

**51 Drewry Avenue, 8-28 Inez Court – Official Plan  
Amendment, Zoning By-law Amendment – OMB Appeal**

<b>Date:</b>	May 30, 2013
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	23
<b>Reference Number:</b>	

**SUMMARY**

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This report concerns an appeal before the Ontario Municipal Board to amend the City's Official Plan and Zoning By-law with respect to 51 Drewry Avenue and 8-28 Inez Court. The proposed development includes a portion of Inez Court notwithstanding that City Council has determined not to sell that portion of Inez Court.

On March 15, 2013 the OMB refused the City's motion to dismiss the appeal of the applications as they relate to the portion of the City's road. At a pre-hearing on May 15, 2013 the OMB set January 13, 2014 as the commencement date for a six day hearing. The City Solicitor requires direction from City Council.

**RECOMMENDATIONS**

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The City Solicitor recommends:

1. City Council provide further direction to the City Solicitor regarding the City's position for the upcoming hearing.

**Financial Impact**

The recommendation in this report has no financial impact.

## DECISION HISTORY

On January 10, 2012 North York Community Council considered a memo from Councillor Filion on Planning Direction at 51 Drewry Avenue and 8-28 Inez Court.

- (a) (January 10, 2012) Memo from Councillor Filion on Planning Direction at 51 Drewry Avenue and 8 - 28 Inez Court  
(<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-44293.pdf>)
- (b) City Council on February 6 and 7, 2012 adopted the recommendations which can be found at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY12.61>

## ISSUE BACKGROUND

The appellant, Yolanda Flanders Developments Inc. and 2242148 Ontario Limited ("**Yolanda**") owns lands municipally known as 51 Drewry Avenue and 8-28 Inez Court, Toronto. In its appeal from Council's neglect or refusal to enact a proposed amendment to the City's Official Plan and Zoning By-law 7625, Yolanda asks the Board to approve Official Plan and Zoning By-law amendments to permit 57 town homes and 483 apartment high-rise units. The site includes a portion of a City owned road, Inez Court, which Yolanda does not own.

On January 10, 2012, North York Community Council directed City Planning staff to advise Yolanda to remove the City owned road from its application. Yolanda's counsel, on June 27, 2012 advised that his client has no intention to remove the City owned lands from its proposal. There has been no City Council resolution or by-law to stop up, close and convey Inez Court to Yolanda.

City Council on February 6 and 7, 2012 adopted the following resolution:

1. City Council direct City Planning staff to advise the applicant to remove City-owned lands from its application.
2. City Council direct City Planning staff not to continue to process the application containing City-owned lands currently before the Ontario Municipal Board.
3. City Council request the City Solicitor to advise the Ontario Municipal Board that the appeal before it with regard to 51 Drewry Avenue and 8 – 28 Inez Court includes lands owned by the City which the applicant does not have permission to include in its application and request that the appeal be dismissed on this basis.

The City filed a motion with the OMB to dismiss Yolanda's appeal with respect to the road which formed part of Yolanda's proposed Official Plan and Zoning By-law amendment applications. The motion was refused by the Board on March 15, 2013.

At a pre-hearing on May 15, 2013 the Ontario Municipal Board established the following time lines for the hearing:

1. Yolanda to file response and concept plan to Parks comments on May 31, 2013;
2. City to respond to Yolanda's concept plan by June 21, 2013;
3. City to advise Yolanda what documents are still outstanding from the January 27, 2012 letter/list on June 21, 2013;
4. Further Pre-hearing conference to be held on August 13, 2013;
5. Yolanda to provide all documents to the City as detailed on its letter of May 14, 2013 and any other documents it agrees to in response to the January 27, 2012 letter/list beyond those already committed to by August 16, 2013; and
6. The hearing is scheduled for six days commencing January 13, 2014.

## **COMMENTS**

As a result of the OMB's decision to proceed with the hearing of the appeal, further direction to the City Solicitor regarding the City's position at the hearing is required.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor