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<p>CANADIAN ENVIRONMENTAL ASSESSMENT ACT: AN ANNOTATED GUIDE</p> <p>Beverly Hobby</p> <p>Release No. 3, December 2024</p>
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This looseleaf service contains all the current case law and legislation and is your one-stop resource for a clear and complete understanding of the legislation and policies governing this area of law. Written by a team of experts who helped develop the Act, this resource includes: the historical context in which the *Canadian Environmental Assessment Act* was proclaimed; a detailed and practical commentary of each section of the Act with cross-references to other sections and regulations; a useful summary of relevant case law and cases pending before the courts; a useful summary of all important legal procedural issues addressed by the courts; as well as the text of the Act and main regulations. The full text of the *Impact Assessment Act* is now also included.

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What's New in this Update:

This release features updates to Appendix WP. Words and Phrases and Appendix SLL. Selected Legal Literature.

Highlights:

- **APPENDIX WP — WORDS AND PHRASES — ACTION**
— In the *Rules of Civil Procedure*, a proceeding means either an action or an application: Paul M. Perell & John W. Morden, *The Law of Civil Procedure in Ontario*, 3rd ed. (Toronto: LexisNexis Canada, 2017), para. 1.96 ... the *Rules of Civil Procedure* contemplate actions commenced by statements of claim, notices of action, counterclaims, crossclaims or third or subsequent party claims: rr. 1.03(1) and 14.03(1)-(2). The *Courts of Justice Act*, R.S.O. 1990, c. C.43, also defines an action with respect to a civil proceeding. In *Barron's Canadian Law Dictionary*, 6th ed. (Barron's Educational Series, Inc.) (QL), a civil action is defined as “[a]n action to protect a private, civil right or to compel a civil remedy in a dispute between private parties, is distinguished from a criminal prosecution.” This Court is not prepared to accept or agree that a “civil action” or an “action” is the same as or equivalent to a “suit”, as used in the [policies involved in a 2012 Court of Appeal judgment]. Therefore ... regulatory proceedings are not captured within the meaning of the words “civil actions” in the insurance policies before the Court. Further, [the city's] appeal of the Director's Order [issued by the Ontario Ministry of the Environment and Climate Change] is not an action or a civil action as contemplated by the *Rules of Civil Procedure* or the *Courts of Justice Act*. As such ... the [city's] claim ... to have the Insurers defend the [Ministry of Environment] proceedings that [the city] has appealed to the [Environmental Review Tribunal] is not an action or a civil action *The Corporation of the City of Belleville v. Gore Mutual Insurance Company* (2021), 45 C.E.L.R. (4th) 220, 13 C.C.L.I. (6th) 207, 2021 CarswellOnt 8643, 2021 ONSC 3854 (Ont. S.C.J.) at para. 57, 61, 62, 63, 131, 132, 133, 134 Kershman J.
- **APPENDIX WP — WORDS AND PHRASES — PERSON**
— I have reviewed the statutory immunity clauses relied on by Alberta ... Section 220 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12] applies to various persons, members, employees and agents. Similarly, section 157 of the *Water Act* [R.S.A. 2000, c. W-3] applies to certain persons, inspectors, investigators, Directors and members. Neither of the sections expressly includes the Province of Alberta or the government as a whole. These sections apply to individuals to protect them in carrying out their duties or

exercising their powers under the respective Acts as long as they do so in good faith. The ordinary meaning of “person” is a natural person. This was set out by Gauthier J. in *Minister of National Revenue v Stanchfield* (2009), 2009 FC 99 (F.C.), at para 23, when discussing the meaning of “person” for the purpose of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.) ... *Ernst v. EnCana Corp.* (2014), [2015] 1 W.W.R. 719, 6 Alta. L.R. (6th) 233, 598 A.R. 331, 2014 CarswellAlta 2089, 2014 ABQB 672 (Alta. Q.B.) at para. 65, 66 Wittmann C.J.Q.B.)