

SUPREME COURT OF NOVA SCOTIA

Citation: 3076525 *Nova Scotia Ltd. v. Nova Scotia (Environment)*,
2015 NSSC 137

Date: 20150506

Docket: Hfx No. 340840

Registry: Halifax

Between:

3076525 Nova Scotia Limited

Appellant

- and -

Minister of the Environment Representing Her Majesty
The Queen in Right of the Province of Nova Scotia

Respondent

- and -

Melissa King, Jonathan Andrews,
and Marlene Brown

Intervenors

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Judge: The Honourable Justice Joshua M. Arnold

Heard: October 6, 2014 in Halifax, Nova Scotia

**Final Written
Submissions:** November 21, 2014

Written Decision: May 6, 2015

Subject: Appeal of Ministerial Order

Summary: Appellant purchased recycling business but not the property upon which the business was situated. Pollution occurring downgradient and crossgradient of site caused by the recycling operations before, during and after the appellant's operations. The appellant was ordered to remediate the area and in addition was ordered to undertake a \$10.6 million

cleanup relating to a containment cell filled with tons of non-recyclable materials located on the Property that was created by the previous owners of the recycling business and approved by the Nova Scotia Department of Environment. The appellant had no part in the creation or use of the containment cell, all of which predated the appellant's involvement at the Property.

Issues: Did the Minister act reasonably in ordering the appellant to remediate? Was the Minister acting equitably? Was the Minister estopped from creating such an Order?

Result: The Ministerial Order was upheld on a standard of reasonableness with the exception of the clause requiring the appellant to remediate the containment cell. The Order was remitted back to the Minister for reconsideration of the clause pertaining to the containment cell.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***