

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 7367-DFRGUN
Risk Assessment number 7550-BMNRGU

Owner: **Port Credit West Village Partners Inc.** (Registered Owner)
40 King Street West, Suite 2700
Toronto, Ontario M5H 3Y2

Port Credit West Village Partners L.P. (Beneficial Owner)
by its general partner
Port Credit West Village Partners GP Inc.
40 King Street West, Suite 2700
Toronto, Ontario M5H 3Y2

Site: **70 Mississauga Road South, Mississauga**

as further described in in Schedule 1: Legal Description of this CPU.

This Certificate of Property Use and section 197 Order set out the requirements regarding the above-noted Property and the Risk Assessment carried out in relation to the Property which was assigned the number noted above and is described in more detail in Part 1 below.

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 this CPU, the following capitalized terms have the meanings described below. These terms are also defined in the Approved Model. Not all of these terms may be used in this CPU.

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

“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.

“Alternate Fill Cap Barrier for Locations with Mature Trees” means the barrier to site soils described in Item 4.1 a. ii.

“Alternate Fill Cap Barrier for Deep Rooting Vegetation” means the barrier to site soils described in Item 4.1 a. iii.

“Barrier” means a barrier to site soils referred to in Item 4.1 a. including a Fill Cap and Sub Cap Barrier, a Hard Cap Barrier, an Alternate Cap Barrier for Locations with Mature Trees, or an Alternate Fill Cap Barrier for Deep Rooting Vegetation.

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

“Capping Soil” means,

- (a) soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or
- (b) soil that meets the applicable site condition standards for the Property, as specified in Item 3.2 of the CPU, and does not contain any contaminant for which no applicable site condition standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number 7367-DFRGUN issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

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

“Contaminants of Concern” has the same meaning as in O. Reg. 153/04, which, for the Property, means one or more contaminants found on, in or under the Property at a concentration that exceeds the applicable site condition standards for the Property, as specified in section 7 of the Risk Assessment report and in Schedule A of the CPU.

“Development Lands” means the 28.7-hectare (70.9 acre) property located as 70 Mississauga Road South, Mississauga that has been divided into Parcels 1, 2 and 3 to facilitate redevelopment, the Property subject to this CPU is Parcel 3.

“CVCA” means the Credit Valley Conservation Authority.

“Director” means a person in the Ministry appointed as a director for the purpose of issuing a certificate of property use under section 168.6 of the Act.

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

“Erosion Control (Wave Action) Risk Management Measure” means the Lake Ontario shoreline protection improvements approved under CVCA Permit 24/274 issued by the CVCA on December 4, 2024 to the Owner in accordance with Ontario Regulation 160/06, pursuant to Section 28 of the Conservation Authorities Act (R.S.O. 1990 Chapter C.27) for improvements along the Lake Ontario shoreline to mitigate wave action soil erosion.

“Fill Cap and Sub Cap Barrier” means the barrier to site soils described in Item 4.1 a. i.

“Hard Cap Barrier” means a barrier to site soils described in Item 4.1 a. iii.

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

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

“Minister” means the minister of the Ministry.

“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.

“O. Reg. 406/19” means Ontario Regulation 406/19 (On-Site and Excess Soil Management), made under the Act.

“Owner” means the owner(s) of the Property, described in the “Owner” section on page 1 of the CPU, any subsequent Registered or Beneficial owner of the Property.

“Port Credit West Village Shore Protection Inspection & Maintenance Plan” means a report specifying the requirements for the monitoring and maintenance associated with the Erosion Control (Wave Action) Risk Management Measure required by Item 4.2 of the CPU, prepared by Shoreplan Engineering Limited, dated June 2025, as it may be amended from time to time by a Licensed Professional Engineer with coastal experience.

“Property” means the property that is the subject of the Risk Assessment and is described in the property “Site” section on page 1 above, in Schedule 1: Legal Description, and as further shown in Schedule C: Plan 43M-2118, Registered December 9, 2021. Plan of Subdivision of Part of Lots 9, 10 and 11 and Part of Water Lot Location in Front of Lot 9, Broken Front Range, Credit Indian Reserve, Geographic Township of Toronto, City of Mississauga, Regional Municipality of Peel.

“Property Specific Standards” means the standards established as the maximum allowable concentrations for the Contaminants of Concern at the Property, as specified in section 6 of the Risk Assessment report and in Schedule A of the CPU.

