

Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

NY12.61.1

Please refer to: **David S. Cherepacha**
e-mail: davidc@davieshowe.com
File No. 702193

February 1, 2012

By E-mail and Courier

City of Toronto
City Hall
100 Queen Street West
13th Floor, West Tower
Toronto, ON M5H 2N2

Attention: Uli Watkiss, City Clerk

Dear Ms. Watkiss:

**Re: Agenda Item NY12.61- 51 Drewry & 8-28 Inez Court
Our client: Yolanda Flanders Developments Inc. & 2242148
Ontario Limited**

Our firm is litigation counsel to Yolanda Flanders Developments Inc. and 2242148 Ontario Limited, owner of lands municipally known as 8 to 28 Inez Court and 51 Drewry Avenue, located south of Steeles Avenue and just west of Yonge Street within the North York Centre redevelopment area.

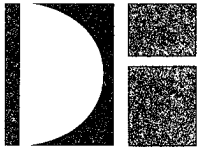
A portion of these lands, 51 Drewry Avenue and 18, 20-28 Inez Court, were acquired by our client in December 2009. The original acquisition was the subject of a high rise/high density development application filed in 2008 by another company, which application was assumed by our client upon purchase of its development site. After a number of meetings with City staff, in July 2010 our client expanded the site by acquiring additional lands immediately to the west of the original lands, municipally known as 8 to 16 Inez Court and 9 to 19 Inez Court. These additional lands were purchased with the encouragement of City planning staff, relying on their representations concerning expansion of the site and the nature of the development proposed thereon, which were extensively discussed prior to the acquisition.

Both the original lands and the additional lands contemplate the conveyance of land from our client to the City in order to facilitate the construction of the north-south Beecroft Service Road extension through the middle of the expanded development site as well as conveyance and closure of parts of Inez Court (an

RECEIVED

FEB - 2 2012

City of Toronto
City Clerk's Office
Information Access



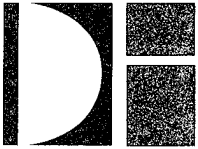
D a v i e s
H o w e
P a r t n e r s
L L P

existing east-west local road) to our client. During the aforementioned meetings, staff supported the closure of Inez Court to facilitate both the development application as well as the ultimate acquisition by the City of all the lands required for the extension of the Beecroft Service Road in this area (entirely provided by the expanded development site but not by the original development site) as prescribed by the North York Secondary Plan.

Yesterday, we were advised by City staff of Item NY12.61, which was considered by North York Community Council on January 10, 2012 and which is scheduled to be dealt with by full City Council at its meeting on February 6. This item was passed by Community Council without any notice to our client prior to its consideration and is evidently intended to frustrate approval of our client's pending development application, which has been amended to include both the original lands as well as the additional lands in the manner agreed upon with City staff prior to our client's acquisition of the latter.

We do not agree with the Community Council's directions to the City solicitor and to planning staff, nor do we believe that the City would be treating our client fairly should the item be adopted by City Council. Given the history of this matter, in particular the fact that our client purchased the additional lands with the encouragement of planning staff based on the assurances they provided prior to the acquisition, as documented in our submission to the Ontario Municipal Board, it is our view that for the City to now capriciously reverse course in an apparent attempt to frustrate approval of our client's proposed development would demonstrate bad faith and be actionable.

We write this letter in order to request that Council not adopt the recommendations set out in Item NY12.61. Our client is prepared to engage in continued dialogue on this matter but should the City pass the above noted item at its meeting on February 6 then any hope of this occurring in a meaningful way would be lost. We therefore hereby put the City on notice that our client will reserve all its legal rights in respect of any decision concerning Item NY12.61 that prejudices our client's ability to seek approval of its planning applications in accordance with the statutory rights it has under the Planning Act or that otherwise arbitrarily frustrates full and fair consideration of our client's development proposal on its merits.



Davies
Howe
Partners
LLP

We trust that the City Council will govern itself accordingly.

DAVIES HOWE PARTNERS LLP

David S. Cherepacha

- c. Tom Wall, City Solicitor
George Belza, Analogica
Client