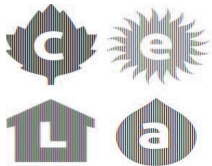


Law on Brownfields and Contaminated Sites in Ontario



Jacqueline Wilson, Counsel
Hannah Chan, Summer Law Student
June 24, 2026



Canadian
Environment
Association
EQUITY. JUSTICE. HEALTH.

Photo: [CBC/Diona Macalinga](#)

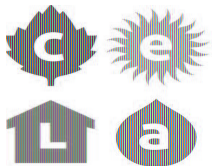
cela.ca

Canadian Environmental Law Association



Photo: Kelly Mathews

- Specialty legal aid clinic dedicated to environmental equity, justice, and health.
- Founded in 1970, funded by Legal Aid Ontario since 1978
- CELA provides free legal services relating to environmental justice in Ontario, including representing qualifying low-income and vulnerable communities in the courts and before tribunals. CELA also provides free summary advice to the public and engages in legal education and law reform initiatives.



Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

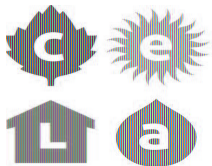
cela.ca

Canadian Environmental Law Foundation



Photo: Ghislain Tillard

- Key initiatives include:
 - ◆ Canadian Environmental Law Archives
 - ◆ Annual fellowship for one aspiring environmental lawyer,
 - ◆ Access to Justice for Northern Communities Initiative.
- The Foundation also supports ongoing education and outreach efforts to promote public participation in environmental decision-making.



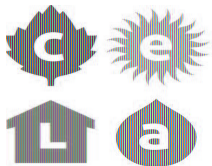
Canadian
Environment
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

Disclaimer

This presentation is for public legal education and purely informational purposes.

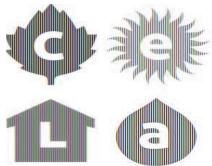
CELA is not retained by anyone in relation to 282-285 Ontario Street.



Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

Environmental Protection Act (EPA)



Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

Key Sections

[Section 3 - Purpose of Act](#)

[Section 6 - Prohibition, contamination generally](#)

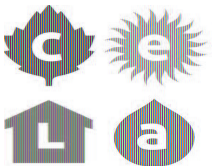
[Section 7 - Control orders](#)

[Section 8 - Stop orders](#)

[Section 147 - Director may cause things to be done](#)

[Section 150 - Order to pay](#)

[Section 168.12 - Actions taken by municipalities](#)



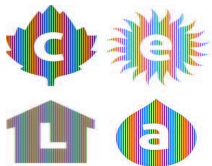
Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

Section 14(1) - Prohibition, discharge of contaminant

Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect.

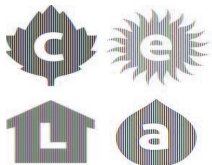
- An amendment (not yet in force) will substitute “may cause an adverse effect” with “is likely to cause an adverse effect”).



Section 1(1) - Interpretation of “adverse effect”

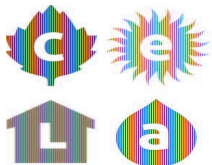
In this Act, “adverse effect” means one or more of,

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property or to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person,
- (f) rendering any property or plant or animal life unfit for human use,
- (g) loss of enjoyment of normal use of property, and
- (h) interference with the normal conduct of business.



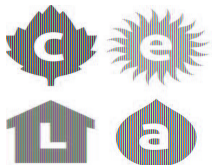
Section 1(1) cont'd

- Adverse effects may be demonstrated with evidence, even if no standard is breached.
- Orders can be made to clean up off-site contamination (i.e., orders are not restricted to “source properties”)
 - ◆ See [*Hamilton Beach Brands Canada, Inc. v Ministry of the Environment and Climate Change, 2018 ONSC 5010*](#), paras 46 and 73.



Part XV.1 - Records of Site Condition (RSCs)

- Brownfield regulations focus on properties that are changing use from industrial or commercial to residential or parkland.
 - ◆ Filed when use changes to a more sensitive use.
- Access Environment: search RSCs.
 - ◆ Currently, there are no posted RSCs (phase I or II) for either 282 or 285 Ontario Street.
- For more information, see O. Reg. 153/04 and Ontario's guidelines.