“Provincial Officer” has the same meaning as in the Act, namely, a person who is designated by the Minister as a provincial officer for the purposes of the Act and the regulations.

“Qualified Person” means a person who meets the qualifications set out in subsection 5(2) of O. Reg. 153/04.

“Risk Assessment” means the Risk Assessment Number 7550-BMNRGU submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on March 20, 2025 and set out in the following documents.

- Tier III Risk Assessment, Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated January 23, 2023.
- Tier III Risk Assessment, Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated August 16, 2024.
- Revised Tier III Risk Assessment, Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated January 30, 2025.

“Risk Management Measures” means the risk management measures specific to the Property described in Section 7 and Appendix G of the Risk Assessment and/or Part 4 of the CPU.

“Sub Capping Soil” means soil that meets the Table 3 standards (coarse textured) for Residential. Parkland and Institutional use 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.

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

Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
 - a. the performance of any action specified in the certificate of property use;
 - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and

- c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6(1) of the Act states that if a risk assessment relating to a property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
 - 1. Take any action specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
 - 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate of property use has been issued under subsection 168.6(1),
 - a. alter any terms and conditions in the certificate or impose new terms and conditions; or
 - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
 - a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property; and
 - 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 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 to be implemented to ensure that the Property is suitable for the following intended use: "Parkland Use" as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above the Table 9 standards 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 are set out in the Risk Assessment and in Schedule A (Contaminants of Concern). The Standards for these Contaminants of Concern are also set out in 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 Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of Buildings and/or the notice provisions as outlined in Part 5 of this 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 the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment 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 the order requirements in Part 7 of this CPU.

Part 4: CPU Risk Management Measures and Requirements Relating to the Risk Assessment and the Property

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

- 4.0 Implement, and thereafter maintain or cause to be maintained, the following Risk Management Measures and requirements identified in the Risk Assessment and set out in Items 4.1 to 4.4 and 5.2 as applicable.

4.1 Barrier to Site Soils Risk Management Measure

- a. With the exception of parts of the Property subject to the Erosion Control (Wave Action) Risk Management Measure Cover outlined in Item 4.2, cover areas of the Property where Contaminants of Concern are present at or within 1.0 metre(s) below the soil surface with one of the following Barriers so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface:
 - i. a Fill Cap and Sub Cap Barrier, shown in Drawing 1, and as specified in section 7.2.1.1 of the Risk Assessment report that is at least 1.0 metre thick, or any greater thickness than 1.0 metre, consisting of at least 0.3 metres of Capping Soil and/or non-soil surface treatment such as armour stone, rip-rap asphalt, concrete or concrete pavers, stone pavers, brick or aggregate, and the remaining thickness consisting of Sub Capping Soil and/or non-soil surface treatment, as specified in section 7.2.1.1 of the Risk Assessment report,
 - ii. an Alternate Fill Cap Barrier for Locations with Mature Trees, as shown in Drawing 1, and as specified in section 7.2.1.2 of the Risk Assessment report that is at least 100 millimetres thick consisting of Capping Soil or non soil surface treatment such as mulch or wood chips underlain by a geotextile fabric and that is restricted for use within the drip lines of mature trees as shown in Figure 3 that existed at the time of acceptance of the Risk Assessment for the sole purpose of preventing the unnecessary removal and damage of mature trees on the Property,
 - iii. an Alternate Fill Cap Barrier for Deep Rooting Vegetation, as shown in Drawing 1, and as specified in section 7.2.1.2 of the Risk Assessment report that is a minimum of 1500 millimetres thick consisting of at least 300 mm of Capping Soil and the remaining thickness consisting of Sub Capping Soil and that extends out to a minimum 1000 mm radius from the trunk of the tree as determined by a qualified arborist, or
 - iv. a Hard Cap Barrier, as shown in Drawing 1, and as specified in section 7.2.1.3 of the Risk Assessment report that is at least 225 millimetres thick and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular "A" aggregate or equivalent material.
- b. Before commencing development of all or any part of the Property, install fencing and implement dust control measures for any part of the Property requiring covering but which has not been covered, so as to prevent exposure to the Contaminants of Concern at the Property. Fencing and dust control measures shall be maintained until such time as the Barrier(s) are installed.

