

of these powers by the council, are not matters for me to deal with, but statutes, and *a fortiori* by-laws, purporting to control or take away rights ordinarily incident to ownership, quasi-expropriation without payment, confiscation as it is often called, must be construed strictly and the meaning must not be left in doubt—they must be definite and certain to all intents.

On the other hand having regard to the easy stages by which the applicant has developed his present proposals there should be some guarantee of the good faith of the applicant and that not only will a building be erected of the character now indicated but that afterwards it will be used for the purposes and in the manner declared.

Therefore upon the applicant amending the plans on file so as to provide that each of the bed-rooms shall have a clear floor area of 100 square feet at least and upon undertaking by his counsel that the building in question shall not at any time without the consent of the municipality or the Court be diverted from the uses and purposes or be occupied or used in a manner inconsistent with the uses and purposes now declared by the applicant and that in the event of the sale of the property due notice of this undertaking and of the order now to be made shall be given to the purchaser and he will be required, in and by the conveyance to him, to bind himself and his heirs and assigns to observe and abide by the conditions above set out and such order as the Court may make.

And the applicant for himself and his heirs and representatives in estate undertaking to abide by such order or judgment as the Court may make or pronounce touching the matters hereby provided for an order of peremptory mandamus reciting or embodying the foregoing conditions and an undertaking will issue to the purport and effect in the notice of motion claimed.

There will be no costs.