Ontario

Ministry of the Environment, Conservation and Parks
Ministère de l'Environnement
de la Protection de la nature et des Parcs

Certificate of Property Use

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: 3512-DHPHMB
Risk assessment number: 3028-BM7KSC

Owner:

321 COURTLAND AVE. DEVELOPMENTS INC. (Registered and Beneficial Owner)

560 Wellington Street, 2nd Floor
London, ON, N6A 3R4

Property: (Property)

321, 323 and 325 Courtland Avenue East, Kitchener

Legally described as:

Part of Lots 16, 17, 19 and 20, Registered Plan No. 404, designated as Parts 5, 6, 7 and 9, Plan 58R-20758, City of Kitchener, Regional Municipality of Waterloo.

Being PART of PIN: 22505-0482 (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) identified in Part 4 of this CPU, which are required to be implemented. 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:

- Installing, inspecting, and maintaining hard cap and soil cap barriers on the Property as detailed Sections 4.3 to 4.7 of this CPU.

- Prohibiting the construction of any new Building (s) on the Property unless the new Building (s) is constructed as detailed in Section 5.2 of this CPU.

- Maintaining the conditions of the Existing Buildings as identified in **Figure 4** until such time as a new Building is constructed as specified in Section 4.10 of this CPU.

- Prohibiting the occupancy of the Existing Building (s) on the Property as identified in **Figure 4** until the Owner has received written approval from the Director or a Sub-Slab Depressurization System (SSD) has been installed as specified in Section 5.4 of this CPU.

- Implementing an Indoor Air Quality Monitoring Program for any new Building (s) constructed the Property, or for any Existing Building, that required the installation of an SSDS as detailed in Section 4.17, 4.18. 4.19 and 4.20 of this CPU.

- Implementing an inspection and maintenance program for the existing concrete culvert on the Property as detailed in Section 4.21 of this CPU.

- Implementing a soil and groundwater management plan during any Intrusive Activities undertaken on the Property potentially in contact with COCs in both soil and groundwater that exceed the Applicable Site Condition Standards (ASCS) as detailed in Section 4.22 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 4.23 of this CPU.

- Appropriately construct and seal any new utility corridors installed on the Property as per Section 4.24 of this CPU.

- Prohibiting the construction of any new Building (s) that include basements, partial basements or any below Grade structures that could be occupied as specified in Section 5.1 of this CPU.

- Prohibiting the construction of any new basements, partial basements or any below Grade structures that could be occupied in any of the Existing Buildings as identified on **Figure 4** and as specified in Section 5.3.

- Prohibiting the use of groundwater in, on or under the Property as per Section 5.5 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.

"Applicable Site Condition Standards" and "ASCS" means soil and groundwater that meets the soil or groundwater criteria identified in ***Table 8 Generic Site Condition Standards for Use within 30 of a Water Body in a Potable Ground Water Condition (coarse textured soils) (residential/parkland/***

institutional/industrial/commercial/community 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 Code" means Ontario Regulation 163/24 (Building Code) 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. **3512-DHPHMB** 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.

"Existing Building" means one or more of the existing buildings on the Property at the time this CPU was issued and as identified on Figure 4: Location of Existing Buildings of Schedule 'A', which is attached to and forms part of this CPU. Specifically, the existing buildings being identified on Figure 4 as the Existing Office Building, Existing Building A (the former warehouse) and Existing Building B (the former garage building).

"Figure 2" means: Figure 2: Composition of Typical Hard Cap of Schedule 'A', which is attached to and forms part of this CPU.

"Figure 3" means Figure 3: Composition of Typical Fill Cap of Schedule 'A', which is attached to and forms part of this CPU.

"Figure 4" means Figure 4: Location of Existing Buildings of Schedule 'A', which is attached to and forms part of this CPU.

"Figure 5" means Figure 5: Typical Schematic for Gravel Based SSDS – New Building (s) of Schedule 'A', which is attached to and forms part of this CPU.

"Figure 6" means Figure 6: Typical Schematic for Continuous Void Space (SSDS) – New Building (s) of Schedule 'A', which is attached to and forms part of this CPU.

"Figure 7" means Figure 7: Typical Vent Pipe – New Building (s) of Schedule 'A', which is attached to and forms part of this CPU.

"Fill Cap Barrier" means a fill cap barrier or barriers that consist of the following:

a. the fill cap barrier(s) shall consist of a minimum of 0.5m thick cover of Capping Soil immediately above the impacted soil as specified in **Figure 3**; and/or,

b. in landscaped areas where deep rooting vegetation is planned, the fill cap barrier (s) shall be installed consistent with **Figure 3** with the thickness of the Capping Soil being at least 1.5 m immediately above the impacted soil and that extends laterally across the anticipated drip-line of the mature vegetation.

“Fill Material” means loose, granular material from an Ontario Ministry of Natural Resources (MNR)-licensed quarry or other non-soil material or commercial products such as compost bark chips, concrete, unshrinkable fill, crushed concrete, concrete-based materials or equivalent.

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

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

“Hard Cap Barrier” means a hard cap barrier or barriers that consist of at least 150 mm of Ontario Provincial Standard Specification (OPSS) Granular ‘A’ or equivalent material overlain by a minimum of 75 mm cover of hot mix asphaltic concrete or concrete or that has a total combined minimum thickness of 225 millimeters (mm) as specified in **Figure 2**.

“Indoor Air Quality Monitoring Program” means the indoor air quality monitoring program described in section 4.17 of this CPU.

“Indoor Soil Vapour Sampling Program” or “ISVS” means the indoor soil vapour sampling program, also referred to as a pre-occupancy indoor air quality/soil vapour assessment, described in section 4.11 of the 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, qualified to carry out the specific RMM as required in the 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(s) of the Property.

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

“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 1 – Plan of Survey** 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) – Soil (Table A)** and **Table B – Property Specific Standards (PSS) – Groundwater (Table B)** 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. 3028-BM7KSC** accepted by the Director on, **June 13, 2025,** and set out in the following final documents:

- **Tier 3 Risk Assessment, RSC-1 - Former Maple Leaf Facility 321, 323 & 325 Courtland Avenue East, Kitchener, Ontario. Prepared by Pinchin Ltd., dated June 5, 2024.**

- **Revised Tier 3 Risk Assessment, RSC-1 - Former Maple Leaf Facility 321, 323 & 325 Courtland Avenue East, Kitchener, Ontario. Prepared by Pinchin Ltd., dated March 27, 2025.**

- **Email RE: RA for Former Maple Leaf Facility 321, 323 & 325 Courtland Avenue East, Kitchener, Ontario [RSC 1]; RA1849-20b; IDS# 3028-BM7KSC. From Lindsay Johnson, Pinchin Ltd., received by MECP on June 13, 2025, 10:20 AM, with following attachment:**
    - **Revised Tier 3 Risk Assessment, RSC-1 - Former Maple Leaf Facility 321, 323 & 325 Courtland Avenue East, Kitchener, Ontario", report prepared by Pinchin Ltd., dated March 27, 2025; file name: 207184.014 REV T3RA Maple Leaf RSC1 321-325 Courtland Ave E Kitchener-rev June 12; and,**

- **Email RE: RA for Former Maple Leaf Facility 321, 323 & 325 Courtland Avenue East, Kitchener, Ontario [RSC 1]; RA1849-20b; IDS# 3028-BM7KSC. From Lindsay Johnson, Pinchin Ltd., received by MECP on June 13, 2025, 11:20 AM, with following attachment:**
    - **Revised Tier 3 Risk Assessment, RSC-1 - Former Maple Leaf Facility 321, 323 & 325 Courtland Avenue East, Kitchener, Ontario. Prepared by Pinchin Ltd., dated March 27, 2025; file name: 207184.014 REV T3RA Maple Leaf RSC1 321-325 Courtland Ave E Kitchener-rev June 12 [version 2].**

"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 XIII detailed in the following document:

- Email RE: Updated RMP – RSC-1-Former Maple Leaf Facility, Kitchener. From Lindsay Johnson, Pinchin Ltd., received by MECP on June 20, 2025, 9:24 AM, with the following attachment:
    - 207184.014 REV T3RA Maple Leaf RSC1 321-325 Courtland Ave E Kitchener – rev June 19.

