

Company & Owner Liable for More than \$1.3 Million for PHC Contamination



A company's storage of large volumes of waste petroleum hydrocarbons (PHC) for several decades contaminated the soil and groundwater on its property. Groundwater flows from its property into neighbouring property contaminated the latter with high levels of PHC. The neighbour discovered the contamination after it bought the property and sued the company and its owner for violating the EPA, nuisance and negligence. The trial court ruled against the neighbour, which appealed. The appeals court found that the EPA does contain a 'private right of action' to provide an effective process for restitution to parties whose property has been contaminated. In addition, the neighbour proved that it suffered damages and the defendants' conduct did warrant punitive damages under the circumstances. So it found both defendants liable for \$1.3 million in damages and the company and owner each liable for \$50,000 in punitive damages [*Midwest Properties Ltd. v. Thordarson*, [2015] ONCA 819 (CanLII), Nov. 27, 2015].