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## Arbitration - Advice sought

Posted by TenMile - March 10, 2008 5:22 PM

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Hi all,

We built our dream home west of Calgary in 2001 and unfortunately, the dream turned out to be a nightmare.

Over a 5 year period, we had stucco completely replaced to the tune of \$25K. We had a sewer line collapse only to find that the slope did not meet building code -- repair >\$30K. We had a poorly installed roof, without any barrier installed on over half the home -- patchwork repair done. Leaky flashing, leaky windows and the list goes on.

To cap it all off, in 2005/6 we ended up with a major leak in our roof that damaged walls and floors. When our insurance company came to repair, they found toxic mold from 5 years of a leaky roof (root cause was non-existent flashing around a chimney that had been covered up by decorative stonework to hide it).

The builder kept trying to refer us to his insurance company to get the mold and damages repaired. This run around went on for over a year. In the end, we ended up hiring a lawyer and an Environmental Engineering firm to complete the repairs and remediation work.

We are now going to Arbitration in the coming week to try to get our out-of-pocket (home repair plus legal) expenses back.

Looking for advice on the arbitration process. How likely is it that an arbitrator will award legal and other out of pocket costs? Will an arbitrator award "emotional" damages as well? Our lawyer will be attending the arbitration with us, but we want to be as prepared as possible.

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## Re:Arbitration - Advice sought

Posted by Tito - March 15, 2008 2:31 AM

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Since you state you have a lawyer, I doubt the advice we give, can be of any benefit. Get a second opinion from another lawyer if you are in uncomfortable with the first lawyer's opinion.

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## Re:Arbitration - Advice sought

Posted by Tito - March 15, 2008 2:32 AM

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Your results vary form province to province.

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