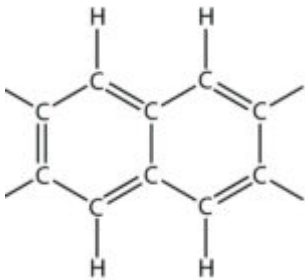


# Failure to Warn of and Investigate Migrating Pollution Costs Company



An air force base became contaminated by hydrocarbons. A company was aware when it assumed responsibility for the base site in 1989 that hydrocarbons had migrated from this property. A study dated 2001 confirmed the presence of hydrocarbons in the vicinity of a nearby hotel. Although the company owed the hotel owner a duty to warn of the contamination, investigate and remediate it in a timely manner, it delayed notice until July 23, 2004 and investigation of the hotel property was delayed until Nov. 2004. So a court found that the company breached its duties to warn and investigate in a timely manner. As a result, the value of the hotel property was diminished by \$885,985.80 from the stigma that attached to its impacted status. The court ordered the company to pay that amount in damages as well as the expenses the hotel owner incurred in the engagement of an environmental scientist [[10565 Nfld. Inc. v. Canada \(Attorney General\)](#)], [2017] CanLII 25468 (NL SCTD), May 2, 2017].