

33 MORSE ST - Application for Fence Exemption

Date: August 20, 2025
To: Toronto and East York Community Council
From: South District Manager, Municipal Licensing and Standards
Ward: 14 – Toronto-Danforth

SUMMARY

The Applicant for 33 Morse St. has requested Toronto and East York Community Council to exempt their property from the following by-law requirements:

City of Toronto Municipal Code Chapter 447-1.2B(1):

B. Fence height.

- (1) *No fence described in the following Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one meter away on either side of the fence, exceed the height set out in the Table for the fence.*

The Applicant for 33 Morse St. is requesting an exemption for;

- Proposed increase to existing fence.
- Increased height of existing fence from 2m to proposed height of 2.8m
- Fence constructed with pressure treated wood, identical to existing fence.

Municipal Licensing and Standards Division has inspected the subject property and issued a notice of violation of City of Toronto Municipal Code Chapter 447-1.2B(1). The property complied with the violation notice and then applied for a fence exemption.

The applicant has indicated that the proposed fence height is intended to create a visual barrier in response to a spotlight and surveillance camera installed on the neighbouring property. According to the applicant, these installations contribute to an ongoing interpersonal conflict, which they describe as “escalating” and “making life unbearable.” The applicant is seeking to construct the taller fence in order to ensure privacy and peace for themselves and their household.

RECOMMENDATIONS

The South District Manager, Municipal Licensing and Standards, recommends that Toronto and East York Community Council pursuant to City of Toronto Municipal Code Fences Chapter 447-1.5 B

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 33 Morse St., for the proposed fence described in the Summary of this report.

FINANCIAL IMPACT

There is no financial impact to the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions for this property, 33 Morse St.

COMMENTS

The subject property is located in Ward 14 Toronto-Danforth. Municipal Licensing Standards investigated the area where the fence is proposed, and it would not meet the Bylaws requirement as seen in the tables below.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear Yard	North side of the property	Fence in the rear yard on a single residential property. Table (Item 9): Any other fence	Chapter 447-1.2B(1): A fence must not be more than 2 meters in height

City of Toronto Municipal Code, Chapter 447 Fences Bylaw set out the requirements in respect to the health, safety and well-being of persons in the City of Toronto regarding structures, including fences. Among other requirements, Chapter 447 sets out requirements for maximum fence heights depending on where the fence is located on the property, as well as if the fence is on a residential or non-residential property. There are also specific height maximums for hedges, shrubs and other vegetation that acts as a fence.

Item	Description of Fence	Fence on Single or Multiple residential property	Fence on non-residential property	Hedge, shrub, or other vegetation that acts as fence
1	Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	1.2 metres	1.2 metres	1.2 metres
2	Fence in a front yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	2.0 metres	2.0 metres	No maximum
3	Fence not in a front yard; and within 2.4 metres of a side lot line abutting a public highway (public highway does not include a public lane); and within 2.4 metres of a driveway	2.0 metres	2.0 metres	2.0 metres
4	Fence not in a front yard; and between 2.4 metres from a side lot line abutting a public highway (public highway does not include a public lane) and the nearest wall of the main building extended to the rear lot line; and within 2.4 metres of a driveway	2.0 metres	2.5 metres	No maximum
5	Fence on an unroofed deck; and not in a front yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane)	2.0 metres	2.0 metres	No maximum
6	Fence not in a front yard that also is not a fence under Items 3, 4 or 5 of this Table; and abutting a multiresidential property, a non-residential property, a public highway or a public walkway	2.5 metres	2.5 metres	No maximum
7	Fence abutting a rapid transit right of way	2.5 metres	No maximum	No maximum
8	Fence for a tennis court, a baseball diamond or other recreational facility	3.0 metres	No maximum	No maximum
9	Any other fence	2.0 metres	2.5 metres	No maximum

City Council Decisions

May 22, 23, & 24 2018, City Council adopted the following:

1. City Council amend Chapter 447, Fences, to allow fences that are located in a front yard between two private properties to be a maximum of 2.0 metres in height and specify that this does not apply to fences within a 2.4 metre distance from a front lot line.
2. City Council amend Chapter 447, Fences, to remove maximum height requirements for any hedge, shrub, or other vegetation that acts as a fence, except when the hedge, shrub, or vegetation is within a 2.4 metre distance from a lot line abutting a public highway, other than a public lane

