

B

Canada  
Province of Quebec

Commission of Inquiry instituted by  
the Order-in-Council, number 1955  
of November 13th, 1963

2) REPORT

1) of the Commissioner appointed to investigate  
the real estate transactions of the  
Protestant School Board of Greater Montreal . . . .  
and the School Boards under its control  
during the ten year period 1953 to 1963.

Commissioner:

The Honourable Arthur Ives Smith,  
Judge of the Superior Court

Secretary:

Mr. Hervé Boilard

3)

1964



Canada  
Province of Quebec

Commission of Inquiry instituted by  
the Order-in-Council, number 1955  
of November 13th, 1963

R E P O R T

of the Commissioner appointed to investigate  
the real estate transactions of the  
Protestant School Board of Greater Montreal  
and the School Boards under its control  
during the ten year period 1953 to 1963.

Commissioner:

The Honourable Arthur Ives Smith,  
Judge of the Superior Court

Secretary:

Mr. Hervé Boilard

I N D E X

(1)

Order-in-Council	1
Appearances and Commissioner's opening statement	3
Statement concerning number of sittings held, witnesses heard and exhibits filed	5
Reference to pertinent statutes	6
Jurisdiction and composition of the Protestant School Board of Greater Montreal	7
Officers of the Greater Board and their respective duties	9
Planning and Building Department	11
Education Development Plan and Building and Development Plan	11
Suggested new method for selecting and purchasing school sites (1960)	13
Practice in regard to selection and acquisition of sites	15
Real estate transactions entered into from 1953 to 1963	19
Millar School	26
Winston Churchill School	39
Cote St. Luc - part of lot 95	46
Cote St. Luc - Wagar High School	57
Organization of Protestant Board of Trustees for St. Leonard de Port Maurice and union with the Montreal Board	64
Buchanan School - lot 370 - St. Leonard de Port Maurice	68
Lots 415, 417 - St. Leonard de Port Maurice	78
Part of lot 394 - St. Leonard de Port Maurice	84
Lot number 348 - St. Michel	99
Lot number 34 - Parish of Longue Pointe	103
Versailles Cardens School Site Pierrefonds	108
Herbert Furcell School - Pierrefonds	113

I N D E X

(2)

Lots 39 and 40 of original lot number 67 - Town of Pierrefonds	120
Sub-division 115 of lot 327 Town of Roxboro	126
Stonecroft School - Pierrefonds	135
Beechwood School - Pierrefonds	139
Roslyn School - Westmount	142
Westmount High School - Westmount	147
Suggestions and recommendations	149
General Conclusions	157
Appendix	

TO THE LIEUTENANT GOVERNOR IN COUNCIL

The Commissioner has the honour to submit the present report in accordance with the Act R.S.Q. Chapter 9 Section 6.

This inquiry was held in virtue of Order-in-Council No. 1955, passed November 13th, 1963 and recorded on the 21st of November 1963 Libro 1194 Folio 74, which is in the following terms:

"CANADA

PROVINCE OF QUEBEC

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and her other Realms and Territories, Queen, Head of the Commonwealth, defender of the faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING.

WHEREAS under instructions of the ministers of Municipal Affairs and of Youth an investigation was made by Kenneth G. MacKay into the real estate transactions of the Protestant School Board of Greater Montreal and its local Boards during the past ten years;

WHEREAS the report of this investigation indicates that in some nine cases the price paid for a school site was excessive or the procedure was questionable or the site was unsatisfactory or there is evidence of negligence or irregularity during this period;

WHEREAS under these circumstances, it is necessary that full inquiry be made into the matter by a commissioner with full power to summon witnesses, question them under oath and require the production of documents.

THEREFORE, with the advice and consent of our Executive Council expressed in the decree bearing number 1955, dated November 13, 1963 and pursuant to the Provisions of the Public Inquiry Commission Act (Revised Statutes, 1941, Chapter 9):

We have enacted and ordered that a Commission of Inquiry be instituted to investigate the real estate transactions of the Protestant School Board of Greater Montreal and the school Boards under its control during the past ten calendar years;

We instruct said Commission to investigate any other question that may be subsequently specified by the Lieutenant-Governor in Council

respecting the Protestant School Board of Greater Montreal or any School Board under its control;

We also enact and order that the Honourable Justice Arthur I. Smith be appointed commissioner to hold this inquiry.

We further instruct this commission to make its report within six months from this date or such other delay as may subsequently be fixed and that the limit of the expenditure be set at \$30,000.00.

Witness, Our Right-Trusty and Well-Beloved the Honourable PAUL COMTOIS, P.C., Lieutenant Governor of Our Province of Quebec.

GIVEN at Our Parliament Buildings, in Our City of Quebec, in Our Province of Quebec, this thirteenth day of November in the year of Our Lord one thousand nine hundred and sixty-three and in the twelfth year of Our Reign.

BY COMMAND,

Lucien Darveau, Q.C.  
Associate Assistant Secretary  
of the Province"

The Commissioner took the required Oath of Office on the 14th day of January 1964 before the Honourable Roger Brossard, Judge of the Superior Court.

Mr. Herve Boillard was appointed Secretary of the Commission, by Order-in-Council number 1955 dated the 13th day of November 1963 and took oath of office on the 5th day of December 1963.

The Commissioner, under the authority of Section 4 of R.S.Q. Chapter 9 with the authority of the Attorney General employed stenographers and a messenger. Experts including a Chartered Accountant and Real Estate Specialists were also employed with the authority of the Attorney General. The Commission received assistance of advocates specially appointed for the purpose by the Attorney General and the services of all of these experts, which were ably and

faithfully rendered, were necessary in order to enable the Commissioner to discharge his duties.

The Notices prescribed by law were duly published.

Messrs. T. R. Meighen, Q.C. and W. E. Stavert appeared as legal counsel for the Commission.

Messrs. T. P. Howard, Q.C. and R. J. Stocks appeared on behalf of the School Boards.

Mr. A. J. Campbell, Q.C. appeared on behalf of Mr. J. P. Rowat.

Mr. Francois Mercier, Q.C. appeared on behalf of Mr. Edmund T. Asselin.

Mr. Jerome Paradis, Q.C. appeared on behalf of the C.P.R.

Mr. Joseph Cohen, Q.C. appeared on behalf of Mr. Michael Hornstein.

Mr. Francois Norbert, Q.C. appeared on behalf of Mr. Frank Spenard.

Mr. Juluis Briskin, Q.C. appeared on behalf of Mr. Sam Landsman.

Mr. J. Dawson appeared on behalf of Mr. Kerr.

In opening the inquiry the Commissioner made the following remarks:-

"As Commissioner charged with the conduct of the present inquiry, it appears to me to be both proper and expedient to make at the outset a brief statement concerning the principles which will govern the Commission in the exercise of its powers and the discharge of its duties.

As stated in the Order-in-Council just read by the Secretary, this inquiry has been ordered in virtue of, and will be conducted in accordance with, the provisions of the Public Inquiry Commission Act, R.S.Q. 1941 Chapter 9.

For the purposes of the inquiry the Commissioner has all the powers and privileges of a Judge of the Superior Court. Nevertheless, the cooperation of all persons is requested with a view to ensuring that nothing is said, done, or written, during the course of these proceedings and so long as the matters raised herein are sub judice, the effect of which might be to expose the Commission to contempt or weaken or destroy public confidence in it.

This Inquiry has been ordered in the public interest and the Commissioner and those associated with him have solemnly undertaken to discharge their respective duties honestly and to the best of their ability.

This is not a trial. There is neither accuser nor accused.

The Commission is independent. It represents no one and is accountable to no authority other than the law. When the Inquiry has been completed the Commission will, as required by law, make its report to the Lieutenant-Governor in Council.

The Order-in-Council makes reference to the report made by Mr. Kenneth G. MacKay. It should be understood, however, that it is not the primary responsibility of this Commission either to substantiate or to refute the findings contained in that report.

Rather it is its duty and responsibility to make the fullest and most thorough investigation into the subject of the inquiry and to place all of the facts obtainable before the public. The Commission's findings will be based solely upon the proof and representations made in the course of these proceedings.

The Commission has been and will continue to be assisted by highly reputable and able counsel and by other technical advisors, all of whom have been diligently engaged over the past weeks in an effort to ensure that all available evidence pertinent to the inquiry is placed before the Commission.

The terms of reference are clearly defined and the Commission bespeaks the cooperation of all persons concerned in the matter of keeping the inquiry within its proper bounds and avoiding any distractions which might interfere with or retard the accomplishment of its task.

Any person or group of persons who may be or may consider himself or themselves to be directly involved in the matters under investigation, are free to appear before the

Commission, either personally or by Counsel and, at the proper time, adduce evidence if he or they so desire, and to address the Commission.

Moreover, any person or group of persons who, though not involved directly in the matters under investigation, consider himself or themselves in a position to assist the Commission will be given opportunity to address it provided application to do so has been made previously to Counsel for the Commission and the representations which are proposed are deemed to be pertinent to the inquiry."

The public inquiry opened on the 17th day of February 1964 and ended on the 29th day of April 1964.

The sittings of the Commission occupied a total of 19 days and were devoted to the hearing of testimony of witnesses and the production of exhibits of which a total of more than one thousand were filed.

Notices were published in the Press, both prior to the commencement of, and during the inquiry, inviting any one who possessed information in any way related to the subject of this inquiry to communicate it to the Commission. This invitation met with no response.

In addition to hearing witnesses who testified to facts pertaining directly to the transactions under investigation, a number of experts in the field of Educational Administration in other jurisdictions were heard. The cooperation of these gentlemen in attending and placing their knowledge and experience at the service of the Commission was most helpful and is greatly appreciated. This testimony has been given careful consideration and to some extent at least is reflected in suggestions or

recommendations with which this report concludes.

Greatly appreciated also have been the diligent, conscientious and able services rendered by Counsel for the Commission. Their contribution, which has been outstanding, has lightened immeasurably the task of the undersigned and to them and all other Counsel as well as to those who appeared to testify or otherwise assist the Commission in the execution of its duty, go its sincere thanks.

To the Secretary and the Official Reporters, all of whom were most diligent, capable and expeditious in the discharge of their respective functions, also go the thanks of the Commission.

At the opening of this Inquiry the wholehearted cooperation of the representatives of the various school Boards concerned was gratefully acknowledged and one is happy to record that this cooperation existed fully throughout the entire course of the inquiry.

At the conclusion of the hearings the Commission was addressed by Mr. T. R. Meighen, Q.C. and by Mr. T. P. Howard, Q.C..

It may be useful at the outset to refer to the following statutory provisions which have special pertinence to the present inquiry:

The Education Act RSQ chapter 59 - particularly Sections 14, 20, 120, 215, 268, 344, 345 and 364.

The Act creating the Protestant School Board of Greater Montreal 15 George V Chapter 45 with particular reference to Sections 2, 13, 15, 28

and to Sections 21A, 21D and 33 which respectively provide that certain provisions of the Education Act shall not apply to the Protestant School Board of Greater Montreal.

The Protestant School Board of Greater Montreal which, in the interest of brevity, will hereafter be referred to as the "Greater Board" has jurisdiction over the local school boards hereinafter listed, to wit:

"SECTION 2

Jurisdiction

2. Its jurisdiction in relation to the matters hereinafter mentioned shall extend to the Protestant School municipalities subject to the jurisdiction of the following Protestant school boards:

1. The Protestant Board of School Commissioners of the City of Montreal;

2. The Protestant Board of School Commissioners of Lachine;

3. The Protestant Board of School Trustees of Verdun;

4. The Protestant Board of School Commissioners of Coteau St. Pierre;

5. The School Commissioners for the School Municipality of the City of Westmount;

6. The Protestant Board of School Commissioners for the Municipality of St. Laurent;

7. The Protestant Board of School Commissioners of the Town of Mount Royal;

8. The Protestant Board of School Commissioners of Sault-au-Recollet;

9. The Protestant Board of School Commissioners for the Municipality of Pointe-aux-Trembles, in the County of Laval;

10. The Protestant Board of School Trustees of the City of Outremont;

11. The Protestant Board of School Commissioners of the Town of Hampstead;

Other  
School  
Municipalities

12. Such other school municipalities which from time to time by special resolution of the Board of School Commissioners or Trustees as the case may be request that such school municipalities or school municipality come under the jurisdiction of the Protestant School Board of Greater Montreal, subject to the acceptance thereof by the Protestant School Board of Greater Montreal.

Representation

Such other school municipality or municipalities which may, with the consent of the Protestant School Board of Greater Montreal come under its jurisdiction, shall be represented on the Greater Montreal Board by a member of the said Board duly appointed by resolution of the Greater Montreal Board."

The Greater Board is composed of all of the eight members of the Montreal Board together with a single representative appointed by each of the local boards above-mentioned, with the exception of the Boards of Coteau St. Pierre, Hampstead and Sault au Recollet which together appoint one of their members to represent them all.

Members of the local Boards receive no salary. However, since all members of the Montreal Board are members of the Greater Board, they, as such, together with all other members of that Board, are entitled to an annual salary of \$2,500.00. The Chairman of that Board receives an annual stipend of \$8,000.00 and the Vice-chairman one of \$6,000.00. All members of the Greater Board are therefore "salaried public officers".

The members of local boards are elected for a term of three years by those persons having the right to vote in any election of school commissioners or trustees.

The Chairman and Vice-chairman of the Greater Board are elected from and by the membership of that Board for a term of five years.

The duties of the Chairman and Vice-chairman of the Greater Board are as follows:-

"Duty of Chairman:

The duty of the chairman shall be to preside over meetings of the Greater Montreal Board. He shall be the directing head of the whole administration of the Greater Montreal Board.

Special Committees:

The Chairman shall have the right to set up special committees consisting of members of the Greater Montreal Board and shall appoint the chairman and members of each committee and shall define their duties.

Chairman:

The chairman shall be ex officio a member of each committee.

Duties of Vice-Chairman

The vice-chairman in other respects shall carry out such duties as are delegated to him by the chairman."

Serving under these officers of the Greater Board are the Director of Education, who is also the Secretary Treasurer of the Greater Board and of the Montreal Board, and a Deputy Director of Education.

The management and direction of the Board is divided into Education on the one hand and Business or Administration on the other, with those occupied with duties in each division reporting to the Director.

To the Greater Board is given responsibility for providing the funds required to finance the operations of all Boards under its jurisdiction and it is vested with the authority and duty of

maintaining a general supervision over the local boards.

Although the selection and purchase of school sites is primarily the responsibility of the local boards, the approval of the Greater Board is a condition precedent to the right of a local board to purchase a given site.

On November 22nd, 1955 Mr. J. P. Rowat was elected Chairman of the Greater Board which office he has since held and at present occupies.

Prior to November 22nd, 1955 the Vice-chairman of that Board was Mr. Stenhouse. He, however, was replaced on that date by Mr. Roy Wagar who occupied the office up to the time of his death in 1962, following which the present incumbent Mr. Peter Millar became Vice-chairman.

From the 1st day of November 1945 until January 1st, 1960 the office of Director of Education was held by Mr. Thomas Sommerville. On the date last mentioned he retired and was replaced by Mr. Robert Japp who is the present Director while Mr. Douglas Pope is Deputy Director.

In view of the fact that his name will recur frequently in the course of this report it may be well also to make special reference to Mr. Guild. Mr. D. B. Sutherland was Superintendent of New Buildings from the 1st of January 1950 to the 15th of August 1955. Mr. R. L. Guild joined Mr. Sutherland's Department of New Buildings in 1949 and was given the title of Educational Consultant. He took over the Department of New Buildings in 1955 and was given the title of Educational Consultant and

Superintendent of New Buildings, and, in 1958 was given the title of Educational Consultant and Chief Construction Officer. The function performed and the work done by Mr. Sutherland as Superintendent of New Buildings and by Mr. Guild first as Educational Consultant and Superintendent of New Buildings and then as Educational Consultant and Chief Construction Officer were the same.

The proof shows that over the years and particularly since 1950 the Greater Board through its Planning and Building Department, has devoted much time and brought considerable intelligent consideration to the matter of long range planning.

Prior to 1960 the Board was served by Planning Officers who reported to the Director of Education. Their duties were to report on residential developments and population trends with a view to planning for and acquiring school sites where and when they might be needed. In 1959 the duties of the Planning Officers were transferred to the "New Buildings Department" under the Education Consultant and Chief Construction Officer. At the same time the matter of long range planning was reconsidered and it was agreed that a planning service should be set up within the Department of New Buildings and that a Master Plan should be prepared by 1960.

In 1949/50 what is known as an "Education Development Plan" was prepared, after the Education Officers had examined the enrolment trends in all of the schools and had submitted recommendations for the extension and renovation of existing buildings, the erection of new buildings, purchase of new sites and the closing of existing schools. The recommendations

came under four headings:

1. rezoning as a result of new high schools;
2. schools and school districts requiring action before September 1950;
3. schools and school districts which required immediate planning in anticipation of future needs;
4. schools concerning which no immediate recommendation was made.

In March 1953 the Building and Development Plan 1952/53 to 1956/57 was drawn up. Subsequently a revision of this plan known as Building Development Plan 1953/54 to 1959/60 was prepared. These plans surveyed the school needs, having a regard to priority and urgency, and endeavoured to determine how these needs should be met.

On October 1st, 1959 steps were initiated to produce a "Master Plan" and in November of that year the Greater Board approved in principle the organization of the "Planning Service" with the objective of producing a Master Plan in 1960. The Master Plan with various maps and overlays (Exhibit C-12) was completed in May 1960.

The only property owned by the Greater Board is the head office building on Fielding Avenue and all of the land transactions under review were made by the local boards respectively.

The Statute George V Chapter 45 Section 15 provides that:

"It shall be the duty of every local board:

Sub. section 17: to select, with the approval of the Central Board, the necessary grounds for school sites, and, under the control of the Control Board, to build or reconstruct its schoolhouses and dependencies."

Prior to 1959, when a memorandum was prepared suggesting the procedure to be followed in purchasing sites, these transactions appear to have been carried out in a rather informal manner. However, a memorandum, prepared in October 1959, outlined certain procedures and in June 1960 the Master Plan was published, and appended to the report which accompanied it, is a memorandum relating to the procedure to be followed in purchasing school sites. This memorandum which was in the nature of a revision or modification of that of October 1959 is in the following terms:

"SUGGESTED NEW METHOD FOR SELECTING  
AND PURCHASING A SCHOOL SITE

This suggestion would modify in certain respects the present procedure. In brief, the proposed method is as follows:

1. The Planning and Building Committee to consider Long Range Planning Reports and adjustments to Master Plan, as submitted every six years and Short Term Planning Reports as submitted approximately every three years.
2. On the basis of the study and recommendations of the P. & B. Committee, that the Local Board concerned, look for new sites within a certain period of time in the general site areas ( $\frac{1}{2}$  to  $1\frac{1}{2}$  mile diameter zones).
3. The Local Board to review the site area concerned with the Officers of the Board and Planning Section.

Several specific sites should be selected and evaluation sheets prepared, the Planning Section and Appraisal Firm co-operating with the Local Board.

4. A report from the Local Board with a recommendation for the purchase of a specific site (the preferred one of several) should be submitted to the P. & B. Committee.

5. Reports from the Education Division and the Planning Section to be submitted to the P. & B. at this time on the specific site.
6. Complete the purchase according to present procedure.

NOTES

- a. Site selection should not be made during winter months.
- b. Expropriation measures should be taken on certain sites when all efforts to obtain a reasonable agreement have failed.
- c. One or more firms of independent land evaluators should be appointed by the Greater Montreal Board to act as their agents (both for Local and Greater Board).
- d. The Planning Section, or other Officers of the Board, should not negotiate the purchase of a site or deal directly with Real Estate Agents unless instructed to do so by P. & B. for a specific site.
- e. When a site has been purchased, and covering the interval of time as to building a school, the Maintenance Department should possibly budget for and look after the site, maintenance of, rentals, temporary fencing to safeguard against removal of soil, dumping, public protection, signs, etc."

The salient points of difference between this memorandum and that submitted in October 1959 appear to be that, prior to June 1960 the initiative with regard to establishing the need for a school was taken by the local Board and/or the Education Officer concerned. The 1960 memorandum envisages the Planning and Building Committee as taking the initial steps on the basis of:

- a) the long range planning report, these to be subject to revision every six years; and
- b) revised information in short term planning reports submitted at intervals of three years.

Whereas prior to June 1960 the approximate location of the projected school was indicated by the local Board and/or the Education Officer, the Master Plan suggests that a general site area, one-half to one and one-half miles in diameter, be brought to the local Boards attention as an area in which a school site should be sought.

Any site recommended by the local board was to be reviewed by the Educational Officers of the Board and the Planning Section and a report on the site submitted to the Planning and Building Committee by the officers of the Board and the Planning Section of the New Buildings Department. The new procedure called for a more formal valuation of sites by assessing them again and a definite list of factors to determine their suitability. Instead of being limited to a single recommendation made by a local Board the Greater Board was afforded opportunity to exercise some degree of selection. The Master Plan moreover recommends that a valuation by independent appraisers should be mandatory rather than obligatory.

It appears that neither the recommendations contained in the memorandum of October 1959 nor those set out in the memorandum of June 1960 were ever formally adopted by the Board, they were, however, evidently considered to set out the procedure to be followed, although, as hereinafter noted, the procedures recommended were not in all respects or invariably followed.

The Deputy-Director of Education, Douglas E. Pope, has the function of co-ordinating the work of the Education Department, assessing the need for

and recommending the type of school required and the suitability of location, having regard to population.

Mr. Guild as Education Consultant and Chief Construction Officer is charged with the duty of investigating and advising in respect of the adequacy and suitability of suggested sites from the stand point of their size, shape and contour and the type of soil.

In short, Mr. Pope's function is to study the situation and advise as to whether or not the proposed site is suitable as to locality having regard to Educational requirements, whereas Mr. Guild's duties relate to determining and advising in respect as to the property's physical suitability.

During Mr. Wagar's term of office as Vice-Chairman he appears to have personally and actively engaged in the search for school sites and the negotiations which led to the obtaining of an option for the local Board concerned. This function apparently was assumed by him with the approval of the Chairman, although negotiations of land purchases does not fall within the statutory duties which are vested in the Vice-Chairman. The fact is that Mr. Wagar, who had had some previous experience in the purchase of commercial properties, assumed an active role in the selection and purchase of school sites and did so apparently with the acquiescence of both the Greater Board and the local Boards concerned. He appears to have been diligent in the discharge of his duties and to have devoted a great deal of attention to these matters.

In some instances offers to sell sites were received unsolicited while in others they were

obtained from owners, or real estate agents acting for the owners, at the request of the local Board or more often of someone representing the Greater Board - frequently Mr. Wagar.

Where a local Board desired to obtain an option, it was generally the practice to refer the matter to the Greater Board and obtain its approval. In many instances this request was directed to the Planning and Building Committee which was asked to recommend to the Greater Board that the local Board be authorized to obtain the option.

Once an option had been obtained by the local Board the latter sought the approval of the Greater Board for its acceptance and it was usual for the Greater Board, before either approving or refusing approval, to obtain the recommendation of the Planning and Building Committee.

Although, as above stated, negotiations leading to the purchase of a site were frequently left to Mr. Wagar this was not invariably the case and in various instances members of the local Board themselves conducted the negotiations.

Although offers to sell were frequently received from or through real estate firms, it was not the practice of the Board to employ real estate experts to negotiate on their behalf for the purchase of a desired site.

Notwithstanding the fact that after the year of 1959 the recommended procedure required an appraisal by at least one independent land valuator, and although this recommendation was in some, if not most, cases followed, it was not the invariable

practice to obtain an appraisal.

Following the obtaining of an option the local Board applied to the Greater Board for authorization to accept it. Such a request was considered by the Greater Board in the light of the appraisal report, if one had been obtained, and of such other evidence as there might be as to the real value of the land and, if satisfied, the Greater Board authorized the local Board to accept the offer. This authorization as well as the subsequent authorization to execute a formal deed of purchase which it was usual for the local Board to obtain, was almost invariably given subject to the condition that the approval of the Department of Education, Department of Health and where necessary the consent of the Quebec Municipal Commission be obtained.

While it is true that an option was frequently accepted prior to the obtaining of these authorizations or approvals their acceptance was almost invariably made conditional upon the obtaining of same and there is no instance where a purchase did not receive the required approvals.

