
Certificate of Property Use - DRAFT

Issued under the authority of the Environmental Protection Act, R.S.O. 1990, c. E.19, sections 168.6 (CPU) and 197 (Order)

Certificate of property use number: 8543-D7VNU9

Risk assessment number: 4023-C9CRUJ

Owner:

271072 Ontario Inc.
235 Springmount Place,
Kitchener, ON, N2A 3V4

(Registered Owner)

Property:

1477 Bishop Street North, Cambridge

(Property)

With a Legal Description of:

PT LT 24 RCP 1379 CAMBRIDGE PT 1 67R2463; CAMBRIDGE

Being ALL of PIN: 03790-0032 (LT)

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and as defined in Part 1 below.

Summary:

The following is a summary of Risk Management Measures (RMMs) that are required to be implemented are found in Part 4 of the CPU. This summary does not create any binding requirements, and is being provided for convenience only. Refer to Part 1 of the CPU for the meaning of any capitalized terms. Key RMMs in Part 4 of the CPU include, but are not limited to:

- Prohibiting the construction of any new Building (s) or addition(s) to Buildings on the Property, except as specified in Section 4.3 of this CPU;
- Installing a vapour mitigation system within the existing Building as specified in Section 4.4 of this CPU;
- Implementing a performance monitoring program within the existing Building as specified in Section 4.9 of this CPU;

- Implementing a groundwater management plan during any intrusive activities undertaken on the Property potentially in contact with COCs in groundwater that exceed the Applicable Site Condition Standards (ASCS) as detailed in Section 4.11 of this CPU;
- Implementing a health and safety plan during any intrusive activities undertaken on the Property potentially in contact with COCs in groundwater that exceed the Applicable Site Condition Standards (ASCS) as detailed in Section 4.12 of this CPU;
- Restricting internal modifications to the existing Building as detailed in Section 4.13 of this CPU;
- Prohibiting the use of groundwater in, on or under the Property as per Section 5.1 of this CPU; and,
- Registering a certificate on the Property title in accordance with Section 197 of the Environmental Protection Act and that before dealing with the Property in any way, a copy of the CPU is to be given to any person who will acquire an interest in the Property as per Part 7 of this 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.

“Active SVIMS” means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of one or more electrical fan powered vents drawing air from below the Building.

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified in **Table 2 Full Depth Generic Site Condition Standards in a Potable Ground Water Condition (coarse textured soils) (residential/institutional and parkland use)** 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.

“Building” and “Building (s)” means an enclosed structure or structures occupying an area greater than ten square metres consisting of a wall or walls, roof and floor.

“Building Area” means the horizontal area of a Building at Grade within the outside surface of the exterior wall or walls.

“Building Code” means Ontario Regulation 332/12 (Building Code) as amended to January 1, 2015, made under the *Building Code Act*, 1992, S.O. 1992, c. 23.

“Capping Soil” means soil that meets the ASCS.

“Competent Person” has the same meaning as set out in the *Occupational Health and Safety Act* R.S.O. 1990, c.O.1.

“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 may cause an Adverse Effect.

“Contaminant of Concern” and “COC” has the meaning as set out in Section 3.2 of the CPU.

“CPU” means this Certificate of Property Use Number No. **8543-D7VNU9** as may be amended 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.

“Environmental Compliance Approval” means an environmental compliance approval issued under Part II.1 of the Act.

“First Storey” has the same meaning as in the Building Code.

“Grade” has the same meaning as in the Building Code.

“Guelph District Engineer” means the district engineer for the Ministry’s Guelph District Office.

“Inspection, Monitoring and Maintenance Program” means the program described in Section 4.6 of this CPU.

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or groundwater, which may disturb or expose Contaminants of Concern at the Property.

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.R.O. 1990, c. P.28.

"Ministry" means the ministry of the government of Ontario responsible for the administration of the Act, currently named the 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), made under the Act.

“Owner” means the owner(s) of the Property, described in the “Owner” section on Page 1 above, and any subsequent registered or beneficial owner(s) of the Property.

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

“Passive SVIMS” means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of natural forces or one or more wind turbines, or solar powered wind turbine operated vents drawing air from below the Building.

“Performance Monitoring Program” means the performance monitoring program described in Section 4.9 of this CPU.

“Property” means the property that is the subject of the CPU and described in the “Property” section on page 1 above, and illustrated in Figure 1A and Figure 1B of Schedule A which is attached to and forms part of this CPU;

“Property Specific Standards” and “PSS” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and are set out in **Table A – Property Specific Standards (PSS) – Groundwater of Schedule ‘A’** of this 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" and "RA" means the Risk Assessment **No. 4023-C9CRUJ** accepted by the Director on, **August 1, 2024**, and set out in the following final documents:

- **Modified Generic Risk Assessment for 1477 Bishop Street North, Cambridge, Ontario. Prepared by Premier Environmental Services Inc., dated December 2021;**
- **Tier 3 Risk Assessment Submission 1477 Bishop Street North, Cambridge, Ontario. Prepared by Premier Environmental Services Inc., dated December 2022;**
- **Tier 3 Risk Assessment Submission 2, 1477 Bishop Street North, Cambridge, Ontario. Prepared by Premier Environmental Services Inc., dated August 2023; and,**
- **Tier 3 Risk Assessment Submission 3, 1477 Bishop Street North, Cambridge, Ontario. Prepared by Premier Environmental Services Inc., dated March 2024.**

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

"Risk Management Plan" and "RMP" means the risk management plan detailed in Section 7.0 and Appendix G of the RA.