"Soil Vapour Intrusion Assessment" means the soil vapour intrusion assessment required by section 4.9 of the CPU.

"Sub-Slab Depressurization System" or "SSDS" means the sub-slab depressurization system required by section 4.12 of the CPU.

"Table C" means **Table C – Target Indoor Air Concentrations – Commercial** of Schedule 'A', which is attached to and forms part of this CPU.

"Table D" means **Table D – Target Soil Vapour Concentrations – Commercial** of Schedule 'A', which is attached to and forms part of this CPU.

"Target Indoor Air Analytes" means one or more of the target indoor air analytes listed in Table C.

"Target Indoor Air Concentrations" means a concentration listed in Table C.

"Target Soil Vapour Analytes" means one or more of the target soil vapour analytes listed in Table D.

"Target Soil Vapour Concentrations" means a concentration listed in Table D.

"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 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:

i. 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.
ii. Refrain from using the property for any use specified in the certificate or from constructing any Building specified in the certificate on the property.

2.3 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.

2.4 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),

i. alter any terms and conditions in the certificate or impose new terms and conditions; or
ii. revoke the certificate.

2.5 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,

i. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
ii. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
iii. the owner of the property shall ensure that every occupant of the property complies with the provision.

2.6 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.

2.7 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.

2.8 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.

2.9 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: **commercial, and community use** as defined in O. Reg. 153/04.

3.2 The Contaminants on, in, or under the Property that are present either above **Table 8: Generic Site Condition Standards for Use within 30 m of a Water Body in a Potable Ground Water Condition *(coarse textured soils) (residential/parkland/ institutional/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 and Table B 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 **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 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.

Hard Cap and Fill Cap Barriers:

4.3 Subject to Section 4.6 of this CPU, a Hard Cap and/or a Fill Cap Barrier is required to be installed over the entire Property and required to be inspected and maintained to prevent exposure to the COCs on the Property for as long as the COCs are present at concentrations that exceed the ASCS. The Hard Cap Barrier and Fill Cap Barrier shall be installed in accordance with Section 7.2.2 and Appendix XIII, Section 1.1 of the RMP along with **Figure 2** and **Figure 3**, which are attached to and forms part of this CPU.

4.4 Within 90 days of completion of the installation of any Hard Cap Barrier or Fill Cap Barrier on the Property, or upon issuance of this CPU if installation occurred prior to the CPU being issued, 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 requirements Section 4.3 of this CPU, and includes final design specifications/drawings and/or as built drawings.

4.5 Within 90 days of completion of the installation of any Hard Cap Barrier or Fill Cap Barrier on the Property, the Owner shall submit to the Director a site plan that clearly identifies the final location of each of the different barriers.

4.6 Despite section 4.3 of this CPU, areas of the Property that are ***not in use*** or ***not under development*****,** a Hard Cap Barrier or Fill Cap Barrier is not required as long as exposure to the COCs at concentrations that exceed the ASCS is prevented by a fence barrier that restricts access to those areas of the Property and a dust control plan is implemented.

4.7 An inspection and maintenance program shall be implemented to ensure the continuing integrity of an installed Hard Cap Barrier or Fill Cap Barrier, as long as the COCs are present on the Property at concentrations that exceed the ASCS. The inspection program shall include semi-annual (spring and fall) inspections of the barrier's integrity in accordance with the inspection and maintenance program as detailed in Section 7.4.2 of the RMP. Any barrier deficiencies shall be repaired within a reasonable period of time in accordance with Section 7.4.2 of the RMP. If cracks, breeches, or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure no exposure to the COCs that have been observed on the Property in accordance with Section 7.4.2 of the RMP. The restoration of any damaged portions of the hard cap barrier(s) shall meet the requirements in Section 4.3 of this CPU. The Owner shall submit to the Director written confirmation prepared and signed by a Licensed Professional Engineer that the barriers have been repaired in accordance with the applicable requirements of this CPU. The written confirmation shall also include a description of any contingency measures put in place and shall be submitted to the Director within 30 days of the completion of any barrier repairs and/or restorations. The Owner shall keep records of the inspections and maintenance and make them available for review by the Ministry upon request.

Soil Vapour Intrusion Assessment Plan – New Building(s):

4.8 Prior to the implementation of a Soil Vapour Intrusion Assessment, the Owner shall submit to the Director, for review and approval, a proposed soil vapour intrusion assessment plan prepared by a Qualified Person in accordance Section 7.4.1.1 and Appendix XIII, Section 1.2.2 of the RA. Specifically, the soil vapour intrusion assessment plan shall include, but not be limited to, the following key components:

i. Be overseen by a Qualified Person.
ii. Include the area of the proposed building footprint (s) plus the area within 30 m of the proposed building footprint (s).
iii. 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).
iv. 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,
v. any other work as deemed necessary by the Qualified Person.

Soil Vapour Intrusion Assessment – New Building(s):

4.9 Upon receiving written approval of the plan required by Section 4.8 from the Director, the Owner shall implement the soil vapour intrusion assessment as approved. Within 90 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 soil vapour intrusion assessment that is specified in Section 4.8 of this CPU. 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; and,
v. Conclusions and recommendations with respect to the need for additional and/or continued monitoring as may be warranted along with the need for the inclusion of an SSDS in the construction of any new Building (s) on the Property.

Existing Building (s):

4.10 The Owner shall maintain the conditions of the Existing Buildings as identified in **Figure 4** until such time as a new Building (s) is constructed on the Property or portions of the Property in the areas where the Existing Buildings are located. As specified in Section 7.2.1 the RMP, the Owner shall ensure that Existing Buildings maintain their current size and configuration, including the existing ventilation air duct systems for as long as COCs continue to be present on the Property at concentrations that pose potential risks to indoor air for commercial use or if the Owner has installed a SSDS within any of the Existing Buildings.

4.11 Prior to the implementation of an ISVS, the Owner shall submit to the Director, for review and approval, a proposed ISVS program prepared by a Licensed Professional Engineer in consultation with a Qualified Person in accordance Section 7.4.1.1 and Appendix XIII, Section 1.2.1 of the RA. Specifically, the ISVS program shall include, but not be limited to, the following key components:

i. Be overseen by a Licensed Professional Engineer.
ii. The collection of indoor air quality samples from an appropriate number of representative locations within the First Storey, including QA/QC samples, which is adequate for the size and configuration of the Existing Building as determined appropriate by the Licensed Professional Engineer at the following frequency:
    1. Semi-annually for one year, that includes a winter sampling event.
iii. The indoor air quality samples shall be sent to an accredited laboratory and analyzed for the Target Indoor Air Analytes.
iv. A final report documenting the ISVS program shall be prepared by a Licensed Professional Engineer in consultation with a Qualified Person and submitted to the Director prior to occupancy for review and approval. The final report shall include, but not be limited to:

    1. Laboratory results and laboratory certificates of analysis.
    2. Field logs, leak testing (as may be necessary) and documentation of QA/QC.
    3. Discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations and,
    4. Conclusions and recommendations with respect to the need for additional and or continued monitoring as may be warranted as may be warranted along with the need for the installation of an SSDS in the Existing Building for which the program was implemented.

