

1918

\*Mar. 4.

\*Mar. 25.

## FERRING v. TARRABAIN.

ON APPEAL FROM THE APPELLATE DIVISION OF THE  
SUPREME COURT OF ALBERTA.

*Landlord and tenant—Agreement to build suitable house—Damages—  
Cancellation of lease.*

APPEAL from the judgment of the Supreme Court of Alberta, Appellate Division (1), reversing the judgment of Harvey C.J. at the trial and maintaining the respondent's (plaintiff's) action with costs.

The respondent prayed by his action for a declaration that a certain building occupied by them was not the building called for by the agreement and lease entered into by him and the appellant; and he claimed damages.

The trial judge found in favour of the defendant-appellant; but the Appellate Division maintained the respondent's claims, with the right to the appellant to elect for a new trial.

On appeal by the defendant to the Supreme Court of Canada, the court, after hearing counsel for both parties, reserved judgment, and, at a subsequent date, dismissed the appeal with costs.

*Appeal dismissed with costs.*

*C. H. Grant* for the appellant.

*J. R. Lavell* for the respondent.

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\*PRESENT:—Sir Charles Fitzpatrick C.J. and Idington, Anglin and Brodeur JJ.

(1) 12 Alta. L.R. 47; [1917] 2 W.W.R. 381.