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# CÔTE-ST-LUC RESIDENT FIGHTS MONTREAL CITY HALL OVER POTHOLE DAMAGE - AND WINS



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SHUYEE LEE

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Photo: Shuyee Lee/CJAD 800



Sometimes you can fight city hall...

And win.

A Côte-St-Luc resident has proven gross fault by the city of Montreal which now has to pay him almost \$700 for pothole damage to his car.

In January 2017, the front end of Eric Choueke's car was swallowed up by what he called a giant hole on Côte-St-Luc Road near Grand Boulevard, costing him over \$1200 in repairs.

Choueke, a lawyer, went to small claims court after his total claim of just over \$2200 was rejected by the city.

In a ruling from earlier this month, small claims court heard that the hole existed for some time and that the city didn't do anything to fix it or put any cones or barriers around it, despite receiving repeated calls about the condition of the street. The city did not provide proof of any maintenance or repairs on that stretch of road.

Choueke argued that the city should have devoted more resources to maintaining that busy thoroughfare.

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"That it was ridiculous that my car was able to fall into a crevice, it wasn't even a pothole - it was a humongous hole that damaged both my axles," said Choueke in an interview with CJAD 800.

Being a lawyer did help his case.

"Gross negligence is a much higher threshold than just negligence," said Choueke.

"For the average Joe Schmoe, realistically it's not worth it, unless your damages are over a certain threshold. My damages were \$1200, \$1300."

The Cities and Towns Act of Quebec and the Charter of the City of Montreal say you can't sue them for damage to your car's tires or suspension caused by the state of the road but proving gross fault or negligence can work in your favour as it did in Choueke's case.

Two days after getting the ruling, Choueke ran into another pothole on the same road.

"Whatever I'm getting from the city, I gave back half of it already to replace this tire," said Choueke.

Choueke said he likely won't go after the city again since the damage wasn't as bad.

Keywords:

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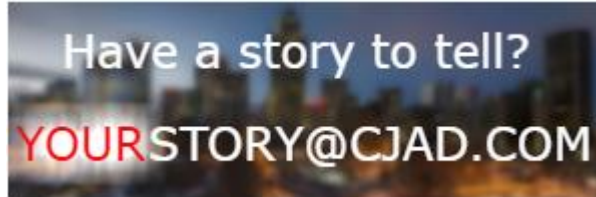
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