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ONTARIO ENVIRONMENTAL PROTECTION ACT ANNOTATED

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Release No. 6, December 2025

This text clearly explains the intentions and effects of almost every section of the *Environmental Protection Act* (EPA), its regulations, and the *Environmental Bill of Rights, 1993*. Annotations of more than 3,000 reported and unreported cases with expert commentary and analysis are included. This text includes: all regulations made under the *Environmental Protection Act* (EPA) and the *Environmental Bill of Rights, 1993*; the purpose and effect of the EPA and the *Environmental Bill of Rights, 1993* and their place in the overall legislative scheme; the penalty for any infraction; a convenient catalogue of reported and unreported cases from both the courts and administrative tribunals; and a Table of Cases to facilitate research.

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What's New in this Update:

This release includes updates to Appendix WP. Words and Phrases.

Highlights

APPENDIX WP. WORDS AND PHRASES—INSPECTION—The distinction between an inspection and a search is not clearly defined in the [Yukon environmental] legislation. Given the legal principles developed through the case law, what can be stated is that the criminal law principles about what constitutes a search and seizure will have, at best, limited applicability; and the distinction drawn between an inspection and search will be determined, to an extent, by the context: *R. v. 16142 Yukon Inc.*, 2025 CarswellYukon 24, 2025 YKSC 13 (Yukon S.C.) at para. 62 Wenckebach J.

APPENDIX WP. WORDS AND PHRASES—ISOLATION SYSTEM— . . . in this case comprised of geotextiles anchored to the lakebed on one side and floating atop the water on the other. These geotextiles are intended to allow water to pass through, but not fine particulate, of the kind present in the lakebed at that location, and thus confine any sediments churned up by dredging...: *akisqnuak First Nation v. Assistant Water Manager*, 2025 CarswellBC 220, 2025 BCEAB 6 (B.C. Environmental App. Bd.) at para. 12 Le Houillier Chair.

APPENDIX WP. WORDS AND PHRASES—ODOUR UNITS— Odour units are a measure of odour concentration emitted from industrial sources: *Environmental Appeal Board v. District Director, Metro Vancouver*, 2025 CarswellBC 2570, 2025 BCCA 303 (B.C. C.A.) at para. 9 Edelmann J.A.