



THE SIX-MINUTE Environmental Lawyer 2018

Chair: **Donna Shier, C.S., *Willms & Shier Environmental Lawyers LLP***

October 3, 2018

9:00 a.m. to 12:00 p.m.

Total CPD Hours = 3 h Substantive

**Law Society of Ontario
Donald Lamont Learning Centre
130 Queen Street West
Toronto, ON**



SKU: CLE18-0100201-A-REG

Agenda

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| 9:00 a.m. – 9:05 a.m. | Welcome and Opening Remarks

<i>Donna Shier, C.S., Willms & Shier Environmental Lawyers LLP</i> |
| 9:05 a.m. – 9:13 a.m. | <i>Huang</i> Court of Appeal Decision on EPA Statutory Cause of Action and Tort Claims

<i>Marc McAree, C.S., Willms & Shier Environmental Lawyers LLP</i> |
| 9:13 a.m. – 9:21 a.m. | <i>Huang</i> and Discussion of Retroactive/Retrospective Application of Section 99(2)

<i>Sarah Powell, C.S., Davies Ward Philips & Vineberg LLP</i> |

- 9:21 a.m. – 9:24 a.m.** **Appropriate Measure of Damages: Introduction to Topic and Fact Scenario**
Donna Shier, C.S., Willms & Shier Environmental Lawyers LLP
- 9:24 a.m. – 9:33 a.m.** **Appropriate Measure of Damages Part 1: No Award**
Ramani Nadarajah, C.S., Canadian Environmental Law Association
- 9:33 a.m. – 9:42 a.m.** **Appropriate Measure of Damages Part 2: Clean to Pristine**
Janet Bobechko, C.S., Norton Rose Fulbright Canada LLP
- 9:42 a.m. – 9:51 a.m.** **Appropriate Measure of Damages Part 3: Clean to “Restoration”**
Jennifer Fairfax, Osler, Hoskin & Harcourt LLP
- 9:51 a.m. – 10:00 a.m.** **Appropriate Measure of Damages Part 4: Clean to Risk Assessment Acceptance**
Matthew Gardner, Willms & Shier Environmental Lawyers LLP
- 10:00 a.m. – 10:09 a.m.** **Appropriate Measure of Damages Part 5: Diminution in Value**
Natalie Mullins, Gowling WLG (Canada) LLP
- 10:09 a.m. – 10:15 a.m.** **Question and Answer Session**
- 10:15 a.m. – 10:30 a.m.** **Networking and Coffee Break**

- 10:30 a.m. – 10:38 a.m.** **EBR, Sharpening the Tools**
Dr. Dianne Saxe, Environmental Commissioner of Ontario
- 10:38 a.m. – 10:46 a.m.** ***SEJJ Environmental Solutions Inc. v. Ontario (Environment and Climate Change)* ERT Decision’s Implication for Settlement**
Jack Coop, C.S., *Fogler, Rubinoff LLP*
- 10:46 a.m. – 10:54 a.m.** **Relief from Mandatory Minimum Fines: *R. v. Henry of Pelham***
Stanley Berger, C.S., *Fogler, Rubinoff LLP*
- 10:54 a.m. – 11:02 a.m.** ***MVL Leasing v. CCI Group Inc. (2018 ONSC 1800): Creative Claims of a Consultant Under S. 99 EPA***
Tamara Farber, C.S., *Miller Thomson LLP*
- 11:02 a.m. – 11:10 a.m.** **Finding Pollution Coverage under the CGL Insurance Policy**
Thomas Donnelly, *Thomas Gold Pettingill LLP*
- 11:10 a.m. – 11:26 a.m.** **Getting Ready for the New Excess Soil Regime**
John Tidball, C.S., *Miller Thomson LLP*
- 11:26 a.m. – 11:34 a.m.** **Primer on *EPA*, Section 18 Orders**
Paula Lombardi, *Siskinds LLP*
- 11:34 a.m. – 11:42 a.m.** **Advising Clients Post-*Hamilton Beach Brands Canada Inc. v. Ontario (MOECC)***
Rosalind Cooper, C.S., *Fasken Martineau DuMoulin LLP*

11:42 a.m. – 11:50 a.m. Modernization of Approvals: Assessed Air Emissions EASR Regulation (O. Reg. 1/17)

Kristi Cairns, Legal Counsel, *Ministry of the Environment, Conservation and Parks*

11:50 a.m. – 12:00 p.m. Question and Answer Session

12:00 p.m. Program Ends