



2024 Willms & Shier Environmental Law Moot

An appeal of the British Columbia Court of Appeal's
Decision in *Victory Motors (Abbotsford) Ltd. v. Acton
Super-Save Gas Stations Ltd.*



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A message from the Co-Chairs of the Moot

Welcome to the 2024 Willms & Shier Environmental Law Moot Court Competition.

The Environmental Law Moot Court Competition is Canada's only national environmental law Moot Court Competition. Law school students, coaches, judges, lawyers, and academics from across the country, representing both the present and future of environmental law, come together to explore challenging environmental law issues.

The Moot presents law school students the opportunity to enhance their written and oral advocacy skills, and argue a landmark environmental law case in front of top practitioners, two Court of Appeal Justices, and a Supreme Court of Canada Justice.

The 2024 Moot final bench will be presided over by The Honourable Michelle O'Bonsawin from the Supreme Court of Canada, Justice David Stratas from the Federal Court of Appeal, and Justice Katherine van Rensburg from the Ontario Court of Appeal.

We wish all competitors the very best throughout this competition, and we look forward to witnessing the culmination of your hard work.

Thank you to the law school students, coaches, judges, lawyers, academics, committee members, volunteers, sponsors and other participants for making the Environmental Law Moot Court Competition possible once again in 2024. We hope that you enjoy and take much from today's Moot Court Competition experience.



Marc McAree
Moot Co-Founder & Chair
Co-Managing Partner,
Willms & Shier
Environmental Lawyers LLP



Stepan Wood
Moot Co-Founder & Chair
Professor, Peter A. Allard
School of Law, UBC

A message from Joanna Vince, your Moot Administrator

Dear Environmental Law Moot
Competitors, Judges, Sponsors
and other Participants

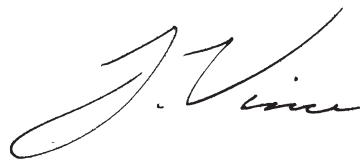
Welcome to the 2024 Willms & Shier Environmental Law Moot
Court Competition!

This year's Moot promises to be a rich and rewarding experience
as 10 teams from across Canada moot an appeal of the
British Columbia Court of Appeal's Decision in **Victory Motors
(Abbotsford) Ltd. v. Acton Super-Save Gas Stations Ltd.**

We hope that everyone enjoys the day's events.

Thank you to all of our competitors, judges, sponsors and other
participants for contributing to another exciting Environmental
Law Moot Court Competition.

Yours truly,



Joanna Vince

Moot Administrator

Partner, Willms & Shier Environmental Lawyers LLP

Event Schedule

Time	Event	Sponsor	Location
7:00 am	Registration Table Opens	Green Infrastructure Partners Inc.	Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
7:30 am	Preliminary Round 1		Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
9:30 am	Morning Snack Break	Environmental Science & Engineering Magazine	Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
10:00 am	Preliminary Round 2		Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
12:00 pm	Lunch at Hilton	Premier Environmental Services	Hilton Toronto 145 Richmond St W, Toronto, ON
1:00 pm	Announcement of Semi-Final Teams and Briefing for Semi-Final Judges		Hilton Toronto 145 Richmond St W, Toronto, ON
1:30 pm	Semi-Final Round	Ramboll Canada Inc. Montrose Environmental	Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
3:20 pm	Afternoon Snack Break	InSitu Remediation Services	Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
3:30 pm	Announcement of Championship Match Teams and Briefing for Championship Match Judges		Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
4:00 pm	Championship Match		Federal Court of Canada 180 Queen Street West, 6 th Floor, Toronto, ON
6:00 pm	Networking Cocktail Reception	BlueFrog Environmental Consulting Inc.	Hilton Toronto 145 Richmond St W, Toronto, ON
7:00 pm	Awards Dinner	Willms & Shier Environmental Lawyers LLP	Hilton Toronto 145 Richmond St W, Toronto, ON

Scorekeeping sponsored by Berkley Canada

Timekeeping sponsored by Altus Group

Photography sponsored by Vertex Environmental Inc.

Wine at the Awards Dinner sponsored by Exp Services Inc.