"SVIMS" means either an Active SVIMS or a Passive SVIMS.

"Target Analytes" means one or more of the target analytes listed in Schedule 'A' Table B: Target Indoor Air Concentration.

"Target Indoor Air Concentrations" means a concentration listed under 'Target Concentration – Commercial Use' specified in Schedule 'A' Table B: Target Indoor Air Concentration in respect of Target Analytes.

"Tribunal" has the same meaning as in the Act; namely, the Ontario Land Tribunal.

"Vapour Mitigation System" means the vapour mitigation system described in Section 4.4 of the CPU.

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 anyone or more of,
 1. the performance of any action specified in the certificate of property use;
 2. 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
 3. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6 (1) of the Act states that if the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), 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 specified in the certificate that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, 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 the 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),
1. alter any terms and conditions in the certificate or impose new terms and conditions; or
 2. 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 the property to refrain from using the property for a specified use or from constructing a specified Building on the property,
1. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 2. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 3. 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 (RA) was undertaken for the Property to establish the risks that the Contaminants identified in the RA may pose to future users and to identify appropriate Risk Management Measures (RMMs) to be implemented to ensure that the Property is suitable for the intended use: **industrial and commercial use** as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in, or under the Property that are present either above **Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition (*coarse textured soils*) (*industrial/commercial/community use*)** 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 RA (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in **Table A of Schedule 'A'** which is attached to and forms part of the CPU.

- 3.3 I am of the opinion, for the reasons set out in the RA that the RMMs described therein and outlined in Part 4 of the CPU and the requirements in Parts 5 to 7 of this CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the RA.
- 3.4 The RA indicates the presence of Contaminants of Concern in groundwater which requires on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property and impose Building restrictions and implement RMMs as set out in the RA and in Parts 4 to 7 of the CPU.
- 3.5 I believe for the reasons set out in the RA that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in section 197 order requirements in Part 7 of this CPU.

Part 4: Risk Management Measures and Director Requirements

Pursuant to the authority vested in me pursuant to the authorities described in Part 2 of this CPU, I hereby require the Owner to do or cause to be done the following:

- 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 Section 4.1, carry out or cause to be carried out the RMMs set out in this Part of the CPU.

New Enclosed Building (s) or any New Addition(s) to the Existing Building:

- 4.3 Subject to Section 4.14, the Owner shall not construct a new Building or a new addition to an existing Building on, in or under the Property, unless the new Building or new addition is constructed with a SVIMS in accordance with the following requirements:

Design of SVIMS

- (a) Design, install and operate a Passive SVIMS for the Building, designed by a Licenced Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licenced Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air.
- (b) The Passive SVIMS shall:
- i. be designed in accordance with Section 7.2.3 and Appendix G2 of the RA;
 - ii. be designed, installed and operated with the objective of achieving during all seasons a lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area;
 - iii. be able to be readily converted to operation as an Active SVIMS, if necessary, to ensure soil vapour is being sufficiently removed from below the Building, and the Active SVIMS shall
 - (1) readily allow for installation and operation of an electrical powered fan on each vent riser;
 - (2) have the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and
 - (3) have an automated monitoring system of electrical fan operation which remotely detects and indicates system malfunctions; and

- iv. have in place or be able to easily put in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998.

Sub-Slab Foundation Layer

- (c) A sub-slab foundation layer shall be installed throughout the Building Area below the foundation floor slab above soil containing the Contaminants of Concern, and designed by a Licenced Professional Engineer for the Building constructor in consultation with the Licenced Professional Engineer.

Soil Vapour Venting Layer

- (d) A soil vapour venting layer shall be installed throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer designed for the collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:
 - i. perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth; or other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency;
 - ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; and
 - iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table.

Soil Vapour Barrier Membrane

- (e) A continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, shall be installed throughout the Building Area, below the foundation floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:
 - i. is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable; and
 - ii. has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licenced Professional Engineer.

Vent Risers

- (f) Vent risers shall be of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building, and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, including:

- i. at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;
- ii. vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;
- iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather; and
- iv. a wind turbine or solar powered wind turbine on each vent risers for a Passive SVIMS and an electrical powered fan on each vent risers, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions.

Monitoring Devices

- (g) Monitoring devices shall be installed below the foundation floor slab across the Building Area to measure the (lower) air pressure differential, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, with the number and locations of the monitoring devices installed being as considered appropriate by the Licenced Professional Engineer in consultation with the Qualified Person, taking into account factors such as the Building Area and the design and configuration of the Building foundation.

Labeling Of Equipment

- (h) Equipment for the SVIMS shall be clearly labelled, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and Building.

Utility Sealing

- (i) Where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration, install
 - i. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill; and
 - ii. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building.

Quality Assurance / Quality Control

- (j) Prepare and implement a written quality assurance and quality control program, prepared by a Licenced Professional Engineer, so as to ensure that the SVIMS is being, and has been, properly installed that includes at a minimum:
 - i. all documentation regarding the installation of the SVIMS;
 - ii. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licenced Professional Engineer;
 - iii. daily inspections of the installation of the SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;

- iv. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
 - (1) daily inspection reports noting any deficiencies and corrective actions taken; and
 - (2) smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;
 - (3) verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations;
 - (4) verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means; and
 - (5) verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage;
 - v. noting any deficiencies in the materials or installation of the SVIMS;
 - vi. ensuring the prompt repair of any deficiencies, to the design specifications; and
 - vii. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which is,
- viii. delivered to the Owner before installation of the SVIMS begins;
 - ix. updated and delivered to the Owner within 30 days of making any alteration to the program; and
 - x. to be retained by the Owner, and be available for inspection upon request by a Provincial Officer.

