

Jail Time For Repeated Non-Compliance: Dry Cleaner Hit Hard By The Environmental Enforcement Act

By [Jacquelyn Stevens](#), Partner and Certified Environmental Law Specialist, with the assistance of Anand Srivastava, Student-at-Law.

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An owner of a dry cleaner has been sentenced to four months of jail time for repeated failure to follow Environment and Climate Change Canada's Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations (the "PERC Regulation").¹

Ali Eldin owned First Class Cleaners in Edmonton, Alberta. Environment and Climate Change Canada issued warnings to First Class Cleaners in 2005 and 2007 that the business was not in compliance with the PERC Regulation. Following continued non-compliance, First Class Cleaners was charged and pled guilty to two offences in 2009 and 2010.

In 2013, contrary to the PERC Regulation, First Class Cleaners:

- ♦ stored tetrachloroethylene ("PERC") in open containers
- ♦ did not have a secondary containment system in place for the dry cleaning machine, and
- ♦ did not dispose of PERC waste every 12 months.

First Class Cleaners was charged and again pled guilty to the 2013 offences.

The Provincial Court of Alberta sentenced Mr. Eldin to a four month conditional jail sentence. In deciding the appropriate sentence, the Court focused on First Class Cleaners' repeated non-compliance despite being made aware of the PERC Regulation and the dangers of mishandling PERC.

Mr. Eldin will serve his sentence in the community under house arrest for the first 75 days and then under daily curfew for the remainder. Mr. Eldin was also sentenced to 60 hours of community service and was ordered to take out a full-page ad to explain his convictions and sentence in a national dry cleaning magazine.

The sentence in this case, and recent high fines in other cases, come as a strong warning to all dry cleaners to ensure their dry cleaning operations and facilities are in compliance with CEPA, the PERC Regulation, provincial laws and municipal by-laws.

¹ SOR 2003-79.

[Jacquelyn Stevens](#) is a partner at Willms & Shier Environmental Lawyers LLP in Toronto and is certified as a Specialist in Environmental Law by The Law Society of Upper Canada. She can be reached at 416-862-4828 or by e-mail at jstevens@willmsshier.com

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