

Section 250 of the Municipal Act, R.S.O. 1914 ch. 192, if it does not confer power to pass the by-law attacked, at least affords an added reason why, in the Court's discretion, the application should not be granted at the present time, a reasonable presumption arising from that section that the Legislature recognised that unusual conditions might arise calling for prompt action.

A still further reason for refusing to quash the by-law was the applicant's delay. The Commissioners commenced operations early in May; and the application was not launched until the 11th July.

The propriety of deferring the granting of an order quashing the by-law was further emphasised by a consideration of the applicability of the War Measures Act to the conditions resulting from the return of so many men from military service overseas.

There is authority for deferring action upon the motion: *Cotton v. Ontario Motor Co.*, supra; *Re Alexander and Village of Milverton* (1908), 12 O.W.R. 61.

The motion should be adjourned until after the proposed application for a special Act shall have been dealt with by the Legislature at its next session. If the application be unsuccessful, or if it be not then dealt with, the motion may then be renewed, and may also be renewed for final hearing and for disposing of the costs even if the proposed Act be passed. If, however, the city corporation, before that time, come within the operation of the Ontario Housing Act, 1919, either party may renew the motion on one week's notice. Costs reserved—to be disposed of on a renewal of the motion after the happening of any of these events.

KELLY, J.

AUGUST 2ND, 1919.

LAKE v. CITY OF TORONTO.

Municipal Corporations—City By-law Appointing Housing Commission and Authorising Borrowing of Money for Purposes thereof—Motion for Injunction Restraining City Corporation and Housing Commissioners from Proceeding under By-law—Refusal to Enjoin.

Motion by the plaintiff for an injunction until the trial restraining the defendants other than the Corporation of the City of Toronto, viz., the defendants Eaton et al., the five Commissioners appointed under the housing by-law referred to in the note of *Re Lake and City of Toronto*, supra, from excavating cellars, felling trees, erecting any walls or buildings, or depositing building