As Constructed Plans

- (k) The Owner shall have as constructed plans of the SVIMS prepared by a Licenced Professional Engineer, and showing the location of the Building and the location and specifications of the installed SVIMS, including cross-sectional drawings specifying the design and the vertical and lateral extent of the SVIMS relative to the Building and the ground surface, and which are:
 - i. to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
 - ii. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier; and
 - iii. updated and delivered to the Owner within 30 days following making any alteration to the SVIMS, or other relevant feature shown on the plans.

Inspection And Maintenance

- (l) Prepare and implement a written inspection and maintenance program, prepared by a Licenced Professional Engineer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:
 - i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate;
 - iii. inspections of the SVIMS including:
 - (1) semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building;
 - (2) semi-annual inspections, in spring and fall, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building;
 - (3) additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) to determine whether they turn frequently and/or of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and
 - (4) additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;
 - iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time;
 - v. repairing promptly any deficiencies, including under the supervision of a Licenced Professional Engineer for a deficiency referred to in part iii above;
 - vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;
 - vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licenced Professional Engineer; and
 - viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which are,
- ix. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier;
 - x. updated and delivered to the Owner within 30 days following making any alteration to the program; and
 - xi. to be retained by the Owner, and be available for inspection upon request by a Provincial Officer.

Operational Monitoring

- (m) Prepare and implement a written program for monitoring of the operation of the installed SVIMS, prepared by a Licenced Professional Engineer in consultation with a Qualified Person to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:
 - i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

- ii. locations and description of the devices and equipment used, or tested, for each monitoring event;
 - iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;
 - iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
 - (1) at least once before occupancy and as considered appropriate by a Licenced Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using temporary or permanently installed electrically powered fan(s), including with respect to the soil vapour venting layer being able to achieve a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and
 - (2) at least once before occupancy, quarterly during the first two years after occupancy has commenced and semi-annually thereafter measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in part vi. of section g. above; and
 - v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licenced Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken, such as:
 - (1) the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections; and
 - (2) changes to the frequency or nature of the monitoring; and
 - (3) the need to make repairs or changes to the design or operation of the SVIMS; and
 - (4) if necessary, implementation of the contingency plan in the event needed repairs or changes to the SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results, inspections and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licenced Professional Engineer;
- and which are,
- vi. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier;
 - vii. updated and delivered to the Owner within 30 days of following making any alteration to the program; and
 - viii. and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer.

Intrusive Activities Caution

- (n) Prepare and implement written procedures, prepared by a Qualified Person, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed SVIMS, so as to ensure the persons are made aware of the presence and significance of the SVIMS and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to

ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program; and which are:

- i. to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- ii. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- iii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

Vapour Mitigation System for the Existing Building:

- 4.4 Within 120 days of the issuance of this CPU, initiate the installation of a Vapour Mitigation System within the portion of the existing Building as identified in Schedule 'A': Figure 2 – Area of the Property that Required Indoor Air Mitigation Risk Management Measures for the Existing Building, otherwise referred to as the affected Building Area as follows:
- (a) the vapour mitigation system shall be designed by a appropriately qualified Licensed Professional Engineer and installed as specified in Section 7.2.3 and Appendix G1 of the RMP to meet the objectives specified in Section 7.1 of the RMP;
 - (b) the Owner shall obtain all necessary approvals and permits as may be required;
 - (c) the installation of the vapour mitigation system shall be completed under the supervision of a n appropriately qualified Licensed Professional Engineer and a Qualified Person; and,
 - (d) a quality assurance/quality control (QA/QC) program shall be undertaken during the installation of the vapour mitigation system and shall be completed by, and clearly documented in a report prepared by, a qualified contractor and overseen by an appropriately qualified Licensed Professional Engineer and Qualified Person.
- 4.5 Within 90 calendar days of the completion of the Vapour Mitigation System, the Owner shall submit to the Director as-built/ as-constructed drawings and detailed design specifications, including any verification and QA/QC reports, prepared by the qualified Licensed Professional Engineer along with a statement from the Licensed Professional Engineer that the Vapour Mitigation System has been installed in accordance with the conceptual design specifications and that it has been designed to meet the requirements and objectives specified in Section 4.4 of this CPU.
- (a) The Vapour Mitigation System shall be operated, monitored, and maintained by the Owner for as long as the COCs are present on the Property.
- 4.6 The Licensed Professional Engineer that designed the Vapour Mitigation System shall prepare an inspection, monitoring, and maintenance program, including a contingency plan, in accordance with Section 7.4.2 and 7.4.3 of the RMP, that is to be implemented by the Owner, prior to first occupancy, and shall be made available by the Owner to the Ministry upon request.
- 4.7 The Inspection, Monitoring and Maintenance Program shall be implemented to ensure the continued integrity of the building floor slab and Vapour Mitigation System for as long as the COCs are present on the Property. The inspection program shall include, at minimum, semi-annual inspections of the integrity of the building floor slab(s) and monitoring of the Vapour Mitigation System in accordance with the Inspection, Monitoring and Maintenance Program. Any major cracks, breaches or loss of integrity observed in the building floor slab or any observed deficiencies or necessary maintenance requirements with the Vapour Mitigation System shall be repaired forthwith to the original design specification, at minimum. Repairs or maintenance shall be made by an appropriately qualified contractor, under the supervision of a Licensed Professional Engineer as necessary. If repairs to the building floor slab or the Vapour Mitigation System cannot be completed in a