It is in the light of the foregoing that the land transactions entered into by the Board over the ten year period of 1953 to 1963 must be considered. Of these there were a total of 118 as hereinafter listed to wit:

"LOCAL BOARD

Coteau St. Pierre

Lot 139 - 818 - Parish of Montreal  
Edinburgh School

Hampstead

Parts Lots 80, 81, 74 - Parish of Montreal  
Site for future High School

Lachine

Part Lot 897 - Parish of Lachine  
Lachine High School

Part Lot 5 - Parish of Lachine  
Surrey Gardens School

Lot 933 - 262 - Parish of Lachine  
Lachine Rapids School

Lot 955 - 107 - Parish of Lachine  
Site for future Elementary School

Parts Lots 970 - 971 - Parish of Lachine  
Site for future High School

Parts Lots 13 - 14 - Parish of Lachine  
Projected Dorval High School

Part Lot 878 - Parish of Lachine  
Site for future Elementary School

Part Lot 197 - City of Lachine  
Site for future Elementary School

Part Lot 974 - Parish of Lachine  
Site for future Elementary School

Montreal

Part Lot 439 - Parish of Sault-au-Recollet  
Ogilvie School

Parts Lots 39 - 40 - Parish of St. Laurent  
Morison School

Part Lot 326 - Parish of Sault-au-Recollet  
Future Elementary School Site in Taylor  
de Salaberry area.  
Not built upon but sold instead to the  
Montreal Catholic School Commission.

Lots 104 - 96 and 105 - 151 - Parish of  
Montreal.  
Westminster School

Part Lot 86 - Parish of Montreal - City  
of Cote St. Luc  
Future Elementary School Site

Part Lot 390 - Parish of Longue Pointe  
Dunton High School

Part Lot 11 - Parish of St. Laurent  
Malcolm Campbell High School

Lots 429 - 1195 and 430 - 56, 431 - 46 -  
Parish of Longue Pointe  
Dalkeith School

Parts Lots 112, 114 - Inc. Village of  
Cote des Neiges  
Northmount High School

Part Lot 71 - Parish of Montreal  
Administration Building

Montreal (cont'd)

- # Lot 95 - Cote St. Luc  
Future High School Site
- # Parts Lots 97, 98, 95 - Parish of Montreal -  
City of Cote St. Luc  
Wagar High School
- # Lots 415 - 417 - St. Leonard de Port Maurice  
Future Elementary School Site
- # Part Lot 370 - St. Leonard de Port Maurice  
Projected Buchanan School
- # Lot 34 - Subd. No. 94 - Parish of Longue  
Pointe  
Future Elementary School Site
- # Part Lot 348 - Ville St. Michel  
Future Elementary School Site
- Parts Lots 2, 3, 5, 6 - Parish of St.  
Laurent  
Projected Glencoe Elementary School
- # Lot 394 - St. Leonard de Port Maurice  
Future Elementary and/or High School Site

Pointe-aux-Trembles

Parts Lot 185 - Parish of Pointe-aux-  
Trembles  
McLearn School

St. Laurent

Parts Lot 480 - Parish of St. Laurent  
Gardenview School

Parts Lot 239 - Parish of St. Laurent  
Westbrook School

Part Lot 467 - Parish of St. Laurent  
Laurentide School

Lot 327 - 115 - Parish of Ste. Genevieve  
Roxboro School

Parts Lot 210 - Parish of St. Laurent  
Site for future High and Elementary  
Schools

Parts Lots 94 and 101 - Parish of Ste.  
Genevieve  
Original site for Versailles Gardens  
School

- # Part Lot 221 - Parish of St. Laurent  
Sir Winston Churchill High School

Parts Lot 258 - Parish of St. Laurent  
Cedarcrest School

Part Lot 31 - Parish of Ste. Genevieve  
Stonecroft School

St. Laurent (cont'd)

# Parts Lot 368 - Parish of St. Laurent  
Millar School

Part Lot 62, Lot 67 - 39 and 40 -  
Parish of Ste. Genevieve  
Riverdale High School

Parts Lot 195 - Parish of St. Laurent  
Future School Site

Part Lot 287 - Parish of Ste Genevieve  
Westpark School

Part Lot 110 - Parish of Ste. Genevieve -  
Town of Dollard des Ormeaux  
Future School Site (Projected Beechwood  
School)

Part Lots 116, 119, 120 - Pierrefonds  
Herbert Purcel School (originally Versailles  
Gardens School)

Part Lot 68 - Parish of Ste. Genevieve  
Site for future Elementary School.

Sault-au-Recollet

Parts Lot 50 - Parish of Sault-au-Recollet  
Addition to Maple Hill School

Part Lot 13 - Parish of Sault-au-Recollet  
Site for future High School

Westmount

Lots 218 - Pt. 87 - Pt. 88 - Parish  
of Montreal  
Addition to Roslyn School

Lot 282 - 4A - Parish of Montreal  
Addition to Westmount Senior High  
School Site (Argyle Ave.)  
Later sold to Selwyn House Association

Parts Lots 1414 and 1415 - Parish of  
Montreal  
Westmount High School

Caretaker's Residences

Protestant Board of School Commissioners  
of Coteau St. Pierre

Montreal West High School	S.W. Part Lot No. 138-1 Parish of Montreal
------------------------------	--

Edinburgh School	Lot No. 112-346, Parish of Montreal
------------------	--

Protestant School Commissioners of Lachine

Lachine High School	Lot No. 897-377 Parish of Lachine
---------------------	--------------------------------------

Protestant School Commissioners of  
Lachine (cont'd)

Bronx Park School	Lot No. 996-174 Parish of Lachine
Cecil Newman School	Lot No. 960-pt. 121 Parish of Lachine
Courtland Park School	Lot No. 9-505 Parish of Lachine
Dorval Gardens School	Lots Nos. 872-236 South half and N. & gr.pt. 237 Parish of Lachine
Lachine Rapids School	Lot No. 993-251 Parish of Lachine
Meadowbrook School	Lot No. 898-107 Parish of Lachine
Surrey Gardens School	Lots Nos. 9-666 & E. pt.667 Parish of Lachine

Protestant School Commissioners of the  
City of Montreal

Dunton High School	Lot No. 391-1440 Parish of Longue Pointe
Malcolm Campbell High School	Lots Nos. 26-738 & 739 Parish of St. Laurent
Somerled School	Lot No. 156-129 Parish of Montreal
Northmount High School	Lots Nos. 111 - 240-1 & 241-1 Inc. Village of Cote des Neiges
Ahuntsic School	Lots Nos. 264 - S.E. $\frac{1}{2}$ 8, 264-9 Parish of Sault-au- Recollet
Dalkeith School	Lot No. 429-1346 Parish of Longue Pointe
Morison School	Lots Nos. 26-553 & 554, 30-49 & 50 Parish of St. Laurent
Mountrose School	Lot No. 190-153 Inc. Village of Cote de la Visitation
Ogilvie School	Lots Nos. 439-598 & 599 Parish of Sault-au- Recollet
Sinclair Laird School	Lots Nos. 634-N.W. Pt. 509 and 634-510 Parish of St. Laurent

Protestant School Commissioners of the  
City of Montreal (cont'd)

Sir Arthur Currie School	Lots Nos. 148-41 & 42 Parish of Montreal
Tetreaultville School	Lot No. 398-368 Parish of Longue Pointe
Westminster School	Lot No. 105-14 Parish of Montreal

Protestant Board of School Commissioners  
of Pointe-aux-Trembles

McLearn School	Lots Nos. 184-N.W. Pt. 129 and 184-130 Parish of Pointe-aux- Trembles
Montreal East School	Lots Nos. 100-257 & 258 Parish of Pointe-aux- Trembles

Protestant Board of School Commissioners  
of Sault-au-Recollet

St. Laurent High & Laurentide Schools	Lot No. 474-30-1 Parish of St. Laurent
Sir Winston Churchill High School	Lot No. 479-53 Parish of St. Laurent
Cedarcrest School	Lot No. 19-1414 Parish of St. Laurent
Elmgrove School	Lot No. 242-132 Parish of St. Laurent
Gardenview School	Lot No. 476-180 Parish of St. Laurent
Millar School	Lot No. 406-74 Parish of St. Laurent
Parkdale School	Lots No. 242-95-1 & 2 Parish of St. Laurent
Roxboro School	Lot No. 327-48 Parish of Ste. Genevieve
Westbrook School	Lot No. 240-1-44 Parish of St. Laurent
Westpark School	Lots Nos. 287-195 & 288-247 Parish of Ste. Genevieve
Versailles Gardens School (Now Herbert Purcell School)	Lots No. 108-N.W. Pt. 54 and 108-55 Parish of Ste. Genevieve

Protestant Board of School Trustees of Verdun

Verdun High School      Lot No. 4680-1052  
                                 Parish of Montreal

The School Commissioners for the Municipality of the City of Westmount

Westmount High School      Lot No. 941-Pt. 301  
                                 N.W. Pt.  
                                 Parish of Montreal

SALES - BUILT PROPERTIES

Protestant Board of School Commissioners of the City of Montreal

Alexandra School      Lot No. 380-7 to 12  
                                 St. Louis Ward

MacVicar School      Part Lots 50 and 53  
                                 Village of Hochelaga

Crystal Springs School      Parts Lot 2630  
                                 Parish of St. Laurent

Delorimier School      Part Lot 153  
                                 Delorimier Ward

Aberdeen School      Lot 1200-23  
                                 St. James Ward

Commercial High School      Lots 99-3 and P.99  
                                 St. Lawrence Ward

Fairmount School      Parts Lot 11  
                                 Inc. Village of Cote  
                                 St. Louis

Administration Building      Lots 1794-4, 5 & 6  
                                 St. Antoine Ward

The Protestant School Commissioners of Lachine

Dorval School      Cad. 829 and 830  
                                 Parish of Lachine

Strathmore School      Cad. 3-142  
                                 Parish of Lachine

Highlands School      Lots 940-207 to 209  
                                 and 266 to 268  
                                 Parish of Lachine

George Esplin School      Lots 421 and 422  
                                 Parish of Lachine

The School Commissioners for the School Municipality of the City of Westmount

Westmount Senior High      Lots 280-3, 4, 5 & 6  
                                 282-1, 2, 3, 6, 7, pt. 4  
                                 & pt. 5  
                                 Parish of Montreal

The School Commissioners for the School  
Municipality of the City of Westmount (cont'd)

442 Argyle Avenue  
Westmount

Lot 282-4A  
Parish of Montreal

SALES - VACANT LAND

Protestant Board of School Commissioners  
of the City of Montreal

Portions of Northmount High School Site

- a) Part Lots 112, 114, Inc. Village of Cote des Neiges
- b) Part Lot 114, Inc. Village of Cote des Neiges
- c) Part Lot 114, Inc. Village of Cote des Neiges

Taylor Site

Part Lot 326, Parish of Sault-au-Recollet

Portion of Malcolm Campbell High School Site

Part Lot 11, Parish of St. Laurent

Portion of Connaught School Site

Parts Lot 4669, Cote St. Luc

Portion of Amherst School Site

Parts Lot 480, Parish of Sault-au-Recollet

Portion of Verdun Playing Field

Lots 4679 - 1200 to 1202, 168 to 185,  
1205 to 1212, 148 to 155, 1181 to 1195  
and 140  
Parish of Montreal

Portion of Hohn Jenkins School Site

Portions of Lot 29, Mercier Ward

Portion of Merton School Site

Parts Lots 84, 85, Parish of Montreal

North End Site

Lots 633-533, etc. 634-547 etc.  
Parish of St. Laurent

Site at Marquette, Fabre & Alice Streets

Part Lot 483, Parish of Sault-au-Recollet

Site at 38th and 39th Avenues, Rosemount

Lots 189-431 to 509, Village of Cote des  
la Visitation

Site for High School - Maisonneuve

Parts of Lots 1A and 1, Hochelaga Ward,  
City of Montreal

Lot 149-589 Parish of Montreal (Mayfair  
Avenue)

Lot 48-14 Parish of Montreal (Circle Road)

These transactions may be classified as follows:

1. The nine purchases which were adversely criticized in the MacKay Report, identified by the # sign;
2. The purchases of school sites concerning which no criticism has been offered;
3. The purchase of caretakers residences;
4. Properties sold.

Because it has been suggested that in certain instances sites may have been acquired hastily and without sufficient investigation or foresight, while in others, that there may have been failure to act with proper diligence and expedition, it is considered proper to set out in considerable detail and in chronological order the developments and steps taken leading up to the purchase of each of the nine sites first above mentioned.

Of these the first to be dealt with will be that of the Millar School located in the South-east section of St. Laurent.

The purchase of the land on which the Millar School stands, acquired under deed of sale dated February 11th, 1957, represents the culmination of the persistent efforts, over several years, of the St. Laurent Board to obtain a site for a school in the South-east section in the Town of St. Laurent.

On November 3rd, 1952 the St. Laurent Board passed a resolution requesting the Greater Board to authorize negotiations for the purchase of a two-track school site in this area. This request was submitted to the Greater Board and the latter asked for and obtained a report relating to this area from its education officer Mr. O. B. Rexford. This report, dated November 28th, 1952, outlined housing development taking place in the South-east section of St. Laurent, and recommended purchase of a school site in that area, either North or South of Hodge Street and in the neighbourhood of Houde Street.

On January 9th, 1953 the St. Laurent Board wrote to the Director of Education, Mr. Sommerville, referring to its request of November 3rd, and asking for authorization to negotiate for the purchase of a site in the South-east section of St. Laurent.

On the 22nd of January 1953 Messrs. Craddock Simpson Co. reported to the St. Laurent Board concerning the difficulty of obtaining such a site.

On July 31st, 1953 the Director of Education wrote to the St. Laurent Board that the Planning and Building Committee, in its building development plan had recommended that an elementary school site be acquired in the South-east section of St. Laurent and that the St. Laurent Board be authorized to investigate the possibility of purchasing such a site.

It appears that the St. Laurent Board at

this time made various efforts to locate a suitable site in that area, all of which were unsuccessful.

On September 28th that Board wrote to Cosmos (Quebec) as to the possibility of acquiring five acres belonging to it, in the area of Hodge Street, but was advised that it had no land for sale.

On October 3rd, 1953 the St. Laurent Board reported to the Greater Board in respect of its efforts to find a suitable property and referred to an option to purchase 63,150 square feet at 65¢ per square foot. The Planning and Building Committee, however, considered that property to be inadequate but decided that Mr. Japp should meet with the St. Laurent Board to discuss the whole general problem and determine if other sites were available.

On January 8th, 1954 the St. Laurent Board applied to Canadian Bronze Company Limited with a view to purchasing a property on Hodge Street but was advised by this company that it had no land for sale for a school site.

In March 1954 the St. Laurent Board decided to seek an option to buy property located near Hodge Street at a price of 42¢ per square foot.

On April 1st, 1954 the Building Development Department forecast the need for a one-track elementary school at Place Benoit in South-east St. Laurent.

Messrs. Craddock & Simpson Co., had indicated a property fronting on Hodge Street which it was considered might be available and they were

authorized by the St. Laurent Board to endeavour to obtain a firm option on this property at the price of \$0.684 per square foot.

On May 3rd, 1954 the St. Laurent Board passed a resolution requesting the Greater Board to authorize the purchase of a property fronting on Hodge Street and on or about May 15th Scott & Percy Ltd., realtors, obtained an option to purchase this property, comprising 183,000 square feet at 90¢ per square foot.

The request of the St. Laurent Board for authorization to proceed with the purchase of this property was considered by the Planning and Building Committee and subsequently by the Greater Board. The latter requested further information and on May 25th Mr. Sommerville wrote the St. Laurent Board requesting more comprehensive information as to the need for a school in that area and as to the land sites available and a positive recommendation from the St. Laurent Board.

On May 26th, 1954 the St. Laurent Board passed a resolution requesting authorization to purchase the property covered by the Scott & Percy option at a price of 85¢ per square foot and the following day wrote to the Greater Board stating the need for a high school in the South-east section of the City, reviewing available land and prices and recommending the purchase of this property.

On June 3rd, the St. Laurent Board again wrote to the Greater Board in regard to industrial and housing development in the City of St. Laurent and enclosed drawings indicating

development in the Hodge Street area.

On June 11th, 1954 Mr. Japp wrote to Mr. Sommerville giving information concerning the number and distribution of pupils in the South-east section of St. Laurent and recommending the purchase of a site in that area. There ensued some correspondence between the St. Laurent Board and the Greater Board in regard to land values on Hodge Street, in the course of which the St. Laurent Board indicated that what it described as a "real estate squeeze" had developed in that area.

On June 17th the Planning and Building Committee recommended that the St. Laurent Board be authorized to commence proceedings to expropriate the land covered by the option obtained by Scott & Percy on May 15th, but that in the meantime negotiations to purchase this property be continued.

On June 22nd, the Greater Board passed a resolution authorizing the commencement of expropriation proceedings. The matter of expropriation, however, appears to have been referred by the Greater Board to its legal counsel who wrote an opinion on July 15th advising against expropriation and recommending a counter offer of 80¢ per square foot. In the meantime it appears that the St. Laurent Board continued its investigation of other possible sites in the area, and on August 2nd it wrote to Direct Motor Express Ltd. offering to purchase the latter's property fronting on Hodge Street at a price of 70¢ per square foot. The owner of this property, however, replied that it had no land for sale, and on August 23rd, the St.

Laurent Board wrote to College St. Laurent as to the possibility of purchasing lot 368 fronting on Hodge Street, at 60¢ per square foot, but received a reply to the effect that the college no longer owned this property.

The general situation was considered by the Greater Board and having regard to the fact that the option of May 15th, obtained by Scott & Percy, had lapsed, the St. Laurent Board was advised to "start from scratch" and look elsewhere.

On September 13th, 1954 Scott & Percy Ltd. wrote to the St. Laurent Board that it had an option on a property North of Hodge Street, comprising an area of about 153,600 square feet at a price of \$0.825 per square foot. This option was submitted to the Greater Board and on September 16th the Planning and Building Committee decided against accepting the option as did the Greater Board on September 20th.

This decision was based on the following considerations:

- a) that the expansion of residential development in the area was rather questionable;
- b) that the present school population (140 pupils) in the area did not warrant the erection of a school;
- c) that transportation of pupils to another school might be the best solution.

It was agreed, however, that the Planning and Building Committee should meet with members of the St. Laurent Board as soon as the figures deriving from the census then in progress were available and,

in the light of the information so obtained, discuss the problem of providing school accommodation.

On December 2nd, the St. Laurent Board passed a resolution requesting the Greater Board to reconsider its decision in regard to the purchase of a site in the Hodge Street area.

On December 9th, Mr. Japp presented a memorandum reporting to the Greater Board on the school population in the area. The following are excerpts from this letter.

"The numbers in Grades One and Two are sufficient to warrant the formation of two classes. If one could be sure this trend would continue, a recommendation for the erection of a one-track school would be quite in order.

However, it will be seen from the above figures that whereas 113 pupils were enrolled in Grades I-VI last session and these would normally be in Grades II-VII this year, only 105 pupils from this area are reported as being in attendance in these grades.

It would seem, therefore, that any increase in this district will come by regular stages from Grade One rather than through any general influx into the various elementary grades from I to VII.

For some time to come, the situation could be met by providing transportation. It is respectfully recommended that this be done for session 1955-56.

If, however, the enrolment from this area does, at some later date, increase sufficiently to warrant the construction of a school, there may be no suitable site available unless some precautionary measures are taken at this time."

On December 21st the Greater Board approved transportation of elementary pupils from the Place Benoit area to St. Laurent High.

On February 1st, 1955, Scott & Percy Ltd. advised the St. Laurent Board that they had obtained an oral option to purchase a site comprising 115,200

square feet, at 80¢ per square foot.

On February 2nd, 1955 Mr. Japp reported to Mr. Sommerville that for the period September 30th, 1954 to January 31st, 1955 the returns from St. Laurent High School re the Hodge Street area, showed four new pupils admitted to the school from this area and four transferred out of this area.

On February 2nd, the St. Laurent Board got, through Mr. Scott & Percy, an oral option to purchase property on Hillsdale Avenue comprising 125,000 square feet at 70¢ per square foot and passed a resolution requesting authorization from the Greater Board to take up this option or alternatively to purchase the property covered by the option of February 1st, above mentioned.

On February 5th the St. Laurent Board wrote to Mr. Sommerville referring to the various options which had been obtained and considered over the preceding months, indicating the prospect of further residential development and advising that the St. Laurent Board, at a meeting held the previous evening, had unanimously resolved to recommend the purchase of the property on Hillsdale Avenue, above referred to, but that, should the Planning and Building Committee prefer a smaller site on Hodge Street, the St. Laurent Board would be equally willing to recommend such a proposal.

On February 7th Mr. Cockhill wrote to Mr. Sommerville tabulating the school population in the Hodge Street area, Kindergarten to Grade VI, at 134 pupils.

On March 3rd, 1955 the Planning and Building Committee recommended that the St. Laurent Board should concentrate on acquiring a central school site, expressing the opinion that if this were done the purchase of a site in the Hodge Street area could be deferred.

On March 6th the options of February 1st and 2nd, above referred to, were cancelled.

On April 18th the St. Laurent Board wrote to the Greater Board that it was still interested in purchasing a site in the Hodge Street area and referred to its letter of February 5th.

From September 30th to October 12th, 1955 requests in the shape of correspondence were received from residents of the South-east section of St. Laurent urging the necessity for the erection of a school in that area.

On October 3rd a petition was forwarded to the Greater Board, at the instance of residents in the area, asking for the immediate planning and erection of an elementary school in the South-east section of St. Laurent. These requests were reviewed.

On January 26th, 1956 a letter was sent from Mr. Cockhill to Mr. Sommerville indicating that, with the exception of a small area, the Hodge Street district was saturated, with accommodation remaining for not more than twenty-four homes and that there were a total of one hundred and eighty-nine Protestant families resident in the area.

The St. Laurent Board continued its efforts to find a suitable school site and on March 1st, 1956 again wrote to Canadian Bronze Company but

was advised that it had no land for sale.

On April 24th, 1956, the Greater Board directed that negotiations should be opened with a view to arranging for the admittance of pupils from Place Benoit to the Russell School.

On May 10th the St. Laurent Board wrote to Mr. Sommerville expressing the opinion that "a site is still an urgent necessity in the Hodge Street area and it is the unanimous wish of the St. Laurent Board that your Board again reconsider the matter and authorize expropriation of a site North of the Place Benoit apartments."

On June 6th the St. Laurent Board wrote to Mr. Sommerville requesting a favourable recommendation in respect of a site for an elementary school in South-east St. Laurent.

On June 7th Mr. Japp wrote to Mr. Sommerville giving particulars of pupils attending St. Laurent High from the Place Benoit area and recommending that steps be taken to acquire a suitable school site in the Hodge Street area.

On June 13th the Planning and Building Committee passed a resolution leaving it to Mr. Wagar to consult with Mr. Hills, of the St. Laurent Board, and Mr. Japp in regard to the purchase of a suitable site.

On August 23rd, the option to purchase a property fronting on Houde Street, comprising 58,319 square feet, at \$1.25 per square foot, was received from S. Nelson.

On September 6th the St. Laurent Board resolved not to take up this option but to request authorization from the Montreal Board to expropriate a site on Hodge Street comprising about 125,000 square feet. This resolution, however, was rescinded by the St. Laurent Board on September 28th and that Board wrote to the Greater Board reviewing the situation and requesting the latter to again authorize the commencement of expropriation proceedings which might result in the acquisition of a property fronting on Hodge Street, owned by Canadian Bronze Company Limited, and in this letter indicated that Board's disagreement with Mr. Wagar's statement that there would never be need for more than a one-track school in the area but intimating that a one-track school might for the time being, at least, fill the need.

On September 25th the Planning and Building Committee resolved that the St. Laurent Board be authorized to purchase the property fronting on Houde Street, having an area of 58,310 square feet, at \$1.25 per square foot.

On September 25th the Greater Board passed a resolution authorizing the St. Laurent Board to purchase the said property at \$1.25 per square foot.

On September 26th Mr. Sommerville wrote to Mr. Nelson requesting the extension of the option, which request was granted.

On September 28th the Greater Board wrote to the Department of Education for the approval of the purchase.

On October 10th, the St. Laurent Board wrote to Mr. Nelson taking up the option.

On October 23rd, the Greater Board passed a resolution approving the purchase.

On December 10th the approval of the Department of Health was received.

On December 20th, the approval of the Quebec Municipal Commission was received.

On January 10th, 1957 the St. Laurent Board passed a resolution authorizing the purchase.

On February 8th, 1957 the approval of the Department of Education was received.

On February 13th, a deed of sale was executed between S. Nelson and the St. Laurent Board.

As noted above, although the St. Laurent Board first passed a resolution in 1952, requesting the Greater Board to authorize negotiations for the purchase of a school site in the South-east section of St. Laurent, it was not until February 11th, 1957 that a site was actually acquired.

An examination of the record reveals that this delay was attributable to a number of causes. In the first place the local Board requested a site sufficiently large to accommodate a two-track school and it was such a school that they continued to work for until late in the year of 1956.

Many unsuccessful attempts were made to acquire a site of sufficient size for a two-track

school. There developed some doubt, moreover, in the mind of the Greater Board as to what population increase could reasonably be anticipated and whether it would be sufficient to justify the erection of a school in that area. In fact in December 1954 it was reported that if the school population trend should continue the erection of a one-track school would be in order and eventually instead of buying land sufficient to accommodate a two-track school (approximately 125,000 square feet) the Board purchased a property having an area of 58,319 square feet, sufficient to accommodate a one-track school.

