Upon the whole evidence, there can be no doubt that there is a strong odour that to many, if not most, is extremely disagreeable. . . .

[Reference to Flemming v. Hislop, 11 App. Cas. 686; Walter v. Selfe, 4 DeG. & S. 315.]

It is to be borne in mind that an arbitrary standard cannot be set up which is applicable to all localities. There is a local standard applicable in each particular district—but, though the local standard may be higher in some districts than in others, yet the question in each case ultimately reduces itself to the fact of nuisance or no nuisance, having regard to all the surrounding circumstances. . . .

[Reference to Colls v. Home and Colonial Stores, [1904] A.C. at p. 185; Rushmore v. Polsue, [1906] 1 Ch. 237, [1907] A.C. 121; Reinhardt v. Mentasti, 42 Ch. D. 685; Sanders v. Grosvenor Museum, [1900] 2 Ch. 373; Attorney-General v. Cole, [1901] 1 Ch. 205; Drysdale v. Dugas, 26 S.C.R. 20.]

It is plain in this case that the defendants' manufactory does constitute a nuisance. The odours do cause material discomfort and annoyance and render the plaintiff's premises less fit for the ordinary purposes of life, making all possible allowances for the local standard of the neighbourhood.

The remaining question is, must an injunction follow?

Both parties are tenants. Since the argument, it is said, the plaintiff has purchased the reversion in the defendants' property. Upon the application to admit this evidence, counsel said that, in their view, this made no difference in the legal rights of the parties. The fact that the defendants are tenants cannot give them any greater right to commit a nuisance, and may be at once dismissed from consideration.

Nuisances fall into two classes—those which interfere with the comfort and enjoyment of the property, and those which interfere with the value of the property. The occupant may sue in respect of the former. In such suit an injunction may well be awarded, as damages cannot be an adequate remedy: Jones v. Chappell, L.R. 20 Eq. 539. The working rule stated by A. L. Smith, L.J., in Sheefer v. City of London Electric Co., [1894] 1 Ch. at p. 322, as defining the cases in which damages may be given in lieu of an injunction, shews that here an injunction is the proper remedy. No one should be called upon to submit to the inconvenience and annoyance arising from a noxious and sickening odour for a "small money payment," and the inconvenience and annoyance cannot be adequately "esti-