

ENVIRONMENTAL LAW SERVICES

Environmental law has been the core of Willms & Shier Environmental Lawyers LLP'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

Our Services



Richard Butler

Partner

416-862-4837

rbutler@willmsshier.com

***“Repeatedly Recommended” for
Environmental Law in
Canadian Legal Lexpert Directory,
2022 Edition***

**Recognized in
“Best Lawyers”
for Environmental Law**

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- Assistance with due diligence in land transactions
- Lease review and advice for environmental terms
- Alternative dispute resolution
- Appeals and Judicial Review
- Brownfields strategy and contaminated site remediation
- Land use planning and development
- Cannabis regulation and environmental impacts
- Clean technology
- Defence of regulatory prosecutions
- Environmental approvals—air, noise, odour, waste, water
- Environmental assessments—federal and provincial
- Environmental due diligence and risk management
- Environmental regulatory compliance and managing relationships with regulators
- Insurance coverage, defence and subrogation
- Prosecution and defence of environmental civil lawsuits
- Spills and discharges response
- Waste management
- Waste water and sewer/stormwater discharge
- Wildlife law and management including species at risk

Environmental Law for Retail Space

(Key Take Aways to Consider)

The following is a non-exhaustive list of potential environmental issues for a retail space:

Types of Environmental Liability for Owners and Tenants

- Civil Liability—lawsuits for compensatory damages
 - against landlords and / or tenants by neighbors; directors and officers personally.
 - includes lawsuits between landlord and tenants.
- Regulatory Liability—statutory duties, orders and prosecutions
 - Involves fines, stop work orders, orders to investigate/remediate contamination

Property Owners

- Can a landlord who was not the “spiller” of chemicals be liable for the migration of contaminants onto a neighboring property
 - Is a landlord responsible for any nuisance created by their tenants?
 - What if the Landlord had no knowledge of the damage?
 - What if the tenant’s use from which the damage or nuisance necessarily arises was plainly contemplated by the lease?

Directors and Officers

- Can face environmental liability even if not involved in day-to-day operations
 - Do not need a finding of fault to have environmental liability

Minimizing Risk

- Pre-Purchase Due Diligence – explore financial, legal, structural, zoning, and environmental concerns before you finalize an agreement
 - Use Phase I (desktop review) and Phase II (subsurface testing) where appropriate
- Contracting documents
 - landlord make use of broadest possible indemnity language (including amounts, duration, and being named on insurance policies)
 - tenants seek express covenants as to physical quality and fitness and limit indemnity to lease period