

CASTLE HILL NEIGHBOURHOOD ASSOCIATION
Applicant

- and - **JEROME RICHARD MORSE**
Respondent

Court File No. CV-25-00742522-0000

S:\C\Castle Hill\251 Walmer Rd, Morse, Jerome (1394)\Motion for injunction\Drafts\2025-05-06 Book of Authorities, index and backpage.docx

The applicant seeks an ex parte injunction to restrain the defendant from making certain exterior alterations to his property at 251 Walmer Avenue. The property is a subject to a number of restrictive covenants to ensure the architectural consistency of the development. The applicant submits that the respondent's proposed construction violates the restrictive covenants and has been prohibited the the applicant's board. The applicant has requested that the respondent cease and desist from the work but he has refused to do so.

In those circumstances I am satisfied that an injunction should issue. The applicant has established a serious issue about the extent to which the proposed construction violates the restrictive covenants. Proceeding with construction that breaches the restrictive covenants creates irreparable harm to the applicant and its members. Given that the injunction will remain in place for only 10 days, the balance of convenience favours the applicant. To the extent that the respondent is inconvenienced, that is a situation of his own making. He knew the applicant refused permission for the construction. Instead of challenging that refusal, the applicant appears to have proceeded with construction contrary to the rules he agreed to when purchasing the property.

The matter shall come on for a return hearing on May 20, 2025



Koehnen J. May 8, 2025

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

MOVING PARTY'S BOOK OF AUTHORITIES

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RCP-F 4C (September 1, 2020)