

Certificate of Property Use

Environmental Protection Act, R.S.O. 1990, c.E.19, s.168.6

Certificate of property use number:8733-B5UL2N-B

Risk assessment number: 0503-7PYNVA

Client: **River Realty Development (1976) Inc.**
PO Box 576 Stn Main
Niagara Falls, Ontario
L2E 6V2
(Owner)

Site: 2 North Street
St. Catharines, Ontario

with a legal description as set out in Schedule "A" attached :

Lots 275 & 276, Corporation Plan 2, Grantham;
Part Lots 274, 277, 279 to 281 inclusive, Corporation Plan 2, Grantham, Part 2, 30R-4904; St.
Catharines.

PIN 46220-0012 (LT)

(Property)

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Summary:

Refer to Part 1 of the CPU, Interpretation, for the meaning of all the defined capitalized terms that apply to the CPU.

i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:

- | | |
|---|-----|
| a. Installing/maintaining any equipment | No |
| b. Monitoring any contaminant | No |
| c. Refraining from constructing any building specified | No |
| d. Refraining from using the Property for any use specified | Yes |
| e. Barrier to site soils. | Yes |
| f. implementing a soil management plan. | Yes |
| g. health and safety plan for the Property. | Yes |

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ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

- a. The barrier to site soils shall be maintained for as long as Contaminants of Concern are present on the Property.
- b. The site specific health and safety plan for workers exposed to site soils shall be required for as long as the Contaminants of Concern are present on the Property.
- c. A soil management plan for any activities potentially in contact with or exposing site soils shall be required for as long as the Contaminants of Concern are present on the Property.
- d. The other Risk Management Measures shall continue indefinitely until the Director amends or revokes the CPU.

Part 1: Interpretation

In the CPU the following terms shall have the meanings described below:

“Adverse Effect” has the same meaning as in the Act; namely,

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; and,
- (h) interference with the normal conduct of business.

“Act” means the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended.

“Contaminant” has the same meaning as in the Act; namely any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

“Contaminants of Concern” has the meaning as set out in section 3.2 of the CPU.

“CPU” means this Certificate of Property Use Number 8733-B5UL2N-B, as may be altered from time to time.

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use.

“EBR” means the Environmental Bill of Rights, 1993. S.O. 1993, c. 28, as amended.

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"Ministry" means Ontario Ministry of the Environment, Conservation and Parks.

"O. Reg. 153/04" means Ontario Regulation 153/04, "Record of Site Condition – Part XV.1 of the Act" as amended, made under the Act.

"Owner" means the owner(s) of the Property, including the person to whom this CPU is issued, River Realty Development (1976) Inc., the current registered owner of the Property.

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c.O.40, as amended.

"Property" means the property that is the subject of the CPU and described in the "Site" section on page 1 above.

"Property Specific Standards" means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in section 3.2 of the CPU.

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act.

"Qualified Person" means a person who meets the qualifications prescribed in O. Reg. 153/04.

"Risk Assessment" means the Risk Assessment number 0503-7PYNVA accepted by the Director on October 23, 2018 and set out in the following documents:

- *"Risk Assessment, 104-120 Welland Ave and 2 North Street, St Catharines, Ontario"*, by Barenco Inc, dated August 21, 2009;
- *"Addendum 1, Risk Assessment for 104-120 Welland Avenue and 2 North Street, St. Catharines, Ontario"*, by Barenco Inc., dated April 9, 2010;
- *"Addendum 2, Risk Assessment for 104-120 Welland Avenue and 2 North Street, St. Catharines, Ontario"*, by Barenco Inc., dated January 31, 2011;
- *"Addendum 2, Risk Assessment, Appendix G – CD Attachments, 104-120 Welland Avenue and 2 North Street, St. Catharines, Ontario"*, by Barenco Inc., dated February 18, 2011;
- *"Addendum 3, Risk Assessment for 104-120 Welland Ave. and 2 North St., St. Catharines, Ontario"*, by Barenco Inc., dated November 24, 2011;
- *"Addendum 4, Risk Assessment for 104-120 Welland Ave. and 2 North St., St. Catharines, Ontario"*, by Barenco Inc., dated July 25, 2012;
- *"Addendum 5, Risk Assessment for 104-120 Welland [Avenue] and 2 North Street, St. Catharines, Ontario"*, by Exp Services Inc., dated October 23, 2012;

