

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

W. C. Chisholm, K.C., for the appellant.

G. R. Geary, K.C., for the respondents.

The judgment of the Court was delivered by MEREDITH, J.A.:—It may be that there may be four fronts to a house, or indeed eight, or more or less than eight; but how does that affect the case of a house indubitably intended to have but one, and that front upon the highway on which the lot it is intended to be built upon also fronts—St. Clair avenue?

In this Province, where nearly all lands, and intersecting streets, are laid out in rectangular fashion, and where, almost invariably, lots are laid out fronting upon some concession, or other highway, no one would ever think of saying that any lot fronted upon any highway except that upon which it is numbered; lot 10 in the 10th concession, for instance, would never be said to front upon the side-road between lots 10 and 11; nor would it ever be said that any lot on St. Clair avenue fronted on any other street, although a corner lot abutting upon a side street; nor if the land in question were sold, as such land nearly always is, at so much a foot "frontage," would any one dream of measuring all the four fronts of the lot to make up the price, or of charging more than for the width of the lot on St. Clair avenue; nor would any one, unless very hard driven in argument, seek refuge in an assertion that any lot on St. Clair avenue really fronts on Avenue road, any more than a lot on Avenue road fronts on St. Clair avenue. And all this applies with equal, if not with greater, force, to a building actually fronting, as the land it is built upon does, upon St. Clair avenue; but, if it did not, would still be of vital importance, because, although the legislation deals only with the front of the house, the by-law in question deals, and deals only, with the lot upon which it is built—"No building shall . . . be built . . . on the lots fronting or abutting . . ." In the argument here it was assumed throughout on all sides that the land in question is a lot on St. Clair avenue, and not, except as to one of its side-lines, on Avenue road; and, if so, how can it be within the by-law except under the word "abutting," which the legislation does not authorise? It would seem from the adding of that word that the municipal council saw that the Act does not include such lots as that in question, and sought in the by-law to extend its effect. Much of this can be easily learned from a perusal of the statutes of the Province, especially the Surveys Act; which are