

IN THE MATTER OF AN ARBITRATION

B E T W E E N :

WALKERTON COMPENSATION PLAN

(The "Administrator")

- and -



(The "Claimants")

MARTIN TEPLITSKY, Q.C.
Arbitrator

APPEARANCES:

**On behalf of the
Administrator**

**Milena Protich, Counsel
Kim Chalmers**

**On behalf of the
Claimants:**

Patrick Kelly, Counsel

Hearing held December 10, 2010

[REDACTED]
[REDACTED] has advanced a number of claims. Except for hypertension, all other conditions are not being proceeded with.

With reference to "hypertension", a recent article in the British Medical Journal suggests the potential for increased risk of hypertension resulting from the consumption of the contaminated water.

However, there is no evidence upon which I could find that the claimant's hypertension is related to the water. In the light of the article above-noted, it cannot be said that this claim is incapable of being proved to the appropriate standard.

Accordingly, I adjourn the arbitration on this issue and any expenses to a date to be agreed upon. I will case manage the progress because a conclusion to this issue must be achieved within a reasonable time frame.

I will conduct a case conference for a progress report in 60 days to be arranged with my assistant.

Expense Claims

There is no claim filed for orthotics or for a sauna. If [REDACTED] files such a claim and it is rejected, the claims may be included in the arbitration above.

The claim for a hot tub is allowed to the extent of \$1,000.00. I am satisfied that this sum is the reasonable cost of providing the claimant with the required whirlpool effect. The

construction of a backyard hot tub is not a reasonable expense for this matter.

[REDACTED]

Their claims for juvenile orthotics or joint pain are possible but there is no evidence presently available to meet their burden of proof. Accordingly, I adjourn these arbitrations to a date to be agreed upon. A case conference should be arranged with my assistant in 60 days. This is the claimants' final opportunity to proceed with these claims.

DATED the 10th day of December, 2010.



MARTIN TEPLITSKY, Q.C.
Arbitrator