

# City Ordered to Clean up Damage from Oil Spill Caused by Private Party



Several hundred litres of furnace oil leaked from the basement of a privately owned building onto property that the city owned and from which it could adversely affect a lake. The MOE ordered the private property owners to remediate the damage. But their funds ran out before remediation was complete. So the MOE ordered the city to clean up the contamination on its property and prevent discharge of the contaminant from the property. The city appealed the order, arguing that it undermined the “polluter pays” principle. The court ruled that the city had to comply. The party responsible for the spill couldn’t afford to remediate it. But if left alone, the damage to the environment would only get worse. So the MOE properly exercised its discretion in requiring the “innocent” city to remediate its own property [*Corporation of the City of Kawarta Lakes. v. Director, Ministry of the Environment*, [2012] ONSC 2708 (CanLII), May 28, 2012].