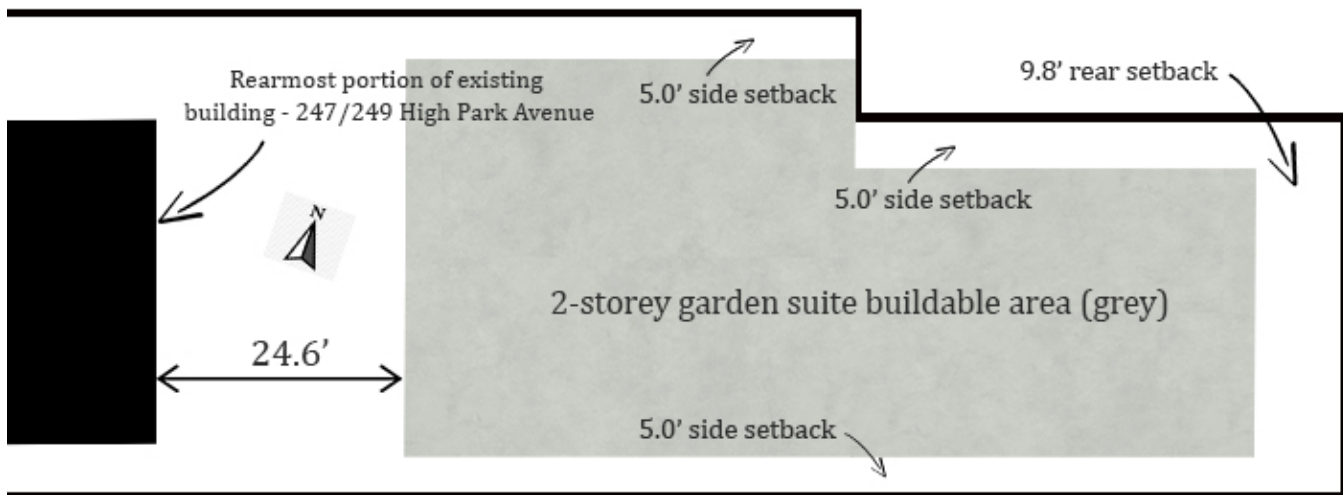


November 23, 2024

This letter will confirm that the property located at 247/249 High Park Avenue in Toronto qualifies for a garden suite build, in the rear portion of the lot, under Toronto’s new garden suite program.

I visited the property in November, 2024 and confirmed siting, emergency access, zoning, and other appropriate qualifications to certify its eligibility under the new regulations.

The maximum size of a permitted 2-storey as of right garden suite build appears to be 1,291 square feet total (over two floors, main and upper). This is the largest size allowed for *any* property under the program.



A full basement is also possible here, adding additional square feet to the above total, but in most cases the floor plate of the basement will be smaller than the ground floor and upper floor, the space usually cannot contain bedrooms or a bathroom or a kitchen, and the cost of basement construction can be significant, compared to above-grade floors.

The “buildable area” (grey in the diagram above) at 247/249 High Park Avenue grants an extremely wide variety of placement options and footprint designs, even if the build size is maximized. There

are no prescribed minimum or maximum width or depth measurements, provided the footprint falls within the buildable area as outlined in grey above, all construction meets the provincial building code, and the footprint does not exceed 645.8 square feet. Walls with windows or doors must be placed at least 4.9 feet away from the respective property lines.

Notwithstanding all of the above, this report recognizes that there is an existing ancillary building on the property now (garage) that allows for a larger buildable area than what would normally be permitted, and/or movement of the buildable zone into the area already occupied by this building. The existing building walls and/or their locations and dimensions will likely grant relief from some required setbacks, where they currently encroach. The garden suite bylaws recognize suitable automatic variances in these circumstances:

If the lawful building setback of a lawfully existing ancillary building is less than the required minimum building setback for an ancillary building containing a garden suite required by Clause 150.7.60.20, the required minimum building setback for a garden suite in that lawfully existing ancillary building is: (A) the minimum rear yard setback for that lawfully existing ancillary building; and (B) the minimum side yard setback for that lawfully existing ancillary building.

In order to take advantage of this relief, the property owner should not deconstruct or demolish or alter the existing structure until permits are in place for the new garden suite.

There is also an opportunity here to leave the existing garage in place, and add a garden suite between the existing building and the garage. The bylaws allow two ancillary structures (garden suite and garage) on one property.

Generally, the bylaws state that the garden suite can contain only one living unit - that is, one tenant, and not a “duplex” unit with two separate tenants. However, a proponent here might apply for a minor variance to construct a garden suite with two living units. Due to the size of the rear yard and the make-up of the existing building, the chances for such a successful application is fairly high.

The new garden suites program from the City of Toronto allows qualifying property owners to construct a garden suite “as of right” on their property, with simple building permit application and no political approval or committee of adjustment approval required. In most cases, no variances are required and no appeals or “neighbour vetoes” are permitted. The city also waives development cost charges.

The new building is a mostly-autonomous auxiliary dwelling unit, normally up to 6.0m (19.68 feet) tall, that cannot be legally severed from the main property, but is permitted a wide variety of uses, including as a revenue-producing (rental) unit. Where practical, some will have optional indoor vehicle parking.



Single-vehicle garden suite from Toronto's Eva Lanes www.evalanes.com

The new garden suite regulations received political approval at Toronto City Hall on February 2, 2022, and on July 4, 2022 emerged successfully from an appeal process that had delayed the implementation slightly.

The program is now in full effect, and applications for the program are being accepted at City Hall, and the city has received just over 650 applications, as of late-September, 2024. Over 375 builds are underway, and over 100 are already complete.

Should you have any questions about 247/249 High Park Avenue in particular, or the garden suites program in general, please feel free to contact me any time, or visit our website, particularly under the “garden suites” menu tab or at gardensuitesontario.com.

Martin Steele

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