

**DECISION AND ORDER**

**IN THE SMALL CLAIMS COURT OF NOVA SCOTIA**

**Cite as: Bremner's Plumbing & Heating Ltd. v. Al-Hamwi, 2004 NSSM 23**  
BETWEEN:

Name: BREMNER'S PLUMBING & HEATING LTD.

- CLAIMANT

Name: SAMI AL-HAMWI & LINDA YATES aka LINDA AL-HAMWI

- DEFENDANT

**Revised Decision:** The text of the original decision has been revised to remove personal identifying information of the parties on August 8, 2007.

DATE OF HEARING: March 22, 2004

**DECISION**

Appearances: Ed O'Keefe on behalf of Bremner's accompanied by witnesses,  
Pat LaPierre and Michelle Promaine

Sami Al-Hamwi in person accompanied by witnesses Eugene  
Jarvis and Basil Chandler

- [1] Bremner's Plumbing and Heating Ltd. claims payment for the balance due on an account for plumbing services provided Sami Al-Hamwi and his wife Linda Yates. Ms. Yates owns a rental property on Cogswell Street in Halifax. The building ran out of oil in the deep cold of mid-February, 2004. The pipes froze. Some broke. Fuel was delivered but the furnace would not circulate because the pipes were frozen. Mr. Al-Hamwi called Bremner's early Saturday morning, February 15, seeking emergency help. Mr. Pat LaPierre, a Bremner's plumber, arrived. He spent the day thawing pipes by putting an electric current through them and repairing those that were broken. He submitted an account at the end of the day describing the work, providing particulars of the time of arrival and departure, and noting

that “Tried to thaw lines but building was so cold that the pipes were freezing as I thawed them. Buildings need portable heaters to heat the building to prevent this. Owner will take care of this.” Mr. Al-Hamwi signed the account.

- [2] The dispute arises because Mr. Al-Hamwi contends Mr. LaPierre wasted time trying to thaw the pipes and otherwise through the day. He acknowledges he was present throughout. Mr. LaPierre testified that he had told Mr. Al-Hamwi that thawing the individual pipes with the electric current was not working and had urged him to obtain heaters to raise the temperature in the building itself. He said Mr. Al-Hamwi insisted he keep trying.
- [3] I accept Mr. LaPierre’s evidence. Bremner’s is entitled to payment as invoiced. Mr. Al-Hamwi was free to send Mr. LaPierre home at any time. Mr. Al-Hamwi signed the account documenting the work and paid \$300.00 cash when Mr. LaPierre left.
- [4] Ms. Yates is the owner of the property. The services were provided for her benefit at the request of her husband who manages the property. I am satisfied she too is liable for the claim.

**ORDER**

- [5] I order Sami Al-Hamwi and Linda Yates, a.k.a. Linda Al-Hamwi , to pay to Bremner’s Plumbing & Heating Ltd. the sum of \$1,104.58.

Dated at Halifax, Nova Scotia  
this 25<sup>th</sup> day of March, 2004.

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**J. WALTER THOMPSON, Q.C.**  
**ADJUDICATOR**

Original	Court File
Copy	Claimants(s)
Copy	Defendant(s)