

AIKINS LAW

September 6, 2012

Environmental Compliance and Enforcement
Manitoba Conservation & Water Stewardship
Ste.160 - 123 Main Street
Winnipeg, MB R3C 1A5

Attention: Warren Rospad, District Supervisor / Environment Officer

Re: 2185 Logan Avenue (North West Smelting)

Further to our earlier e-mail correspondence, we represent Lancaster Developments Ltd., the owner of 2141 Logan Avenue, Winnipeg (the “**Property**”) and Industrial Metals (2011), which leases the Property. The Property is adjacent to the former North West Smelting site at 2185 Logan Avenue (the “**Contaminated Site**”).

Our clients have requested that I respond to the e-mail that you sent to me on August 24, 2012. In your e-mail, you indicate that as the project progresses, measures are going to be put in place as to not allow drainage to enter the Property in case of a major precipitation event.

Given the recent work performed at the Contaminated Site, our clients are very concerned with the safety of their employees and protecting the Property. Your e-mail begs the question: “What will happen to the Property if a major precipitation event occurs prior to measures being put in place?”

As we understand that the Contaminated Site and the work at the Contaminated Site are under the supervision of Manitoba Conservation, our clients request a written plan setting out the measures that are to be taken to prevent drainage from entering the Property in case of a major precipitation event. We request that this plan set out the proposed timing as to when these measures will be implemented.

Our client would also appreciate Manitoba Conservation’s assessment as to what damage could be caused to the Property and our clients’ employees should a major precipitation event occur prior to implementation of the plan.

AIKINS, MACAULAY & THORVALDSON LLP
30th Floor - 360 Main Street, Winnipeg, Manitoba
Canada R3C 4G1

Telephone (204) 957.0050
Fax (204) 957.0840
aikins.com

PLEASE REPLY TO
Nigel J. Thompson*

Direct Line (204) 957.4659
Fax (204) 957.4217
Email njt@aikins.com

* services provided by
N J Thompson (2008) Law Corporation

LEGAL ASSISTANT
Dianna Hall

Direct Line (204) 957.4797
Email diannah@aikins.com

FILE NO.
1201725

We would also appreciate receiving a copy of the Remedial Action Plan (RAP) for 2185 Logan Avenue once it has been finalized. We assume that this will occur following completion of the site investigations. We also assume that the RAP will address potential health and safety concerns arising from any contaminated dust that may originate from the Contaminated Site when the building is demolished. Our client requests that demolition work at the Contaminated Site not proceed until a satisfactory plan is prepared that protects all neighbouring properties from dust contamination.

Thank you for your continued assistance with this matter.

We look forward to your reply and any future updates you may have regarding the status of the investigations at and the remediation of the Contaminated Site.

Yours very truly,

AIKINS, MacAULAY & THORVALDSON LLP

Per:



NIGEL J. THOMPSON

NJT/dh

cc: Lancaster Developments Ltd. and Industrial Metals (2011)
Manitoba Conservation (Attention: Don Labossiere)
Civil Legal Services, Manitoba Justice (Attention: Stewart J. Pierce)