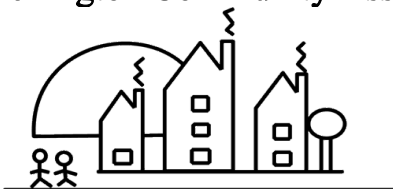


West Wellington Community Association



E. of Island Park Dr. / W. of Holland Ave / S. of Scott St. / N. of the Queensway

Councillor Christine Leadman
110 Laurier Avenue West
Ottawa, Ontario K1P 1J1

April 15, 2009

Re: Application for a permit to operate a patio at the Diner on Wellington

Dear Councillor Leadman;

The West Wellington Community Association (WWCA) has been made aware that the owners of the Diner are planning to submit an application to the City for the development and operation of a patio on the East side of the restaurant that borders Western Avenue. There are a couple of issues I would like to bring to your attention related to this application.

I would like it to be clear that the West Wellington Community Association generally supports the concept of building and operating patios in our area. Patios can add vibrancy and be very positive additions to any community if they are developed and run appropriately. However, as a community association, we are very concerned with ensuring that due process is followed and that community members are given the opportunity to provide input into all development proposals so that the end result yields the highest benefit to community members – especially to those in the immediate vicinity. It is on these latter points that the WWCA has significant concerns.

First, this proposed application is essentially the same as the application submitted by the previous owner in 1997. The former application was vehemently opposed by local residents and it went all the way to the OMB. The OMB ruled in favour of the local residents and the patio was not allowed to open. The proposal was found to be in violation of the by-laws and would have created non-mitigable noise. If the proposal has not changed in any substantive way, these findings still apply.

It is the opinion of the WWCA that for the City to reconsider this proposal when it was unequivocally rejected previously at the highest level, makes a mockery of due process. For this reason, we feel the application should not be (re)considered. Reconsidering the same application puts into question the credibility and legitimacy of the City's and the OMB's decision-making processes.

The WWCA has corresponded with you in the past related to the questionable approval and decision-making process associated with the patio at the Bagel Shop. We see the Diner patio application process as an opportunity to more effectively follow due, and respectful, process.

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Secondly, the proponent of the project seems to have made very feeble, sporadic and selective attempts to involve local residents in the design and application process. We have been in contact with local residents and only very few of them received invitations from the proponent to attend a meeting to discuss the proposal. The residents that did receive invitations, do not seem to be those with the greatest stake in the process (ie the immediate neighbours).

It would be appropriate, as you have done before with other development proposals, for your office to arrange for - and you to host - a legitimate public meeting where all interested parties can express their perspectives, a meeting at which the proponent is actually present and involved in the discussions. The proponent was largely represented by a gaming consultant at the other meeting.

As stressed in other pieces of correspondence to you, the WWCA is looking to facilitate win-win development situations. However, to do this, it is essential that residents and associations be part of the development discussions right from the beginning and not brought in at the 11th hour. This is an opportunity to work with all concerned parties early in the process.

Peter Duschenes
President WWCA.

cc Peter Boole, principle owner - The Diner
Carolyn Kearney, resident 100 Western Avenue
Hintonburg Community Association