

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: 2484-DJ2J3K

Risk assessment number: 5866-CFSRVW

Owner: Comtran Properties Inc. (Registered Owner)

610 Burning Bush Road
Waterloo, ON, N2V 2A4

AND

Robstar Investments Limited (Registered Owner)

1978 Maplewood Road
St. Clements, ON, N0B 2A4

Property:

73 and 95 Curtis Drive, Guelph, Ontario (Property)

Legally described as:

PT Lot 23, Plan 630, being Part 1, 61R2161; Guelph.
Being ALL of PIN: 71360-0064(LT)

AND

Lot 24, Plan 630 Save and Except Pts 1 and 2, 61R20218; S/T MS110412, City of Guelph.
Being ALL of PIN: 71360-0334

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:

- Prohibiting the construction of any new Building (s) on the Property unless the new Building (s) is constructed as detailed in Section 5.1 of this CPU.
- Implementing a performance monitoring program for any new Building (s) on the Property that includes a Vapour Mitigation System (VMS) as detailed in Section 4.10 of this CPU.
- Continuing to undertake the Indoor Air Quality Monitoring Program and implement the Contingency Plan within the Existing Building as detailed in Section 4.14 of this CPU.
- Implementing a groundwater management plan during any Intrusive Activities undertaken on the Property potentially in contact with COCs in groundwater exceed the Applicable Site Condition Standards (ASCS) as detailed in Section 4.16 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 4.17 of this CPU.
- Prohibiting the use of groundwater in, on or under the Property as per Section 5.2 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:

“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.

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified in **Table 2 Full Depth Generic Site Condition Standards in a Potable Ground Water Condition (medium-fine textured soils) (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 Area” means the horizontal area of a Building at Grade within the outside surface of the exterior wall or walls.

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

“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.

“Contingency Plan” means the contingency plan that is required to be implemented within the Existing Building, along with the Indoor Air Quality Monitoring Program as specified in Section 4.14 of this CPU.

“CPU” means this Certificate of Property Use Number No. **2484-DJ2J3K** as may be amended from time to time, and includes all schedules attached hereto.

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use under section 168.8 of the Act.

“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 the building that exists on the Property at the time this CPU is issued, as identified in Figure 1B of Schedule ‘A’, which is attached to and forms part of this CPU.

“Figure 2” means Figure 2: Conceptual Vapour Mitigation System of Schedule ‘A’, which is attached to and forms part of this CPU.

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

“Indoor Air Monitoring Program” means the indoor air monitoring program that is required to be implemented within the Existing Building as specified in Section 4.14 of this CPU.

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

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.R.O. 1990, c. P.28 qualified to carry out the specific RMMs as required by 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.

“Open-Air Storey” has the same meaning as set out in the Building Code.

“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.

“Performance Monitoring Program” means the performance monitoring program detailed in Section 4.10 of this CPU that is required for any new Building that is constructed with a VMS in accordance with Section 4.5 of this CPU.

“Property” means the property that is the subject of the CPU and described in the “Property” section on page 1 above and illustrated in **Figure 1A – Plan of Survey & Figure 1B – Site Plan** of Schedule A which is attached to and forms part of this CPU.

“Property Management Oversight” means management, on an ongoing basis, of all structural, mechanical, electrical, ventilation and other Building and Property services that relate to the installed Vapour Mitigation System (VMS) including oversight of operation, inspection, monitoring, maintenance and repair activities, and of operational and reserve funding for these activities, by a property manager or management company engaged by the Owner or, in the case of collective ownership, by an authorized representative or representatives of the collective ownership of the Building and Property, such as a condominium board.

“Property Specific Standards” and “PSS” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and are set out in **Table A – Property Specific Standards (PSS) – Groundwater (Table A)** of Schedule ‘A’, which is attached to and forms part 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. 5866-CFSRVW** accepted by the Director on **May 22, 2025**, and set out in the following final documents:

- **Pre-submission Form for 73 and 95 Curtis Drive, Guelph, Ontario. Prepared by GHD Limited., dated June 21, 2022.**
- **Risk Assessment for 73 and 95 Curtis Drive, Guelph, Ontario. Prepared by GHD Limited., dated September 21, 2023.**
- **Risk Assessment for 73 and 95 Curtis Drive, Guelph, Ontario. Prepared by GHD Limited., dated May 17, 2024; and,**
- **Risk Assessment for 73 and 95 Curtis Drive, Guelph, Ontario. Prepared by GHD Limited., March 6, 2025.**

“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 I of the RA.

