

IN THE MATTER OF AN ARBITRATION

BETWEEN:

WALKERTON COMPENSATION PLAN
(the Administrator)

- and -


Heard: December 3, 2008

Counsel:

Milena Protich
for The Administrator


In Person

DECISION

These are fresh claims for the applicant,  some of which are before me.

The Appeals from Mr. Teplitsky are not before me.

To make sure that all issues to be heard today are decided I had the claimant and counsel for the Administrator agree that the matters I am to decide are:

1. Past economic loss
2. Future economic loss
3. Past expenses (second move)

4. Past expenses (interest claim)

5. Diminution of Property Value

6. Compensation for time spent by [REDACTED]

The parties agreed that for ongoing illness since Mr. Teplitsky's Award the amount for [REDACTED] ongoing illness for her lifetime would be \$115,000.00, of which \$65,000.00 has been paid pursuant to the Award of Mr. Teplitsky. The parties further agreed that [REDACTED] would be paid:

(a)	costs related to cashing in her RRSP in 2004	\$3,200.00
(b)	additional taxes paid because of inability to pay into her RRSP	\$10,000.00
(c)	retraining expenses	\$11,221.20
(d)	future expenses	\$25,000.00

1. For past economic loss, the prior arbitration award was \$63,000.00. The claimant seeks \$150,000.00 for the period 2005 to 2008. She contends an earning potential of \$50,000.00 a year. A significant part of her earnings are attributed to support payments. The Administrator proposes \$30,000.00. I find \$36,000.00 to be an appropriate sum.

2. Future economic loss. The applicant states that she is 10 years behind because of the water problem. She seeks \$10,000.00 a year for 25 years. That is from 2008 to the end of her working life. She says that her anxiety affects her earning capacity.

She has undergone retraining to limit her loss. The Administrator proposes \$100,000.00. I would have thought it should be less than that but if the Administrator does not propose less, I award \$100,000.00.

3. Past Expenses (second move). I conclude this to be too remote and I award nothing under this head of damages.

4. Past Expenses (interest claim). Considering the pre-judgment interest on other income items I am not prepared to award \$1,500.00 for this head of damages.

5. Diminution of Property Value. Releases were executed and must stand. I see no loss under this head of damages for the period claimed.

6. Compensation for time spent by [REDACTED] Issues included looking for lawyers dealing with the Administrator and attending arbitrations. This is not a claim known to the law of Ontario and I order nothing for this claim.

Dated at Toronto, this 24th day of December, 2008.


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