

## ENVIRONMENTAL LAW SERVICES

Environmental law has been the core of Willms & Shier’s legal services for almost 40 years. Our clients benefit from our innovative, practical solutions and extensive knowledge in a broad range of environmental law areas. Our ability to drive results is augmented by our lawyers’ unique grasp of highly technical issues, derived from educational and/or pre-law backgrounds in environmental studies, environmental engineering and geology.

### Contact



#### Jacquelyn Stevens

**Partner  
Certified Specialist in  
Environmental Law**

416-862-4828

[jstevens@willmsshier.com](mailto:jstevens@willmsshier.com)

### Our Services

- ◆ Alternative dispute resolution
- ◆ Appeals and Judicial Review
- ◆ Brownfields strategy and contaminated site remediation
- ◆ Clean technology
- ◆ Defence of regulatory prosecutions
- ◆ Drinking Water, source water protection, waste water
- ◆ Environmental approvals—air, noise, odour, waste, water
- ◆ Environmental assessments—federal and provincial
- ◆ Environmental due diligence and risk management
- ◆ Environmental management
- ◆ Environmental regulatory compliance and managing relationships with regulators
- ◆ Insurance coverage, defence and subrogation
- ◆ Land use planning and development
- ◆ Negotiating and settling disputes
- ◆ Prosecution and defence of environmental civil lawsuits
- ◆ Spills and discharges response
- ◆ Waste management
- ◆ Wildlife law and management including species at risk

**“Law Firm of the Year” for  
Environmental Law in  
*The Best Lawyers in Canada,*  
2017 Edition**

[www.willmsshier.com](http://www.willmsshier.com)

# Drafting/Negotiating Environmental High-risk Sites such as Gas Stations and Dry Cleaners

## (Key Take Aways to Consider)

- ◆ Landlord and tenant often at either end of sophistication continuum
- ◆ Important considerations:
  - ◆ on-and off-site environmental liability risks (civil & regulatory)
  - ◆ why/how baseline environmental studies can help
  - ◆ complexity and cost of environmental investigations and remediation
- ◆ Sophisticated landlords:
  - ◆ often refuse to rent to high-risk sites
  - ◆ impose environmental clean-up obligations on tenants in renewal leases
- ◆ Whenever you deal with land, ensure you consider environmental issues
- ◆ Do not assume when it comes to environmental issues, or assume the worst
- ◆ Require pre-purchase, pre-lease due diligence
- ◆ Understand the risks being taken
- ◆ Retain a knowledgeable team to assist you
- ◆ Decisions will depend on:
  - ◆ the actual condition of the property
  - ◆ off-site conditions
  - ◆ the flexibility of Landlord/Tenant/Vendor/Purchaser
  - ◆ whether potential environmental liability can be managed
  - ◆ risk tolerance
- ◆ Recent cases may alter the leasing landscape (*Sorbam Investments v Litwack et al.* and *Jay-Pee Drycleaners v 2321324 Ontario Inc.*)
- ◆ Just because a property is not ‘clean’ does not mean it is not a good investment