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The Dangers of Voluntary Compliance

Nina Bombier co-authored the article *The Dangers of Voluntary Compliance* which appeared in the May 9, 2014 issue of The Lawyers Weekly.

"Case law regarding the duty to defend in civil litigation is well developed in Canada. There is relatively little judicial guidance, however, on the duty to defend in the environmental regulatory context, which differs from civil litigation in two ways. First, in lieu of pleadings and formal orders, regulators typically issue letters to landowners requesting information and/or remediation. Secondly, rather than object to these requests, landowners often comply and co-operate with the regulator so that they can avoid formal orders being made against them under applicable legislation, such as the *Environmental Protection Act* in Ontario..."

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