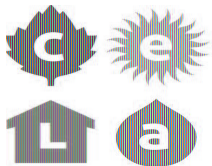


Part XV.1: cont'd

Section 168.3.1(1) - Prohibition on certain changes of

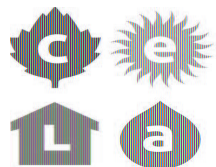
use: Subject to subsection (2), a person shall not,

- (a) change the use of a property from industrial or commercial use to residential or parkland use;
- (b) change the use of a property in a manner prescribed by the regulations; or
- (c) construct a building if the building will be used in connection with a change of use that is prohibited by clause (a) or (b).

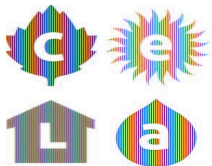


Soil Standards

- Determining what standards would apply in a particular situation is complicated.
- [Soil standards under Part XV.1 of the EPA.](#)
 - ◆ Contains information on concentration standards for PCBs in soil, groundwater, and sediment.



Ontario Water Resources Act (OWRA)



Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

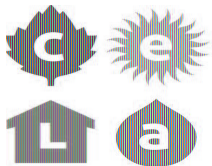
Key Sections

[Section 0.1](#) - Purpose

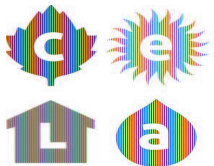
[Section 30\(1\)](#) - Discharge of polluting material prohibited

[Section 30\(2\)](#) - Ministry to be notified when polluting material is discharged or escapes

- The OWRA is similarly structured to the EPA and contains provisions regarding orders, inspections, and more.
- Some sections regarding orders and/or inspections: ss. [15.6](#), [16\(1\)](#), [16.1\(1\)](#), [16.2\(1\)](#), [17\(1\)](#), [22.1\(1\)](#).



Health Protection and Promotion Act (HPPA)

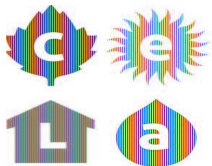


Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

The HPPA and the Environment

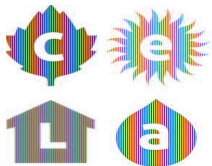
- The [HPPA](#) relates to environmental hazards.
- The public could request an inspection under [s. 11\(1\)](#) by the Medical Officer of Health.
- The Medical Officer of Health has the power to cause or initiate an inspection when a potential health hazard exists and make orders to require a person to take or to refrain from taking a specified action with respect to the health hazard.



HPPA Key Sections

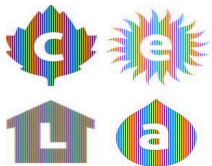
[Section 1 - Interpretation](#): “health hazard” means, (a) a condition of a premises, (b) a substance, thing, plant or animal other than man, or (c) a solid, liquid, gas or combination of any of them, that has or that is likely to have an adverse effect on the health of any person.

[Section 10\(1\) - Duty to inspect](#): Every medical officer of health shall inspect or cause the inspection of the health unit served by him or her for the purpose of preventing, eliminating and decreasing the effects of health hazards in the health unit.

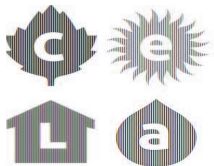


HPPA Key Sections

[Section 13\(1\) - Order by M.O.H. or public health inspector re health hazard](#): A medical officer of health or a public health inspector (...) by a written order may require a person to take or to refrain from taking any action that is specified in the order in respect of a health hazard.



Freedom of Information and Protection of Privacy Act (FIPPA)

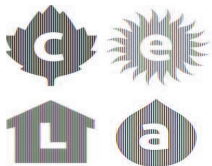


Canadian
Environment
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

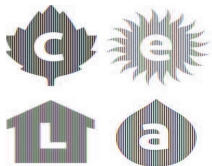
Freedom of Information (FOI) Request Under the [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#)

- Residents can submit FOI requests to the MECP for \$5 (and additional applicable fees) online or by mail.
- Issues that arise:
 - ◆ s. 12 (cabinet records); s.13 (advice to government), and s.17 (record reveals a trade secret or scientific, technical, commercial, or financial information)