Sub-Slab Depressurization System (SSDS) New Building(s) or Existing Building (s):

4.12 The construction of any new Building (s) on the Property that includes an SSDS, or where one or more of the Existing Buildings on the property as identified on **Figure 4** are found to require an SSDS as a result of the ISVS program specified in Section 4.11 of this CPU, the SSDS shall be designed by an appropriately Licensed Professional Engineer, in consultation with a Qualified Person in accordance with the conceptual design detailed in Section 7.2.1. Section 7.4.1.2 and Appendix XIII, Section 1.3 of the RMP, including **Figure 5**, **Figure 6** and **Figure 7** of this CPU, and shall also include the following components:

i. The Owner shall obtain an Environmental Compliance Approval, as necessary, and any other permits or approvals as may be required.
ii. The installation of the SSDS shall be completed under the supervision of an appropriately Licensed Professional Engineer and a Qualified Person.
iii. The SSDS shall be designed to create a minimum negative pressure differential of 6 pascals, or alternative negative pressure differential that has been approved by the Director, across at least 90 % of the area of the Building (s) floor slab during all seasons; and,
iv. 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 Licensed Professional Engineer and Qualified Person.

4.13 Within 90 days of the completion of the construction of Building(s) or upon completion of the installation of the SSDS within any Existing Building as specified in Section 4.12 of this CPU, and prior to first occupancy, the Owner shall submit to the Director as-built drawings and detailed design specifications of the SSDS, including any verification and QA/QC reports, prepared by the Licensed Professional Engineer along with a statement from the Licensed Professional Engineer that the SSDS has been installed in accordance with the original design specifications and that it has been designed to meet the requirements and objectives specified in Section 4.12 of this CPU.

4.14 The SSDS shall be operated, monitored, and maintained by the Owner for as long as the COCs are present on the Property. As detailed in Section 7.4.1.2 and Appendix XIII Section 1.3 of the RMP, the Licensed Professional Engineer that designed the SSDS shall prepare an inspection, monitoring, and maintenance program 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, that includes at minimum, a contingency plan, semi-annual inspections of the integrity of the Building floor slab(s) and monitoring of the SSDS.

4.15 An inspection, monitoring and maintenance program specified in Section 4.14 of this CPU shall be implemented to ensure the continued integrity of the Building floor slab and the SSDS system for as long as the COCs are present on the Property. Any major cracks, breaches or loss of integrity observed in the Building floor slab or any observed deficiencies or necessary maintenance requirements with the SSDS 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 SSDS 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 4.14 of this CPU, 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 submit to the Director the written confirmation, prepared, and signed by a Licensed Professional Engineer, that the SSDS 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 shall be submitted to the Director within 30 days of the completion of any repairs to the SSDS. The Owner shall keep records of the inspections, 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.

4.16 The Owner shall ensure that all individuals/contractors intending to undertake work which could potentially come into contact with or interfere with the SSDS as specified in Section 4.12 of this CPU are made aware of the presence of the SSDS and the need to take appropriate precautions to ensure the integrity of the Building floor slab and the SSDS at all times. If the Building floor slab and/or the SSDS 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 Building floor slab and/or the SSDS cannot be completed in a timely manner, the Owner shall ensure that the contingency measures prepared by a qualified Professional Engineer are implemented. All repairs to the Building floor slab and or/the SSDS are to be inspected by a 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 submit to the Director the written confirmation, prepared, and signed by a Licensed Professional Engineer, that the Building floor slab and or the SSDS 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 shall be submitted to the Director within 30 days of the completion of any repairs to the Building floor slab and or the SSDS. The Owner shall maintain records of all activities and repairs in relation to the Building floor slab and/or the SSDS and these records shall be made available by the Owner to the Ministry for review upon request.

Indoor Air Quality Monitoring Program – New and or Existing Building (s) with SSDS:

4.17 Once the final design of any new Building(s) is known or once the SSDS has been designed for any Existing Building as specified in Section 4.12 of this CPU, the Owner shall submit to the Director, for review and approval, an indoor air quality monitoring program. The indoor air quality monitoring program shall be prepared by a Licensed Professional Engineer in consultation with an appropriately Qualified Person, which consists of indoor air quality monitoring, as detailed in Section 7.4.1.1 and Appendix XIII Section 1.2 of the RMP. Specifically, the indoor air quality monitoring program shall include the following key components:

i. Be overseen by a Licensed Professional Engineer.
ii. The collection of indoor air quality samples from an appropriate number of representative locations within the First Storey, including QA/QC samples, which is adequate for the size and configuration of any new Building(s) or the Existing Building as determined appropriate by the Licensed Professional Engineer at the following frequency:
    1. Prior to first occupancy; and,
    2. Once every four months thereafter (i.e. spring, summer, and winter) at minimum for at least two years and until written approval to discontinue the indoor air quality monitoring program by the Director is received by the Owner.
iii. The indoor air quality sampling shall be sent to an accredited laboratory and analyzed for the Target Indoor Air Analytes**.**
iv. For any new Building (s) constructed with an SSDS as specified in Section 4.12 of this CPU, or any Existing Building that required an SSDS be installed, in addition to indoor air quality monitoring, the measurement of the pressure differential across the foundation floor slab in an appropriate number of representative locations on a quarterly basis (spring, summer, fall and winter) during the first year and then semi-annually for the second year (summer and winter) and annually (winter) thereafter.
v. The pressure differential monitoring shall be completed to ensure that the required pressure differential of a minimum of 6 pascals across at least 90 % of the area of the floor slab during all seasons, unless otherwise approved by the Director.
vi. An annual report documenting the indoor air quality monitoring program shall be prepared by a Licensed Professional Engineer and submitted to the Director on or before **March 31st** following each year of monitoring for a minimum of two years and until written approval to discontinue the program is received by the Owner from the Director. The annual report shall include, but not be limited to:

    1. Laboratory results and laboratory certificates of analysis.
    2. Field logs, leak testing (as may be necessary) and documentation of QA/QC.
    3. Discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations; and,
    4. Conclusions and recommendations with respect to the need for additional and or continued monitoring as may be warranted.

4.18 Upon completion of the construction of any new Building or where an SSDS has been installed in any Existing Building as specified in Section 4.12 this CPU, and prior to first occupancy, the Owner shall implement the Indoor Air Quality Monitoring Program, as approved in writing by the Director. Any changes to the Indoor Air Quality Monitoring Program that has been approved by the Director, such as sampling frequency, locations, methodology, must be requested in writing by a Licensed Professional Engineer in consultation with a Qualified Person and these changes shall only be implemented upon the Owner receiving written approval from the Director.

4.19 If the Indoor Air Quality Monitoring Program identifies one or more of the Target Indoor Air Analytes at concentrations above the Target Indoor Air Concentrations the Owner shall implement the confirmatory monitoring program detailed in Section 7.4.1.1 of the RMP, and as follows:

i. Written notice shall be submitted to the Director by the Owner within 10 days of the Owner's receipt

of the laboratory analysis. This written notice shall include the indoor air quality sampling results, the laboratory certificates of analysis and the anticipated timeline for the implementation of the confirmatory sampling program along with any additional work as may be deemed necessary by a Licensed Professional Engineer. Confirmatory sampling shall occur within 30 days from the date of the Owner's receipt of the laboratory analysis and be completed under the supervision of a Licensed Professional Engineer.

ii. If the confirmatory sampling program 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 Indoor Air Analytes are determined by the Licensed Professional Engineer in consultation with a Qualified Person to be a result of soil vapour intrusion,* the Owner shall:

1. Submit written notice to the Director within 10 days of the Owner's receipt of the laboratory analysis. This written notice shall be prepared by a Licensed Professional Engineer in consultation with a Qualified Person and include the indoor air quality results, the laboratory certificates of analysis and the details of, and the anticipated timeline to implement contingency measures consistent with 7.4.1.1 of the RMP. The implementation of contingency measures, along with the implementation of a confirmatory sampling program shall occur within 30 days of the Owner's submission of the written notice of the exceedance to the Director; and,
2. Within 30 days of the implementation of the contingency measures, the Owner shall submit to the Director a report prepared by a Licensed Professional Engineer in consultation with a Qualified Person 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 an indoor air monitoring program as necessary. The report shall include, but not be limited to:
    a) Laboratory results and laboratory certificates of analysis.
    b) Field logs, leak testing (as necessary) and documentation of QA/QC.
    c) Discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations; and,
    d) Conclusions and recommendations with respect to the performance of the Building's SSDS along with the need for additional work and/or continued monitoring as may be deemed warranted by the Licensed Professional Engineer.

