

the latter only being in accord with the statute, as I have already mentioned. . . .

The legislature has plainly permitted interference with the ownership of land, on a residential street, in regard to the distance from such street at which buildings fronting upon it may be erected, but that only. Apply that to this case: the land in question fronts on St. Clair avenue; one of its side-lines only is upon Avenue road; the house intended to be built is to front on St. Clair Avenue only; there is not to be even a way in, of any kind, on Avenue road; the building will be numbered, and known only by its number, on St. Clair avenue; there is not a circumstance that would, in ordinary common sense, warrant the assertion that Avenue road is in front of it; nor can I think that any one, even though those who uphold the judgment in question, would ever dream—outside of Osgoode Hall—of saying that the building is to front on Avenue road, or that Avenue road would be in front of it. . . .

This view of the case is also strengthened by the words "buildings on residential streets," contained in the statute. No one would think of describing the building to be erected—with no means of access to it from Avenue road, but actually and altogether fronting on and having access to St. Clair avenue only—as "on" Avenue road; it would be numbered, named, and invariably described as "on" St. Clair avenue; with the addition perhaps occasionally of, "at the corner of Avenue road." . . .

My conclusion, then, is, that the proposed building is not within the by-law, which relates only to Avenue road, and so can affect only lots fronting upon it.

If St. Clair avenue be a residential street, the by-law might have included it, but does not.

Also, that, if the by-law followed the statute, this case would be within it, because the proposed building is not to front on Avenue road, but is to front on St. Clair avenue, and so could be affected only by a by-law respecting that highway; and, in my opinion, the street in front of a building is, under this enactment, the one really in front of it, not another at the side which no one would ever think of describing as in front of it.

I have not considered whether the legislation can be applied to a part of a street; the point was not raised. The statute expressly provides that the prohibited distance may be different in different parts of the same street, but not that the prohibition may be applied to any part of any street.

The legislation is confiscatory in its character, though, of course, intended to be put in force for the general benefit—in-