4.1.1 Inspection, Maintenance and Reporting Requirements for all Barriers

- a. Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each Barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:
 - i. procedures and timing for implementing the program;
 - ii. semi-annual inspections, in spring and fall, of the Fill Cap and Sub Cap Barrier, the Alternate Fill Cap for Deep Rooting Vegetation and the Hard Cap Barrier and tri-annual inspections, in spring, summer and fall of the Alternate Fill Cap for Locations with Mature Trees;
 - iii. noting any deficiencies in the Barrier observed during the inspections, or at any other time;
 - iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the Barrier has been properly repaired;
 - v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the Barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property;
 - vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;and which is,
 1. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
 2. updated and delivered to the Owner within 30 days following making any alteration to the program.
- b. For all areas of the Property where either the Alternate Fill Cap for Deep Rooting Vegetation, or the Alternate Fill Cap for Locations with Mature Trees is constructed, prepare a report, prepared by a Qualified Person supported by a plan provided by a qualified arborist, documenting that the Barriers were constructed in accordance with the requirements specified in Section 7.2.1.2 of the Risk Assessment.
- c. Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each Barrier at the Property, including cross-sectional drawings of the Barrier showing its design and vertical and lateral extent;
and which are,

- i. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
 - ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the Barrier, or other relevant feature shown on the site plan.
- d. Prepare and implement written procedures, prepared by a Qualified Person with input from a qualified arborist, and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a Barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the Barrier and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the Barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the Barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- 1. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- 2. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

4.2 Erosion Control (Wave Action) Risk Management Measure

- a. Construct the Erosion Control (Wave Action) Risk Management Measure in accordance with the requirements of CVCA Permit 24/274 as described in Section 7.2.4 of the Risk Assessment and as shown in Figure 4, "Surface Cover / Shoreline Protection Risk Management Measures", Figure 5, "Shoreline Protection Improvement – Site Plan" Figure 6, "Shoreline Protection Improvement – Cross-Sections" to mitigate shoreline erosion hazards so as to prevent exposure to the Contaminants of Concern at the Property.
- b. Upon completion, provide written notification, prepared by a Licensed Professional Engineer, to the Director that the Erosion Control (Wave Action) Risk Management Measure has been constructed in accordance with CVCA Permit 24/274. The notification shall include confirmation from the CVCA and as-built drawings of the Erosion Control (Wave Action) Risk Management Measure, including cross-sectional drawings showing its design and vertical and lateral extent.

4.2.1 Inspection, Maintenance and Reporting Requirements for the Erosion Control (Wave Action) Risk Management Measure

Implement the Port Credit West Village Shore Protection, Inspection and Maintenance Plan so as to ensure the continuing integrity of the Erosion Control (Wave Action) Risk Management Measure as described in Item 4.2, so long as the Contaminants of Concern are present at the Property, including, at a minimum:

- a. inspections including;
 - i. a minimum of semi-annual inspections (spring and fall).
 - ii. additional inspections of the shoreline protection improvements to be completed after a significant storm event, as defined in the Port Credit West Village Shore Protection Inspection & Maintenance Plan, for indications of damage include broken or displaced stones, settlement or loss of vegetation behind the structure.
 - iii. inspection every 5 years by a Licensed Professional Engineer with coastal expertise, or sooner if an earlier inspection identifies potential damage to shoreline protection.
- b. noting any damage or deficiencies in the shoreline protection improvements observed during the inspections, or at any other time,
- c. repairing promptly any damage or deficiencies, to the original design specifications, including written notification prepared by a Licensed Professional Engineer with coastal expertise to be provided to the Director upon identification of damage or deficiency, with follow-up written confirmation to be provided to the Director that the damage or deficiency has been properly repaired;
- d. contingency measures to be implemented if damage or deficiencies cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property;
- e. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer; and
- f. revisions to the Port Credit West Village Shore Protection, Inspection and Maintenance Plan shall be provided to the Director within 30 days of the alteration of the plan.

4.3 Building Prohibition Risk Management Measure

Refrain from constructing any enclosed Building on the Property.

4.4 Restriction on Growing Produce for Consumption Risk Management Measure

The Owner shall refrain from planting fruit and vegetables for consumption on the Property unless planted in above ground containers such that the plants are isolated from the subsurface conditions. The planting of fruit and vegetables for consumption on the Property is restricted as described above for as long as the Contaminants of Concern in soil and ground water remain present.