timely manner, the Owner shall ensure that the contingency measures prepared by a Licensed Professional Engineer, as specified in Section 7.4.3 of the RMP, are implemented. All repairs are to be inspected by an appropriately Licensed Professional Engineer and signed documentation shall be provided to the Owner that states that the repairs meet the original design specifications, at minimum. The Owner shall obtain written confirmation, prepared, and signed by a Licensed Professional Engineer, that the Vapour Mitigation System has been repaired to meet the original design specifications, at minimum. The written confirmation shall also include a description of any contingency measures that were put in place and provided to the Owner within 30 days of the completion of any repairs to the Vapour Mitigation System. The Owner shall keep records of the Inspection, Monitoring and Maintenance Program, along with documentation of all repairs that were required to be undertaken and these records shall be made available by the Owner to the Ministry for review upon request.

- 4.8 The Owner shall ensure that all individuals/contractors intending to undertake work which could potentially come into contact with or interfere with the Vapour Mitigation System are made aware of the presence of the Vapour Mitigation System and the need to take appropriate precautions to ensure the integrity of the vapour barrier and/or Vapour Mitigation System at all times. If the Vapour Mitigation System is damaged at any time, the Owner shall ensure that it is repaired forthwith by a qualified contractor, under the supervision of a Licensed Professional Engineer as necessary, to the original design specifications, at minimum. If repairs to the Vapour Mitigation System cannot be completed in a timely manner, the Owner shall ensure that the contingency measures prepared by a qualified Licensed Professional Engineer are implemented as specified in Section 7.4.3 of the RMP and Section 4.6 of this CPU. All repairs to the Vapour Mitigation System are to be inspected by a qualified Licensed Professional Engineer and signed documentation shall be provided to the Owner that states that the repairs meet the original design specifications, at minimum. The Owner shall obtain written confirmation, prepared, and signed by a qualified Licensed Professional Engineer, that the Vapour Mitigation System has been repaired to meet the original design specifications, at minimum. The written confirmation shall also include a description of any contingency measures that were put in place and provided to the Owner within 30 calendar days of the completion of any repairs to the Vapour Mitigation System. The Owner shall maintain records of all activities and repairs in relation to the Vapour Mitigation System and these records shall be made available by the Owner to the Ministry for review upon request.

Performance Monitoring Program – Vapour Mitigation System for the Existing Building:

- 4.9 Within 90 days of the completion of the installation of the Vapour Mitigation System, the Owner shall implement a performance monitoring program as follows:
- (a) The program shall be designed and implemented in accordance with Section 7.4 of the RMP.
 - (b) The program shall be overseen by a qualified Licensed Professional Engineer.
 - (c) The collection of indoor air samples at the proposed locations identified in Schedule 'A': Figure 3 – Proposed Indoor Air Quality Monitoring Locations for the Existing Building, including QA/QC samples, or any other location as determined appropriate by the qualified Licensed Professional Engineer at the following frequency:
 - i. Quarterly until all the Target Analytes are observed to be below their respective Target Indoor Air Concentrations for two consecutive indoor air sampling events.
 - (d) The indoor air samples shall be sent to an accredited laboratory and analyzed for the Target Analytes.
 - (e) The measurement of the pressure differential across the foundation floor slab of the existing Building, on a quarterly basis (spring, summer, fall and winter) for a minimum of two years and semi-annually thereafter and until written approval to discontinue the performance monitoring program by the Director is received by the Owner. Within 60 calendar days of the Owner receiving the laboratory results for the second consecutive indoor air sampling event where the Target Analytes are observed to be below their respective Target Indoor Air Concentrations, the Owner shall submit to the Director a final report documenting the performance monitoring program that is prepared by a qualified Licensed Professional Engineer. The final report shall include, but not be limited to:

- ii. laboratory results and laboratory certificates of analysis;
 - iii. field logs, leak testing (as may be necessary) and documentation of QA/QC;
 - iv. tabulated results of all the measured and recorded pressure differentials.
 - v. discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations along with the pressure differentials in comparison to the objective of achieving a pressure differential of 6 Pascals across 90% of the affected Building Area foundation floor slab; and,
 - vi. conclusions and recommendations with respect to the need for additional and or continued monitoring as may be warranted.
- 4.10 If the Performance Monitoring Program identifies one or more of the Target Analytes at concentrations above the Target Indoor Air Concentrations, *and where the concentrations of the observed Target Analytes are determined by the qualified Licensed Professional Engineer in consultation with a Qualified Person to be a result of soil vapour intrusion*, the Owner shall implement the contingency measures detailed in Section 7.4.3 of the RMP, and as follows:
- (a) Confirmatory indoor air sampling shall occur within 7 calendar days from the date of the Owner's receipt of the laboratory analysis and be completed by a Licensed Professional Engineer.
 - (b) If the confirmatory indoor air indoor air sampling verifies the exceedances of one or more of the Target Analytes concentrations above the Target Indoor Air Concentrations *and where the concentrations of the observed Target Analytes are determined by the qualified Licensed Professional Engineer in consultation with a Qualified Person to be a result of soil vapour intrusion*, the Owner shall:
 - i. Submit written notice to the Director within 7 calendar days of the Owner's receipt of the laboratory analysis. This written notice shall include the indoor air results, the laboratory certificates of analysis and the details of, and the anticipated timeline to implement contingency measures consistent with Section 7.4.3 of the RMP and Section 4.6 of this CPU. The implementation of contingency measures, along with the implementation of a confirmatory sampling program shall occur within 14 calendar days of the Owner's submission of the written notice of the exceedance to the Director.
 - ii. Within 30 calendar days of the implementation of the contingency measures, the Owner shall submit to the Director a report prepared by a qualified Licensed Professional Engineer documenting the implementation of contingency measures, results of the implementation of the confirmatory sampling program along with the details and timelines for the implementation of a performance indoor air monitoring program as necessary. The report shall include, but not be limited to:
 - (1) laboratory results and laboratory certificates of analysis;
 - (2) field logs, leak testing (as necessary) and documentation of QA/QC;
 - (3) tabulated results of all the measured and recorded pressure differentials;
 - (4) discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations; and,
 - (5) conclusions and recommendations with respect to the performance of the existing Building's Vapour Mitigation System along with the need for additional work and/or continued monitoring as may be deemed warranted.

