

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: 4202-DDVN82
Risk Assessment number: 0421-CGYSCE

Owner:

Tamarack (Rideau 2) Corporation

685 Justus Drive
Kingston, Ontario, K7M 4H5

Property:

Those lands legally described as:

Blocks 244, 245, and 246 on Plan 13M-148; City of Kingston

Being All of: PIN 36262-1953 (LT), PIN 36262-1954 (LT) and PIN 36262-1955 (LT)

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.

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

Part 1: Interpretation

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

“Adverse Effect” has the same meaning as in subsection 1(1) of the Act;

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

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified for **residential/parkland/institutional/industrial/commercial/community** property use in **Table 1** of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act published by the Ministry and dated April 15, 2011;

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

“Building Code” means Ontario Regulation O. Reg. 163/24 (Building Code) made under the *Building Code Act, 1992*, S.O. 1992, c. 23;

“Contaminant” has the same meaning as in subsection 1(1) of the Act;

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

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

"CPU" means this Certificate of Property Use Number No. **4202-DDVN82** 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" has the same meaning as set out in subsection 1(1) of the Act;

"Licensed Professional Engineer" means a person who holds a license, limited license or temporary license under the *Professional Engineers Act*, R.S.O. 1990 c. P.28 and has obtained the appropriate education and training and demonstrated expertise in the areas related to the work required to be carried out in this CPU;

"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 of the Property;

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

"Property" means the three separate parcels of land that are the subject of the CPU and described in the "Property" section on page 1 above, and illustrated in Schedule 'A': Figure 1- Property Survey, 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 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 section 5 of O. Reg. 153/04;

"Risk Assessment" and "RA" means the Risk Assessment No. 0421-CGYSCE accepted by the Director on November 29, 2024 and set out in the following final documents:

- Human Health and Ecological Risk Assessment Part of Former Pittsburg Quarry 998 Highway 15, Kingston, Ontario, report prepared by NovaTox Inc., dated January 2023
- Human Health and Ecological Risk Assessment Part of Former Pittsburg Quarry 998 Highway 15, Kingston, Ontario, report prepared by Paterson Group, dated December 28, 2023
- Human Health and Ecological Risk Assessment Part of Former Pittsburg Quarry 998 Highway 15, Kingston, Ontario, report prepared by Paterson Group, dated June 28, 2024
- Human Health and Ecological Risk Assessment Part of Former Pittsburgh Quarry 998 Highway 15, Kingston, Ontario, report prepared by Paterson Group, dated November 1, 2024"
- "RE: Request for additional information: Former Pittsburgh Quarry, Kingston (RA2073-22d, IDS 0421-CGYSCE)" e-mail from Christopher Marwood, Paterson Group, received by TASDB on November 15, 2024, with the following documents attached:
 - 2024-11-15 Riverview Shores-D5.pdf
 - 2024-11-15 Riverview Shores-L7.pdf
 - PE3243 - 8A Corss (*sic*) -section (GW) Metals.pdf
 - PE3243 - 8B Corss (*sic*) -section (GW) Metals.pdf

- PE3243-8 Analytical Testing Plan (GW) Metals.pdf
- RA2073-22 Mandatory Certifications 15Nov2024.pdf
- Human Health and Ecological Risk Assessment Part of Former Pittsburgh Quarry 998 Highway 15, Kingston, Ontario, report prepared by Paterson Group, dated November 15, 2024 (attached via download link)

“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 and Appendix J of the RA dated November 15, 2024; and,

“Tribunal” has the same meaning as in the subsection 1(1) of the Act.

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** 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
- a. 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.
 - b. 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),
- 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 the 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 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 (RA) 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 of Concern on, in or under the Property and to identify appropriate Risk Management Measures (RMMs) to be implemented to ensure that the Property is suitable for the intended use: “**Parkland**” as defined in O. Reg. 153/04.
- 3.2** The Contaminants of Concern on, in, or under the Property that are present above the residential/parkland/institutional/industrial/commercial/community property use standards within **Table 1** of the **Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act** published by the Ministry and dated April 15, 2011 or for which there are no such standards, are set out in the RA as the Contaminants of Concern. The Property Specific Standards for these Contaminants of Concern are set out in Schedule ‘A’: Table 1 – Property Specific Standards 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 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 soil and 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 and 5 of the CPU.
- 3.5** I am of the opinion that the requirements set out in Part 6 of this CPU are necessary to supplement the Risk Management Measures described in the Risk assessment and in Part 4 of this CPU.