“Storage Garage” has the same meaning as set out in the Building Code.

“Table B” means **Table B – Target Soil Vapour & Indoor Air Concentrations – Industrial/Commercial Land Use** of Schedule ‘A’, which is attached to and forms part of this CPU.

“Target Analytes” means one or more of the target analytes listed in Table B.

“Target Indoor Air Concentrations” means a concentration listed in Table B.

“Target Soil Vapour Concentrations” means a concentration listed in Table B.

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

“Vapour Mitigation System” and “VMS” means the vapour mitigation system required by Section 4.5 of this CPU.

Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for anyone or more of,
- i. the performance of any action specified in the certificate of property use;
 - ii. 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
 - iii. measures appropriate to prevent Adverse Effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6 (1) of the Act states that if the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
- 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.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of the property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- i. alter any terms and conditions in the certificate or impose new terms and conditions; or
 - ii. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of the property to refrain from using the property for a specified use or from constructing a specified Building on the property,
- 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.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a

person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.

- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment (RA) was undertaken for the Property to establish the risks that the Contaminants identified in the RA may pose to future users and to identify appropriate Risk Management Measures (RMMs) to be implemented to ensure that the Property is suitable for the intended use: **industrial and commercial use** as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in, or under the Property that are present either above **Table 2 Full Depth Generic Site Condition Standards in a Potable Ground Water Condition (medium-fine textured soils) (Industrial/Commercial/Community Use)** for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011, or for which there are no such standards, are set out in the RA (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in **Table A of Schedule 'A'** which is attached to and forms part of the CPU.
- 3.3 I am of the opinion, for the reasons set out in the RA that the RMMs described therein and outlined in Part 4 of the CPU and the requirements in Parts 5 to 7 of this CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the RA.
- 3.4 The RA indicates the presence of Contaminants of Concern in **groundwater** which requires on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property and impose Building restrictions and implement RMMs as set out in the RA and in Parts 4 to 7 of the CPU.
- 3.5 I believe for the reasons set out in the RA that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in section 197 order requirements in Part 7 of this CPU.

Part 4: Risk Management Measures and Director Requirements

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

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Section 4.1, carry out or cause to be carried out the RMMs set out in this Part of the CPU.

New enclosed Building (s) with Storage Garage:

- 4.3 The construction of any new Building (s) on the Property that includes a Storage Garage shall meet the requirements as detailed in Section 7.3.1 of the RMP along with the following key requirements:
- i. The Storage Garage is constructed with at least one level at or below Grade.
 - ii. The Storage Garage area covers the entire Building Area at Grade.

- iii. Irrespective of the number of motor vehicles, the Storage Garage complies with all applicable requirements of the Building Code, such as provisions governing:
 - a. design of a mechanical ventilation system as set out in Division B, Article 6.3.1.3 (Ventilation of Storage and Repair Garages) of the Building Code.
 - b. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.7 (Interconnection of Systems) of the Building Code.
 - c. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and,
- iv. The mechanical ventilation system for the Storage Garage is designed to provide, during operating hours, a continuous supply of outdoor air at a rate of not less than 3.9 litres per second for each square metre of floor area or be activated on an as-needed basis by carbon monoxide or nitrogen dioxide monitoring devices as required by the Building Code.

New enclosed Building (s) with Open-Air Storey Storage Garage

- 4.4 The construction of any **new Building(s)** on the Property that includes an at and above Grade Open-Air Storey Storage Garage shall meet the requirements as detailed in Section 7.3.1 of the RMP along with the following key requirements:
- i. The Open-Air Storey Storage Garage is constructed at and above Grade with no below Grade levels;
 - ii. The Open-Air Storey Storage Garage area covers the entire Building Area at ground surface and at least 25 percent (%) of the total area of each storey's perimeter walls are open to the outdoors in a manner that will provide cross ventilation to the entire storey; and,
 - iii. The Open-Air Storey Storage Garage complies with all applicable requirements of the Building Code.