Groundwater Management Plan

- 4.11 Within 30 days of the issuance of this CPU, a property groundwater management Plan shall be developed for the Property by a Qualified Person that has been retained by the Owner and made available for inspection upon

request by the Ministry. The plan shall be implemented during all intrusive activities potentially in contact with or exposing COCs in groundwater that exceed the ASCS on the Property as detailed in Section 7.2.4 of the RMP. Before starting any planned intrusive activities on the Property, the existing Plan must be reviewed and updated, where necessary, by a Qualified Person. A copy of the plan must be kept on the Property for the entire duration of the intrusive activities. The plan shall be submitted to the Director by the Owner at least 14 calendar days prior to any such planned intrusive activities being undertaken and shall be consistent with the measures specified in Section 7.2.4 of the RMP. Any short-term intrusive activities required for the purposes of emergency repairs (i.e., for repairs to underground utilities etc.) will not require the submission of the plan prior to undertaking the short-term emergency repairs. The plan shall be overseen by a Qualified Person and include, but not be limited to, the following key components as deemed necessary by a Qualified Person:

- (a) Storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include, but not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary.
- (b) Decontamination procedures for all equipment used to pump or transfer waters collected from the excavation. Wash water used for decontamination of equipment shall be collected, containerized, characterized and disposed of in accordance with all applicable acts, regulations, permits and approvals.
- (c) Characterization and management of groundwater due to dewatering activities. This shall include the management and proper characterization of groundwater prior to and during any dewatering activities to ensure proper disposal of the groundwater in accordance with all applicable acts, regulations, permits and approvals.
- (d) Record keeping that is to include, but not to be limited to, dates and duration of work, weather and site conditions, location and depth of excavation activities/dewatering activities, storm water management measures, decontamination activities along with all wash water and groundwater characterization results obtained as part of the groundwater management plan, names of the Qualified Persons, contractors, haulers and receiving sites for groundwater, as a result of dewatering activities, in addition to wash water removed from the property and any complaints received relating to site activities; and,
- (e) a copy of the plan and any amendments and the records kept thereunder shall be made available for review by a Provincial Officer upon request.

Health and Safety Plan:

- 4.12 A health and safety plan shall be developed for the Property and implemented during all planned intrusive activities undertaken potentially in contact with COCs in groundwater that have been identified in the RA at concentrations that exceed the ASCS as detailed in Section 7.3.4 of the RMP. A copy of the plan shall be maintained on the Property for the duration of all intrusive activities. The Owner shall ensure that the plan accounts for the presence of the COCs and is implemented prior to any intrusive activities being undertaken on the Property to protect workers from exposure to the COCs. The plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans, and contact information. Prior to initiation of any Project on the Property or portion (s) of the Property, the local Ministry of Labour office shall be notified, where so prescribed under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, of the proposed activities and that COCs have been identified in groundwater on the Property. The plan shall be overseen by a Competent 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 for review by a Provincial Officer upon request.

Prohibition of Modifications to the Interior Layout of the Existing Building

- 4.13 Modifications to the interior layout, specifically the construction of new interior walls to create smaller interior spaces/rooms, within the existing Building by the Owner are prohibited without prior written approval of the Director. If modifications to the interior layout of the existing Building are proposed by the Owner, the Owner shall provide written notice of the proposal to the Director for review and approval. The written notice shall be prepared by a Licensed Professional Engineer and a Qualified Person that details the proposed changes and evaluates the potential for impacts to the Vapour Mitigation System and to ensure that the new enclosed

spaces/rooms have adequate ventilation. This notice shall also include recommendations for the need to complete supplemental soil vapour sampling in addition to recommendations regarding the need to implement a confirmatory indoor air quality monitoring program, like the Performance Monitoring Program, after the changes have been made. The changes shall only be permitted upon the Owner receiving written approval from the Director.