CONTACT

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SIGNATURE

Cameron Culver

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South District Manager, Municipal Licensing and Standards

ATTACHMENTS

- Attachment 1: Geospatial Information System (GIS) – 33 Morse St. – City of Toronto.
- Attachment 2: Photograph of 33 Morse St, view from opposite side of the street.
- Attachment 3: Photograph depicting existing north property line fence.
- Attachment 4: Photograph depicting proposed height of fence at 2.8 metres. Maximum height for the fence is 2m.
- Attachment 5: Photograph depicting proposed height of fence at 2.8 metres. Maximum height for the fence is 2m.
- Attachment 6: Photograph depicting proposed height of fence at 2.8 metres. Maximum height for the fence is 2m.
- Attachment 7: Photograph depicting existing north property line fence.
- Attachment 8: Photograph depicting existing north property line fence.
- Attachment 9: Drawing provided by the applicant depicting the proposed fence.
- Attachment 10: Drawing provided by the applicant depicting the proposed fence.
- Attachment 11: Letter of support provided by the applicant.
- Attachment 12: Letter of support provided by the applicant.

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Attachment 2: Photograph of 33 Morse St, view from opposite side of the street.



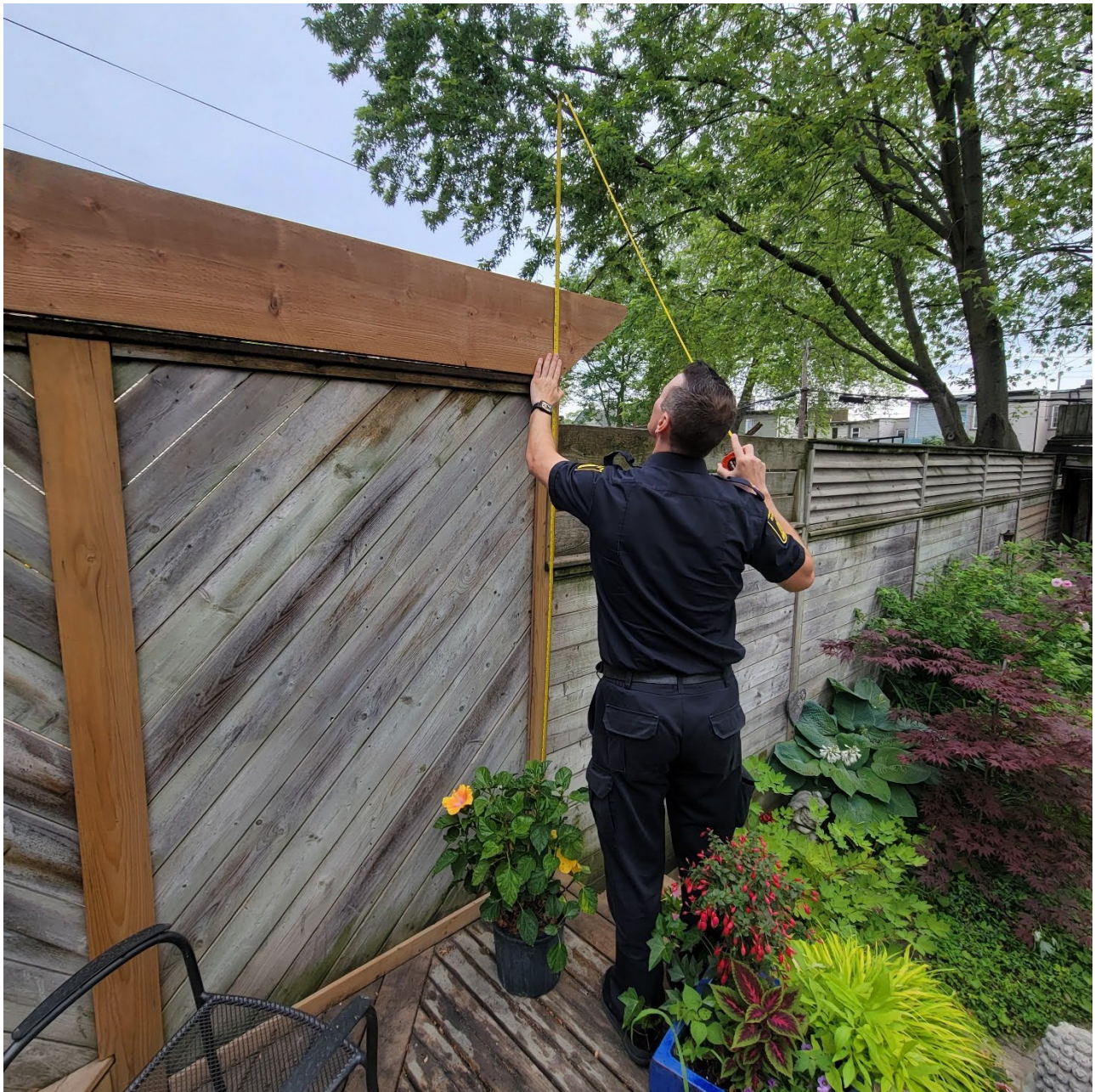
Attachment 3: Photograph depicting existing north property line fence.



