

**IN THE MATTER OF AN ARBITRATION**

**BETWEEN:**

**WALKERTON COMPENSATION PLAN**

**(The "Administrator")**

**- and -**

**[REDACTED]**

**(The "Claimant")**

**MARTIN TEPLITSKY, Q.C.**  
**Arbitrator**

**APPEARANCES:**

**On behalf of the  
Administrator**

**Milena Protich, Counsel**

**On behalf of the  
Claimant:**

**Self Represented**

**Hearing held January 28, 2011**

██████ claims that he suffered both physical harm and mental distress as a result of consumption of contaminated water.

His physical problems were of two kinds: atypical esophageal reflux and bronchospasm with a tendency to cough and then choke. The mental distress, for which no medical attendances were required, consisted of three elements: (1) he felt aggrieved that there was a water crisis (2) he felt aggrieved that compensation was paid for undeserving claims, and (3) he wondered and worried about whether his symptoms were caused by the contaminated water.

There is no doubt that ██████ drank water on April 12 and April 14, 2000 while in Walkerton on business. There is no doubt that he developed the physical issues of which he complains. I am satisfied that he is sincere about the "mental distress" which he describes.

The difficulty is that the claimant has presented no expert evidence showing any causal connection between his consumption of contaminated water and any of his symptoms. In fact, the onset of physical complaints is long after the consumption and the physical issues are not such as are caused by contaminated water. The Administrator has a report from Dr. Brunton which, in no uncertain terms, asserts a lack of causal connection with respect to the physical complaints.

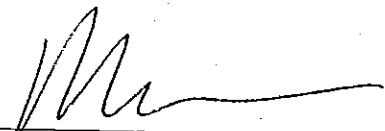
As for the mental distress, it did not reach a stage of severity which would be compensable. Moreover, the claimant's feelings of being aggrieved are not compensable. These

are the result of his values and opinions and are not caused by the contaminated water.

In the result, the claimant has not satisfied his burden of showing on a balance of probabilities that his physical symptoms or "mental distress" were caused by contaminated water.

The claim is dismissed.

DATED the 28<sup>th</sup> day of January, 2011.

  
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MARTIN TEPLITSKY, Q.C.  
Arbitrator