

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

B E T W E E N:

**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

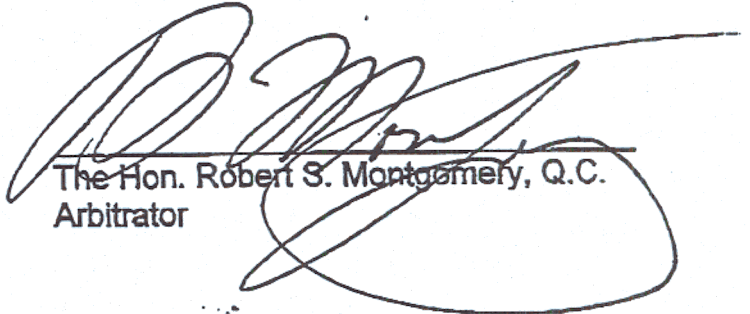
* sold her property in Walkerton at no loss. It was four years after the water crisis that she sold. She asserts a claim for the cost of travel to and from work for a four-year period as a loss contended to have been incurred by virtue of the water crisis.

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. 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 4th day of November 2004.



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