The acquisition of a suitable site was made extremely difficult by the fact that there was comparatively little land in the area acceptable for that purpose. Much of the vacant land was being developed industrially or was either unsuitable as to location or prohibitively priced.

Having regard to the circumstances, it would appear that both the local Board and the Greater Board acted with reasonable diligence and good judgment in acquiring the site upon which the Millar School was finally erected.

That the per square foot price of \$1.25, paid for this site, was high cannot be denied. However, the proof shows that it was in line with prices which were at that time being paid for other comparable properties in the area and the testimony of real estate experts, heard before the Commission, was that the price of \$1.25 per square foot represented the fair market value of the property purchased.

Moreover, although the price per square foot paid for the property is high, the Board actually purchased this school site, having an area of 58,319 square feet, at a price appreciably less than it would have had to pay for a site of 125,000 square feet (which would have been the area required for a two-track school) if such a site had been purchased in 1954. Evidence before the Commission is that both the site and the school erected thereon have proved fully adequate for the requirements of the district they were designed to serve and that it is probable that they will continue to do so.

As above noted the St. Laurent Board on several occasions requested the Greater Board to authorize the expropriation of a school site in this area and at one stage this authorization was actually granted although it was not proceeded with, the decision being to negotiate. The decision not to proceed with expropriation was based on the advice of legal counsel which advice appears to have been well founded, since in the light of the evidence, there would seem to be no reason to believe that expropriation would have resulted in the acquisition of this property, or any other suitable site, at a price lower than that which was paid.

WINSTON CHURCHILL HIGH SCHOOL

The Building Development Plan 1953/54 to 1959/60 forecast the need in 1956 for a new high school in the City of St. Laurent and recommended the acquisition of a site North of, or near de Salaberry Road, about half-way between O'Brien Blvd. and Perillias Blvd.

On November 3rd, 1953 the St. Laurent Board passed a resolution requesting the Greater Board to consider the acquisition of a site North of Deguire Street and in November 1956 appointed a committee to investigate the desirability of building a new high school.

On January 10th, 1957 the St. Laurent Board passed a resolution urging upon the Greater Board the necessity of purchasing, immediately, a new high school site.

On February 9th the St. Laurent Board wrote to Mr. Sommerville stressing the urgency of the matter and requesting the views of the Greater Board.

On February 14th, 1957 the Planning and Building Committee considered the matter of acquiring a new high school site in St. Laurent, as did the Greater Board on February 26th, and Mr. Cockhill was asked to obtain as much information as possible as to the location of the proposed expressway and what effect it might have on the site on Dudemaine Avenue and also supply a survey of building development in Ahuntsic and St. Laurent and report on alternative sites.

On February 27th Mr. Pope wrote to Mr. Sommerville reporting in respect of the new expressway and its probable effect on neighbouring property.

On January 31st, Mr. Sommerville had written to the Superintendent of Education requesting authority to make plans for the extension of the St. Laurent High School and on March 14th the Department of Education wrote to the Greater Board rejecting this

proposal and requesting the selection of a new high school site.

On March 25th the Greater Board passed a resolution authorizing the St. Laurent Board to investigate the possibility of acquiring a piece of land, which had been homologated as a park and was located near the Garden View School, as a site for a new high school.

On May 1st the St. Laurent Board passed a resolution recommending to the Greater Board the expropriation of a parcel of vacant land bounded by Dorais Street, Fraser Street and Alex Nihon Blvd. which resolution was communicated to Mr. Sommerville.

On May 8th Mr. Chisholm of the St. Laurent Board wrote to Mr. Sommerville reporting that Mr. Nihon was demanding \$2.00 per foot for land belonging to him.

On May 12th, the Planning and Building Committee considered the possibility of expropriating the piece of land bounded by Dorais Street, Fraser Street and Alex Nihon Blvd., but decided to defer action in the matter until a further report had been received. This decision was reported to the St. Laurent Board.

On May 30th Messrs. Ellison and Rapp, Notaries, wrote to the Greater Board offering a property fronting on Cote Vertu Road, comprising approximately 390,000 square feet, at a price of \$1.19 per square foot.

On June 5th the St. Laurent Board passed a resolution requesting the Greater Board to authorize the purchase of a piece of land fronting on Muir Street. This was reported to the Greater Board.

On June 9th the St. Laurent Board wrote to the Greater Board reporting that Mr. Nihon demanded a minimum of \$1.50 per square foot for his property and on the same date Mr. Oxley (Education Officer) wrote to Mr. Wagar, enclosing a forecast of the enrolment of high school pupils in the St. Laurent and other areas under the control of the St. Laurent Board, and concluding with the statement that by September 1961 a second high school, to accommodate about 750 pupils, would be required in the St. Laurent area.

On June 11th the Planning and Building Committee resolved to recommend to the Greater Board that it authorize the St. Laurent Board to take up the option for the purchase of the vacant piece of land fronting on Muir Street, above referred to, at a price of \$1.00 per square foot.

On June 17th however, the Greater Board authorized the St. Laurent Board to take up the option of Messrs. Ellison and Rapp, dated May 30th, for the purchase of the vacant land known as part of lot number 221 fronting on Cote Vertu Road and on June 23rd the St. Laurent Board wrote to Messrs. Ellison and Rapp offering to purchase the said property, at \$1.19 per square foot, which offer was accepted.

On July 2nd the Greater Board wrote to

the Department of Education requesting the approval of the purchase of the said property and on the 14th day of July received from the Department of Education the approval asked for.

On July 15th the Greater Board passed a resolution approving the purchase of the said property and on September 11th the approval of the Department of Health was received, to be followed on September 24th by the authorization of the Quebec Municipal Commission.

On October 2nd the St. Laurent Board passed a resolution expressing appreciation for the approval of the Greater Board and requesting the latter to authorize the erection of a new high school having a capacity for 1,200 pupils.

On October 3rd, Mr. Magar wrote to Mr. Japp indicating the intention to have the new high school available for September 1961.

On October 9th the St. Laurent Board wrote to the Greater Board reporting that it had been resolved unanimously to request permission for the erection of a 1200 pupil high school on the Cote Vertu site and on October 27th the St. Laurent Board passed a resolution authorizing the purchase of this site (approximately 390,000 square feet) for the price of \$464,100.00 (representing a price of \$1.19 per square foot).

On November 4th Mr. Oxley wrote to Mr. Pope reporting the result of a survey just completed in respect of the accommodation requirement for high school pupils in the St. Laurent and Cartierville, Ahuntsic and Park Extension areas and indicating that

"with only a moderate allowance for the continuing growth of the population in these two areas, the forecast figures lead to the obvious conclusion that in addition to the projected Dudemaine High School, a new 1200 pupil high school in St. Laurent will be a necessity by 1961".

On May 29th, 1958 one Benoit granted Mr. S. Landsman an option to purchase this property for \$292,500.00. The option, which was granted in consideration of the payment of \$1,000.00, was to be good and irrevocable until November 1st, 1958.

On October 21st, 1958 Landsman's companies, Twin Development Corporation et al, purchased the property from Benoit for \$292,500.00 and on December 5th, 1958 the St. Laurent Board purchased it from Twin Development Corporation et al for \$464,100.00.

On April 30th, 1959 there were rumblings of discontent in St. Laurent at what was considered to be the excessive profit made on the sale of this property to the Board and Mr. Sommerville wrote to Mr. Rowat reporting on the situation.

On May 12th, 1959 Messrs. DeBelle and Rowe wrote to Mr. Rowat reporting on the estimated market value of this land and indicating that in their opinion the price paid for it was reasonable.

On May 18th Messrs DeBelle and White reported to Mr. Guild concerning pile driving costs estimated at \$81,088.00.

On September 30th, 1961 the Winston Churchill School was opened and immediately filled to capacity.

Had the Board gone to Benoit in, say 1957, it is possible that it would have obtained a lower price than that paid in October 1958. However, there was the question as to what was to be done in regard to the extension of St. Laurent High School. The proposal to enlarge this school was finally rejected only in March 1958. Also even as late as January 1957 it had not been possible to determine how population growth was likely to develop.

The proof shows that there had been a very rapid increase in land values in the City of St. Laurent between the years of 1954 to 1958 and the evidence adduced before the Commission indicates that the price paid by the Board for this site was, in the circumstances, reasonable and in line with the current prices for comparable land in that area.

It has been suggested that the circumstances were such as to indicate expropriation. The undersigned considers it extremely doubtful that expropriation would have resulted in the acquiring of this property at a price lower than that paid. The opinion given by Messrs. DeBelle and Rowe on May 12th, 1959 that the price paid by the Board was reasonable was corroborated by the testimony of Messrs. Rowe, Abbott and Valiquette, who testified before the Commission.

The transaction involving the purchase of the Winston Churchill School site cannot be left however, without at least a brief reference to the fact that after the purchase of the property it was, apparently for the first time, realized that the existing sewer facilities which did not extend West of the site, were inadequate for the

requirements of the proposed school and as a consequence the Board was obliged to expend approximately \$20,000.00, in order to install a collector tank to handle the sewage discharged from the school.

Although it was intimated, before the Commission, that the Board had been given reason to believe, by the Municipality, that the water and sewage facilities were adequate there is no satisfactory evidence that such was the case or that this question received adequate consideration at that time. In fact it appears that there was no officer or employee of the Greater Board who was charged with the duty and responsibility of investigating and advising in respect of water and sewage services prior to the purchase of a property.

COTE ST. LUC Pt. of Lot 95

In the early stages of planning, the need for high school accommodation in the North-western N.D.G. area was emphasized. It was at first thought that adequate provision for this district had been made although the plan contemplated the possible erection of an additional high school on the Sir Arthur Currie site (which is in the North-western section of N.D.G., South of Cote St. Luc Road). However, rapid expansion of residential building in Cote St. Luc led to the realization that school sites should be acquired in the Town of Cote St. Luc before that area was all built up. The situation was complicated by several factors; i.e.:

a) a considerable area in the Town of Cote

St. Luc was owned by the Canadian Pacific Railway Company which was holding it for light industry;

- b) certain tracts of land were unserviced and the Town was noncommittal as to when services might be provided;
- c) some areas were zoned for industrial purposes;
- d) in areas where apartment buildings were permitted the owners were not interested in selling.

The need for a high school in the Town of Cote St. Luc was first predicted in the Building Development Plan of 1953/54 to 1959/60.

On April 5th, 1954 Mr. Perks, Education Officer, wrote to the manager of the real-estate department of the C.P.R. indicating that the Montreal Board would be interested to know whether that Company would consider disposing of about twelve acres of land, suitably located North of the proposed Montcalm Street on lot 95, on which it was planned to erect a school.

As a result of this letter Mr. Perks was requested to submit a rough sketch of the approximate location in which the Board was interested, in order that the inquiry might be referred to the proper officials of the Railroad Company. This was done but the Board was subsequently advised that the C.P.R. was not interested in selling land for the purposes of a school site in that area.

In November 1954 Mr. Pope submitted a report in regard to high school accommodation West

of Decarie Blvd. and recommended the erection of a high school either on the Sir Arthur Currie site or on a lot in the Town of Cote St. Luc. On the 15th day of December 1954 the Planning and Building Committee considered Mr. Pope's report and after discussion unanimously resolved:

- "I. that the Director should write to the Cote St. Pierre Board drawing attention to the situation and asking for their recommendation regarding a site for an elementary school South of the C.P.R. tracks.
- II. that Mr. A. M. West, Q.C. be requested to submit a report giving the status of the park-school agreement, in view of the recommendation that a high school be erected on the Sir Arthur Currie Site."

On October 14th, 1955 the Planning and Building Committee recommended the purchase of a high school site in Cote St. Luc but on November 3rd at a meeting of the Planning and Building Committee the following recommendation was adopted:

"that a site be secured for another high school (1200 capacity) in N.D.G. or Cote St. Luc, the school to be ready for September 1960."

Since the need for this school was not urgent it was decided to report the matter to the Montreal Board for their consideration and appropriate action.

At a meeting of the Planning and Building Committee held on November 20th a lengthy discussion took place concerning:

1. the difficulty in obtaining capital funds,  
and
2. the matter of making the best use of existing high school accommodation and the

building of new schools and additions to schools only when there was need.

As a result, the Committee's November report in regard to high school accommodation was referred to the Deputy Director and Education Officers for review and a further report and recommendation.

On January 14th, 1958 the Education Officers submitted a report on high school accommodation in which it was forecast that high school enrolment would increase at a much faster rate than the Board's current building programme contemplated and it was urgently recommended that additional measures be decided upon immediately in order to provide buildings to be required in 1960 and 1961.

On January 17th Mr. Cockhill submitted a report in regard to high school accommodation needs in Cote St. Luc in which he noted the rapid growth of the community and school population, indicating that about one-half the residential spaces awaited development and that zoning regulations and construction forecast portended an increase in duplex and apartment house construction, from all of which he assumed that the present population of something over 6,000 would become not less than 12,000.

Both Messrs. Pope and Cockhill on many occasions urged the Montreal Board, both orally and in writing, to secure one or more school sites in Cote St. Luc.

On March 10th, 1958 Mr. Pope wrote to Mr. Wagar stating factors governing the selection of a high school site in Cote St. Luc and recommending the purchase of from seven to eight acres

either North or East of the Civic Center.

On May 22nd, Messrs. Scott & Percy Ltd., realtors, wrote to the Greater Board, (attention Mr. Wagar), stating that they were in a position to offer part of lot 95, bounded by Kildare Avenue on the North and Guelph Avenue on the South, comprising 300,000 square feet at \$1.10 per square foot.

On June 5th, 1958 Mr. Cockhill submitted a memorandum to Mr. Pope in regard to the proposed high school site in Cote St. Luc and referred in particular to lot Cadastral Number 23.

On June 17th Mr. Cockhill submitted another memorandum in regard to various parcels of land concerning which investigations had been made.

On June 18th Messrs. Scott & Percy Ltd. wrote to the Greater Board drawing its attention to a property forming part of the Goyer Estate, part of which had recently been put up for sale at a price of \$1.00 per square foot. That part of the property fronting on Cote St. Luc Road was being offered at the price of \$3.00 per square foot because it was in the zone where apartment buildings were permitted.

On June 20th, 1958 Mr. Cockhill submitted a memorandum to Mr. Pope in regard to part of lot Cadastral Number 101 which was being offered at a price of \$1.00 per square foot, subject to reduction in area due to provision for streets, the effect of which would be to increase the price to \$1.30.

On June 25th Mr. Pope wrote to Mr. Wagar stating the basis for the recommendation of the

selection of a high school site in Cote St. Luc, enclosing a report relating to various properties investigated, and expressing the opinion that only one of these was suitable for the Board's needs, this being part of lot 95. A verbal offer to sell this site had been secured by Scott & Percy Ltd. at \$1.10 per square foot. This letter bears a notation to the effect that one Koslov had sold this property to Federal Construction for \$1.25.

On August 22nd Mr. Wagar wrote to the Mr. Macham of the C.P.R. in regard to lots 95 and 98 inquiring as to whether land might be available for sale to the Board as a site for the urgently needed school.

On August 25th a letter from Mr. Macham to Mr. Wagar acknowledged receipt of his above-mentioned letter and advised that this property had already been sold.

On September 3rd, Mr. Wagar wrote to Mr. Neilson, Treasurer of Cote St. Luc, soliciting the co-operation of the Town in the matter of assisting the Board in the acquisition of a school site at the price at which the then owners had purchased it from the C.P.R.

On October 20th Federal Construction Ltd. gave an option to the Greater Board, offering part of lot 95, approximately 346,000 square feet, at \$1.40 per square foot. Subsequently at the instance of Mr. Rowat, Mr. Hornstein agreed to modify the option by reducing the area involved to 270,450 square feet. The evidence indicates that it was impossible to negotiate any lower price with Mr. Hornstein.

On October 27th, Mr. Cockhill wrote to Mr. Pope reporting on four different parts of lot 95 respectively.

On November 3rd Mr. Pope wrote to Mr. Rowat reporting on part of lot 95, South of Wavell, comprising 386,099 square feet, priced at \$1.55 per square foot. It was stated that there was ample room for high school and playing fields and that the site was suitably located to serve the residential area of Cote St. Luc, although one block or two North might be slightly preferable.

On November 6th Mr. Pope wrote to Mr. Sommerville reporting to the same effect.

On November 11th the Montreal Board passed a resolution recommending to the Planning and Building Committee that it be authorized to purchase land offered by Federal Construction in their letter of October 20th, comprising 270,505 square feet at a price of \$1.40 per square foot.

On November 12th the Planning and Building Committee passed a resolution recommending to the Greater Board that the Montreal Board be authorized to purchase the said property, and on November 25th the Greater Board, by resolution, authorized the purchase.

On November 26th Mr. Sommerville wrote to Federal Construction Ltd. offering to purchase the said property at \$1.40 per square foot subject to the usual conditions.

On December 18th the Greater Board wrote to the Department of Education requesting approval

of this purchase and on February 10th, 1959 the approval of the Department of Education was received, to be followed on February 18th, 1959 by a letter of approval from the Department of Health.

On February 27th the Greater Board passed a resolution approving the purchase.

On March 6th a letter was received from the Quebec Municipal Commission approving the purchase.

On April 28th the Montreal Board passed a resolution authorizing the purchase.

On April 28th the Greater Board passed a resolution approving the purchase, and on April 27th the Montreal Board requested the issuance of a cheque, by the Greater Board, for the sum of \$375,982.60.

On April 27th, 1959 Federal Construction Company bought the property, with greater extent, from the C.P.R. at 52¢ per square foot, and on May 14th, 1959 the Board bought the property from the Federal Construction Company at \$1.40 per square foot.

On June 1st, 1960 the Master Plan, Section V item 9 forecast the need for an elementary one-track school on this site within six to nine years.

On October 28th Mr. Pope wrote to Mr. Japp tabulating pupil enrolment and forecasting development for the next year.

On November 11th the Greater Montreal

Board wrote to the Department of Education stating the need for two more high schools in the Cote St. Luc area.

On January 11th, 1961 Mr. Wagar wrote to Mr. Guild attaching a plan of lot 85, North of Mackle Road, and stating that he had received an offer of land in this section and requesting a report as to whether this site fell within the area of future planning.

On September 18th, 1961 the Greater Board offered to sell to the City of Cote St. Luc that part of lot 95 comprising 268,617 square feet which the Montreal Board had acquired from Federal Construction Company.

On September 28th the Town of Cote St. Luc replied that the City was not interested in purchasing this property.

On September 28th Mr. Guild wrote to Mr. Japp reporting in respect of various sites in Cote St. Luc and the crowded conditions of Westminister School etc., as well as alternative methods which might be resorted to in order to relieve overcrowding.

On November 7th Mr. Guild wrote to Mr. Japp commenting on Lot 115 as a possible site.

On April 9th, 1963 Mr. Pope wrote to Mr. Japp in regard to the possibility of selling part of lot 95 and strongly recommending that the disposal of this land be not considered until it was known specifically when and where a future elementary school should be erected in Cote St. Luc.

On April 16th the Montreal Board passed a resolution that no action be taken at the present with regard to the sale of part of lot 95.

On November 6th, 1963 Mr. Campbell wrote to Mr. Pope reporting on school accommodation in Cote St. Luc and indicating that it was clear that additional accommodation in Cote St. Luc was desirable for September 1964, and would be a necessity for the following year.

On November 7th, 1963 Mr. Guild wrote to Mr. Pope advising that lot 86 be retained until a final zoning plan had been issued by Cote St. Luc and the question of Cavendish or other large traffic areas had been resolved and actual building is under way.

The suggestion that this property is unsuitable for a school is not supported by the proof. Mr. Pope in his letter to Mr. Rowat of November 3rd, 1958 indicated that the site was satisfactory although apparently he had a slight preference for one a little further to the North. It is clear that at the time there was very little suitable land available and that all or nearly all of such land, as was available, was controlled by Mr. Hornstein.

There is no doubt that Mr. Hornstein made a very substantial profit on this sale, however, it has not been shown that the Board could have acquired other suitable land for less than it paid for the site purchased.

When it suddenly became apparent to the C.P.R. that the area was not going to be rezoned

for industry, it had no further use for the large block of undeveloped land it had been holding. It therefore decided to sell this land en bloc to the highest bidder and to this end communicated with a number of real estate companies and land speculators with the result that one Koslov, through two of his companies offered 52¢ per square foot for this land, less however approximately 380,000 square feet, this being the Southern portion of lot 95, which was subject to homologation for a prospective civic center. This offer was accepted.

Subsequently Mr. Hornstein purchased this land from Koslov's companies at the price of \$1.00 per square foot and from the C.P.R. that portion of lot 95 which was subject to homologation at a price of 52¢ per square foot.

As a result, Mr. Hornstein then had control of practically all of the land in Cote St. Luc, which might have been suitable for the Board's purposes.

As early as 1954 the Board had endeavoured to purchase a school site in this area from the C.P.R. but was advised that the company had no land for sale. A further effort was made in August 1958 but the Board was advised that the Company had already accepted Mr. Hornstein's offer. It is apparent in any case that the C.P.R. was not interested in selling its property piecemeal.

The proof, including the testimony of real estate experts engaged by the Commission, is unanimously to the effect that, considering current sales of comparable property in the area, the price

paid by the Board was not excessive and that there was little, if any, chance of the Board acquiring suitable land for less than it paid for this property.

The undersigned is satisfied, on the basis of the proof made, that even if expropriation had been resorted to, there was in the circumstances little, if any, reason to expect that the Board would have acquired the property for less than it paid.

Before agreeing to sell to Mr. Hornstein, the C.P.R. offered to sell land to the City of Cote St. Luc for its projected Civic Center at a price of less than 35¢ per square foot. This offer was not accepted. Had the City (which was well aware of the Board's desire to obtain a school site in the area) co-operated with the latter there is every reason to believe that the City and the School Board would have been able to acquire land suitable and adequate for a school site and a civic center at a cost per foot which would have been a mere fraction of what the Board paid for its site. Further reference will be made to the desirability for intelligent Town Planning and collaboration between Municipal and School Authorities in new areas. The absence of such planning and co-operation is one of the most unfortunate and costly aspects of this particular transaction.

WAGAR HIGH SCHOOL

The history of this property is identical with that of lot 95, above mentioned, up to the item of September 3rd, 1958.

On November 28th, 1958 an offer to sell lots 82B and 82D in the City of Cote St. Luc was received. This site, however, was investigated and on December 9th Mr. Pope reported to Mr. Sommerville that it was not centrally located for future school population and he did not recommend its purchase.

On October 29th, 1959 the Greater Board received an offer to sell part of lot 98 comprising 233,250 square feet at \$1.50 per square foot.

On November 6th, 1959 Mr. Pope wrote to Mr. Sommerville pointing out that, since this site was somewhat less than half a mile from Westminster School, another site located at a greater distance would serve the North-east area more adequately and indicating that further consideration would be given to the matter and a report submitted.

On November 9th J. P. Dupuis Ltd. wrote to the Greater Board (attention Mr. Wagar) offering to sell a parcel of land designated as part of lot 97 and part of lot 98, comprising 389,880 square feet at \$1.50 per square foot, and on the same day Mr. Wagar submitted a memorandum recommending that the Board authorize the purchase of a school site in the area between Kildare and Merton Roads and then use property forming part of lot 95 for an elementary school.

On November 10th Mr. Pope wrote to Mr. Sommerville concerning two or three developments which were causing concern in connection with the Board's plan for high and elementary schools in the area North of the C.P.R. tracks. These were:

- a) an apparent tendency to rezone industrial areas into residential; and
- b) reluctance on the part of the Municipality to extend services Eastward, thus rendering the site on Cadastral Lot 86 inaccessible.

This lot had been acquired by the Board some years previously, when Mr. Pope suggested that serious consideration be given to acquiring land in the area North-east of Westminster School.

On November 10th the Montreal Board passed a resolution recommending to the Planning and Building Committee that an appraisal be obtained of parts of lots 97 and 98 comprising 389,880 square feet, offered by J. P. Dupuis Ltd.

On November 16th the Greater Board wrote to the Department of Education requesting its approval of the purchase of this property.

On the 18th day of November, Mr. Rowe wrote to Mr. Sommerville valuing this property at from \$1.25 to \$1.75 per square foot and expressing the opinion that the Board would have to pay at least \$1.25 per square foot, or more.

On November 18th the Planning and Building Committee considered the option pertaining to this property and decided to forward it and the appraisal to the Greater Board for consideration.

On November 24th, the Greater Board passed a resolution authorizing the Montreal Board to purchase this property at a price not to exceed \$1.50 per square foot, but strongly recommended that an

attempt be made to obtain reduction in the price. As a result of further negotiations the price was reduced to \$1.46 per square foot and on November 26th J. P. Dupuis Ltd. wrote to the Greater Board agreeing to the said reduction and granting the Board a thirty-day option to purchase at that price.