New enclosed Building (s) with Vapour Mitigation System (VMS):

- 4.5 The construction of any new Building (s) on the Property that includes a VMS shall have Property Management Oversight and shall be designed by a Licensed Professional Engineer, in consultation with a Qualified Person in accordance with the conceptual design detailed in Section 7.3.1 and Appendix I, Section 2.0 of the RMP, including **Figure 2** 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 VMS shall be completed under the supervision of an appropriately Licensed Professional Engineer and a Qualified Person;
 - iii. The VMS shall be designed and installed such that it can easily be converted to an active system; and,
 - iv. A quality assurance/quality control (QA/QC) program shall be undertaken during the installation of the VMS 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.
- 4.6 Within 90 days of the completion of the construction of any new Building(s) as specified in Section 4.5 of this CPU and prior to first occupancy, the Owner shall submit to the Director the name and contact information for the property manager or management company that will be responsible for Property Management Oversight, as-built drawings and detailed design specifications of the VMS, including any verification and QA/QC reports, prepared by the Licensed Professional Engineer along with statement from the Licensed Professional Engineer that the VMS 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 4.5 of this CPU.
- 4.7 The VMS shall be operated, monitored, and maintained by the Owner for as long as the COCs are present on the Property. As detailed in Appendix I, Section 2.1 and Section 2.2 of the RMP, the Licensed Professional Engineer that designed the VMS 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 inspection of the integrity of the

Building floor slab(s) and monitoring of the VMS.

- 4.8 An inspection, monitoring and maintenance program specified in Section 4.7 of this CPU shall be implemented to ensure the continued integrity of the building floor slab and VMS 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 VMS 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 VMS 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 4.7 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 VMS 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 VMS. 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.
- 4.9 The Owner shall ensure that all individuals/contractors intending to undertake work which could potentially come into contact with or interfere with the VMS are made aware of the presence of the VMS and the need to take appropriate precautions to ensure the integrity of the Building floor slab and the VMS at all times. If the Building floor slab and/or the VMS 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 VMS cannot be completed in a timely manner, the Owner shall ensure that the contingency measures prepared by a qualified Professional Engineer in accordance with Section 4.7 of this CPU, are implemented. All repairs to the Building floor slab and or/the VMS 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 VMS 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 VMS. The Owner shall maintain records of all activities and repairs in relation to the Building floor slab and/or the VMS and these records shall be made available by the Owner to the Ministry for review upon request.

Performance Monitoring Program for VMS:

- 4.10 Once the final design of the VMS is completed as specified in Section 4.5 of this CPU, the Owner shall submit to the Director, for review and approval, a performance monitoring program. The performance monitoring program shall be prepared by a Licensed Professional Engineer in consultation with a Qualified Person and shall include the following key components, at minimum:

- i. Be designed in accordance with Appendix I, Section 2.1 of the RMP.
- ii. Be overseen by a Licensed Professional Engineer.
- iii. The collection of soil vapour and or indoor air samples from an appropriate number of representative locations, including quality assurance/quality control (QA/QC) samples, which is adequate for the size and configuration of any new Building(s) as specified in Section 4.5 of this CPU and as determined by the Licensed Professional Engineer at the following frequency:
 - a. Prior to first occupancy.
 - b. Quarterly (spring, summer, fall and winter) for a minimum two years, and,
 - c. Annually (winter) thereafter, until written approval to discontinue the performance monitoring program by the Director is received by the Owner.

- iv. The soils vapour and or indoor air samples shall be sent to an accredited laboratory and analyzed for the Target Analytes.
- v. The measurement of the pressure differential across the foundation floor slab of the existing Building at the following frequency:
 - a. Prior to first occupancy.
 - b. Quarterly (spring, summer, fall and winter) for a minimum of two years; and,
 - c. Semi-annually thereafter and until written approval to discontinue the performance monitoring program by the Director is received by the Owner.
- vi. An annual report documenting the performance 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:
 - a. Laboratory results and laboratory certificates of analysis.
 - b. Field logs, leak testing (as necessary) and documentation of QA/QC.
 - c. Tabulated results of all the measured and recorded pressure differentials.
 - d. Discussion and interpretation of the results in comparison to the respective Target Sub-Slab Vapour Concentrations and or Target Indoor Air Concentrations along with the pressure differentials in comparison to the objective of achieving a pressure differential of 6 Pascals across 90% of the affected Building Area foundation floor slab; and,
 - e. Conclusions and recommendations with respect to the need for additional and or continued monitoring as may be warranted.

