On January 31, 2019, the Supreme Court of Canada released its decision in Orphan Well Association v. Grant Thornton Ltd., popularly known as Redwater. In a 5-2 split decision, a majority of the Supreme Court allowed the appeal and held that the Alberta Energy Regulator’s (AER/Regulator) environmental enforcement powers over the assets of an insolvent corporation ranks higher in priority than the rights of secured creditors. This decision has significant environmental implications as it extends across the board to all sectors, not just the energy industry. It also engages a multitude of stakeholders including businesses, directors and officers, lenders, insolvency professionals, environmental groups, landowners, governments, regulators, the public, and in particular environmental services professionals on the front lines. This paper will specifically address the potential short and long term impacts of the decision, as well as new opportunities, for environmental services professionals.

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Chidinma Thompson is a partner in our Commercial Litigation Group in our Calgary office. She practices commercial litigation and arbitration, project approvals, environmental defence and compliance advisory. Her practice covers a broad range of sectors including oil and gas, electricity, renewable energy, municipal and land development. She has experience in regulatory hearings before the Alberta Energy Regulator and its predecessors, Alberta Utilities Commission, and the Calgary Subdivision and Development Appeal Board. She has appeared before the Alberta Provincial Court, Court of Queen’s Bench and the Court of Appeal.

Chidinma has taught various law courses at the University of Calgary Law School, and Environmental Law in the Energy Sector at the Haskayne Business School’s MSc. Program on Sustainable Energy Development. She frequently publishes in law journals, book chapters and blogs. She is a contributor to Canadian Environmental Law (LexisNexis Butterworths Loose-leaf publication). She regularly speaks at various law conferences. Prior to joining BLG in 2009, Chidinma practised with an international oil & gas law firm in Lagos, Nigeria. As well, she has been a legal research associate with various Canadian Institutions and law firms.