

A landlord does not, in the letting of a building such as Elliott let, warrant that the building is reasonably fit for the purpose for which it is intended; the tenant takes it as it is; and the landlord is under no obligation to repair or to make good anything that is found to be defective or out of repair: *Barker v. Ferguson* (1908), 16 O.L.R. 252; *Rogers v. Sorell* (1903), 14 Man. R. 450; *Betcher v. Hagell* (1906), 38 N.S.R. 517.

The judgment dismissing the action as against the respondent Elliott should therefore be affirmed; and the same result must follow as to the other defendants. No case was made against the respondent Greenway; and the case against the Sinclair & Valentine Company failed for the same reasons as it failed against Elliott, and for the additional reason that that company owed no duty to the appellant, except the duty, in operating the heating plant, to do him no intentional injury.

Appeal dismissed with costs.

FIRST DIVISIONAL COURT.

JUNE 23RD, 1919.

*WOOLLINGS v. BARR.

Chattel Mortgage—Description of Goods Mortgaged—Sufficiency—Identification of Property—Inquiries—Evidence—Bills of Sale and Chattel Mortgage Act, R.S.O. 1914 ch. 134, sec. 10—Interpleader Issue—Findings of Trial Judge—Appeal.

Appeal by the defendant from the judgment of the District Court of the District of Temiskaming finding in favour of the plaintiff an interpleader issue as to the ownership of goods seized by the Sheriff of Temiskaming under the execution of the defendant and claimed by the plaintiff under a chattel mortgage.

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

Peter White, K.C., for the appellant.

A. G. Slaght, for the plaintiff, respondent.

FERGUSON, J.A., reading the judgment of the Court, said that the appellant contended that the description contained in the claimant's chattel mortgage did not satisfy the requirements of sec. 10 of the Bills of Sale and Chattel Mortgage Act, R.S.O. 1914 ch. 134—"such sufficient and full description of the goods and chattels that the same may be thereby readily and easily known