

***An Update has
Arrived in Your
Library for:***

**Please circulate this notice to anyone
in your office who may be interested
in this publication.**

Distribution List

	<input type="checkbox"/>

**ONTARIO ENVIRONMENTAL
PROTECTION ACT ANNOTATED**

Paula Lombardi

Release No. 118, March 2019

This text clearly explains the intentions and effects of almost every section of the *Environmental Protection Act* (EPA), its regulations, and the *Environmental Bill of Rights, 1993*. Annotations of more than 3,000 reported and unreported cases with expert commentary and analysis are included. This text includes: all regulations made under the *Environmental Protection Act* (EPA) and the *Environmental Bill of Rights, 1993*; the purpose and effect of the EPA and the *Environmental Bill of Rights, 1993* and their place in the overall legislative scheme; the penalty for any infraction; a convenient catalogue of reported and unreported cases from both the courts and administrative tribunals; and a Table of Cases to facilitate research.

THOMSON REUTERS CANADA®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

Email CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

What's New in this Update:

- This release features updates to case law relevant to the *Environmental Protection Act* (EPA). It also includes new updates to the Sentencing Tables for EPA and EPA Regulations.

Case Law Highlights:

- **Environmental Protection Act – Part II – General Provisions – Section 19.1 – Successor and Assigns – Trustees in Bankruptcy** – The Supreme Court of Canada found that the Trustee was required to comply with the Abandonment Orders prior to distributing funds to secured creditors. The Court concluded that there was no conflict between the provincial regulatory scheme and s. 14.06 of the BIA. The Court further held that no operational conflict or frustration of purpose could be found from the AER requiring the trustee, as a licensee, to expend estate assets on complying with the Abandonment Orders: *Orphan Well Association v. Grant Thornton Ltd.*, 2019 CarswellAlta 141, 2019 CarswellAlta 142 (S.C.C.).
- **Sentencing Table For EPA And EPA Regulations** – The defendant corporation operated a concrete forming business and was contracted to build a condominium complex. A valve on a drum containing the commercial oil Concrete Release 907 was left open resulting in a spill on the 27th floor of a building under construction. Oil flowed onto the adjacent residential properties and oil droplets blew onto residential properties location up to 100m from the incident. The defendant did not report the spill. \$30,000 fine plus VFS: *R. v. Premform Limited*, 2018 CarswellOnt 22199 (Ont. C.J.) [PDR].