

within 21 days; and the association thereupon applied to the Board for a certificate as of right. Before the application was heard, the solicitor for the city corporation notified the Board that the city corporation objected to the plan. The Board decided to hear the objection; and, upon hearing, gave effect to it, and dismissed the association's application.

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

J. P. MacGregor, for the appellants, relied on the language of sub-sec. 2 of sec. 7, "unless the Board of its own motion shall have otherwise directed."

H. E. Rose, K.C., for the city corporation.

At the close of the argument, the judgment of the Court was delivered by MEREDITH, C.J.O.:—We think that the objection of Mr. MacGregor that the Board, unless, within the 21 days after service of the notice, it had considered the application and determined not to approve of it, had no power to refuse the certificate if no objections had been filed within the 21 days, is not well taken.

The scheme of the Act would be entirely defeated if any such interpretation were given to the section. There is cast upon the Board not merely the duty that would be imposed upon it by the general terms in which the powers are conferred, but there is an express requirement that, in determining as to the suitability of the proposed plan, or as to the desirability of any change in it, the Board, where the land lies within the city, shall have regard to making the subdivision and roads and streets and their location and width, and the direction in which they are to run, conform, as far as practicable, with any general plan which has been adopted or approved by the council of the city in accordance with which it is contemplated that the city and suburbs shall be laid out or the re-arrangement of the streets and thoroughfares shall be effected, and where the land is situate without the limits of the city, the Board is to have regard to certain other matters which are mentioned in the section (sec. 4).

Now it would be absurd, unless it was absolutely necessary, to give to the statute a construction that would require the Board, within the 21 days—and before, indeed, as far as the requirements of the statute are concerned, the plan was before them at all—to exercise that judgment and act upon the direction of the statute, which would be the effect of Mr. MacGregor's argument.