

## ***Ontario Court of Appeal Denies Leave to Appeal: Environmental No-Fault Order Compelling Off-Site Investigation Stands***

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Last week, the Ontario Court of Appeal [denied leave to appeal](#) from the Divisional Court's decision in [Hamilton Beach Brands Canada, Inc. v Ministry of the Environment](#).<sup>1</sup>

We [previously reported](#) that the Divisional Court upheld the Ontario Ministry of the Environment, Conservation and Parks ("MECP") Director's jurisdiction to issue Orders requiring off-site environmental investigation.

The upshot of *Hamilton Beach* is that Ontario *Environmental Protection Act*, s. 18 no-fault Orders requiring off-site environmental investigation are permitted even where the Orderee did *not* have any association with the polluting activity aside from the Orderee's current or former ownership and/or occupation of the contaminated source property.

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<sup>1</sup> 14 CELR (4th) 137 (Ont ERT) aff'd 2018 ONSC 5010 (Div Ct); Decision issued September 4, 2018.