New Enclosed Buildings:

- 4.14 Notwithstanding Section 4.3 of this CPU, a new enclosed slab-on-grade Building (s) may be constructed by the Owner on the Property, or portions of the Property, that does not include a SVIMS as required by Section 4.3 of this CPU, provided that a soil vapour assessment has been completed as per Section 7.2.6 of the RMP and the Owner has received written approval of the final report from the Director described in Section 4.16 that documents that a Vapour Mitigation System is not required.
- 4.15 Prior to the implementation of a soil vapour intrusion assessment identified in Section 4.14, the Owner shall submit to the Director, for review and approval, a written plan for carrying out the soil vapour intrusion assessment prepared by a Qualified Person. The soil vapour intrusion assessment plan shall be prepared as follows:
- (a) be overseen by a Qualified Person;
 - (b) include the area of the proposed building footprint(s) plus the area within 30 m of the proposed building footprint(s);
 - (c) the generation of target soil vapour concentrations for the Target Analytes;
 - (d) the completion of a minimum of two rounds of consecutive soil vapour sampling separated by a minimum of a 3-month time period with one round being required to be completed under winter-like conditions (i.e. under frozen ground conditions);
 - (e) the number, location and installation depths of the soil vapour probes to be installed. A detailed rationale must be provided that clearly indicates that sufficient data will be collected to support the future building scenario (i.e. design/type of Building to be constructed must be known and taken into consideration in preparing the plan); and,
 - (f) any other work as deemed necessary by the Qualified Person.
- 4.16 Upon receiving written approval of the soil vapour intrusion assessment plan described in Section 4.15 of this CPU from the Director, the Owner shall implement the soil vapour intrusion assessment plan as approved. Within 90 calendar days of the completion of the soil vapour intrusion assessment, the Owner shall submit a final report for approval of the Director, prepared by a Qualified Person, documenting the completion of the Plan. The final report shall include, but not be limited to, the following key components:
- i. soil vapour probe installation details, locations and logs;
 - ii. laboratory results and laboratory certificates of analysis;
 - iii. all field logs, leak testing results and documentation of QA/QC;
 - iv. discussion and interpretation of the results in comparison to the respective target soil vapour concentration as identified in the approved Plan; and,
 - v. conclusions and recommendations with respect to the need for additional and/or continued monitoring as may be warranted.

Part 5: CPU Restrictions on Property Use - Prohibition of Groundwater Use

Pursuant to my authority under paragraph 168.6(1)2 of the Act, I require the Order to do or cause to be done the following:

- 5.1 Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of groundwater in or under the Property as a potable water source, except as may be required for continued use as a monitoring well, as defined in the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (OWRA) subject to the following:

- i. properly abandon on the Property any wells, as described or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,
- ii. refrain from constructing on the Property any wells as described or defined in the OWRA.

Part 6: Additional Requirements

Site Changes

- 6.1 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the RMMs and/or any underlying basis for the RMMs, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further RMMs 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

- 6.2 The Owner shall 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.

Part 7: Ownership, Disclosure and Registration Requirements

Pursuant to my authority under subsection 197(1) of the Act, I order you as follows:

Disclosure of CPU

- 7.1 Upon services of this CPU, the Owner and any other person with an interest in the Property shall, before dealing with the Property in any way, 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

- 7.2 Within fifteen (15) days from the date of receipt of an acknowledgment and direction package signed by the Director, register a certificate of requirement, issued under subsection 197(2) of the Act and completed as outlined in Schedule 'B', on title to the Property in the appropriate land registry office.
- 7.3 Within five (5) days after registering of the certificate of requirement, provide to the Director a copy of the registered certificate and of the parcel register (s) for the Property confirming that the registration has been completed.

Owner Change

- 7.4 While the CPU is in effect, forthwith report in writing to the Director any changes of ownership, of the Property, except that while the Property is registered under the *Condominium Act, 1998*, S.O. 1998, c.19, no notice shall be given of changes in the ownership of individual condominium units or any related common elements on the Property.

Part 8: General

- 8.1 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, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 8.2 An application under sub section 168.6(3) of the Act to, alter any terms and conditions in the CPU or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 8.3 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.
- 8.4 Subsection 186(3) of the Act provides that failure to comply with a requirement of the CPU constitutes an offence.
- 8.5 The requirements of the CPU are minimum requirements only and do not relieve you 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.
- 8.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.7 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,
- c) natural phenomena of an inevitable or irresistible nature, or insurrections,
 - d) strikes, lockouts or other labour disturbances,
 - e) inability to obtain materials or equipment for reasons beyond your control, or
 - f) any other cause whether similar to or different from the foregoing beyond your 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, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 8.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 8.9 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU
- 8.10 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and Risk Assessment.
- 8.11 In the event that the Owner complies with the provisions of Part 7 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

8.12 Where the CPU requires that the Director must be notified or receive a report this should be done by email at environment.guelph@ontario.ca

8.13 Where there is more than one Owner, each person is jointly and severally liable to comply with any requirements of the CPU unless otherwise indicated.

Part 9: Information regarding a Hearing before the Ontario Land Tribunal

With respect to those provisions relating to my authority in issuing a certificate of property use under section 168.6 and an order under section 197 of the Act:

- 9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land 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.
- 9.2 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.
- 9.3 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. The contact information for the Director and the Tribunal is the following:

Registrar

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto, ON, M5G 1E5

Email: OLT.Registrar@ontario.ca

and

Director

Ministry of the Environment, Conservation and Parks

1 Stone Rd. West, 4th Floor

Guelph, ON

N1G 4Y2

Fax: 519-826-4286

Email: environment.guelph@ontario.ca

The contact information of the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or Toll Free 1 (866) 448-2248 or www.olt.gov.on.ca.

Further information regarding service can be obtained from e-Laws at www.ontario.ca/laws. Please note where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any timelines.

- 9.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

- 9.5 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 Environmental Registry of Ontario. 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 Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Ministry of the Environment, Conservation and Parks, College Park 5th Flr, 777 Bay St, Toronto, ON M7A 2J3 by the earlier of:

- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
- (b) fifteen (15) days after service on you of a copy of the CPU.

- 9.6 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.

