

28 July 2026

OPPOSITION TO MM43.71

Dear Mayor and Members of City Council,

Please accept our respectful opposition to Councillor Nunziata's motion directing the City Solicitor to appeal the Committee of Adjustment's approval of Application A0164/26EYK (404 Rustic Road) to the Toronto Local Appeal Body (TLAB).

BACKGROUND & PLANNING RATIONALE

On June 25, 2026, the Etobicoke York District Panel of the Committee of Adjustment unanimously approved our minor variance application for a proposed 2-storey garden suite. The proposal required only **one** minor variance under Section 150.7.60.50(2) of By-law 569-2013 for gross floor area of the garden suite being larger than the 1-storey bungalow main house.

The Committee properly determined that the application satisfies all four tests under Section 45 of the Planning Act for the following reasons:

- While a minor variance is required for GFA relative to main house, the suite is still smaller than maximum GFA permitted for a garden suite.
- The existing main house is underdeveloped relative to average main house GFA in the area
- There are no minor variances for coverage, landscaping, setbacks, height, or other provisions
- No trees are affected by the application
- Additional enhancements were provided to ensure a balanced application, including exceeding setback requirements and controlling massing and window locations to ensure minimal impacts on adjacent properties

The project introduces gentle, sensitive density that aligns directly with the City of Toronto's Expanding Housing Options in Neighbourhoods (EHON) goals. Furthermore, Community Planning raised no objections to the proposal.

Councillor Nunziata was consulted personally prior to the Committee of Adjustment hearing, and did not express concern or submit any communication.

KEY CONSIDERATIONS FOR COUNCIL

1. Preserving Rental Housing Stock and Protecting Tenants

The existing single-storey dwelling at 404 Rustic Road is rented to a family. The owners cannot move into the main house because displacing the existing tenants is neither legally appropriate nor ethically aligned with maintaining local rental stock. Furthermore, the owners rely on this rental income to make ends meet. Constructing the garden suite allows the owners to live on their property without displacing tenants or reducing the neighborhood's rental housing supply.

2. Accommodating a Growing Family

The owners are a young, growing family who were raised in this neighborhood and wish to stay rooted in their community. The modest 3-bedroom layout (111.0m²) is intentionally designed to provide adequate living space for their family. Without this garden suite, the family cannot be accommodated on the site.

3. Broad Neighborhood Support and No Adverse Impacts

Prior to the Committee hearing, neighbour outreach was conducted. In addition to discussions with a number of neighbours, properties at 398, 400, 402, and 410 Rustic Road signed formal letters of non-objection.

CONCLUSION

An appeal by the City to the TLAB will expend public resources and place an onerous financial and personal strain on a local family striving to build a home on their own land.

Furthermore, the current application should be viewed as a favourable outcome. There are as-of-right alternatives that create greater impacts on neighbours and the public realm.

We respectfully ask City Council to **refuse the motion** to authorize a City Solicitor appeal and allow the well-considered decision of the Committee of Adjustment to stand.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'CRace', with a stylized flourish extending to the right.

Craig Race
Landscape Architecture Inc.