

Environmental

At Aird & Berlis, we recognize that highly specialized environmental expertise must be combined with a broad range of legal disciplines to provide our clients with the highest level of counsel available. That is why we match practitioners in disciplines such as corporate/commercial law, municipal law and litigation with our specialized environmental practitioners. We provide advice that balances sound business decisions with sound environmental legal practices. Every business feels the impact of environmental legal issues and is subject to some degree of environmental regulation. Our team represents clients in the private and public sectors.

Our Environmental Law Group provides services in the following areas:

- > **Aboriginal Law / First Nations Law** – We have assisted municipalities, renewable generators, mining companies and First Nations in dealing with the “duty to consult”, environmental assessments and other related matters. We have expertise in the treaty regime in Ontario, particularly the Robinson-Huron, Robinson-Superior, and the numbered treaties. Our lawyers have acted as counsel to Resolute Forest Products in the Grassy Narrows v. Ontario and Resolute case, which was decided in our client’s favour by the Supreme Court of Canada in 2014. We have represented municipalities regarding the duty to consult and in working with indigenous communities to construct a cooperative mutually beneficial relationship. We have represented transmitters and infrastructure developers in negotiations and at tribunal hearings in identifying the proper communities for consultation and in ensuring adequate consultation was conducted
- > **Brownfields Redevelopment & Contaminated Sites** – We have advised a number of REITs, developers and lenders in the acquisition of contaminated sites and the requirements for redevelopment through the record of site condition including CityPlace and the L-Tower. We assisted in the negotiation of a tripartite deal between the private sector and the municipality for the initial redevelopment of the Collingwood Shipyards using TIFs to ensure that redevelopment could occur in environmentally acceptable and financially viable manner. We regularly advise purchasers and owners of operating businesses with known environmental issues in mitigating risks and in managing the relationship with the Ministry of the Environment and Climate Change
- > **Climate Change & Cap and Trade** – With specialized expertise in the energy field and a business-minded approach, we help clients navigate the complexities of climate change by advising generators on market participation in Ontario’s cap-and-trade system and offering counsel on the impact that new legislation will have on existing contracts. We advise emitters on reporting and complying with regulatory requirements and guide companies through expansions resulting from carbon pricing and other carbon reductions such as facilitating credit transfer agreements and program compliance reviews. Our lawyers address new issues and ongoing challenges associated with carbon offset and emissions trading markets and advise private and public sector clients on renewable energy strategies, investments in clean technologies, adoption of lower carbon fuel consumption, and participation in carbon capture and storage programs

- > **Environmental Compliance, Investigation and Advocacy** – We advise both public and private sector entities to: ensure compliance with regulatory requirements; investigate spills and matters of alleged non-compliance; and advocate for clients with regulators, Ministers, tribunals and courts. We have represented municipalities, power developers, waste companies and manufacturers in negotiations with the Ministry of the Environment and Climate Change and the TSSA, upholding certificates of approvals for a variety of industries and renewable energy approvals for wind and solar developers and where necessary defending charges laid by federal, provincial and municipal authorities. We successfully challenged a municipal by-law where the by-law would frustrate provincial policy in renewable generation; sought a Ministerial order requiring mediation and have represented community groups through environmental assessment processes
- > **Environmental Assessments** – We act for a number of municipalities and private infrastructure developers in ensuring compliance with the environmental assessment obligations, dealing with “bump-up” requests and appeals. We have also acted for private business operators and community groups to successfully oppose projects or obtain project enhancements where an environmental assessment was required

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