- 9.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be to the Tribunal by the earlier of:

- (a) fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and
- (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.

- 9.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws

Issued at Guelph this XX day of XXXX, 2025.

DRAFT

Aaron Todd,
Director, section 168.6 and 197 of the Act

LEGEND

- PROPERTY BOUNDARY
- - - EXISTING BUILDING
- - - APPROXIMATE FENCE LINE
- FORMER AIR HOST PYLON FILLED
- GAS LINE
- HYDRO LINE
- CABLE LINE
- SANITARY SEWER (600mm WIDE)
- STORM SEWER (2.0m WIDE)
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- CATCH BASIN
- FORMER BURIED/TREATED (APPROXIMATE LOCATION)

CLIENT: 271072 ONTARIO INC.
DATE: AUG 2024
PROJECT: 616074-CE
SCALE: AS SHOWN
FIGURE: 1

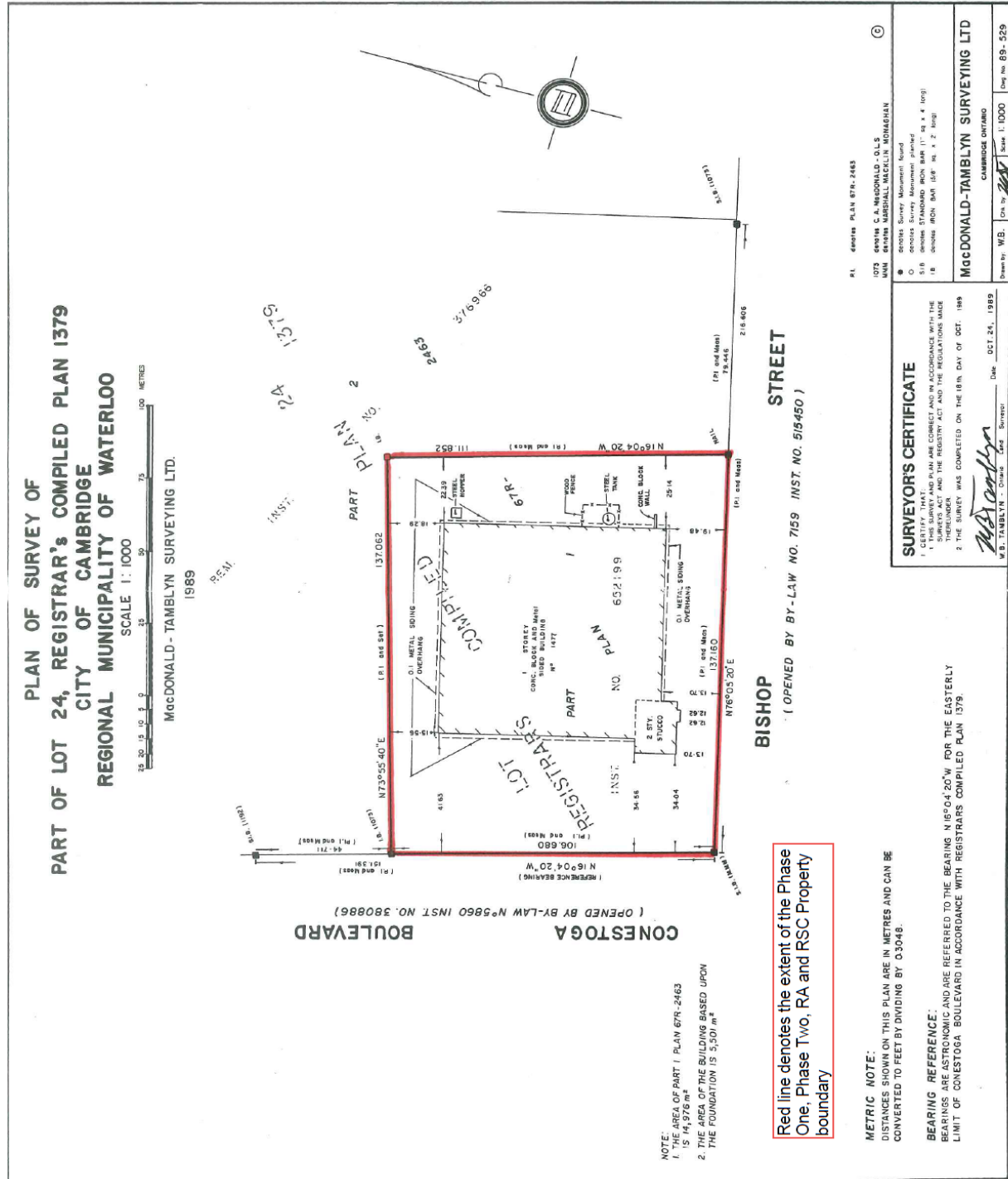
NOTE: ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF KITCHENER'S STANDARD SPECIFICATIONS FOR ROADWORK. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. UTILITIES SHOULD NOT BE RELOADED FOR THIS PROJECT.

