meaning of the section. Such is not, I think, the test. The property may not have fronted or abutted upon a highway which has been closed by the council; but, nevertheless, if its proximity to such highway enhanced its value, and the closing of such highway depreciated its value, then, in the latter case, the land has been "injuriously affected," within the meaning of the section

The question is . . . whether the loss of access to the property consequent on the closing of the highway has depreciated its value. Here the arbitrators have tried this question, and have found that the closing of the road has damaged her property. Thus she is shewn to be a sufferer, not as one of the public, but in a special degree because of her ownership of the land in question. . . .

[Reference to Metropolitan Board of Works v. McCarthy, L. R. 7 H. L. 243, 263; Caledonian R. W. Co. v. Walker's Trustees, 7 App. Cas. 259.]

The arbitrators, as a jury, have found, on the evidence before them, that as a matter of fact the value of the property has been diminished because of the action complained of. Thus she is injured in a special degree, and is entitled to compensation.

Once the fact is established that premises are so situate with respect to a highway that their value is substantially diminished by the closing thereof, the right to compensation arises. Therefore, according to this view, the objections Nos. 1, 2, 3, 4, and 5 fail.

As to the 6th objection, the arbitrators have found "that... the... claimant is entitled... to compensation for injury to her property by the closing up of a portion of the Tecumseth road... and we award her for such injury the sum of \$500 as a reasonable compensation."

The fair meaning of this finding is, that, in the arbitrators' opinion. Miss Taylor's property is diminished in value to the extent of \$500. They do not appear to have made any allowance for loss of profits on business at the hotel. . . . Where lands upon which the owner is carrying on trade are expropriated or injured, damage to the goodwill, in addition to damage to the property, is a proper subject of compensation: Re McCauley and City of Toronto, 18 O. R. 416. . . . I fail to see how the appellants have been injured on that head.

Appeal dismissed with costs.