

PDF #64.

END of 2024.

Dec 16.

For Interested Parties.

End of 2024.

Where we were and where we are at.

We started out 24 with two appeals underway and waiting for a peer review of the KGS Hydrogeological Study.

Concerning, our first appeal. On May 31st, 2024 mediator Sami rendered a decision saying the taxpayers of Hornepayne do not have the right to see the agreement reached between the Corporation that belongs to them and CN Rail. (see attached doc marked Appeal #1)

Concerning the second appeal. On Sept 20th, 2024 the township released a letter from CN's legal reps. dated Sept 20th, 2021. Their decision to withhold this letter for three years is nonsensical in that the letter contained no particulars of the agreement in question. Further, the info it contained was provided to us in a copy of CN's submission to mediator Sami. (see letter attached marked A,B,C).

Concerning this second appeal, our lawyer at CELA being doubtful that it would produce any relevant information advised against proceeding. (see email attached marked D)

Concerning, the Peer Review of the KGS Study. As outlined in PDF #63 this particular study is strategic because it was, supposedly, the study that provided the rationale for decommissioning the town wells and spending 10.6 million to bring the community water from Moonlight Lake. On Oct. 23rd, 2024 Mr. Hunter applied for additional info. from the MECP. They responded, (see attached emails marked E,F).

Concerning this report, waiting, is precisely where we were at this time last year. Mr. Hunter does not update me with regard to his findings, his policy is to complete the report and then submit the results upon completion. Consequently, I know nothing more to include in this update than he applied for additional info. but a reasonable mind would conclude, he has found concerns hence these requests for additional information from the MECP.

On June 28th, 2024 after the mayor and council refused, I made a request to CN for info and ask if there were any health risk issues associated with exposure to their pollution. To date, the Corp. whose home page states "always do the right thing", has not responded. In the future, to prevent the offender from denying that a request was made I will send a second one to their environment manager, Mr. Stadnyk, this one registered. (matter currently delayed, acct. of the mail strike).

One has to ask, why CN's silence when the Environmental Act requires them to respond. Simply put, in Ontario big Corp. can get away with ignoring the law. Also this matter is one hell of a mess and no one knows that more than CN Rail. They remain silent counting on the Mayor and Council to keep the lid on the matter. Knowing full well if it comes off it will put BIG DADDY at the bottom of a very deep pile of shit.

Precedent Setting Cases

I have done research into similar matters some of which became precedent setting cases. Based upon the available facts found within the documentation concerning this matter, my position is as follows.

The mayor and council should be bringing a legal action against CN Rail to recover the ten point six million dollars in costs to go to Moonlight Lake, for UNCONTAMINATED WATER.

Considering, the legal action that was taken with regard to the 2018 Gogama derailment. The mayor and council should be bringing a legal action against CN Rail for a minimum of thirty million for environmental and punitive damages done within the community of Hornepayne.

Based upon other precedent setting cases, the Mayor and Council should be bringing a legal action against CN Rail requiring them to purchase at replacement value those homes sitting on property impacted by CN's pollution.

It is also my position, that the Mayor and Council should be making serious complaint to the Ministry of the Attorney General concerning the mishandling of

this matter by the MECP. Their failure to impose any fines against CN for knowingly releasing millions of liters of diesel fuel and other pollutants into the environment constitutes an indefensible act. Their failure to issue any orders requiring CN to commence environmental rehabilitation on those public and private properties impacted by their pollution, when the law clearly requires the same, constitutes a second indefensible act. The facts available in this matter determine both fines and orders are warranted and long overdue, yet the MECP fails to take the legal action required.

Commentary.

Beginning in 2007 when I first made inquiry into this matter, up until this date, the Township denies having any knowledge of this matter, which is an outright lie. Considering, their first responsibility and obligation is to represent and protect the interests of the community. Then the record of refusal to take action in this matter confirms, the past and present town administrators were and currently are in a gross breach of trust, regarding the single most detrimental matter the town has faced since it was incorporated.

