

in this case. The deficiency was based on the resale price of the property which was listed on the open market for a considerable period of time. That was evidence of the fair market value on which the trial judge was entitled to rely. See **Royal Trust Corporation of Canada v. Offman** C.A. No. 101155 dated June 27, 1994. The appeal is dismissed with costs to the respondent which are fixed at \$750.00 plus disbursements.

J.A.

Concurred in:

Hallett, J.A.

Hart, J.A.

