

The
Ontario Weekly Notes

VOL. XVIII. TORONTO, JULY 23 & 30, 1920. Nos. 19 & 20

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

JULY 19TH, 1920.

*RE CONSOLIDATED TELEPHONE CO. AND TOWNSHIPS OF CALEDON AND ERIN.

Telephone Company—Sale of Parts of System and Plant to Township Corporations—Approval of Ontario Railway and Municipal Board—Necessity for—Application by Company Refused—Appeal by Leave—Ontario Telephone Act, 1918, 8 Geo. V. ch. 31, secs. 24, 25, 87, 106—Ontario Railway and Municipal Board Act, R.S.O. 1914 ch. 186, secs. 9, 47, 48—Inclusion of Franchise in Sale of System—Board not Acting Judicially but as Delegate of Legislature—Discretion—Review—Parties to Application Heard by Chairman only by Authority of Board—Report of Chairman to Board—Adoption by Board without Hearing Parties again.

An appeal (upon leave granted) by the Consolidated Telephone Company from the refusal of the Ontario Railway and Municipal Board to give its approval to by-law No. 17 of 1919 of the Council of the Corporation of the Township of Erin, passed on the 15th December, 1919, and by-law No. 772 of the Council of the Corporation of Caledon, passed on the 15th December, 1919.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and FERGUSON, J.J.A.

F. W. Wegenast, for the appellant company.

K. B. Maclaren, for the township corporations, respondents.

MEREDITH, C.J.O., in a written judgment, said that the Erin by-law provided for the purchase by the township corporation of the telephone plant owned and operated by the company

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