I ask you to give consideration to the first page of the CELA November newsletter because it makes reference to municipal governments. Compare the position of this established, respected advocate for environmental justice against the record of the present mayor and council and what is apparent, SHAMELESS SELF-SERVING SELLOUT. (see attached a copy of the same marked G)

Consistent with previous administrations the current mayor and councils continuing support for CN Rail the polluter, is a free choice they make. Their choice to protect the polluter is contrary to the action required of them by law or the direction provided for them by current comprehensive environmental policy. Their choice of direction is contrary to the defensive action taken by other communities in similar circumstances. Again for the record, I attached general info from the compt. these Acts and a Bill of Rights facilitate opportunity for action. YET NOTHING IS DONE. (see the same marked H,I,J)

Like many other small communities, Hornepayne struggles financially and is challenged to come up with the resources needed to meet the cost of the services it provides. But for reasons more sinister than appalling naivety, the township administrators choose to play Santa Clause to the Big Multi –Billion Dollar Corp. at the expense of the overburdened taxpayers.

Woe, to self-serving Hypocrites, they set aside all to Climb Lucifer's ladder.

Geo.

PS The cost of Mr. Hunter's report will be in the neighborhood of five thousand, I will bare that cost, but I would accept and appreciate any help anyone sees fit to offer.

Merry Christmas and the BEST of to ALL in 2025.

Appeal #. 1



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

May 31, 2024

PERSONAL & CONFIDENTIAL

VIA EMAIL jacqueline@cela.ca

Jacqueline Wilson
Counsel
Canadian Environmental Law Association
55 University Avenue
15th Floor
Toronto, ON M5J 2H7

Dear Jacqueline Wilson:

**Re: Notice of Order MO-4528
Appeal Number MA21-00683
Township of Hornepayne
Respondent File Number M2021-03**

My inquiry into the above-noted appeal has been completed.

Please find enclosed the order which disposes of the issues raised by the appeal.

Thank you for your cooperation in this matter.

Yours truly,

A handwritten signature in black ink that reads "Marian Sami".

Marian Sami
Adjudicator

Enclosure



Tribunal Services Department
2 Bloor Street East
Suite 1400
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Canada M4W 1A8

Services de tribunal administratif
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Bureau 1400
Toronto (Ontario)
Canada M4W 1A8

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TTY/ATS : (416) 325-7539
Web : www.ipc.on.ca

"A"
Township of Hornepayne
68 Front Street
P.O. Box 370
Hornepayne, ON P0M 1Z0



Tel: 807-868-2020
Fax: 807-868-2787
www.townshipofhornepayne.ca
info@hornepayne.ca

The Geographic Centre of Ontario

September 20, 2024

George Collins
121 Fourth Street
Nipigon, ON P0T 2J0
grampabug7@hotmail.com

Dear Mr. Collins,

Re: MFIPPA Request No. M2021-04 – Revised Decision Letter

We write in follow up to our letter dated November 26, 2021 in which we issued our initial decision in response to your request under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"), in which you sought, among other things:

"What was CN's response to my request for a copy of the agreement, which constitutes the exception where CN Rail does not pay the same rate all other property owners in Hornepayne"

In its original decision, the Township withheld certain information on the basis of s. 10 of MFIPPA (Third Party Information). Since that decision was made, the third party whose information is contained in the record has consented to the release of some of the information originally withheld. As a result, the Township has revisited its decision and is issuing a revised copy of the record, with redactions applied.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Aileen Singh
CAO/Clerk
Township of Hornepayne

Encl.

B³

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Brian Lipson
Direct Line: (418) 521-3037
Email: blipson@mccarthy.ca

September 20, 2021

By email: jaremy.hpayne@bellnet.ca

Confidential

Gail Jaremy
CAO/Clerk
Township of Hornepayne
68 Front St
P.O. Box 370
Hornepayne (ON) P0M 1Z0

**Re: Request under the *Municipal Freedom of Information and Protection of Privacy Act*
Your File: M2021-03
Our File: ATIP-10**

Dear Gail Jaremy,

The present representations are submitted to you by the Canadian National Railway Company ("CN") and relate to the proposed disclosure of documents in response to a request that the Township of Hornepayne (the "Township") has received under the *Municipal Freedom of Information and Protection of Privacy Act*¹ (the "Act"), as detailed in your correspondence to CN dated August 31, 2021 (the "Request").

We understand from your correspondence that the Township is considering disclosing By-Law No. 1550 and its Schedule A (collectively the "Records") in response to the Request for "a copy of the one (1) agreement which constitutes the exception where CN Rail does not pay the same rate as all other property owners in Hornepayne". In our view, the Records fall outside the scope of the Request are privileged.

First, although the wording of the Request is imprecise, the "rate" in question seems to refer to property taxes. As for the By-Law enclosed in your correspondence, the introductory whereas clause states that the object of the By-Law is railway watering access. The By-Law therefore does not fall under the scope of the Request. The Township's mandate under the Act is to provide access to documents requested by the Applicant, and providing documents that do not fall under the scope of the Request would exceed that mandate.

