

**STEWART AULINGER AND COMPANY
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15 June 2017

Young Anderson
1616 – 808 Nelson Street
Box 12147 Nelson Square
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Attn: Reece Harding

Re: Town of Gibsons
George Property Development including Gower Point Road and Lower Winn Road

Thank you for your letter of April 25, 2017, belatedly received on June 15 and responding to my letter of March 27, 2017.

Whoever conducted the research for the matter which we addressed in our April letter, and to which you responded, did not properly understand the legal regime within which the *Environmental Management Act* and the *Contaminated Site Regulations* interact with the *Local Government Act*.

Correctly considered, the wording of section 40(2) of the EMA read together with Section 557 (not 577) requires a municipality to refuse to approve a development permit, a demolition permit, or removal of soil after a site profile has been required, whether by the municipality or, if it opts out, by the director under the EMA. Any other reading of these statutes produces a non-sensical result that a municipality, by opting out of receiving site profiles, may allow non-remediated contaminated sites to be developed despite provincial legislation which explicitly prevents it.

Presuming that the option given by your firm to the Town of Gibsons reflects the reasoning and conclusions of your letter to me, I expect that, if the Town decides to grant a development permit or allow the removal of soil from the contaminated area, your view of the legislation will be tested by the courts.

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I will not respond to the final paragraph of your letter, other than to suggest that those remarks are professionally inappropriate in an exchange of correspondence between counsel and I will not engage.

Yours respectfully,


Robert A. Kasting