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- “Addendum 6, Risk Assessment for 104-120 Welland Ave. and 2 North St., St. Catharines, Ontario”, by Exp., dated September 13, 2013 ;
- “Addendum 7, Risk Assessment for 104-120 Welland Ave. and 2 North St., St. Catharines, Ontario”, by Exp., dated July 15, 2014;
- “RE: RA for 104-120 Welland Avenue, 2 North St, St Catharines; RA1051-09; IDS# 0503-7PYNVA”, email from Theresa Phillips, exp Services Inc., rec’d by SDB on November 24, 2014, with following attachments:
 - Phase Two CSM_Welland Avenue + Figures 1-8.pdf;
 - 10348-CSM Figures Welland Avenue - Figures 16-19.pdf;
 - 10348-CSM Figures Welland Avenue - Figures 9a-15.pdf;
 - Phase Two CSM_North Street +Figures 1-11.pdf; and,
 - 10348-CSM Figures North Street - Figures 12d-19.pdf
- “Addendum 8, Risk Assessment for 104-120 Welland Ave. and 2 North St., St. Catharines, Ontario”, by Exp, dated September 18, 2015;
- “Risk Assessment Addendum 9, 104-120 Welland Avenue and 2 North Street, St. Catharines, Ontario”, prepared by Exp Services Inc., dated September 19, 2016;
- “Risk Assessment Addendum 10, 104-120 Welland Avenue and 2 North Street, St. Catharines, Ontario”, prepared by Exp Services Inc., dated March 26, 2018;
- “RE: RA1051-09 RA for 104-120 Welland Avenue and 2 North St, St Catharines; IDS# 0503-7PYNVA”, email from Travis Tan, Exp, received by TASDB on August 17, 2018, with following attachments:
 - “Risk Assessment Addendum 11, 104-120 Welland Avenue and 2 North Street, St. Catharines, Ontario”, prepared by Exp Services Inc., dated August 17, 2018, File name: RA1051-09_Add11_Aug2018.pdf;
 - Proposed severance site plan; file name: Proposed Severence.pdf
- “RE: RA1051-09 RA for 104-120 Welland Avenue and 2 North St, St Catharines; IDS# 0503-7PYNVA”, email from Tara Tait, Exp, received by TASDB on October 15, 2018; and
- “RE: RA1051-09 RA for 104-120 Welland Avenue and 2 North St, St Catharines; IDS# 0503-7PYNVA”, email from Tara Tait, Exp, received by TASDB on October 19, 2018, with following attachment:
 - Updated Financial Assurance; file name: 10348_104 to 120 Welland Ave_Revised FA.pdf

"Risk Management Measures" means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU.

"Tribunal" has the same meaning as in the Act; namely, the Environmental Review Tribunal.

Part 2: Legal Authority

- 2.1** Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2** Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
- (a) the performance of any action specified in the certificate of property use;
 - (b) the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
 - (c) measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3** Section 168.6 (1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5 (1) (a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
- 1) Take any action that is specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the Risk Assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
 - 2) Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4** Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5** Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- (a) alter any terms and conditions in the certificate or impose new terms and conditions; or
 - (b) revoke the certificate.
- 2.6** Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- (a) the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - (b) the provision applies, with necessary modifications, to every occupant of the property

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- who receives a copy of the provision; and
- (c) the owner of the property shall ensure that every occupant of the property complies with the provision.

- 2.7** Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8** Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9** Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10** Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1** The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: “commercial” or “community” or “industrial” use, as defined in O. Reg. 153/04.
- 3.2** The Contaminants on, in or under the Property that are present either above the Industrial/Commercial/Community Property Use Standards within Table 3 of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 or for which there are no such standards, are set out in the Risk Assessment (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in Schedule ‘B’ which are attached to and form part of the CPU. Also attached to and forming part of the CPU for reference purposes are:
- Plan 30R-4904 entitled “*Plan of Survey of Part of Lot 274 and all of Lots 275, 276, 277, 278, 279, 280 and 281 Corporation Plan No. 2 City of St. Catharines*”, received and registered on May 4, 1987;

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- Figure Q-1 entitled “*Areal Extent of Soil Capping Risk Management Measures 104-120 Welland Avenue and 2 North Street St. Catharines, Ontario*”, dated November 2018 prepared by exp; and
- Figure Q-2 entitled “*Soil Barrier Details 104-120 Welland Avenue and 2 North Street St. Catharines, Ontario*”, dated September, 2013 by exp;

- 3.3** I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4** The Risk Assessment indicates the presence of Contaminants of Concern which require on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property as set out in the Risk Assessment and in Part 4 of the CPU.