4.5 Restriction on Soil Placed Within Proximity to Adjacent Residential Lands

Refrain from relocating any soil onto the areas of the Property that are identified within Drawing 2, "Site Areas Within 10m and 30m of Off-site Development Setbacks" unless the placement of soil is in accordance with the following requirements:

- a. The soil is deposited in accordance with Section 7.2.2.1.1.1 of the Risk Assessment report; and
- b. Following placement of any soil within the areas of the Property described above, prepare a report, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location and the chemical quality specifications of the soils placed with the area. The report shall include plan and cross-sectional drawings showing the vertical and lateral extent of the soil.

4.6 No Ground Water Use Risk Management Measure

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,

- a. Refrain from using ground water in or under the Property as a potable source of water; and
- b. 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):
 - 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.

4.7 Soil Management Plan Requirement

Prepare and implement in accordance with the details described in Section 7.2.2 of the Risk Assessment, a written soil management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil or soil brought to the Property, including soil originating within other areas of the Development Lands, and, if any, ground water from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or ground water at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles;
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04 or O. Reg. 406/19, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
 - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil meets the requirements for Capping Soil and/or Sub Capping Soil;

- ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
 - 1. used as Capping Soil and Sub Capping Soil at the Property;
 - 2. used within the areas of the Property outlined in Item 4.5;
 - 3. otherwise used below the Barriers as fill at the Property;
 - 4. removed from the Property and used within other areas of the Development Lands;
 - 5. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
 - 6. removed from the Property for off-site use as fill or disposal; and
- iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
 - 1. reflect the distinctions described in subparagraphs (c) i and ii;
 - 2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern;
 - 3. have been bermed or fenced, as appropriate, to restrict access by persons; and
 - 4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed;
- d. measures to manage storm water and any ground water from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed;
- e. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04, O. Reg. 406/19 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
 - i. dates and duration of the Intrusive Activities being undertaken;
 - ii. weather and site conditions during the Intrusive Activities;
 - iii. the location and depth of excavation activities, and dewatering activities, if any;
 - iv. dust control and soil tracking control measures such as hauling records;
 - v. characterization results for excavated soil and any soil brought to or removed from the Property, including soil brought to and from other areas of the Development Lands, and for any ground water from dewatering;
 - vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
 - vii. management activities for any ground water from dewatering;
 - viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;

- ix. names and contact information for any haulers and owners or operators of receiving sites for soil and any ground water removed from the Property, and for haulers and owners or operators of project areas (as defined in O. Reg. 406/19 also known as source sites) of any soil brought to the Property;
- x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

- 1. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- 2. updated and delivered to the Owner within 30 days following making any alteration to the plan.

4.8 Annual Report Requirement

Prepare each year on or before March 31, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements:

- a. a copy of all records relating to the Barriers as outlined in Item 4.1 and Item 4.1.1, if applicable;
- b. a copy of all records relating to the Erosion Control (Wave Action) Risk Management Measure as outlined in Item 4.2, and Item 4.2.1, if applicable;
- c. a confirmation that the Building Restriction Risk Management Measure as outlined in Item 4.3 has been complied with;
- d. a confirmation that the Restriction on Growing Produce for Consumption Risk Management Measure as outlined in Item 4.4 has been complied with;
- e. a copy of all records relating to the Restriction on Soil Placed Within Proximity to Adjacent Residential Lands Risk Management Measure as outlined in Item 4.5, if applicable;
- f. a confirmation that the No Ground Water Use Risk Management Measure as outlined in Item 4.6 has been complied with; and
- g. a copy of all records relating to the soil management plan as outlined in Item 4.7, if applicable.

Part 5: CPU Restrictions on Property Use, Building Construction and Notice Requirements

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)2 of the Act:

5.1 Property Use Restriction

Refrain from using the Property for any of the following use(s): Any Use other than "Parkland Use", as specified in O. Reg. 153/04.

5.2 Building Construction Restrictions

Refrain from constructing the following Building(s): Any enclosed Building.

5.3 Notice of Restrictions

Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 5.1 and 5.2, except where noted N/A, and that every occupant complies with such provisions. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

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 Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, a new risk assessment may need to be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance. An amendment to the CPU will be issued to address the changes set out in any notice received and any future 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 for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the requesting Director or Provincial Officer.