On December 10th the Greater Board wrote to J. P. Dupuis Ltd. accepting its offer to sell at \$1.46 per square foot.

On January 14th, 1960 the Greater Board received a letter from the Director of Protestant Education refusing to recommend the purchase of this site although the Department of Health was apparently satisfied with it.

On January 25th the Montreal Board wrote to the Department of Education requesting that it reconsider the matter and approve the purchase of this site and on February 12th the Director of Protestant Education wrote to Mr. Japp that the matter had been reconsidered and in view of the circumstances outlined by Mr. Japp the Department now approved the purchase of this site, and on March 2nd the Board received the authorization of the Quebec Municipal Commission.

On February 23rd, 1960 the Greater Board passed a resolution approving the purchase of this property and on March 22nd the Montreal Board resolved to buy the site, it being parts of lots 97 and 98 (approximately 364,948 square feet) for the price of \$532,824.00. This purchase is evidenced by formal deed of sale dated April 1st, 1960.

On October 14th, 1958 Federal Construction offered to buy from the C.P.R. parts of lots 95, 97, 98, 99, 101, 564 and 565 for the price of 52¢ per square foot and accompanied its offer with a cheque for \$10,000.00. The C.P.R., however, by letter dated October 23rd, 1958, replied that they were unable to accept the offer.

On August 7th, 1959, J. P. Dupuis Ltd. submitted a formal offer to purchase from the C.P.R. lots pt. 95, pt. 97, pt. 98, pt. 99 and pt. 101 comprising about 1,550,000 square feet at 52¢ per square foot and on September 28th, 1959 the C.P.R. wrote to Mr. Hornstein advising him that his offer was approved in principle, subject however to a number of conditions which were outlined in the said letter, but related in general to the relocation of the homologated line of Mackle Road in order to allow for the installation of additional trackage, the allowance of the continuation of Parkhaven Avenue, relocation of high power lines, sewers and other conditions which apparently were met; and J. P. Dupuis Ltd. acquired this property from the C.P.R. under deed of sale dated August 12th, 1960.

On June 1st, 1960 the need for a high school in this area within three to five years, was forecast (Master Plan, Section V, item 9).

On October 28th, 1960 Mr. Pope wrote to Mr. Japp attaching tabulation of high school enrolment and forecast and recommending the construction of a high school (Wagar High School).

On November 11th Mr. Wagar wrote to Mr.

Guild re. the option to purchase property forming part of lot 85 North of Mackle Road on or near the extension of Cavendish Blvd. This letter bears a note initialled by Mr. Pope indicating that this property is located in an industrial zone - "school not required here unless property is rezoned and even then, this site should be further West."

On January 10th, 1961 Mr. Rowat wrote to Mr. Wagar advising that J. P. Dupuis Ltd. was prepared to sell 180,000 square feet of land immediately East of the school site already purchased, at a price of \$1.46 per square foot. Mr. Rowat pointed out that this land, if it were acquired, might serve as a playing field or as a site for a new elementary school.

On January 27th J. P. Dupuis Ltd. wrote to the Greater Board granting it an option to purchase 225,363 square feet forming part of lot 95 at \$1.46 per square foot.

On January 30th J. P. Dupuis Ltd. wrote to Mr. Rowat agreeing to repurchase this lot at the same price should it be found not to be required by the Board.

On February 14th the Montreal Board passed a resolution recommending to the Planning and Building Committee that the Montreal Board be authorized to accept the option of January 27th of J. P. Dupuis Ltd.

On February 14th the Planning and Building Committee passed a resolution recommending to the Greater Board that the Montreal Board be authorized to purchase the property.

On February 21st the Greater Board authorized the Montreal Board to accept the option.

On February 22nd the Montreal Board wrote to J. P. Dupuis Ltd. offering to purchase the property.

On March 22nd the Greater Board wrote to the Department of Education requesting approval.

On April 25th the Montreal Board passed a resolution authorizing the purchase of approximately 221,094 square feet at \$1.46 per square foot.

On April 26th, the Department of Education and Department of Health wrote to the Greater Board approving the property as a school site.

On April 26th, 1961 a deed of sale was executed by J. P. Dupuis Ltd. to the Montreal Board for the price of \$323,979.84.

This land, apparently, formed part of the 1,550,000 square feet purchased by J. P. Dupuis Ltd. from the C.P.R. on August 12th, 1960. It was conveyed by J. P. Dupuis Ltd. to Mlle. Langlais on August 30th, 1960 and resold by her to J. P. Dupuis Ltd. on April 4th, 1961.

Much of what has been written concerning the circumstances surrounding the purchase of part of lot 95 applies to this transaction.

Although the Department of Education at first refused to approve this site, apparently because of its proximity to the railroad marshalling yards, it reversed this decision and granted its approval when the situation was further explained

and it was realized that no other site was available. In fact, it appears that the proximity of the marshalling yards has not interfered with the operation of the school or resulted in the slightest annoyance. This was the testimony of the principal of the school and of others.

What has been written concerning the price paid by the Board for part of lot 95 applies equally in the case of this property on which is erected the Wagar High School. All of the evidence submitted indicates that the site is suitable and the Board acquired the property for a price which did not exceed that paid in current sales of comparable properties in the area.

#### ST. LEONARD DE PORT MAURICE

The next three land purchases to be considered are the three school sites acquired in the Municipality of St. Leonard de Port Maurice. However, before dealing with these in detail, it seems desirable to outline briefly the historical background of Protestant Education in that municipality.

On April 20th, 1953 the Montreal Metropolitan Commission passed the first of its resolutions regarding the homologation of certain land for the purpose of developing the Metropolitan Boulevard Eastward from Decarie Boulevard.

The first contract for the construction of this project was awarded on July 4th, 1956.

As the project proceeded Eastward it

seemed reasonable to suppose that, because of the improved communications, considerable change might occur in two relatively undeveloped areas, viz. St. Michel and St. Leonard de Port Maurice.

The Master Plan Report took cognizance of this possibility and suggested one long range site in St. Michel and three others in St. Leonard de Port Maurice, to guard against any mushrooming development.

St. Michel had been part of the School Municipality of Montreal, for Protestant purposes, since 1952 but St. Leonard de Port Maurice was still outside the Montreal Board area when the Master Plan Report was issued in June 1960.

It also appeared that the Board could anticipate considerable revenue from the proceeds of the Neutral Panel tax if St. Leonard de Port Maurice became part of Montreal for Protestant school purposes.

In August 1960 Mr. James A. Russell, Tax Officer of the Greater Board, completed a survey of this municipality to determine the population of non-Catholics. The result of Mr. Russell's survey was reported to the Board on September 2nd, 1960. This report estimated that, if St. Leonard de Port Maurice had formed part of the Board's territory in 1960/61 the Board's revenue would have been increased by \$50,000.00 as a result of the partition of the proceeds from the Neutral Panel.

In February 1961, Mr. Russell was asked to circulate a Notice of Dissent with the aim of

assisting the local Protestant ratepayers in becoming organized as a dissentient board.

This notice, which was signed by eight Protestant dissentients, was not acted upon by the authorities in Quebec.

The delay was occasioned by the fact that the first step needed to ensure annexation to the Montreal Board was the erection of a dissentient Board and this move was questioned by the St. Leonard Catholic School Commission. By the time this difficulty was cleared up it was too late for appropriate action to be taken before July 1st, the beginning of the school tax year.

In March 1962, Mr. Russell was asked once again to circulate a Notice of Dissent amongst the Protestant residents of St. Leonard.

This Notice of Dissent, duly signed by 58 ratepayers and tenants, was forwarded to the Superintendent of Education on April 5th, 1962.

On April 11th, 1962 the Superintendent of Education advised the Greater Montreal Board that the dissent would take effect for election purposes on June 1st, 1962 and for all other purposes on July 1st, 1962.

On June 4th, 1962 a meeting of Protestant electors was held between the hours of 12 noon and 2:00 p.m. at the Town Hall, 5705 Jarry Street East, St. Leonard.

At this meeting three Protestant trustees were elected by acclamation.

On July 6th, 1962 at a meeting of the Protestant School Trustees of St. Leonard a resolution was passed requesting complete union with the Protestant Board of School Commissioners of the City of Montreal.

This resolution was supported by a petition signed by more than two-thirds (2/3) of the Protestant proprietors entered on the valuation roll of the municipality of St. Leonard.

On October 17th, 1962 the Protestant School Municipality of St. Leonard was annexed, effective from November 1st, 1962, to the Protestant Board of School Commissioners of the City of Montreal, under Order-in-Council No. 1766.

As will be noted the three school sites acquired by the Montreal Board in St. Leonard were purchased prior to and in anticipation of the annexation of the Protestant School Municipality of St. Leonard to the Montreal Board. These properties were, with the exception of the Buchanan School which was to be erected immediately, required as part of the long range planning programme at a time when a considered forecast of Protestant population growth in that area seemed to indicate that, in the not too distant future, schools on these sites would be required. Following the year 1955 there had been a steady increase in Protestant school enrolment in that area. However in the school year 1960/61 the enrolment in the Ogilvy School (Cote St. Michel) which had increased from 286 in 1955, when it opened, to nearly 600 in 1959, started to decrease. It appears that there was a shifting of Protestant population from the East end of the City to the

Saraguay - Pierrefonds area and this shift apparently was related to various causes, one of which was the announcement of the proposed plan for a subway.

As a result of this steady and unexpected shift in population, implementation of the plans which the Board had for the erection of schools on these three sites had to be deferred. The properties however are still owned by the Board and the fact that the population in St. Leonard de Port Maurice has since increased and is still increasing makes it not improbable that it will become necessary to erect a school on one or more of them in the reasonably near future. In the meantime land values in the area have also increased and it would appear that these sites now have a market value substantially in excess of the price which the Board paid for them.

The purchase of these three sites in St. Leonard has been criticized on the ground that the Protestant population in that municipality was not sufficient to justify the building of schools either at that time or in the near future. It is pointed out that as of March 1963 there were only 43 Protestant pupils in the City of St. Leonard de Port Maurice.

In reply to this criticism various school officers stated that these schools were not intended to serve only the residents of St. Leonard but also the needs of St. Michel and other neighbouring areas.

THE BUCHANAN SCHOOL - LOT 370

of April 1st, 1954 contains a statement that the area to the North and East of the Ogilvy School in the City of St. Michel and the Mountrose School in the City of Rosemount should be watched for increased and new development.

On December 12th, 1958 Mr. Cockhill submitted a memorandum to Mr. Pope forecasting the need for a school in St. Michel.

On March 11th, 1959 Miss Law (Education Officer) wrote to Mr. Pope reporting on elementary school needs in the area and recommended the purchase of a school site in the Town of St. Leonard de Port Maurice at alternative locations, including East or West of Pie IX Blvd. and North of Robert Street.

On June 3rd, 1959 Mr. Pope sent a memorandum to Mr. Wrightson recommending the purchase of sites and the erection of two-track elementary schools, one in St. Michel and the other in St. Leonard de Port Maurice.

On September 14th, 1959 Nordic Development Corporation offered to sell part of lot 370 (200,000 square feet) at a price of 98¢ per square foot and on September 18th Messrs. Scott & Percy Ltd. wrote offering to sell about 300,000 square feet bordering on Metropolitan Blvd. and Cote St. Michel Road at \$1.10 per square foot.

On October 13th Mr. Pope wrote to Mr. Sommerville commenting on both of these options and recommending that of Nordic Development Corporation in preference to that offered by Scott & Percy.

On October 13th the Montreal Board passed a resolution submitting the offer of Nordic

Development Corporation to the Planning and Building Committee for consideration and advising Scott & Percy Ltd. that the site offered by them was not suitable, but that the Board would be interested in examining property in the vicinity of St. Michel Blvd. and 38th and 39th Avenues.

On October 16th Mr. Guild wrote to Mr. Sommerville reporting on the property covered by the Nordic Development option and indicating that this site was suitable although other sites might be available. It is apparent from his testimony however that he only knew that there was other vacant land in the vicinity but had no knowledge as to whether or not it was available.

On October 16th Mr. Guild wrote to Mr. Sommerville reporting that the property offered by Scott & Percy was not in a desirable location and on October 16th the Montreal Board wrote to Scott & Percy Ltd. advising them that the Board required a property more centrally located.

On October 20th J. E. Pitt, realtor, wrote to the Montreal Board giving his appraisal of part of lot 370, which he valued at 60¢ per square foot.

On October 21st the Nordic Development Corporation offer was considered at a meeting of the Planning and Building Committee and it was decided to request the extension of this option and obtain a second appraisal.

On November 16th the Greater Board wrote the Department of Education requesting approval of

this site and a certificate from the Department of Health.

On November 18th a letter was received by the Greater Board from Mr. Rowe valuing this property (part of lot 370) at 65¢ per square foot but suggesting that further investigation should be made to determine if any other land was available. On the same date the Planning and Building Committee referred the matter back to the Montreal Board with the recommendation that negotiations be resumed.

On December 1st, the Greater Board received a letter from the Department of Education approving the purchase of the property (part of lot 370).

On December 8th the Montreal Board considered the recommendation of the Planning and Building Committee and directed Mr. Wagar to continue his efforts to obtain a more acceptable price.

On January 27th, 1960 the approval of the Department of Health in respect of this property was received.

On February 4th Mr. Wagar wrote to Mr. Pitt stating the Board's requirements in the way of a school site and requesting an option on property which would meet these requirements. A similar letter was sent by Mr. Wagar to Mr. Rowe but the latter pointed out that he could not undertake to look for a site as this was outside the sphere of his practice as an evaluator.

On February 9th the Montreal Board decided "that no further action need be taken at

this time regarding a site for an elementary school in St. Leonard de Port Maurice, but that care should be taken to see that this item was included in the long range planning provision established by the planning division of the Department of New Buildings".

On February 17th Mr. Pitt wrote to Mr. Wagar enclosing a plan of land on lot 383, fronting on Jarry Street, comprising 200,000 square feet, the price of which was stated to be 65¢ per square foot; and on the 25th of February Mr. Pitt wrote to Mr. Wagar offering an alternative site of the same size and price located in the Northwest corner of St. Leonard de Port Maurice.

On February 29th Mr. Wagar wrote to Mr. Pitt advising him that neither of the sites above referred to was acceptable. It was considered necessary that the site purchased should be either in St. Michel or if in St. Leonard it should border on St. Michel. This apparently was considered necessary both from the point of view of the accessibility of the school to the population and in order that the water and sewage systems of St. Michel might be made available.

On March 21st Mr. Wagar wrote to Mr. LeRoy (Tax and Census Officer of the Greater Board) requesting him to ascertain from the City of St. Michel that water and sewage services would be supplied and Mr. LeRoy on the same date wrote to Mr. Wagar reporting that he had made inquiries at the St. Michel City Hall concerning the possibility of having the school located on part of lot 370 provided that sewage and water services from the City of St. Michel were available. Mr. LeRoy indicated that he

had been assured by the Secretary-Treasurer of the City of St. Michel that that municipality "would supply the necessary services, provided that the Board undertake the cost of the work of laying sewage and water pipes from the proposed school to the Eastern limits of the City of St. Michel". Mr. LeRoy reported that Mr. Goulet had stated that in the preceding year sewage and water services had been supplied to the new Roman Catholic Church on the above-mentioned basis.

On March 28th Mr. Wagar wrote to Mr. Japp reporting in regard to his efforts to obtain an elementary school site in St. Leonard de Port Maurice and concluded with a recommendation that the Montreal Board be authorized to make an offer to Nordic Development Corporation for this property, subject to all of the usual approvals, at the price of 90¢ per square foot.

On March 24th Mr. Pitt wrote to Mr. Wagar reporting his inability to find alternative comparable sites, other than the ones above-mentioned.

On April 12th the Montreal Board passed a resolution recommending to the Planning and Building Committee that it be authorized to offer to buy part of lot 370, comprising 200,000 square feet, at a price of 90¢ per square foot and on April 13th the Planning and Building Committee recommended to the Greater Board that the Montreal Board be authorized to submit an offer to Nordic Development Corporation to purchase this property at the price of 90¢ per square foot, subject to the usual conditions and approvals.

On April 19th the Greater Board passed a resolution authorizing the Montreal Board to purchase the said property on these terms and subject to these conditions.

On April 20th the Montreal Board wrote to Nordic Development Corporation offering to purchase the said property as authorized and Nordic Development Corporation by its letter to the Montreal Board dated April 26th accepted the offer.

On June 3rd the Quebec Municipal Corporation wrote to the Greater Board approving the purchase of this property.

The Master Plan (Exhibit C-12) of July 1st, 1960 forecast a need for an elementary school in this area within a period of from two to four years.

On July 19th the Montreal Board passed a resolution authorizing the purchase of part of lot 370 having an area of 219,567 square feet, at a price of 90¢ per square foot, and on August 26th the Montreal Board requested the Greater Board to issue a cheque for \$197,610.30, payable to Mr. G. L. VanVliet, in trust. On September 28th, 1960 the deed of sale from Nordic Development Corporation to the Montreal Board was passed before Notary VanVliet.

Although as above noted, Mr. LeRoy appears to have obtained oral assurance from the Secretary-Treasurer of St. Michel on or about March 21st, 1960 that St. Michel would be prepared to supply water and sewage services to this site on certain conditions, no such assurance in writing was asked for or obtained, nor, apparently, was the

City of St. Leonard de Port Maurice approached in the matter until long after the Board had been committed to the purchase of this property, when its offer to purchase was accepted by Nordic Development Corporation on April 26th, 1961. It was only on June 2nd, 1961 that the Greater Board received a letter from St. Leonard referring to the necessity for an agreement from St. Michel in regard to the supplying of water and sewage services and it was only on June 5th, 1961 that the Greater Board applied in writing to St. Michel requesting permission for water and sewage services and connections. It was only on June 9th that the Greater Board for the first time obtained the written approval of St. Michel to the supplying of these services which approval however was granted "subject to the authorization of St. Leonard".

On June 13th, 1961 Mr. Pope wrote to Mr. Japp reporting on school enrolment at the Ogilvy School and recommending that the decision to award the contract for the erection of the Buchanan School be delayed for a period of not less than three months and a careful assessment of the situation be made after the enrolment in September was known.

On June 23rd the Montreal Board wrote to the Secretary-Treasurer of St. Leonard de Port Maurice advising that St. Michel had approved the Board's request for water and sewage services to the school "subject to authorization by the Town of St. Leonard de Port Maurice" and requesting the Council of St. Leonard de Port Maurice to pass a resolution granting this authorization.

On June 13th, 15th and 27th meetings of the Montreal Board, Planning and Building Committee and the Greater Montreal Board, respectively, resulted in the awarding of a contract to construct the Buchanan School to Leon M. Adler Inc.

On July 20th Leon M. Adler Inc. wrote to the Greater Board reporting on unsuccessful negotiations with St. Leonard de Port Maurice in regard to the obtaining of a building permit.

On July 21st St. Leonard de Port Maurice wrote to the Greater Board advising that it was impossible for the municipality to issue the building permit applied for. Messrs. Black and Macumber of the Greater Board were requested to meet the Mayor and Council of St. Leonard in regard to this difficulty and on July 27th they reported to Mr. Japp that the matter had been discussed at length with the St. Leonard Municipal Authorities but that the latter objected to issuing the permit because:

1. the location of the site did not fit in with their Master Plan; and
2. they did not wish to have any building in St. Leonard serviced by St. Michel. This was apparently due to the fear of annexation.

On August 1st Mr. Japp wrote to Mr. Rowat at length reporting on the situation and requesting advice and direction as to how the resultant impasse might be solved.

On September 12th Mr. Pope wrote to Mr. Japp, noting a drop in the enrolment of pupils at the Ogilvy School and, recommending that the construction of the Buchanan School be deferred.

On September 26th the Greater Board passed a resolution by which it was decided that the construction of the Buchanan School should be delayed and that, provided the Quebec Municipal Commission authorized the borrowing of funds, the plan originally intended for the Buchanan School be modified only to suit site conditions and be used for the construction of an elementary school on lot 287 in Dollard des Ormeaux, and that Leon M. Adler Inc. be given the contract for the construction of the latter school on the understanding that the indemnity due to this company in respect of the cancellation of the contract for the construction of the Buchanan School did not exceed \$6,665.00.

On October 10th, 1961 the Montreal Board passed a resolution approving the decision to cancel the contract for the construction of the Buchanan School due to:

1. lack of services; and
2. decrease in enrolment of pupils.

On October 20th the Greater Board received a letter from St. Leonard de Port Maurice agreeing to furnish water and sewage services in the event of the construction of a school on lot 370, and on October 24th the Montreal Board wrote to the Town of St. Leonard de Port Maurice that it was no longer interested in building the Buchanan School.

Although in September 1961 a significant dropping off of the enrolment in the Ogilvy School was noted, this development was purely fortuitous and although the decrease was no doubt taken into account at the time the decision was reached to defer the construction of the school, the reason why the contract

for the erection of the building was cancelled was that it was discovered in July that the issuance of a building permit by the Municipality of St. Leonard had been refused because the site did not fit in with its Master Plan and it did not wish to have the required services supplied by St. Michel.

Particular attention is drawn to this because the case of the Buchanan School and the circumstances pertaining to two or three other school sites appear to point to a need, to which reference will be made later, for the assurance that matters such as water, sewage services, access and municipal zoning or other restrictions are taken account of and properly cleared before a site is purchased.

The evidence shows that the price paid for this property by the Board was not excessive, having regard to land values then current and that this property has, in all probability, increased in value substantially since the time of its purchase.

LOTS 415, 417 - FUTURE ELEMENTARY SCHOOL

As noted above in the case of the purchase of the Buchanan School site, the Building Development Plan of April 1st, 1954 contains a statement that the area to the North and East of the Ogilvy School in the City of St. Michel and the Mountrose School in the City of Rosemount should be watched for increased and new development.

On March 11th, 1959 Miss Law (Education Officer) wrote to Mr. Pope reporting on elementary

school needs in the area and recommending the purchase of a school site in the Town of St. Leonard de Port Maurice at alternative locations including East or West of Pie IX Blvd., North of Robert Street.

On March 18th, 1959 the Planning and Building Committee considered this recommendation and decided to leave the matter with Mr. Wagar in order that he might investigate and report.

On June 3rd, 1959 Mr. Pope sent a memorandum to Mr. Wrightson of the New Buildings Department with a recommendation for the purchase of sites and the erection of two-track elementary schools in the City of St. Michel and the Town of St. Leonard de Port Maurice, respectively.

On March 14th J. P. Dupuis Ltd. wrote to the Greater Board offering for purchase parts of original lots numbers 415 and 417 of an unspecified area at \$1.45 per square foot, and on March 18th, 1960 the Greater Board wrote to J. P. Dupuis Ltd. requesting an option on an alternate site on the ground that the property offered by the latter's letter of the 14th instant was too large.

On March 21st J. P. Dupuis Ltd. wrote to the Greater Board extending an alternate option to purchase parts of original lots 415 and 417 having an area of approximately 493,000 square feet at \$1.45 per square foot.

On May 11th the Greater Board wrote to J. P. Dupuis Ltd. indicating that the site offered was too large and was unsatisfactory as to location and too expensive, and requesting an alternative option.

On May 12th J. P. Dupuis Ltd. wrote to the Greater Board offering to sell part of original lots numbers 415 and 417, having an area of approximately 297,850 square feet, at \$1.45 per square foot.

The Master Plan of June 1st, 1960, Section V item 9, forecast the need for an elementary one-track school in the Town of St. Leonard within five to eight years and on June 3rd Mr. Guild wrote to Mr. Japp reporting on his inspection of school sites for a future school site to be constructed within six to twelve years. Mr. Guild reported that the site offered was partly on high ground sloping down to the Old Tank Road and that both sides of the road in the area were of a swampy nature. To this letter was attached a surveyor's plan.

The Education Division of the Board apparently was not asked to examine and report on this property which was being considered on the basis of long range planning, this being the responsibility of the Planning Division with whom the Education Division had already co-operated in compiling the Master Plan.

On the 6th of June 1960 Warnock Hersey Appraisal Company wrote to the Greater Board appraising the property at from \$1.00 to \$1.40 per square foot and expressing the opinion that the Board would have to pay between \$1.25 and \$1.40 per square foot. This letter contained the recommendation that further alternative sites be considered.

On June 7th, 1960 the Montreal Board considered the option to purchase submitted by J. P. Dupuis Ltd. under date of May 12th, 1960 and resolved to recommend to the Planning and Building

Committee that the Montreal Board be authorized to purchase the property having an area of approximately 297,850 square feet at \$1.45 per square foot.

On June 9th, 1960 the Planning and Building Committee resolved to recommend to the Greater Board that the Montreal Board be authorized to purchase this property on the terms recommended.

On June 21st, 1960 the Greater Board passed a resolution authorizing the Montreal Board to purchase this property at \$1.45 per square foot.