Moot Awards sponsored by PGL Environmental Consultants Ltd.

Teams & Judges

PRELIMINARY ROUND 1 • 7:30 AM TO 9:15 AM

Courtroom 1	Appellant	Team 2024-02	Judges: Danielle Meuleman, Adam Chamberlain, Franz Lopez
	Respondent	Team 2024-03	Bailiff: Lawrence Elkhinovich Timekeeper: Elena Kusaka
Courtroom 2	Appellant	Team 2024-04	Judges: Jennifer Fairfax, Anand Srivastava, Nicholas Adamson
	Respondent	Team 2024-05	Bailiff: Kip Phillips Timekeeper: Nathan Adams
Courtroom 3	Appellant	Team 2024-06	Judges: Paula Boutis, Richard Butler, Paul Manning
	Respondent	Team 2024-07	Bailiff: Rohan Jain Timekeeper: Amanda Spitzig
Courtroom 4	Appellant	Team 2024-08	Judges: Sarah Powell, Jacquelyn Stevens, Robert Woon
	Respondent	Team 2024-09	Bailiff: Lisa Chung Timekeeper: James Schembri
Courtroom 5	Appellant	Team 2024-10	Judges: Patrick Welsh, Madiha Vallani, Charles Birchall
	Respondent	Team 2024-01	Bailiff: Lily Sebastian Timekeeper: Sydney Smith

PRELIMINARY ROUND 2 • 10:00 AM TO 11:45 AM

Courtroom 1	Appellant	Team 2024-07	Judges: Danielle Meuleman, Adam Chamberlain, Franz Lopez
	Respondent	Team 2024-08	Bailiff: Lawrence Elkhinovich Timekeeper: Elena Kusaka
Courtroom 2	Appellant	Team 2024-03	Judges: Jennifer Fairfax, Anand Srivastava, Nicholas Adamson
	Respondent	Team 2024-06	Bailiff: Kip Phillips Timekeeper: Nathan Adams
Courtroom 3	Appellant	Team 2024-01	Judges: Paula Boutis, Richard Butler, Paul Manning
	Respondent	Team 2024-02	Bailiff: Rohan Jain Timekeeper: Amanda Spitzig
Courtroom 4	Appellant	Team 2024-05	Judges: Sarah Powell, Jacquelyn Stevens, Robert Woon
	Respondent	Team 2024-10	Bailiff: Lisa Chung Timekeeper: James Schembri
Courtroom 5	Appellant	Team 2024-09	Judges: Patrick Welsh, Madiha Vallani, Charles Birchall
	Respondent	Team 2024-04	Bailiff: Lily Sebastian Timekeeper: Sydney Smith

SEMI-FINAL ROUND • 1:30 PM TO 3:00 PM

Courtroom 3	Appellant		Judges: Ramani Nadarajah, John Buhlman, Jacquelyn Stevens
	Respondent		Bailiff: Lily Sebastian Timekeeper: Sydney Smith
Courtroom 4	Appellant		Judges: Richard Butler, Tamara Farber, Madiha Vallani
	Respondent		Bailiff: Lisa Chung Timekeeper: Amanda Spitzig

CHAMPIONSHIP MATCH • 4:00 PM TO 5:45 PM

Courtroom 3	Appellant		Judges: Justice Michelle O'Bonsawin, Justice David Stratias,
	Respondent		Justice Katherine van Rensburg Bailiff: Amanda Spitzig, Timekeeper: Elena Kusaka



Thank you to our 2024 Sponsors

The 2024 ELM competition would not be possible without the generous support of our sponsors.

Please see below and on the following pages for information about each of our sponsors. Thank you again to our sponsors for their support.