Part 4: Director Requirements

Pursuant to the authority vested in me under section 168.6(1) of the Act, I hereby require the Owner to do or cause to be done the following:

Risk Management Measures

- 4.1** Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2** Without restricting the generality of the foregoing in Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:
- (a) The Property shall be covered by a barrier to the site soils designed, installed and maintained so as to prevent exposure to the Contaminants of Concern. The barrier to site soils shall consist of a building slab, building foundation, asphalt areas, and/or soil, as specified below:
- i. Building slab, or a building foundation and floor slab consisting of concrete to a minimum depth of 75 mm followed by 150 mm of Granular “A”;
 - ii. Asphalt areas to consist of a minimum of 75 mm asphalt mix followed by 150 mm of Granular “A”;
 - iii. Placement of a minimum depth of 0.50 m of soil meeting the Commercial/Industrial/Community Property use criteria in Table 3 of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 in landscaped areas with shallow rooting plants having a rooting depth no greater than 0.15 metres;
 - iv. Placement of a minimum depth of 1.0 m of soil meeting the Commercial/Industrial/Community Property use criteria in Table 3 of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*

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- published by the Ministry and dated April 15, 2011 in landscaped areas with shallow rooting plants having a rooting depth greater than 0.15 metres; and
- v. Where use or development commences on portion(s) of the Property, those portions of the Property not under development or in use need not be covered with a barrier, provided that exposure to the Contaminants of Concern is prevented by a fence barrier to prevent the general public from accessing the site and a dust control plan to prevent surface soil from impacting the adjacent properties.
- (b) Inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of the barrier risk management measure. The inspection program shall include, at a minimum, semi-annual (spring and fall) inspections of the barriers to site soil and/or any fencing. Where there is evidence that the soil barrier has been compromised by perturbation or erosion, soil testing may be required to ensure site soils has not been exposed and that soil barriers remain at a minimum of 0.50 m thickness for protection of ecological and human health. If a compromise is detected at any of the barrier risk management measures, these barriers shall be repaired immediately to the original standards as specified in section 4.2 (a) of the CPU. Results of all inspections, including any analytical test results if applicable, and any maintenance and repairs of the barrier shall be recorded in a log book maintained by the Owner and made available upon request by a Provincial Officer.
- (c) A soil management plan shall be prepared and implemented for the Property during any activities potentially in contact with or exposing site soils. A copy of the plan shall be made available for review by the Provincial Officer upon request. The plan shall be overseen by a Qualified Person and comply with the requirements of sections 30 to 39 of Schedule "E" of O. Reg. 153/04 as amended and shall include, but not be limited to, provisions for soils excavation, stockpiling, sorting, characterization, disposal and record keeping specified below:
- i. Dust control measures and prevention of soil tracking by vehicles and personnel from the Property, including wetting of soil with potable water, reduced speeds for on-site vehicles, tire washing stations and restricting working areas in high wind conditions;
 - ii. Management of excavated materials including cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment;
 - iii. Sampling of soil to be received at the Property shall be undertaken in accordance with Section 34 of Schedule "E" of O. Reg. 153/04;
 - iv. Characterization of excavated material to determine if materials exceed the Property Specific Standards. Excavated materials requiring off-site disposal shall be disposed of in accordance with the provisions of O. Reg. 347, as amended, made under the Act. Excavated material meeting the Property Specific Standards may be placed on-site below the barrier if deemed suitable by a Qualified Person and in accordance with the Risk Assessment ; and

