

**SUPERIOR COURT OF JUSTICE
(SMALL CLAIMS COURT BRANCH)**

5 **BETWEEN:**

RITA D'ALESSANDRO

Plaintiff

10 **-and-**

**CARLETON CONDOMINIUM CORPORATION NO .43
and FITZSIMMONS REALTY SERVICES INC.**

15 *****

REASONS FOR DECISION

**DELIVERED BY THE HONOURABLE DEPUTY JUDGE R. HOULAHAN
on the 29th day of September, 2006, at OTTAWA.**

20 *****

25 **APPEARANCES:**

Ms. R. D'Alessandro

In Person

R. Melia

Esquire Counsel for the Defendants

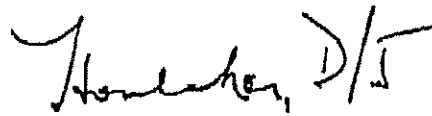
30

\$2,500.00 for delay and inconvenience occasioned in having her floor repair or replaced. I have considered this claim by the Plaintiff and decline to award general damages in the circumstances.

Having regard to the confusing legislation and regulations dealing with repair of units and the improvements thereto, I cannot find the Corporation acted in a careless manner in discharging its legal obligation to repair as I have found it.

There will be judgment for the Plaintiff in the amount of \$1,284.00. The judgment will bear interest at the rate of six per cent (6%) per annum from April 9th, 2005.

The parties are invited to exchange submissions as to costs and file them with the Trial Co-Ordinator within sixty days of the release of these Reasons for my disposition.



Deputy Judge R. Houlahan
Superior Court of Justice
(Small Claims Court Branch)

Released: 