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BUSINESS GUIDE TO ENVIRONMENTAL LAW

David Estrin Release No. 3, November 2025

Business Guide to Environmental Law addresses business liability regarding Canadian environmental law. It is designed to aid legal counsel as well as senior executives in dealing with legal situations regarding the environment. The topically organized presentation of issues includes environmental issues in real estate transactions, directors' and officers' liabilities, transportation of dangerous goods, extended producer liability, labelling, advertising, patents and trademarks.

What's New in this Update:

This release features updates to Appendix SLL. Selected Legal Literature and Appendix WP. Words and Phrases. Additionally, there are updates to the legislation in the book.

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Rel. 3, 11/2025

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), 2025 YKSC 13, 2025 CarswellYukon 24 (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..." akisqnuk First Nation v. Assistant Water Manager (2025), 2025 CarswellBC 220, 2025 BCEAB 6 (B.C. Environmental App. Bd.) at para. 12 Le Houillier Chair.

APPENDIX WP. WORDS AND PHRASES—PESTICIDE—"I agree with the administrator that "pesticide" is defined as including a material that is "used" to mitigate a pest. "Used" is defined as including mixing, preparing or applying, or possessing for the purpose of applying. "Pest control product" is defined as a "product" that is "used as a means for directly or indirectly controlling [or] destroying ... a pest... [I]t is clear that the detergent was used in a manner which brought it within the plain meaning of those definitions, namely that [the respondent] applied the detergent to directly remove the moss growing on the roofs of a condominium complex. The [Environmental Appeal Board] takes the position that the word "used" should be read as "generally used," and that evidence was necessary (and was not adduced) to prove common usage. However, the relevant statutory provisions do not say that general use for pesticide purposes is necessary to bring a substance within the Acts..." Administrator, Integrated Pest Management Act v. MKY Holdings and the Appeal Board (2025), 2025 CarswellBC 1881, 2025 BCSC 1060 (B.C. S.C.) at para. 2, 20, 21, 26, 27, 39 Loo J.