

December 13, 1979

The Honourable Larry Grossman
Queen's Park
Toronto, Ontario

Dear Mr. Grossman:

As a resident in your riding, I wish to advise you that I believe The Environmental Rights Bill, 1979, proposed by Mr. Smith, is a necessary step in strengthening environmental law in Ontario. The idea of a reverse onus is not unusual as a criminal law concept. Think for example of issues such as the doctrine of recent possession in the offence of theft, and the onus upon the accused to prove, once he is found guilty of possession of narcotics, that he is not in possession for the purpose of trafficking. In my own civil litigation practice I have undertaken several cases on behalf of victims of pollution, and found the odds significantly stacked against the victim in terms of cost, complex factual issues, lack of information, and a multitude of available defences, such that success was little more than a pipe-dream.

I have met with Dr. Parrott, and his predecessor, Mr. Kerr, on more than one occasion, to discuss environmental problems in Ontario. I do not believe that anyone would seriously suggest that The Environmental Protection Act is adequate, or more importantly, that The Ministry of the Environment has done very much to vigorously enforce it.

Recognizing that environmental protection and the problems of unemployment are antagonistic to each other, and that strong environmental enforcement may not create popularity for the government within many segments of the community, the proposal to give the Courts more power should be well received. The Courts do not need to collect votes, and do not need to compromise appropriate action because of the nagging fear of politicians that strong action might cost them votes.

Surely environmental protection, like the issue of capital punishment, should not be left to be decided by the strongest or noisiest lobby. The short term self-interested pursuit of

jobs should hardly justify the infliction of permanent environmental destruction. What is your government doing for the generations to come?

Sincerely,

ALAN D. LEVY

ADL:cj

c.c. Dr. Harry Parrott

Dr. Stuart Smith

b.c.c. Canadian Environmental Law Association