

SECOND DIVISIONAL COURT.

NOVEMBER 3RD, 1916.

*RE WATSON AND CITY OF TORONTO.

Municipal Corporations—Expropriation of Land—Compensation—Award—Appeal—Quantum—Evidence—Addition of Percentage for Compulsory Taking—Municipal Arbitrations Act, R.S.O. 1914 ch. 199, sec. 4—View of Premises by Arbitrator—Reasons for Award.

Appeal by T. H. Watson from an award of the Official Arbitrator for the City of Toronto upon an arbitration held for the purpose of determining what compensation should be paid to the appellant by the city corporation for lands expropriated for public park and boulevard purposes. The arbitrator awarded the appellant \$52,550, with interest from the time possession was taken by the corporation, and costs of the arbitration.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

I. F. Hellmuth, K.C., and J. W. Bain, K.C., for the appellant.

Irving S. Fairty and C. M. Colquhoun, for the city corporation, respondents.

MEREDITH, C.J.C.P., read a judgment in which he referred at length to the evidence, the findings of the arbitrator, and the grounds of appeal. Upon the whole case, he concluded, he could find no reason for saying that the appellant should have been awarded greater compensation. He mentioned some recent decisions (not yet reported) of the Supreme Court of Canada in cases of appeals against awards of compensation for lands taken under the provisions of the Dominion Railway Act, but mainly for the purpose of making it apparent that they had not been overlooked. All cases such as this, he said, depend so much, if not altogether upon questions of fact, that any other case is of little, if any, authoritative value.

Full compensation had been awarded by the arbitrator, and there could be no justification for adding a farthing to the amount awarded. Though mentioned in the reasons for appeal, the point that ten per cent. should be added for compulsory taking was not contended for or even mentioned by counsel for the appellant.

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