

that these two sources of law must be investigated in order to ascertain what the present law on any subject may be. This volume will, therefore, be a succinct statement of the common law as above explained relating to landlord and tenant as adjusted by statutes in force in the Province of Ontario.

'Landlord."
"Tenant."

4. A landlord* is one who having an interest in land grants to another (called a tenant) a portion of such interest, either so limited in point of duration or so much burdened by obligations and agreements to be discharged or performed, or by payments of rent to be made by the tenant to the landlord, that the interest remaining to the latter in the land is of appreciable, if not of substantial, value. We would scarcely regard the owner of the fee simple as the "landlord" of another to whom he had leased the land for 999 years at a nominal rental. Such, however, would technically be the case; and important consequences might, under certain circumstances, result from the apparently merely nominal connection thus established between the parties. To trace these, however, is beyond the scope of the present work, which has to deal entirely with the practical and everyday questions arising out of such a relation as is above described.

Who may
lease or
rent.

5. Before entering into any explanation of the various descriptions of tenancy, it will be best to consider who may become landlord or tenant.

Every person, except those to whom I shall immediately call attention, may grant to another any interest not exceeding in duration that which he himself holds in any land. And even if a person grants a lease for a period not necessarily less than his own estate in land, it will be good, and cannot be set aside so long as his own estate endures. There are, indeed, some cases in which persons may lease or let land for a term longer than their own estate in it, but I will not specify them here, as they are not within the province of these pages.

Married
women.

6. Now, as to who may lease. A married woman may now own land and make leases and receive rents, and also may become a tenant exactly as if she were unmarried. Her husband need not execute the conveyance nor the lease, and she

*"Tenant" shall mean and include an occupant, a sub-tenant, under-tenant, and his and their assigns and legal representatives.

"Landlord" shall mean and include the lessor, owner, the person giving or permitting the occupation of the premises in question and the person entitled to possession thereof, and his and their heirs and assigns and legal representatives: *Ontario Overholding Tenants Act*, R. S. O. c. 171, sec. 2.