowed me to develop a niche practice at the intersection of cultural heritage landscape conservation and contemporary design. In all of my work, I am focused on ensuring that projects are grounded in understanding the cultural values at play, the particular opportunities and constraints of the landscape, and that these values are conserved in a manner that creatively and effectively enhances the experience of the public realm.

- 1.7. I understand my duties as an expert before the Local Planning Appeal Tribunal (the “Tribunal” or “LPAT”) is to assist the Tribunal and provide fair and impartial evidence. A copy of my curriculum vitae is attached to this Witness Statement as **Appendix “A”**, together with a signed Acknowledgement of Expert’s Duty form in **Appendix “B”**.

## 2. RETAINER

- 2.1. ERA was retained by ClubLink Corporation ULC and ClubLink Holdings Limited (“ClubLink”) in early 2015 to undertake a series of investigations and the preparation of reports with respect to the property located at 1313 and 1333 Dorval Drive in the Town of Oakville (the “Town”) and known as the Glen Abbey Golf Club (“Glen Abbey” or the “Property”).
- 2.2. The Property is approximately 93 hectares (229 acres, excluding the 3-acre RayDor Estate), with approximately 32 hectares (80 acres) of valleylands within the Sixteen Mile Creek valley and approximately 61 hectares (149 acres) of tablelands above the valley. The RayDor Estate House (separately designated under Part IV of the Ontario Heritage Act) is not part of the ClubLink applications and was considered as an adjacent heritage resource in ERA’s reports. Glen Abbey is also adjacent to a residential property owned by ClubLink. I was involved with this retainer between 2015 and 2017, and was re-engaged from fall 2020 to the present.
- 2.3. ERA’s retainer with ClubLink resulted in the production of the following reports, the first two of which I was involved with during my time at ERA:
  - 2.3.1. Cultural Heritage Landscape Assessment & Heritage Impact Assessment (“CHLA/HIA”), prepared by ERA and dated November 9, 2016, which was first submitted to the Town on November 10, 2016 with ClubLink’s *Planning Act* applications to permit the redevelopment of the Property for a mix of residential, commercial and open space uses (the “Applications”). Among other things, the CHLA/HIA assesses the cultural heritage value and demonstrates how the cultural heritage values associated with the Property can be appropriately conserved as part of the proposed redevelopment of the Property;

- 2.3.2. A Park and Open Space Concept Plan (“Park Plan”), including a Tree Canopy Plan, prepared by ERA and dated November 9, 2016, which was submitted to the Town on November 10, 2016 with the Applications and which outlines the implementation of the conservation strategies outlined in the CHLA/HIA; and,
  - 2.3.3. An Addendum to the CHLA/HIA, prepared by ERA and dated November 20, 2017, which was submitted to the Town on November 21, 2017 in support of ClubLink’s demolition application under Section 34 of the Ontario Heritage Act (“OHA”). The Addendum provided responses to the Town’s proposed heritage attributes in the Notice of Intention to Designate (“NOID”), and supplemented the CHLA/HIA’s building condition assessments with condition assessments for buildings proposed to be demolished.
- 2.4. Like much of my professional practice, my role on the project has required drawing on a broad knowledge and experience base spanning multiple disciplines. On the one hand, I was involved with researching and evaluating the Property as a potential cultural heritage landscape (“CHL”), and on the other, developing and coordinating conservation strategies for both cultural and natural heritage resources on the Property, and integrating these strategies into a comprehensive vision for the redevelopment of the Property. My role has therefore been both to understand the heritage resources, but also to propose how to conserve the resources in the context of proposed new uses on the Property.
  - 2.5. Given the unique nature, scale and complexity of landscapes, this work has required applying knowledge and experience at the intersection of landscape architecture and heritage planning, but also drawing on landscape ecology, urban design, community design and architectural conservation practices.
  - 2.6. In November 2020, I was retained to serve as an Expert Witness for this LPAT hearing.

### **3. SUMMARY OPINION**

- 3.1. Just as there is no disagreement that the Property has some cultural heritage value, there is no disagreement that the Property contains a CHL. I share Michael McClelland’s opinion that a significant, organically evolved, continuing CHL exists within the boundaries of the Property. This CHL includes the Sixteen Mile Creek valley and a portion of the table lands along the valley’s edge; it contains physical remnants from multiple eras of the Property’s evolution, including the original portion of the clubhouse and a portion of the current golf course in the vicinity of the 18<sup>th</sup> green.

- 3.2. I also share my colleague's opinion that the Town has inappropriately identified the entire Property as a significant CHL; has not properly accounted for the potential of the Property to be used for a purpose other than a championship golf course and how the Property's cultural heritage value or interest could be conserved in that context; and has inappropriately described the heritage attributes in the heritage designation by-law for the Property. In my opinion, the Town's approach to describing the heritage attributes overstates the cultural heritage significance of the current Glen Abbey Golf Club and is premised on the current use of the property as a championship golf course continuing in perpetuity.
- 3.3. In addition, I would add the following opinions related to the identification of a CHL on the Property and its conservation:
  - 3.3.1. In my experience, a viable long-term use is required for the sustainable conservation of any heritage resource. In my evidence, I will comment on the Town's heritage attributes and the former Town-initiated Conservation Plan for Glen Abbey, which take an approach that fails to reflect a sustainable, long-term conservation strategy for the Property.
  - 3.3.2. Best practice indicates that conservation needs to be approached in a holistic and balanced manner, considering (but not limited to) heritage, planning and economic factors.
  - 3.3.3. Best practice management tools to conserve CHLs recognize the dynamic nature of landscapes (as distinct from built heritage resources), offer flexibility, clear, simple and practical procedures, and a framework to foster a culture of stewardship.
- 3.4. I will describe the conservation planning process undertaken to inform ClubLink's proposed redevelopment of the Property and articulated in ERA's CHLA/HIA and Park Plan, which:
  - 3.4.1. Balances the aims of cultural heritage conservation with other policy goals, as required in the PPS and the Growth Plan;
  - 3.4.2. Is informed by heritage conservation planning best practice guidelines as articulated in *Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada*;
  - 3.4.3. Is an example of what the Town refers to as 'creative planning' in its Cultural Heritage Landscapes Strategy;
  - 3.4.4. Responds to the distinct nature of CHLs (compared to other forms of built heritage);

- 3.4.5. Conserves the CHL while enhancing public access and increasing the utility of the Property's cultural heritage resources for the long-term future, and which;
- 3.4.6. Is informed by contemporary cultural landscape theory and practice.
- 3.5. It is my opinion that ERA's Conservation Strategy for the Property — the Park Plan — conserves the identified organically evolved, continuing CHL, and represents the type of 'creative planning' that the Town refers to in its CHL Strategy.
- 3.6. ERA's conservation strategy recommends the naturalization and conveyance of the valley lands to a public authority, and the creation of a new public park and trail system connected to surrounding neighbourhoods. By creating a publicly accessible community amenity on lands that are currently privately-owned, the conservation strategy addresses a critical consideration for all heritage professionals: what is the public benefit derived from a conservation activity regulated under Ontario's legislative and policy frameworks? In my opinion, the Town's designation by-law fails to account for the implied, long-term privatization of lands using instruments intended to enhance the public good.
- 3.7. In this instance, it is my opinion that the most practical and effective tool for the long-term management of the conserved CHL would be for ClubLink, in consultation with the Town and as a condition of subdivision approval, to prepare a landscape management plan.
- 3.8. In my evidence, I will draw on legislation, policy, and guidance documents related to CHL conservation.
- 3.9. I will reference the reports and studies prepared as part of the Town's Cultural Heritage Landscapes Strategy and in response to the ClubLink Applications as outlined by Mr. McClelland. I will also refer to a CHL case study in Ontario.
- 3.10. My Witness Statement will cover the following subject areas:
  - 3.10.1. Site and neighbourhood context;
  - 3.10.2. Summary of ERA's Park Plan;
  - 3.10.3. A brief policy review;
  - 3.10.4. A summary of cultural heritage landscape approaches in Ontario;
  - 3.10.5. A discussion of heritage conservation and the public good;
  - 3.10.6. A review of the Town's Official Plan Amendments and By-laws;
  - 3.10.7. A response to the applicable issues in the Issues List;

