

Causes of Action



- **Riparian Rights**
 - Owning property adjacent to water entitles you to have continued flow of water in its natural quantity and quality.
 - each owner is allowed to make reasonable use
 - need not prove actual damages
 - irrelevant who was there first
 - must demonstrate that
 - the activity is likely to continue and to cause further alteration of water the water has been made less suitable for some purpose
 - there is a causal connection between the alteration and the defendant's activities

- Riparian Rights Case
 - McKie v. KVP Co Ltd (MILL and RESORT)
 - paper mill polluting river, smell and taste offensive affecting resort owners downstream
 - irrelevant that others are polluting as well
 - irrelevant how important mill is to community
 - McKie won case at local, Ontario, Supreme Court levels
 - Ontario legislature invokes the KVP Act dissolving all injunctions (not damages) concerning company because legislature is supreme in law making concerning natural resources