

The
Ontario Weekly Notes

Vol. IV.

TORONTO, MAY 9, 1913.

No. 34

APPELLATE DIVISION.

JANUARY 27TH, 1913.

RE CANADIAN BUILDING AND LOAN ASSOCIATION
AND CITY OF HAMILTON.

Municipal Corporations—Subdivision of Land into Streets and Building Lots—City and Suburbs Plans Act, 2 Geo. V. ch. 43, secs. 4, 6, 7—Construction—Approval of Plan by Ontario Railway and Municipal Board—Objection of City Corporation not Filed within 21 Days—Powers of Board—Appeal—Question of Law—Board Acting without Evidence—Reference back.

An appeal by the association from an order of the Ontario Railway and Municipal Board refusing to certify its approval of the appellants' plan for the laying out of a tract of land into streets and building lots.

Section 6 of the City and Suburbs Plans Act, 2 Geo. V. ch. 43, provides: (1) that notice of an application to the Board for its approval of a plan shall be given to the corporation of the municipality in which the land is situate and to the corporation of the city, and all parties interested shall be entitled to be heard, and may be represented by counsel at the hearing of the application; (2) that a copy of the plan shall accompany such notice.

Section 7 provides: (1) that objections to the plan shall be stated in writing and be filed with the secretary of the Board within 21 days after delivery of the notice and plan; (2) that, if no objection is made within that period, the applicant shall be entitled to have the plan certified as approved, unless the Board of its own motion shall have otherwise directed.

The city corporation did not file objections to the plan