

320 McCowan Road – Ontario Land Tribunal Hearing – Request for Directions

Date: March 11, 2026

To: City Council

From: City Solicitor

Wards: Ward 20 - Scarborough Southwest

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On September 8, 2023, the Ontario Land Tribunal issued a decision in respect of a settlement of an appeal filed by Blauson Assets Management Ltd. (the "Applicant") from City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "**Appeal**") for the lands municipally known as 320 McCowan Road (the "Site"). The Ontario Land Tribunal withheld their final order on the Appeal pending the Applicant's satisfaction of various conditions in accordance with the terms of the settlement with the City.

On March 10, 2026, the City Solicitor's office received a letter from the Applicant's solicitor wherein the Applicant seeks City Council's consent to file a review request of the Tribunal's September 8, 2023 decision to seek the conversion of the conditions for the issuance of a final order to conditions for lifting a Holding Symbol and to request the Tribunal issue such revised zoning by-law amendment as its final order.

The City Solicitor requires further directions in respect of the Applicant's request for consent to file a review request of the September 8, 2023 decision with the Tribunal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On June 14, 2023, the City accepted a settlement offer from the Applicant in respect of its Zoning By-law Amendment application that was appealed to the Ontario Land Tribunal. City Council's decision in respect of the Request for Directions Report (May 31, 2023) prepared by the City Solicitor can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC7.15>

On August 30, 2023, the Ontario Land Tribunal convened a settlement hearing in respect of the appeal at which time the City Solicitor and the Applicant presented evidence in support of the settlement offer and requested that the Appeal be allowed and that the Tribunal approve, in principle, a draft zoning by-law amendment which was presented in evidence at that time. The parties requested the Tribunal withhold issuing their final order on the Appeal pending the Applicant's satisfaction of various conditions in accordance with the settlement offer accepted by City Council.

On September 8, 2023, the Tribunal issued its decision granting the relief at the settlement hearing. A final order of the Tribunal amending the applicable zoning for the property has not been issued since that time.

COMMENTS

The City Solicitor requires further instructions on this matter. This report contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Letter from Kagan Shastri DeMelo Winer Park LLP, dated March 10, 2026 on behalf of Blauson Assets Management Ltd.
2. Public Attachment 2 - Amended Draft Zoning By-law Amendment prepared by Blauson Assets Management Ltd.
3. Confidential Attachment 1 - Confidential Information.