6.3 Owner Change Notification

While the CPU is in effect, the Owner shall, 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 appurtenant common elements on the Property.

6.4 Financial Assurance

The Director has not included a requirement that the Owner provide financial assurance.

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 Requirement

For the reasons set out in the CPU and pursuant to the authority vested in me by 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 B register the certificate of requirement on title to the Property, in the appropriate land registry office.

7.3 Verification

Within five (5) days after registering 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 registration has been completed.

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 subsection 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 Failure to comply with the requirements of the CPU constitutes an offence.
- 8.4 The requirements of the CPU are minimum requirements only and do not relieve the Owner 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.

- 8.5 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.6 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.
- 8.7 Failure to comply with a requirement of the CPU by a date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 8.8 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.
- 8.9 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.
- 8.10 In the event that the Owner complies with the provisions of Items 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 can be carried out by the condominium corporation 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.
- 8.12 Where the CPU requires that the Director must be notified or receive a report this should be done by email at environment.haltonpeel@ontario.ca.

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

Halton-Peel District Manager, Central Region
Ministry of the Environment, Conservation and Parks
4145 North Service Road, Suite 300
Burlington, Ontario L7L 6A3
Fax: 905-319-9902
Email: environment.haltonpeel@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 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 DATE day MONTH, YEAR

DIRECTOR

Director, section 168.6 of the Act

Schedule '1' – Legal Description

The Property is municipally known as 70 Mississauga Road South, Mississauga, Ontario.

The legal description of the Property to which this CPU pertains is:

BLOCKS 25 AND 43 ON PLAN 43M-2118, DESIGNATED AS PART 4 ON PLAN OF SURVEY OF PART OF LOTS 9, 10 AND 11 BROKEN FRONT RANGE CREDIT INDIAN RESERVE PREPARED BY J.D. BARNES LIMITED, LAND INFORMATION SPECIALISTS, DATED MAY 12, 2020.

BEING ALL OF PINS 13488-2574 (LT) and 13488- 2592 (LT).

SCHEDULE A

Contaminants of Concern and Property Specific Standards in Soil

Contaminants of Concern (COC)	Units	Property Specific Standard (PSS)
SOIL		
Acenaphthene	µg/g	3
Acenaphthylene	µg/g	0.60
Acetone	µg/g	1.2
Anthracene	µg/g	1.6
Antimony	µg/g	7.3
Arsenic	µg/g	23
Barium	µg/g	1600
Benzene	µg/g	0.91
Benz[a]anthracene	µg/g	0.91
Benzo[a]pyrene	µg/g	0.78
Benzo[b]fluoranthene	µg/g	0.98
Boron (Hot Water Soluble)	µg/g	3.7
Cadmium	µg/g	1.8
Chloroform	µg/g	0.08
Chromium Total	µg/g	130
Copper	µg/g	23000
Dibenz[a,h]anthracene	µg/g	0.6
Dichloropropane, 1,2-	µg/g	13
Ethylbenzene	µg/g	0.42
Fluoranthene	µg/g	1.6
Fluorene	µg/g	5.3
Hexane (n)	µg/g	0.32
Indeno[1,2,3-cd]pyrene	µg/g	0.6
Lead	µg/g	410
Mercury	µg/g	1.6
Methyl Mercury	µg/g	0.00066

Contaminants of Concern (COC)	Units	Property Specific Standard (PSS)
Methylnaphthalene, 2-(1-)	µg/g	3.1
Molybdenum	µg/g	4.3
Naphthalene	µg/g	1.4
PHC F1	µg/g	590
PHC F2	µg/g	6100
PHC F3	µg/g	7100
PHC F4	µg/g	11000
Phenanthrene	µg/g	1.6
Polychlorinated Biphenyls	µg/g	0.52
Pyrene	µg/g	1.3
Selenium	µg/g	7.6
Tetrachloroethylene	µg/g	0.17
Toluene	µg/g	1.2
Trichloroethene	µg/g	0.16
Xylene mixture	µg/g	3.7
Zinc	µg/g	640

SCHEDULE B

CERTIFICATE OF REQUIREMENT

s.197(2)

Environmental Protection Act

This is to certify that pursuant to item 7.1 of Certificate of Property Use Number 7367-DFRGUN issued by [INSERT NAME OF DIRECTOR], Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on [INSERT DATE], being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property now municipally known as part of 70 Mississauga Road, Mississauga, ON L5H 2H3, being all of Property Identifier Numbers PIN 13488-2574 (LT) and PIN 13488- 2592 (LT) (the “Property”) with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

