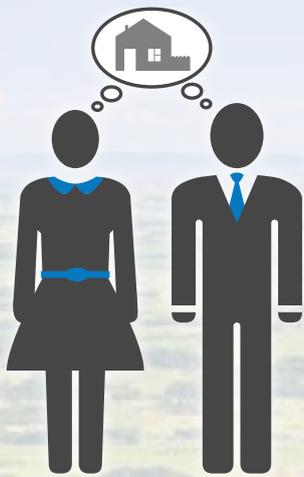


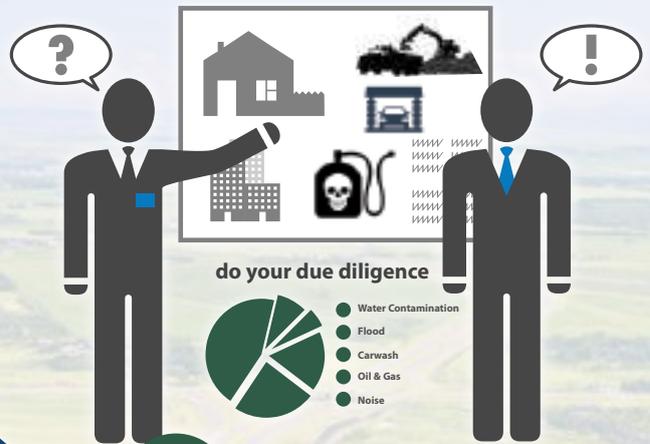


# Buyer Beware ?

Where and how to find environmental information about a property in Alberta



**1** Purchasing real estate



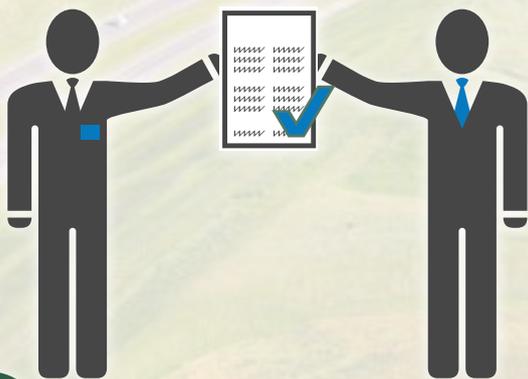
**2** Do your due diligence



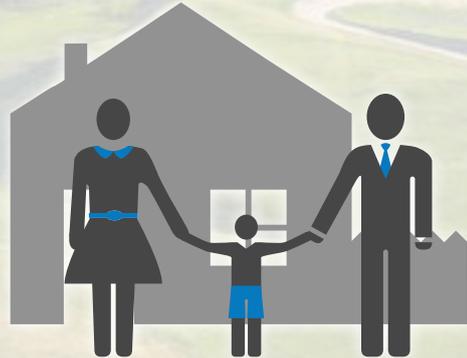
**3** Identify your concerns



**4** Know who to ask



**5** Know how to ask



**6** Make better decisions

This project is made possible by a grant from the Alberta Real Estate Foundation.





## Intro

**When you're buying a property in Alberta, whether it's a giant parcel of land in the country or a tiny infill lot in the city, in most cases the legal onus is on you to do your "due diligence."**

Unless the contract states otherwise, the general rule for buying and selling real estate is "**buyer beware.**" It's difficult to rescind a real estate contract due to environmental concerns unless the seller fraudulently concealed those concerns. So, you have to do your homework. But it's not always a straightforward assignment.

There is no easy checklist of mandatory inquiries that can prove due diligence. The law requires making "**reasonable inquiries,**" but what it deems reasonable can vary depending on the circumstances. Environmental due diligence is very location-specific.

There is no "**one-stop shop**" for environmental information. Various government departments only

hold information on topics within their jurisdiction and they may not release it unless you go through a very specific request process. Outside the government, you can only get information if the body is willing to share it.

The best way to demonstrate due diligence is to identify environmental concerns, learn what information is available about those concerns and act on that knowledge. Buyers who make inquiries into the environmental conditions of the specific site and the local area are in the best position to make sound choices and solid deals.