CONESTOGA BOULEVARD
BISHOP STREET NORTH

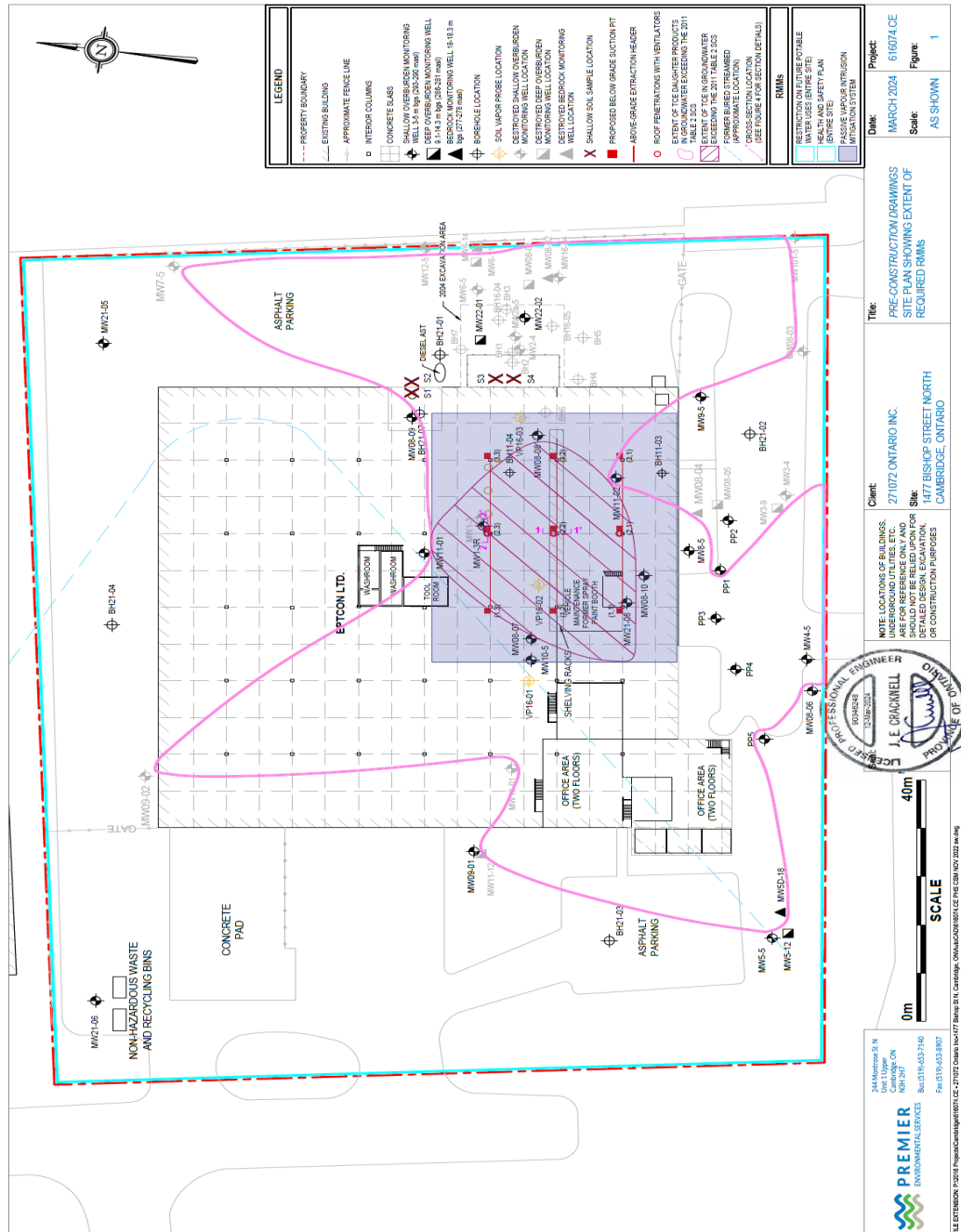
ASPHALT PARKING
CONCRETE PAD
OFFICE AREA (TWO FLOORS)
VEHICLE POWER PLANT
EPTICON LTD.
FORMER AIR HOST PYLON FILLED
FORMER BURIED/TREATED (APPROXIMATE LOCATION)
NON-HAZARDOUS WASTE AND RECYCLING BINS

SCALE: 0m 20m

**Schedule 'A': Figure 1B- Plan of Survey
(not to scale)**



Schedule 'A': Figure 2- Area of Property that Requires Indoor Air Mitigation Risk Management Measures for the Existing Building



[illegible]

Schedule 'A': Table A - Property Specific Standards (PSS) - Groundwater

<i>Groundwater Contaminant of Concern (COC)</i>	<i>PSS (µg/L)</i>
Trichloroethylene	33.6
Cis-1,2-Dichloroethylene	86.4
Trans-1,2-Dichloroethylene	32.4
Vinyl Chloride	15.8
Barium	2496
Sodium	1,160,000
Chloride	1,320,000

Schedule 'A': Table B: Target Indoor Air Concentrations

<i>Target Analyte</i>	<i>Target Concentration - Commercial Use (µg/m³)</i>
Cis-1,2-Dichloroethylene	378
Trans-1,2-Dichloroethylene	567
Trichloroethylene	0.401
Vinyl Chloride	0.406

SCHEDULE 'B'

CERTIFICATE OF REQUIREMENT

s.197(2)

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

This is to certify that pursuant to Section 7.1 of Certificate of Property Use number **8543-D7VNU9** issued by **Aaron Todd**, Director of the Ministry of Environment, Conservation and Parks under subsections 168.6 and 197(1) of the *Environmental Protection Act*, dated **XXXX XX, 2025** being a Certificate of Property Use and order under section 197(1) of the *Environmental Protection Act* relating to the property municipally known as **1477 Bishop Street North, Cambridge, Ontario being all of Property Identifier Number (PIN) 03790-0032 (LT) (the "Property")** with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property,

271072 Ontario Inc.

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

Under subsection 197(3) of the *Environmental Protection Act*, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the Property.