

AMPLE INVESTMENTS LIMITED }  
 (*Applicant*) . . . . . }

APPELLANT;

1966  
 \*June 23

AND

THE MUNICIPAL CORPORATION OF }  
 THE TOWNSHIP OF NORTH YORK }  
 and S. G. BECKETT, Building Com- }  
 missioner (*Respondents*) . . . . . }

RESPONDENTS.

1967  
 Feb. 7

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

APPEAL from a judgment of the Court of Appeal for Ontario, allowing an appeal from a judgment of Brooke J. wherein it was declared that the plans as submitted by the applicant for a proposed apartment hotel had been approved within the meaning of s. 30(7)(b) of *The Planning Act*, R.S.O. 1960, c. 296. Appeal allowed, Martland and Hall JJ. dissenting.

*W. B. Williston, Q.C., R. J. Rolls and D. S. Affleck*, for the appellant.

*J. T. Weir, Q.C., and M. McQuaid*, for the respondents.

The judgment of Taschereau C.J. and Judson and Spence JJ. was delivered by

JUDSON J.:—For the reasons given in *Kalmen Mapa and Isadore Goldist v. The Municipal Corporation of the Township of North York and S. G. Beckett, Building Commissioner*<sup>1</sup>, I would allow this appeal with costs and make the same order.

The judgment of Martland and Hall JJ. was delivered by

MARTLAND J. (*dissenting*):—For the reasons given in *Kalmen Mapa and Isadore Goldist v. The Municipal Corporation of the Township of North York and S. G. Beckett, Building Commissioner*<sup>1</sup>, I would dismiss this appeal with costs.

*Appeal allowed with costs, MARTLAND and HALL JJ. dissenting.*

*Solicitors for the appellants: Fasken, Calvin, MacKenzie, Williston & Swackhamer, Toronto.*

*Solicitors for the respondents: Arnup, Foulds, Weir, Boeckh, Morris & Robinson, Toronto.*

\*PRESENT: Taschereau C.J. and Martland, Judson, Hall and Spence JJ.

<sup>1</sup> [1967] S.C.R. 172.