

September 8, 2025

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David Bradley
Peterborough District Office
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Dear Mr. Bradley:

Re: Comment on behalf of Brukel Construction Limited re Draft Director's Order No 1-1489998844

We act for and write on behalf of Brukel Construction Limited (“**Brukel**”) to respond to the Draft Director’s Order No. 1-1489998844 (the “**Draft Order**”) posted on the Environmental Registry of Ontario on August 6, 2025. The Draft Order relates to a historical waste disposal site allegedly affecting 2016, 2019, 2025, 2026, 2029, 2033 and 2036 Campbell Avenue, in the Township of Cavan Monaghan (as defined in the Draft Order, the “**Site**”).

The Draft Order proposes to name Brukel as a “Principal Orderee”. For the reasons that follow, Brukel submits that it is not a proper party to the Draft Order and respectfully requests that it be removed as an Orderee.

Background

Brukel was a holding company and had no involvement with the Site other than being a mere title holder to one property, 2026 Campbell Avenue (“**2026 Campbell**”), from 1997 until 2021. Brukel held 2026 Campbell on behalf of its former principal Bruno Harilaid. Bruno passed away in 2020. Subsequently, Scotiabank was appointed trustee over his estate. Scotiabank took ownership and control of Brukel and 2026 Campbell, listed and then sold the property to Keith Jamieson and Tri Than.

Bruno was the majority shareholder and sole officer and director of Brukel while it held title to 2026 Campbell. His son, Mihkel Harilaid was a minority shareholder of the company with his father during that time (but not an officer or director). Mihkel is now the sole shareholder and principal of Brukel’s successor company. According to Mihkel, neither Bruno nor his family had any knowledge of historic landfilling on 2026 Campbell or elsewhere on the Site. Mihkel was surprised that Brukel was named in the Draft Order. Until 2021, Mihkel understood that his father owned 2026 Campbell personally. There are no corporate records that Brukel owned the property despite it being on title. Mihkel has no knowledge of the historic waste deposition on the Site and believes that if his father had known anything about it he would have passed that information onto Mihkel.

In 1995, Bruno personally purchased 2016 Campbell and in 1996 built a house on the lot. 2026 Campbell is across the street from 2016 Campbell. Bruno, through Brukel, acquired 2026 Campbell in 1997, not to develop it but to preserve additional space and maintain an unobstructed view for the benefit of the residence at 2016 Campbell. 2026 Campbell remained a vacant parcel throughout the time that Brukel held title to the property from 1997 to 2021.

Mihkel is also strongly believes that when Bruno built the adjacent home on 2016 Campbell, Bruno did not encounter any waste issues. Had Bruno come across any such conditions on the property, which would have required extensive excavation, he certainly would have acted upon it. Bruno was a litigious person and would have pursued the polluters if he encountered waste on his property.

Brukel is not akin to the other Principal Orderes as it had no involvement with historic waste disposal at the Site

The Draft Order currently defines Brukel as one of the “Principal Orderes”. The other Principal Orderes are alleged to have either: (i) illegally deposited waste at the Site during the 1960, 1970s or 1980s; (ii) owned and/or had control and management of the Site while waste was being illegally deposited; (iii) permitted the deposit of waste within the Site; (iv) facilitated the subdivision of the Site; or (v) developed the Site.

Brukel does not fall into any of these categories. It never engaged in any construction or development activities at the Site, let alone any waste disposal activities. As the Draft Order correctly describes, Brukel purchased 2026 Campbell in July 1997, many years after the waste-filling activities that occurred between 1964 and 1988. Brukel did not participate in the subdivision application, grading, servicing, backfilling, building permit process, or any other development activity at 2026 Campbell.

Brukel was not engaged in any construction activities

Brukel can only assume that it was added to the Draft Order on the mistaken assumption that because of the word “construction” in its corporate name it was somehow involved in developing the Site. This is not at all the case. Brukel was a holding company and not in the construction or development business during the time it held title to 2026 Campbell. In fact, it had not operated as a construction company since 1983, long before it acquired the vacant lot. It had no employees, equipment, projects, or revenues related to construction, land development, excavation, or waste management.

Brukel is akin to other former landowners who are excluded from the Order

Brukel is akin to other former residential landowners of properties comprising the Site, none of whom were named in the Draft Order. Even the current owners of the Site were excluded from the remedial obligations in the Draft Order and were only named for the purposes of granting access to the Site. There is no reason or basis for naming Brukel as an Orderes let alone a Principal Orderes.

The Draft Order correctly recognizes that Brukel had no knowledge that 2026 Campbell was part of a waste disposal site. Like the current owners of 2026 Campbell, Keith Jamieson and Tri Than, Brukel was an unknowing purchaser of a property impacted by the former waste disposal site. Brukel's only function in relation to 2026 Campbell was to hold title on behalf of Bruno Harilaid, who died in 2020.

Bruno passed away on April 12, 2020. On December 18, 2021, the court appointed Scotiabank as Estate Trustee. Manuela Leite and Mitzin Newman of Scotia became the sole directors of Brukel. On behalf of Scotiabank, Manuela Leite and Mitzin Newman listed 2026 Campbell for sale. Keith

Jamieson and Tri Than purchased 2026 Campbell from the Estate Trustee, accepted the property “as is” and acknowledged that Brukel made no representations about the condition of the property.

Request to be removed from the Final Order

There is no justification for naming Brukel in the Draft Order. Consistency and fairness require that Brukel be treated in the same manner as the other past residential owners of properties comprising the Site. None of those other owners are named in the Draft Order as Principal Orderees or at all. Removing Brukel will focus compliance and remediation efforts on the entities who actually operated, managed, caused and profited from the waste disposal site—namely, the historical operators and developers identified in the Draft Order.

Accordingly, **we request that Brukel be removed from the list of Orderees in the final Director’s Order, and that all accompanying findings, obligations, and access provisions referencing Brukel be removed.**

We would be pleased to provide additional information the Ministry may require to support the above submission. We are also available to meet with Ministry staff at their convenience to address any questions.

Thank you for your attention to this matter. Please acknowledge receipt of this submission and advise of any further information you may require.

Sincerely,

Gowling WLG (Canada) LLP



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Partner

NM

cc. Connor Frazer, Environmental Compliance Officer (connor.frazer@ontario.ca)

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