

Advanced Environmental Law Practitioner Roundtable

Environmental Law



Webcast

Date: Thursday, November 26, 2020 | 5:00 pm to 7:00 pm

Location: Via Webcast

Program Chair: Albert M. Engel, Fogler Rubinoff LLP



This program contains:
2hr of Substantive Content

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

The Advanced Environmental Law Practitioner Roundtable is back by popular demand. Join us for valuable, interactive and frank discussions with senior environmental lawyers on timely topics. This year, you and your peers will explore complex environmental law-related topics such as the intersection of insolvency and environmental law, explore recent case law and gain insights into recent developments such as the potential implications of the *COVID-19 Economic Recovery Act, 2020*, which changes the way environmental assessments will be conducted, for your practice.

5:00 pm Welcome and Opening Remarks

5:05 pm **Keynote Address**
Rodney Northey, Gowling WLG LLP

5:30pm **Breakout Rooms** – All registrants will participate in each of the three breakout room sessions. Each breakout session will run for 30 minutes.

A) Intersection of Insolvency and Environmental Law
(Breakout Room A)
Tamara Farber, Miller Thomson LLP
Jacquie Stevens, Willms & Shier Environmental Lawyers LLP

- Has *Redwater* created an absolute super priority for environmental obligations?
- Should the SCC have created a super-priority for environmental remediation as a policy decision?
- When a polluter is no longer able to pay, who should pay?
- Are reforms needed to address a court made policy decision and clarify the law?
- Are the roles/rights of receivers/trustees clear?
- How far are receivers/trustees entitled to sell off “profitable” assets?
- The discussion will involve the following cases:
 - *Orphan Well Association v. Grant Thornton Ltd.*, 2019 SCC 5, [2019] 1 SCR 150
 - *PricewaterhouseCoopers Inc v Perpetual Energy Inc*, 2020 ABQB 6 (CanLII)
 - *British Columbia (Attorney General) v Quinsam Coal Corporation*, 2020 BCSC 640 (CanLII)

B) Recent Case Law Discussion

(Breakout Room B)

John Georgakopoulos, Willms & Shier Environmental Lawyers LLP

Natalie Mullins, Gowling WLG LLP

- The discussion will involve the following cases:

- *Huang v Fraser Hillary’s Limited*, 2018 ONCA 277
- *Midwest Properties Ltd v Thordarson*, 2015 ONCA 819
- *Sorbam Investments Ltd v Litwack*, 2017 ONCA 850
- *Walton v Warren*, 2020 BCSC 19

C) Implications of the COVID-19 Economic Recovery Act, 2020 on EAs

(Breakout Room C)

David McRobert, Environmental Lawyer & Advisor

Rod Northey, Gowling WLG LLP

6:55pm Closing Remarks

7:00pm Program Concludes

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Questions? pd@oba.org