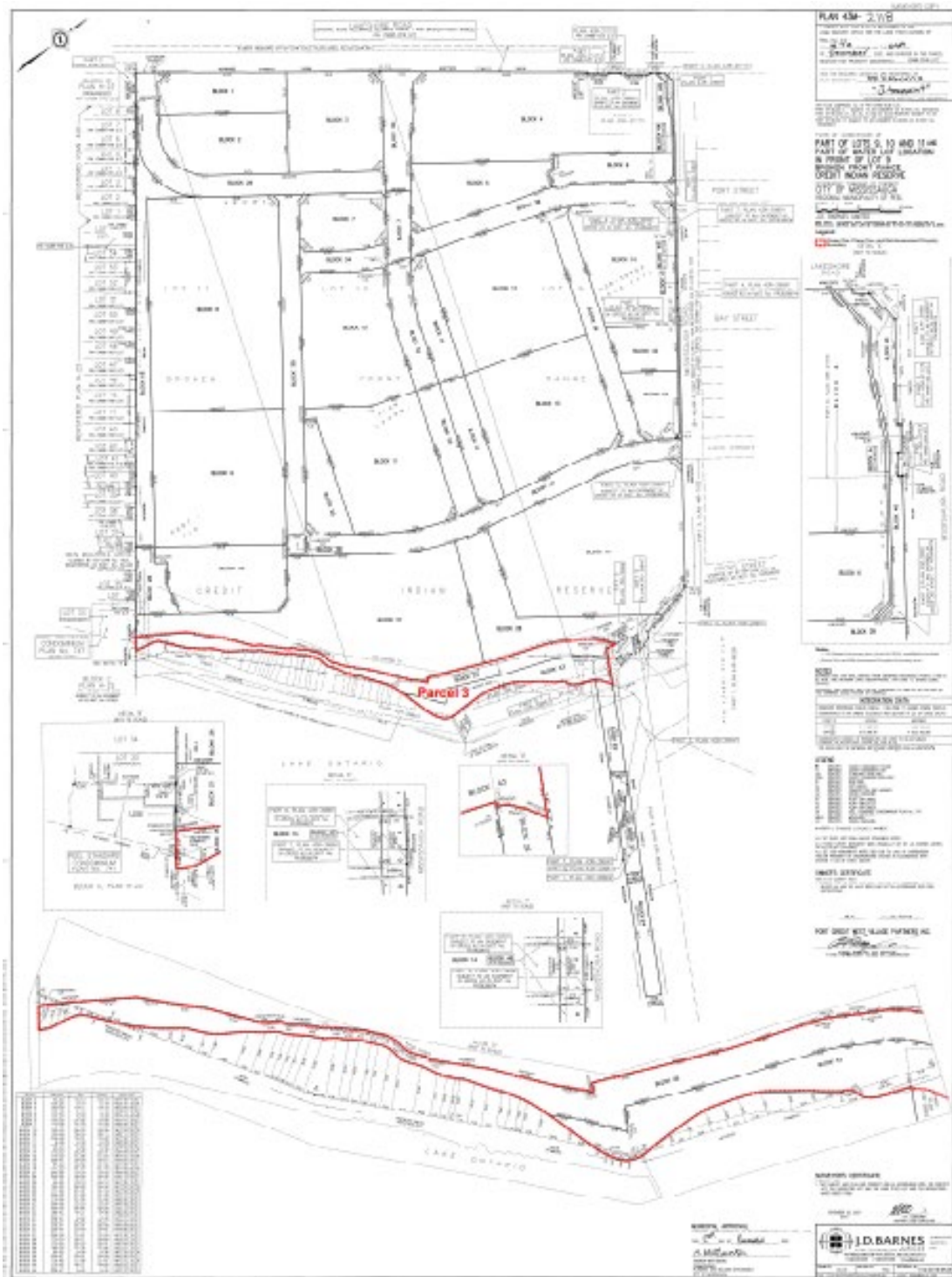
PORT CREDIT WEST VILLAGE PARTNERS INC.

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.