- v. Record keeping including dates and duration of work, weather and site conditions, location and depth of excavation activities, dust control measures, stockpile management and drainage, all materials characterization results, names of the Qualified Person, contractors, haulers and receiving sites for any materials removed from the Property and any complaints received relating to site activities.
- (d) The Owner shall ensure that a health and safety plan which takes into account the presence of the Contaminants of Concern is prepared and implemented prior to any excavation work including the work described in item 4.2 (c) being done on the Property in order to protect workers from exposure to the Contaminants of Concern. The health and safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the Risk Assessment and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans and contact information. Prior to initiation of any project (as defined in the Occupational Health and Safety Act, as amended) on the Property, the local Ministry of Labour office shall be notified of the proposed activities and that the Property contains contaminated soils. The health and safety plan shall be overseen by an appropriately qualified person to review the provisions of the plan with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the plan to be available upon request by a Provincial Officer.
- (e) The Owner shall submit a site plan prepared and signed by a Qualified Person within three (3) months of completion of site development which will describe the Property and placement and quality of all of the barriers to site soils. The site plan will include a plan and cross section drawings specifying the vertical and lateral extent of the barriers. This site plan shall be submitted to the Director and the Owner shall retain one copy for inspection upon request by a Provincial Officer. The site plan shall be revised and resubmitted to the Director following the completion of any alteration to the extent of the barriers.
- (f) The Owner shall prepare by March 31 each year, annual reports documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be kept at the Property for inspection and available upon request by a Provincial Officer. The report shall include as a minimum the following information:
- i. a copy of all inspection logs of the barrier and fence risk management measures and any deficiency repairs carried out as a result of the inspections along with any analytical test results of the soil;
 - ii. a copy of all records relating to the soil management plan; and
 - iii. a copy of all records relating to the health and safety plan.
- 4.3** Refrain from using the Property for any of the following use(s): Type of property use specified in O. Reg. 153/04, other than “industrial use”, “commercial use” or “community use.”

- 4.4** The Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in section

4.3, unless noted. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Site Changes

4.5 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

Reports

4.6 Retain a copy of any reports required under the CPU, the Risk Assessment and any reports referred to in the Risk Assessment (until otherwise notified by the Director) and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the Director or Provincial Officer.

Property Requirement

4.7 For the reasons set out in the CPU and pursuant to the authority vested in me under subsection 197(1) of the Act, I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.

Certificate of Requirement

4.8 Within fifteen (15) days from the date of receipt of a certificate of requirement, issued under subsection 197(2) of the Act, register the certificate of requirement on title to the Property in the appropriate land registry office.

4.9 Immediately after registration of the certificate of requirement, provide to the Director written verification that the certificate of requirement has been registered on title to the Property.

Owner Change

4.10 While the CPU is in effect, forthwith report in writing, to the Director any changes of ownership of the Property.

Financial Assurance

- 4.11** The Director has not included in the CPU a requirement that the Owner provide financial assurance to the Crown in right of Ontario.

Part 5: General

- 5.1** The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the CPU shall not be affected thereby.
- 5.2** An application under sub section 168.6(3) of the Act to,
- a. alter any terms and conditions in the CPU or impose new terms and conditions; or
 - b. revoke the CPU;
- shall be made in writing to the Director, with reasons for the request.
- 5.3** The Director may amend the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4** Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.
- 5.5** The requirements of the CPU are minimum requirements only and do not provide relief from,
- a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
 - b. obtaining any approvals or consents not specified in the CPU.
- 5.6** Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. In particular, the Director shall alter the CPU where the approval or acceptance by the Director is required in respect of a matter under the CPU and the Director does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.
- 5.7** In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
 - b. strikes, lockouts or other labour disturbances,
 - c. inability to obtain materials or equipment for reasons beyond their control, or
 - d. any other cause whether similar to or different from the foregoing beyond their control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences,

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providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

- 5.8** Failure to comply with a requirement of the CPU by the date specified does not absolve any person from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

Part 6: Hearing before the Environmental Review Tribunal

- 6.1** Pursuant to section 139 of the Act, you may require a hearing before the Environmental Review Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 6.2** Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU or to rely on a ground that is not stated in the notice requiring the hearing.
- 6.3** Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: *Service of Documents*, made under the Act as they may be amended from time to time. The address, email address and fax numbers of the Director and the Tribunal are:

The Secretary
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

Fax (416) 326-5370 or 1-877-849-2066
Telephone: (416) 212-6349 or 1-866-448-2248
E-mail: ERTTribunalSecretary@ontario.ca

and

Kim Groombridge, Director
Ministry of the Environment
Niagara District Office
301 St. Paul Street, 9th Floor, Suite 15
St. Catharines, Ontario L2R 7R4

Fax: (905) 704-4015
Telephone: (905) 704-3914
E-mail: Kim.Groombridge@ontario.ca

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- 6.4** Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 6.5** If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the “EBR”), you must give notice to the public in the EBR registry. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.
- The notice must be delivered to the Environmental Commissioner of Ontario who will place it on the EBR registry. The notice must be delivered to the Environmental Commissioner at 605-1075 Bay Street, Toronto, Ontario M5S 2B1 by the earlier of:
- 6.5.1** two (2) days after the day on which the appeal before the Tribunal was commenced;
and
- 6.5.2** fifteen (15) days after service on you of a copy of the CPU.
- 6.6** Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 6.7** For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- 6.7.1** fifteen (15) days after the day on which notice of the issuance of the CPU is given in the EBR registry; and
- 6.7.2** if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

Issued at St. Catharines, Ontario this _____ day of _____, 2019.