This guidebook will help you start down that path. It outlines some of the environmental concerns you may want to think about and where to get started to find information. This is by no means an exhaustive list, but it's a good start. For much more comprehensive information about where and how to look for environmental information when you're buying a property in Alberta download "[What Lies Beneath? Access to Environmental Information in Alberta.](#)"

## Where to look for info

From abandoned oil wells under suburban homes to a former dry cleaner on the corner, there is a myriad of environmental concerns you may want to explore before buying a property in Alberta. There are three key areas to start looking for information:

- Non-government, such as media, your real estate agent, neighbours, industry and environmental organizations
- Government, municipal, provincial, federal + aboriginal
- Other administrative authorities

Within government, there are three types of information:

- **Publicly available:** Websites, information centres, public notices, libraries, registries, etc.
- **Routine disclosure:** You can get access to this information but you have to follow the correct request procedure. If you don't, the government can refuse your request.
- **For information** held by provincial public sector bodies, *Freedom of Information and Protection of Privacy Act (FOIP or FOIPPA)* applies. That means you have to make a formal request using the *FOIP* procedure, but there's no guarantee the information will be disclosed. For federally held information, you have to request through the federal *Access to Information Act (ATIA)*. But don't start looking for information with *FOIP* or *ATIA*. Look for publicly available information and routine disclosure first.



## About

The Environmental Law Centre (ELC) is Alberta's leading environmental public policy and law reform non-profit organization. For over 30 years, we have offered information, advice and education about changing environmental legislation and regulations to the environmental community, everyday citizens, policy-makers, the legal community and corporations.

At the ELC, we believe for the law and legal processes to protect the environment, Albertans need accurate environmental law information and an understanding of the effects of policy and development. We are here to help you understand how laws and legal tools can be used to protect the environment.

[elc.ab.ca](http://elc.ab.ca)



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**Did you know?** The Environmental Sites Assessment Repository is a key source of information on potentially contaminated land. It contains Environmental Site Assessments ordered by government and Reclamation Certificates for industry activities including oil and gas wells and gravel pits on private land. It's not a spill database or registry of contaminated land and doesn't include information on releases that haven't had government-ordered assessment, reclamation or remediation activity. Requests are required for information on voluntary cleanups.

The Environmental Law Centre provides a search service for enforcement records created under the *Environmental Protection and Enhancement Act*, the *Water Act* and previous legislation.



# Petroleum concerns

You should look for information about the location of past, present and future oil and gas infrastructure. To identify historic activity and abandoned infrastructure, you will need to ask people with knowledge of the property, make thorough site inspections, search for regulatory records and conduct historic title searches.

## OIL + GAS INFRASTRUCTURE

Click  to link to resources pages

Locations, spills, applications + other info on current + abandoned wells	Alberta Energy Regulator 
Future activity	Alberta Energy Regulator (Search permit applications) 
Active buried infrastructure – for persons doing excavations	Alberta One Call 
General questions about oil + gas	Energy Information Line 1-855.297.8311 Refer to “What Lies Beneath” for more info 

## UNDERGROUND STORAGE TANKS

Locations of tanks	Petroleum Tank Management Association of Alberta 
Records of fire code violations	The municipality (FOIP applies) Refer to “What Lies Beneath” for more info 

## ABOVE GROUND STORAGE TANKS

Permits for big tanks	AESRD 
Permits for small tanks	Petroleum Tank Management Association of Alberta 
Regulatory records on storage tanks approved as part of upstream oil + gas projects	Alberta Energy Regulator (access varies) 



**Did you know?** Land titles are not statements on environmental condition. They will indicate if there are current caveats on the title, which can indicate oil and gas activity on the property. But land titles don’t show the existence or location of oil and gas wells, petroleum storage tanks, spills, landfills, feedlots, pesticide use or whether such activities were in breach of the law. A historic title search will show if there were once caveats on title. These are good signs that there was oil and gas activity on the property somewhere but won’t indicate the nature or location of infrastructure.