3.10.8. A list of sources relied upon.

#### **4. SITE AND NEIGHBOURHOOD CONTEXT**

- 4.1. I will rely on the evidence of Mr. McClelland in his description of the Property's evolution and its urban context, and add the following:
- 4.2. Some of the residential subdivisions surrounding Glen Abbey are characterized by distinctive open space systems with integrated trail systems connected to but separate from the road network.
- 4.3. Sunningdale, built on the tableland to the north-east of the Sixteen Mile Creek Valley in the 1950s – 1970s, features spur trails connecting cul-de-sacs to each other and to recreational trails that run along the valley's edge and through a linear park connected to two schools. From a landscape architectural and community design perspective, this network represents progressive thinking for the time, prioritizing access to nature, recreational opportunities, and accommodating safety for children's play and their walk to and from school.
- 4.4. South and west of Dorval Drive, on lands planned in the 1970s and developed largely in the 1980s, a similar landscape pattern gives structure to the residential fabric. Here, a series of smaller creeks within wooded ravine's have been intentionally integrated into the design, defining the shape, character, and function of the residential subdivisions. A continuous system of trails runs through the ravines, connecting to schools, parks and small playgrounds. A pattern of short trail 'spurs' connects this system into the street network, creating a layered, interconnected public realm, with one layer defined by streets, and the other defined by publicly accessible open spaces and trails. Like Sunningdale, I would characterize the integrated trail and open space system structuring these neighbourhoods as progressive for their time from a community design and landscape architectural perspective.
- 4.5. The Fairway Hills neighbourhood immediately adjacent to the Property to the west (announced in 1986 – with Golfview and Abbeydale Courts developed separately in 2001-2002) does not feature an integrated trail and open space network that is as character defining or progressive from a community design and landscape architectural perspective as those featured in the Sunningdale Neighbourhood, or the neighbourhoods south and west of Dorval Drive.
- 4.6. The neighbourhood's four cul-de-sacs offer pedestrian connections to the public sidewalks along adjacent arterial roads (Upper Middle Road and Dorval Drive), and a short trail connects 'The Links Drive' to 'Greeneagle Drive', through what appears to be a private park owned by the Fairway Hills Community Association of Oakville. However, by comparison to those already described, the trail and open space

network here is not a major structuring element of the subdivision design, and the neighbourhood lacks strong physical connections to the larger publicly accessible trail and open space network in this part of Oakville.

- 4.7. In addition, there is not a strong design relationship between the Fairway Hills neighbourhood and the adjacent Glen Abbey Golf Club. My opinion builds on the evidence of Mr. McClelland and Mr. McBroom, who indicate that the neighbourhood and golf course were not designed in an integrated manner, and lack the strong physical and visual relationship typically seen in intentional golf course communities, such as the Jack Nicklaus-designed Muirfield Village in Dublin, Ohio.
- 4.8. While there are some public and many private views of the Glen Abbey property from the Fairway Hills neighbourhood, the relationship between the neighbourhood and the Glen Abbey property is not significant from a community design perspective. The neighbourhood and its streets derive their names from the golf course, or the sport of golf more generally, indicating a commemorative relationship between the neighbourhood and the Property. This does not equate to a strong physical, functional, visual or historical relationship to the golf course.
- 4.9. Commemorative place naming is also seen in neighbourhoods to the south of Dorval Drive, where parks, trails, street names, churches, and retirement homes reference the various periods or eras of development that have given shape to the area. There are names referencing the Indigenous, pre-Contact period (e.g. Indian Ridge Trail); the early colonial / agricultural period (e.g. Old Colony Rd.) and many referencing when the Jesuits occupied the Glen Abbey property (e.g. Pilgrim's Way). Many names also refer to characteristics of the landscape (e.g. Oak Meadow Rd.).
- 4.10. I would also note that the name 'Glen Abbey' refers to the Jesuits (the Abbey) along the valley (Glen).
- 4.11. From a trail, park and open space system perspective, the Glen Abbey property, and the immediately adjacent Fairway Hills neighbourhood, represent a gap in the existing network. This observation, coupled with the patterns observed in the Sunningdale neighbourhood to the north-east, and the neighbourhoods south of Dorval Drive, informed aspects of the proposed conservation strategy, namely the development of a linear park, open space and trail system that organize the structure of the proposed redevelopment, creating broader linkages to overcome the gap cited above.

## **5. SUMMARY OF PARK PLAN**

- 5.1. I will expand upon Mr. McClelland's summary of ERA's reports and approach, by way of a description of the Park Plan. I will also describe the conservation planning

methodology that was followed, which is outlined in the Conservation Planning Process (“CPP”) Diagram contained in the CHLA/HIA and Park Plan reports.

### **Context of the Park Plan**

- 5.2. The Property is part of an evolving landscape that has been inhabited, cultivated, and developed since at least the 18th century, most recently in 1976 when the celebrated golfer, Jack Nicklaus, designed the course in use today. Much of the character of the Property is attributed to its topography and setting in the Sixteen Mile Creek valley. These features of the Property have also shaped its earlier uses, architectural and landscape remnants of which have become constituent elements of the Property.
- 5.3. Based on historical research and analysis, the CHLA/HIA identifies an “Organically Evolved/Continuing Cultural Heritage Landscape” on the Property which features the valley, and portions of the valley’s edge. Having identified and evaluated these cultural heritage resources, the proposed redevelopment has been designed not only to conserve and manage these resources, but also to integrate them as defining features of a new neighbourhood.

### **Purpose of the Park Plan**

- 5.4. ERA’s Park Plan set out the proposed implementation of the conservation strategies outlined in the CHLA/HIA through a landscape-driven approach to the Neighbourhood Master Plan. The Park Plan responds directly to the Property’s history and natural heritage context, including the Sixteen Mile Creek valley and connecting trail networks. The Park Plan also responds to the Town’s development application guidelines for park/open space concept plans and outlines the creation of approximately 26 acres of parkland within the proposed redevelopment, in addition to the proposed conveyance of the entire Sixteen Mile Creek valley on the Property to a public authority as a condition of approval.
- 5.5. The Park Plan was prepared to provide a vision for the parks, public open spaces, and publicly-accessible open spaces within the proposed redevelopment of Glen Abbey Golf Club. It is an integrated component of the proposed redevelopment and is also based on the Town’s *Cultural Heritage Landscapes Strategy* and an evaluation of the Property as a potential cultural heritage landscape. This assessment was carried out by ERA and is contained in the CHLA/HIA.

### **The Conservation Planning Process**

- 5.6. A conservation planning methodology informed every aspect and all phases of the project. The CPP diagram included in ERAs CHLA/HIA and Park Plan reports, which explains this methodology, was based on the conservation decision-making process in the *Parks Canada’s Standards and Guidelines for the Conservation of Historic Places in Canada* (the “S&Gs”) and on the Burra Charter process. Both documents

outline a sequence of considerations and actions involved in conserving historic places.

- 5.7. The S&Gs recommend a process that involves three phases: “Understanding”, “Planning” and “Intervening”, outlining steps associated with each phase. The CPP diagram’s first two phases correspond, but use slightly different terms: “Understanding” and “Strategy”.
- 5.8. “Intervening”, the last phase outlined in the S&Gs, includes two steps: “undertake the project work”, and “carry out regular maintenance”.
- 5.9. The CPP undertaken by ERA splits the two steps of the “intervening” phase into two distinct phases, which the diagram refers to as “Implementation” (undertake the project work) and “Stewardship” (carry out regular maintenance). Stewardship was added as an extra phase in recognition of the dynamic, living nature of CHLs and to highlight the importance of coordinated, long-term management planning.

#### **Development of the Park Plan – The Understanding Phase**

- 5.10. The process of creating the park plan began with historical research and the identification and evaluation of the Property’s significant cultural heritage resources. In the conservation planning process, this phase of work is referred to as the “understanding” phase.

