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No. 6

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

OCTOBER 10TH, 1916.

*UPPER CANADA COLLEGE v. CITY OF TORONTO.

Assessment and Taxes—Local Improvements—Liability of Upper Canada College for—Exemptions—Local Improvement By-laws—Validity—Local Improvements Act, R.S.O. 1914 ch. 193, sec. 47—Upper Canada College Act, R.S.O. 1914 ch. 280, sec. 10—Conflict of Statutory Provisions—Special Act—General Act—Rule of Construction—Exception to General Rule.

Appeal by the plaintiffs from the judgment of FALCONBRIDGE, C.J.K.B., 10 O.W.N. 211, dismissing the action without costs.

The appeal was heard by GARROW, MACLAREN, and MAGEE, J.J.A., and MASTEN, J.

Frank Arnoldi, K.C. and D. D. Grierson, for the appellants.
Irving S. Fairty, for the defendants, respondents.

G. H. Sedgewick, for P. W. Ellis and others.

MASTEN, J., reading the judgment of the Court, said that the action was to set aside three by-laws of the defendants, the Corporation of the City of Toronto, and to restrain them from proceeding with the construction of an asphalt pavement and of a sidewalk on Oriole road, at the points and in the manner proposed. The contention was, that the by-laws were invalid and must be quashed or declared ineffective because they could be passed only after compliance with the preliminary formalities prescribed by the Local Improvements Act, R.S.O. 1914 ch. 193, including in particular the lodging of a petition signed by two-thirds in number of the owners and representing one-half in

*This case and all others so marked to be reported in the Ontario Law Reports.