On June 22nd, 1960 the Greater Board wrote to J. P. Dupuis Ltd. offering to purchase this property at \$1.45 per square foot, subject to the approval of the Department of Education, Department of Health and the Quebec Municipal Commission.

On July 7th the Greater Board wrote to the Department of Education requesting approval of the purchase of the site and indicating that various independent sources had predicted a sharp increase in school population for the community of St. Leonard de Port Maurice and that this was view in which the Planning Division of the Board concurred.

On July 19th the Montreal Board passed a resolution authorizing the purchase of this site (stated to have an area of 304,670 square feet) at \$1.45 per square foot.

On August 18th the Department of Education wrote the Greater Board approving the purchase and enclosing the certificate of the Department of Health.

On August 29th the Quebec Municipal Commission wrote to the Greater Board authorizing the purchase.

On September 7th the Director of Education forwarded a requisition to the Greater Board for the issuance of a cheque for the amount of \$441,771.50, payable to the order of J. P. Dupuis Ltd.

On August 10th, 1960 J. P. Dupuis Ltd. purchased part of original lot 415 from Hogo Investment for the price of \$38,158.50 and on the same date purchased part of original lot 417 from Ronar Realty Corp for the sum of \$114,178.50.

On September 14th the Montreal Board purchased the property from J. P. Dupuis Ltd. for the sum of \$441,771.50 by deed of sale passed before G. L. VanVliet, Notary.

On February 17th, 1961 J. P. Dupuis Ltd. wrote to the Greater Board offering to sell part of original lots numbers 415 and 417, adjacent to the property already purchased and having an area of 190,000 square feet, at \$1.45 per square foot.

On February 17th J. P. Dupuis Ltd. wrote to the Greater Board, with map attached, offering to sell part of original lot 415, having an area of approximately 250,000 square feet at \$1.45 per square foot. Apparently no action was taken in respect of this option.

On September 21st, 1961 Harry Kucer purchased part of original lot 417 from Ronar Realty Corp. at 70¢ per square foot.

Criticism has been offered that this

property was purchased for a price amounting to twice its real value and that the Board bought in too great haste a property which was not entirely satisfactory and ignored Mr. Rowe's request for further time to investigate the value.

While the undersigned is not satisfied that the criticism offered as to the suitability of the property is well-founded, there would seem to be no doubt that the price paid for it was greatly in excess of its real value and that the purchase was made in haste.

On June 6th, 1960 Mr. Rowe wrote to Mr. Wagar reporting that in his opinion this land was better than the part of lot 370 previously reported on and indicating the belief that the site would likely become suitable for the erection of duplexes and apartment houses in which case it would be probably worth \$1.50 to \$2.00 per square foot, and accordingly advised that the Board would likely have to pay somewhere between \$1.25 and \$1.40 per square foot. This letter, however, concluded with the following paragraph:

"The only further suggestion that we can offer at this stage is that we be given a little more time to endeavour to locate alternative sites in this immediate vicinity and to check the prices at which alternative land is being offered as stated earlier in this report, we have already made such a check but to the present time it has revealed no land which would be suitable."

Notwithstanding this however, the Montreal Board on the following day passed a resolution recommending to the Planning and Building Committee that the Montreal Board be authorized to purchase the property at \$1.45 per square foot and the Planning

and Building Committee on the 9th day of June recommended to the Greater Board that this authorization be granted which recommendation was adopted by the Greater Board, on June 21st, apparently without any further attempt to verify Mr. Rowe's appraisal.

The evidence of Mr. Valiquette who made a careful investigation in connection with this transaction, was that there were no sales to justify the price of \$1.45 which in his opinion was much too high. In fact he valued the property as of that time at between 50¢ and 60¢ per square foot. The apparent haste with which this transaction was entered into has not been explained and in the circumstances is difficult to understand.

PT. OF LOT 394

What has been written above concerning lots 415 and 417, as to the consideration given to the situation in St. Leonard de Port Maurice up to and including June 3rd, 1959, applies in the present case.

On June 1st, 1960 the Master Plan, Section V item 9 forecast the need for a composite high school within six to twelve years and a one-track elementary school within eight to twelve years in the Town of St. Leonard de Port Maurice.

On December 7th, 1959 Scott & Percy Ltd. wrote to the Montreal Board enclosing an option of A. Chodos, for part of original lot 395 having an area of approximately 200,000 square feet at a price of 85¢ per square foot.

On December 8th the Montreal Board considered this option and decided that it should be referred to the Greater Board for study.

On December 17th Mr. Guild wrote to Mr. Sommerville, commenting on the part of original lot 395 covered by the Chodos option dated December 7th and, indicating his opinion that the property was not suitably located.

On December 18th Mr. LeRoy submitted a memorandum to Mr. Guild which indicated that there were only six Protestant school children living in the Town of St. Leonard.

On January 13th, 1960 Scott & Percy Ltd. wrote to the Greater Board extending the term of the Chodos option of December 7th, 1959 and on January 14th, 1960 the Greater Board wrote to Scott & Percy requesting a further extension of the term of this option.

On January 19th Scott & Percy Ltd. wrote to the Greater Board to the effect that they would attempt to have the term of the option further extended.

On February 9th the Montreal Board resolved that no further action should be taken with regard to this option but that the question of a school site in this area should be included in long range planning.

On February 11th, 1960 Mr. Japp wrote to Mr. Guild reporting this decision.

In June 1960 Mr. Therrien, apparently acting on the instructions of Mr. Spenard, prepared

a folder and outlined a description of four properties in the Town of St. Leonard de Port Maurice, these being parts of lots numbers 392, 393, 424 and 428.

On August 11th, 1960 Mr. Rowat wrote to Mr. E. T. Asselin as follows:

"I return herewith the folder you sent me with the map of St. Leonard de Port Maurice."

"On the back you will find a circle in red marked No. 5. This is the district in which we might be interested in either lots 392 or 394. If you have anything available in that area kindly let me know."

On August 16th, 1960 Mr. Therrien wrote to Mr. Frank Spenard confirming that the property fronting on Lacordiere Blvd., pt of lot 394, could be purchased for 65¢ per square foot or less.

On August 24th Frank Spenard Inc. wrote to Mr. Therrien indicating that a client required a 90-day option to purchase part of original lot 392 or 394, having an area of approximately five acres at 65¢ per square foot.

It is hard to reconcile this letter with Asselin's insistence that the price of 65¢ had never been mentioned by anyone representing the Board prior to the obtaining of the option.

On September 9th Lanida Investment Corp. wrote to Frank Spenard Inc. giving it a 90-day option to purchase part of lot 394, having an area of approximately eight acres, at 45¢ per square foot.

On September 13th, 1960 Frank Spenard Inc. wrote to the Greater Board offering to sell this property at \$1.15 per square foot.

On November 4th, 1960 Mr. Guild wrote to Mr. Wagar reporting on this property to the effect that the location was good, but the property was not large enough for a composite high school, since the Master Plan indicated a school site of not less than thirteen acres with a width of about 500 feet. It should be noted that Mr. Pope was not asked to examine or report on the property since a site in this area was envisaged by the Master Plan.

On November 7th, 1960 Mr. Wagar wrote to Frank Spenard Inc. requesting a more accurate description of the property covered by the option.

On November 11th, 1960 Frank Spenard Inc. wrote to the Greater Board giving further descriptive information and indicating that the property had a maximum width of 400 feet and a depth of 1,500 feet.

On December 5th Mr. Guild wrote to Mr. Wagar reporting that the land offered was a fairly good site, of a size suitable for a possible high school and elementary school. His letter however concluded as follows:

"Unless there is no land available for purchase, we strongly recommend that the site be towards the South, that is South of Lavoisier Blvd., thus keeping it further away from the railroad and industrial area and yet near the Metropolitan Blvd. and the future thru-Lacordaire Blvd."

On January 11th, 1961 Mr. Wagar wrote to Mr. Rowe stating that Mr. Guild considered the property to be a fairly good site, falling within the Master Plan, but that the price of \$1.15 per square foot was too high.

On February 13th, 1961 Warnock Hersey Appraisal Company wrote to the Greater Board expressing the opinion that the price of \$1.15 was much too high and recommending that the price paid should not exceed 60¢ per square foot but, suggesting that a more thorough search should be made of the land available for sale in the area. This letter moreover contained the following paragraph:

"Owing to the limit of time I have not had the opportunity of searching thoroughly the land available for sale in this area. You may feel that this is an important point and wish to delay your decision until I have had the opportunity to making such an investigation. On the other hand it is possible that you are familiar with the current prices being asked in the area."

It would appear that when this letter was written, Messrs. Warnock Hersey Appraisal Company were unaware of the fact that the Catholic School Commission had recently purchased a neighbouring property at 35¢ per square foot.

On the next day, February 14th, the Montreal Board passed a resolution recommending to the Planning and Building Committee that it be authorized to obtain a 90-day option to purchase the property at 60¢ per square foot. Also on the same date the Planning and Building Committee passed a resolution recommending to the Greater Board that the Montreal Board be authorized to obtain such an option.

On February 20th, 1961 Messrs. Frank Spenard and E. T. Asselin entered into an agreement to share between them the commission and profit to be derived from a sale of this property to the Montreal Board.

On February 20th, 1961 the Greater Board recorded the fact that it had been reported that the Planning and Building Committee had agreed to recommend that the Montreal Board be authorized to try to secure from Frank Spenard Inc. a 90-day option on part of lot 394 at a price of 60¢ per square foot instead of \$1.15 per square foot.

On February 22nd the Greater Board wrote to Frank Spenard Inc. requesting reduction of the price from \$1.15 to 60¢ per square foot and a 90-day option to purchase at this price.

On February 28th Frank Spenard Inc. wrote to the Greater Board granting a 90-day option to purchase the property at 65¢ per square foot. (on the margin of this letter over the initials of J.P.R. are written in ink the words "very good".)

On April 6th, 1961 Mr. Japp wrote to the Chairman of the Montreal Board indicating that in view of the lack of sufficient business the regular meeting of the Board, scheduled for April 11th, had been cancelled but that it was desirable that one item of business should be dealt with, namely the matter of the option to purchase from Frank Spenard Inc. at a price of 65¢ per square foot the property above mentioned. Enclosed in Mr. Japp's letter was a form to be signed by the Chairman, indicating his approval of, or dissent from, the acceptance of the option and a request that the document be completed and returned to the sender. Apparently a similar letter was sent out to each commissioner, each of whom indicated his recommendation to the Planning and Building Committee that the option be accepted.

On April 18th, 1961 Frank Spenard Inc. wrote to Davichou Investment Inc. offering to purchase part of lot 394, having an area of approximately 570,000 square feet, at 45¢ per square foot.

On April 19th the Planning and Building Committee resolved to recommend to the Greater Board that the Montreal Board be authorized to purchase the property at a price not exceeding 60¢ per square foot.

On April 25th the Montreal Board confirmed the recommendation previously submitted and passed a resolution approving the recommendation of the Planning and Building Committee that the Montreal Board be authorized to purchase the property at a price not to exceed 60¢ per square foot.

On April 26th, 1961 a resolution of the Greater Board authorized the Montreal Board to purchase the property at a price not to exceed 60¢ per square foot.

On April 26th the Montreal Board wrote to Frank Spenard Inc. offering to purchase the property at 60¢ per square foot.

On May 2nd Frank Spenard Inc. wrote to the Montreal Board accepting the said offer.

On May 11th an agreement was entered into between Davichou Investment Corporation and Frank Spenard Inc. supplementing their option agreement of April 18th.

On June 11th the Catholic School Commission purchased from Chados part of original lot 395 at 35¢ per square foot, approximately 32,315 square feet.

On June 15th the Greater Board wrote to the Department of Education requesting approval of the purchase of the property offered by Frank Spenard Inc.

On July 17th the Department of Education wrote to the Greater Board approving this purchase and enclosing the certificate of the Department of Health.

On July 18th the Montreal Board resolved to purchase the said property, 584,035 square feet, approximately, for \$350,421.00, or 60¢ per square foot.

On July 21st the Quebec Municipal Commission wrote the Board authorizing the purchase.

On August 4th a requisition was signed for the issue of three cheques: one for \$262,815.75 payable to Davichou Investment Corp.; one for \$32,000.00 payable to Frank Spenard Inc; and one for \$55,605.25 payable to Frank Spenard Inc. and Mercantile Bank of Canada.

On May 4th, 1959 Lanida Investment had purchased the property from Martineau et al and on December 21st, 1960 Davichou Investment Corp. had purchased the property from Lanida Investment.

On August 4th, 1961 Frank Spenard Inc. purchased the property from Davichou Investment Corp. for \$262,815.75 and at the same time sold the property to the Montreal Board for \$350,421.00.

It is considered proper to review in some detail the circumstances attending the purchase of this property by the Montreal Board at a cost of

\$350,421.00. They were, to say the least, extraordinary. As noted above, the acquisition of a high school site in St. Leonard de Port Maurice, as a long range project, had been under consideration for a considerable length of time prior to this purchase.

On or about December 7th, 1959 the Montreal Board received an offer from one Chodos to sell about 200,000 square feet of land forming part of lot 395. However, at no time prior to Mr. Rowat's letter of August 11th to Mr. Asselin had the Board indicated any interest in lot 394 or in any other particular lot number.

It appears that Mr. Asselin, a close friend of Mr. Rowat's, approached him in the hope that he might be given an opportunity to find a school site acceptable to the Board in this general area. On the receipt of Mr. Rowat's letter indicating that the Board might be interested in either lot 392 or 394, Mr. Asselin communicated with Mr. Spenard, an associate, who in turn referred the matter to Mr. Therrien, a realtor, carrying on business in Montreal. Through him, Mr. Spenard had been acting in regard to other sites which had been brought to the attention of the Board, some of which were in Ville d'Anjou, while others were described in a folder, prepared by Therrien in respect of lots 392, 393, 424 and 428, which had been forwarded to the Board.

Therrien, on being advised by Spenard that the Board might be interested in either lot 392 or lot 394, immediately approached the owners of lot 394 and on August 16th wrote to Mr. Spenard stating that this property could be had for 65¢ per square foot or possibly less.

On August 24th Mr. Spenard wrote to Therrien requesting him to try to get a 90-day option on this property.

Apparently as a result of Therrien's intervention, Lanida Investment Corporation wrote to Frank Spenard Inc. on September 9th granting it an option on a parcel of land forming part of lot 394, having a 400 foot frontage on Blvd. Lavoisier, at the price of 45¢ per square foot.

On September 16th Frank Spenard Inc. wrote to the Montreal Board offering to sell this property at \$1.15 per square foot. From this point on, negotiations proceeded as herein above outlined.

It is clear that neither Mr. Asselin nor Mr. Spenard ever owned any land in this area.

In applying for and obtaining from Mr. Rowat, information as to property which the Board might be interested in purchasing and in negotiating the procurement of an option on that property, Mr. Asselin (and his associate Spenard) entered into a principal and agent relationship with the Board. True, it was an agency relationship of a limited character in virtue of which the agents were enabled, and undertook, to endeavour to obtain for the Board one or other of the properties mentioned in Mr. Rowat's letter.

In such circumstances it was the duty and legal obligation of Asselin and Spenard to endeavour faithfully to obtain a property satisfactory to the Board at the lowest possible price and

to make full and complete disclosure to the Board of all material facts pertaining to the transaction.

Neither Asselin nor Spenard (nor any prêt nom of theirs) had any legal right to purchase a property which they were in duty bound to try to acquire for the Board and sell it to the latter at a profit to themselves. They were merely real estate agents entitled (if they succeeded in accomplishing their mandate) to the usual commission, which according to the proof is 5% of the purchase price.

It is noteworthy that neither Asselin, Spenard nor Frank Spenard Inc., invested a dollar or assumed the slightest risk in obtaining the option. Even Therrien was paid by the real vendors.

In the view of the undersigned, Messrs. Asselin and Spenard, by resorting to the subterfuge of interposing a fictitious owner (their prêt nom Frank Spenard Inc.) and without disclosing the true situation to the Board and, in particular, without disclosing that the property had been acquired by a prêt nom of theirs, at the price of 45¢ per square foot, acted illegally and obtained, at the expense of their principal, an unlawful and unconscionable profit for themselves amounting to \$87,605.25, of which Asselin's share was \$62,605.25. This view is amply supported by both legal doctrine and jurisprudence. (See appendix.)

It has been suggested that the information given by Mr. Rowat to Mr. Asselin was not of a confidential nature and could have been obtained readily by anyone who chose to examine the records of the Board, which are by law open to public inspection.

This however, is not the case. There was nothing in the records of the Board to indicate any interest on its part in either lot 392 or lot 394. The only evidence in the Board's records as to areas in which schools might in future be located was that of a most general character, afforded by the concentric circles imposed on the Master Plan.

Although Mr. Rowat was inclined to question that the information supplied by him to Mr. Asselin amounted to "pin-pointing" the property in which the Board might be interested and which it actually bought, Mr. Asselin's own testimony would seem to state the situation more correctly. He testified in referring to the circle in which lot 394 is located as follows:

"It covered a great many lots. I can go further to say the lots mentioned in the letter obviously pinpoint much more than the circle would."

It should not be concluded that criticism is being directed at Mr. Rowat merely because he entrusted this information to his friend Asselin. Provided that in doing so, he properly safeguarded the interests he represented, there was no reason why Mr. Rowat should not have given this information to his friend, or any other agent whom he was justified in considering worthy of his trust and confidence. What is of particular significance is that Asselin was entrusted with a mandate and given information of a confidential nature to assist him in its execution.

In the statement issued by Mr. Rowat, following the publication of the MacKay Report, he

wrote that the amount of profit realized by Messrs. Asselin and Spenard was not, and could not have been, known until after the Board had committed itself to purchasing the property, at which time it was too late to do anything about it. In fact however, it was known or should have been known at the time the Board was asked to issue three cheques; one to Davichou Investment Corp. for \$262,815.75, one to Frank Spenard Inc. for \$32,000.00 and one for \$55,605.25 to Frank Spenard and Mercantile Bank of Canada jointly.

Notwithstanding this, these cheques were signed, handed over and the deed of sale executed without protest, reserve or comment. Contrary to what is implied in Mr. Rowat's statement, Messrs. Asselin and Spenard were at that time, and probably still are, under legal obligation to account to the Board for this profit, at least to the extent that it exceeds what, as real estate agents, they may have been entitled to in the way of a commission. (see appendix)

In the light of the proof there can be no doubt that the purchase of this site, which for reasons which will be stated later, has never been utilized, was managed without due regard to the interests of the Board which paid a price considerably in excess of its market value.

Considering that the acquisition of this property fell within the long range programme, the apparent haste with which the purchase was consummated is surprising and has not been explained.

The sole attempt made to ascertain the

real or market value of the property was a request to Mr. Rowe for an appraisal. In his letter of February 13th, 1961 he expressed the opinion that the price of \$1.15, which was being asked was much too high and advised against paying more than 60¢ per square foot. This estimate, however was made by Mr. Rowe without reference to current sales of property in the area, particularly the sale of an adjacent property to the Catholic School Commission at a price of 35¢ per square foot, of which Mr. Rowe was apparently unaware. Notwithstanding his recommendation that relevant sales be investigated and his inability to do this owing to lack of time, the purchase of the property at 60¢ per square foot was approved within a day or two following the receipt of his appraisal, without any further inquiry.

Having regard to the price of 35¢ per square foot paid by the Catholic School Commission and the proof of other sales it would appear that the real value of the property at the time was around 40¢ per square foot and did not exceed 45¢ per square foot, and this was the opinion of Mr. Valiquette, a realtor and appraiser of wide experience, who testified at the hearing. Moreover in fact, 45¢ was the price at which Messrs. Asselin and Spenard, through their prêt nom Frank Spenard Inc., acquired the property and the only reason why it cost the Board 60¢ per square foot is that Messrs. Asselin and Spenard, who were supposed to be serving the Board, interposed their said prêt nom in order to purchase the property at 45¢ per square foot and without disclosing this, sell it to the Board at a price of 60¢ per square foot.

There is no evidence to show that any member or representative of either the Greater or the Montreal Board derived any personal benefit or advantage from this transaction. This fact, however, cannot serve to excuse any failure there may have been on the part of those whose duty it was as "salaried public officers" to exercise all reasonable care and diligence to safeguard the interests entrusted to them.

One would not wish to place disproportionate emphasis on whatever lapse there may have been on the part of the Board or its representatives in connection with this particular transaction. On the other hand this Commission would fail in its duty if it did not deal rather fully with the circumstances pertaining to this purchase, of which there has been much criticism. It moreover would appear timely to at least make brief reference to the duty and responsibility imposed by law upon salaried public officers and this may perhaps be done best by citing the following extract from Halsbury Laws of England, 3rd Edition, Volume 30 at page 684:

"In general, a public officer may be said to be one who discharges any duty in the discharge of which the public are interested; A person is more clearly such an officer if he is paid out of a fund provided by the public.

Statutory powers must be exercised bona fide, reasonably, without negligence and for the purpose for which they were conferred."

And at page 689:

"Such duties must be performed scrupulously and without negligence. It is immaterial whether non-performance is willful and deliberate or due to negligence of persons necessarily employed; nor is it material that a defendant receives no personal benefit from the thing done."

LOT NUMBER 348 - ST. MICHEL

The first seven items of the summary relating to this property are identical with those pertaining to lot 370 (Buchanan School).

On August 11th, 1960 the City of St. Michel wrote to Bramar Realty Corp. with reference to the need for a second Protestant School in the City of St. Michel and on the 24th of August 1960 the Bramar Realty Corp. wrote to the Greater Board offering to sell part of original lot number 348, having an area of approximately 160,000 square feet at \$3.00 per square foot.

On August 30th, 1960 Mr. Wagar wrote to Mr. Rowe with regard to this option and requested an appraisal.

On September 28th Mr. Rowe wrote to the Greater Board valuing the property at between \$2.00 and \$2.25 per square foot and recommending that an offer of \$2.00 per square foot be made.

On the 6th of October 1960 Mr. Guild wrote to Mr. Pope reporting that this site was right on the target which had been selected for a future school and that although the site was long and narrow it would accommodate a two-track school with future additions.

On October 11th Mr. Pope wrote to Mr. Wagar recommending the purchase of this property and on the same date the Montreal Board passed a resolution recommending to the Planning and Building Committee that it be authorized to purchase the property at a price of \$2.00 per square foot.

On October 20th the Planning and Building Committee passed a resolution recommending to the Greater Board that the Montreal Board be authorized to offer to purchase the property at a price of \$2.00 per square foot and on October 25th the Greater Board (Mr. Pitcairn dissenting) passed a resolution authorizing the Montreal Board to offer to purchase it at that price.

On October 28th the Montreal Board wrote to Bramar Realty Corp. offering to purchase the property at \$2.00 per square foot and on October 30th the Bramar Realty Corp. replied that the minimum price it would accept would be \$2.45 per square foot.

On November 8th the Montreal Board passed a resolution recommending to the Planning and Building Committee that the Montreal Board be authorized to purchase the property at \$2.45 per square foot and on November 10th the Planning and Building Committee made this recommendation to the Greater Board.

On November 22nd the Greater Board decided to return the matter to the Montreal Board for further study and on November 24th Mr. Wagar wrote to Mr. Rowat reviewing the recommendations previously made in regard to this property, the purchase of which he recommended.

On December 13th the Montreal Board met and after full review and discussion it was resolved, unanimously, to request the Greater Board to authorize the Montreal Board to purchase this property at a price not to exceed \$2.45 per square foot.

On December 20th the Greater Board passed a resolution authorizing the Montreal Board to purchase the property at \$2.45 per square foot (Messrs. Jubien, Millar and Wilcox dissenting).

On January 11th, 1961 the Montreal Board wrote to Bramar Realty Corp. accepting the option to purchase the property at a price of \$2.45 per square foot.

On January 12th, 1961 the Greater Board wrote to the Department of Education requesting approval from that department and from the Department of Health.

On February 8th the Greater Board received a letter from the Department of Education and the Department of Health approving the property as a school site and on February 24th a letter from the Quebec Municipal Commission authorizing the amount of the capital expenditure and loan.

On March 28th, 1961 the Montreal Board passed a resolution authorizing the purchase of the property having an area of approximately 159,600 square feet for the sum of \$391,020.00 or \$2.45 per square foot.

On March 29th requisition was made for the issue of a cheque for \$150,000.00 payable, in trust, to G. L. VanVliet, Notary.

On September 10th, 1958 Federal Construction Limited purchased the property from Miron et Freres Ltd.

On May 8th, 1959 Miss Marguerite Langlais purchased the property from Federal Construction Ltd.