#### **Development of the Park Plan – The Strategy Phase**

- 5.11. Following this initial phase, the “conservation strategy” was developed by linking and re-imagining the attributes of the identified CHL to create a defining landscape structure around which the proposed redevelopment would take form. The project team refers to the conservation strategy as the “Six Big Ideas” as it involves developing design concepts that both conserve identified cultural heritage resources / attributes and transforms them into defining features of the proposed redevelopment. The conservation strategy was developed prior to the design of the proposed subdivision, in close collaboration with the project’s urban designer, and created a landscape structure that would give shape and character to the proposed redevelopment.
- 5.12. The Park Plan was coordinated and developed with ClubLink’s consultant team. Related reports include the Urban Design, Functional Servicing and Storm Water Management, Environmental Impact Assessment, Vegetation Study, Arborist Report and Tree Protection Plan reports. The Park Plan is intended to be read in conjunction with ERA’s CHLA/HIA and SGL’s Urban Design Brief.
- 5.13. By designing with these “Six Big Ideas”, the proposed redevelopment carries the meaning and value of these cultural heritage resources into the Property’s next evolution. This approach is intended to provide users more than just access to well

designed recreational opportunities within a landscape setting; but to also give the Property a distinctive identity and to foster a rich sense of history and sense of community to enrich the experience of future residents and visitors.

### **Development of the Park Plan – The Implementation Phase**

- 5.14. As the planning and design processes advanced, the vision for the Property became more detailed. The “Six Big Ideas” were developed into specific design proposals, which feature a combination of conservation treatments, mitigation measures and interpretation strategies. Combined, those form the foundation of the Park Plan, which constitutes the “implementation” of the “conservation strategy”.
- 5.15. The CPP diagram illustrates the numerous factors that informed the process of developing the “Six Big Ideas” into the Park Plan. These include: relevant policies, planning and ecological factors, principles of park and landscape design, more detailed information about site conditions, technical opportunities and constraints identified by the broader consulting team, and redevelopment viability factors associated with the long term vision for and operation of the property. Additionally, it is anticipated that the plan will evolve further through future collaboration with the Town and other relevant authorities and stakeholders.
- 5.16. Embedded within the proposal are integrated conservation and design strategies informed by the Property’s history and context and which conserve the identified cultural heritage value on the Property and also root the parks and open space design in the layered history of the Property. As noted above, these strategies are referred to as the “Six Big Ideas for an Evolving Landscape”. I describe the “Six Big Ideas” in the following paragraphs:
  - 5.16.1. The Greenway Park is an interpretive landscape, inspired by the linear trail and park systems that structure adjacent neighbourhoods, and by the 19<sup>th</sup>-century American landscape architect, Frederick Law Olmsted’s “Emerald Necklace” linear park system in Boston. The Greenway Park connects portions of the open space system to form a circuit, reminiscent of a golf course.
  - 5.16.2. Valley’s Edge Open Space: RayDor Estate Approach & Rolling Fairways is an open space along the valley’s edge. The historical entrance drive to the RayDor Estate is incorporated into new parkland through its adaptive reuse as a multi-use trail. The Rolling Fairways, located along the central and western portions of the valley’s edge, maintains the gently rolling topography of the Glen Abbey Golf Club, providing flexible play fields, passive recreation, and nature viewing areas.
  - 5.16.3. The Great Belvedere provides a scenic overlook of the valley and reinterprets spectator viewing opportunities on the existing golf course. It is

intended as a feature of the redevelopment and for the broader Oakville community. The specific location for the Great Belvedere has yet to be determined, but it has been envisioned in the vicinity of the 11<sup>th</sup> hole tee, the signature hole on the golf course.

- 5.16.4. A Village Market retail facility is proposed by adaptively reusing the Stables building, which was constructed in the Property's Estate Era.
- 5.16.5. The Social Hub & Central Park is proposed on the site of Glen Abbey's Clubhouse and 18<sup>th</sup> hole green. It will act as a focal point for the proposed neighbourhood and function as the heart of its park and open space system.
- 5.16.6. Oakville's Valley Open Space is a proposed conveyance of the privately owned valley lands to a public authority. These lands are the "missing link" in the Sixteen Mile Creek Valley, a Regional Natural Heritage system that extends from Lake Ontario to Lions Valley Park.
- 5.17. Section 5 of the Park Plan (pages 39-103) details each of the Six Big Ideas, including descriptions of conservation treatments, interpretation strategies and mitigation measures.
- 5.18. Overall, the Park Plan for the proposed redevelopment offers a high quality parks and open space amenity to new residents and also to the broader Oakville community. The proposed redevelopment is accessible by vehicular routes, proposed transit routes and existing active transportation and trail networks.
- 5.19. The Park Plan conserves the identified cultural heritage landscape associated with the Property, and ensures that these resources are accessible for the public to experience.

#### **Development of the Park Plan – The Stewardship Phase**

- 5.20. Following the 'implementation' phase, is the 'stewardship' phase, where recommendations are made about management tools to conserve the Property's CHL over the long term.
- 5.21. There are multiple management tools available to conserve CHLs in Ontario, including designation under the OHA as well as tools under the Planning Act.
- 5.22. The Park Plan includes a 'Recommended Protection and Management Zones and Boundaries' diagram on page 114, which summarizes and maps the recommended heritage conservation management tools, that makeup the 'Stewardship' phase of the process.

- 5.23. To conserve, steward and manage the Property's heritage resources, the Park Plan recommends:
- 5.23.1. The identification of an Organically Evolved/Continuing CHL in the valley and along the valley's edge;
  - 5.23.2. The Stables building and its immediate vicinity (proposed block 167) be designated under Part IV of the OHA;
  - 5.23.3. The existing heritage designation by-law associated with the RayDor Estate be amended to reflect its property boundaries; and,
  - 5.23.4. That a "Landscape Management Plan" be prepared by the proponent in collaboration with relevant Town departments, as a condition of subdivision plan approval.
- 5.24. Given that the proposed conservation strategy conserves the CHL within a proposed park and open space system, my opinion is that a system specific Landscape Management Plan would be the most effective tool to conserve the Property's CHL.
- 5.25. My opinion is based in part on my experience working on the conservation of CHLs in public parks that require the coordinated management of cultural and natural heritage between public agencies. For example, as a sub-consultant to The Planning Partnership, I contributed to the development of the "Management Plan for Guild Park and Gardens" a comprehensive landscape management plan that described an integrated approach to the long-term conservation and enhancement of cultural and natural heritage resources for the Guild Park and Gardens ("the Guild") in Toronto, a project that dealt with CHL conservation management issues similar to those at Glen Abbey. In concert with the management plan, previous designation by-laws that focused on the site's buildings were consolidated into an amended designation by-law in 2014, recognizing key views and historic pathways.
- 5.26. Like the Glen Abbey property, the layered CHL at the Guild formed in response to a significant natural feature, in that case the bluffs overlooking Lake Ontario. Also like the conservation strategy proposed at Glen Abbey, the Guild CHL required the coordination of multiple public agencies, as the bluffs and associated vegetation are managed by the Toronto and Region Conservation Authority (the "TRCA"), while the public park at the top of the bluffs is managed by several divisions within the City of Toronto's Parks, Forestry and Recreation department.
- 5.27. Like the valley view in the vicinity of the 11<sup>th</sup> hole tee, a key feature of the Guild CHL is a view that connects the park to the lake, but at the Guild, this view had been closed off over the years by vegetation that the TRCA had been managing in the interest of slope stabilization atop the bluffs. Through consultation with both public agencies, the management plan developed a coordinated framework to manage this

cultural view in such a way that balanced equally important natural heritage and safety considerations; issues that will need coordinated management at the Glen Abbey property as well. In my opinion, a landscape management plan modelled on the one prepared for the Guild would be the most effective way to conserve the identified CHL at the Glen Abbey Property.

5.28. Section 8.5 of the Park Plan summarizes the intent of the Landscape Management Plan, which would:

5.28.1. Coordinate the parts of the whole;

- Recognizing that blocks/lots proposed for the Park, Open Space, Storm Water Management, Community Amenity land uses, remnant wooded area and NHS buffer, as well as proposed streetscapes, all have features which contribute to the overall landscape experience of the proposed redevelopment, and which require management over time. The plan would be a coordinated, one stop document that is clear and easy to use by the relevant Town departments, public authorities, and public and private stakeholders who would be responsible for the day to day as well as long term management of the various component parts of the landscape.

5.28.2. Create clear, simple and practical procedures;

- The proposed Management Plan would clearly describe the vision, principles, goals and objectives that are embedded within the redevelopment proposal, and clarify how to address a hierarchy of management and operational considerations related to the long term stewardship of the landscape. For instance, the plan would develop and outline procedures associated with managing future change within the lands identified as a CHL. The Plan would develop and outline a streamlined, coordinated process for evaluating and permitting alterations deemed minor, with authority delegated to an appropriate approval body, as well as outlining the required process for evaluating and permitting more significant proposed alterations.

