

Landowners' Due Diligence Defence Rejected as to Environmental Violations



A landowner and her spouse were charged with environmental violations for placing gabion wire baskets containing rocks near a lake in violation of their permit for a bank retaining wall and stabilization, and by placing a shed on top of another shed on the steeply sloping bank without permission. The court convicted the defendants and rejected their due diligence defence. The court ruled that the defendants weren't required to use 'superhuman efforts' to gain the knowledge for and adhere to compliance with the laws and their permits or to have in place some reasonable system to ensure compliance [*Lake Simcoe Region Conservation Authority v. Saad*, [2016] O.J. No. 2937, June 6, 2016].