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Bronze Sponsors





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At Berkley Canada we are committed to making a difference for our broker partners and insureds. We provide a consistent service standard in all areas from insurance expertise, quotation, policy issuance and claims services to ensure working with us is as easy as possible. Our ability to make all underwriting decisions locally means our broker partners and insureds are always working with decision makers. This allows Berkley Canada to listen, respond and deliver a solution quickly.

www.berkleycanada.com



BlueFrog is a consultancy of seasoned environmental geoscientists and engineers with stellar credentials in the earth sciences. Based in Oakville, Ontario, we are privately owned and offer specialized services to a wide range of commercial, industrial, and governmental clients. Our expertise is in the fields of environmental site assessment, site remediation, and management of environmental issues.

www.bluefrogconsulting.ca



We are Canada's national environmental trade magazine. Environmental Science & Engineering has covered Canada's water, wastewater and environmental protection sectors since 1988. Our expert articles are "must reading" for some 35,000* consulting, municipal and industrial engineers, contractors and key government technical staff across Canada. Articles are written by leading environmental companies, engineers and scientists and cover a wide-range of environmental topics, with an emphasis on water and wastewater.

www.esemag.com



At EXP, we are dedicated to delivering extraordinary experiences. We are a full-service, multidisciplinary engineering, design and consulting firm delivering projects and solutions to clients and communities around the world. With multiple decades of experience spanning the earth and environment sector, EXP has managed, permitted and delivered complex environmental projects for both public and private clients throughout North America and beyond. We provide environmental management support through all project stages – from acquisition, due diligence and strategic planning through construction, post-construction and operations.

www.exp.com



Since our founding in 1983, Geosyntec has supported clients in addressing new ventures and complex problems involving the environment, natural resources, and infrastructure. We aspire to deliver exceptional solutions without exception through innovative applications of proven and emerging scientific and engineering technologies. Our vision of success builds on a long-held belief that exceptional client service coupled with exceptional project solutions will result in lasting business relationships with our clients and strategic partners. We are now over 2,000 employees working out of more than 100 offices in 9 countries.

www.geosyntec.com | www.geosyntec.ca



Green Infrastructure Partners (GIP) is one of Canada's largest and most diversified infrastructure companies. We offer vertically integrated infrastructure solutions for public and private projects of every size and scale. For over 50 years, our teams have been designing, delivering, and maintaining infrastructure for Canada's growing cities. From excavation and remediation, demolition, shoring and foundations, structures, paving and the production of materials, we have the unique ability to strategically partner with clients to find solutions and to self-perform all project scopes without reliance on sub-contractors.

www.gipi.com



As a consulting engineering company we provide services to major developers and retailers, municipalities, general contractors, architects, other engineers and various government agencies. We also support the needs of small businesses, law firms and private individuals. Focusing on the private development industry and offering a unique blend of full-service ground engineering, Grounded is able to offer clients a team that is innovative and more cost-effective than other geo-engineering firms.

www.groundedeng.ca



At InSitu, we believe that creating vibrant spaces & communities starts with remediation. One of Canada's most experienced remediation companies, InSitu Remediation Services has designed, implemented, and maintained soil and groundwater remediation programs in diverse geological environments in North, Central, and South America, Europe, and the Middle East around the world.

www.irsl.ca



Intrinsic Corp. is a scientific and regulatory consulting firm. We provide expert regulatory, toxicology, and risk assessment advice. Our vision is healthy people and natural ecosystems. We achieve this vision by applying the best available scientific knowledge and expertise in our work to guide clients in making the right choices about health, safety and environmental quality.

www.intrinsic.com



Montrose is a leading environmental solutions company focused on supporting commercial and government organizations as they deal with the challenges of today, and prepare for what's coming tomorrow. With approximately 3,500 employees across more than 90+ global locations, Montrose combines deep local knowledge with an integrated approach to design, engineering, and operations.

www.montrose-env.com



PGL was established in 1991 and now has more than 90 employees, across the county. Our size and locations allow us to offer the accessibility, expertise, quality assurance, depth, and risk management/insurance of a larger firm, with the focus and customer-oriented service of a smaller firm. By style, we are customizers, focused on understanding client needs and building long-term relationships as trusted advisors.

www.pggroup.com



Pinchin Ltd. is one of North America's premier environmental, engineering, building science, and health & safety consulting firms. Established in 1981 by Dr. Don Pinchin, the company has grown to over 1000 staff in 50+ offices across North America.

www.pinchin.com



Premier is built on the core values of honesty, integrity, and quality. Our tight-knit team and world-class expertise has built our reputation in the industry as the trusted choice for environmental services. We've been providing environmental engineering and sustainability services to some of Canada's biggest and most innovative companies.