- 3.6** 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: CPU Risk Management Measures and Requirements Relating to the Risk Assessment and the Property

Pursuant to the authority vested in me under subsection 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 and requirements identified in the Risk Assessment, as applicable.

Barriers to Site Soils Risk Management Measure

- a) New barriers to site soils shall be maintained and installed, and existing barriers to site soils shall be maintained, over those areas of the Property identified in Schedule 'A': Figure 2 – Soil Barriers (Locations). All existing and new barriers to site soils shall be maintained for as long as Contaminants of Concern are present on the Property at concentrations that exceed the ASCS. The barriers shall be installed under the direction and supervision of a Licensed Professional Engineer.

All barriers to site soils shall consist of one of the following, or a combination of the following, at minimum:

- i. Hard cap barriers on the Property shall have a minimum thickness of 0.225 metres consisting of at least 0.075 metres of hot mix asphalt, poured concrete, or landscaping interlock underlain by granular 'A' aggregate or equivalent material, and a non-woven geotextile as illustrated in Schedule 'A': Figure 3 – Soil Barriers (Hard Caps), which is attached to and forms part of this CPU.
 - ii. Vegetated soil fill caps on the property shall have a minimum thickness of 0.5 metres consisting of granular fill and/or soil meeting the ASCS unless the soil is underlain by a non-woven geotextile, in which case the minimum allowable thickness is 0.25 metres, as illustrated in Schedule 'A': Figure 4 – Soil Barriers (Vegetated Soft Caps).
 - iii. As an alternative to the vegetated soil cap barrier outlined in Item 4.1(a)(ii), if trees or other deep rooting vegetation are to be installed, a vegetated soil fill cap consistent with that detailed in Schedule 'A': Figure 5 – Soil Barriers (Deep Rooting Vegetation) shall be installed.
- b) Within ninety (90) days of completion of the installation of any new soil barriers on the Property or portion of the Property, the Owner shall submit to the Director written confirmation signed by a Licensed Professional Engineer that the barriers have been installed in accordance with the RA and Section 4.1(a) of this CPU. This written confirmation shall include final design specifications/drawings and or as built drawings and a site plan that clearly identifies the final location of each of the barriers.
- c) In relation to Section 4.1(a) of this CPU, areas of the Property that are required to have site barriers installed as identified in Schedule 'A': Figure 2 – Soil Barriers (Locations), but are not in use or not under development, do not require soil barriers so long as exposure to the COCs is prevented by a fence that restricts access to those areas of the Property. The Owner shall inspect the fencing on a semi-annual basis (spring and fall) at minimum for deficiencies that may allow unauthorized access to any portion of the Property until such time as the redevelopment of the Property or portions of the property is completed. The inspections shall be completed or overseen by a licensed profession engineer, or Qualified Person, as defined in the Regulation. The Owner shall keep records of the inspections and maintenance and make them available for review by the Ministry upon request. Any identified deficiencies shall be repaired within a reasonable period of time.
- d) Sediment control plans shall be implemented in any areas of the Property where soil barriers have

been installed but are void of vegetation, and shall be maintained until such time that suitable vegetation has been established to prevent soil erosion.

- e) An inspection and maintenance program shall be implemented to ensure the continuing integrity of the existing barriers and new hard cap and fill cap barriers, as long as the Contaminants of Concern are present on the Property. The inspection and maintenance program shall be in accordance with Section 5.2 of the RMP, and shall include at a minimum, semi-annual inspection (spring and fall) of the integrity of the any soil barriers installed on the Property. Any deficiencies in the existing soil barriers or new hard cap or fill cap barriers shall be repaired within a reasonable period of time in accordance with the contingency plans identified in Section 3.3 of Appendix J of the RA. The Owner shall keep records of the inspections and any completed maintenance and repairs and make them available for review by the Ministry upon request.