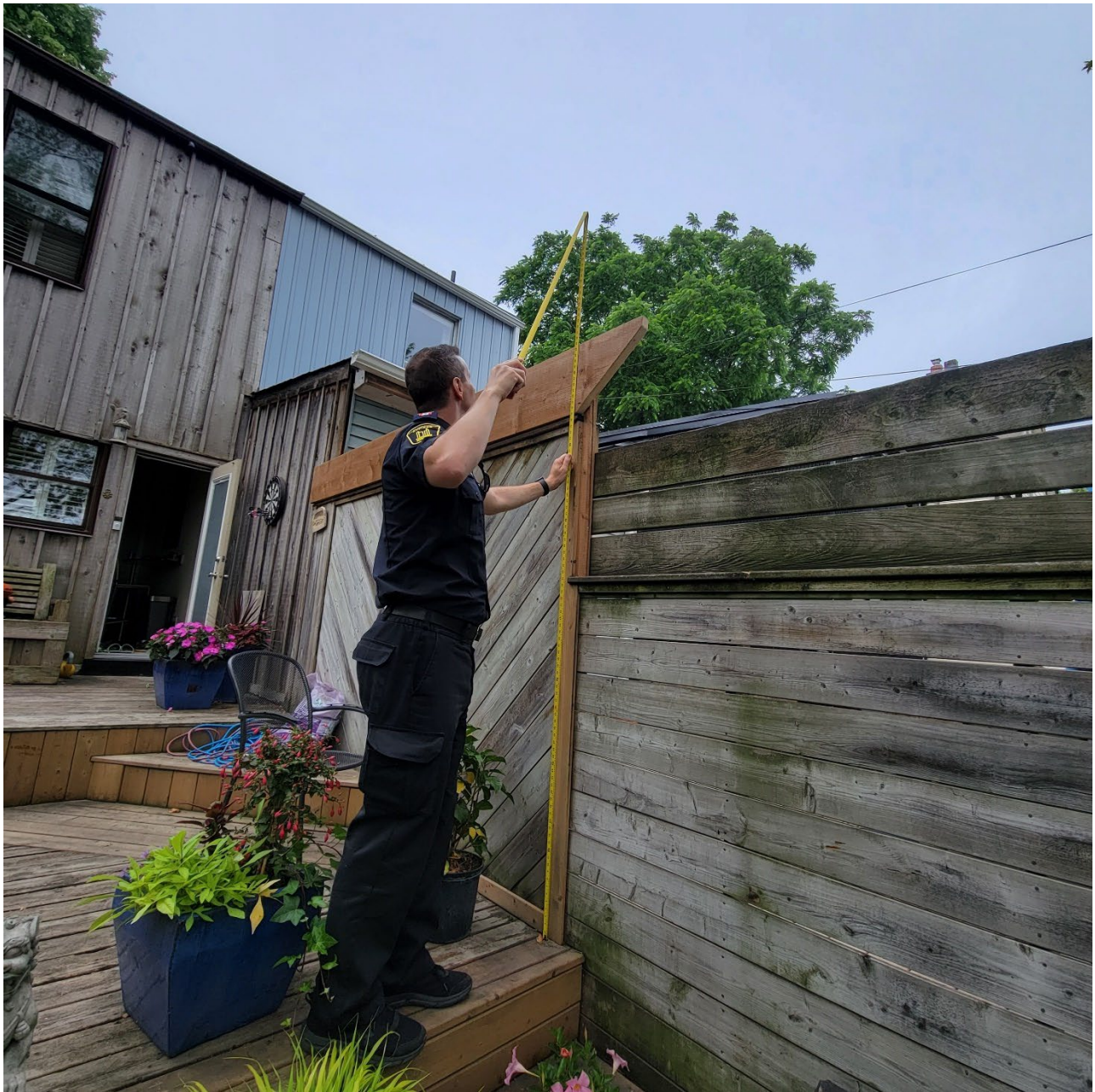
Attachment 4: Photograph depicting proposed height of fence at 2.8 metres. Maximum height for the fence is 2m.



