

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

B E T W E E N:

[REDACTED]

Applicant

- 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

Respondents

Heard: September 30, 2010

Counsel: Milena Protich
for Walkerton Compensation Plan

[REDACTED] unrepresented - did not appear

DECISION

[REDACTED] asserts a claim for diminution in value of his former property at [REDACTED] Street, Walkerton.

The property was purchased by [REDACTED] on [REDACTED] 1992 as joint tenants. This one-and-a-half story brick house was acquired in [REDACTED] 1992 for \$78,000. Before the water crisis the property was listed for sale at \$74,000. After the listing expired it was again listed for \$69,500. In [REDACTED] 2002 it was listed at \$68,900 and finally sold in [REDACTED] 2002 for \$65,000.

The onus is upon the applicant to establish diminution in value as a result of the water problem in the town. He has failed to provide any opinion or other evidence to satisfy this onus.

The respondent has tendered the evidence of Douglas E. Farmer, an experienced appraiser and member of the Appraisal Institute of Canada. In a carefully considered report to Crawford and Company, Mr. Farmer concludes that there was no diminution in value due to the water crisis of May 2000. I accept that report in its entirety.

The claim is dismissed.

Dated at Toronto, this 30th day of September 2010.

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

