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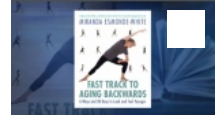
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How one lawyer got revenge on Montreal for its pothole problem

CTV Montreal

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Many Montrealers have fantasized about getting revenge on the city after driving over one of the many potholes littering the roads, but one lawyer has realized that fantasy.

Erik Choueke was driving to work along Cote-St-Luc Rd. on a winter day in 2017 when he felt the gut-churning thud.

"I felt my car not hit a pothole but dip into a hole. I came out on the other side and it wasn't a slipper, icy, rainy day and when I came out on the other side I just felt a clunk," he said.

The incident broke both axels on Choueke's car. He filed a claim with the city for the \$1,200 repair bill.

That request was rejected. Undeterred, he sued the City of Montreal in small claims court.

"I pay a lot of taxes, I pay property taxes and I should be able to drive safely the five kilometres from my house to work without having severe damage to my car," he said.

According to the Quebec Cities and Towns Act and the Montreal city charter, it's not possible to sue for damages to a car's wheels or suspension unless gross fault can be proven.

"The way I thought about it was, if I'm driving on Cote-St-Luc Rd., which is a busy street with thousands of cars going up and down every single day, the city should be required to spend more on road repair than they do on my street with my house on it," said Choueke.

In court, the representative for the city agreed with Choueke's reasoning, but couldn't say how much the city had spent on repairs on Cote-St-Luc Rd.

"She had no idea, so the fact that she wasn't able to prove it... it's her burden of proof once she invokes that as a ground of defence and the judge agreed," said Choueke.

The judge also noted that the pothole was "exceptionally" large, with no cones or barriers in place to warn drivers.

In all, Choueke walked away with a victory and a cheque for almost \$1,000. But he still has the knowledge that he's not alone and another pothole could be out there with his name on it.

"Everyone has a horror story in Montreal about potholes because the roads are terrible," he said.

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