5.28.3. Create a Culture of Stewardship.

- In response to the unique nature of landscape management, some procedures would focus on matters which affect the intended growth and maturation of the landscape, and the stewardship of features which take time. An example would be outlining clear practices for the management of trees and shrubs which balance factors of plant and soil health and canopy coverage targets, with design strategies such as the cultivation of views, and the creation of a picturesque environment.

- 5.29. ERA outlined recommended next steps related to the long-term conservation and management of the park and open space system. These included:
  - 5.29.1. An interpretation program that documents the evolving landscape and that includes First Nations history and culture.
  - 5.29.2. Future studies to support the rehabilitation of natural heritage systems within the valley.
  - 5.29.3. Preparation of a Landscape Management Plan in collaboration with relevant Town departments, as outlined above.
- 5.30. The Park Plan also included the following technical information:
  - 5.30.1. Tree List
  - 5.30.2. Storm Water Management Pond Plant List
  - 5.30.3. Enlargement Plan Drawings
  - 5.30.4. Canopy Coverage Plan Drawings.

## 6. POLICY REVIEW

- 6.1. I adopt the evidence of Mr. McClelland with regard to the heritage policies that governed the ERA reports, and that have informed my opinions here.
- 6.2. In addition, I will review the following policies that have informed ERA's approach to the Park Plan.
- 6.3. In the Growth Plan for the Greater Golden Horseshoe (2019), section 4.2.5.1 states:

*“Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly accessible parkland, open space and trails, including shoreline areas, within the GGH that: (a) clearly demarcates where the public access is and is not permitted; (b) is based on a coordinated approach to trail planning and development; and (c) is based on good land stewardship practices for public and private lands.”*
- 6.4. And in the Greenbelt Plan (2017), section 3.2.6.2 states, in part: *“In recognition of the function of the urban river valleys municipalities and conservation authorities should:*

- (a) *Continue with stewardship, remediation and appropriate park and trail initiatives which maintain and, to the extent possible, enhance the ecological features and functions found within these valley systems;*
- (b) *In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that: (i) Establish or increase the extent or width of vegetation protection zones in natural self-sustaining vegetation... (iii) Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both wildlife habitats and movement corridors...*

6.5. And section 3.3.2 of the Greenbelt Plan (2007) states, in part: *“The Province should, in partnership with municipalities, conservation authorities, non-government organizations and other interested parties:*

- 1. *Encourage the development of a system of publicly accessible parkland, open space and trails where people can pursue the types of recreational activities envisaged by this Plan, and to support the connectivity of the Natural Heritage System and the achievement of complete communities in settlement areas across the Greenbelt.*
- 2. *Encourage the development of a trail plan and a co-ordinated approach to trail planning and development in the Greenbelt to enhance key existing trail networks and to strategically direct more intensive activities away from sensitive landscapes.”*

6.6. This policy direction is achieved in the Applications through the sixth “Big Idea” in the Park Plan: the conveyance of what are currently privately-owned valley lands to a public authority. These lands are the “missing link” in the Sixteen Mile Creek valley, a Regional Natural Heritage system that extends from Lake Ontario to Lions Valley Park. The intent is to contribute to publicly-accessible parkland, to facilitate stewardship, remediation and appropriate park and trail systems, and to make possible habitat restoration in the valley.

## **7. CULTURAL HERITAGE LANDSCAPES IN ONTARIO**

7.1. I agree with my colleague Mr. McClelland that cultural heritage landscapes are an evolving concept in the field of heritage conservation and there are currently no criteria specifically established to evaluate this form of cultural heritage in Ontario. My opinions about best practice approaches to conserving CHLs in Ontario are drawn from case studies and projects in Ontario that offer lessons about the description of attributes, the delineation of CHL boundaries, and the need to consider future uses.

- 7.2. I share Mr. McClelland's opinion that the Town's Designation By-law 2017-138 for the Property contains attributes that improperly attempt to mandate the use of the Property as a championship golf course on a perpetual basis.
- 7.3. I would also reference *Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada* which is very clear that "[conservation] planning should consider all factors affecting the future of an historic place, including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints".
- 7.4. Good conservation planning needs to balance many factors and interests in order that conservation strategies are sustainable in the long term; including public access and owner needs today and into the future.
- 7.5. Like Mr. McClelland, it is also my experience that best-practice approaches to conservation assume changes in use will occur over time. Rehabilitation as a conservation treatment recognizes that needs change over time for a variety of reasons, and provides flexibility for conservation approaches to find a sustainable balance. In my experience, rehabilitation can be an appropriate and effective treatment, and is certainly the most common in the context of heritage conservation on private property.
- 7.6. I highlight a recent case study that illustrates how a CHL has been defined and will be conserved (rehabilitated) through its integration into planned development.
- 7.7. The Marcolongo Farm property in Guelph, a CHL recently designated under the OHA (City of Guelph By-law 2019-20386), delineates a bounded CHL within the property representing approximately 35 of the property's approximately 100 acres. The CHL boundary, which was surveyed and mapped in the designation by-law, is defined in part by a view-shed from the rear of the farm house, and includes a 'domestic node', a 'barn node', and an 'orchard/garden node'.
- 7.8. This CHL is part of the City of Guelph's Clair-Maltby Secondary Plan area, an approximately 415 ha area in the south end of the city being planned for future growth. The City's 'Preferred Community Structure' plan (Council Endorsed May 13, 2019) indicates that a portion of the Marcolongo Farm Property is recognized as Natural Heritage System ("NHS") and the balance (largely the portion of the property presently defined by agricultural fields) is planned for low and medium density residential uses, mixed office / commercial uses and open space.
- 7.9. Like ERA's identification of a CHL in the valley and along the valley's edge at the Glen Abbey Property, the Marcolongo Farm CHL attributes are also clustered in one portion of the property. While the redevelopment of the Clair-Maltby lands is in the planning stages (detailed plans have yet to be developed), the plans show (like the

redevelopment plan for the Glen Abbey Property) that the CHL is envisioned to be integrated within a larger open space and natural heritage system network (a landscape 'structure') that shapes, serves, and defines the character of proposed neighbourhoods.

- 7.10. While specific uses for the CHL's farm buildings and landscapes haven't been developed, the plans show a mixed office/commercial zoning for the farm buildings, anticipating some form of rehabilitation treatment, and propose a new context, located at the interface of the main transit-supportive corridor in the area, and the open space / NHS system. In this case, the designation by-law and the secondary plan framework demonstrate how a CHL can be meaningfully conserved through careful integration and adaptive re-use into a redevelopment plan, and how cultural heritage value associated with a former agricultural use can be conserved through a transition to new uses.
- 7.11. The conservation of CHLs is different from the conservation of built heritage resources for reasons related to the distinct characteristics of landscapes, including their comparatively large scale and complexity, the need to consider and manage the living and constantly changing (biological) dimension, and significant material and formal differences in the composition of landscapes. On this last point, consider that buildings tend to have flat floor plates accessed by stairwells, ramps and elevators, a spatial form that can readily accommodate numerous uses. Landscapes, on the other hand, have much more varied spatial landforms that need to be graded to ensure, among other considerations, proper drainage, and accessible and functional circulation. In my opinion, the distinct characteristics of landscapes need to inform the conservation planning process for CHLs, including the description of attributes when designation by-laws are enacted.
- 7.12. As a practitioner, I have worked on projects involving large-scale, privately-owned properties where an identified cultural heritage landscape was conserved within the context of redevelopment, including several in Oakville, such as the Smye Estate property (394 Lakeshore Road West).
- 7.13. Like the case study I've described, this project also demonstrates how attributes were conserved, and informed / structured new development as part of a rehabilitation treatment.
- 7.14. It is my opinion that the Park Plan, which forms the conservation strategy for ClubLink's redevelopment proposal for the Property, represents good heritage conservation practice and is based on a viable long-term approach.

