



The Mining and Lands Commissioner Le Commissaire aux mines et aux terres

IN THE MATTER OF THE CONSERVATION AUTHORITIES ACT

G.H. Ferguson, Q.C.)
Mining and Lands Commissioner) Wednesday, the 21st day of
February, 1990.

AND IN THE MATTER OF

An appeal against the refusal to grant permission to construct a building at 24 York Street in the City of London, in the County of Middlesex.

B E T W E E N :

McINTYRE FORD INC.)
Appellant

- and -

UPPER THAMES RIVER CONSERVATION)
AUTHORITY)
Respondent

O R D E R

THIS APPEAL came on for hearing on Wednesday, the 21st day of February, 1990 in the City of London in the presence of S.R. Mackay, counsel for the respondent and R.A. Beccarea, counsel for the appellant, having advised the tribunal by telephone transmission on the 19th day of February, 1990 that the appellant, a proposed purchaser, wished to withdraw from the appeal and the matter was referred to Albert W. Plumb, the owner, who wished to continue the appeal and would be present but Albert W. Plumb did not appear at the hearing.

UPON HEARING the submissions of counsel for the respondent including a motion for costs thrown away on preparation for the hearing and attendance at the hearing based on the failure of the appellant or its counsel to advise to advise counsel for the respondent of their position,

1. THIS TRIBUNAL ORDERS that the appeal is dismissed.
2. THIS TRIBUNAL ORDERS that the appellant shall pay to the respondent its costs of the appeal fixed under section 147 of the Mining Act at \$1000.

SIGNED this 17th day of April, 1990.

Original signed by G.H. Ferguson
MINING AND LANDS COMMISSIONER