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No. 2

SUPREME COURT OF CANADA.

THE REGISTRAR IN CHAMBERS.

MARCH 7TH, 1917.

KING EDWARD HOTEL CO. v. CITY OF TORONTO.

Appeal—Supreme Court of Canada—Jurisdiction—Appeal from Order of Ontario Railway and Municipal Board—Court of Last Resort—Refusal of Leave to Appeal by Supreme Court of Ontario—Assessment Act, R.S.O. 1914 ch. 195, sec. 80 (6)—Supreme Court Act, sec. 41

Application by the King Edward Hotel Company, under Rule 1 of the Rules of the Supreme Court of Canada, for an order affirming the jurisdiction of that Court to hear an appeal from an order of the Ontario Railway and Municipal Board upon an assessment appeal, notwithstanding that the applicants had applied for and been refused leave to appeal from the order of the Board to a Divisional Court of the Appellate Division of the Supreme Court of Ontario (7th February, 1917).

The application was heard by E. R. Cameron, Registrar, in Chambers.

Harold Fisher, for the applicants.

Irving S. Fairty, for the respondents.

THE REGISTRAR, in a written judgment, said that jurisdiction was asserted under sec. 41 of the Supreme Court Act. It was admitted that the appeal involved the assessment of property at a value of not less than \$10,000. The usual procedure on appeals in assessment cases was followed in this instance.

The applicants were assessed for the sum of \$296,692 in respect of business assessment, and appealed therefrom to the Court of Revision for the City of Toronto. This appeal was heard in October, 1916, when the Court of Revision decided that