

Publisher's Note 2019 — Release 1

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Abouchar and McClenaghan Ontario Water Law

Ontario Water Law provides a thorough examination of the current provincial and federal regulatory framework for all aspects of water in Ontario - all of which is expertly annotated with cases from the courts and tribunals along with the prosecution disposition reports.

What's New in this Update

This release features updates to the case law and commentary in Chapters 13 (Municipal Act, 2001) and 18 (Fisheries Act).

Highlights

Toronto Water General Manager publishes a Sewer and Water Supply By-laws Compliance and Enforcement Annual Report — The defendant was convicted of one count of exceeding the sanitary and combined sewer discharge limit for oil and grease (animal and vegetable), one count of exceeding the sanitary and combined sewer discharge limit for chloroform and one count of exceeding the sanitary and combined sewer discharge limit for pH. The total fine for all counts was \$9,000 plus a victim fine surcharge. Following the conviction, the defendant worked with its tenants to implement proper housekeeping procedures including wastewater treatment operations tailored to each tenant's operations. *City of Toronto v. U-Pak Disposals* (1989) Ltd, April 24, 2017.

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Fisheries Act — In September 2009, the corporate plaintiff through its consultant applied for infill authorization from the Department of Fisheries and Oceans (DFO) under the Fisheries Act, s. 35(2). The plaintiff intended to fill in ravines for a private commercial development project. In May 2012, after significant negotiations and changes to the proposed development project, the DFO issued a s. 35(2) authorization with conditions to the plaintiff. However, funding for development project had since collapsed. The plaintiff claimed against the DFO for negligence and misfeasance. The plaintiff sought damages for economic loss, punitive damages and exemplary damages. *Carhoun and Sons Enterprises Ltd v. Canada (Attorney General)*, September 28, 2018.