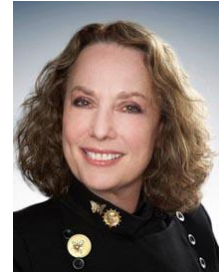


Jail for environmental offences – How bad do you have to be?

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Parties convicted of environmental offenses are usually punished with fines. Sometimes, a bad actor's conduct does warrant jail time.

What follows is a summary of five cases where a party was sentenced to jail time after an environmental conviction pursuant to Ontario laws.

The take away is this – if the Court orders you to do something, do it (unless you can appeal it).

- ♦ Mr. Van Ravenswaay repeatedly refused Ministry of the Environment and Climate Change (MOECC) Provincial Officers entry to his property. The Provincial Officers eventually executed a Judicial Entry Inspection Order with the assistance of the Ontario Provincial Police. Mr. Van Ravenswaay was convicted of obstructing MOECC Provincial Officers in the performance of their duties and was sentenced to 45 days in jail. Mr. Van Ravenswaay intends to appeal his conviction.¹
- ♦ Mr. Russell Wesley co-owned a trailer park with drinking water well system. Mr. Wesley was convicted of seven counts under the *Safe Drinking Water Act*. Mr. Wesley was issued a Court Order requiring that he provide certain documentation to the Ministry, perform chlorine testing, and ensure the a properly certified person operated the system. Mr. Wesley did not comply with the Court Order. Mr. Wesley was convicted of five charges under the *Safe Drinking Water Act* for failing to comply with a Court Order, failing to maintain proper records and failing to maintain the drinking water system in a fit state of repair. The Court sentenced Mr. Wesley to three concurrent jail sentences of five days and a \$25,000 fine.²
- ♦ Mr. Brian Julian owns a roofing business. Mr. Julian was convicted of two offences under the *Environmental Protection Act*. The Court issued an Order requiring Mr. Julian to move waste on his property to an approved waste disposal site and to provide a report to the MOECC confirming the waste removal. Mr. Julian did not move the waste, nor did he submit the required report. Mr. Julian was convicted of two offences for failing to comply with a Court Order. Mr. Julian was sentenced to 30 days for each count, to be served concurrently.³
- ♦ Mr. Christopher Joyce managed Joyce Energy Savings, a company that removed asbestos from buildings and placed the asbestos in trailers at Mr. Joyce's residence. After experiencing financial difficulty, the company abandoned the trailers. The MOECC Ordered Mr. Joyce to hire a Qualified Person to prepare a report to clean up the asbestos waste.

¹ Government of Ontario, Court Bulletin, "Property Owner Sentenced to 45 Days in Jail for Obstruction of Ministry Provincial Officers" (14 August 2017), online: Government of Ontario <news.ontario.ca>.

² 2014 CarswellOnt 19297.

³ 2016 CarswellOnt 12278.

Mr. Joyce did not meet MOECC's deadline. Mr. Joyce plead guilty to failing to comply with the MOECC's Order. The Court Ordered Mr. Joyce to transport the asbestos waste to an approved waste disposal site within 30 days. Again, Mr. Joyce did not move the asbestos waste. Mr. Joyce was convicted of one offence for failing to comply with a Court Order and sentenced to 45 days in jail.⁴

- ♦ Mr. Julian Lothringen was the sole officer and director of Green Diesel Canada Ltd. The company was approved to transport wastewater generated while processing used cooking oil and grease. Green Diesel was convicted of depositing waste oil and grease in a municipal ditch in Hamilton. The Court Ordered Green Diesel to pay \$25,371.11 in restitution to the City of Hamilton for clean-up costs. The company failed to comply with the Restitution Order. Green Diesel was convicted of failing to comply with a Court Order. Mr. Lothringen was convicted of failing to take all reasonable care to prevent the corporation from contravening the Court Order. Mr. Lothringen was sentenced to five days of jail to be served on weekends.⁵

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⁴ Government of Ontario, Court Bulletin, "Owner of Asbestos Removal Company jailed 45 days for Environmental Protection Act Violations" (14 January 2016), online: Government of Ontario, <news.ontario.ca>.

⁵ 2013 CarswellOnt 19009.