www.premiercorp.ca



Ramboll combines deep local insight and experience with a global knowledge base to create sustainable societies and drive positive change for our clients. We call it: Bright Ideas. Sustainable change by bringing together our technical expertise, domain knowledge, and digital capabilities, we support our clients in driving improvement and developing new business models that are inherently sustainable.

www.ramboll.com



RWDI's 50-year legacy is built on finding innovative solutions to complex engineering challenges. We've built a team of over 800 engineers, scientists, and sustainability specialists in over 30 offices. In working to ensure projects are environmentally sound, we extend the scope of our engineering and scientific knowledge – through collaborative problem solving, rigorous monitoring and robust communications – to help mitigate negative environmental and human health impacts.

www.rwdi.com



At Stantec, communities are fundamental. Whether around the corner or across the globe, they provide a foundation, a sense of place and of belonging. We always design with community in mind. We're designers, engineers, scientists, and project managers, innovating together at the intersection of community, creativity, and client relationships. Balancing these priorities results in projects that advance the quality of life in communities across the globe.

www.stantec.com



Safetech is all about our clients. We provide specialized consulting, accurate recommendations, and economically sensitive solutions. Our commitment to fairness, honesty, technical expertise, and environmental risk education ensures optimal, long-term solutions for our clients in key segments.

www.safetechenv.com



Terrapex is a Canadian engineering and sciences company providing environmental, geotechnical, hydrogeology, health & safety and related consulting services. Our goal is to deliver consistent, high quality work and practical solutions, combined with responsive customer service to help our clients solve their technical and regulatory challenges and make informed decisions. Established in 1995, we are proudly independent and employee-owned.

www.terrapex.com



Vertex Environmental Inc. is one of the largest environmental in-situ remediation firms in Canada, leading the industry in the successful implementation of remediation projects. Vertex specializes in the development and execution of site-specific remedial solutions to address soil, water, and/or air contamination issues. We offer a wide range of services, including site evaluations, high resolution site characterization, bench scale testing, remedial program design assistance and execution, dewatering, and water treatment. Vertex has successfully completed hundreds of remediation projects across Canada and internationally. The number of successfully implemented remedial programs guarantees that Vertex has the experience to assist with addressing Site-specific environmental concerns, while also remaining committed to providing great service and experience throughout the project.

www.vertexenvironmental.ca



XCG was established in 1990 as an employee-owned environmental consulting firm focusing on delivering excellence in client solutions with expertise in environmental site assessment, remediation, risk assessment, excess soil management and landfill and solid waste management support services. We pride ourselves on the extensive years of experience of our senior leaders while delivering timely and customized solutions that our clients have become accustomed and rely upon.

XCG became the Ontario division of Trace Associates on February 1, 2024.

www.traceassociates.ca | www.xcg.com



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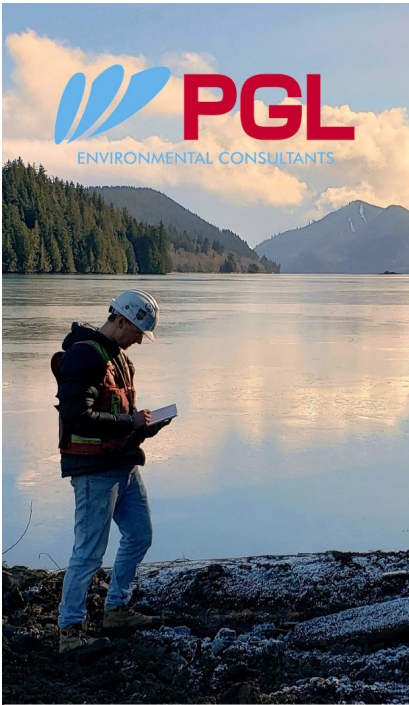
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2024 Awards

All award winners for the 2024 ELM will be announced during the Awards Dinner



First Place Team

The team that wins the Championship Match will receive the First Place Team Award and have the privilege of displaying the Willms & Shier Environmental Law Moot Championship Trophy at their law school for two years.

