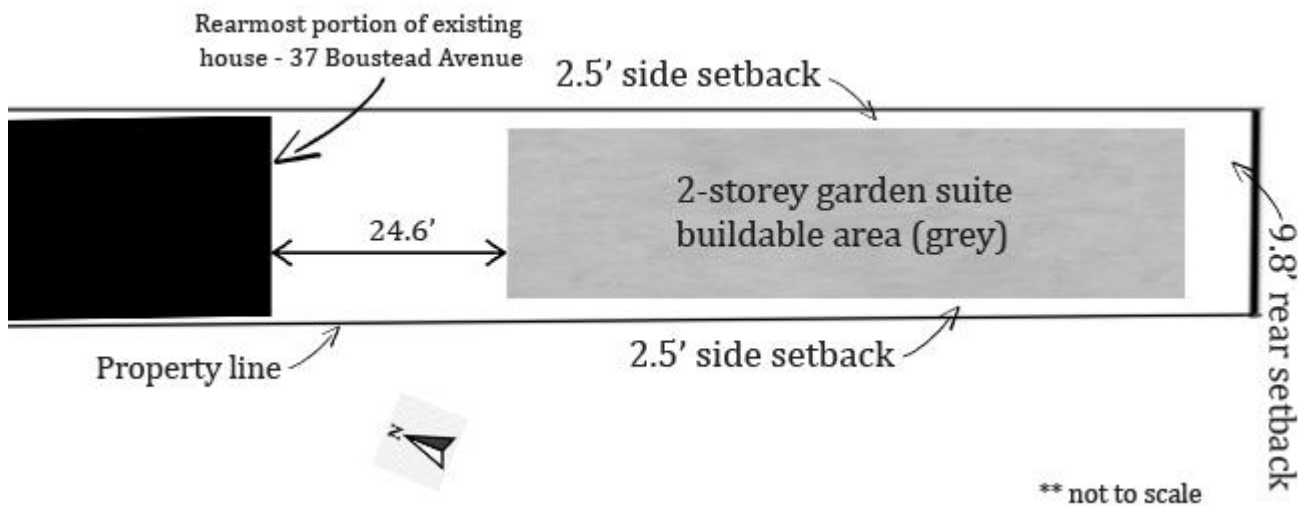


March 29, 2025

This letter will confirm that the property located at 37 Boustead Avenue in Toronto qualifies for a garden suite build, in the rear portion of the lot, under Toronto’s new garden suite program.

I used online tools and inspected a supplied survey dated 2019, 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 build appears to be 1,291 square feet total (over two floors, lower and upper). This is the largest build permitted 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 37 Boustead Avenue grants a 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.

It should be noted that current fire/emergency access regulations might require the owner of 37 Boustead Avenue to enter into a “Limiting Distance Agreement” (LDA) with the neighbour at 35 or at 39 Boustead Avenue in order to build the garden suite. A positive “reciprocity principle” might be in effect here, as the owner of 39 Boustead Avenue likely needs this LDA if they were to build a garden suite on their property.

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.



2-storey 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 750 applications, as of late-March, 2025. Over 450 builds are underway, and nearly 175 are already complete.

Should you have any questions about 37 Boustead 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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