

The Ontario Weekly Notes

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BRITTON, J.

AUGUST 7TH, 1912.

CITY OF TORONTO v. WILLIAMS.

Municipal Corporations—Prohibition of Erection of Apartment House—By-law—2 Geo. V. ch. 40, sec. 10—Permit for Erection—Revocation—Bona Fides—“Location” before Statute—Vested Rights.

Motion by the plaintiffs to continue an interim injunction restraining the defendant from erecting an apartment house upon her lot on Brunswick avenue. By consent of counsel, the motion was turned into a motion for judgment.

Irving S. Fairty, for the plaintiffs.
G. C. Campbell, for the defendant.

BRITTON, J.:—The defendant purchased the land upon Brunswick avenue in May, 1911. In an affidavit of the father of the defendant it is stated, and I have no doubt of the truth of the statement, that this lot was purchased by the defendant for the purpose of erecting an apartment house thereon.

Shortly after the purchase, proceedings were taken for expropriating part of that lot, having in view the straightening of Brunswick avenue and enlarging Kendall square. The defendant naturally halted as to then going on with the contemplated building. Subsequently, the project or proposal, as to Brunswick avenue, was not gone on with; and the defendant then proposed to proceed with her apartment house.

In the latter part of 1911, the defendant applied to the city Architect and Superintendent of Building for permission to build, and submitted plans and specifications. The City Architect and Superintendent of Building knew that these plans and specifications were those of an apartment house; and on the 31st January, 1912, permission was granted to the defendant, in