

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

**SOCIÉTÉ POUR LA RÉOLUTION  
DES CONFLITS INC. (SORECONI)**

**ARBITRATION TRIBUNAL**

N<sup>o</sup> REF. / SORECONI : 050408001  
N<sup>o</sup> REF. / ARBITRATOR: 13 249-7

Montreal, June 15, 2005

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**AARON BENSIMON**

« Beneficiary » /  
Plaintiff

vs.

**DÉVELOPPEMENT LES TERRASSES  
DE L'ÎLE INC.**

« Builder » /  
Defendant

-AND-

**LA GARANTIE DES BÂTIMENTS  
RÉSIDENTIELS NEUFS DE L'APCHQ  
INC.**

« Plan Manager » /  
Mise en cause

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**ARBITRATION DECISION**

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**AFTER HAVING TAKEN COGNIZANCE OF THE PROCEEDINGS, THE  
ARBITRATION TRIBUNAL PROCEEDS TO RENDER ITS DECISION AS FOLLOWS:**

**1. FACTS AND PROCEEDINGS**

On April 8, 2005, Plaintiff made an application for arbitration to hear a dispute that arose between the parties regarding alleged defects in Plaintiff's house located at 7495, Westover

Street, in the City of Montreal, Province of Quebec. The undersigned arbitrator was designated to hear such dispute by the SORECONI Arbitration Center. However, on May 30, 2005, the undersigned arbitrator was notified by Plaintiff of his request to discontinue his application for arbitration.

## **2. DECISION**

Considering the foregoing, the Arbitration Tribunal confirms the desistement by Plaintiff from his application for arbitration.

## **3. AMOUNT IN ISSUE AND APPORTIONMENT OF COSTS**

The amount in issue in the present dispute is at least four thousand dollars (\$4000.00). Considering that Plaintiff has unilaterally desisted from its application for arbitration, all costs will be borne by Plaintiff.

## **FOR THESE REASONS, THE ARBITRATION TRIBUNAL:**

**TAKES ACTS** of the desistement of the application arbitration;

**CONDEMNS** Plaintiff to pay the costs of the application for arbitration.

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Mtre. Jeffrey Edwards, arbitrator

For the Beneficiary :

**Mr. Aaron Bensimon**

7495, Westover Street

Montreal, Quebec H4W 3K7

For the Builder :

Mtre. Martine Brodeur

**BEAUCHAMP BRODEUR**

1600 Saint-Martin East Blvd.

Tour A, Suite 400

Laval, Quebec H7G 4R8

For the Plan Manager :

Mtre. François Caron

**SAVOIE FOURNIER**

5930 Louis-H.-Lafontaine Blvd.

Montreal, Québec H1M 1S7

Hearing: N/A  
Arbitration Decision: June 15, 2005