

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING APRIL 8TH, 1905.)

VOL. V.

TORONTO, APRIL 13, 1905.

No. 14

MACMAHON, J.

APRIL 1ST, 1905.

TRIAL.

WESTON v. SMYTHE.

Deed—Description—“ Intersection ” — Dividing Line between Houses—Production — Ejectment — Tender of Deed after Action—Costs.

Action of ejectment brought to determine the boundary line between adjoining lots conveyed to the plaintiff and defendant respectively.

A. H. Sinclair and W. A. McMaster, Toronto Junction, for plaintiff.

R. G. Smyth and J. Tytler, for defendant.

MACMAHON, J.:—About 1880 Mrs. Wood purchased the land on which the 3 houses numbered 230, 232, and 234 on the west side of Euclid avenue, in Toronto, are built. At the time she purchased, the only building on the property was what is now known as house No. 232. . . . About two years after purchasing, she built the houses 230 to the south and 234 to the north of 232. The walls of these houses from the foundations up were of stone and brick, and formed separate and distinct houses. The north wall of 230 extended 13 feet 3 inches nearer to the street line of Euclid avenue than the south wall of 232, and the remainder of the north wall of 230 was built close up to the south wall of 232. And the south wall of 234 extended 13 feet 3 inches nearer to the street line of Euclid avenue than the north wall of 232 did, while the remainder of the south wall of 234 was built close up to the north wall of 232.