# Water concerns

Water concerns can be divided into “quality,” such as contamination, and “quantity,” such as droughts and floods. In reality, these issues are connected as water is impacted by the cumulative effects of multiple activities. So, it’s important to identify activities of concern and look for information on those activities rather than just relying on water quality or quantity information.

## WATER QUALITY

Drinking water information + annual water quality ratings	<a href="#">1. AESRD Regulated Drinking Water</a> <a href="#">2. Alberta River Water Quality Index</a>
Local concerns with microbial contamination	<a href="#">Alberta Health Services local notices</a>
Large spills	<a href="#">Environment Canada National Pollutant Release Inventory</a>
Oil + gas drilling in water covered areas	<a href="#">AER Information Services (access varies + FOIP may apply)</a>
Some indicators of water quality + health effects of water contamination	<a href="#">Canadian Drinking Water Guidelines</a>
Provincial indicators	<a href="#">1. AESRD State of the Environment Reporting - current info</a> <a href="#">2. Information Centre - archived info</a>
Federal indicators	<a href="#">Environment Canada Canadian Environmental Sustainability Indicators</a>

Click  to link to resources pages

## WATER QUANTITY

Water levels, precipitation data + river flows	<a href="#">AESRD Alberta’s River Basins</a>
Flood hazard areas	<a href="#">AESRD Flood Hazard Mapping</a>
Water level summaries + trends	<a href="#">Canadian Environmental Sustainability Indicators</a>
Water licenses held by municipalities, landowners, agriculture + other industries	<a href="#">AESRD Authorization Viewer</a>



**Did you know?** There’s a lot of information available about pollution or “releases.” The [National Pollutant Release Inventory](#) includes publicly available records of the largest authorized emissions and spills. You can get provincially-held records on many more releases from AESRD if you follow the required procedure.



# Landfills, gravel pits and mining concerns

Landfills, gravel pits and historic mining don't appear on land title. Waste is often abandoned on vacant land and old dumpsites may lack adequate records. If you're concerned about this, use multiple information sources including permits, compliance and enforcement records, municipal records, site visits and personal interviews.

## LANDFILLS + WASTE MANAGEMENT

Click  to link to resources pages

Municipal records of locations + activities	Varies by municipality Refer to "What Lies Beneath" for more info 
Provincial records, monitoring + compliance	Landfill operator + AESRD 
Private waste @ industrial plants + hazardous waste handling	AESRD has some public information 
Waste disposal by oil + gas industry	Alberta Energy Regulator 
Information about regional landfills	Regional Waste Management Commission Refer to "What Lies Beneath" for more info 

## GRAVEL PITS

Registration	AESRD Authorization Viewer 
Reclamation certificates	AESRD Environmental Site Assessment Repository 
Leases + reclamation on public land	AESRD: Request info at 
Map including active + undeveloped gravel pits	Alberta Geological Survey 
Municipal zoning + permits	The municipality Refer to "What Lies Beneath" for more info 

## MINING

Exploration data + map of approved + abandoned coal mines	Alberta Energy Regulator AER map viewer 
Coal exploration holes	Alberta Energy Regulator (Disclosure by request) 
Applications + approvals for non-energy projects	Natural Resources Conservation Board 
Exploration program data	AESRD or AER (Disclosure by request) Refer to "What Lies Beneath" for more info 
Maps of geological deposits	Alberta Energy 

# Urban + other concerns

## PESTICIDES

Multiple levels of government hold information on commercial or industrial pesticide use, but there won't be records of domestic use unless municipalities have strict pesticide bylaws and enforcement has occurred.

Click  to link to resources pages

Federal prohibitions, registered pesticides, trends + incidents <i>(For information not publically available, federal Access to Information Act applies.)</i>	<ol style="list-style-type: none"><li>1. Pest Management Regulatory Agency</li><li>2. Pesticide Product Information Database</li></ol>
Registrations for pesticide use	AESRD Authorization Viewer
Municipal bylaws, spraying policies + enforcement records <i>(Some info is publicly available, some is routine disclosure and some requires FOIP.)</i>	The municipality Refer to "What Lies Beneath" for more info

## TRANSPORTATION OF HAZARDOUS GOODS

Transportation of hazardous and dangerous goods is regulated, so permit information and spill records may be available.