## **8. HERITAGE CONSERVATION AND THE PUBLIC GOOD**

- 8.1. An important dimension of heritage conservation relates to the public benefit of a heritage resource conserved through provincial regulation. In my opinion, and based on our provincial policy framework, heritage conservation is to be understood as an ongoing investment in the public commons.
- 8.2. Building on Mr. McClelland's policy review, which I rely upon, I would highlight existing policy that links the purpose of heritage conservation to the public benefits created.
- 8.3. The PPS (2020) states in its 'Vision for Ontario's Land Use Planning System' that "[t]he Province's ... cultural heritage... resources provide important environmental, economic and social benefits", and links their wise use and management to Ontario's long-term prosperity, environmental health and social well-being.
- 8.4. The Growth Plan for the Greater Golden Horseshoe's Guiding Principles state that the conservation and promotion of cultural heritage resources is intended to "*support the social, economic, and cultural well-being of all communities...*" (policy 1.2.1) and "*to foster a sense of place and benefit communities*" (policy 4.2.7.1).
- 8.5. The Halton Regional Official Plan, section 165 states that the Region's goal for Cultural Heritage Resources is to: "*protect the material, cultural and built heritage of Halton for present and future generations*".
- 8.6. Livable Oakville, section 5, states that the purpose of conserving cultural heritage resources is "*so that they may be experienced and appreciated by existing and future generations, and enhance the Town's sense of history, sense of community, identity, sustainability, economic health and quality of life*".
- 8.7. Taken together, these policies indicate that heritage conservation is to be generally understood as an ongoing investment to enhance the public commons that we all have access to and can benefit from.
- 8.8. It is my opinion that among the concerns with the Town's designation by-law and choice of heritage attributes is that they fail to adequately consider public access to the Property, raising questions about what public benefit, if any, is achieved by requiring the Property to remain an active championship golf course in perpetuity.
- 8.9. In the case of Glen Abbey, which is an exclusive, membership-based golf course on private property, it is only physically accessible at a fee during a limited golfing season and a paying public when it periodically played host to the Canadian Open (approximately 120 days in nearly 45 years since the Glen Abbey Golf Club was established). Moreover, the overly restrictive nature of the attributes in the Town's heritage designation by-law effectively envisions the ongoing use of the Property as is, promoting a future of the same level of limited public accessibility.

- 8.10. In my experience, the public accessibility of cultural heritage landscapes on private property can (and in many instances should) be enhanced through the conservation planning process. The Conservation Strategy at the root of ClubLink's redevelopment proposal for the Property centres on the creation of a new public realm of linked parks and open spaces that embeds, rehabilitates and interprets the primary heritage values of the Property to form a new, publicly accessible whole.
- 8.11. In my opinion, the redevelopment proposal enables the Property's primary heritage resources to become accessible on an everyday basis to a larger and more diverse cross section of the public, and links these resources to a wider range of everyday activities that support community life and wellbeing. Expanding the public accessibility of heritage resources is in line with good conservation planning and supportive of policies that link the purpose of heritage conservation with the creation of public benefits.

## **9. THE TOWN'S REPORTS AND DESIGNATION BY-LAW**

- 9.1. I agree with, and adopt, Mr. McClelland's critique of the Town's heritage attributes, attached as Appendix "C" to his Witness Statement.

## **10. REVIEW OF THE TOWN'S OFFICIAL PLAN AMENDMENTS AND BY-LAWS**

- 10.1. I agree with, and adopt, Mr. McClelland's critique of the Town's OPAs 15 and 24.
- 10.2. I also agree with, and adopt, his critique of the Town's OPA 16, and would add the following:
- 10.3. The groundwork for cultural heritage landscape conservation plans laid in OPA 16 was operationalized in By-law 2018-019: a by-law to govern cultural heritage landscape conservation plans within the Town of Oakville. Section 2.1.3 in the By-law states:
- "For cultural heritage landscapes [contained or included in or on a protected heritage property in the Town], unless Council directs otherwise Council shall require the preparation of a conservation plan forthwith on its own initiative or by the owner".*
- 10.4. By-law 2018-19 provides the Terms of Reference for the required cultural heritage landscape conservation plans in its definition of "conservation plan". These Terms of Reference are not consistent with the way conservation plans are described in the Ontario Heritage Tool Kit, as outlined by Mr. McClelland.

- 10.5. The Ontario Heritage Tool Kit Infosheet #5 notes that a conservation plan generally contains “*recommendations for conservation measures and interventions, short- or long-term maintenance programs, implementation, and the qualifications for anyone responsible for the conservation work*” and “*schedule for conservation work, inspection, maintenance, costing and phases of rehabilitation or restoration work*”. Implicitly, the Tool Kit frames a conservation plan as a document that guides a planned and defined future change.
- 10.6. In contrast, By-law 2018-019 notes that a cultural heritage landscape conservation plan: “*considers future actions that may occur on the landscape and categorizes them as [actions exempt from heritage review, alterations that are likely to affect the property’s attributes and may impact its value, and alterations that are likely to affect the property’s heritage attributes and will impact its value]*”. The conservation plan is framed here as a municipal management / oversight tool, rather than a detailed description of the conservation work proposed to be undertaken in anticipation of a planned and defined future change.
- 10.7. For the Glen Abbey property, the Town prepared a Cultural Heritage Landscape Conservation Plan prior to the enactment of By-law 2018-019, based on a “Scope of Work” that stated that the purpose of the Conservation Plan was “to address how Glen Abbey can be managed and used as a golf course for championship and recreational play, while conserving its identified cultural heritage value and interest”.
- 10.8. I adopt Mr. McClelland’s evidence that a conservation plan is typically prepared by a heritage professional on behalf of the owner of a property that includes a cultural heritage resource in the context of a development proposal and/or approval for the property. Further, I adopt his evidence that the Town of Oakville’s Cultural Heritage Landscapes Strategy implies that conservation plans for cultural heritage landscapes will be prepared by the proponent’s heritage consultant, and submitted to the Town.
- 10.9. In my opinion, a ‘Landscape Management Plan’ would be the most effective form for a Conservation Plan to take, in the context of conserving significant cultural heritage landscapes as part of public park and open space systems. I worked on the creation of this type of plan for Guild in Toronto (The Planning Partnership with ERA in 2014), and have reviewed a number of example documents that could be referred to in the development of such a plan for the Glen Abbey property.
- 10.10. As outlined earlier in my evidence, such a plan would coordinate the parts of the whole, create clear, simple and practical procedures, and create a culture of stewardship. Importantly, such a plan would also be tailored to the specifics of public landscapes featuring both natural and cultural heritage resources, allowing for an adaptive process that recognizes that landscapes are dynamic and evolve naturally, and creating opportunities to improve ecology over time.

- 10.11. I adopt Mr. McClelland's opinion as to the Town's former CHL Conservation Plan for Glen Abbey, which inappropriately identified preservation as the primary treatment moving forward.
- 10.12. In the three years since the Town's CHL Conservation Plan for Glen Abbey was approved by Town Council (and subsequently quashed by the Courts), the Town has produced a series of parallel conservation plans for other identified cultural heritage landscapes in Oakville including Erchless Estate (November 2019), Oakville Harbour (October 2020), St. Jude's Cemetery (October 2020) and Gairloch Gardens (January 2021), all of which cover fully or predominantly public lands. While these conservation plans conform to the By-law 2018-019 Terms of Reference, the fact that they are largely publicly-owned means that the conservation plan has been developed by and for the property owner, with an eye toward their future intent for the properties. To my knowledge, the Town has not taken any steps to prepare a new CHL Conservation Plan for Glen Abbey since the previous CHL Conservation Plan was quashed.

## **11. RESPONSE TO ISSUES**

**Issue 1: Do the Applications conserve the significant cultural heritage landscape within the subject lands, as designated under section 29 of the *Ontario Heritage Act* by Town By-law No. 2017-138, as required by:**

- (a) the Provincial Policy Statement, including Part III, Part IV, and sections 1.2.1(c), 1.7.1(e), 2.0, 2.6, and 6.0;**
- (b) the Growth Plan, including sections 1.2, 1.2.1, 4.1, 4.2.7, and 7;**
- (c) the Region of Halton Official Plan (Halton OP), including sections 26, 29, 30, 31, 72(1), 146, 147(2), 165, 166, 170, 224, and 224.1;**
- (d) Livable Oakville Plan, including sections 2.1, 2.2.1, 3, 5, and 29.5?**

- 11.1. I adopt the evidence of my colleague Michael McClelland that the conservation strategy employed in the Applications would conserve the significant cultural heritage landscape identified by ERA in the CHLA/HIA.
- 11.2. I also share Mr. McClelland's opinion that the heritage attributes identified by the Town in the designation by-law are flawed, and do not correctly identify the heritage attributes nor the cultural heritage landscape that must be conserved in order to conserve Glen Abbey's cultural heritage value or interest.