Soil Management Plan

- f) A project specific soil management plan (SMP) shall be developed and implemented prior to site redevelopment and for all intrusive activities at the Property that could potentially result in contact with or exposing soil or groundwater. The SMP shall be developed in accordance with the details provided in Section 7.2.4 of the RA. A copy of the SMP shall be maintained on the Property for the duration of all planned intrusive activities. 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 SMP prior to undertaking the short-term emergency repairs. For planned intrusive activities, the Owner shall submit a SMP to the Director at least fourteen (14) calendar days prior to any such intrusive activities being undertaken. The SMP shall include, but not be limited to the following key components as deemed necessary by a Qualified Person:
 - i. oversight by a Qualified Person;
 - ii. dust control measures and prevention of soils tracking by vehicles and personnel from the Property;
 - iii. management of excavated soils 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;
 - iv. storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include, but to not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary;
 - v. characterization of excavated soils to determine if the excavated soils exceed the Property Specific Standards listed in Table A of Schedule "A" attached to this CPU (Table A) and/or the ASCS and require off-site disposal in accordance with the provisions of Ontario Regulation 347, as amended, made under the Act;
 - vi. record keeping, which shall include, but not be limited to, dates and duration of work, weather and site conditions, location and depth of excavation activities, dust control measures, stockpile management, and drainage, all soil and characterization results obtained as part of the SMP, names of the Qualified Person(s), contractor(s), hauler(s) and receiving site(s) for any excavated excess soils or waste soils removed from the Property, and any complaints received relating to the Property activities; and,
 - vii. a copy of the SMP and any amendments and the records kept thereunder shall be retained by the Owner and made available to a Provincial Officer for Inspection upon request.

Health and Safety Plan

- g) A property specific health and safety plan (HASP) shall be developed for the Property and implemented during all planned intrusive activities and a copy shall be maintained on the Property for the duration of the intrusive work. The Owner shall ensure that the HASP takes into account the presence of the COCs and is implemented prior to any intrusive work being done on the Property

in order to protect workers from exposure to the COCs. In addition to the requirements detailed in Section 7.2.5 of the RA, the HASP 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, the local Ministry of Labour office shall be notified, where so prescribed under the OHSA, of the proposed activities and that COCs have been identified in soils and groundwater. The HASP shall be overseen by a Competent Person to review the provisions of the HASP with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the HASP and shall be made available to a Provincial Officer for inspection upon request.

Building Prohibition

- h) Refrain from constructing any Building(s) on, in or under the Property.

Prohibition of Potable Groundwater Wells

- i) Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of ground water in or under the Property as a potable water source. The Owner shall refrain from using groundwater in or under the Property as a potable source of water and, except, as may be required for continued use as a test hole as defined in Regulation 903 of the Revised Regulations of Ontario 1990 (Wells) made under the OWRA, 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, refrain from constructing on the Property any wells as described or defined in the OWRA.

Prohibition of Growing Plants for Consumption:

- j) The Owner shall refrain from planting and prevent others from planting any plants or produce that are edible or intended for human consumption unless planted in raised beds or planters with enclosed bottoms such that the plants are isolated from the subsurface conditions.

Part 5: CPU Restrictions on Property Use and Notice Requirements

I hereby require the Owner to do or cause to be done the following things under the authority of subsection 168.6(1) of the Act:

- 5.1** Refrain from using the Property for any use other than Parkland Use, except that portion of the Property being used for stormwater management as described in CLI-ECA number 018-S701, which may continue to be used for that purpose only as an Industrial Use, as the terms Parkland Use and Industrial Use are defined in O. Reg. 153/04.

Part 6: Additional Requirements

I hereby require the Owner to do or cause to be done the following things under the authority of paragraph 168.6(1)1 of the Act:

6.1 Site Changes Affecting Risk Management Measures

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.

6.2 Report Retention Requirements

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.