On March 29th, 1961 the Montreal Board purchased the property from Miss Langlais for the sum of \$391,020.00

Mr. Hornstein testified that he bought about a million square feet of land from Miron et Freres in September 1958 for 60¢ per square foot. He sub-divided the property and started selling lots, building duplexes and putting in sewers and streets, and sold some of the land for prices of up to \$2.00, while retaining what he regarded as the choicest part - which he intended to develop as a shopping center. He offered to sell a site to the Board for \$3.00 per square foot (\$150,000.00 cash, with the balance in ten years). The Board offered \$2.00 per square foot, and he finally agreed to sell it at \$2.45 per square foot. Subsequently when it became apparent that the Board would not build on the site, Mr. Hornstein offered to take back the property at the same price and this offer he renewed publicly in the course of the Inquiry. He claims that the present value of the property exceeds the price paid by the Board. Mr. Valiquette testified that he had appraised, for the Catholic School Board, a property very near this one and had made a sales analysis on the basis of which he had recommended to the Catholic Board the payment of \$2.20 per square foot, which in his opinion was the rock bottom price at which the land could have been purchased. It was his opinion that the \$2.45 per square foot, paid by the Montreal Board, was not excessive.

This property was purchased to implement long range planning and there appears to have been a difference of opinion among the members of the

Greater Board, as to the wisdom of its acquisition, at that time, since three members, Messrs. Jubien, Millar and Wilcox dissented when that Board voted to authorize the purchase of the property.

LOT 34 - PARISH OF LONGUE POINTE (Future  
Elementary School)

In October 1957 a report was submitted to the Board which included a recommendation for the purchase of an elementary school site in the area of the John Jenkins High School in the East end of Montreal.

On the 11th of March 1959 Mr. F. H. Laws, Education Officer, wrote to Mr. D. E. Pope reporting on the elementary school needs in this area and recommending strongly the purchase of an elementary school site South of Sherbrooke Street between Langier Street and Dixon Avenue to meet anticipated future needs.

On March 18th the Planning and Building Committee resolved to leave this matter with Mr. Wagar for investigation and report.

On September 16th, 1959 one Weisman wrote to the Greater Board offering to sell a property forming part of lot 38, having an area of approximately 175,000 square feet, at \$1.15 per square foot.

On October 13th Mr. Pope wrote to Mr. Sommerville expressing the opinion that there was no immediate need for the property offered by Weisman and on the same date the Montreal Board considered the offer of purchase and decided that the property to which it related was not suitably located.

On October 16th Mr. Guild wrote to Mr. Sommerville stating that the purchase of the said property was not recommended and indicating that there were many other sites available in this general area.

On February 8th, 1960 Mr. Hart, of Hart, Podbere & Wisse, wrote to the Greater Board offering to sell to them property forming part of sub-division lot 94 of original number 34 having an area of approximately 327,000 square feet at \$1.25 per square foot.

On February 19th, 1960 Mr. Pope wrote to Mr. Japp strongly recommending the purchase of this property and on the 23rd of February Mr. Guild wrote to Mr. Japp also recommending its purchase.

On March 2nd Messrs. Warnock Hersey Appraisal Company wrote to the Greater Board valuing the property at 90¢ per square foot and on March 8th the Montreal Board considered the option and resolved to offer to purchase part of the property covered by it at \$1.05 per square foot.

On March 9th the Montreal Board wrote to Messrs. Hart, Podbere & Wisse offering to purchase a property 360.0 feet in width by approximately 500 feet in depth at \$1.05 per square foot.

On March 24th Messrs. Hart and Company made a counter offer to sell the property to the Board (comprising 285,625 square feet) at \$1.15 per square foot.

On March 28th Mr. Wagar wrote to Mr. Japp reviewing the negotiations and recommendations and recommending the purchase of this property, less

approximately 23,760 square feet, at \$1.15 per square foot.

On the 12th of April 1960 the Montreal Board resolved to recommend to the Planning and Building Committee that it be authorized to purchase the property (261,865 square feet) at \$1.15 per square foot.

On April 13th the Planning and Building Committee recommended to the Greater Board that the Montreal Board be authorized to effect this purchase.

On April 19th the Greater Board passed a resolution granting the necessary authorization.

On April 20th the Montreal Board wrote to Messrs. Hart, Podbere and Wisse offering to purchase this property at \$1.15 per square foot and on April 22nd Messrs. Hart and Co. wrote to the Board accepting the said offer.

On May 9th Mr. Pope wrote to Mr. Japp reporting concerning the need for the purchase of this property as an elementary school site.

On May 12th, 1960 the Greater Board wrote to the Department of Education requesting its approval of the property as a school site as well as that of the Department of Health.

On June 1st, 1960 the Master Plan, Section V item 9 forecast the need for an elementary two-track school in this area within two to four years.

On June 10th, 1960 the Department of Education forwarded its approval and the certificate of the Department of Health to the Greater Board in connection with this purchase.

On June 23rd the Quebec Municipal Commission forwarded its authorization as to the amount of capital expenditure and loan.

On July 18th the Montreal Board resolved to purchase the property (approximately 261,901.7 square feet) at \$1.15 per square foot.

On September 6th requisition was made for the issue of a cheque payable to the order of G. L. VanVliet, in trust, for the sum of \$301,186.96.

On February 2nd, 1960 Fair Deal Realty Corp. purchased the property from Park Dale Homes Development for the price of \$202,500.00 and on September 28th, 1960 the Montreal Board purchased the property from Fair Deal Realty Corp. for the sum of \$301,186.96.

On January 31st, 1961 Federal Construction wrote to the Greater Board offering to sell part of original lot number 35 at \$1.40 per square foot, price payable within ten years with agreement to repurchase from the Board at the same price should it be found that the property was not required.

On December 10th, 1962 the Montreal Board wrote to Federal Construction Ltd. declining this offer.

This site was acquired as a long range planning project, the nearest school being the 1½-track John Jenkins School built in 1917 as a temporary elementary school to accommodate the war-time influx of population.

The site, which, after due consideration, was accepted as being suitable, was appraised by Mr.

Rowe who estimated its value at 90¢ per square foot and stated that the Board might have to pay 95¢ per square foot.

The owners, who had acquired a total area of about 750,000 square feet of which this was part, offered to sell to the Board 327,000 square feet at \$1.25 per square foot. The Board countered with an offer of \$1.05 per square foot for 285,625 square feet.

This counter offer was refused but the vendors finally offered to sell for \$1.15 per square foot which offer was accepted by the Board.

Mr. Valiquette, who made a careful investigation and appraisal, testified that in his opinion the price paid by the Board was not excessive.

The foregoing completes the detailed review of the nine real estate transactions concerning which there was criticism in the MacKay Report.

There remain a total of 109 land transactions, including purchases and sales of school properties and caretaker's residences. The available records pertaining to these transactions have been examined and all information and explanation required has been obtained and considered.

The Commission's inquiry into these land dealings has not included the same detailed examination as that made in respect of the nine transactions above-mentioned. To have made the same detailed examination would have involved an enormous amount of time and expense which, in the circumstances, would not have been justified. However, its

examination has comprised a general review of the procedures followed, a detailed sampling of a representative number of the said transactions and such examination of the records and other supporting evidence as was considered necessary in order to complete the inquiry in accordance with the terms of reference.

TOWN OF PIERREFONDS - ORIGINAL SITE FOR THE  
VERSAILLES GARDENS SCHOOL

On April 1st, 1955 Messrs. Cockhill and LeRoy wrote to Mr. Sommerville with regard to the development of school district number three in the Parish of Ste. Genevieve.

On April 4th the Greater Board wrote to the St. Laurent Board forwarding this letter.

On September 18th, 1956 Mr. Oxley wrote to Mr. Wagar indicating that a property in the Versailles Gardens Development, forming part of original lot 107, area of approximately 175,000 square feet, was available for purchase as a school site and recommending that it be considered by the Planning and Building Committee. There is a penciled note on this letter by Mr. Wagar under date of October 15th indicating that no action should be taken at present.

On October 10th Mr. Oxley wrote to Mr. Wagar indicating that a property 1½ miles East of the Versailles Garden Development was available for purchase as a school site at 15¢ or 20¢ per square foot.

On October 11th, Mr. Oxley wrote to Mr.

Pope reporting on the present and forecast enrolment in the St. Laurent schools and recommending that no property be purchased in the Parish of Ste. Genevieve until there was a clear indication of the concentration of population in that area.

On October 17th the Planning and Building Committee considered Mr. Oxley's report of October 11th.

On November 5th Trend Realities Ltd. wrote to the Greater Board indicating that it was interested in assisting the Greater Board to obtain a school site in the Parish of Ste. Genevieve.

On December 6th the St. Laurent Board passed a resolution recommending to the Greater Board that it be authorized to purchase parts of original lots numbers 94 and 101 having an area of approximately 5.12 arpents.

On December 11th Mr. Oxley wrote to Mr. Pope recommending the purchase of this property as a school site.

On January 10th, 1957 the St. Laurent Board resolved to request the Greater Board to authorize the purchase of the property above-mentioned.

On January 17th the Planning and Building Committee resolved to recommend to the Greater Board that the St. Laurent Board be authorized to negotiate for the purchase of parts of original lots numbers 94 and 101 (approximately 5.12 arpents) at a price of 15¢ per square foot.

On January 28th the Greater Board passed a resolution authorizing the St. Laurent Board to

negotiate for the purchase of this property at the price above indicated.

On February 16th the St. Laurent Board wrote to Westwood Realty Ltd. accepting the latter's offer to sell parts of original lots numbers 94 and 101, having an area of approximately 5.12 arpents, at 15¢ per square foot.

On April 25th the Greater Board wrote to the Departments of Education and Health respectively, for their approval of the property as a school site and on May 3rd the approval of the Department of Education was received and that of the Department of Health followed on June 18th.

On September 4th the St. Laurent Board passed a resolution authorizing the purchase of parts of original lots number 94 and 101, having an area of approximately 187,684 square feet, for the sum of \$28,152.60 (or 15¢ per square foot.).

On September 13th the issue of a cheque for \$28,152.60, payable to G. L. VanVliet, in trust, was requested.

On September 24th the Greater Board passed a resolution approving the purchase of this property for the sum of approximately \$29,000.00.

On September 28th the authorization of the Quebec Municipal Commission as to the amount of capital expenditure and loan was received.

On August 15th, 1957 Victoria Investment Consultants Ltd. purchased the property with greater extent from H. Amini et al for the sum of \$13,985.00.

On November 13th, 1957 the St. Laurent Board purchased the property from Victoria Investment Consultants Inc. for the sum of \$28,152.60.

On January 9th, 1961 Mr. Pope wrote Mr. Japp recommending the erection of a two-track elementary school on this site by September 1962, or 1963 at the latest.

On May 4th, 1961 the St. Laurent Board decided to confirm with the Town of Pierrefonds that the necessary municipal services would be available by September 1962.

On June 14th, 1961 the St. Laurent Board passed a resolution requesting the Town of Pierrefonds to provide the necessary Municipal services and an access road to this site by September 1961.

On the 6th of July 1961 the Town of Pierrefonds wrote to the St. Laurent Board that it would have to expropriate property for an access road, cede such road to the Town of Pierrefonds, and pay the cost of installing the necessary municipal services.

On October 20th, 1961 the Town of Pierrefonds wrote to the Greater Board refusing to provide an access road.

On November 9th, 1961 Mr. Pope wrote to Mr. Japp recommending the erection of a two-track elementary school on this site by September 1963.

On November 20th, 1961 the St. Laurent Board resolved to request the Greater Board to adopt the appropriate measures to obtain the necessary municipal services and an access road to this site.

On November 21st, 1961 this resolution was duly reported to the Greater Board.

On November 21st Messrs. Bertram and MacCumber submitted a memorandum to Messrs. Japp and Guild reporting that they had attended a meeting of the St. Laurent Board held on November 21st and expressing the opinion that it appeared to be necessary for the Board to decide whether it would be quicker to take steps to have services and access arranged to the site on part of lots 94 and 101 already owned or to buy a new site nearby and eventually sell the one they at present owned.

On December 12th the Planning and Building Committee passed a resolution recommending to the Greater Board in Committee of the whole not to authorize the St. Laurent Board to expropriate property to provide an access road to this site.

On December 19th the Greater Board in Committee of the whole resolved to recommend to the Greater Board not to authorize the St. Laurent Board to expropriate property to provide an access road to this site but to authorize the St. Laurent Board to secure an option to purchase property fronting on Lorraine Street.

On December 19th the Greater Board decided to adopt this recommendation. This decision was communicated to the St. Laurent Board.

Subsequently Versailles Gardens School (now Herbert Purcell School) was constructed on parts of original lots numbers 116, 119 and 120 and was opened in September 1963.

As above indicated the St. Laurent Board resolved on December 6th, 1956 to recommend to the Planning and Building Committee that it be authorized to purchase this site. This recommendation received the endorsement of Mr. Oxley and the Planning and Building Committee and, was subsequently approved by the Greater Board.

There is nothing in the evidence to suggest that the price of 15¢ per square foot paid for the property was excessive.

Although it has been stated that this site was acquired as part of a long range plan the fact is that on November 9th, 1961, just under four years from the date of the purchase of the site, Mr. Pope recommended the erection of a two-track elementary school on this site, to be ready by September 1962. Shortly prior to this date however, it became apparent that neither access nor municipal services would be available and the plan to erect what was to have been the Versailles Gardens School on this property was abandoned.

It is, at least, a matter of doubt that adequate consideration of the matter of services and access was given prior to the purchase of this property and there is no evidence that another suitable site (possibly the property which was eventually bought to accommodate the Herbert Purcell School) could not have been purchased instead.

LOTS NUMBERS 116, 119 and 120 - PARISH OF  
STE GENEVIEVE - TOWN OF PIERREFONDS -  
HERBERT PURCELL SCHOOL

This is the property which was purchased

as a substitute for the Versailles Gardens site.

On the 29th of November 1961 Westpark Development Corp. granted the St. Laurent Board a 90-day option to purchase parts of original lot numbers 116, 119 and 120 (area about 260,000 square feet) for \$91,000.00 or 35¢ per square foot.

On December 14th the St. Laurent Board resolved to recommend to the Greater Board that it be authorized to accept this option and this resolution was forwarded to the Greater Board.

On December 19th the Greater Board, in Committee of the whole, resolved to recommend to the Greater Board that the St. Laurent Board be authorized to secure an option on a piece of property fronting on Lorraine Street in replacement of original lot numbers 94 and 101 (Versailles Gardens Site).

On December 19th the Greater Board accepted this recommendation and authorized the St. Laurent Board to secure such an option. This resolution was duly communicated to the St. Laurent Board.

On January 10th, 1962 Mr. Guild wrote to Mr. Japp commenting on the property covered by the Westpark Development Corporation option (lots 116, 119 and 120) and drawing attention to the fact that though this site was not envisaged by the Master Plan it would serve as an alternative to lots 94 and 101.

On January 15th Advance Realities Inc. granted the St. Laurent Board a 90-day option to purchase part of original lot 107 fronting on

Lorraine Street for the sum of \$89,000.00. The St. Laurent Board decided to recommend to the Greater Board that it be authorized to accept this option and a request for authorization was forwarded to the Greater Board.

On January 18th, 1962 the Planning and Building Committee resolved to recommend to the Greater Board that the St. Laurent Board be authorized to accept the option granted by Advance Realities Inc. under date of January 15th, on the condition that the Town of Pierrefonds would cede two streets to the St. Laurent Board.

On January 30th the Greater Board passed a resolution authorizing the St. Laurent Board to accept the option granted by Advance Realities Inc. under date of January 15th on the condition above-mentioned. This resolution was communicated to the St. Laurent Board.

On February 9th a memorandum relating to the long range planning requirements of the St. Laurent Board was submitted to the Greater Board.

On March 7th Westpark Development Corp. granted a 60-day option to the St. Laurent Board to purchase lots numbers 116, 119 and 120 (area approximately 200,000 square feet) for \$70,000.00 or 35¢ per square foot.

On March 8th the St. Laurent Board passed a resolution recommending to the Greater Board that it be authorized to accept the option to purchase granted by Westpark Development Corp. under date March 7th, 1962. This resolution was reported to the Greater Board.

On March 12th, Mr. Guild wrote to Mr. Japp recommending the purchase of parts of original lots numbers 116, 119 and 120 as an alternative site to lots 94 and 101. (Versailles Gardens School Site.)

On March 13th the Planning and Building Committee resolved to recommend to the Greater Board that it rescind its resolution of January 30th, 1962 for the reason that the Town of Pierrefonds had not agreed to cede two streets to the St. Laurent Board and on the same date the Planning and Building Committee passed a resolution recommending to the Greater Board that the St. Laurent Board be authorized to accept the option granted by West Park Development Corp. under date of March 7th, 1962, subject to certain conditions. This resolution was reported to the St. Laurent Board.

On March 20th Maurice Provost granted the St. Laurent Board an option to purchase part of original lot 120, having an area of approximately 23,000 square feet for the sum of \$14,500.00 or 63¢ per square foot.

On March 22nd Westpark Development Corp. granted the St. Laurent Board an option to purchase parts of original lots number 116, 119 and 120 (area of approximately 178,000 square feet) for the sum of \$62,300.00, or 35¢ per square foot.

On March 24th the St. Laurent Board passed a resolution recommending to the Greater Board that it be authorized to accept the option granted by the Westpark Development Corp. under date of March 22nd, 1962. On the same date the St.

Laurent Board resolved to purchase from Westpark Development Corp. parts of original lots number 116, 119 and 120 (186,727 square feet) for the sum of \$63,354.45 or 35¢ per square foot and on the same date the St. Laurent Board passed a resolution recommending to the Greater Board that it be authorized to accept the option granted by Maurice Provost under date of March 20th, 1962. They also, on that date, resolved to purchase from Maurice Provost part of original lot 120 having an area of approximately 23,000 square feet for the sum of \$14,500.00, or 63¢ per square foot.

The said options granted by Westpark Development Corp. and Maurice Provost, respectively, were forwarded together with the resolution of the St. Laurent Board to the Greater Board.

On March 27th a memorandum was submitted to the Greater Board dealing with the negotiations in respect to the purchase of this property.

On the same date, March 27th, the Montreal Board passed a resolution rescinding its resolution of January 30th, 1962 for the reason that the Town of Pierrefonds had not agreed to cede two streets to the St. Laurent Board and the Greater Board on the same date passed a resolution authorizing the St. Laurent Board to purchase from Westpark Development Corp. parts of original lots number 116, 119 and 120 (area approximately 178,000 square feet) for the sum of \$62,300.00 or 35¢ per square foot, subject to certain conditions and on that same date the Greater Board passed a resolution authorizing the St. Laurent Board to purchase from Maurice Provost

part of original lot 120 having an area of 23,000 square feet, for the sum of \$14,500.00 or 63¢ per square foot, subject to certain conditions. These resolutions were communicated to the St. Laurent Board.

On March 30th the St. Laurent Board wrote to Maurice Provost accepting his option to purchase granted under date of the 20th of March 1962, subject to the said conditions.

On April 2nd, 1962 the St. Laurent Board wrote to Westpark Development Corp. accepting its option to purchase of March 22nd, 1962 subject to the same conditions.

On April 3rd, 1962 Maurice Provost wrote to the St. Laurent Board amending the conditions of his option.

On April 4th, 1962 the Greater Board wrote to the Department of Education requesting approval of the property by that Department and by the Department of Health.

On April 4th, 1962 Westpark Development Corp. wrote to the St. Laurent Board accepting the conditions contained in the Board's letter, dated April 2nd, 1962.

On April 5th Mr. Provost's letter of April 3rd and that of Westpark Development Corp. of April 4th were forwarded to the Greater Board.

On April 10th the Greater Board wrote to the St. Laurent Board stating that two of the amended conditions stipulated in Mr. Provost's letter of April 3rd were unacceptable.

On April 13th Mr. Provost wrote to the St. Laurent Board further amending the conditions of the option to purchase submitted by him under date of March 20th.

On the 1st of May the Department of Education wrote to the Greater Board approving the property as a school site and the Department of Health did likewise on May 25th.

On June 4th the Quebec Municipal Commission wrote to the Greater Board authorizing the purchase as to the amount of capital expenditure and loan.

On June 21st Mr. Japp requested the issue of a cheque payable to the order of Maurice Provost in the amount of \$14,523.60 and one payable to the order of Westpark Development Corp. in the amount of \$65,439.08.

Mr. Provost purchased part of original lot 120 from Power Realty and Investment Corp. under deed of sale dated April 24th, 1958.

Westpark Development Corp. purchased parts of original lots number 116, 119 and 120 (area about 186,727 square feet) for the sum of \$40,000.00 or 22¢ per square foot, under deed of sale passed May 7th, 1962.

Under deed of sale, dated June 26th, 1962, the St. Laurent Board purchased from Westpark Development Corp. parts of original lots number 116, 119 and 120, having an area of approximately 186,727 square feet, for the sum of \$65,354.45, or 35¢ per square foot.

On the same date the St. Laurent Board purchased from Maurice Provost part of original lot number 120, having an area of approximately 23,000 square feet, for the sum of \$14,500.00, or 63¢ per square foot.

The Herbert Purcell School, erected on this site, was opened in September 1963.

There is no reason to believe that this site was not in every respect suitable and although apparently no appraisal was obtained there is nothing to indicate that the cost of the property was excessive.

SUBDIVISION LOT NUMBERS 39 AND 40 OF ORIGINAL  
LOT NUMBER 67 - TOWN OF PIERREFONDS  
(HIGH SCHOOL)

By the end of the year of 1959 it had become apparent to the St. Laurent Board that a high school was needed in the Town of Pierrefonds.

On February 2nd, 1960 that Board received a letter from one R. Libersan indicating that he would be interested in selling to the Board part of original lot 62, situated to the North of Gouin Blvd., measuring approximately 290 feet in width by 490 feet in depth, and on February 12th Libersan granted the Board an option to purchase part of lot 62 comprising an area of about 20 arpents at the price of 45¢ per square foot.

The St. Laurent Board gave immediate consideration to this option and recommended to the Greater Board that it be authorized to take it up.

On March 11th, Mr. Guild wrote to Mr. Japp commenting on this property and two other sites in Pierrefonds. He pointed out that, although these areas should be considered in long range planning, none of them was serviced but that the site covered by the option, that is part of lot 62, could be used for both a future high school and an elementary school. He advised that this site should be carefully considered, an appraisal obtained and a report made to the Planning and Building Committee.

On the 14th of March the Planning and Building Committee considered the option and unanimously recommended that the St. Laurent Board be requested to secure an option to purchase approximately 12 acres of part of lot 62, this site to be at the South end of the area offered for sale.

On March 15th the Greater Board wrote to the St. Laurent Board transmitting this request and this was reported to the Greater Board and recorded in the minutes of a meeting held by it on March 22nd.

On March 25th Libersan wrote to the St. Laurent Board amending the option of February 12th by reducing the area to approximately 12 acres, (situated on the South end of the area originally offered for sale). This option was forwarded to the Greater Board and on April 11th Park Laign Ltd. wrote to the Greater Board appraising the property at 30¢ per square foot.

On April 13th the Planning and Building Committee decided to request the St. Laurent Board to endeavour to secure a reduction in price. The

Greater Board wrote to the St. Laurent Board on April 20th requesting the St. Laurent Board to approach the vendor with a view to securing a reduction in price and an amendment of the option by omitting the right to cultivation and passage thereon.

On April 29th Libersan wrote to the St. Laurent Board offering to sell this property at  $42\frac{1}{2}\text{¢}$  per square foot and to eliminate the condition contained in the option with regard to the right of cultivation and passage.

On May 5th the St. Laurent Board resolved that the option to purchase this parcel of land, comprising 12 acres at the price of  $42\frac{1}{2}\text{¢}$ , be taken up.

On May 6th the St. Laurent Board wrote to Mr. Japp conveying the recommendation of the St. Laurent Board.

On May 12th the Planning and Building Committee recommended that the St. Laurent Board be authorized to take up the said option and on May 19th the Greater Board authorized the St. Laurent Board in accordance with this recommendation.

On May 24th the Greater Board wrote to the St. Laurent Board advising of the said resolution.

On May 26th the St. Laurent Board wrote to Libersan accepting the amended option.

On June 10th the Greater Board wrote to the Department of Education requesting its approval of the purchase of this property.

On June 28th the St. Laurent Board passed a resolution authorizing the purchase of part of lot 62 (having an area of approximately 522,285 square feet) for the sum of \$221,971.13, or \$0.425 per square foot.

On July 5th the Department of Education wrote approving the purchase and enclosing the certificate of the Department of Health.

On July 22nd the Quebec Municipal Commission authorized the purchase.

On September 6th requisition was made for the issuance of a cheque payable to the order of G. L. VanVliet, in trust, in the amount of \$221,971.13.

On October 6th a deed of sale was executed before Notary VanVliet.

On May 2nd, 1962 Mr. Guild wrote to Mr. Frank Wright of the St. Laurent Board recommending the procedure to be followed in regard to streets and services.

On May 6th Cadrumont Construction Inc. wrote to the St. Laurent Board offering to sell sub-division 39 of original lot 67, having an area of approximately 7,712 square feet, at 35¢ per square foot.

On May 8th the St. Laurent Board wrote to the Greater Board regarding this offer.