Second, the Records are clearly protected by settlement privilege. Indeed, the title of Schedule A is [REDACTED]

¹ RSO 1990, c M.56.

"D"



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

October 29, 2024

VIA EMAIL

PERSONAL AND CONFIDENTIAL

Jacqueline Wilson
Counsel
Canadian Environmental Law Association
55 University Avenue
15th Floor
Toronto, ON M5J 2H7
jacqueline@cela.ca

Dear Jacqueline Wilson:

**RE: MA21-00796
Township of Hornepayne
Respondent File Number M2021-04**

Following your email to Adjudication Review Officer Triston Shiwnath yesterday confirming that your client has withdrawn his appeal, I write to confirm that this file has been closed and no order will be issued.

Yours truly,

A handwritten signature in black ink that reads "Marian Sami".

Marian Sami
Adjudicator

Cc: Counsel for the Township of Hornepayne,
Counsel for the affected party.



Tribunal Services Department
2 Bloor Street East
Suite 1400
Toronto, Ontario
Canada M4W 1A8

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Ministry of the Environment,
Conservation and Parks

Corporate Services Branch
40 St. Clair Avenue West
Toronto ON M4V 1M2

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Direction des services ministériels
40, avenue St. Clair Ouest
Toronto ON M4V 1M2



November 13, 2024

Mr. Garry Hunter
Hunter and Associates
2285 Dunwin Drive, Unit 18
Mississauga, Ontario L5L 3S3
gisinfo@hunter-gis.com

Dear Garry Hunter:

RE: MECP FOI A-2024-07190 – Extension Letter

This letter is further to your request made pursuant to the Freedom of Information and Protection of Privacy Act (the Act) relating to:

Compliance report prepared for the Canadian National Railway Company:
58 Front Street - Hornepayne Yard, Algoma
2016 Site Monitoring Program, Hornepayne Yard
2023 Site Monitoring Program, Hornepayne Yard

Please be assured that we are making every attempt to respond to your request as soon as possible. However, we wish to advise you that we have extended the time for a response in accordance with subsection 27(1)(a) of the Act for an additional 60 days to January 21st, 2025.

The reason for the extension is that the request necessitates a search through a large number of records, approximately 558 pages and meeting the time limit would unreasonably interfere with the operations of the institution. If you would like reduce this extension by narrowing the scope of your request, please contact our office.

You may request a review of my decision within 30 days from the date of this letter by contacting the Information and Privacy Commissioner/Ontario at <http://www.ipc.on.ca>. Please note there may be a fee associated with submitting the appeal.

If you have any questions, please contact Maham Imtiaz at maham.imtiaz@ontario.ca.

Yours truly,
Maham Imtiaz

for
Josephine DeSouza
Manager, Access and Privacy Office

Ministry of the Environment,
Conservation and Parks

Corporate Services Branch
40 St. Clair Avenue West
Toronto ON M4V 1M2

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Direction des services ministériels
40, avenue St. Clair Ouest
Toronto ON M4V 1M2



November 18, 2024

Mr. Garry Hunter
Hunter and Associates
2285 Dunwin Drive, Unit 18
Mississauga, Ontario L5L 3S3
gisinfo@hunter-gis.com

Dear Garry Hunter:

RE: MECP FOI A-2024-07190 – Extension Letter Third Party

This letter is further to your request made pursuant to the Freedom of Information and Protection of Privacy Act (the Act) relating to: Compliance report prepared for the Canadian National Railway Company: 58 Front Street - Hornepayne Yard, Algoma. 2016 Site Monitoring Program, Hornepayne Yard. 2023 Site Monitoring Program, Hornepayne Yard.

After a detailed review of the records, disclosure of the records may affect the interests **of a third party**.

In accordance with Section 28 of the Act, the affected party is being given an opportunity to make representations concerning disclosure of the information. A decision on whether the information will be disclosed will be made by **December 18, 2024**.

If you have any questions regarding this matter, contact Tara Hachey at tara.hachey@ontario.ca.

Yours truly,

A handwritten signature in cursive script that reads "Tara Hachey".