4.20 If the pressure differential monitoring as required by the Indoor Air Quality Monitoring Program indicates that the negative pressure differential of a minimum of 6 pascals, or an alternative pressure differential as approved by the Director, across at least 90% of the area of the floor slab, the Owner shall undertake confirmatory pressure differential monitoring that is completed under the supervision of a Licensed Professional Engineer within 30 days of the failed test.

i. If the confirmatory pressure differential monitoring continues to show that the minimum negative pressure differential of 6 pascals, or the Director approved alternative pressure differential, across at least 90% of the area of the floor slab has not been met, the Owner shall provide written notification to the Director within 14 days of the failed test. The written notification shall be prepared by a Licensed Professional Engineer and include the pressure differential monitoring data, a proposed contingency plan, including timelines for implementation of the contingency plan, a performance monitoring program and/or confirmatory indoor air quality monitoring program as may be necessary, consistent with Section 7.4.1.1 of the RMP. The contingency plan shall be implemented within 14 days of the Owner's submission of the written notice of the exceedance to the Director.

ii. Within 30 days of the implementation of the contingency plan, the Owner shall submit to the Director a report prepared by a Licensed Professional Engineer documenting the implementation of contingency measures, results of the implementation of a performance monitoring program and any confirmatory indoor air quality sampling that may be necessary. The report shall include, but not be limited to:

1. Laboratory results and laboratory certificates of analysis (as necessary).

2. Field logs, leak testing (as necessary) and documentation of QA/QC.
3. Pressure differential measurements in comparison the benchmark minimum negative pressure differential of 6 Pascals across 90% of the floor slab, or alternative Director approved pressure differential, during all seasons.
4. Discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations as necessary; and,
5. Conclusions and recommendations with respect to the performance SSDS along with the need for additional work and/or continued monitoring as may be deemed warranted by the Licensed Professional Engineer.

Concrete culvert inspection and maintenance program:

4.21 Upon issuance of this CPU, the Owner shall prepare and implement an inspection and maintenance program that ensures integrity of the existing concrete culvert that forms part of Shoemaker Creek on the Property for as long as COCs are present in both soil and groundwater at concentrations above the ASCS as specified in Section 7.2.5 and 7.4.3 and Appendix XIII, Section 1.6 of the RMP. The inspection and maintenance program shall be prepared by a Licensed Professional Engineer in consultation with a Qualified Professional and include the following key components:

i. Be overseen by a Qualified Person.
ii. Include semi-annual inspections (spring and fall) at minimum.
iii. Each inspection, along with any maintenance that is required to be completed on the concrete culvert, shall be clearly documented, including photographs were appropriate, with records being kept by the Owner and being made available to the Ministry upon request.
iv. Any minor deficiencies that have been identified must be repaired in a timely manner under the supervision of a Licensed Professional Engineer. Records of all repairs must be prepared by a Licensed Professional Engineer, kept by the Owner, and be made available to the Ministry upon request; and,
v. In the event of a major concrete culvert breach whereby soil erosion and groundwater migration may occur, the concrete culvert must be repaired under the supervision of a Licensed Professional Engineer within 30 days of the breach being identified and shall be restored to meet the original concrete culvert specifications. If repairs or restoration cannot be completed within 30 days to the original specifications, temporary repairs of the breach may be completed using materials of acceptably quality and equivalent engineering properties as recommended by a Licensed Professional Engineer. In addition, weekly inspections of the temporary repairs must be completed by the Owner or their representatives until such time as the permanent repairs to the original specifications have been completed. All work must be overseen and documented by a Licensed Professional Engineer with detailed written documentation of the repairs and records of weekly inspections being kept by the Owner and being made available to the Ministry upon request.

Soil and groundwater management plan:

4.22 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 7.4.4 and Appendix XIII, Section 1.7 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 days prior to any such planned Intrusive Activities being undertaken and shall be consistent with the measures specified in Section 7.4.4 and Appendix XIII, Section 1.7 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 include, but not be limited to, the following key components as deemed necessary by a Qualified Person:

i. Oversight by a Qualified Person.
ii. Include 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 excess soils to determine if the excavated excess soils exceed the Property Specific Standards listed in **Table A** and/or the ASCS for parameters other than those identified in **Table A** and require off-site disposal in accordance with the provisions of Ontario Regulation 347 made under the Act.
vi. Characterization and management of groundwater because of dewatering activities. This shall include the management of 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.
vii. Include record keeping. Record keeping 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, dust control measures, stockpile management and drainage, all soil and groundwater characterization results obtained as part of the soil and groundwater management plan, names of the Qualified Persons, contractors, haulers and receiving sites for any excavated excess soils, and groundwater, as a result of dewatering activities, removed from the property and any complaints received relating to site activities; and,
viii. A copy of the plan and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

Health and safety plan:

4.23 A health and safety plan shall be developed for the Property and implemented during all planned Intrusive Activities undertaken potentially in contact with the COCs soil and in groundwater that have been identified in the RA at concentrations that exceed the ASCS for which potential risks have been identified as detailed in Section 7.2.3 and Appendix XIII, Section 1.5 of the RA. 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.

Utility Corridors:

4.24 The Owner shall ensure that any new utilities/ utility corridors or subsurface infrastructure (utilities) that are excavated for installation or maintenance are excavated and backfilled with the Capping Soil or Fill Material that is appropriate material for structural purposes as detailed in Section 7.2.7, Section 7.4.3 and Appendix XIII, Section 1.8 of the RMP. Where new utilities are to be installed on the Property in areas where COCs are found in soil that exceed the ASCS in groundwater, one or more of the following mitigation measures as may be applicable and as determined by a Licensed Professional Engineer shall be implemented:

i. Trench Plugs: consisting of low-permeability materials such as compacted clay or bentonite, or other low permeable material such as concrete or unshrinkable fill, shall be installed across the trench cross-section to prevent migration of COCs into the permeable backfill material along any buried piping, cable, or duct banks. Clay seals (plugs) are required to be installed where utilities are to be installed near or below the groundwater table and shall consist of clay compacted at appropriate moisture contents that is extended for a minimum of 750 mm along the utility trench, across the full width and extend to the base of the overlying cap barrier.
ii. Anti-seep Collars: barriers made of any ridged impermeable material (e.g. concrete, steel or geomembranes).
iii. Trench Liners: impermeable liner placed at the bottom and sides of the utility trench.
iv. Watertight Shoring: shoring at the trench walls be supplemented by lining the bottom of the trench with impermeable liner or low-permeability materials.
v. Slurry or controlled low-strength material (such as flowable fill) trench backfill: the entire trench to be fill with slurry consisting of fine aggregates, water, and cementitious material, and or,
vi. Concrete structure or box culvert as a utility corridor. Entry to the concrete culvert or box culvert will require confined space entry equipment however would provide a corridor for utility installation and maintenance free of COCs.

Part 5: CPU Restrictions on Property Use - Prohibitions

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:

New Building (s) Prohibition:

5.1 The Owner is prohibited from constructing any new Building (s) on, in or under the Property that includes a basement, partial basement or any below Grade enclosed structure that could be occupied.

5.2 The construction of any new Building (s) on, in or under the Property is prohibited unless the new Building(s) is constructed with a slab-on-grade foundation, and either,

i. a Soil Vapour Intrusion Assessment completed, and the Owner has received written approval of the final report from the Director described in Section 4.8 of this CPU, which documents that soil vapour concentrations for the Target Soil Vapour Analytes are below the Target Soil Vapour Concentrations**;** or

ii. the new Building includes a Sub-Slab Depressurization System.

Existing Building (s) Prohibitions:

5.3 The Owner is prohibited from constructing any new basements, partial basements or any below Grade structures that could be occupied within the Existing Buildings as identified on **Figure 4**.

