

**IN THE MATTER OF AN ARBITRATION**

**BETWEEN:**

**WALKERTON COMPENSATION PLAN**

**(The "Administrator")**

**- and -**



**(The "Claimant")**

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

**APPEARANCES:**

**On behalf of the  
Administrator**

**Milena Protich**

**On behalf of the  
Claimant:**

**Patrick Kelly**

**Hearing held October 28, 2011**


The applicant claims that her arthritis condition was caused by contaminated water.

Her treating physician, Dr. Leaf, after first rejecting this claim, subsequently supported it. The Administrator's expert takes the opposite view.

Accordingly, it was anticipated that both physicians would attend the hearing and give their evidence. However, [REDACTED] refuses to permit her counsel to subpoena Dr. Leaf. Her counsel has explained to her the consequences of no expert evidence. At the commencement of the hearing, I suggested to [REDACTED] that she reconsider her decision. She does not want to. She has been advised that I cannot take arbitral notice of a causal connection and that without some evidence her claim fails.

Accordingly, her claim under Section 2.3 is dismissed.

DATED the 31<sup>st</sup> day of October, 2011.

  
\_\_\_\_\_  
MARTIN TEPLITSKY, Q.C.  
Arbitrator