6.3 Owner Change

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 7: Section 197 Order (Property Notice and Certificate of Requirement Registration) Requirements

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and 197(2) of the Act:

7.1 Property Notice

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.

7.2 Certificate of Requirement Registration

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

7.3 Verification

Within five (5) calendar 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 certificate of requirement has been registered on title to the Property.

Part 8: General Requirements

- 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, revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 8.3** Subsection 186(3) of the Act provides that failure to comply with a requirement of the CPU constitutes an offence.
- 8.4** 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.

- 8.5** The requirements of the CPU are minimum requirements only and do not relieve you from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or 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,
- 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 your control, or
 - d. 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 other requirements of 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** In the event that the Owner complies with provisions of Sections 7.2 and 7.3 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.
- 8.11** 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 (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.
- 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

District Manager
Kingston District Office
Ministry of the Environment, Conservation and Parks
1259 Gardiners Road, Unit 3
Kingston, ON K7P 3J6
Fax: 613-548-6920
Email: cathy.chisholm@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 Floor, 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 made 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 9 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 on this **DDth** day of **MONTH**, 2025.

Catherine Chisholm
Director, section 168.6 of the Act

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Schedule 'A'

Table 1 - Property Specific Standards

Contaminant of Concern	Media	Units	Property Specific Standard
Acenaphthene	Soil	µg/g	1.212
Acenaphthylene	Soil	µg/g	2.244
Anthracene	Soil	µg/g	3.096
Antimony	Soil	µg/g	5.64
Arsenic	Soil	µg/g	24.72
Barium	Soil	µg/g	798
Benzene	Soil	µg/g	0.648
Benzo[a]anthracene	Soil	µg/g	4.32
Benzo[a]pyrene	Soil	µg/g	3.564
Benzo[b]fluoranthene	Soil	µg/g	3.636
Benzo[g,h,i]fluoranthene	Soil	µg/g	2.136
Benzo[k]fluoranthene	Soil	µg/g	1.728
Cadmium	Soil	µg/g	2.04
Chrysene	Soil	µg/g	3.864
Copper	Soil	µg/g	464.4
Dibenz[a,h]anthracene	Soil	µg/g	0.528
Ethylbenzene	Soil	µg/g	1.164
Fluoranthene	Soil	µg/g	9.168
Fluorene	Soil	µg/g	1.44
Ideno[1,2,3-cd]pyrene	Soil	µg/g	1.524
Lead	Soil	µg/g	482.4
Mercury	Soil	µg/g	1.8
Methylnapthalene, 2-(1-)	Soil	µg/g	8.46
Methyl Mercury	Soil	µg/g	0.0003924
Molybdenum	Soil	µg/g	3.48
Napthalene	Soil	µg/g	3.096
Petroleum Hydrocarbons F2	Soil	µg/g	64.8
Petroleum Hydrocarbons F3	Soil	µg/g	310.8
Petroleum Hydrocarbons F4	Soil	µg/g	5124
Phenanthrene	Soil	µg/g	11.844
Pyrene	Soil	µg/g	8.736
Selenium	Soil	µg/g	2.04
Silver	Soil	µg/g	0.84
Toluene	Soil	µg/g	5.34
Vanadium	Soil	µg/g	103.92
Xylene Mixture	Soil	µg/g	8.292
Zinc	Soil	µg/g	715.2
Barium	Groundwater	µg/L	4932

[illegible]

Figure 2 – Soil Barriers (Locations)

