

nothing in the statute to interfere with its etymological and ordinary meaning: *City of Toronto v. Ontario and Quebec R. W. Co.*, 22 O.R. 344.

The word "location" is used in the statute in its primary and proper import, as given in Latham's Johnson's Dictionary (sub voce), namely: "Situation with regard to place; act of placing; site of being placed." Read the clause with this substitution of words: "Prohibit the situation with regard to place of an apartment house on the street. Prohibit the act of placing a house on the street. Prohibit the site of house being placed on the street." Any of these substitutes brings out the meaning, which is forbidding the locus being used for the purpose of putting an apartment house thereon.

The context and intent of the statute and by-law is to forbid the placing of an apartment house on that site. The preparation of the plans and specification was no more than a preliminary to the application for a permit; and the permit, when granted, was merely to erect the proposed building, that is, to locate it on the site. No outlay has been incurred since the granting of this permit up to the date of its revocation, and no case of estoppel can be made out. The permit to build may be regarded as a license to build; but that the owner might withdraw from, as might also the city, in case the situation was not changed, in pursuance of the license. No such change is proved here; the only change appears to be a steady increase in the value of the land.

We cannot mistake the policy of the Legislature; the plaintiffs, as a public body, are called on to enforce it in proper residential neighbourhoods. While it may bear hardly on the individual owner, who is hampered in the free enjoyment of his property, still it is one of the effects of advancing civic life and amenity that for the sake of preponderating advantages to the whole locality, one proprietor may have to suffer deprivation.

This is said to be a test case, involving a score of other permits; and, this being so, and the point being without authority, it seems fitting, while we reverse the decision in appeal, to do so without costs.

The injunction is continued indefinitely while the prohibition continues.

LATCHFORD and MIDDLETON, JJ., concurred, each stating reasons in writing.

*Appeal allowed.*