



MOTION WITH NOTICE

404 Rustic Rd – Request for City Solicitor to Attend at the Toronto Local Appeal Body

Moved by: Councillor Nunziata

Seconded by: Councillor Fletcher

RECOMMENDATIONS:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's approval of the Application A0164/26EYK in respect of the property municipally known as 404 Rustic Road (the "**Appeal**") and to attend the Toronto Local Appeal Body hearing.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to resolve the Appeal and settle the matter on behalf of the City at their discretion in consultation with the Ward Councillor and the Director of Community Planning, Etobicoke York District.

SUMMARY:

The Applicant applied to the Committee of Adjustment to request a variance from City-wide Zoning By-law 569-2013 (Application No. A0164/26EYK) to construct a garden suite in the rear of the yard (the "**Application**"). The proposed garden suite is approximately 29.5% larger than what the by-law permits.

On June 25, 2026, the Etobicoke York District Panel of the Committee of Adjustment approved the Application (the "**Decision**"). A copy of the Decision is attached as **Attachment 1**. The last date of appeal was July 15, 2026.

For the City to continue to effectively assess its case, the City Solicitor requires the expertise of an external consultant to advise on the Applicant's proposed plan, and to potentially make recommendations respecting a solution.

This Motion will authorize the City Solicitor to appeal the Decision to the Toronto Local Appeal Body and to resolve the matter on behalf of the City in their discretion.

This matter is time-sensitive and urgent as the City Solicitor has already appealed the Decision to the Toronto Local Appeal Body to preserve its statutory rights.

ATTACHMENTS:

Attachment 1: Committee of Adjustment Decision for 404 Rustic Rd, Application No. A0164/26EYK, dated June 25, 2026.

Date: July 29, 2026