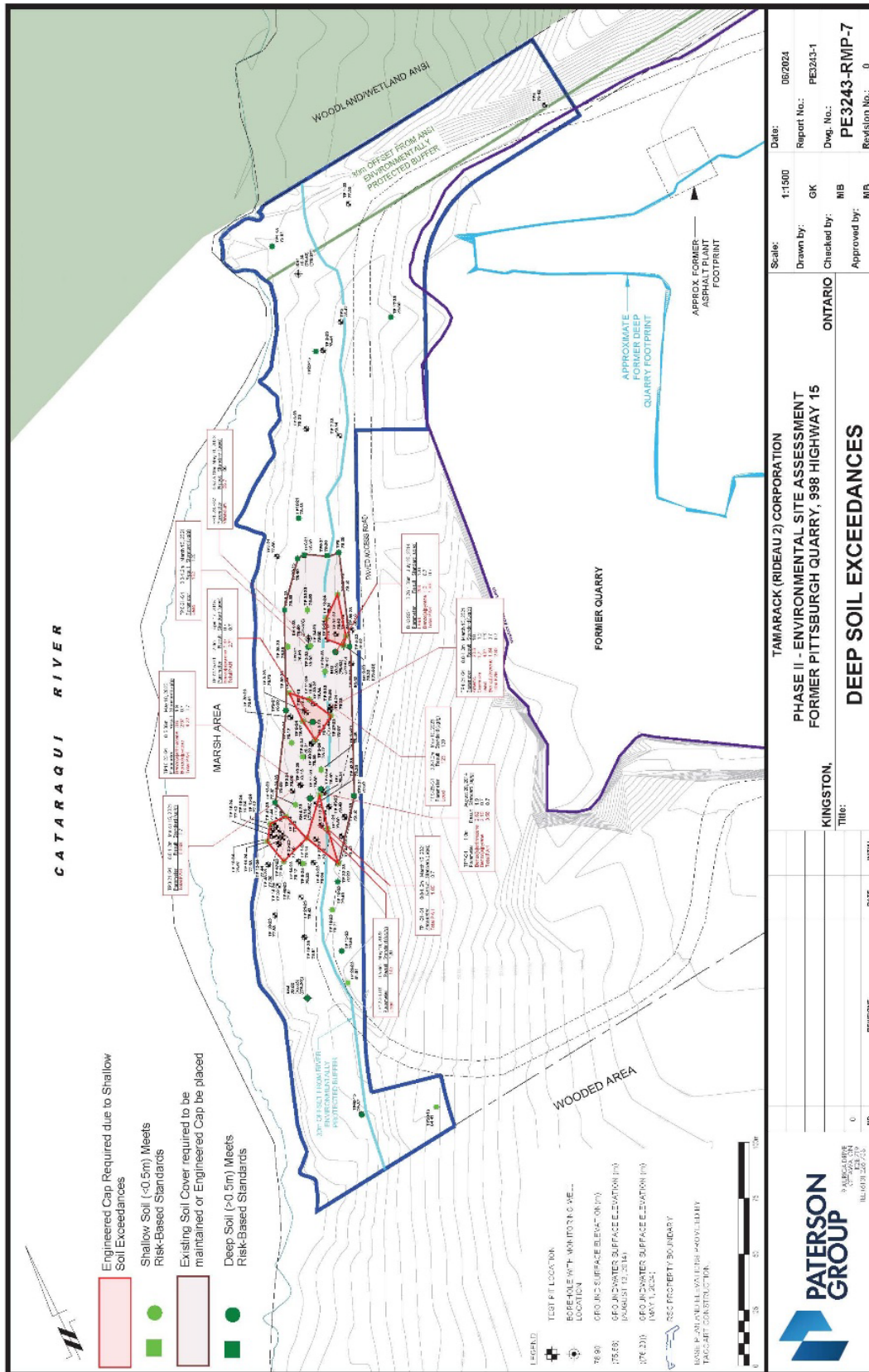


Figure 3 – Soil Barriers (Hard Caps)