On May 22nd Mr. Guild wrote to Mr. Japp recommending:

1. purchase of sub-division 39 of original lot number 67 for access and services;

2. purchase of sub-division 40 of original lot number 67 for caretaker residence, and
3. the cession of land parallel to Gouin Blvd. for a street.

On May 29th the Greater Board passed a resolution authorizing the St. Laurent Board to purchase sub-division 39 of original lot 67 (approximately 6,570 square feet at 35¢ per square foot) but directing that the purchase of sub-division 40 of original lot 67 be held in abeyance and that no land be ceded for the purpose of streets.

On May 30th the Greater Board wrote to the St. Laurent Board forwarding the above-mentioned resolution.

On June 11th the St. Laurent Board wrote to Cadrumont Construction Inc. accepting the latter's offer to sell sub-division 39 of original lot 67.

At a meeting of the St. Laurent Board held on June 14th the report of negotiations connected with the purchase of sub-division 39 and 40 of lot number 67 was made and it was resolved to purchase sub-division 39 of original lot 67 (approximately 6,570 square feet) and sub-division 40 of original lot 67 (approximately 7,712 square feet) for \$5,000.00, or 35¢ per square foot.

On June 18th the Greater Board wrote to the Department of Education requesting approval of this purchase.

On June 12th the Department of Education approved the purchase and stated that the approval of

the Department of Health was unnecessary.

On June 26th the Greater Board passed a resolution authorizing the St. Laurent Board to purchase this property at a price of 35¢ per square foot.

On June 29th the St. Laurent Board wrote to Cadrumont Construction Inc. accepting the latter's offer to sell sub-division 40 of original lot number 67.

On August 10th, 1962 Messrs. West, Rusko & Gregory wrote to the Greater Board reporting the existence of a lane, being sub-division 12 of original lot 67, between sub-divisions 39 and 40 of original lot 67.

On August 21st Mr. J. P. Rowat wrote to the St. Laurent Board stating that the Greater Board was unaware of the existence of the said lane when it considered the purchase of sub-division 39 and 40 of original lot 67.

On August 21st, 1962 J. P. Rowat wrote to Messrs. West, Rusko & Gregory stating that the main purpose in purchasing sub-divisions 39 and 40 of original lot 67 was to provide access to the school site.

On September 13th the minutes of the St. Laurent Board noted that all persons concerned were aware of the passageway or land in question and had agreed that it was not sufficiently wide and that it was desirable to finalize the purchase of the said sub-division lots.

On September 17th, 1962 Messrs. West,

Rusko & Gregory wrote to the Greater Board (with attached plan) reporting that the land above referred to was owned by the Town of Pierrefonds.

On September 19th Mr. J. P. Rowat wrote to the St. Laurent Board indicating that matters had progressed to the point that the Board was obliged to proceed with the purchase of these two subdivisions

On September 26th requisition was made for the issuance of a cheque payable to Cadrumont Construction Inc. conveying the property to the St. Laurent Board.

Although, apparently, no appraisal of this property was obtained the proof would seem to indicate that the price paid by the Board was not, in the circumstances, excessive.

There is likewise in this case some reason to doubt that the question of adequate accessibility to this property had received the consideration it should have been given prior to the purchase of the property.

SUB-DIVISION 115 - ORIGINAL LOT 327 - PARISH  
OF STE GENEVIEVE - TOWN OF ROXBORO - FUTURE  
ELEMENTARY SCHOOL

At a meeting of the Planning and Building Committee held on June 8th, 1953 the opinion was expressed that the St. Laurent Board should acquire a school site in the area of the Village of Saraguay rather than add to the Cartierville School. Mr. Japp was asked to investigate and report.

On June 19th Mr. Japp wrote to Mr.

Sommerville recommending the purchase of a strategic school site in the area to the West of the Town of Cartierville.

On June 22nd the Planning and Building Committee decided that Mr. LeRoy should investigate the area to the West of the Town of Cartierville and on July 14th Mr. LeRoy wrote to Mr. Sommerville commenting on the building development and the school population in Ste. Genevieve school district number three and mentioning an offer of Mayor Bigras to donate part of original lot 42 to the St. Laurent Board as a school site.

On July 23rd, Mr. Japp wrote to Mr. Sommerville commenting on this offer and on July 29th the Planning and Building Committee decided to ascertain the area which it was proposed to donate.

On April 11th, 1954 Mr. F. E. Jones, realtor, wrote to Mr. Wagar indicating that part of original lot number 46, having an area of approximately 81,870 square feet, was available for purchase at 35¢ per square foot.

On May 14th Mr. Japp wrote to the St. Laurent Board expressing the opinion that the property offered by Mr. Jones was unsuitable as a location for a school.

On June 2nd, 1954 Mr. Wagar wrote to the St. Laurent Board suggesting that it should decide on a suitable school site in the area of the Towns of Roxboro and Ste. Genevieve as soon as possible.

On June 2nd, 1954 Mr. F. E. Jones wrote to the St. Laurent Board indicating an area of

approximately 147,436 square feet in the Town of Roxboro available for purchase at 14¢ per square foot and on the same date wrote to the St. Laurent Board indicating that part of original lot number 27, having an area of approximately 109,440 square feet, was available for purchase at 18¢ per square foot.

On June 3rd the St. Laurent Board wrote to the Greater Board indicating that the property mentioned in Mr. Jones' letter to Mr. Hagar of the 18th of April was unsuitable both as to price and location.

On June 7th, 1954 the St. Laurent Board passed a resolution recommending to the Greater Board that it be authorized to purchase the two properties mentioned in the letters of Mr. F. E. Jones to the St. Laurent Board under date of June 2nd, 1954.

On June 8th U. Libersan wrote to Jones authorizing him to sell part of sub-division 62 of original lot number 36 at 15¢ per square foot.

On June 14th the St. Laurent Board wrote to the Greater Board advising of its resolution passed on June 7th, and on June 17th Mr. Japp wrote to Mr. Sommerville commenting in respect of the two properties mentioned in the letters of F. E. Jones to the St. Laurent Board and expressing the opinion that only one school site should be purchased in the area and that it should be further West than the two properties under consideration.

On June 17th the Planning and Building Committee decided that consideration of these two

properties should be referred back to the St. Laurent Board and on June 22nd the Greater Board approved this recommendation.

On June 24th the Greater Board wrote to the St. Laurent Board advising it of the recommendation of the Planning and Building Committee.

On July 16th Mr. LeRoy wrote to Mr. Sommerville stating that the property which Mr. Bigras offered to donate to the St. Laurent Board was Sub-division 115 of original lot number 327, having an area of approximately 88,100 square feet.

On July 21st, 1954 F. E. Jones wrote to the St. Laurent Board indicating two properties, one having an area of approximately 136,000 square feet available for purchase at 25¢ per square foot and another, having an area of approximately 120,000 square feet, available at 20¢ per square foot.

On July 22nd, F. E. Jones wrote to the St. Laurent Board offering to sell the property mentioned in the letter of U. Libersan to F. E. Jones under date of June 8th, 1954 at 8¢ per square foot.

On July 29th, 1954 the St. Laurent Board passed a resolution accepting the offer which had been made orally by Remi Realty Limited (Mr. Bigras' Company) to cede to the St. Laurent Board sub-division 115 of original lot number 327, having an area of approximately 88,100 square feet, for the sum of \$1.00.

On August 16th, 1954 D. B. Sutherland, Superintendent of New Buildings wrote to Mr. LeRoy commenting with respect to sub-division 115 of

original lot 327 and expressing the opinion that although it was not an ideal site it would be a practical purchase for the sum of \$1.00.

On the 16th of September 1954 the Planning and Building Committee decided to request the St. Laurent Board to submit this matter to the Greater Board in accordance with the established procedure. This decision was indicated to the St. Laurent Board.

On December 2nd, 1954 the St. Laurent Board resolved to recommend to the Greater Board that it be authorized to purchase sub-division 115 of original lot 327 for the sum of \$1.00. This resolution was communicated to the Greater Board and on December 8th Mr. Japp submitted a memorandum to the Greater Board recommending the acquisition of this site.

On December 15th the Planning and Building Committee resolved to recommend to the Greater Board that the St. Laurent Board be authorized to purchase this property for the sum of \$1.00 and on the 21st of December the Greater Board passed a resolution authorizing the purchase by the St. Laurent Board.

On October 17th the St. Laurent Board passed a resolution authorizing the purchase of sub-division 115 of original lot 237, having an area of approximately 88,100 square feet, for the sum of \$1.00.

On December 20th, 1955 the deed of sale from Remi Realty Ltd. to the St. Laurent Board was executed before Notary G. L. VanVliet.

On February 16th, 1956 the St. Laurent Board wrote to Mr. Bigras (Remi Realty Ltd.) expressing appreciation of the gift of the school site and assuring him that the Board was closely watching development of the area and would keep the needs of the area before it with a view to building an adequate school on the site when the population was large enough to justify such action.

On March 23rd, Mr. Japp wrote to Mr. Sommerville recommending that another site be purchased unless the wording of the deed could be rectified.

On April 12th the Roxboro Proprietors Association wrote to the St. Laurent Board inquiring as to the Protestant School population in the Town of Roxboro.

On May 9th, 1956 the St. Laurent Board wrote to Remi Realty indicating interest in acquiring additional property adjacent to the one already purchased.

On May 24th Roxboro Proprietors Association wrote to the St. Laurent Board inquiring in regard to payment for the transportation of pupils.

On July 27th Mr. Japp wrote to the St. Laurent Board stating that a recommendation in regard to the construction of a school in the Town of Roxboro would be made when enrolment and development had been determined in 1956.

On August 2nd the St. Laurent Board wrote to Remi Realty Ltd. requesting options to purchase additional property adjacent to that already purchased.

On September 14th the St. Laurent Board wrote to the Greater Board recommending that free transportation be provided for pupils from the Town of Roxboro.

Remi Realty Ltd. wrote to the St. Laurent Board on the 21st of September 1956 inquiring as to whether the latter would be interested in purchasing sub-division 119, 120, 121, 122 and 123 of original lot 327 for the sum of \$14,500.00 or 38¢ per square foot.

The St. Laurent Board wrote to the Greater Board on September 22nd, requesting action be taken as soon as possible to resolve the school problem in the Town of Roxboro.

The Greater Board wrote to the St. Laurent Board on the 27th of September stating that the Planning and Building Committee was aware of the school problem in the Town of Roxboro and was considering a solution.

On October 4th the St. Laurent Board resolved to recommend to the Greater Board that it be authorized to purchase sub-division 119, 120, 121, 122 and 123 of original lot 327 for the sum of \$14,500.00. This resolution was transmitted to the Greater Board and reported to Remi Realty Ltd.

The Roxboro Proprietors Association wrote to the St. Laurent Board on October 16th recommending the purchase of this property.

On October 17th the Planning and Building Committee recommended to the Greater Board that the St. Laurent Board be authorized to purchase this property on the condition that 12th Street be closed

and ceded to the St. Laurent Board.

On the 23rd of October the Greater Board passed a resolution providing free transportation for pupils from the Town of Roxboro and on the same date a resolution was passed authorizing the St. Laurent Board to purchase the said property on the said condition.

The Greater Board wrote to the St. Laurent Board on the 26th of October reporting this resolution of which the St. Laurent Board in turn advised Remi Realty Ltd.

On November 1st, the St. Laurent Board resolved to obtain extension of the option to purchase sub-division 119, 120, 121, 122 and 123 of original lot 327 for another 45 days.

The St. Laurent Board wrote to Remi Realty Ltd. on November 5th reporting this resolution and on November 14th received from Remi Realty Ltd. a reply advising that the option had been extended and that an attempt was being made to settle the question of the closing of the street.

The St. Laurent Board wrote to the Greater Board on December 3rd enclosing copies of correspondence between the Department of Municipal Affairs and the Town of Roxboro and the Town of Roxboro and the St. Laurent Board in connection with the closing of 12th Street. The Greater Board wrote to the Department of Education on the 12th of December requesting its approval of the property as a school site as well as that of the Department of Health.

On December 27th, 1956 the Department of Education wrote to the Greater Board approving the property as a school site.

On January 10th, 1957 the Roxboro Proprietors Association submitted a memorandum recommending the immediate construction of a one-track school on this property.

On January 14th, 1957 Mr. Sommerville submitted a report containing a general review of proceedings connected with the purchase of this property.

On January 17th, 1957 the Planning and Building Committee recommended to the St. Laurent Board that this property not be purchased unless 12th Street has been closed and ceded to the St. Laurent Board.

On January 22nd, 1957 the Greater Board wrote to the St. Laurent Board reporting the resolution of the Planning and Building Committee.

On January 30th the Greater Board received, from the Department of Health, approval of this site.

The acquisition by the St. Laurent Board of sub-division 115 of original lot 327 by way of gift from the Mayor of Roxboro is an example of the co-operation between Municipal and School Authorities which is so desirable in the interest of both, but unfortunately has not always existed.

PART OF LOT NUMBER 31 - PIERREFONDS -

STONECROFT SCHOOL

On March 11th, 1959 Mr. A. Sauvage granted the St. Laurent Board an option to purchase part of original lot number 16, having an area of approximately 424,847 square feet (at 45¢ per square foot).

The Board considered this option and requested the authorization of the Montreal Board to accept it.

On March 17th Mr. Cockhill wrote to Mr. Pope commenting on this property and indicating that its situation was on the Eastern fringe of the Cloverdale Park area.

On March 18th the Planning and Building Committee decided to recommend to the Greater Board that the St. Laurent Board be authorized to negotiate for the purchase of only 3 to 3.5 acres of the ten acres offered, or in the alternative, to request the authorization of the Greater Board to institute expropriation proceedings.

On March 24th the Greater Board granted the authorization requested.

On April 1st Mr. Duguid wrote to Mr. Sommerville commenting on this property and recommending that the part to be purchased, or expropriated, be carefully selected.

On April 16th Mr. A. Sauvage granted an option to the Board to purchase part of original lot 16 having an area of approximately 175,000 square feet at 60¢ per square foot.

On April 21st J. D. P. Gilmour wrote to the St. Laurent Board offering to sell part of original lot number 31 having an area of approximately 173,000 square feet (with three buildings thereon) for the sum of \$150,000.00

On May 14th the St. Laurent Board wrote to the Greater Board forwarding Gilmour's letter of April 21st.

On May 20th the Planning and Building Committee considered the two options, namely that of Sauvage and that of Gilmour, and decided to refer them back to the St. Laurent Board for an indication of its preference.

On May 26th J. D. P. Gilmour wrote to the St. Laurent Board offering to sell part of original lot number 31 having an area of approximately 137,000 square feet with three houses thereon, for the sum of \$120,000.00.

On May 27th Mr. Oxley (Education Officer) wrote to Mr. Pope indicating the need for a new school in the Gloverdale Park Area.

On June 1st, 1959 Mr. Pope wrote to the St. Laurent Board forwarding to it Mr. Oxley's letter with attachments.

On June 5th, 1959 the St. Laurent Board wrote to the Town of Pierrefonds requesting information as to when municipal services would be extended to lot 16.

On June 10th the Town of Pierrefonds wrote to the St. Laurent Board that no guarantee could be given in this connection.

On June 10th, 1959 Walker Realities Inc. wrote to the St. Laurent Board indicating the difficulty in locating land in Ste. Genevieve having a minimum area of 150,000 square feet, and stating that the current market price of land was between 60¢ and \$1.00 per square foot.

On June 11th Mr. Pope wrote to Mr. Sommerville submitting Mr. Oxley's letter of May 27th and recommending the purchase of part of original lot number 31 and on the same date J. D. P. Gilmour granted a 60-day option to the Board to purchase part of original lot number 31 having an area of 171,000 square feet for the sum of \$125,000.00. On the same date the St. Laurent Board passed a resolution requesting the Greater Board to authorize it to accept the Gilmour option of June 11th and to allow the Sauvage option under date of April 16th to lapse.

On June 15th MacKenzie, Hodgson and MacKenzie Ltd. wrote to the Greater Board appraising this property at the sum of \$130,000.00.

On June 17th the Planning and Building Committee passed a resolution recommending to the Greater Board that the St. Laurent Board be authorized to purchase this property at \$125,000.00 in accordance with the option.

On June 23rd the Greater Board authorized the St. Laurent Board to purchase the said property on these terms.

On July 27th the Greater Board wrote to the Department of Education requesting approval of the property as a school site by the Departments of

Education and Health.

On August 14th the St. Laurent Board passed a resolution authorizing the purchase of the said property and on August 26th the Department of Education and the Department of Health approved the property as a school site.

On August 27th Scott & Percy Ltd. wrote to the St. Laurent Board offering an option on part of lot 16, having an area of approximately 500,000 square feet, at 30¢ per square foot.

On September 8th the Greater Board passed a resolution approving the purchase by the St. Laurent Board of part of original lot 31, having an area of approximately 171,380 square feet, for the sum of \$125,000.00.

On September 16th the Quebec Municipal Commission granted authority as to the amount of capital expenditure and loan and on September 17th requisition was made for the issuance of a cheque in the amount of \$124,990.00, payable to G. L. VanVliet, in trust.

On August 27th, 1948 J. D. P. Gilmour purchased the property with greater extent from D. E. J. Holoway for the sum of \$18,500.00.

On September 22nd, 1959 the St. Laurent Board decided to reject the option submitted by Scott & Percy Ltd., under date of August 27th, and Scott & Percy Ltd. were so advised.

On November 2nd, 1959 the Roxboro Home and School Association wrote to the Greater Board requesting the erection of a school in the Cloverdale

Park area and on November 13th Mr. Pope wrote to Mr. Sommerville recommending the erection of a school on this site. This recommendation was adopted and the Stonecroft School was opened on September 1961.

In view of the appraisal obtained, according to which this property was valued at \$130,000.00, the price of \$125,000.00 paid by the Board appears to have been reasonable.

TOWN OF PIERREFONDS - BEECHWOOD SCHOOL

On December 6th, 1960 the St. Laurent Board received an offer from Sullivan Realities Company Limited (apparently representing Raymond Investment Co. Inc.) offering to sell part of original lot number 110, having an area of approximately 12 arpents, at a price of 22¢ per square foot, and another part of the same lot number 110, having an area, of approximately 6 arpents, at 16¢ per square foot.

On December 9th Benjay Investment Corp. submitted an option to purchase part of original lot number 110, (approximately 200,000 square feet) at 29¢ per square foot.

On December 13th the St. Laurent Board received a communication from Raymond Investment Co. Inc. asking for an indication as to the requirements of the Board, and on the same date the St. Laurent Board decided to request from Sullivan Realities a 90-day option to purchase the Southeast part of original lot number 110 (approximately 6 arpents) at a price of 20¢ per square foot.

On December 19th Raymond Investment Inc. wrote to the St. Laurent Board agreeing to grant an option on this part of original lot number 110 (approximately 6 arpents) at 21¢ per square foot.

On January 5th, 1961 the St. Laurent Board passed a resolution requesting the Greater Board for authorization to accept this option and at the same time referred to the Greater Board the option of Benjay Investment Corp. dated the 9th of December 1960.

On January 10th Raymond Investment Co. Inc. submitted an option to purchase the Southeast half of original lot 110, having an area of approximately 227,414 square feet, at 21¢ per square foot.

On January 12th the St. Laurent Board reported its resolution of January 5th to the Greater Board and referred to it the option to purchase submitted by Raymond Investment Co. Inc., under date of January 10th, as well as that of Benjay Investment Corp. under date of December 9th.

On January 30th Mr. Pope wrote to Mr. Japp recommending the purchase of the property covered by the option granted by Raymond Investment Inc. of January 10th.

On February 13th Warnock Hersey Appraisal Ltd. wrote to the Greater Board advising that a price not exceeding 30¢ per square foot should be paid for this property, in view of the absence of roads and other services.

On February 14th the Planning and Building Committee considered the options submitted by Raymond Investment Inc. and Benjay Investment Corp. respectively and recommended to the Greater Board that the St. Laurent Board be authorized to purchase the Southeast part of original lot number 110, having an area of approximately 227,414 square feet, at 21¢ per square foot.

On February 21st the Greater Board, in Committee of the whole, resolved to recommend to the Greater Board that the St. Laurent Board be authorized to purchase this property on the terms above-mentioned, and on the same date the Greater Board passed a resolution authorizing the St. Laurent Board to purchase the said property in accordance with this recommendation.

On February 25th the St. Laurent Board wrote to the Sullivan Realities Co. Ltd. offering to purchase the Southeast part of original lot 110, having an area of approximately 227,414 square feet, at 21¢ per square foot.

On March 4th the St. Laurent Board wrote to Scott & Percy Ltd. rejecting the option submitted by Benjay Investment Inc. under date of December 9th, 1960.

On March 7th, 1961 Sullivan Realities Co. Ltd. wrote to the St. Laurent Board accepting the offer to purchase submitted by the Board under date of February 25th, 1961.

On March 9th the St. Laurent Board wrote to the Greater Board forwarding this acceptance.

On March 14th the Greater Board wrote to the Department of Education requesting approval of the property as a school site by the Department of Education and the Department of Health, respectively.

On May 4th, 1961 this approval was received and on May 25th the Quebec Municipal Commission authorized the purchase as to the amount of capital expenditure and loan.

On June 14th the St. Laurent Board passed a resolution authorizing the purchase of the said property on the terms of the accepted option.

On July 12th a requisition was signed for the issuance of a cheque payable to the order of Messrs. McLean, Herschorn, Marler, Common and Tees, in trust, in the amount of \$47,857.29.

This property was purchased by Raymond Investment Co. Inc. from Nicholson Investment Company under deed of sale dated July 13th, 1961 and on the same date the property was sold under deed of sale executed by Raymond Investment Inc. in favour of the St. Laurent Board.

The St. Laurent Board acquired this property at the price of 21¢ per square foot which, having regard to Rowe's recommendation that the Board pay up to 30¢ per square foot, was no doubt a reasonable price.

WESTMOUNT - ROSLYN SCHOOL

On May 4th, 1951 the Westmount Board forwarded to the Greater Board plans which the former had approved, for the alteration and extension

of this school, together with a recommendation that in order to round out a more satisfactory unit, two properties having a total area of about 14,440 square feet, situated adjacent to the Northwest boundry of Grosvenor Avenue, together with the buildings erected upon the parts of these properties facing on Roslyn, be acquired.

In reply to a request from the Greater Board for further information, the Westmount Board wrote on August 20th stating that the estimated cost involved would be about \$60,000.00 and indicating that the existing buildings on the property would eventually be demolished to provide a play-ground.

On September 22nd the Westmount Board passed a resolution requiring its secretary to write the Greater Board in regard to the possibility of acquiring this property and requesting permission to engage a real-estate agent to investigate the matter.

On October 22nd the Westmount Board wrote to Mr. Sommerville reporting that one of these properties facing Grosvenor Avenue was a vacant lot, owned by the Estate Palmer and assessed at \$6,200.00, and the other (facing Roslyn Avenue) was a pair of semi-detached houses owned by W. H. Moore, assessed respectively at \$9,000.00 and \$9,250.00.

On October 26th Mr. Sommerville wrote to the Westmount Board suggesting that if it wished to raise the issue it should do so officially and the matter would be referred to the Planning and Building Committee.

On March 13th, 1961 Craddock Simpson

Company wrote to the Westmount Board to the effect that it was unlikely that these properties could be purchased for less than \$116,000.00.

On April 7th the Westmount Board wrote to the Greater Board for authorization to purchase these properties for a sum not to exceed \$80,000.00.

On April 19th the Planning and Building Committee passed a resolution recommending that the Westmount Board be authorized to purchase the properties for a sum not exceeding \$80,000.00, and if necessary to expropriate same. This recommendation was approved by the Greater Board on April 25th.

On November 23rd, 1961 the Royal Trust Company, on behalf of the Estate Plamer, wrote the Westmount Board granting an option to purchase (good until December 11th, 1961) the land adjoining 629 Grosvenor Avenue (parts of sub-division 87 and 88 of original lot number 218, Parish of Montreal) for \$25,000.00.

On December 6th the Westmount Board wrote to the Royal Trust Company accepting the said option, subject to the necessary approvals being obtained.

On December 12th, 1961 the Planning and Building Committee recommended to the Greater Board that the action of the Westmount Board in securing this option be approved. This recommendation was accepted by the Greater Board on December 19th and the Royal Trust Company advised accordingly.

On December 21st, the Greater Board

wrote to the Department of Education for its approval of the purchase of this property.

On January 11th, 1962 the Greater Board received a letter from the Department of Education stating that it was not necessary to have the property inspected either by it or the Department of Health. In the meantime the option had been extended until noon March 30th, 1962.

On January 18th the Planning and Building Committee passed a resolution recommending that the Greater Board authorize the Westmount Board to complete the purchase of this property and this authorization was granted on January 30th, and the Royal Trust Company advised accordingly.

On February 20th the Westmount Board passed a resolution authorizing the signature of the necessary deed of sale which deed was executed on March 29th before G. L. VanVliet, Notary.