For:

Josephine DeSouza
Manager, Access, and Privacy Office

6
Outlook

CELA's November newsletter

From Canadian Environmental Law Association <info@cela.ca>

Date Fri 29/11/2024 11:03 AM

To grampabug7@hotmail.com <grampabug7@hotmail.com>

Intervenor, Volume 50, No. 2
November 2024

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INTERVENOR

*Dedicated to environmental equity, justice,
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Municipal Action Key to Addressing Environmental Justice Issues

Municipal governments play a front-line role in ensuring our right to a healthy environment.

They work at the level where people live and are often the first to address environmental issues that disproportionately affect low-income and marginalized communities.

As the owners of our drinking water systems, municipalities can mandate the removal of lead service lines, the most common source of lead contamination in water. They can also provide funding to offset the replacement cost for low-income individuals.

CELA's ["Get the Lead Out"](#) campaign focuses on both provincial and municipal action to reduce this public health risk to young children and fetuses.

Similarly, municipal governments also have the power to implement heat-resilient rental housing bylaws to mitigate the impacts of climate change and extreme heat, which are disproportionately felt by the most underrepresented

H

ontario.ca
https://www.ontario.ca › laws › statute

Environmental Protection Act, R.S.O. 1990, c. E.19"

40 No person shall deposit, or cause, permit or arrange for the deposit of, waste upon, in, into or through any land or land covered by water or in any building ...

People also ask

What is the Environmental Protection Act in Ontario?

What is the Environmental Assessment Act in Ontario?

What is the Environmental Bill of Rights Act Ontario?

What replaced the Green Energy Act in Ontario?

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Environmental Assessment Act, R.S.O. 1990, c. E.18"

2 The purpose of this Act is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management ...

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Environmental Protection Law in Ontario

How to comply with ontario's laws & regulations. This guide provides a brief overview of the main elements of environmental protection law in Ontario.
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Summary of Ontario's water related legislation

The Lakes and Rivers Act was introduced in 1990 to protect the province's surface water resources. The Act regulates the public and private use of Ontario's ...

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Canadian Environmental Protection Act, 1999

Canadian Environmental Protection Act, 1999 (S.C. 1999, c. 33) · Table of Contents · Related Information · Amendments * · Regulations made under this Act.
Canadian Environmental · Her Majesty · Pollution Prevention Plans · Regulations

Canada.ca
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Understanding the Canadian Environmental Protection Act

May 19, 2022 — The primary purpose of the Canadian **Environmental Protection Act, 1999** (CEPA) is to contribute to sustainable development through pollution ...

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Canadian Environmental Protection Act, 1999

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AI Overview

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Ontario has multiple environmental laws, including the Environmental Protection Act, the Environmental Assessment Act, and the Environmental Bill of Rights:

Environmental Protection Act

This is the primary legislation for pollution control in Ontario. It prohibits the release of contaminants into the environment, requires the reporting and cleanup of spills, and holds parties responsible for their actions. The Ministry of the Environment, Conservation and Parks enforces the act by issuing orders or charging and prosecuting offenders.

Environmental Assessment Act

The purpose of this act is to protect, conserve, and manage the environment in Ontario.

Environmental Bill of Rights

Ontario residents can apply for leave to appeal certain government decisions, such as licenses, permits, approvals, and orders.

You can report environmental violations in Ontario by calling the public reporting hotline at 1-866-MOE-TIPS (663-8477). You can also apply for an environmental permission from the ministry if you plan to engage in certain activities, such as releasing contaminants into the air, land, or water.

Summary of Ontario's water related legislation

The Environmental Protection Act is the primary pollution control legislation in Ontario and can be used interchangeably with the ...

Act For Clean Water

Environmental permissions - Ontario.ca

You must have an environmental permission from the ministry if you plan to engage in an activity that: * relates to the construct...

ontario.ca

Environmental Bill of Rights - Ontario.ca

Apr 1, 2019 — Apply for leave to appeal a government decision. If you're an Ontario resident, you may seek leave (permission) to appe...

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Generative AI is experimental. For legal advice, consult a professional.



An **Act** respecting pollution prevention and the protection of the **environment** and human health in order to contribute to sustainable development.



Legal Line

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How are environmental laws enforced?

The Ontario Environmental Protection Act, which covers most environmental offences, **is enforced in two main ways**. First, the Ministry of the Environment, ...



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<https://qweri.lexum.com> › onlegis › rso-1990-c-e19-en

Environmental Protection Act, RSO 1990, c E.19 | - Qweri

3 (1) The purpose of this Act is to **provide for the protection and conservation of the natural environment**. R.S.O. 1990, c. E.19, s. 3. FR. s.

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