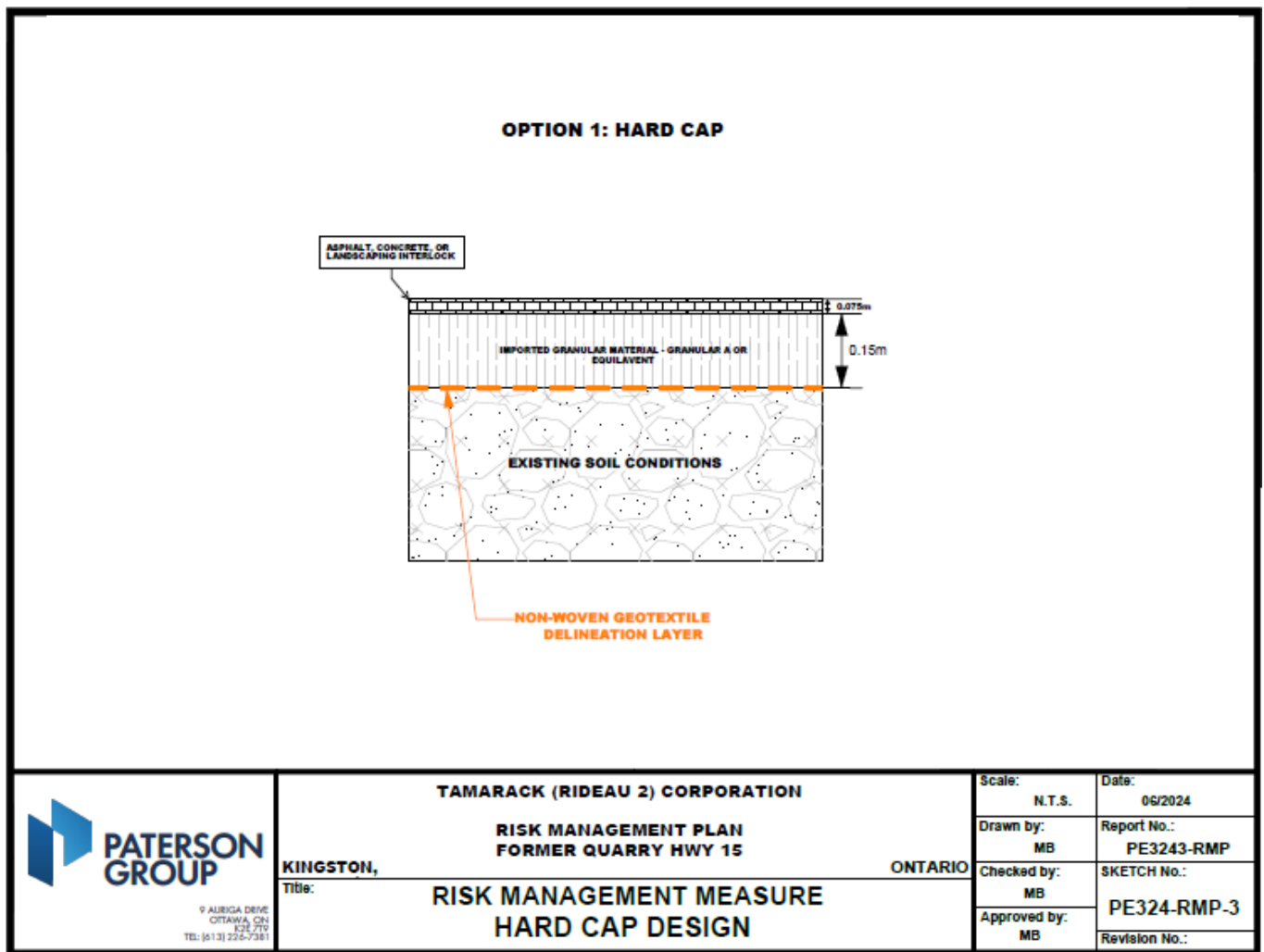


Figure 4 – Soil Barriers (Vegetated Soft Caps)