5.4 The Owner is prohibited from occupying or permitting the occupancy of any of the Existing Buildings as identified on **Figure 4** unless either,

i. an Indoor Soil Vapour Sampling Program has been completed and the Owner has received written approval of the final report from the Director described in Section 4.11 of this CPU, which documents that the Target Indoor Air Analytes are below their respective Target Indoor Air Concentrations; or

ii. an SSDS has been installed as specified in Section 4.12 of this CPU.

Prohibition of Groundwater Use:

5.5 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 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 Subsection 186(3) of the Act provides that failure to comply with a requirement of the CPU constitutes an offence.

8.4 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.

8.5 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,

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.

8.7 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.

8.8 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 Risk Assessment.

8.10 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.

8.11 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

8.12 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 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

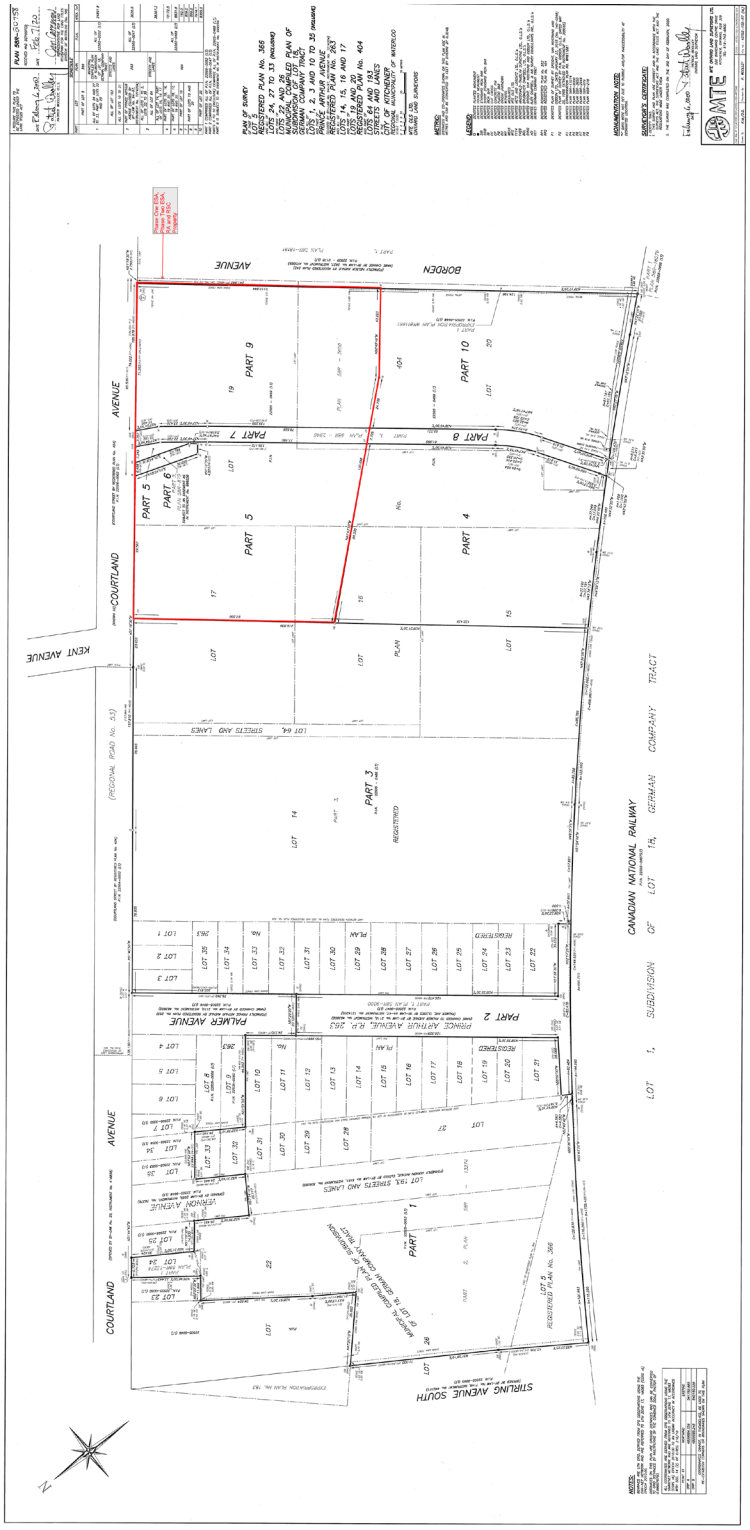
(b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.

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

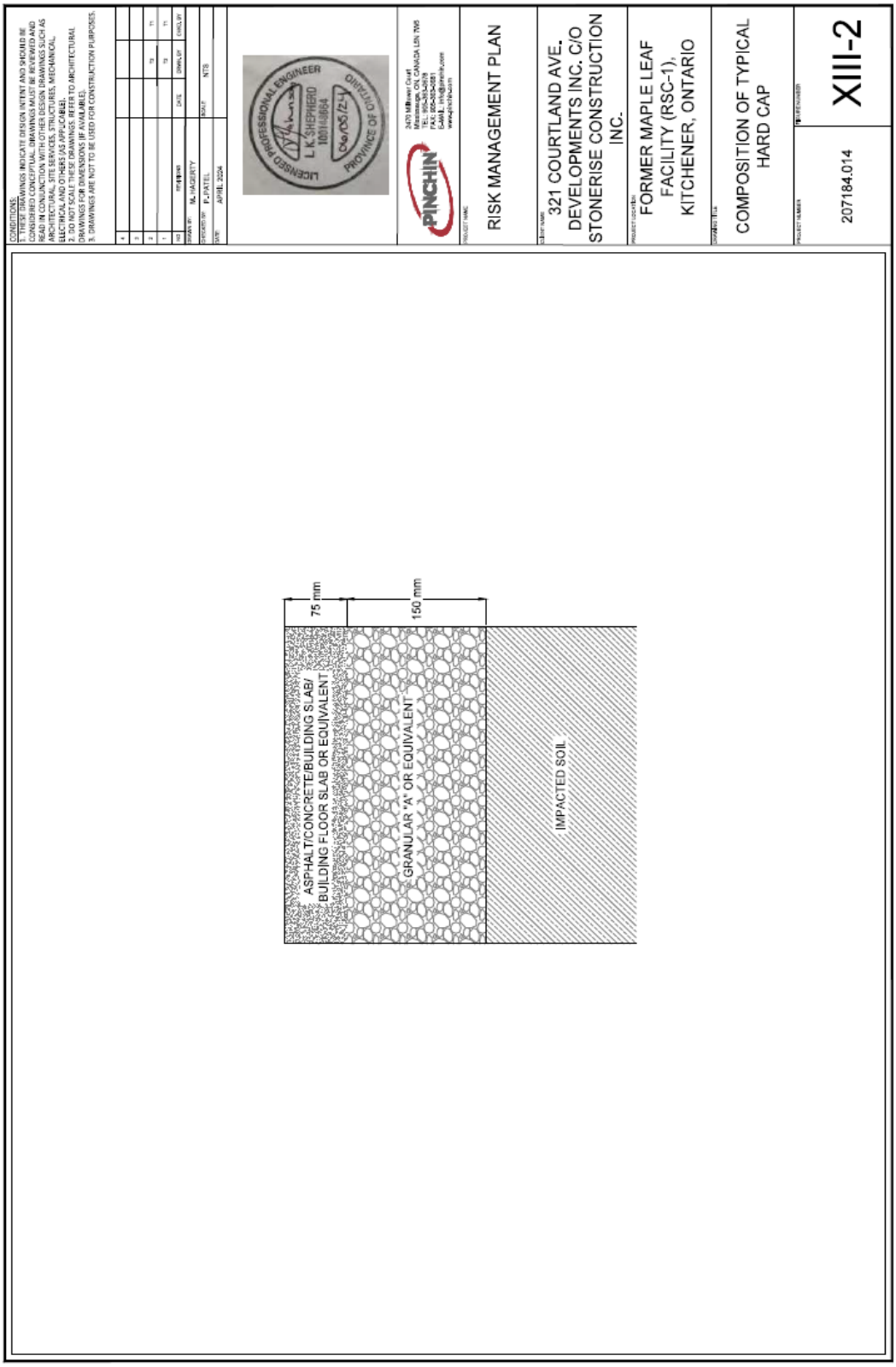
Issued at Guelph this **12** day of **AUGUST 2025**.

