

July 27, 2022

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City of Vaughan  
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Dear: Secretary Treasurer, Committee of Adjustment

Re: **Committee of Adjustment File No. A037/22**  
**Hearing Date: Thursday, July 28, 2022; Item No. 6 (6)**  
**Address: 17 Winterlude Court, Kleinburg (the “Guarasico Property”)**  
**Notice of Objection of Sandra Colella – 26 Rosebud Court, Kleinburg, Ontario L4H 3N5**

Please be advised that we are the lawyers for Sandra Colella (“Ms. Colella”) regarding the application by Luigi Guarascio and Loredana Guarascio (collectively the “Applicant”) for a number of minor variances for the Guarasico Property.

Ms. Colella opposes and objects to the Applicant’s application for the minor variances for the Guarascio Property as set out in File No. A037/22 (the “Application”).

### **The Parties**

Ms. Colella is a registered owner of the property municipally known as 26 Rosebud Court, Kleinburg Ontario and legally described as Lot 45 Plan 65M-3895 (the “Colella Property”).

The Guarasico Property is legally described as Lot 39 Plan 65M-3895.

Attached hereto is a copy of the Property Index Map as obtained from the York Region Land Registry Office. You will note that the Guarasico Property abuts the Colella Property at the southwest corner of the Colella Property. Drainage from the Guarasico Property drains onto the Colella Property. The Colella Property is at a much lower lot grade.

Ms. Colella has noted that since the unauthorized work has commenced on the Guarasico Property that her drainage has further affected.

I attach hereto two (2) photographs recently taken which clearly depict that there is significant water runoff directly into and onto the Colella Property arising from the raised rear yards on Winterlude Court, including the Guarasico Property.

As a result of same Ms. Colella has noted and is concerned with respect to:

- the inability to sustain landscape health of both sod and trees due to the damp swamp like conditions arising from the unauthorized work;
- the realist risk of water seepage damage to the house itself, including but not limited to, possible erosion of sub soils; and
- the winter danger of icy runoff, freezing / thawing cycles that spills onto the Colella Property.

Further, the Colella Property is resided by two (2) residents that have significant mobility issues. The excess drainage obviously presents significant risk of falls.

It is noteworthy that the owner of Lot 44 Plan 65M-3895 is owned by the Applicant's parents and that they have complained to Ms. Colella with respect to the excessive water run off.

### **The Proposed Variances**

Ms. Colella takes issue with the multitude of variances being sought. It is submitted that the variances requested are not minor in nature and result in adverse impacts. Accordingly, the variances fail to meet each and every one of the four (4) tests required to be met pursuant to the *Planning Act*, as amended.

All of which is respectfully submitted on behalf of Ms. Colella this 27th day of July, 2022.

Yours Very truly,

**PARENTE, BOREAN LLP**

Gerard Borean

*Gerard C. Borean* \*

\*Executed pursuant to the *Electronic Commerce Act*

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Encl.



Water between lots 44/45 Rosebud  
Sunday July 24



Back corner of 26 Rosebud showing Lou Guarascio rear yard & retaining wall



## Property Index Map