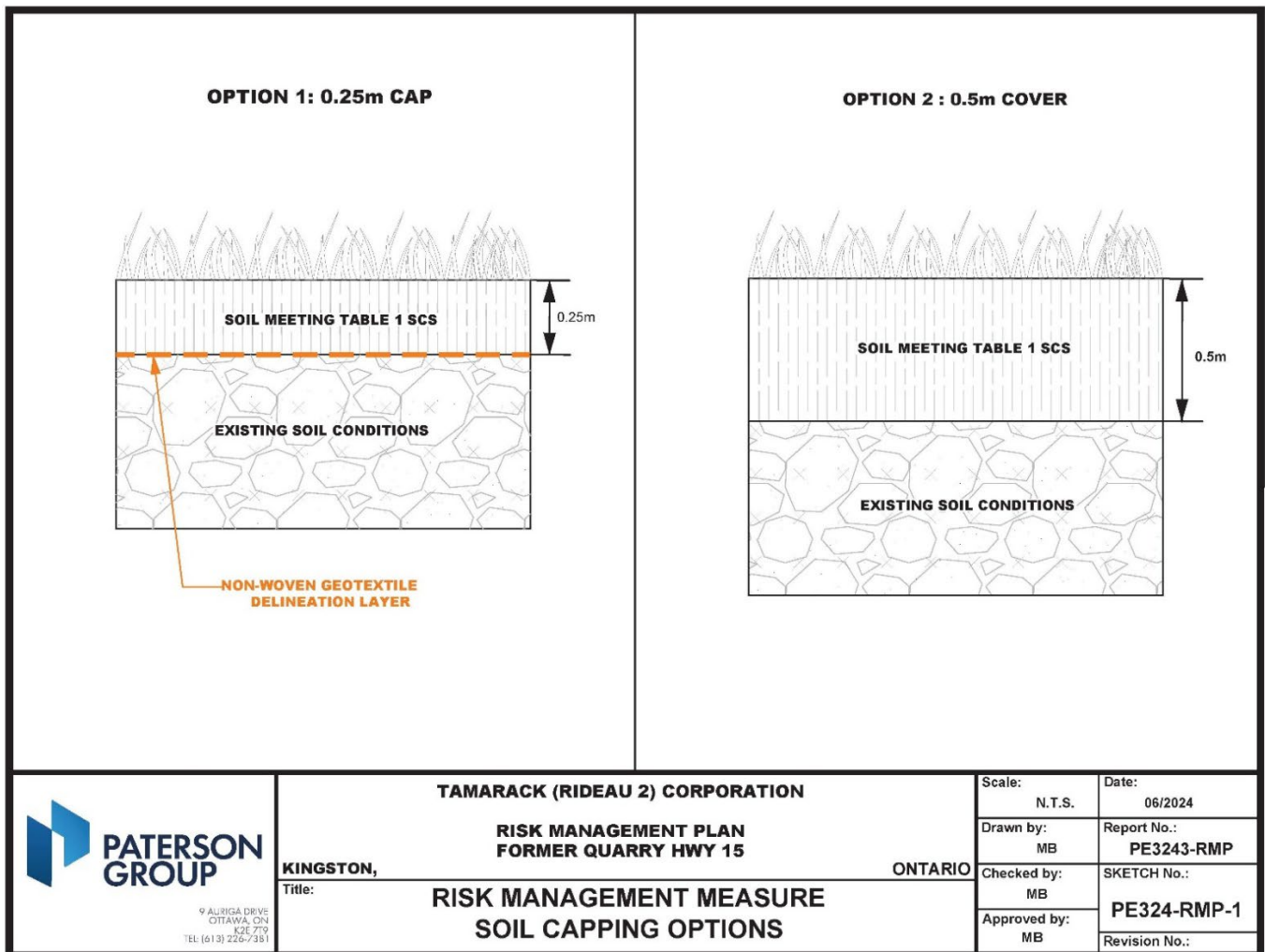
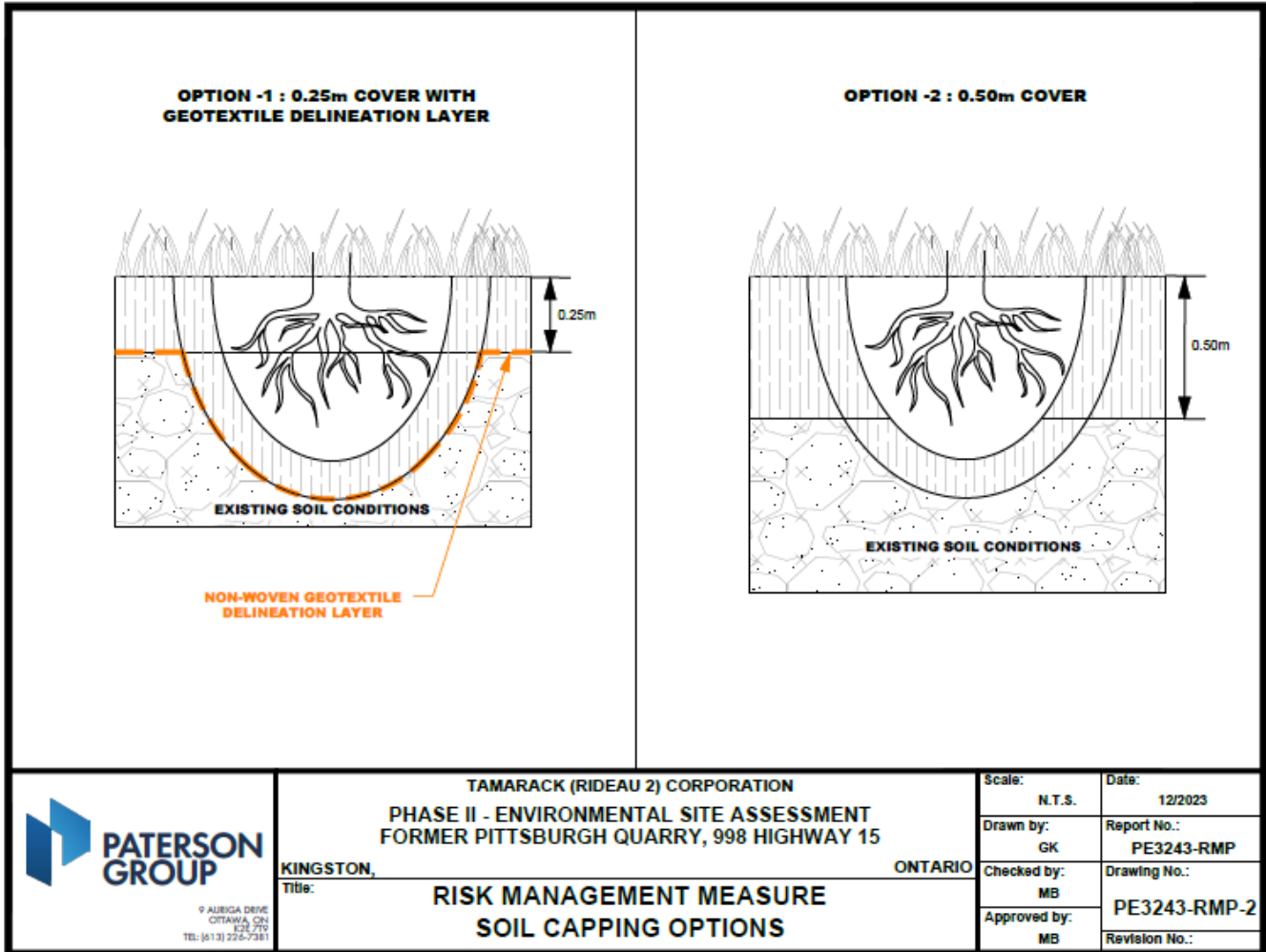


Figure 5 – Soil Barriers (Deep Rooting Vegetation)



SCHEDULE 'B'

CERTIFICATE OF REQUIREMENT

s.197(2)

Environmental Protection Act

This is to certify that pursuant to Section 7.1 of Certificate of Property Use number 4202-DDVN82 issued by Catherine Chisholm , Director of the Ministry of Environment, Conservation and Parks under subsections 168.6(1) and 197(1) of the *Environmental Protection Act*, dated **MONTH XX**, 2025 being a Certificate of Property Use and order under section 197(1) of the *Environmental Protection Act* relating to the property legally described as Blocks 244, 245, and 246 on Plan 13M-148; City of Kingston and being all of PIN 36262-1953 (LT), PIN36262-1954 (LT) and PIN 36262-1955 (LT) (the "Property") with respect to a Risk Assessment and Risk Management Measures and other preventive measure requirements,

Tamarack (Rideau 2) Corporation

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.