

erty is for the use to which the land can be put, treating the house as something to be torn down or got rid of when the time comes for him to sell or build as the case may be. Meantime plaintiff is not personally suffering any discomfort or inconvenience by reason of the obstruction complained of. He has visited the premises a few times at most. . . . He found that the obstruction had darkened to some extent the kitchen, the adjoining room (called "living-room"), and an up-stairs bed-room in the L., and the dining-room and an up-stairs bed-room in the main building, but still suitable for residence for those who occupied the house. Plaintiff said he lost two tenants on that ground, but no tenants said so, and plaintiff did not have the place vacant for any time, as a new tenant came in at once. The house is still suitable for comfortable residence for the persons who are willing to rent that class of house, as it was before defendants' building. There has been no loss of rent. . . .

The building complained of has its eastern wall of white brick with 4 large windows in that wall immediately facing plaintiff's L., and two more in the third storey, through which light in considerable quantity necessarily gets to plaintiff's windows. A plan or sketch is put in purporting to shew the angle at which light would from defendants' building fall upon plaintiff's. It has been held that the rule of 45 degrees is not a rule of law. There is no rule of law about it; the question is one of fact, namely, to what extent has the light to these rooms been obstructed? And, so far as appears, it has not been to such an extent as to interfere with the comfort of any person. It has not interfered with any business, as none has been carried on in plaintiff's house; it has not caused the loss of a tenant or the reduction of rent, or any structural change in or repairs to this house. So I find upon the evidence that the obstruction does not amount to or constitute a nuisance. I find that neither the plaintiff nor any tenant, so far as appears, has suffered any inconvenience or discomfort in the occupancy of the house by reason of the decreased amount of light. The windows mentioned have not been darkened to such an extent as to render plaintiff's house much less convenient, if any, than before, for a residence or for any business which it is at all probable will be carried on there, or for any use to which it has been or is to be put. . . . Sufficient light now comes through plaintiff's windows for the occupants of his house.