

The street in question runs from the lake shore in a north-easterly direction to the town, passing the applicant's lands.

The section of the street closed is 240 feet long, and lies between the applicant's lands and the town, about 100 feet of the closed section adjoining the applicant's land, so that all ingress and egress to and from the applicant's land is shut off, except as between the land and the lake shore, a few hundred feet to the south-west, and at the time of the passing of the by-law there existed no other road available for ingress and egress to and from his land.

The by-law was passed on 24th July, 1905, and simply enacts that the portion of Regina street in question "be stopped up and closed." On the same day a by-law was passed opening up a new street several hundred feet to the north-east of applicant's lands, and purporting to be in lieu of that part of Regina street closed by by-law 192.

This new street, used in connection with a crossing constructed by the railway company, and connecting with Lorne street, would furnish access from the town to a point 2 feet east of applicant's land, where Lorne street ends.

The owner of the land, who had laid out Lorne street and dedicated it to the public, had reserved a strip 2 feet wide between the applicant's land and the westerly terminus of Lorne street, apparently for the purpose of preventing access to and from the land by way of Lorne street.

The notice of motion was served on 4th November, 1905, and on the 11th of the same month the corporation obtained from the owner of the two-foot strip a deed thereof, and it now forms part of Lorne street.

Three objections are raised to the by-law: (1) That it is not in the public interest, and is discriminating and unfair as against the applicant; (2) that it contains no provision for compensation to the applicant; and (3) that the council has not provided, for the applicant's use, some other convenient road or way of access to his lands.

Having regard to the agreement between the corporation and the railway company, above referred to, it is impossible for me to say, upon the material filed, that the by-law is not in the public interest, and I do not think it is open to any objection on the score of unfair discrimination as against the applicant. He may suffer more than any one else, on account of the peculiar location of his property, but he will probably