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

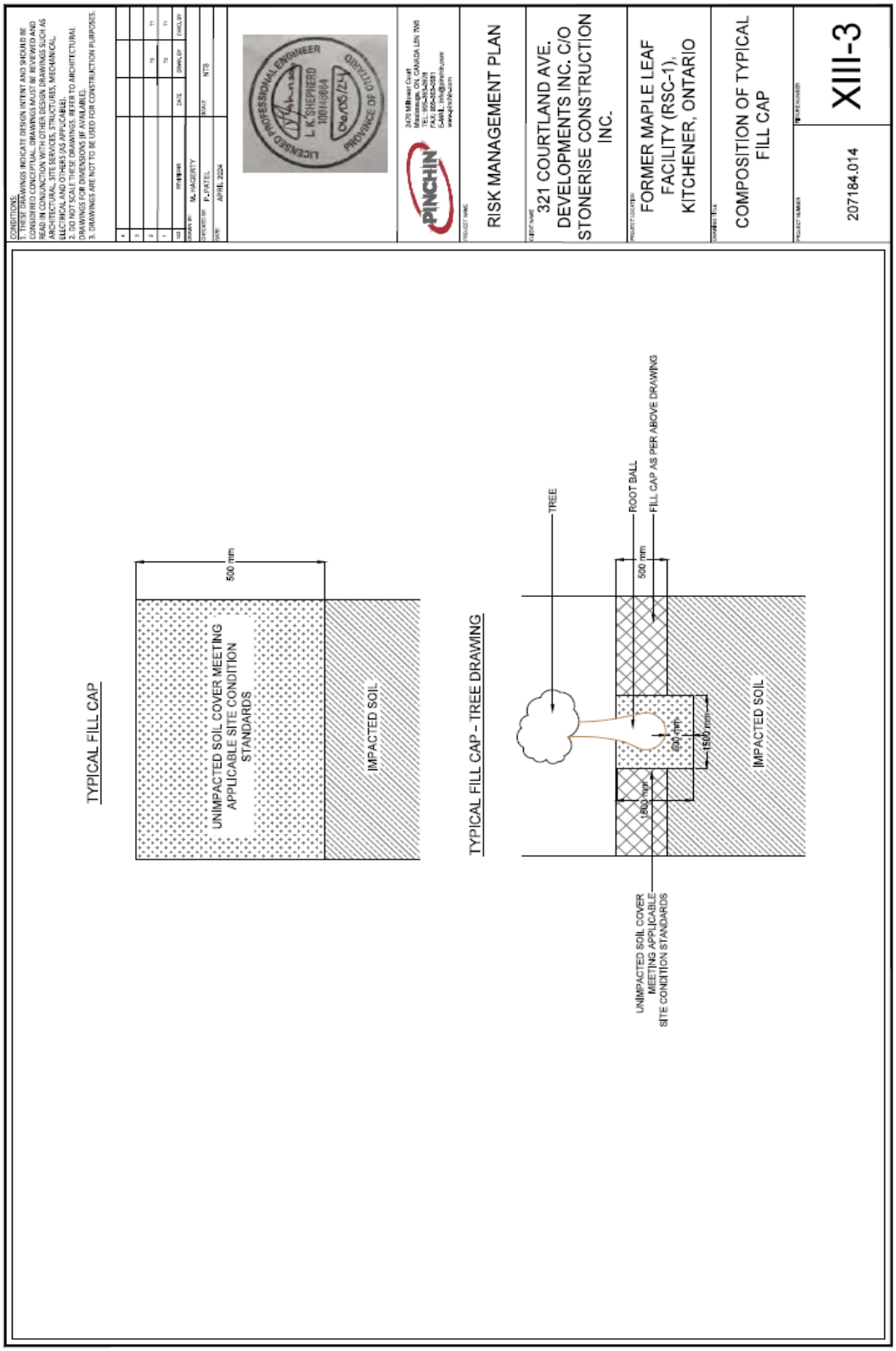
Schedule 'A': Figure 1- Plan of Survey (not to scale)



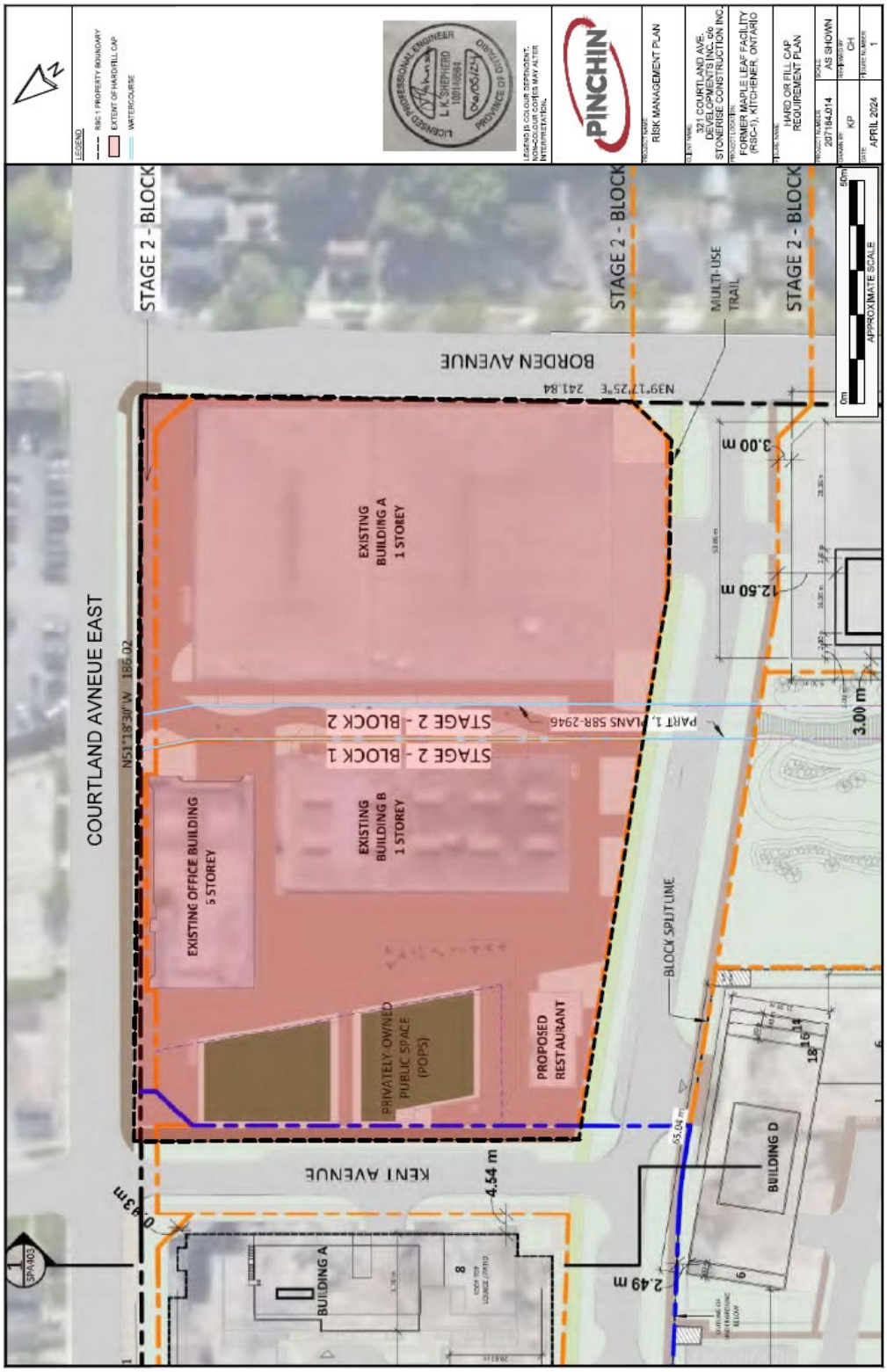
Schedule 'A': Figure 2: Composition of Typical Hard Cap Barrier (not to scale)



