

E. G. Long, for the appellant.
Irving S. Fairty, for the city corporation.
J. R. Cartwright, K.C., for the Attorney-General.

MIDDLETON, J.:—The Master bases his refusal upon what he regards as defects in the notice given under sec. 475 of the Municipal Act, R.S.O. 1914 ch. 192.

The due giving of notice under this section is clearly a statutory condition precedent to municipal action. The section itself makes this clear, and if any authority is needed it will be found in *Wannamaker v. Green* (1886), 10 O.R. 457.

The learned Master thinks the notice here given is not adequate because it contains no reasonable intimation of what was proposed.

What the statute requires is "notice of the proposed by-law." The notice published was, that the council would consider "a by-law to close a certain portion of Poucher street and certain lanes in connection therewith." It was then stated that the by-law and plan shewing the land affected might be inspected at the city clerk's office.

This, it seems to me, falls far short of affording notice of the by-law. The lands need not be, and in many instances ought not to be, described by metes and bounds and by reference to plans and lots, but the notice should state, in language that can be understood by one reading it, what is proposed. Reference to a document that may be seen elsewhere is objectionable, and for that reason reference to a registered plan to be found in the office of the registrar of deeds may be as bad as reference to a plan in the city clerk's office. This is in accordance with the holding that a prospectus which stated that certain contracts relating to a company's affairs might be seen at its office, was not notice of these contracts.

The Master also holds the notice insufficient as not indicating when the proposed by-law would be considered. The notice says it will be passed "on the 10th day of August, 1914, or so soon thereafter as it may be deemed advisable." I do not know from the material, and counsel were unable to tell me, whether the council met on the day named. The by-law was considered and passed on the 4th September, 1914.

The case of *In re Birdsall and Township of Asphodel* (1880), 45 U.C.R. 149, 152, determines that the statute requires notice of the time when the by-law will be considered to be given, so that those interested may then attend and be heard. The case