

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

FRANCE BENOIT

Plaintiff

- and -

TOM PISZ

Defendant

**REASONS FOR DEFAULT JUDGMENT
of the
HONOURABLE JUDGE B. E. SCHMALTZ**

Heard at: Yellowknife, Northwest Territories
October 29, 2012

Judgment Filed: October 31, 2012

For the Plaintiff: France Benoit on her own behalf

No one appearing for the Defendant

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FRANCE BENOIT

Plaintiff

- and -

TOM PISZ

Defendant

[1] On October 29, 2012, this matter came before me for a hearing after the Defendant had been noted in default.

[2] Briefly, the facts are that the Plaintiff attended the Defendant's property, North Country Stables, to purchase a second load of horse manure; the Plaintiff had been to the property the previous day to purchase horse manure.

[3] While on the Defendant's property, the Plaintiff was bit by the Defendant's Great Dane dog.

[4] As a result of being bitten, the Plaintiff was in pain for at least 10 days, the pain being severe for five days; the Plaintiff was on antibiotics for 10 days; the Plaintiff was unable to pursue her normal activities for at least five days; and the Plaintiff has permanent scarring on her arm from the bite. While on antibiotics the Plaintiff also had to make some adjustments to her diet requiring the purchase of some special foods which she estimated cost her approximately \$75.00.

[5] I accept the Plaintiff's testimony that she suffered severe pain for five days due to the dog bite, and that she was not able to pursue her usual activities during that five day period. I find the Plaintiff's claim for financial compensation of \$200.00 per day for this five day period to be eminently reasonable.

[6] The Plaintiff further seeks \$560.00 to have a load of manure delivered to her home. The Plaintiff had attended the Defendant's property to purchase a load of manure, but had not pre-paid for the manure. The Plaintiff did not lose a load of manure due to the Defendant's dog biting her. I accept that she attended the Defendant's property on the morning of June 7, 2012, and ended up spending most of that day in emergency after she was bitten, and to the extent that she lost a day, she will be compensated for a further day beyond the five days of pain and suffering, but the claim to be compensated for a delivered load of manure is not allowed.

[7] The Plaintiff's application for default judgment is granted in the amount of \$200.00 per day for six days, \$75.00 for the cost of special foods, disbursements of 128.75, and costs allowed on default judgment of \$100.00; total judgment for the Plaintiff in the amount of \$1,503.75.

Bernadette E. Schmaltz
J.T.C.

Dated at Yellowknife, Northwest Territories,
this 31st day of October, 2012

FRANCE BENOIT v. TOM PISZ, 2012 NWTTTC17

Date: 2012 10 31
File: T1-CV-2012 000068

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