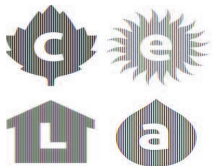
FOI Request Under FIPPA Appeals

- Residents can appeal FOI request decisions through the Office of the Information and Privacy Commissioner of Ontario (IPC).
- Process:
 - ◆ Submit the form to the Information and Privacy Commissioner Registrar within 30 calendar days of the institution giving notice of its decision.
- Appeal fee: \$25



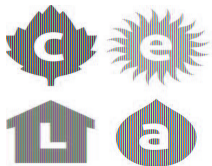
FOI Request Under the Municipal FIPPA

- Residents can make a [request](#) to the institution they believe has possession of the record they seek for \$5.
- ◆ Fees for any costs associated with search, preparation for disclosure, other incurred costs ([s. 45](#)).
- ◆ Residents can appeal request decisions [through the IPC](#).



O. Reg. 278/05:

Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations



Canadian
Environment
Association
EQUITY. JUSTICE. HEAL

cela.ca

O. Reg. 278/05

- This regulation is under the [Occupational Health and Safety Act](#).
- It would provide protections against asbestos for demolition workers.

[Section 5 - Information for workers](#)

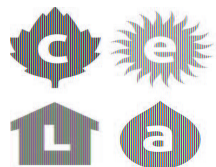
[Section 6 - Demolition](#)

[Section 8 - Ongoing asbestos management in buildings](#)

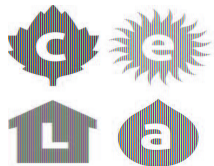
[Section 10 - Owner's responsibilities before requesting tender or arranging work](#)

[Section 15 - Measures and procedures, Type 2 and Type 3 operations](#)

[Section 18 - Additional measures and procedures, Type 3 operations](#)



Municipal Level Guidance

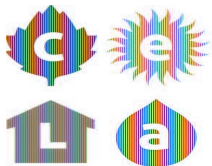


Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

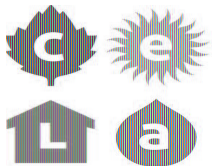
St. Catharines' Property Standards By-Law (No. 2014-248)

- St. Catharines' [Property Standards By-Law](#) prescribes standards for the maintenance and occupancy of property within the city.
- Under section 10.3, the city can issue orders upon inspection and discovery of non-compliance, requiring the owner to bring the property into compliance.



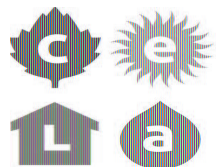
St. Catharines' Property Standards By-Law (No. 2014-248)

- On May 22, 2026, the city issued orders for [282](#) and [285 Ontario Street](#) with a compliance deadline of June 12, 2026.
- On June 10, 2026, the property owner appealed both orders.
 - ◆ [Public notice of appeal for 282 Ontario Street.](#)
 - ◆ [Public notice of appeal for 285 Ontario Street.](#)
- The hearings will happen on June 25, 2026, at 5pm.



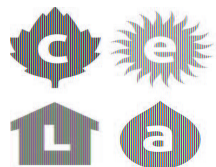
Appeal: Building Code Act

- Section 15.3(3.1) Powers of committee: On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
1. Confirm, modify or rescind the order to demolish or repair.
 2. Extend the time for complying with the order.

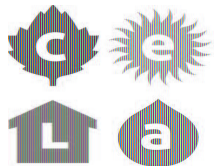


Appeal: *Building Code Act*

- [Section 15.3\(4\)](#) Appeal to court: The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.



How Residents Can Take Action

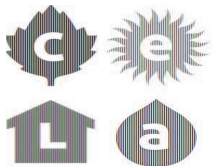


Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

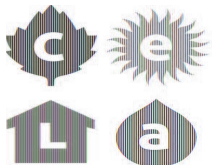
File Pollution/Environmental Incident Report to MECP

- Report pollution [online](#), by phone (1-866-663-8477), or anonymously through Crime Stoppers (1-800-222-8477 or [submit a tip](#)).
- ◆ You may include photos, videos, and audios in your report.
- Pollution includes:
 - ◆ Pollution spilled on land, in the water, or air
 - ◆ Industrial or commercial noise pollution
 - ◆ Waste being dumped into the natural environment
 - ◆ Improper disposal of commercial waste



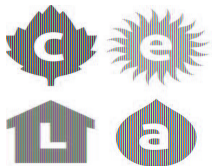
Request an Investigation under the [Environmental Bill of Rights](#)

- Currently, we are not aware of any MECP orders on the site.
- Two Ontario residents can request a government Ministry investigate an alleged violation of environmental law.
 1. Download and print an [Application for Investigation form](#).
 2. Provide an affidavit and evidence.
 3. Send application and affidavit by mail or email with supporting information to the MECP.
- The Ministry will confirm your application was received within 20 days.



