

Environmental Insurance: A Case Study Involving Active Litigation, Complicated History, and Multiple Transactions!

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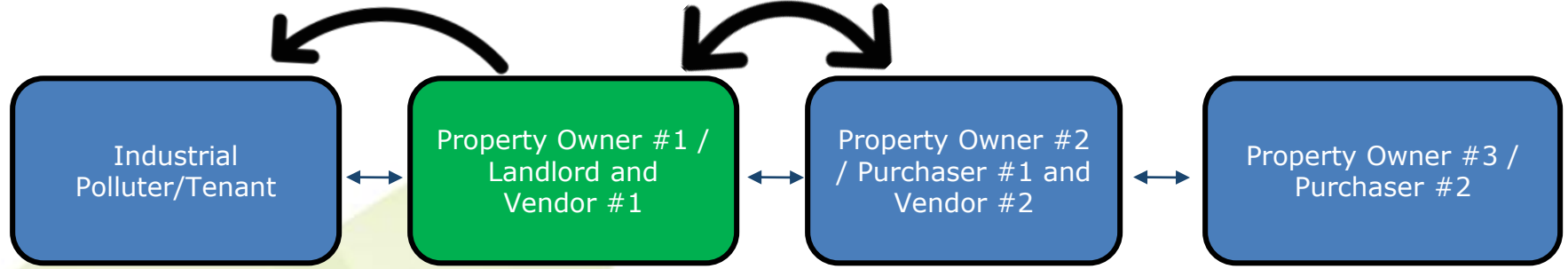
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Audience members should seek legal advice for specific situations.

RemTech East
Niagara Falls, Ontario
May 31, 2023

Fixed Site Environmental Insurance Case Study

**Contaminated Land Lawsuit –
Property Owner Sues
Polluter / Tenant**

**Court Applications About Remediation
Obligation in Agreement of
Purchase and Sale**



- Long-time tenant
- As-built for tenant
- Manufacturing
- VOCs (degreasers)

- Landlord to long-time tenant
- Sued tenant for damages to remediate tenant's contamination
- Sued tenant in 2010
- Settled lawsuit in 2022
- Brought a 2012 Court Counter-Application to ask the Court for a less onerous contractual clean up obligation owed to Property Owner #2
- Settled Counter-Application in 2023

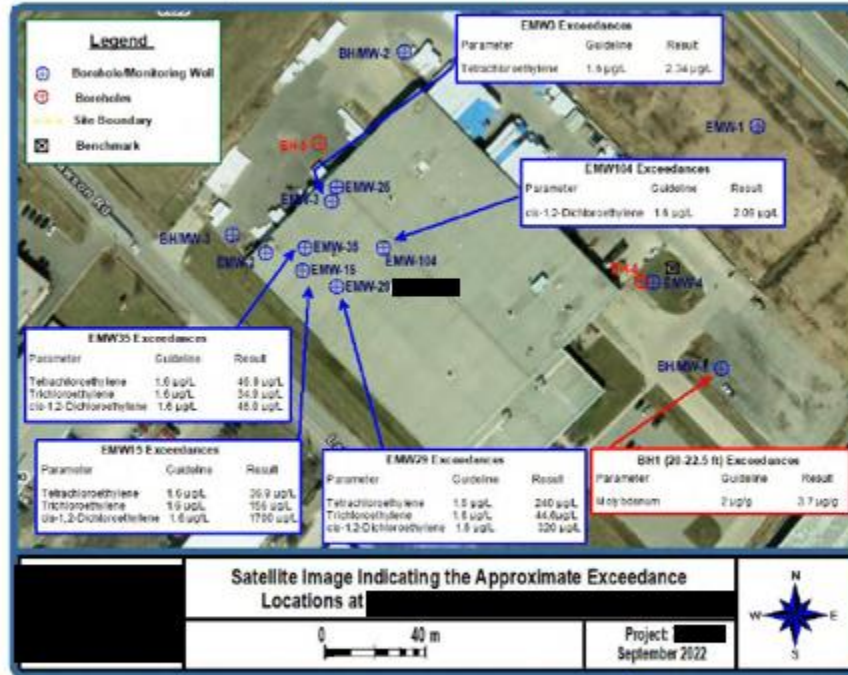
- Purchased property to lease to different tenants (non-polluters)
- Brought a 2012 Court Application to ask Court to confirm Property Owner #1's contractual clean up obligation
- Settled Application in 2023

- Bought from Property Owner #2 with environmental disclosure
- Agreed to complete remediation and to provide consultant's report confirming clean up to MECF standards

Consultant's Site Plan (redacted)

Phase II Environmental Site Assessment

Approximate Locations of Exceedances



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