

IN THE MATTER OF AN ARBITRATION PROCEEDINGS  
UNDER THE *CLASS PROCEEDINGS ACT, 1992*

**BETWEEN:**

JAMIE SMITH, ALANA DALTON, JAMIE McDONALD  
and IRENE SALES INC., OPERATING AS  
THE HARTLEY HOUSE

Plaintiffs

- and -

THE CORPORATION OF THE MUNICIPALITY OF  
BROCKTON, THE BRUCE-GREY OWEN SOUND  
HEALTH UNIT, STAN KOEBEL,  
THE WALKERTON PUBLIC UTILITIES COMMISSION and  
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendants

- and -

IAN D. WILSON ASSOCIATES LIMITED,  
DAVIDSON WELL DRILLING LIMITED EARTH TECH (CANADA) INC.,  
CONESTOGA-ROVERS & ASSOCIATES LIMITED,  
B.M. ROSS AND ASSOCIATES LIMITED,  
GAP ENVIROMICROBIAL SERVICES INC.,  
A & L CANADA LABORATORIES EAST, INC.,  
DAVID BIESENTHAL and CAROLYN BIESENTHAL

Third Parties

Heard: October 27, 2004

Counsel:

Amin Sachedina  
Representative for the Claimants,

Dan Fife - for The Plan Administrator, Crawford Adjusters Canada

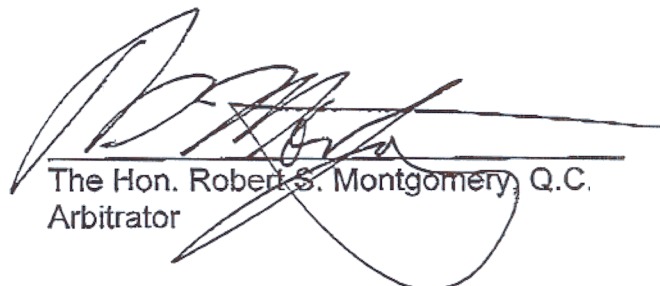
DECISION

bought their home at \_\_\_\_\_ in the Town of Walkerton, in 1988 for \$124,000. The property was listed for a sale of \$119,500 in June 2001. It sold in September 2001 for the list price of \$119,500. It is contended that there was a \$4,500 diminution in value due to the water crisis.

Mr. Douglas Farmer is a qualified appraiser and member of the Appraisal Institute of Canada. It was his opinion that the water crisis was not a factor in the reduced price complained about. The slide in real estate values in the area of towns around Walkerton started in 1999. It was in part related to the closure of the poultry plant in Walkerton in 1999. He said the Wilsons purchased their property at the peak of the market.

I found Mr. Farmer to be very fair and objective witness. I accept his opinion and must, therefore, reluctantly reject the claim. There is insufficient evidence to satisfy the onus the claimants must establish.

Dated at Toronto, this 4<sup>th</sup> day of November 2004.



The Hon. Robert S. Montgomery, Q.C.  
Arbitrator