



Ontario's New Brownfields Law: A Primer for Non-Environmental Lawyers

Chair: Sarah V. Powell, Davies Ward Phillips & Vineberg LLP

This program, which will focus on recent amendments to Ontario's statutory liability framework for contaminated sites, is a must-see for municipal, planning, real estate and business lawyers. The new Brownfields law establishes Ontario's first Environmental Site Registry ("ESR"), in which a landowner may file a Record of Site Condition ("RSC") confirming that the environmental condition of the property meets the applicable standards. Upon filing the RSC, a landowner will be granted statutory immunity from most types of Ministry of the Environment orders. However, this statutory immunity will not extend to prior landowners unless the land is sold with an express condition that the purchaser file a RSC and such condition is satisfied in accordance with the regulation. In 2005 the government intends to proclaim the mandatory requirement for filing a RSC in the new ESR before land use changes from less sensitive to more sensitive uses will be permitted. This program will highlight the significant impact of these recent and proposed amendments on land transactions and redevelopment proposals in the province. The speakers are all LSUC certified specialists in environmental law.

Introductory Remarks1:30 - 1:45

- Overview of the new Brownfields law including soon-to-be-proclaimed mandatory requirements for land use changes to sensitive land uses
- Potential impact on real property transactions and land use planning and development in the province

Sarah V. Powell, Davies Ward Phillips & Vineberg, LLP

Who's Liable? The Evolution of Ontario's Liability Regime for Contaminated Sites1:45 - 2:15

- Setting the stage – the evolution of the statutory and common law liability framework for contaminated sites in the province
- Who's liable?
- What triggered the new Brownfields law?

Katherine M. van Rensburg, Gowling Lafleur Henderson LLP

Who's Protected? Scope and Limits of New Statutory Liability Protections2:15 - 3:00

- New limited statutory protection from regulatory orders
- Limits of the new protection (e.g., no civil liability protection, emergency orders and other potential "reopeners")
- Benefits of filing a Record of Site Condition
- Strategies for implementing the new protection

Rosalind H. Cooper, Fasken Martineau DuMoulin LLP

Break3:00 - 3:15

The Record of Site Condition – Hoops and Hurdles3:15 - 3:45

- Qualified persons – who can supervise and sign an RSC?
- What is the new Environmental Site Registry and how does it work?
- Transitional issues
- Potential legal significance of owner and consultant statements in a RSC

Dennis E. Mahony, Torys LLP

Risk Assessment – What Does It Mean and How Does It Work?3:45 - 4:15

- An alternative when clean-up to generic standards is impossible or unfeasible
- Pre-consultation and Ministry of the Environment approval
- Certificate of Property Use and registration on title
- How will risk assessments affect municipal approvals, sales and financing?

Marc McAree, Willms & Shier Environmental Lawyers LLP

Getting Your Questions Answered – What Does the New Brownfields Law Really Mean for Your Next Transaction?4:15 - 4:30

All Speakers



Environmental / Real Property

If you take **Real Property** on Thursday and **Environmental** on Friday you can save 15% on your CLE registration fees. Add any additional CLE program and your discount is increased to 20%. This is just one of the many possible combinations you can make at the Institute to create your own individual CLE program package.