

[1903] 2 Ch. D. 522, relied upon by the learned trial Judge, was decided upon the facts summarized on p. 526 of the report, as follows:—

“ Now in this case there is no question of one house being built and then used as two houses. In substance each building constitutes two houses, which are structurally separate in every respect, with separate approaches to the street, and no internal communication. It is quite different from a case where one building is erected containing separate flats. In that case there is internal communication between the flats by means of a common staircase. In the present case there is no internal communication whatever

Then, upon the best consideration I can give to the plans, and to the affidavit evidence before me, I am of opinion that this building will have its front upon Palmerston avenue.

It will not be as convenient or as imposing a front as perhaps should belong to so large and costly a building, but that is a matter between the plaintiff as owner and her tenants.

A comparatively narrow hall—a dark hall—leading from the street entrance to the stairways, and thence to the apartments does not determine the question of front or main entrance. This is a question between the Harbord street entrance and the Palmerston avenue entrance to the building as it stands as to which shall be called the front entrance, and a consideration of the plans and of the evidence that the front of the building will be on Palmerston avenue, and that the work now in progress is with that in view. The part fronting on Palmerston avenue will be the main entrance. The building is now, whatever the original intentions were, being so erected that the end fronting on Palmerston avenue will be the predominating front of the building—the main entrance end from the outside—to all the apartments.

That there may be a shorter and more convenient way for persons approaching the building from the west, and desiring to enter the western apartments or the westerly end of the easterly apartments, does not affect the question under consideration, nor is it material that the side facing Harbord street has two or more or less doors, or that the southerly side is more architecturally beautiful than the end fronting on Palmerston avenue.

That side of the building is the “frontage” on Harbord street, as the word frontage is used in restriction 3.