

## WeirFoulds Partner Janet Bobechko and Associate Jeff Scorgie Provide Comment to the Ontario Home Builders' Association regarding Ontario's new On-Site and Excess Soil Management Regulation

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On September 14, 2021, the Ontario Home Builders' Association ("OHBA") published an article, "Can You Dig It" that discusses the new Ontario regulations breaking ground on excess soil management. Referring to the WeirFoulds' construction law webinar of May 27, 2021, "Tools for Success: Excess Soil Regulations" the article features commentary from Partner and Environmental Law expert Janet Bobechko and Construction lawyer Jeff Scorgie.

In a poll conducted during the webinar," 25% of attendees had merely "heard of" the new regulations, while 17% admitted they were completely unfamiliar, showing that details of the regulation are not common knowledge throughout the residential construction industry

Under the new regulation, all excess soil is deemed to be waste, explains Janet. "To get out of the waste category you have to follow the specific regulatory requirements. Section 3 of the new regulation sets out those requirements, from the fact that the excess soil must be dry (with certain exceptions) to being directly transported to either a reuse site, Class 1 or 2 soil management site or a local waste transfer facility."

Janet goes on to discuss the challenges that will arise out of the very complex and comprehensive new legislation.

Jeff turns our attention to key details to consider when updating contracts. "Owners who are going to be in the role of project leader should make sure that their procurement documents, whether it is a tender or RFP, include the coordinated drawings and specifications,"

Janet's advice for project leaders is, "...Make sure you have clear communication and that you have the right people on your team, from your QPs down to your contractors, lawyers and insurers," Bobechko suggests. "And plan early."

To read the complete article on the Ontario Home Builders' Association website, [click here](#).

For more information on Ontario's new On-Site and Excess Soil Management Regulation, please contact [Janet Bobechko](#) or [Jeff Scorgie](#).

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