Attachment 5: Photograph depicting proposed height of fence at 2.8 metres. Maximum height for the fence is 2m.



Attachment 6: Photograph depicting proposed height of fence at 2.8 metres. Maximum height for the fence is 2m.



Attachment 7: Photograph depicting existing north property line fence.



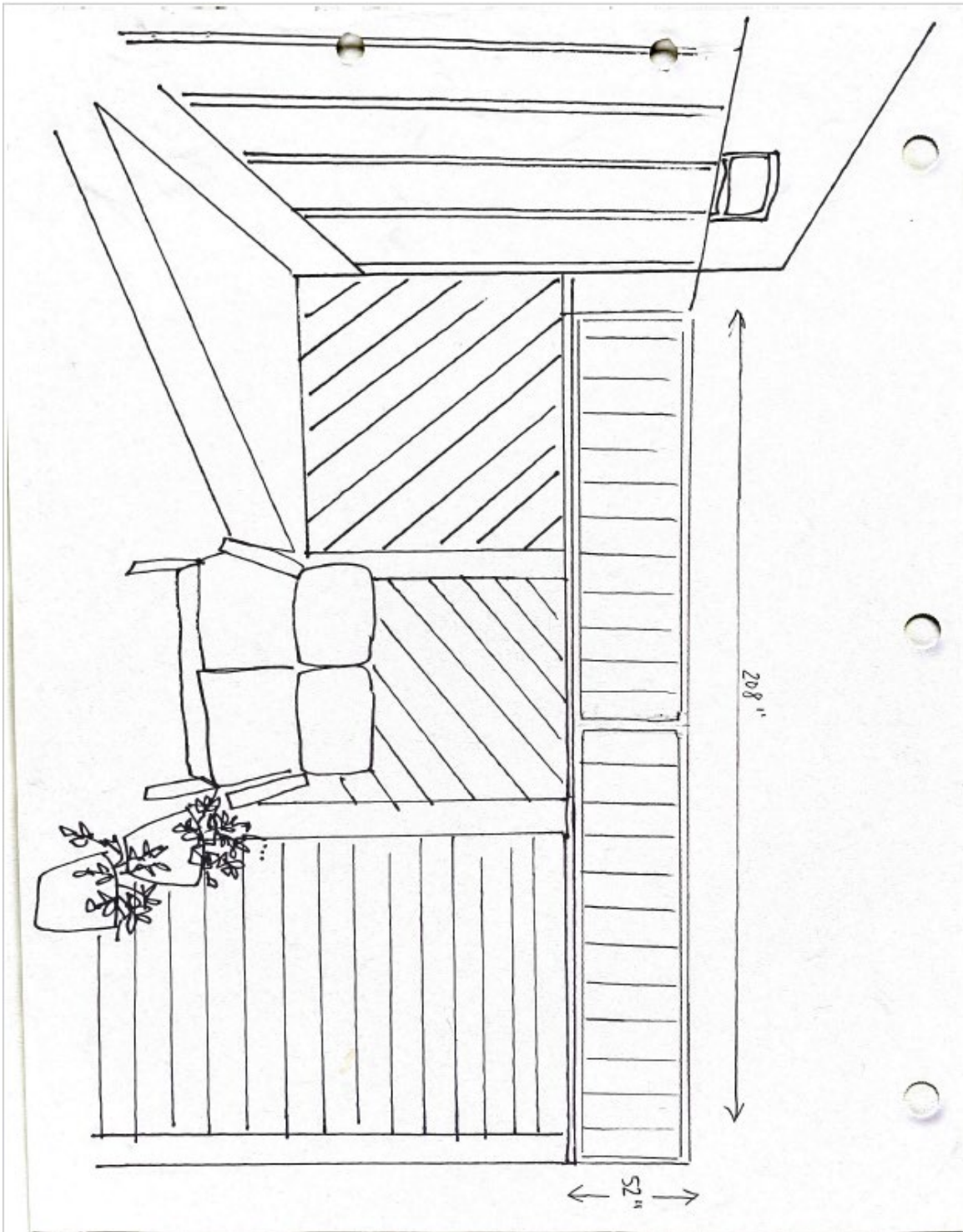
Attachment 8: Photograph depicting existing north property line fence.