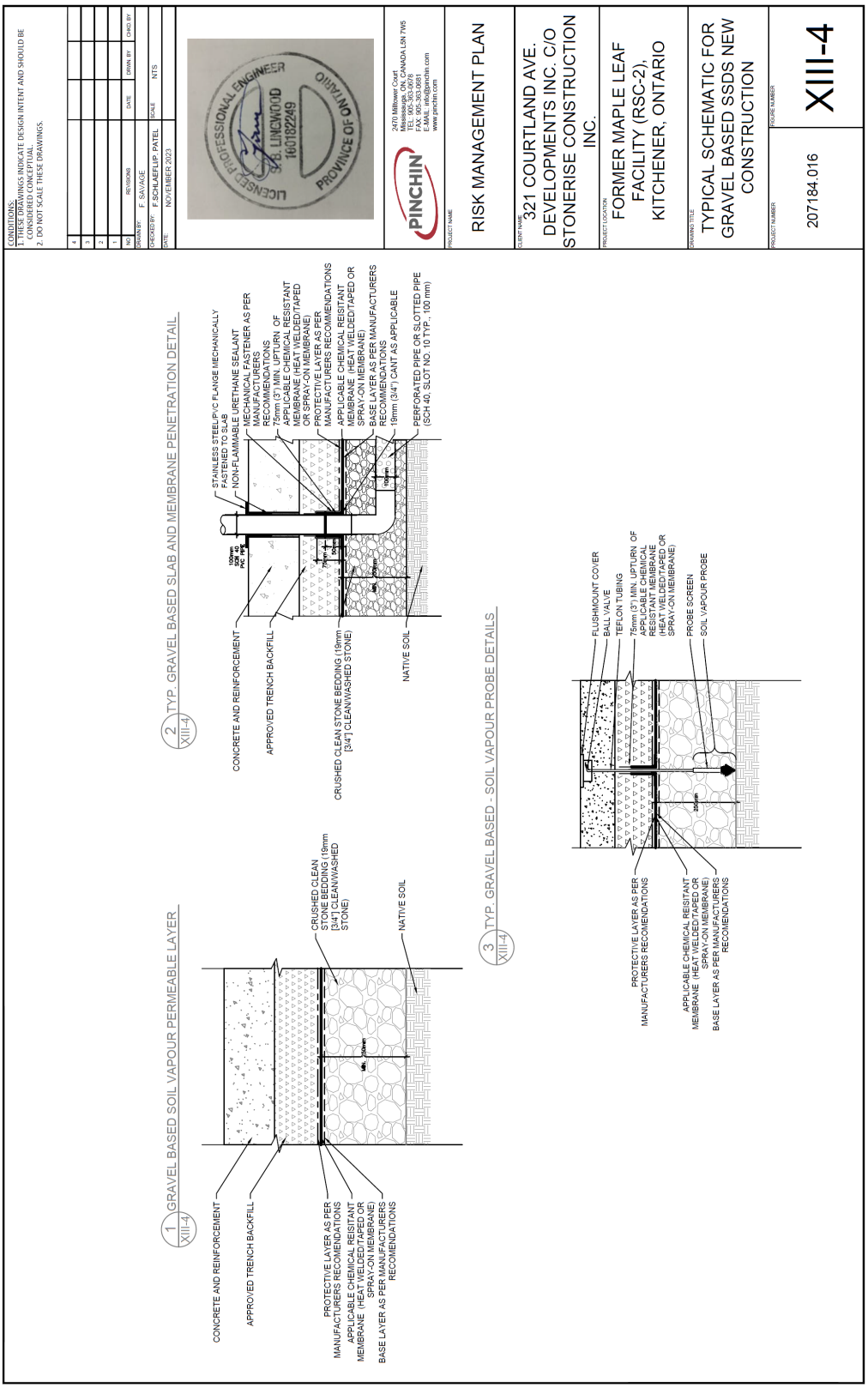
Schedule 'A': Figure 3: Composition of Typical Fill Cap Barrier (not to scale)



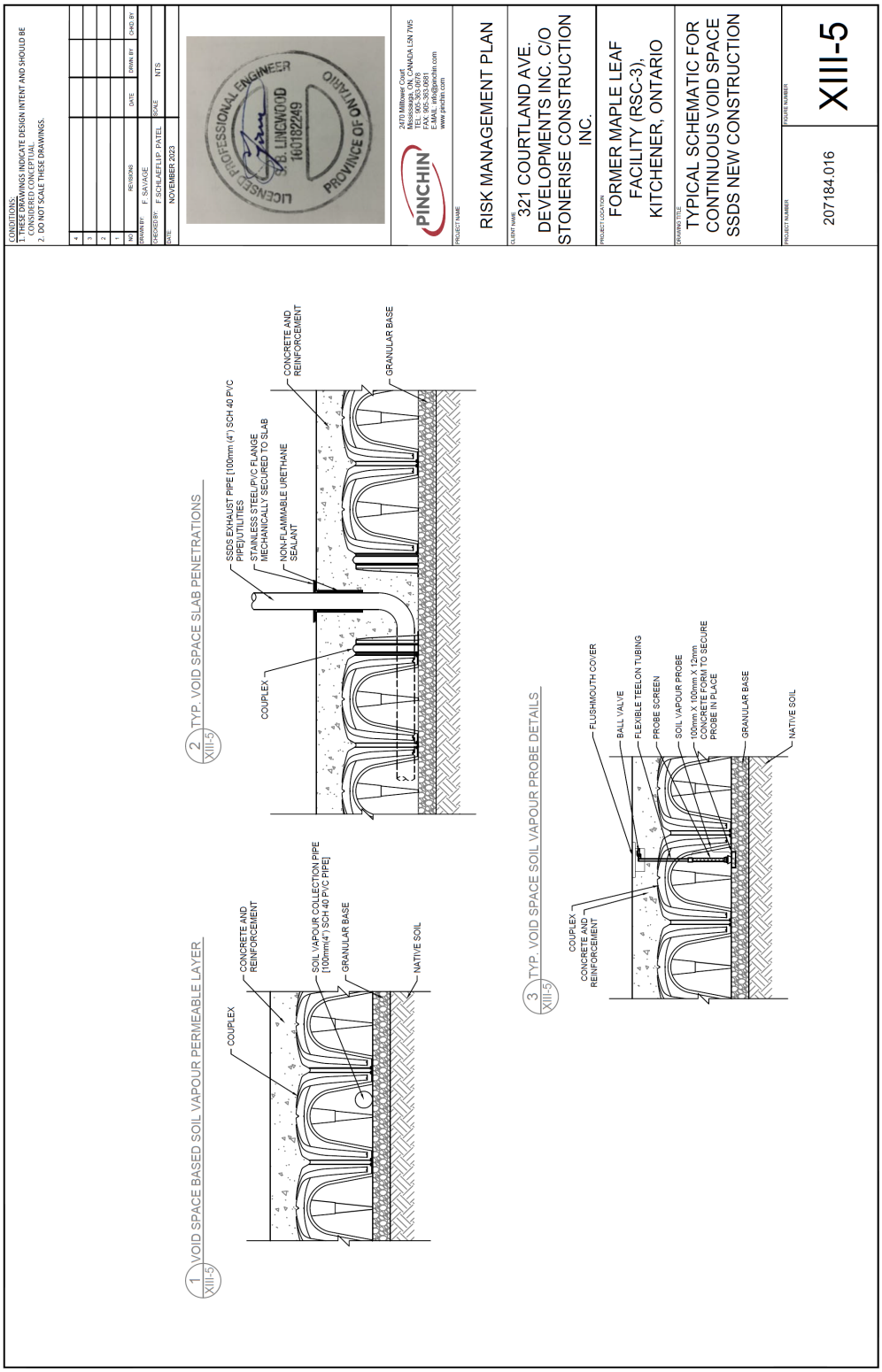
Schedule 'A': Figure 4: Locations of Existing Buildings (not to scale)