Second Place Team

The runner up team in the Championship Match will receive the Second Place Team Award.

Third Place Team

The third place team after the semi-final round will receive the Third Place Team Award.



Factum Awards

The top-ranked Appellant and Respondent facta will receive the **Barry N. Spiegel Award** and the **D. Paul Emond Award**, respectively.

Distinguished Oralists

Preliminary round judges have the honour of selecting the recipients of the **Distinguished Oralist Awards**. At the end of the preliminary round, each preliminary round judge casts four Distinguished Oralist votes. The top 20% of oralists will receive Distinguished Oralist Awards.

First Place Oralist

The Championship Match panel will select the winner of the **Meinhard Doelle Award** for best oralist in the match.

ELM Trophy

Willms & Shier Environmental Law Moot Court Competition Trophy

The winning trophy is designed by Jamie Brick. Jamie's work has won numerous awards and is in private collections world wide. Found objects are combined with mixed media to create sculptures that are often Ethereal and sometimes whimsical. His work can be viewed on **Facebook at JamieBrickStudio**.



ELM Awards Artwork

2024 Moot Awards Artwork

Robbie Craig is a professional artist working out of Yellowknife, NT. Originally from Barrie, Ontario, Robbie's adventurous nature led him to the Northwest Territories in 2006. Instantly inspired by the beauty of Canada's North, Robbie connected with his creative side and reinvigorated his childhood passion for art. His work embodies the natural rugged beauty of the landscape that surrounds him. With an impressionistic style that is truly his own, Robbie creates fluid and colourful pieces that have a unique and abstract feel. Robbie is grateful for his opportunity to create and looks forward to sharing the essence of Canada's diverse beauty through his unique and colourful pieces of art.

www.rcraig.org



About the Federal Court of Canada

The 2024 Willms & Shier Environmental Law Moot Court Competition is held at the Federal Court of Canada.

The Federal Court of Canada was created on June 1, 1971 by the Federal Court Act. Originally, the Court was composed of a Trial Division and an Appeal Division. As of July 2, 2003, the two divisions became separate courts – the Federal Court (as it is now known) and the Federal Court of Appeal.

While the Federal Court is now 52 years old, its roots go back well over a century to the creation of its predecessor, the Exchequer Court of Canada.

At Confederation in 1867, the British North America Act, 1867 (now the Constitution Act, 1867) did not establish particular courts but, in section 101, it authorized Parliament to provide for a “General Court of Appeal for Canada” and “any additional Courts for the better Administration of the Laws of Canada.” Accordingly, Parliament passed legislation in 1875 creating the Supreme Court of Canada and the Exchequer Court of Canada. Decisions of the Exchequer Court could be appealed to the Supreme Court and, until 1949, from there to the Judicial Committee of the Privy Council in the United Kingdom.

At first, the Exchequer Court had a limited exclusive jurisdiction over revenue cases against the Crown. It shared jurisdiction with provincial courts in actions brought by the Crown, including proceedings to enforce federal revenue laws, and civil actions based on common law or equity.

Over the life of the Exchequer Court, its jurisdiction gradually increased and changed. Within the first twenty-five years, it had acquired exclusive jurisdiction

over all actions against the Crown. Its authority also extended to admiralty matters, and to suits relating to industrial property, such as patents and trade-marks. Tax and citizenship matters were also added. In 1960, the Court was recognized as a superior court of criminal jurisdiction in respect of certain offences under the Combines Investigation Act.

When created in 1971, the Federal Court of Canada inherited the Exchequer Court's jurisdiction and new areas were added. Most importantly, the Court was given the power to review decisions of all federal boards, commissions, and tribunals. It also acquired jurisdiction over claims relating to aeronautics, interprovincial undertakings, bills of exchange and promissory notes.

Significant changes were introduced in 1992. Litigants seeking relief against the Crown were granted the option of proceeding in provincial courts; the Court's exclusive jurisdiction remained where federal statutes so provided. At the same time, judicial review procedures were revised and simplified. In particular, the Trial Division was granted jurisdiction to review decisions of most federal decision-makers, except those falling expressly to the Appeal Division.