Kim Groombridge
Director, section 168.6 of the Act

Schedule 'A'
Legal Description
2 North Street, St. Catharines, Ontario

Lots 275 & 276, Corporation Plan 2, Grantham;
Part Lots 274, 277, 279 to 281 inclusive, Corporation Plan 2, Grantham, Part 2,
30R-4904; St. Catharines.

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Schedule "B"
Property Specific Standards (Soil and Ground Water)
2 North Street, St. Catharines, Ontario

Soil (Full depth)

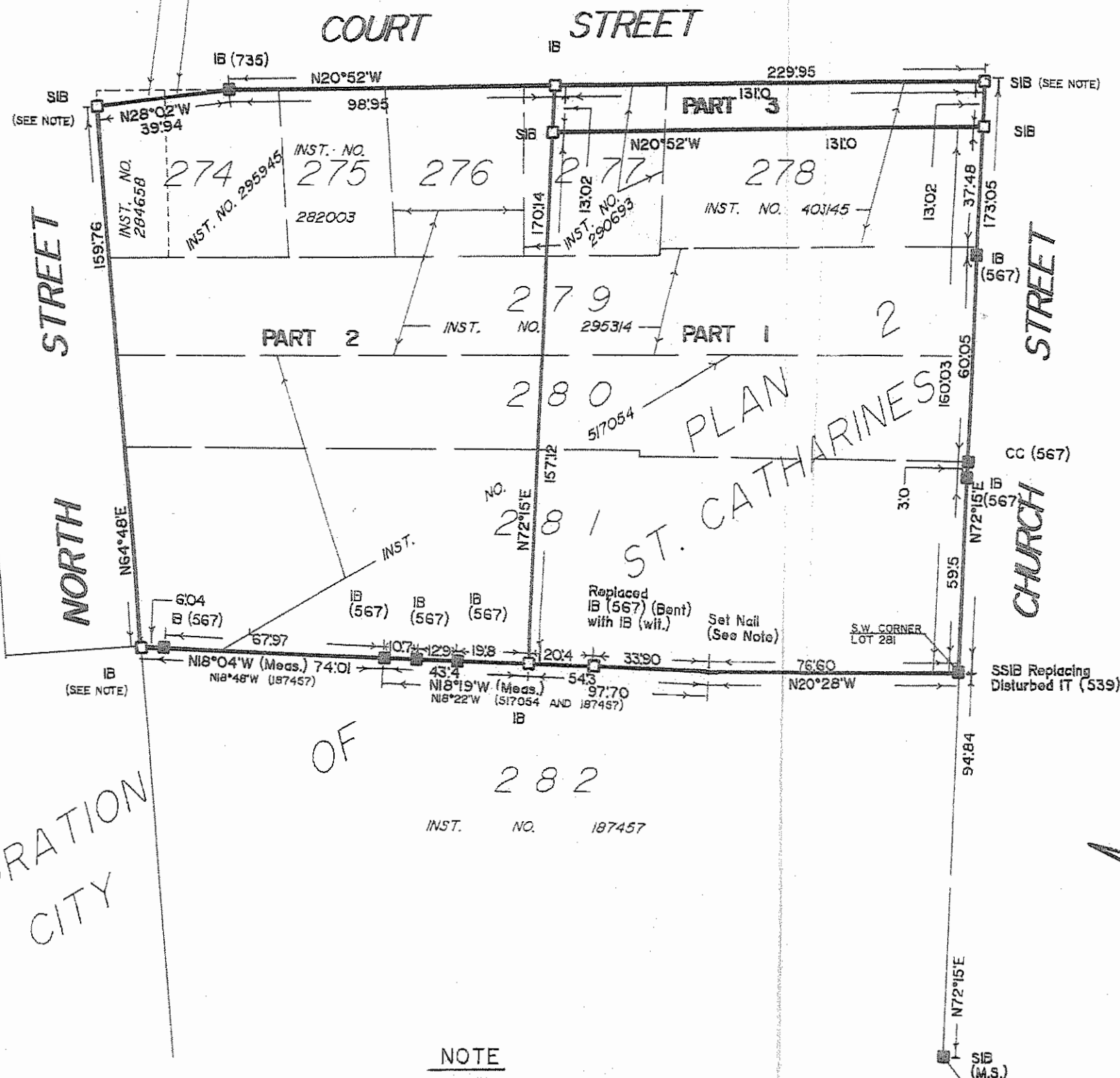
Contaminants of Concern (COC)	Property Specific Standards (µg/g)
ACENAPHTHYLENE	0.44
BENZO(A)PYRENE	0.66
DIBENZO(A,H)ANTHRACENE	0.55
LEAD	161