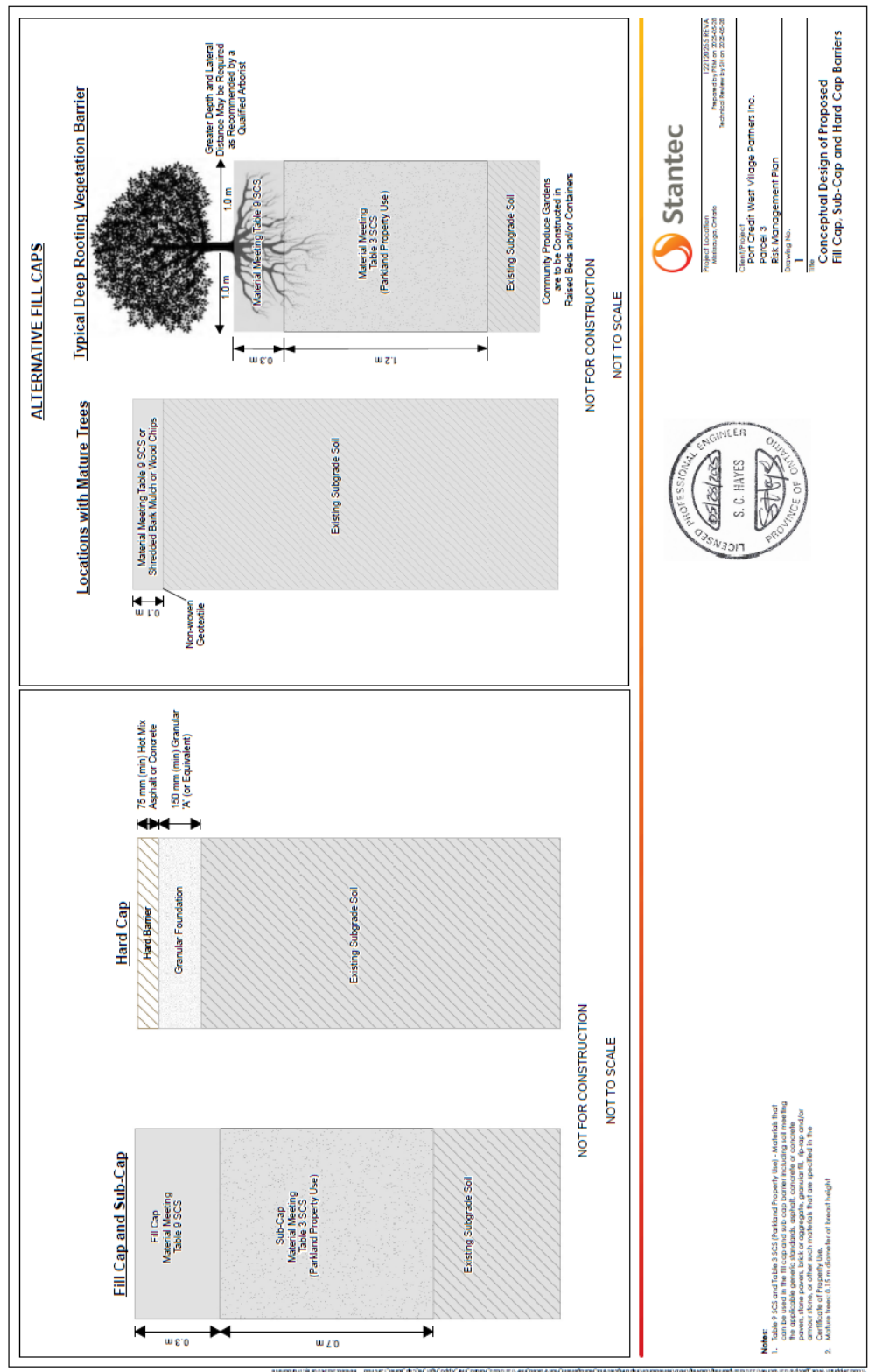
Under subsection 197(3) of the *Environmental Protection Act*, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the Property.

