I am of opinion that until the corporation acquired the two-feet strip which lay between the applicant's land and Lorne street, so as to give the applicant another road or way of access to his land, the by-law could have been quashed as being passed in violation of sub-sec. 1 of sec. 629.

It is well settled that, in the absence of another existing road or way of access to an applicant's lands, when the by-law is passed to close, and no other road is by the same or another by-law provided for, the by-law closing up is voidable. . . .

[Reference to Vandecar v. Corporation of East Oxford, 3 A. R. 131, 144; McArthur case, supra; Adams v. Corporation of Whitby, 2 O. R. 473; In re Laplante and Corporation of Peterborough, 5 O. R. 634; Saunby v. London Water Commissioners, 22 Times L. R. 37.]

Notwithstanding the defects in the substituted road, and that it is manifestly not as convenient as the original road (all of which can be compensated for under the provisions for arbitration), I think it is a convenient road within the meaning of the Act. The road has been accepted by the corporation as a highway, and the applicant will not be without remedy if it is not properly maintained as such.

What the statute proposes to secure is some other convenient road or way of access to the lands, not a convenient access from the lands to the nearest market or post office: see the Vandecar case, 3 A. R. at p. 142.

Objection to the by-law, as it now stands, has, I think, been cured by the deed of 11th November. Should I be wrong in this view, it may be to the advantage of the corporation, to avoid the by-law being questioned in other proceedings, to have the by-law quashed and a new by-law passed, and I give the corporation 3 weeks within which to elect to have the by-law quashed with costs; otherwise, as the applicant was justified in launching the motion, the application will be dismissed, but the costs will be paid by the corporation.