On April 10th, 1962 the Craddock Simpson Company wrote to the Westmount Board in regard to the Young property, 620 Roslyn Avenue, stating that the price of \$45,000.00 demanded was unreasonable and suggesting that unless the owners were prepared to accept less, expropriation might be necessary.

On May 4th the Westmount Board wrote to the Greater Board indicating that expropriation now appeared to be necessary.

On June 19th the Westmount Board passed a resolution instructing the immediate institution of expropriation proceedings.

On September 7th the solicitors of the Westmount Board reported to that Board that Mrs. Young had accepted an offer of \$35,000.00 for her property.

On September 1st, the Craddock Simpson Company had written the Montreal Board appraising the Moore property, 624 Roslyn Avenue, at about \$30,000.00.

On September 18th the Westmount Board passed a resolution authorizing the signature of the deed of purchase from Mrs. Young at the price of \$35,000.00.

On December 18th the Westmount Board resolved that an offer of \$30,000.00 be made for the property, 624 Roslyn Avenue (the Moore property) plus 10%, or a total of \$33,000.00.

In April 1963 expropriation proceedings were started and contestation of same was produced on May 29th. An exchange of correspondence ensued between Mr. Moore and the Westmount Board and finally the expropriation proceedings were settled and Mr. Moore agreed to sell the property to the Board for the price of \$34,850.00, the Board to contribute \$450.00 towards law costs.

On September 20th, 1963 the Planning and Building Committee recommended that the Westmount Board be authorized to purchase the property on these terms and this recommendation was accepted by the Greater Board on September 30th.

On October 15th the Westmount Board passed a resolution approving the purchase and authorizing the signature of a deed of sale.

Having regard to the appraisal submitted by the Craddock Simpson Company, it appears that the Westmount Board was successful in acquiring these properties at a moderate price.

#### WESTMOUNT HIGH SCHOOL

This property consists of part of the Westmount Athletic grounds and Redfern Park, which the Westmount Board purchased from the City of Westmount, plus 17 neighbouring lands that it either purchased or expropriated from individual proprietors.

When the Westmount Board first approached the problem of improving school facilities in that City it was decided to build an addition to the Westmount Senior High School on Cote St. Antoine Road and architectural plans for such an addition were prepared and approved by the Department of Education. They were however, not approved by the Department of Health on the ground that the school site was too small.

The Westmount Board then considered alternatives and after further extensive study and investigation devised a more comprehensive solution.

In the process the Board considered ten different properties before deciding on that which was finally purchased.

The planning extended beyond the existing Westmount High School to include the acquisition of a new property and the erection thereon of a

composite Junior and Senior High School for pupils attending Westmount Junior High School and the Westmount Senior High School

The plan extended also to the equipping of the Westmount Junior High School as an elementary school for pupils attending King's School on Western Avenue and Queen's School on Olivier Avenue, and to the sale of the Westmount Senior High School, King's School and Queen's School. The above plan has now been accomplished, except for the sale of Queen's School, to part with which there appears to be some reluctance until the City of Westmount has rezoned the area for industry.

The records of the Westmount Board in connection with these matters are enormous in volume. They have however, been examined with care by Counsel and those of most importance have been filed with the Commission. In brief, it may be stated that these documents consist of the voluminous correspondence which took place between the Westmount Board and the Greater Board over the period dating from March 1953 to April 1963, as well as to relevant minutes of both Boards and the Planning and Building Committee. No useful purpose would be served by referring to these documents individually. From them it appears, and the Commission is satisfied, that the land transactions by which the plan above-described was implemented were negotiated and consummated according to law and with competence and good judgment.

In view of the questions which have been raised in regard to resort to expropriation in the acquisition of school sites, reference should be

made to the expropriations undertaken in connection with the Westmount High School project. Of expropriation proceedings commenced in respect of seventeen properties, settlements were arrived at in the case of three (after judgment had been rendered granting the Board prior possession). It is noteworthy (Exhibit B-87) that in nearly every case the price paid by the Board including costs and indemnity amounted to somewhat more (and in one or two cases considerably more) than the proprietors were at the outset prepared to accept.

#### SUGGESTIONS AND RECOMMENDATIONS

There does not appear to be any need for sweeping or radical changes in the procedures which have been followed in the selection and acquisition of school sites. Nevertheless it would seem that there are particular areas in which improvement might be made and with this in mind, the following suggestions are advanced. Most of them have their origin in the testimony heard.

Although, happily, there have been exceptions, it appears that in general there has been a regrettable lack of co-operation between Municipal and School Authorities in the matter of assuring the availability of suitable school sites when they might be needed.

Evidence was heard that in some other jurisdictions the speculative builder, who seeks to develop a new residential area, is required to file a sub-division plan with the local Municipal Planning Board. Before this plan is approved the

Planning Board calls in the Educational Authority with whom it collaborates in the matter of ensuring that suitable school sites, parks and recreational areas are reserved, and the sub-division plan is approved only after these matters have been provided for.

Although, prior to 1960, there were no such provisions under our law, this is no longer true in the case of those municipal corporations which are governed by the Cities and Towns Act.

The Quebec Statute 8-9 Eliz.II c.76 (enacted in 1960) amended sections 429 and 430 of the Cities and Towns Act so that they now empower a municipality to make a master plan of its streets and public areas, create and maintain a planning authority and provide for collaboration between municipal, school and religious organizations to insure (much in the same manner as that above outlined) that town planning makes provision for suitable and acceptable sites for churches, schools, parks and recreational areas.

This statute provides that the plan finally approved by the municipality, and confirmed by a judgment of the Court, becomes bidding for a period of five years which period may be extended for an additional five years, and has the effect of homologation.

With this legislation now in force and, given reasonable co-operation as between Municipal and School Authorities, much of the difficulty which has been encountered in the past in the matter of obtaining suitable school sites at reasonable prices should no longer exist.

From the difficulties experienced in obtaining a building permit for the erection of the Buchanan School and of securing adequate water and sewage services in the case of that school and the Winston Churchill High School, it appears that the Greater Board has lacked the services of one whose specific duty it was to ensure, prior to the purchase of a site, that adequate water and sewage services and satisfactory access to the property being purchased would be available when required and that no municipal zoning by-laws or other restrictions existed which were likely to prevent or interfere with the use of the property for the purpose for which it was being acquired. It would seem to be desirable that these matters should be made the specific responsibility of some properly qualified representative of the Board, preferably an engineer.

It is evident that, under the law as it at present exists, expropriation, even when the right to it is clear, affords school boards a means of acquiring school sites which is of very little practical advantage. In cases where the need for a school is urgent the protracted delays which are often involved and the fact that, in order to obtain prior possession, the Board is obliged to deposit security amounting to twice the amount of its offer, rule out expropriation as a practical remedy in most instances.

It would seem that an amendment of the law is desirable to permit expropriation of school sites to be accomplished simply and expeditiously as is the case in certain other jurisdictions, notably Toronto, and to enable a school Board to obtain prior possession upon depositing the price offered and

submitting satisfactory proof of its financial ability to pay whatever amount may be awarded above the amount of the said deposit.

There is evidence which seems to justify the conclusion that the practice of obtaining options for the purchase of prospective school sites is one which may well work, and has in the past worked, to the disadvantage of the Board concerned. There is reason to believe that a better practice would be for the Board, seeking to acquire a school site, to first locate one which is suitable (with possibly one or two alternatives), decide what price the Board is prepared to pay for it and then approach the owner with a definite offer for immediate acceptance.

No doubt the regulations which have been considered to have the effect of requiring the Greater Board to obtain the approval of the Department of Education, the Department of Health and the Quebec Municipal Commission respectively, as a condition precedent to the purchase of a school site, have militated against the adoption of a procedure such as that outlined above. There appears, however, to be confusion in the minds of some as to the nature and purpose of these approvals and some doubt concerning the validity of the regulations which provide for them.

These approvals, which the Board has been scrupulous in obtaining, do not, and were not intended to, relate to the question of whether or not a property is being purchased at a price commensurate with its fair market value.

The Department of Education is concerned solely with regard to the suitability of the site under consideration from the educational point of view; while the interest of the Department of Health is limited to the question of the acceptability of the site from the point of view of health and sanitation. In so far as the Quebec Municipal Commission is concerned its approval is necessary only when a loan is being applied for, and then only for the purpose of insuring that the Board's reasonable borrowing capacity is not exceeded.

The proof shows that these approvals have not been granted automatically or without due investigation. In fact in several instances approval has been either withheld or refused. It would seem however that, if the validity and utility of the regulations which require them continue to be accepted, it should not be impossible to obtain them before, rather than after, the making of a firm offer to purchase.

In the course of the inquiry various opinions were expressed concerning the employment of real estate experts to direct or undertake negotiations leading to the purchase of school sites. The consensus of opinion seems to be that whether or not the conduct of such negotiations should be delegated to real estate agents depends on the circumstances. As has been pointed out, the responsibility for the selection and acquisition of a school site is primarily that of the local Board and the opinion has been offered that nothing should be done which would have the effect of encroaching upon the autonomy and independence of that Board. There is moreover, evidence

which shows that one or more members of a local Board, personally acquainted with a community, and the special circumstances pertaining to it, are in a better position to conduct such negotiations than would be an outsider.

It would seem necessary at the outset to recognize the distinction between the case of a local Board, serving a comparatively restricted and homogeneous community, and one such as the Montreal Board, whose jurisdiction extends from Pierrefonds, in the West, to Longue Pointe, in the East, inclusively. It would be unrealistic to expect that a member of the Montreal Board would have such personal knowledge of conditions and circumstances in every area under that Board's jurisdiction as would enable him to negotiate for the purchase of a school site to better advantage than could a properly qualified and experienced real-estate expert.

It is in evidence that in certain other jurisdictions the services of real-estate experts are employed as they are required, the school board having a panel comprising several competent, experienced and reliable realtors who are retained on a part-time basis and serve from time to time when called upon. Serious consideration might well be given to the question as to whether a similar arrangement should not be made by the Greater Board so that, when circumstances arise which make it wise to make use of it, expert and reliable assistance of this nature would be readily available to the Board. Such an arrangement need not encroach upon the autonomy or authority of any local Board with whom would continue to rest responsibility for the selection

and acquisition of school sites. It is quite possible that in the future, as in the past, these negotiations may be advantageously conducted by members of such Boards. However the Greater Board has a supervisory function to perform and there is little doubt that its assistance, or at least its collaboration in such matters, would be, as it has in the past been, welcomed by the local Board. In the case of the Montreal Board however, it would seem unwise for Board members to undertake the negotiation of land purchases and wiser to entrust such matters to one or more carefully selected and reliable real-estate experts engaged by the Greater Board on a part-time basis and accountable to it.

It has been suggested that the obligations of school Boards to make public their records may well, and in fact does frequently, work to the disadvantage of a board which is interested in acquiring a school site, since secrecy may be of importance if negotiations are to be carried out advantageously.

It would seem that this difficulty could, be minimized, at least to some extent, by dealing with such matters in committee, in so far as possible. However, ultimately it is necessary to bring them before the Board and it may be that consideration should be given to the question of whether the law should be amended in order to except from the application of sections 344 and 345 of the Education Act such minutes, records and correspondence as pertain to the selection or acquisition of prospective school sites, at least until an offer to purchase has been made and accepted,

The practice of referring the Board's notarial work to a member of Mr. Rowat's firm and the remittance to that member, in trust, of the purchase price of properties acquired is one which, while not necessarily illegal, was in the circumstances unwise. This in fact has been acknowledged and it is a practice which, it is understood, has been abandoned. In fairness however, it should be stated that there is no evidence to indicate that these funds were not dealt with in a perfectly legal and faithful manner or that either Mr. Rowat or his partners benefited from these transactions beyond their respective shares of the normal notarial fees pertaining to the same.

There was reference in the Mackay Report to the practice adopted by certain corporations of registering immoveable properties owned by them in the name of a prêt nom and thus evading payment of taxes to the neutral panel.

There is nothing which is necessarily wrong about a property-owner having his property registered in the name of another. It is however, deplorable if such a practice is followed in order to obtain the benefit of a lower rate of taxation.

The Act 2 George VI chap.66 section 3, in making provision for a neutral panel states:

"such panel shall also comprise the real estate entered on a valuation role in the name of fiduciary administrator, trustee or other mandatary in a case where the name of the real owner is not known or undisclosed."

The proof shows that the Montreal Board has on various occasions demanded of the City of Montreal and certain other municipalities that properties

actually owned by corporations but registered in the name of a prôt nom be transferred from the Protestant or Catholic Panel to the Neutral Panel, only to be met with refusal on the ground that to do so would be contrary to the law. In the case of the City of Montreal the authority for this position appears to be Section 818 of the City Charter.

Presumably the other municipalities which have given like refusals base this stand on corresponding provisions contained in the Cities and Towns Act.

It may be that some amendment of the law is necessary in order to remove what appears to be conflict between these provisions and Section 3 of 2 George VI chapter 66. However, whether or not the law requires amendment, it would seem obvious that municipalities should not be allowed to effect the transfer from Catholic or Protestant Panel (as the case may be) to the Neutral Panel merely on the stated belief of a school board that the registered owner is only a prôt nom for a corporation. Surely only a judgment of the Court establishing this fact could justify such a transfer.

#### GENERAL CONCLUSIONS

During the ten year period under review the Greater Board approved the purchase of school sites costing a total of \$12,329,999.41. The total operating expenditures of the Board during this period amounted to \$209,101,689.00 and the Board's expenditures, including operational and capital, totalled the sum of \$264,081,118.00.

The record shows that, during the same period, land to the value of \$1,696,956.00 was sold.

While the unjustified payment of excessive prices for the purchase of certain properties cannot be excused by the fact that others were bought at favourable prices, reference to such figures, as those above-quoted, are necessary if matters are to be placed in their proper perspective. It is only fair to note that, even if the proof establishes that in a few instances properties were purchased at prices which in the circumstances were excessive, the prices paid in the great majority of cases appear to have approximated the fair market value of the property purchased, and that, over the years, properties, no longer required, were sold to good advantage.

Actually, in so far as the nine purchases of school sites, which have been criticized, are concerned no proof was brought which would support the conclusion that the price paid for any of these properties was excessive or higher than the then current market value of comparable properties, save and except in the case of lots 415 and 417 (Supra page 78) and part of lot 394 (Supra page 84) both of which are situate in the Municipality of St. Leonard de Port Maurice.

There has been some criticism of the policy of purchasing school sites as part of a long range planning programme and the suggestion has been made that in order to avoid the expenditure of the tax-payers' money on properties which, owing to shifts in population or other contingencies

beyond the control of the Board, may later have to be abandoned, no land should be bought unless required for use as a school site within the next two or three years.

Undoubtedly there are certain risks involved in acquiring land in pursuance of a long range plan. However, it is the duty of the Greater Board to assess and, as far as reasonable, anticipate the educational requirements of the areas under its jurisdiction and failure to make due provision for these needs, as they develop or are likely to develop could well amount to dereliction of duty and expose the Board to justifiable criticism.

Moreover, unless sites are acquired in the early stages of the development of a new residential area the Board is in danger of being confronted with the difficulty that:

- a) suitable sites when needed are no longer available; and
- b) the likelihood of having to pay much higher prices.

The Commission had the benefit of hearing testimony concerning the policy of Educational Authorities in certain other jurisdictions. Amongst other things, this evidence indicated that long range planning is considered a necessary and highly desirable policy and that the acquiring of suitable school sites ten to twelve years ahead of anticipated need is favoured.

The proof shows that over the years and particularly since 1950 the Greater Board, through its Planning and Building Department, has given a

great deal of consideration to long range planning and establishes that in the majority of cases the planning, as well as the steps taken to implement it, have been justified by events. It is true that in a few instances, notably in St. Leonard de Port Maurice, it was deemed advisable to defer implementation of plans for building owing to unforeseen developments. Such cases, however, are few and, to some extent at least, they are accounted for by the existence of special circumstances.

The record shows moreover, that in the few instances, where it has been decided not to erect a school on the site purchased, the value of the land has invariably increased to the extent that its present market value is at least as high, if not higher, than its cost to the Board. Moreover in most if not all of such cases it has been considered that the property should not be sold but rather should be retained until such time as it is definitely established that it will not be required as a school site.

After careful consideration of all of the evidence submitted, the undersigned is satisfied that in general the responsibility for anticipating and seeking to meet the need for new school sites as it developed has been discharged with diligence and competence. That some mistakes have been made is undeniable, and has in fact been admitted, but there is no evidence to show that these were other than honest mistakes and the undersigned is convinced that the record in land transactions over the ten year period under consideration, if considered generally and with due allowance for the many difficulties and

urgent problems encountered, is not unworthy of commendation.

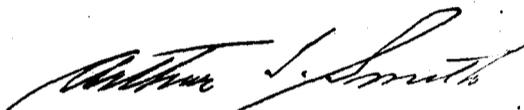
The terms of reference required this Commission to investigate the real estate transactions of the Greater Board and those local Boards within its jurisdiction, with particular reference to the question of whether prices paid for sites were excessive, the procedures followed questionable, the sites acquired unsatisfactory and, finally as to whether there was evidence of negligence or irregularity.

It is hoped that these questions have been answered by what is hereinabove set forth. Nevertheless it is important that the Commission's findings in so far as they relate directly or indirectly to matters involving the integrity of the officers, members or representatives of the various Boards should be stated categorically and with clarity.

A reasonably thorough and comprehensive examination was made by experts, of the books, records and bank accounts of the principal vendors of those properties, the purchase of which has been criticized, and of those officers of the Boards who participated directly in the negotiations of these purchases. These examinations failed to reveal that any officer, member or representative of any school Board derived personal benefit or advantage from any of these transactions and the undersigned finds no evidence from which it could be concluded that in the negotiation and completion of these land transactions the interests of Education have not

in general been honestly and competently served by those Board members or representatives whose responsibility it has been to deal with such matters.

All of which is respectfully submitted.



---

Commissioner

Montreal, Quebec

This 15th day  
of June 1964

allowance by way of commission or brokerage in respect of either of the lots so purchased."

REGIER VS CAMPBELL Stuart (1939)

Ch. 766:

"A agreed with B that A would furnish B with particulars of houses which A might think suitable for purchase by B.

A having found a suitable house, procured C to purchase it for 2,000£, the purchase money being provided by A; and thereupon purported to buy it from C for 4,500£ and offered it to B for 5,000£ representing that this price would allow a profit to A of 500£. B purchased the house from A for 5,000£.

Held: that A was the agent of B for the purpose of furnishing particulars of suitable houses; that though an agent might terminate the relationship of principal and agent by selling to his principal property which belonged to himself it was his duty to act honestly and faithfully and if he concealed material facts obtaining an unfair advantage by fraud, the relationship was not terminated of such a transaction; that A having concealed the true nature of the transaction by fraud, was liable to account to B for all profits obtained by A with B's knowledge and consent."

Farrel, J. at page 768:

"I cannot doubt that ..... there did exist the relationship of principal and agent between the Plaintiff and Defendant. No doubt the scope of that agency was limited. What the Defendant had undertaken to do for the son of the Plaintiff, who was acting on her behalf throughout, was to provide particulars of any houses of which he should hear and think suitable for the purpose which the Plaintiff had in mind and which she had indicated to him. He was an agent to that extent. Of course, he was not an agent for the purpose of signing any contract of the Plaintiff's or doing more than assisting in the way that I have mentioned, but that there was the relationship of principal and agent to that limited extent I think it is quite plain."

And at page 769:

"..... it is a duty of every agent to act honestly and faithfully towards his principal and if he conceals most material facts from his principal, and by means of a fraud, obtains an advantage for himself by purporting to sell or by selling property which is his own, then the duty which lies upon him is not put an end to by such a contract, and he remains liable to account for any secret profit which he has made as a result of the transaction which he has

A P P E N D I X

Article 1706 C.C.:

"An agent, employed to buy or sell a thing cannot be the buyer or seller of it on his own account."

Traité de Droit Civil, Vol. 13, page  
37 (Roch):

"L'article, déclarent les Codeficateurs, enonce une règle tirée de la loi romaine; et quoique il ne se trouve pas dans le Code Napoleon, il exprime indubitablement la loi de l'Ancienne France, comme de la Nouvelle, que cette de L'Angleterre et de l'Amerique."

BROUILLET VS LAPAGE LTEE. 38 K.B.

143:

"Lorsqu'un propriétaire donne à un agent d'immeubles des particularités relativement à une propriété qu'il offre en vente, il se trouve de ce fait à le constituer son agent, ....."

HANFIELD VS VINETTE (1947) S.C.

384:

"Le propriétaire qui fournit à un agent d'immeubles les détails relatifs à la vente projetée de son immeuble et de son fonds de commerce donne implicitement le mandat de vendre ....."

GREGOIRE VS McMAHON 73 S.C. 575.

HUTCHINSON VS FLEMING 40 S.C.R.

134:

"Hutchinson, a broker, undertook to obtain two lots for Fleming, as an investment of funds supplied by Fleming for that purpose, at prices quoted and on the understanding that any commission or brokerage chargeable was to be got out of the vendors. Hutchinson purchased one of the lots at a price lower than that quoted receiving, however, the full amount quoted from Fleming, and, by representing a sham purchaser of the other lot, got an advance from Fleming in order to secure it.

HELD: affirming the judgment appealed from, that Hutchinson was the agent of Fleming and could not make any secret profits out of the transactions, nor was he entitled to any

made between himself and the principal.

In the present case I am satisfied that the whole of this transaction between the Plaintiff and the Defendant and Harold Brown was in fact a contrivance for the purpose of enabling the Defendant to obtain a handsome profit as a result of his dealing with the house and in the hope, I think a very lively hope, that the profit would be obtained from the Plaintiff who had, through her son, conveyed to him information as to the nature of the house which she desired to buy, which knowledge the Defendant was making use of for that purpose.

The position it seems to me was this. The Defendant if he had acted quite strictly, ought to have passed on the information as to the Red House directly to the Plaintiff through her son and given her an opportunity of buying the house from the original vendors, but I do not think that the relationship of principal and agent between the parties necessarily precluded the Defendant from entering into a contract to buy the house himself. If however, he was proposing to resell it to the Plaintiff, he was bound to give the Plaintiff the fullest possible information both as to the true price which he had paid to the Vendors for it and the amount he asked, showing the profit if any, which he required as a result of the sale."

SINCLAIR VS RIDOUT ET AL 1955

4 D.L.R. 468:

"When an agent, and particularly a professional agent, is entrusted with an agency in which he gains confidential information and makes use of it to his own profit, he is a constructive trustee of the profit for his principal. To put the matter another way, if the agent has been entrusted with a confidential agency, he cannot obtain profit by competing with his principal in the same matter, (here the purchase of a company), by becoming a purchaser on his own behalf. If he does, the principal may elect to treat the agent as a trustee who is then required to turn over to the principal what he has acquired but subject to the duty of the principal to compensate the agent for proper outlays in the matter just as if the principal himself had authorized them."

BOWSTEAD ON AGENCY, page 99:

"No agent is permitted to clear any personal benefit in the course of or by means of his agency without the knowledge and consent of his principal.

Every agent must account to his principal for every benefit and pay over to the principal

every profit, cleared by him in the course of, or by means of, the agency without such knowledge and consent even if on acquiring the benefit or profit he incurred a risk of loss and the principal suffered no injury thereby."

RADFORD VS STANNARD 19 D.L.R. 768

(Appeal Court):

"One employed to ascertain the least price for which property may be purchased, who deceives his principal and induces him to pay more than the owner of the property was willing to accept is answerable to his principal for the difference."

Simmons, J. at page 772:

"Radford obtained an unrighteous advantage by concealing from Stannard the facts in regard to the sale of the dredges and was enabled to do so as a result of the fiduciary relationship and is properly liable to account for ..... the profit."

EMMA SILVER MINING COMPANY VS GRANT

11 Ch.D. 918:

"A person in a fiduciary relationship is not allowed to put himself in a position where his duty and interest conflict. He is bound to accumulate all the information he has acquired representing the property which is the subject of the fiduciary transaction; and may be held liable to account for the share of profit which in bad faith he obtained by the amount of which the person to whom he owed the duty would have benefited had disclosure been made."

MARLER VS MARLER (H.L. 1914) 27

D.L.R. 11:

"Fiduciary Relationship

An agent for the purposes of procuring for his principal cannot acquire property and sell it to his principal at a profit."

The remarks of Lord Parker in the case of MARLER VS MARLER (27 D.L.R. 11) H. of L.:

"My Lords, it is no doubt well settled that in equity an agent cannot, without the consent of his principal, given with full knowledge of the material facts and under circumstances which rebut any presumption of undue influence,

retain any profit acquired by him in transactions within the scope of the agency. The principal can always in such a case treat the profit as acquired on his own behalf, and insist on its being accounted for to him. For the same reason an agent, whose duty it is to acquire property on behalf of his principal, cannot, without the like consent, acquire it on his own behalf and subsequently resell it to his principal at an enhanced price."