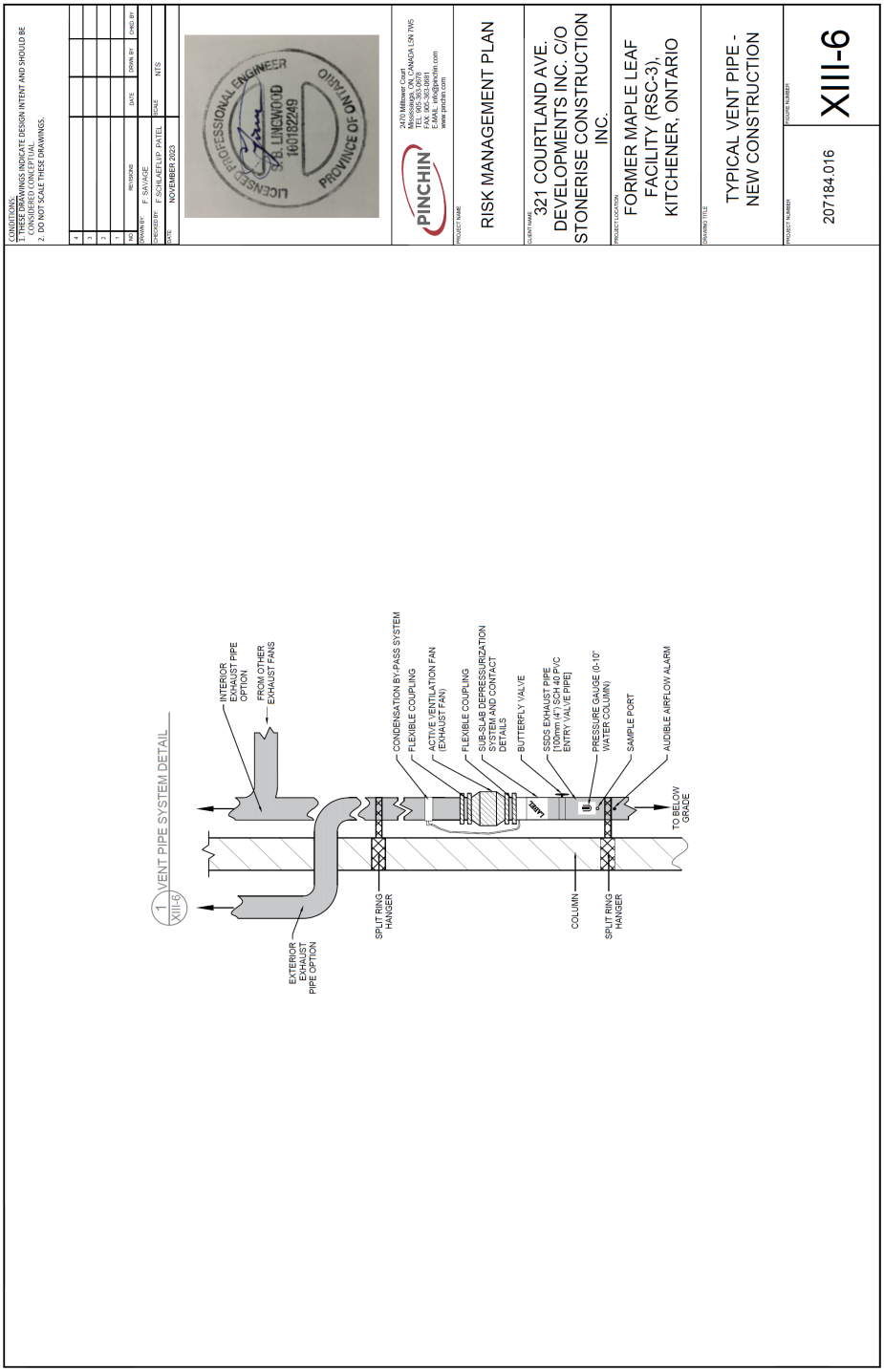
Schedule 'A': Figure 5: Typical Schematic for Gravel Based SSDS – New Building (s) (not to scale)



Schedule 'A' Figure 6: Typical Schematic for Continuous Void Space SSDS – New Building (s) (not to scale)



Schedule 'A' Figure 7: Typical Vent Pipe – New Building (s) (not to scale)



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

Soil Contaminant of Concern (COC)	*PSS (µg/g)*
Barium	525.4
Boron (Hot Water Soluble)	2.04
Cobalt	46.8
Molybdenum	3.12
Petroleum Hydrocarbon Fractions (PHC F1)	1104
PHC F2	1920
PHC F3	4200
PHC F4	757.2
Benzene	2.04
Ethylbenzene	32.4
Hexane (n)	9.996
Toluene	16.8
Xylene Mixture	156
Acenaphthene	0.204
Anthracene	1.8
Benz(a)anthracene	2.76
Benzo(a)pyrene	2.64
Benzo(b)fluoranthene	3.12
Benzo(g,h,i)perylene	1.68
Benzo(k)fluoranthene	1.32
Dibenz(a,h)anthracene	0.264
Fluoranthene	6.48
Fluorene	0.732
Indeno(1,2,3-cd)pyrene	1.44
Methylnaphthalene, total	22.8
Naphthalene	16.8
Phenanthrene	4.08
Pyrene	5.28

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

Groundwater Contaminant of Concern (COC)	*PSS (µg/L)*
Barium	1380
Cobalt	43.2
Lead	25.2
Molybdenum	102.84
Nickel	180
Vanadium	74.88
PHC F1	20400
PHC F2	14400
PHC F3	1920
Benzene	2880
1,4-Dichlorobenzene	1.2
1,2-Dichoroethane	1.6
Ethylbenzene	2376
Hexane (n)	336
Toluene	87.6
Xylene Mixture	3240
Anthracene	1.44
Benzo(a)pyrene	0.156
Benzo(b)fluoranthene	0.276
Chrysene	0.48
Fluoranthene	2.4
Methylnaphthalene, total	660
Naphthalene	1320
Phenanthrene	8.4

Schedule 'A': Table C – Target Indoor Air Concentrations - Commercial

Targe Indoor Air Analyte	*Any new Building (s), Existing Office Building & Existing Building B (former Garage Building)* *Target Indoor Air Concentrations (µg/m³)*	*Existing Building C (former Warehouse Building)* *Target Indoor Air Concentrations (µg/m³)*
PHC F1	1128	1128
PHC F2	1613	1613
Benzene	1.63	1.63
Toluene	3576	3576
Ethylbenzene	715	715
Xylenes	501	501
Hexane	2145	2145
Methylnaphthalenes	2.65	2.65
Naphthalene	2.65	2.65
TCE	N/A*	0.401

NOTE: * - N/A = not applicable

Schedule 'A': Table D – Target Soil Vapour Concentrations – Commercial

Target Soil Vapour Analyte	*Target Soil Vapour Concentrations (µg/m³)*
PHC F1	282,000
PHC F2	403,000
Benzene	406
Toluene	894,000
Ethylbenzene	179,000
Xylenes	125,000
Hexane	536,000
Methylnaphthalenes	661
Naphthalene	661

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 **3512-DHPHMB** 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 **AUGUST 12, 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 **321, 323 and 325 Courtland Avenue East, Kitchener** and legally described as **Part of Lots 16, 17, 19 and 20, Registered Plan No. 404, designated as Parts 5, 6, 7 and 9, Plan 58R-20758, City of Kitchener, Regional Municipality of Waterloo, Being PART of PIN: 22505-0482 (LT) (the "Property")** with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property,

321 COURTLAND AVE. DEVELOPMENTS 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.