Ground Water

Contaminants of Concern (COC)	Property Specific Standards (ug/L)
CHLOROFORM	22

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CITY OF ST. CATHARINES
BY-LAW 67-153 REGISTERED AS INST. NO. 159273
WIDENING EXPROPRIATED BY PLAN 824 PART 1
PART 2



NOTE

THE LIMITS OF NORTH, COURT, & CHURCH STREETS
SHOWN ON THIS PLAN WERE RETRACED AND
RE-MONUMENTED FROM A SURVEY BY R. B. ERWIN, O.L.S.
DATED AUGUST 21, 1974, LLN 9540, FILE 74-388.

LEGEND

ROUND IRON BARS 3/4" DIA.	SHOWN THUS	
IRON BARS 5/8" x 24"	SHOWN THUS	
STANDARD IRON BARS	SHOWN THUS	
CONCRETE MONUMENTS	SHOWN THUS	
IRON TUBES	SHOWN THUS	
CUT CROSSES	SHOWN THUS	
SHORT STANDARD IRON BARS	SHOWN THUS	
FOUND SURVEY EVIDENCE	SHOWN THUS	
(WIT) DENOTES WITNESSES		
(567) " R. B. ERWIN O.L.S.		
(M.S.) " MUNICIPAL SURVEY NO. 791		
(735) " K.T. HOWE O.L.S.		
(539) " D.G. URE O.L.S.		

BEARING NOTE

BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED
TO THE NORTHERLY LIMIT OF CHURCH STREET AS SHOWN
ON MUNICIPAL SURVEY 791, HAVING A BEARING OF N72°15'E.

**CAUTION: THIS PLAN IS NOT A PLAN OF
SUBDIVISION WITHIN THE MEANING OF THE
PLANNING ACT.**

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND THIS PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THERE-UNDER.
2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF MARCH 1987.

DATE: APRIL 30, 1987

THOMAS G. CAHILL
Ontario Land Surveyor

MATTHEWS & CAMERON LTD.

ONTARIO LAND SURVEYORS - PROFESSIONAL ENGINEERS

R.J. MATTHEWS, O.L.S.

ANDREW CAMERON, O.L.S., P.ENG.

6222 MURRAY ST., NIAGARA FALLS, ONT.

PHONE (416) 358-3693

L2G 2K7

T.G. CAHILL, O.L.S. (Manager)