While judicial review occupies much of the Federal Court's time today, the spectrum of its subject-matter jurisdiction is vast. It includes Crown actions, immigration, citizenship, national security, Indigenous peoples, human rights, admiralty, customs, intellectual property, tax, labour relations, transportation, communications, parole and corrections. And the Federal Court's role continues to grow. Often, consistent with the Court's original mandate to ensure the better administration of the laws of Canada, new legislation expands the Court's jurisdiction into new domains.

Special Thanks

We extend our sincere thanks to all the participants, judges, mentors, and organizers for making this law moot a remarkable success. Your dedication has elevated this event. Thank you for your invaluable contributions and unwavering support.

A special thank you to all those who worked hard to make this event a reality:

Moot Administrator & Planning Committee

- Ingrid Mansfield
- Alessia Petricone-Westwood
- Tracy Sebastian
- Salila Shetty
- Amanda Spitzig
- Joanna Vince

Graphic Design

- Dimitrios Alexis

Referee & Co-Founder

- Marc McAree

Scorekeeper & Co-Founder

- Stepan Wood

Bailiffs

- Lisa Chung
- Lawrence Elkhinovich
- Rohan Jain
- Kip Phillips
- Lily Sebastian

Timekeepers

- Nathan Adams
- Elena Kusaka
- James Schembri
- Sydney Smith
- Amanda Spitzig



Your Career Begins with Us.

Willms & Shier Environmental Lawyers selects summer law students and articling students, giving preference to students who have demonstrated an interest in the environmental and Indigenous fields and have knowledge of current environmental and Indigenous legal issues.



willmsshier.com

Our Summer Law Student Program

Dive into the heart of environmental, Indigenous, and energy law this summer at Willms & Shier Environmental Lawyers, where our summer law program is designed not just to educate, but to immerse and involve. Our students work closely with seasoned lawyers, tackling a wide range of tasks and client matters that provide a rich, hands-on learning experience. From legal research to contributing to leading legal texts, attending pivotal legal proceedings, and authoring articles for prestigious publications, our program offers a comprehensive insight into the legal profession.

- **Mentorship:** Personalized mentorship for exploring interests and receiving custom assignments.
- **Lawyer Interaction:** Direct assignments from lawyers to enhance legal reasoning and tackle challenges.
- **Diverse Activities:** Participation in meetings, hearings, and publications for a comprehensive experience.
- **Career Pathways:** Opportunities to continue from summer positions to articling, aligned with legal standards.

Take the leap into a summer of meaningful legal practice with Willms & Shier Environmental Lawyers. If you are a 2L student passionate about environmental, Indigenous, and energy law, we want you. Apply directly to our firm in line with the Law Society of Ontario's timelines by sending your cover letter, resume, and transcripts in one document to **Joanne Gibson-Davis** at jgibson-davis@willmsshier.com. Join us for an unparalleled opportunity to grow, learn, and make a difference. Submit your application now and shape your future in law.

Our Articling Student Program

We offer an unparalleled articling student program that immerses students in the intricacies of environmental law. Our comprehensive program covers a spectrum of practice areas including environmental transactions, litigation, regulatory defence, appeals, energy law, and Indigenous legal issues. With a unique mentorship approach and no formal rotation system, we provide personalized support and direct feedback to foster growth and learning.

- **Diverse Practices:** Experience in transactions, litigation, appeals, energy, and Indigenous law.
- **Tailored Mentorship:** Personalized guidance and assignments from mentors and principals.
- **Expert Feedback:** Direct insights and evaluations from experienced lawyers.
- **Growth Opportunities:** Insights into legal practice and a supportive environment fostering innovation and interaction.

Kickstart your career in environmental law at Willms & Shier Environmental Lawyers. Apply directly to our firm in line with the Law Society of Ontario's timelines by sending your cover letter, resume, and transcripts in one document to **Joanne Gibson-Davis** at jgibson-davis@willmsshier.com. Seize the opportunity to make a difference with us in Toronto. Your path to becoming an environmental law specialist starts today.



Find out more about these opportunities





#ELMCanada2024