Attachment 9: Drawing provided by the applicant depicting the proposed fence.



Attachment 10: Drawing provided by the applicant depicting the proposed fence.



Attachment 11: Letter of support provided by the applicant.

June 1, 2023

Dear City of Toronto Fence Exemption By-Law Office,

I have lived on Morse street for more than 25 years and I am familiar with the conflict between the neighbors who share the semi-detached property at 33 and 35 Morse Street.

I am a frequent visitor at 33 Morse Street and I have performed a lot of work on that property for Chris over the years. While I understand and agree that neighbours living in close proximity to each other must endure ordinary neighborly inconveniences, I think that the spotlight that shines directly onto Chris's patio at 33 Morse Street from 35 Morse street, and the accompanying video camera in the upstairs window as well as the two that look over the fence are clearly problematic.

A number of requests have been made to turn the spotlight away from the yard at 33 Morse Street and a number of complaints have been made about the video cameras.

The spotlights and the video camcras are not intended to protect 35 Morse Street as much as they are to bother the neighbours at 33 Morse Street. The spotlight is triggered by any movement on the 33 Morse Street side of the fence. It's a nuisance that restricts peaceful enjoyment and use of the property outside.

The modest proposal for a light barrier has been thoughtfully designed, would be an extension of the mud room that extends off the back of 35 Morse Street and would not reasonably block any natural light from their own patio.

I understand that this has been the cause of a lot of grief for Chris and Magdalena at 33 Morse Street and that after 8 months that there is still no resolution in place despite repeated requests to move the spotlight away from their patio. I support the proposal for a fence exemption that would enable Chris and Magdalena to maximize their privacy within their own backyard and to prevent further conflict between these two homes.

Thank you,

Peter Weninger

Attachment 12: Letter of support provided by the applicant.

To the Fence Exemption Office

Re: Conflict at 33/35 Morse Street and Fence Exemption Application

My wife and children are neighbours to Chris and Maddalena at 33 Morse Street. I also own and operate the White Shark Painting Company across the street from 35 Morse Street.

We are aware of the escalating conflict perpetrated by the residents of 35 Morse Street. Our street is increasingly divided into those of us who like Chris and those of us who believe all of the prejudicial information that Kevin and Serena have shared about Chris' over the years.

My company, White Shark, performs work on Chris's home, including window cleaning. Chris' has been a client for many years. I was saddened to see that there are now spotlights facing directly into Chris' back yard and multiple cameras also facing into his patio and yard. I sympathize with that level of intrusion and the obvious breach of privacy, and I agree that this level of interference would be unbearable. The fact that the spotlight is triggered by Chris in his own yard is problematic. The fact that the neighbours are capturing video surveillance is disturbing.

I am writing to provide my support as a proximate if not adjacent neighbour, to support for Chris and Maddalena's application to vary the height of the fence in order to protect themselves from the spotlight and the video cameras, knowing that they will face serious opposition from the neighbourhood, almost none of who would be affected.

What Chris has proposed to build is tasteful and practical and would solve the problem between the two properties.

I would recommend this as a practical resolution to a conflict that is clearly escalating.

Roger

White Shark
416-828-8393