Request an Investigation under the Environmental Bill of Rights

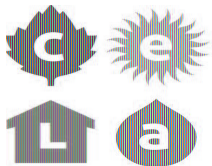
- If the Ministry decides not to investigate, they will inform you within 60 days of receiving the application.
 - ◆ They could refuse because (1) the application is frivolous or vexatious, (2) the alleged violation is not serious enough, (3) the alleged violation is not likely to harm the environment, or (4) an investigation is already under way or has been completed.
 - ◆ The Ministry has 30 days to inform you of the outcome and any action it has taken or plans to take.



EBR Key Sections

[Section 74\(1\) Application for investigation](#): Any two persons resident in Ontario who believe that a prescribed Act, regulation or instrument has been contravened may apply to the minister responsible for the administration of the Act, regulation or instrument for an investigation by that minister of the alleged contravention.

- Any two residents of Ontario can make the request.
- Raise an issue relating to the contravention of an environmental law and provide evidence.



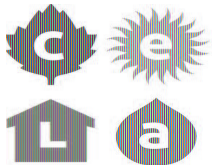
MECP Contact Information

→ MECP Office

- ◆ General inquiries: 416-325-4000
- ◆ For those with hearing disabilities:
416-326-9236

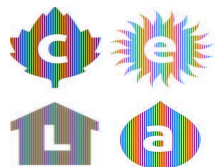
→ Niagara MECP District Office

- ◆ Address: 9th floor, 301 St. Paul Street, St. Catharines ON L2R 3M8
- ◆ Phone: 905-704-3900



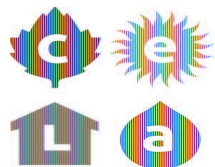
Get Involved in City Planning

- St. Catharines' [2020 Community Improvement Plan](#) focuses on brownfield redevelopment
 - ◆ Incentive programs include the Tax Increment Finance Program, the Brownfield Tax Increment Finance Program, the Brownfield Tax Assistance Program, and more.
 - ◆ For more information, contact CIP@stcatharines.ca
 - ◆ Stay informed on meeting dates, agendas, and minutes by checking the Task Force's [meeting calendar](#).



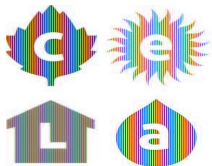
Get Involved in City Planning

- St. Catharines' Ontario Street Corridor Secondary Plan outlines details on planned land use and provides specific direction on how areas should grow and develop over time.
 - ◆ Stay up to date on upcoming open houses and meetings (and status updates generally) by checking the [EngageSTC website](#).
 - ◆ Submit comments at public meetings and open houses.



File Property Standards Complaint with the Municipality

- Residents can make complaints with regard to property standards in two ways:
1. [Report an issue](#) around a Property Standards By-Law infraction.
 2. Submit a [Property Standards Complaint form](#).

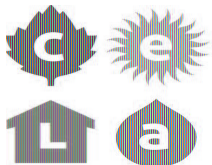


Questions?

If you have specific questions, please contact us!

Intake:

- Email: articling@cela.ca
- Online: <https://cela.ca/intake-form/>
- Phone: 416-960-2284 or 1-844-755-1429 ext 7216



Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

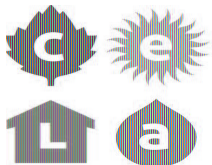
Support Our Work



Your support is critical to ensure that environmental law continues to evolve and the gains of the last 50 years are not forgotten



celafoundation.ca/donate



Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca

Stay in Touch



416-960-2284
1-844-755-1420



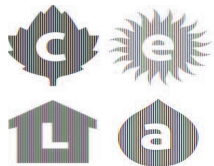
cela.ca



cela.ca/sign-up-stay-informed-cela-bulletin/



info@cela.ca



Canadian
Environmental
Association
EQUITY. JUSTICE. HEALTH.

cela.ca