Provincial permits, compliance, enforcement + cleanups	Alberta Transportation <i>(FOIP applies)</i>
Provincial records on spills + enforcement	AESRD has some public info and some that you have to request
Federal permits, compliance + enforcement records <i>(Federal Access to Information Act applies but routine disclosure may be available.)</i>	Transport Canada

## DRY CLEANERS

Dry cleaning operations are regulated at the municipal level. You can find the location of dry cleaners by requesting business license records, searching phone books, asking around and looking for old signage and empty lots. Some dry cleaning chemicals are federally regulated toxic substances.

Municipal records of business licenses, infractions + enforcements	The municipality <i>(FOIP applies)</i> Refer to "What Lies Beneath" for more info
Provincial records of spills, remediation + enforcement	AESRD has some public info and some you have to request
Notices of federal enforcement + offenders	Environment Canada

# Air + other concerns

## AIR QUALITY

You can look to both federal and provincial governments as well as other bodies for information about air quality. However, there may not be records of non-compliance by feedlots and residents may not agree with determinations about air and water quality. To identify concerns and find information, visit the site and ask people in the local community.

Click  to link to resources pages

Current air quality + other indicators	<a href="#">AESRD State of the Environment Reporting </a>
Acid rain, emissions, pollution, seasonal averages + other indicators	<a href="#">Environment Canada Canadian Air and Precipitation Monitoring Network </a>
Inventory of air quality results	<a href="#">Clean Air Strategic Alliance Data Warehouse </a>
Emissions from large polluters	<a href="#">National Pollutant Release Inventory </a>
Oil + gas emissions	<a href="#">AER notices to area landowners Refer to "What Lies Beneath" for more info </a>

## FEEDLOTS

Permits, manure disposal + complaints + compliance	<a href="#">Natural Resources Conservation Board (FOIP applies) </a>
Provincial compliance, composting + biogas	<a href="#">AESRD (publicly available or routinely disclosed) </a>
Dead animal disposal + disease control	<a href="#">Alberta Agriculture + Office of the Chief Provincial Veterinarian (FOIP applies) </a>
Food borne + agricultural diseases	<a href="#">Canadian Food Inspection Agency (federal Access to Information Act applies) </a>



**Did you know?** Environmental impacts of recreation are the cumulative effect of numerous users and there may be limited or no information at all about environmental concerns. There won't be regulatory records associated with specific operations and you may have to visit the site and ask questions in the community to get information.

There isn't much environmental review of proposed forestry activities and private forestry may not produce many accessible records. You can contact sources such as environmental organizations that track forestry issues.

# Air + other concerns

## FORESTRY

Click  to link to resources pages

Enforcement orders + convictions

AESRD (access varies but enforcement records are available) 

Forest Management Agreements, quotas, licenses + permits

AESRD + forestry companies (Some info is available and other information may require requests.) 

Projects with Environmental Impact Assessments (for mills and industrial facilities)

Natural Resources Conservation Board (access varies) 

Monitoring + compliance on mills + waste facilities

AESRD 

Completed environmental impact assessments

Details in "What Lies Beneath" 

## RECREATION

Access to public land outside parks + enforcement for unauthorized use

AESRD or from local and regional offices 

**Did you know?** Most "contaminated land" is not designated as such. The Federal Contaminated Sites Inventory provides information on federal land such as military bases, national parks or First Nations reserves. The provincial government regulates environmental contamination on private land as a "release" instead of designating contaminated sites. You should look for records of releases, government-ordered environmental site assessments, reclamation certificates, remediation certificates and enforcement records.



You have to do your part to help information holders respond to requests. Identify the right place to ask. Be precise. Focus on one type of information, one component of the environment or activity of concern, keep geographic areas as small as possible and submit separate request forms for different topics. If you can, state the exact documents you want and use the specific technical names for records. Good requests produce better information and help avoid high fees and delays.



To learn more about environmental concerns around property in Alberta, see [“What Lies Beneath? Access to Environmental Information in Alberta”](#)



This project is made possible by a grant from the Alberta Real Estate Foundation.

