

Man Subject to Environmental Orders Had Management of Polluted Property



The MOE issued two orders to an individual who'd worked for two companies that had owned or operated a business on the land in question, requiring the taking of preventative measures regarding contaminated groundwater. He appealed the orders, arguing that he was just an advisor and had no management or control over the property. The Tribunal ruled that the man was a person with management or control of an undertaking or property and that the requirements in the orders were both necessary and advisable. For example, the man was paid to correspond with the Ministry of Environment and an environmental consultant on environmental issues and to supervise this consultant. Thus, the Tribunal found that the man was given the authority to manage the undertaking of work on environmental issues on, in or under the property and, in fact, exercised this authority [*Rocha v Ontario (Environment and Climate Change)*, [2015] CanLII 43581 (ON ERT), July 17, 2015].