11.3. In my evidence I explore the multi-pronged strategy developed to conserve the significant cultural heritage landscape that ERA identified. See paragraphs 5.4 – 5.30.

**Issue 4: Would the replacement of the Glen Abbey Golf Course with the mixed-use development proposed by the Applications fail to preserve the character of the Glen Abbey community, as required by the policies of the Livable Oakville Plan, including sections 2.2.1 and 4.3, and is it consistent with the policies of the Provincial Policy Statement that support conserving features that define community character including cultural heritage landscapes, including section 1.7.1(e)?**

11.4. It is my opinion that the replacement of the Glen Abbey Golf Course would not fail to preserve the character of the Glen Abbey community.

11.5. I adopt my colleague Mr. McClelland's and Mr. McBroom's evidence that the existing relationship between the Glen Abbey Golf Course and the Glen Abbey community is limited in terms of physical or visual interface, and add my opinion the relationship is not significant from a community design perspective (see section 4 above).

11.6. However, I would note that the design of the Park Plan was intended to ensure that the proposed new neighbourhood in the Applications would blend successfully with its context moving forward. Attention was paid to study the historical design context of the surrounding neighbourhoods, with attention to the landscape features that characterize their era of development (predominantly late 1970s – 1980s).

11.7. See paragraphs 4.2 – 4.11.

**Issue 40: Are the location, size and configuration of the proposed parks appropriate?**

11.8. Yes. While I will defer to other expert opinions on the size of the parks, it is my opinion that the location and configuration of the proposed parks are appropriate.

11.9. In ERA's Park Plan, the parks were explicitly designed and located in order to reference, conserve and interpret various aspects of the Property's cultural heritage value. See paragraphs 5.16 – 5.19.

11.10. I would note that the proposed park and open space system was also informed by successful patterns identified in adjacent Oakville neighbourhoods. See paragraphs 4.2 – 4.11.

**Issue 75: Do the applications conform with policies 3.2.7, 4.2.1 and 4.2.5 of the Growth Plan for the Greater Golden Horseshoe (2019), and policies 3.2.6, 3.3 and 6 of the Greenbelt Plan (2017)?**

11.11. Yes they do.

11.12. The Applications incorporate a system of publicly-accessible parkland, a net gain in public access and benefit on this site, which is based on a co-ordinated approach to trail planning and development, and based on good land stewardship practices for public and private lands.

11.13. In developing the Park Plan, ERA took guidance from development patterns and parks and open spaces in adjacent neighbourhoods and within the Sixteen Mile Creek valley, and sought to provide opportunities for connectivity and a response to the existing character and network of parks and trails.

11.14. The proposed conveyance of the privately-owned valley to a public authority would address what is now a “missing link” in the Sixteen Mile Creek valley, a Regional Natural Heritage System that extends from Lake Ontario to Lions Valley Park.

11.15. See paragraphs 6.2 – 6.6.

**Issue 89: Does the proposed development maintain, protect and enhance the existing neighbourhood character to conform to the Town’s Official Plan, including the criteria in Section 11.1.9?**

11.16. See my response to Issue 4.

**Issue 92: If a Draft Plan of Subdivision is to be approved, what are the appropriate conditions of approval?**

11.17. I share the opinion of Mr. McClelland that the following three conditions of approval should be considered if a Draft Plan of Subdivision is to be approved:

11.17.1. A Landscape Management Plan, prepared by the proponent in collaboration with the appropriate municipal departments and public agencies;

11.17.2. An Interpretation Plan; and

11.17.3. A Restoration and Management Plan for the Sixteen Mile Creek valley, which would address the implementation of public access, re-naturalization and heritage interpretation in the valley.

**Issue 112: Are proposed policies 5.3.4 and 5.3.5, which refer to “cultural heritage landscape conservation plans”:**

**(a) Lacking in clarity?**

**(b) Inconsistent with the Provincial Policy Statement, 2020 (“PPS”), and in particular, Part I and policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8 and the definition of “conserved”?**

**(c) Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”), and in particular, policies 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1 and 2.2.6.2, and the definition of “conserved”?**

**(d) Contrary to the *Ontario Heritage Act*?**

**(e) Contrary to principles of good planning?**

11.18. Yes. It is my opinion that proposed policies 5.3.4 and 5.3.5 are lacking in clarity, particularly given the Town’s prior attempt to develop a cultural heritage landscape conservation plan for the Glen Abbey property and given that approach was inconsistent with typical approaches to conservation plans as described in the Ontario Heritage Tool Kit and, in my opinion, contrary to good cultural heritage conservation practice.

11.19. See paragraphs 10.4 – 10.6.

**Issue 116: Is it possible to demolish/remove the Glen Abbey golf course and, at the same time, to “conserve” any “significant built heritage resources” and/or “significant cultural heritage landscapes” that may exist on the property?**

11.20. Yes. I adopt the evidence of Mr. McClelland in response to this issue.

**Issue 117: Would the demolition/removal of the Glen Abbey golf course to accommodate the proposed redevelopment of the property, as proposed by ClubLink, represent an appropriate balancing of the public and community interests against the private property rights of ClubLink, as the owner of the property?**

11.21. Yes it would.

11.22. Further, it is my opinion that the proposed heritage conservation strategy for the Property achieves both the interests of the private property owner *and* an enhancement of public and community benefit, through the proposed return of the large-scale privatized landscape in the Sixteen Mile Creek valley to public ownership, with potential for public recreational access and re-naturalization, as well as a proposed integrated and extensive park and open space network on the table land portion of the Property.

**Issue 119: Should the Tribunal approve ClubLink’s application to demolish/remove the Glen Abbey golf course (including all buildings identified in the application and related infrastructure) and order the Town to consent to the demolition/removal?**

11.23. Yes, for the reasons set out in this Witness Statement.

**Issue 120: If the Tribunal orders the Town to consent to the demolition/removal, should the Tribunal impose any terms and conditions and, if so, what are the appropriate terms and conditions?**

11.24. See my response to Issue 92.

**Issue 122: Was the Town’s refusal of the demolition of the Glen Abbey golf course consistent with the overarching goal of the OHA to conserve, protect, and preserve Ontario’s heritage?**

11.25. It is my opinion that the Applications, together with the proposed cultural heritage conservation strategy, do conserve, protect and preserve Ontario’s heritage in the broad sense, and specifically in relation to the Property, through the creative conservation of the significant cultural heritage landscape that ERA identified on the Property.

11.26. Similar to Mr. McClelland, I disagree with Town staff’s conclusion that the proposed demolition fails to conserve the cultural heritage value of the “Glen Abbey golf course designed cultural heritage landscape” and is not consistent with and does not conform to provincial and local policy, as the basis for recommending refusal of the demolition application.

## **12. SUMMARY / CONCLUSIONS**

- 12.1. To conclude my evidence and opinions, it is my professional opinion that ClubLink's redevelopment proposal, which incorporates and integrates a proposed cultural heritage conservation strategy, represents good cultural heritage conservation practice, and offers a holistic vision for the evolution of the Property that is responsive to a balance of larger planning objectives.

### **13. SOURCES RELIED UPON**

Creative Golf Design, Golf Course Architects & Consultants.

2017. *Glen Abbey Golf Course: Heritage Review*.

City of Guelph.

2019. *By-law No. 2019-20386: To designate 2162 Gordon Street (Marcolongo Farm)*.

City of Guelph.

2019. *Clair-Maltby Secondary Plan Schedule: Preferred Community Structure*

City of Toronto, with The Planning Partnership & ERA Architects Inc.

2014. *Management Plan for the Guild Park & Gardens*.

ERA Architects Inc.

2010. *394 Lakeshore Road West, Oakville Ontario, Cultural Landscape Assessment: Lambert-Smye Estate*.

ERA Architects Inc.

2016. *Cultural Heritage Landscape Assessment & Heritage Impact Assessment: Proposed Redevelopment of the Glen Abbey Golf Club, Oakville*.

ERA Architects Inc.

2016. *Park and Open Space Concept Plan: Proposed Redevelopment of the Glen Abbey Golf Club, Oakville*.

ERA Architects Inc.

