

Environmental Law Association

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FACT SHEET

I. Track Record - Before Courts & Tribunals

- * successfully conducted the first private prosecution under the Ontario Environmental Protection Act, forcing a charcoal company to spend the amount government engineers desired on pollution abatement equipment, where Ontario politicians were unprepared to take action.
- * successfully presented legal arguments backed by threat of court action to stop Village Lake Louise proposal for Banff National Park.
- * saved the back of your \$5 bill - Otter Falls from being dried up, when, through our Vancouver Branch, we successfully argued in Whitehorse, Yukon, that the first licensing application for a water diversion permit under the Northern Inland Waters Act was procedurally and substantively inadequate.
- * unsuccessfully asserted before the Ontario High Court (Divisional Court) that the Director of the Air Management Branch of the Ontario Ministry of the Environment, when he issues certificates of approval for industries in unzoned parts of the Province, is, in fact, exercising a quasi-judicial function vis a vis area residents opposed to the change in the land use of the area the industry would bring, and that therefore residents deserve notice and an opportunity to be heard upon the industry application for approvals.
- * forced the Ontario Environment Ministry to issue the second "Stop Order" ever issued to close a battery crushing plant emitting dangerous lead fumes in a Toronto neighbourhood.
- * established in an Ontario Supreme Court decision that a successful complainant in a private prosecution cannot be ordered to pay costs.

II. Pending Actions

- * prosecuting (in conjunction with the City of Toronto) Teperman and Sons Ltd. under the Toronto anti-noise by-law for committing the offence of "unnecessary noise" in demolishing the old Labatt brewery at King and Beverly - to show that this old by-law can be innovatively applied so as to require the latest technological improvements to be used so as to reduce urban noise.
- * prosecuting Lake Ontario Cement Limited under the Criminal Code (mischief to private property) and under the revised Environmental Protection Act for noise emitted from equipment removing unique sand dunes on Crown land adjacent to Sandbanks Provincial Park (near Picton) leased to the company at \$1.00 per year (Charles Dubin, Q.C., and Joe Pomerant for the defendants).
- * suing the Government of Ontario in a Supreme Court action for a declaration that the government committed a breach of public trust in granting the sand dunes referred to above to Lake Ontario Cement Limited. This action will test the dedication clause in the Provincial Parks Act and is being brought as a class action by the beneficiaries of the trust.
- * through our Sudbury Office, prosecuting Balfour Township for allowing the town's sewage to contaminate a source of water supply, after all levels of government responsible failed to act.
- * advising re a private prosecution under the federal Navigable Waters Protection Act regarding the construction of a causeway without government approval in "Rainbow Country" near northern Georgian Bay.

III. Other Current Activities (in our first year)

- * providing advice through our Toronto Office for about 40 complaints and inquiries a week, which in many cases results in positive action by government agencies or in complainants obtaining legal advice through the ELA panel.
- * publishing ENVIRONMENTAL LAW NEWS six times a year - the only Canadian environmental law reporter, now subscribed to by most law schools in North America, circulation about 500 and climbing with each issue.
- * preparing for late 1972 a CANADIAN ENVIRONMENTAL LAW HANDBOOK explaining in everyday terms legal rights available to the individual to secure a clean and attractive environment.

IV. In the Works

- * A Supreme Court of Ontario action asking that smoke easements contained in grants of land around Sudbury be declared illegal.
- * A court challenge, in conjunction with the Algonquin Wildlands League, of logging in Algonquin Provincial Park.
- * Prosecution of INCO and DOFASCO in Hamilton for land filling of Hamilton Harbour contrary to the Conservation Authorities Act.
- * Preparation of a practitioners' guide to environmental statutes useful especially in real estate and commercial transactions.
- * Opening ELA offices in other Ontario centres and in other provinces.

V. Who We Are and How We Work

- * founded in November 1970 simultaneously with CELRF (Canadian Environmental Law Research Foundation).
- * work closely with CELRF and provide a legal action team, especially when legal action can
 - generate precedents for environmental law
 - highlight the implications of certain government agencies
 - stimulate government agencies inundated with routine work
 - provide specific remedies for private and public wrongs.
- * since December 1971 have had seven full-time Toronto staff, including two lawyers, a chemical engineer, noise consultant, investigator, administrative assistant, and secretary.
- * established a panel of about 90 Ontario lawyers (and some in other provinces) willing to take cases for free if necessary in environmental problem situations where legal assistance not otherwise forthcoming.
- * attracted a public membership of about 300, from every segment of the public, in addition to membership and support of many local, provincial, and national organizations.
- * depend entirely on memberships, voluntary contributions, and publications for financial viability. To this point all staff earn \$100 a week before deductions, and this has come basically through the federal government Local Initiatives Programme (L.I.P.)
- * has branches in Vancouver, Windsor, Ottawa and Winnipeg