

a gradual and noticeable rise in values in the district south of the Rideau river. This is relevant evidence within the principle—if adopted—stated in the case of *Levin v. New York Elevated R.R. Co.* (1901), 165 N.Y. 572. . . . The reasoning in that case commends itself to me. See *Re National Trust Co. and Canadian Pacific R.W. Co.*, 5 O.W.N. 221, 29 O.L.R. 462.

I think the arbitrators might well act upon it in arriving at a general basis of value in the locality.

All the witnesses, both for the appellant and respondent, value the 200 feet on Bank street, which is taken, upon a frontage basis, the only difference between them being the amount to be allowed. The figures vary from \$20 a foot to \$75 or \$80. . . .

Taking the award as it stands, the 200 feet on Bank street by a depth of 100 feet represent 41/100ths of an acre, and, calculated upon the basis of \$3,500 per acre plus the \$1,000 for frontage on Bank street, its value works out at \$13.75 per foot frontage, or \$6.25 per foot less than the lowest at which any witness for the respondent has placed it.

There is little, if any, evidence of sales in this district on Bank street. . . .

It is somewhat startling, of course, to find that the highest value, \$75 or \$80 per foot, works out at \$34,000 per acre. But Mr. Rogers thinks this a reasonable value, and bases his ideas upon the rapid increase of value within the past few years.

The frontage value, ascertained by striking an average, is, on the part of the appellant, \$62, and, on the part of the respondent, \$25.

Taking the admission of Mr. Clarke, referred to later on, that there is enough filling in the land expropriated to level up the 100 feet on each side of the right of way, then, upon the basis of \$25 as it now stands, plus the value of the filling, \$4,154, this 200 feet, when levelled up, would come out at \$45 per foot. Dealing with it at \$62 per foot, and deducting this \$4,154, the lots would represent a value of \$41 per foot.

Viewing the question in every aspect, and endeavouring to pay due regard to the evidence on both sides, as well as the admitted difficulties caused by the lie of the land, the necessity of dealing with the line and flow of the creek, and, what is agreed upon by all, the carrying of the property for some years, I think it would not be unreasonable to place the present frontage