

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

**BETWEEN:**

**JAMIE SMITH, ALANA DALTON, JAMIE McDONALD  
and IRENE SALES INC., OPERATING AS  
THE HARTLEY HOUSE**

**Plaintiffs**

**- 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**

**Defendants**

**- and -**

**IAN D. WILSON ASSOCIATES LIMITED,  
DAVIDSON WELL DRILLING LIMITED EARTH TECH (CANADA) INC.,  
CONESTOGA-ROVERS & ASSOCIATES LIMITED,  
B.M. ROSS AND ASSOCIATES LIMITED,  
GAP ENVIROMICROBIAL SERVICES INC.,  
A & L CANADA LABORATORIES EAST, INC.,  
DAVID BIESENTHAL and CAROLYN BIESENTHAL**

**Third Parties**

Heard: October 29, 2004

Counsel:

Charlene Steven - for the Claimant,

Dan Fife - for The Plan Administrator, Crawford Adjusters Canada

**DECISION**

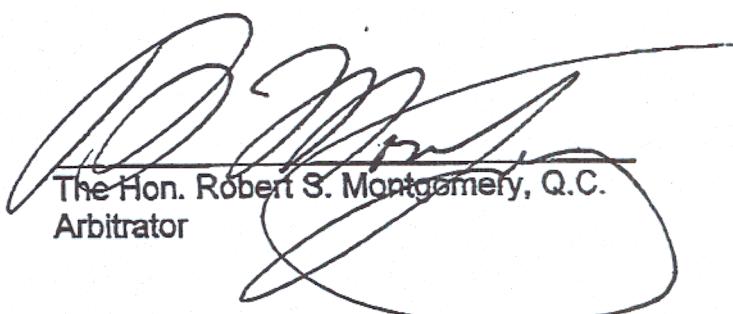
\* sold her property in Walkerton at no loss. It was four years after the water crisis that she sold. She asserts a claim for the cost of travel to and from work for a four-year period as a loss contended to have been incurred by virtue of the water crisis.

Ms. \* purchased her property in 1997 for \$130,000. She spent \$18,000 on landscaping and other improvements. In July 2001, she was told by her realtor that the property was worth \$120,000. She did not list it for sale. She did not want to disturb her children's schooling mid term.

Ms. \* took a new job in Kitchener in November 1999. The property sold in 2004 for \$178,000. Ms. \* was told by her realtor that there was no diminution to her property value from the water crisis. Without that causal connection, a claim for four years travelling to Kitchener daily cannot succeed. Even if there was a causal connection, the increased sale price at \$178,000 more than offsets any travel cost. I am further of the view that a strong factor in her delay in selling was predicated on the continuity of the children's schooling.

must reluctantly dismiss the claim.

Dated at Toronto, this 4<sup>th</sup> day of November 2004.



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