2017. *Cultural Heritage Landscape Assessment & Heritage Impact Assessment - Addendum: Proposed Redevelopment of the Glen Abbey Golf Club, Oakville*.

ICOMOS Australia

2013. *The Burra Charter*.

Julian Smith & Associates Architects.

2017. *Cultural Heritage Landscape Values and Attributes of the Glen Abbey Property.*

Julian Smith & Associates Architects.

2017. *Peer Review of the Cultural Heritage Landscape Assessment and Heritage Impact Assessment of ERA Architects Inc.*

Laurie Smith Heritage Consulting.

2016. *Cultural Heritage Landscapes Strategy Implementation – Phase I: Summary Report.*

Laurie Smith Heritage Consulting.

2017. *Inventory Report: 1333 Dorval Drive, RayDor Estate & Glen Abbey.*

Letourneau Heritage Consulting inc.

2017. *Cultural Heritage Landscapes Strategy Implementation – Phase II: Cultural Heritage Evaluation Report, 1333 Dorval Drive (Glen Abbey Golf Course), Oakville, Ontario.*

Ministry of Municipal Affairs and Housing.

2017. *Greenbelt Plan.*

Ministry of Municipal Affairs and Housing.

2019. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe.*

Ministry of Municipal Affairs and Housing.

2020. *Provincial Policy Statement.*

Ministry of Tourism, Culture and Sport.

2005. *Ontario Heritage Act – Ontario Heritage Amendment Act.*

Ministry of Tourism, Culture and Sport.

2006. *Ontario Heritage Tool Kit – Designating Heritage Properties.*

Ministry of Tourism, Culture and Sport.

2006. *Ontario Heritage Tool Kit – Heritage Resources in the Land Use Planning Process.*

Parks Canada.

2010. *Standards and Guidelines for the Conservation of Historic Places in Canada.*

Regional Municipality of Halton.

2009. *Halton Region Official Plan (Interim Office Consolidation 2015).*

Town of Oakville.

2009. *Livable Oakville: Town of Oakville Official Plan (Office Consolidation 2015)*.

Town of Oakville.

2013. *By-law No. 2013-079: To amend by-law 2010-173 regarding the designation of Lambert-Smye Estate House and Grounds as a property of historical, architectural or contextual significance, formerly described as being located at 394 Lakeshore Road West.*

Town of Oakville.

2014. *Cultural Heritage Landscapes Strategy.*

Town of Oakville.

2017. *By-law No. 2017-079: Official Plan Amendment No. 15.*

Town of Oakville.

2017. *By-law No. 2017-089: Official Plan Amendment No. 16.*

Town of Oakville.

2017. *By-law No. 2017-138: Heritage Designation By-law for the Glen Abbey Golf Course property.*

Town of Oakville.

2017. *Scope of Work: Cultural Heritage Landscape Conservation Plan for the Glen Abbey property.*

Town of Oakville.

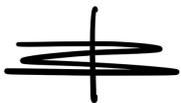
2018 *Cultural Heritage Landscape Conservation Plan for the Glen Abbey Heritage Property.*

Town of Oakville.

2018. *By-law No. 2018-016: Official Plan Amendment No. 24.*

Town of Oakville.

2018 *By-law No. 2018-019: To govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials.*



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Brendan Stewart

**APPENDIX A:  
BRENDAN STEWART CV**

# BRENDAN STEWART OALA CSLA CAHP



Brendan Stewart (OALA, CAHP) is an Assistant Professor of landscape architecture at the University of Guelph. Brendan is a past Associate at ERA Architects, where he continues to provide strategic consulting as a landscape architect and heritage planner, with a focus on cultural landscapes. He holds a Bachelor of Landscape Architecture from the University of Guelph and a Masters of Landscape Architecture from the University of California, Berkeley.

He is a director of the not-for profit Friends of Allan Gardens, a former editorial board member of *GROUND: Landscape Architect Quarterly*, and a regular guest critic and lecturer for the design and planning programs at the University of Toronto, Ryerson University and the University of Waterloo. Since 2017, he has served as U of Guelph's appointed educator to the OALA council.

## Professional Experience

2017-Present	<b>Assistant Professor</b> of Landscape Architecture, University of Guelph
2009-2017	ERA Architects Inc., Toronto, <b>Associate</b>
Summer 2008	Dept. of Public Works, City and County of San Francisco,
2004 - 2007	FRP Inc., Toronto, Intern Landscape Architect

## Professional Affiliations

Ontario Association of Landscape Architects (OALA)  
Canadian Society of Landscape Architects (CSLA)  
Canadian Association of Heritage Professionals (CAHP)  
Council of Educators in Landscape Architecture (CELA)

## Education

2009	<b>Masters of Landscape Architecture (MLA)</b> University of California, Berkeley
2004	<b>Bachelors of Landscape Architecture (BLA)</b> University of Guelph

## Service

2017 - Present	<b>OALA Council</b> Appointed Educator to Council, University of Guelph
2010 - Present	<b>Friends of Allan Gardens</b> (Board member)
2014 - 2015	<b>OALA Task Force</b> (Chair) Research and production support for TCLF guidebook: 'What's Out There Toronto'
2012 - 2014	<b>Ground: Landscape Architect Quarterly</b> (Editorial board member)

## Select Public Space projects (\* with ERA Architects)

2018 - Present	<b>WexPOPS</b> , Scarborough, ON Pilot of plazaPOPS community design-research project
2019 - Present	<b>Centre Block and Parliament Hill Landscape</b> , Ottawa, ON. Advisor to ERA and HOK
2017 - Present*	<b>Nepean Point Design Competition</b> , Ottawa, ON Winner of international design competition; with Janet Rosenberg Studio and Patkau Architects
2017*	<b>Booth Street Complex</b> , Ottawa, ON. Heritage re-development framework (with Stantec)
2017 - 2018*	<b>Ridgeway Community Courts</b> , Mississauga, ON. LA Lead: Parking lot to community space conversion project
2017*	<b>Kingston Dry-Dock</b> re-development project, Kingston, ON (Heritage and Landscape Architecture)
2016 - 2017*	<b>Queen's Park Complex</b> Public Art and Commemoration Strategy, Toronto (Heritage); with Urban Strategies
2015 - 2017*	<b>Landscape of Landmark Quality:</b> University of Toronto (Heritage) with MVA and KPMB
2015 - 2017*	<b>Coronation Park revitalization:</b> City of Toronto (LA lead)
2015-2016*	<b>Back to the River</b> , London, ON (Heritage). Design competition with Janet Rosenberg & Studio with Superkul
2014-2015*	<b>Fort York Pedestrian &amp; Cycling Bridge</b> , Toronto, ON (Heritage) DBB proposal with Public Work, A49, WSP and Ellis Don
2014-2015*	<b>Flag Field</b> , Maple Claire Park, Toronto ON. Public Art project with artist Josh Thorpe
2014*	<b>Queens Park North Revitalization Project</b> , Toronto, ON, (Heritage) with The Planning Partnership
2013 - 2014*	<b>Guildwood Park</b> , Toronto, ON. (Heritage) with The Planning Partnership
2013*	<b>Sorauren Park</b> , Toronto, ON. (Heritage) with The Planning Partnership
2012 - 2013*	<b>Borden Park</b> , Edmonton, AB (Heritage) with GH3
2012 - Present*	<b>Mouth of the Creek park</b> , Fort York, Toronto, Landscape Architect (Heritage) with Public Work
2012*	<b>Bellevue Square Park</b> , Toronto, ON. (Heritage) with The Planning Partnership
2011 - 2012*	<b>Appleby College</b> , Oakville, ON. Heritage Framework Plan for Campus
2011*	<b>Selma, Goteborg</b> , Sweden. Proposal for Urban Design Masterplan with Arup
2011*	<b>First Parliament Site</b> , Toronto, ON. (Heritage) with Stoss LU
2010 - 2015*	<b>East Scarborough Storefront</b> , Scarborough ON. LA Lead: Parking lot to community space conversion project
2010 - 2011*	<b>Central Waterfront</b> Heritage Interpretation Plan Toronto, (Heritage) with West 8 and DTAH

2010 - 2011\* **West Don Lands**, Heritage Interpretation Masterplan, Toronto, ON  
 2006-2007 **McMaster University Gateway**, Hamilton ON  
 Design competition winner with FRP and Diamond Schmidt

