

# The Ontario Weekly Notes

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No. 29.

HIGH COURT OF JUSTICE.

MULOCK, C.J.Ex.D.

APRIL 1ST, 1910.

RE TAYLOR AND VILLAGE OF BELLE RIVER.

*Municipal Corporations—Closing of Part of Village Street—Injury to Property not Abutting on Street—Diversion of Traffic from Hotel—Municipal Act, sec. 447—Property “Injurious Affected”—Compensation—Injury not Differing from that Done to General Public—Loss of Trade Profits—Injury to Value of Property.*

Appeal by the village corporation from an award of three arbitrators appointed to ascertain what damages, if any, the respondent, Miss C. R. Taylor, was entitled to by reason of the closing of that portion of a public highway known as Tecumseth road, lying between Chisholm and Church streets, in the village of Belle River

The respondent was the owner of hotel property situate on the north-east corner of Tecumseth road and Sixth street.

Tecumseth road began at the corner of Main and Chisholm streets, and proceeded in a north-easterly direction diagonally through the block of land lying between Main and Broadway streets in a straight line until it reached and ran past the respondent's hotel. A substantial portion of the patronage of her hotel came from the west, the patrons entering the village by Main street, and proceeding, via Tecumseth road, to the hotel. When the portion of the road in question was closed up, traffic from the west no longer proceeded in a direct line from Main street past the hotel, but, to reach the hotel, a detour of 185 feet must be made.

Evidence was given before the arbitrators to the effect that some of the travelling public from the west, who might otherwise have patronised the hotel, continued easterly along Main street