SCHEDULE C

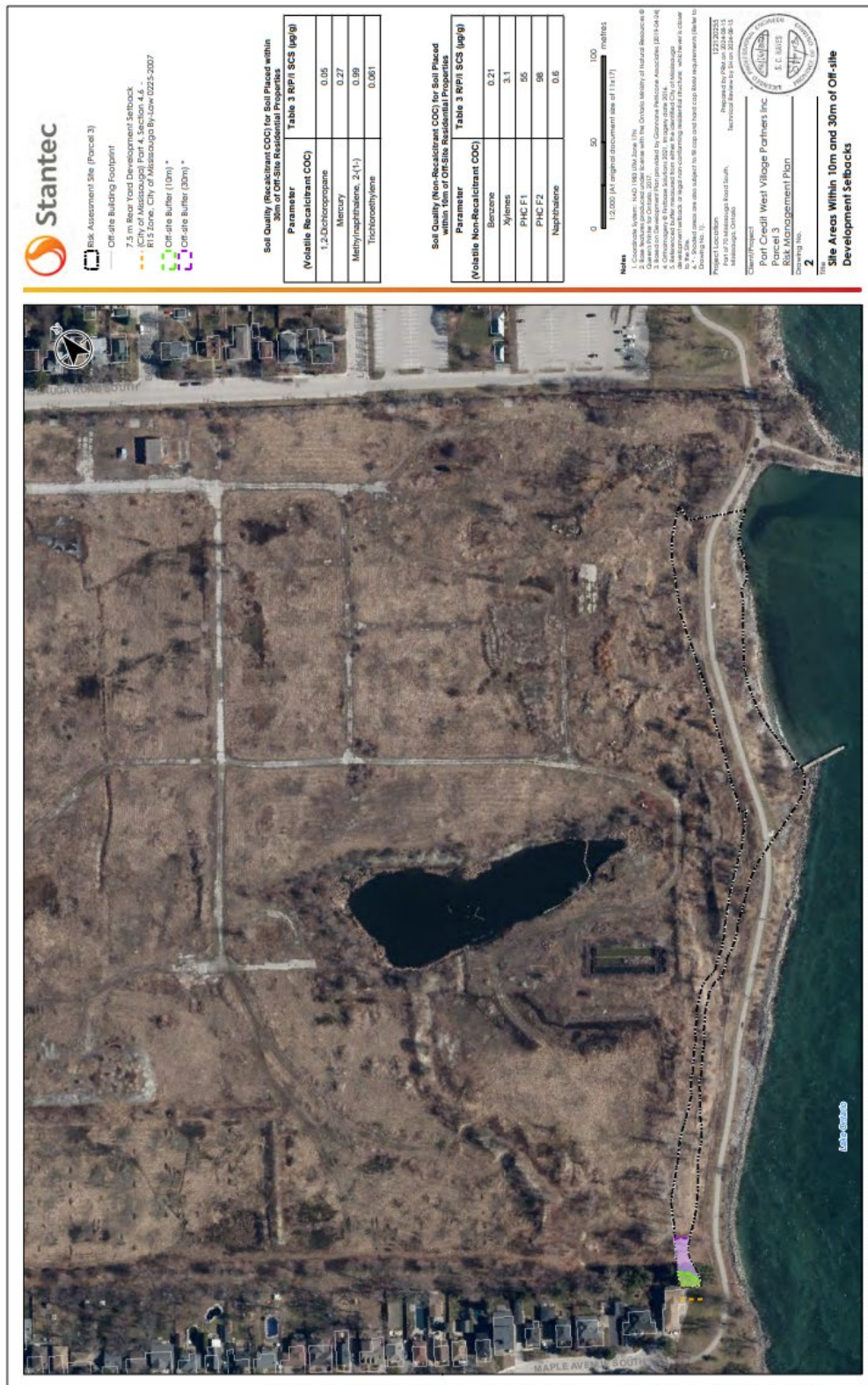
Plan 43M-2118, Registered December 9, 2021. Plan of Subdivision of Part of Lots 9, 10 and 11 and Part of Water Lot Location in Front of Lot 9, Broken Front Range, Credit Indian Reserve, Geographic Township of Toronto, City of Mississauga, Regional Municipality of Peel.



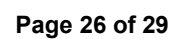
Drawing 1, “Conceptual Design of Proposed Fill Cap, Sub-Cap and Hard Cap Barriers”, prepared by Stantec Consulting Ltd., dated January 30, 2025.



Drawing 2, "Site Areas Within 10m and 30m of Off-site Development Setbacks", prepared by Stantec Consulting Ltd., dated August 16, 2024.



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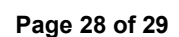


Figure 6, "Shoreline Protection Improvement – Cross-Sections", prepared by Stantec Consulting Ltd., dated January 30, 2025.

