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SUPREME COURT OF CANADA.

Ottawa, Feb. 20, 1893.

Ontario.]

ATTY. GENERAL OF CANADA V. CITY OF TORONTO.

*Municipal corporation—Water rates—Discount by prompt payment
—Property exempt from municipal taxation—Discrimination
as to—R.S.O. (1887) c. 184, s. 480, s.s. 3; c. 192, s.s. 19, 20.*

By R.S.O. (1887), c. 184, s. 480, s.s. 3 (Municipal Institutions Act), it is the duty of a municipal corporation which has constructed water works, to supply water to all buildings on land along the line of any supply pipe, on request of the owner or occupant thereof. By c. 192, s. 19 (Municipal Water Works Act) the corporation has authority to regulate the distribution and use of water and fix the prices and time of payment therefor, and by s. 20 the corporation may pass by-laws, etc., for allowing a discount for pre-payment.

Pursuant to these powers, the corporation of the City of Toronto passed a by-law allowing a discount on all water rates paid in the first month of the quarter for which they should be due, but the same was not to apply to Government or other institutions which are exempt from city taxes. A tender was made to the City of the amount assessed on property of the Dominion Government, less the discount allowed by the by-law, which was refused, and the whole amount having been paid under protest an action was brought against the city for the rebate.