

Environmental

The legal regime applicable to environmental considerations is both wide and complex. It is in constant and rapid evolution. Businesses, organizations and governmental entities cannot disregard the issues related to environmental protection and sustainable development.

Organizations face greater pressure than ever before to comply with their environmental obligations and, in many cases, exceed them. Environmental requirements are contained in a wide array of international, federal, provincial and local laws and agreements. It is essential to engage legal counsel with expertise in this area to help you understand all the moving parts.

WeirFoulds has deep experience advising public and private sector clients on environmental law and policy, and helping them stay abreast of shifting industry norms and consumer expectations. We advise clients on the impact of government climate change initiatives (including carbon taxes, cap and trade legislation and green energy programs), assist with environmental approvals, and help navigate the environmental components of commercial development and revitalization projects. We also represent clients in investigations and enforcement proceedings.

Our environmental dispute resolution services provide parties with an opportunity to avoid time-consuming and expensive proceedings through assisted negotiation, arbitration and mediation of complex issues. However, when litigation cannot be avoided, we have significant experience litigating environmental issues, including damages from migrating contamination, responsibility for contamination, nuisance actions, and remediation of contaminated sites.

We take a multi-disciplinary approach to our environmental files, engaging our energy, public, commercial, tax, litigation and expertise in laws concerning Indigenous Peoples as necessary to ensure our clients receive excellent advice that is tailored to their needs.

Lawyers and professionals in this area



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Areas of Expertise

- Aboriginal law
- Brownfields
- Cap and trade
- Carbon capture
- Carbon taxes
- Circular economy
- Climate change
- Compliance
- Conservation
- Due diligence
- Emergency response
- Energy storage
- Environmental approvals
- Environmental, Social and Governance (ESG)
- Government policy
- International treaties
- Investigations
- Litigation

- Renewables programs
- Toxic substances
- Waste management
- Water and wastewater treatment

Representative Experience

Over the past thirty years we have acted in connection with virtually every major environmental disaster in Ontario. These and other significant matters include:

- Represented Uniroyal Chemical over the contamination of ground water from industrial activities which included conducting the longest hearing ever held before the Ontario Environmental Appeal Board (now the Environmental Review Tribunal).
- Represented the owner of an automotive tire storage facility before the Environmental Appeal Board and the Courts following the Hagersville tire fire, the largest such fire in Ontario history.
- Represented the Public Utilities Commission of Walkerton in the hearings over the largest water contamination case in Canadian history.
- Represented Crompton Co./Cie in the leading case on the power of governmental officials to conduct inspections under the *Environmental Protection Act (Ontario)*. *R. v. Crompton Co./Cie (2005)*, 78 O.R. (3d) 135 (C.A.).
- Advising a client on environmental issues in an ongoing matter concerning a sale and leaseback transaction. The project involved exchanges of lands, the creation of easements to preserve dykes used to separate a reconfigured quarry from a marsh, road closings and the diversion of a creek through a right of way that travels under a major hydroelectric transmission corridor.
- Our representation of a retail client in lawsuits due to contamination of property. WeirFoulds also advises the client on environmental issues, including contaminated property, and purchase and sale transactions.
- We provided environmental assessment advice concerning a new project in Hamilton, Ontario, that derives energy from waste products.
- We acted for a REIT on an appeal to the Court of Appeal on an environmental matter, seeking to set aside a summary judgment.
- We have advised a chemical manufacturing company concerning their environmental work for more than 28 years. We supply ongoing advice concerning environmental issues and regulatory compliance, and have represented the client in lawsuits and prosecutions on environmental issues.
- Represented a client at an Environmental Review Tribunal regarding the contamination of property by a neighbour. WeirFoulds is representing the client in a lawsuit against the government and an insurance company related to the contamination.
- We advise clients on environmental issues related to pits and quarries and represent clients in hearings seeking licences for pits and quarries.
- We represented Officers and Directors regarding their liability for contamination caused by companies.
- We mediate and arbitrate disputes on environmental issues.
- We represented a client in judicial review proceedings to quash a Minister's Zoning Order.
- We are advising a client on decommissioning its manufacturing facility.
- We have represented clients involved in propane explosions.
- We advise consultants on compliance with environmental issues.
- We advise clients on insurance motions related to environmental claims.



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