

the deed in question by reason of his being the husband of the vendor.

Each party to pay his or her own costs; purchaser to take out the order.

LENNOX, J.

MARCH 22ND, 1919.

RE JACKSON.

*Land Titles Act—Building Restrictions in Registered Transfer—
Modification—Order under R.S.O. 1914 ch. 126, sec. 99(2)—
Consents—"Beneficial to the Persons Principally Interested"—
Evidence.*

Motion by Arthur J. Jackson, the registered owner of lot 40 according to registered plan No. M. 298, for an order modifying building restrictions or conditions 7 and 9 set out in transfer No. 54066, registered in the Land Titles office, Toronto.

The motion was heard in the Weekly Court, Toronto.
R. A. Montgomery, for the applicant.

LENNOX, J., in a written judgment, referred to sec. 99, sub-sec. 2, of the Land Titles Act, R.S.O. 1914 ch. 126, which, among other things, provides that "any such condition or covenant may be modified or discharged by order of the Court, on proof to the satisfaction of the Court that the modification will be beneficial to the persons principally interested in the enforcement of the condition or covenant."

The applicant produced consents of the owners of lots 36, 37, 38, 39, 41, 42, and 43 on plan M. 298, and of all persons or companies having registered charges upon these lots, except a charge on lot 42 in favour of one Matthews, which had been paid, as was satisfactorily shewn by the affidavits of the applicant and J. A. Rowland, and as was admitted by Matthews, although no cessation of the charge had been registered.

Before making the order, the Judge must be satisfied that "the modification will be beneficial to the persons principally interested." The learned Judge said that he could not see that any one was appreciably either benefited or affected by the proposed modification, except the owners and chargees of the applicant's lot, 40, and lot 39 to the west and lot 41 to the south. Even as to the adjoining lots, while there was no suggestion that the proposed modification was detrimental, it was not obviously beneficial—it looked rather like a case of little or no concern to anybody except