## Research and Creative Practice

2017 - Present **plazaPOPS** Project co-lead with Daniel Rotsztain and Karen Landman  
 2017 - Present **The Future of Golf Lands** Project lead  
 2017 **Terpene: La Forme d'un Parfum / The Shape of Scent**  
 Conceptual garden design entry for Jardins de Metis International  
 Garden Festival (with Victoria Taylor Landscape Architect)  
 2017 **Refresh: a Vision Document for Allan Gardens**  
 with the Friends of Allan Gardens  
 2011 **One Millionth Tower**: multi-media documentary film produced by NFB  
 about Neighbourhood Tower Renewal (consulting landscape architect  
 with ERA)

## Exhibitions

2019 **Brutalism at Guelph: Concrete in a New Light**; McLaughlin Library  
 Exhibition Room. University of Guelph. (Advisor to curators Sally  
 Hickson and Wilfred Ferwerda)  
 2013 **Hoarding Suggestions**. Grow Op: Gladstone Hotel's Annual Urbanism,  
 Landscape and Contemporary Art Exhibition; Toronto. (Project lead  
 for ERA)  
 2009 **People Per Hectare**: Harbourfront Centre Architecture Gallery, Toronto.  
 (Project support for ERA)

## Conference presentations and public lectures

2020 **Making-Do Conference**: Portland, Oregon. (online presentation)  
 2019 **IFLA Annual Conference**: Oslo, Norway. 'plazaPOPS' (presentation)  
 2019 **ACO Toronto Symposium**: 'Disappearing Main Streets: Buildings and  
 Businesses' (Invited panelist)  
 2019 **INTBAU Canada**: Guelph, Ontario. 'Planning for Golf's Decline: A talk  
 on landscape adaptation opportunities for a dynamic region' (public  
 lecture)  
 2019 **CELA Conference**: Sacramento, California: 'plazaPOPS' (presentation)  
 2019 **Dialog Design Residency**: Toronto. (Invited speaker and design critic)  
 2018 **Dry Stone Canada Public Lecture**: Toronto. (Moderator and discussant)  
 2016 **Toronto's Cultural Heritage Landscapes - From Plan to Action**  
**Symposium**. (Invited speaker)  
 2015 **TCLF Second Wave of Modernism III: Leading with Landscape**  
**Conference**: Toronto. (Presentation with Jane Wolff and Nina-Marie  
 Lister)  
 2015 **ACO Next Gen Symposium**, Toronto. Keynote speaker  
 2014 **TD Urban Greening Forum**: Toronto: Invited plenary speaker

- 2013 **Society for American City and Regional Planning History Biennial National Conference:** Toronto. (Presentation with Michael McClelland and Graeme Stewart)
- 2012 **LEAF and Park People:** Public Lecture at Metro Hall, Toronto, entitled ‘International Influences: Inspiring Ideas for Trees in Public Space’
- 2009 **The Japanese Garden International Exchange Symposium:** Kyoto, Japan (Presentation)

### Awards (selected)

- 2019 **BIA Innovation Award,** Toronto Association of Business Improvement Areas; WexPOPS (forthcoming)
- 2017 **Award for Planning Excellence Merit,** Canadian Institute of Planners for ‘Refresh: A Vision Document for Allan Gardens; with Friends of Allan Gardens
- 2017 **Community Partnership Award,** City of Mississauga; Ridgway Community Courts
- 2016 **Margaret and Nicholas Hill Cultural Heritage Landscape Award (ACO)** for Mouth of the Creek Park
- 2014 **Community Partnership Award, Bhayana Family Foundation Awards,** United Way Toronto and York Region; East Scarborough Storefront
- 2013 **Award of Merit in Heritage Planning,** Canadian Association of Heritage Professionals; ‘Hoarding Suggestions’ exhibition.
- 2009 Geraldine Knight Scott Travelling Scholarship, UC Berkeley
- 2004 **ASLA Honour Award**
- 2004 **CSLA Student Award of Merit**

### Design Juries (selected)

- 2021 Guelph Wellington Urban Agriculture challenge Jury
- 2021 City of Guelph Urban Design Awards Jury (forthcoming)
- 2019 Grow OP: Selection committee member and design jury member, (Toronto)
- 2019 Dialog Design Residency, Jury member (Toronto)
- 2019 Masters of Architecture Thesis reviews, University of Waterloo
- 2018 Masters of Landscape Architecture Thesis reviews, University of Toronto

### Publications (selected)

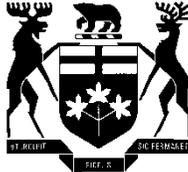
- 2020 Stewart, B., & Rotsztain, D., ‘WexPOPS pops-up in a vibrant suburban stripmall’. Spacing.
- 2018 Stewart, B. ‘Dry-Stone Walls: Ripe for re-invention’. Ground: Landscape Architecture Quarterly, 41 (1), 24-27.
- 2018 Stewart, B. ‘Building the Cultural Landscape of Tomorrow’. Ground: Landscape Architecture Quarterly, 43 (4).

- 2016 Stewart, B. 'Furtherscape Roundtable: Are you Ready for the Future?'  
Ground: Landscape Architecture Quarterly, 36, 26-31.
- 2014 Stewart, B., & McClelland, M. 'University Avenue: Toronto's Grand  
Boulevard'. Ground: Landscape Architecture  
Quarterly, 26 (1), 28-31.
- 2012 Stewart, B. 'The Japanese Garden at the Huntington Botanical Gardens:  
An investigation into the meaning of Japanese gardens in the United  
States and Japan'. In Takahiro Naka, Seiko Goto (Ed.) The Japanese  
Garden International Exchange Symposium, Kyoto University of Art  
and Design, Rutgers University & UC Berkeley, 28-38.
- 2009 Stewart, B., & Duane, T. 'Easement Exchanges for Agricultural  
Conservation: a Case Study under the Williamson Act in California'.  
Landscape Journal: design, planning, and management of the land,  
28, 181-196.

### Press (selected)

- 2020 **Spacing Radio Podcast:** plazaPOPS interview
- 2019 **CBC Radio One: Fresh Air:** plazaPOPS interview with Daniel Rotsztein
- 2019 **Global News Radio 640 Toronto:** plazaPOPS interview
- 2019 **Novae Res Urbis:** Reinventing Strip Malls: plazaPOPS by Shalyn Costello
- 2019 **The Fife and Drum:** 'Coronation Park is Being Restored' by Sandra  
Shaul
- 2019 **Blog TO:** 'Toronto Stripmalls are about to get more interesting'  
(plazaPOPS)
- 2019 **8-80 Cities blog:** '8 Questions with Daniel Rotsztein and Brendan  
Stewart'; (plazaPOPS)
- 2019 **Toronto.com:** 'plazaPOPS in Scarborough tries 'eye-catching' design  
to boost business'; (plazaPOPS)
- 2019 **Guelph Mercury:** 'Pop-up garden in Toronto has deep roots in Guelph'  
(plazaPOPS)
- 2019 **U of T News:** 'Measuring success in a suburban oasis: U of T students  
team up with neighbourhood groups to address urban challenges'  
(plazaPOPS)
- 2018 **Toronto Star** '5 new projects receive grants to shake up underused  
public spaces' by Gilbert Ngabo (plazaPOPS)
- 2018 **Globe and Mail:** cited in article by Dave Leblanc about University  
Avenue
- 2014 **CBC Radio One: Metro Morning:** East Scarborough Storefront interview
- 2013 **Global TV: The Morning Show:** Interview promoting public lecture
- 2013 **CBC Radio One: Here and Now:** Hoarding Suggestions interview

**APPENDIX B:  
ACKNOWLEDGEMENT OF EXPERT'S DUTY**



Ontario  
Local Planning Appeal Tribunal  
Tribunal d'appel de l'aménagement local

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

Case Number	Municipality
PL171084, PL180158, PL180580, MM180022, MM170004	Town of Oakville

1. My name is BRENDAN STEWART.....(name)  
I live at the GUELPH.....(municipality)  
in the WELINGTON COUNTY.....(county or region)  
in the ONTARIO.....(province)
  
2. I have been engaged by or on behalf of **ClubLink Corporation ULC and ClubLink Holdings Limited** (name of party/parties) to provide evidence in relation to the above-noted LPAT proceeding.
  
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
  - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
  
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date MAY 14 2021

Signature