

Legislature at its next session for an Act authorising the corporation to erect dwelling houses on lands within the municipality to relieve the present pressing necessity for more house accommodation, and to carry out the provisions thereof through a commission to be known as "The Toronto Housing Commission;" that it was deemed necessary that building operations should commence at the earliest possible moment and be carried on through the present year; -and that it was expedient to appoint the commission and to make financial arrangements to carry on the work forthwith. The by-law then proceeded to appoint five persons as a commission with authority forthwith to enter upon their duties and exercise all the powers proposed to be conferred upon them by the contemplated Act as fully and effectually as though the Act was in force at the date of the passing of the by-law, etc.

The Commissioners proceeded promptly and made purchases of building sites in various parts of the city, organised building operations, let contracts for the erection of many houses, and had actually carried several of them well towards completion, and in so doing had, long before the institution of these proceedings, expended large sums of money and committed themselves to building contracts to the extent of hundreds of thousands of dollars.

The necessity for more house accommodation was abundantly proved, and no attempt was made to deny it.

The applicant had no special personal interest in attacking the by-law beyond that of any other resident and ratepayer; he was not suffering, and there was no suggestion that he was likely to suffer, special damage.

Reference to *Cotton v. Ontario Motor Co.* (1916), 11 O.W.N. 100.

In view of the very strong evidence of unusual conditions and of the urgent need of prompt action, the Court should not, unless the matter were clearly outside of its discretion, adopt a course which would inevitably result not only in loss of much money already expended by the Commissioners, but in putting an end to their operations and subjecting the respondents to heavy liability for failure to fulfill the contracts made by the Commissioners, and would result also in the bringing about of conditions menacing to the health and welfare of the community. If, in anticipation of the passing of the proposed Act, the respondents choose to take the risk of proceeding with the work they have undertaken, the applicant may well be left, for the time being, to whatever other remedies are open to him. If, for instance, the by-law is invalid, or if the work be otherwise carried on without proper sanction, it may be open to him to resist payment of any taxes imposed to meet the cost of the enterprise.