

THE ONTARIO WEEKLY NOTES

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# The Ontario Weekly Notes

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No. 4

## APPELLATE DIVISION.

SEPTEMBER 21ST, 1914.

### \*CAMPBELL v. IRWIN.

*Landlord and Tenant — Termination of Lease — Buildings of Lessee—Payment for, by Lessor—Submission to three Persons to Fix Amount to be Paid—Arbitration or Valuation—Conduct of Valuator—Bias—Disqualification—Functions of Valuators—Method of Valuation—Entire Building—Estoppel—Sufficiency of Valuation—Joint Act of Valuators—Evidence—Enforcement of Valuation.*

Appeal by the defendant from the judgment of LENNOX, J., 5 O.W.N. 957.

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

W. N. Tilley, for the appellant.

N. W. Rowell, K.C., and George Kerr, for the plaintiff, the respondent.

The judgment of the Court was delivered by HODGINS, J.A.:—The evidence leaves the same impression on my mind as it did upon the learned trial Judge. While the efforts of Garland to help on the sale to Campbell follow rather too closely on the award, indeed before its actual signature, they are capable of the explanation given in the evidence, and this is accepted by the trial Judge as affecting both the inception and subsequent ramifications of the transaction. I cannot say that he is wrong in treating

\*To be reported in the Ontario Law Reports.