27 WILLIAM ST., ST. CATHARINES, ONT.

PHONE (416) 682-1364

L2R 5H9

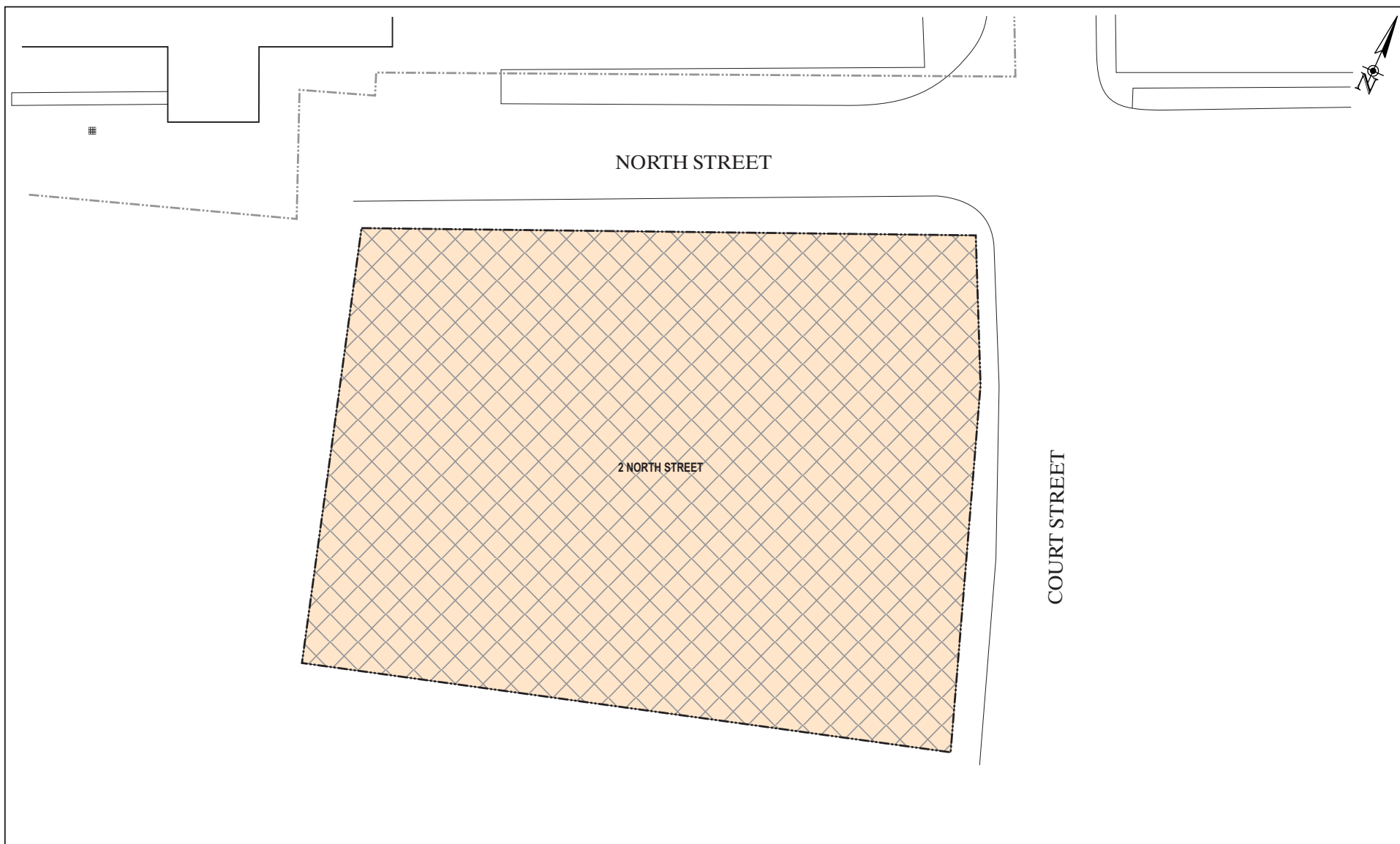
PLAN OF SURVEY OF
PART OF LOT 274 AND ALL OF
LOTS 275, 276, 277, 278, 279, 280, AND 281
CORPORATION PLAN NO. 2

CITY OF ST. CATHARINES

Regional Municipality of Niagara

THOMAS G. CAHILL O.L.S.

CHECKED	TGC	YEAR	1987	L.L.N.	50708
DRAWN	REH	SCALE	1"=40'	FILE	87-217



SCALE:
0 10 20m

SOURCE:
BASED ON SURVEY PLAN BY MATTHEWS &
CAMERON LTD., DATED APRIL 1987 AND FIELD
MEASUREMENTS BY EXP STAFF



DRAWN BY	CHECKED BY
K.G.	T.N.T.

LEGEND:

- PROPERTY BOUNDARY
- ▣ CATCH BASIN
- ▨ AREAL EXTENT OF SOIL CAPPING
RISK MANAGEMENT MEASURES

**AREAL EXTENT OF SOIL
CAPPING RISK
MANAGEMENT MEASURES**

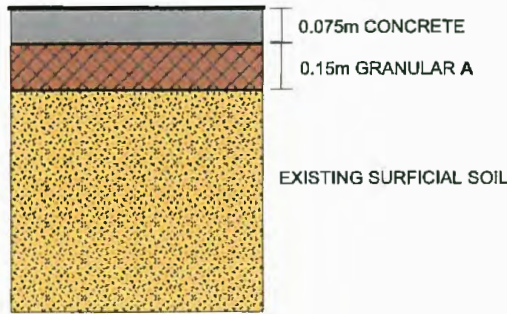
FIGURE

2 NORTH STREET
ST. CATHARINES, ONTARIO

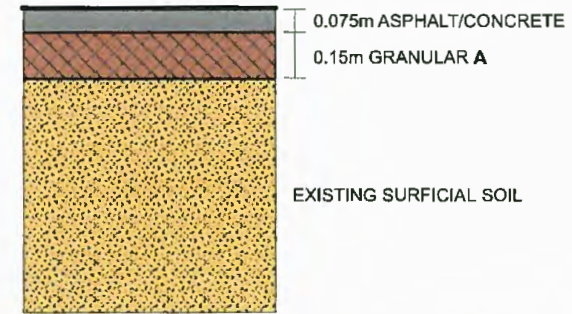
PROJECT NUMBER: 10348

DATE: NOVEMBER 2018

BUILDING FLOOR SLAB

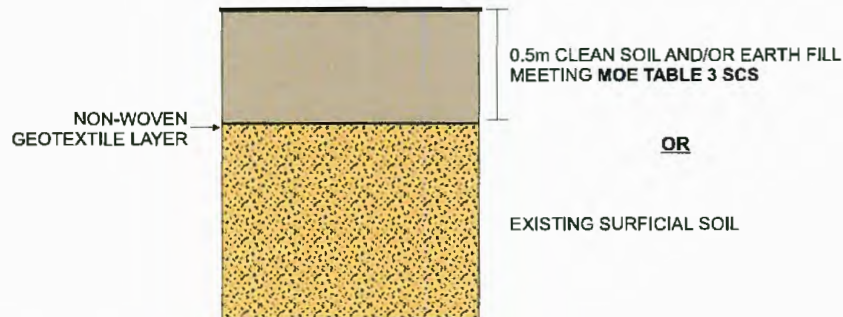


ROADWAY PARKING AREAS AND SIDEWALKS

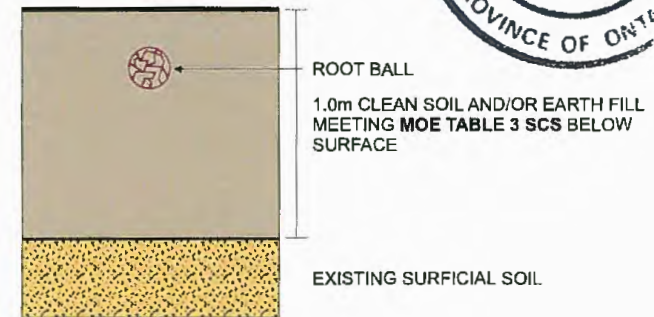


LANDSCAPED AREAS

TYPE I:
SUITABLE FOR PLANTS WHOSE
ROOT EXTEND LESS THAN
0.5 METRES BELOW GRADE



TYPE II:
SUITABLE FOR TREES AND SHRUBS
WHERE ROOT DEPTH EXCEEDS
0.15 METRES BELOW GRADE



DRAWN BY

CHECKED BY

M.W.

B.H.



NOTES:

1. MOE TABLE 3 (2011) COMMERCIAL/INDUSTRIAL SITE CONDITION STANDARDS (SCS) FOR COARSE TEXTURED SOIL FOR SOIL ENVIRONMENTAL QUALITY GIVEN IN ONTARIO REG. 153/04 (APRIL, 2011)
2. ADDITIONAL CLEAN SOIL MAY BE PLACED ABOVE THE RA BARRIER TO MEET LANDSCAPING REQUIREMENTS
3. CONCRETE SLAB DESIGN SHOULD BE DETERMINED BY STRUCTURAL ENGINEER RESPONSIBLE FOR BUILDING AND/OR ROAD/SIDEWALK CONSTRUCTION AND SHOULD MEET OR EXCEED THE MINIMUM REQUIREMENTS SHOWN IN THIS DRAWING
4. FINAL PAVEMENT DESIGN REQUIREMENT SHOULD BE DETERMINED BY A GEOTECHNICAL ENGINEER WITH PAVEMENT LAYERS EQUALLING OR EXCEEDING THE MINIMUM REQUIREMENTS SHOWN IN THIS DRAWING

SOIL BARRIER DETAILS

FIGURE
Q-2

104-120 WELLAND AVENUE
AND 2 NORTH STREET
ST. CATHARINES, ONTARIO

JOB NUMBER: 10348

DATE: SEPTEMBER 2013