4.11 Upon completion of the installation of the VMS as specified in Section 4.5 of this CPU, and prior to first occupancy, the Owner shall implement the Director approved Performance Monitoring Program. Any changes to the Director approved Performance Monitoring Program (i.e. sampling frequency, locations, methodology etc.) must be requested in writing by a Licensed Professional Engineer and these changes shall only be implemented upon the Owner receiving written approval from the Director.

4.12 If the Performance Monitoring Program identifies one or more of the Target Analytes at concentrations above the Target Soil Vapour Concentrations and or Indoor Air Concentrations the Owner shall implement the contingency measures detailed in Appendix I, Section 2.2 of the RMP, and as follows:

- i. Written notice shall be submitted to the Director by the Owner within 15 calendar days of the Owner's receipt of the laboratory analysis. This written notice shall include the sub-slab vapour and or indoor air sampling results, the laboratory certificates of analysis and the anticipated timeline for the implementation of a confirmatory soil vapour and or indoor air sampling program along with any additional work as may be deemed necessary by a Licensed Professional Engineer. Confirmatory sampling shall occur within 30 calendar days from the date of the Owner's receipt of the laboratory analysis and be completed by a Licensed Professional Engineer.
- ii. In the event that the confirmatory soil vapour and or indoor air sampling program verifies the exceedances of one or more of the Target Analytes concentrations above the Target Soil Vapour Concentrations and or Indoor Air Concentrations *and where the concentrations of the observed Target Analytes are determined by the Licensed Professional Engineer to be a result of soil vapour intrusion*, the Owner shall:
 - a. Submit written notice to the Director within 15 calendar days of the Owner's receipt of the laboratory analysis. This written notice shall include the sub-slab vapour and or indoor air sampling results, the laboratory certificates of analysis and the details of, and the anticipated timeline to implement contingency measures consistent with Appendix I, Section 2.2 the RMP. The implementation of contingency measures, along with the implementation of a confirmatory indoor air sampling program shall occur within 30 calendar days of the Owner's submission of the written notice of the exceedance to the Director.
 - b. Within 30 calendar days of the implementation of the contingency measures, 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 the confirmatory sampling program along with the details and timelines for the implementation of an indoor air quality sampling program as necessary. The report shall include, but not be limited to:

1. Laboratory results and laboratory certificates of analysis.
2. Field logs, leak testing (as necessary) and documentation of QA/QC.
3. Discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations; and,
4. Conclusions and recommendations with respect to the performance of the Building's VMS along with the need for additional work and/or continued indoor air quality sampling as may be deemed warranted.

4.13 If the pressure differential monitoring as required by the Performance 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 15 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 Appendix I, Section 2.2 of the RMP. The contingency plan shall be implemented within 30 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:
 - a. Laboratory results and laboratory certificates of analysis (as necessary).
 - b. Field logs, leak testing (as necessary) and documentation of QA/QC.
 - c. 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.
 - d. Discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentrations as necessary; and,
 - e. Conclusions and recommendations with respect to the performance of the VMS along with the need for additional work and/or continued monitoring as may be deemed warranted by the Licensed Professional Engineer.

Indoor Air Monitoring Program and Contingency Plan – Existing Building

4.14 Upon issuance of this CPU, continue to undertake the indoor air monitoring program and implement the contingency plan within the Existing Building as specified in Appendix J, Section 2.0 and 3.0 of the RMP. The indoor air monitoring program and the contingency plan shall continue to be overseen by a Licensed Professional Engineer and include the following key components:

- i. The collection of indoor air quality samples at the locations specified in **Figure 3**, including QA/QC samples, on an annual basis, winter, at minimum until written approval to discontinue the indoor air quality monitoring program by the Director is received by the Owner.

- ii. The indoor air quality samples shall be sent to an accredited laboratory and analyzed for the Target Analytes.
- iii. An annual report documenting the indoor air quality monitoring program and the implementation of the contingency plan shall be prepared by a qualified 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 submission of the annual report and or the indoor air quality monitoring program is received by the Owner from the Director. The annual 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.
 - d. Detailed discussion and documentation of the implementation of the contingency plan; and,
 - e. Conclusions and recommendations with respect to the need for additional work and or continued indoor air quality monitoring along with a reevaluation of the contingency plan as may be necessary.

4.15 Any changes to the Indoor Air Monitoring Program (i.e. sampling frequency, locations, methodology etc.) or the Contingency Plan specified in Section 4.14 of this CPU must be requested in writing by a Licensed Professional Engineer and these changes shall only be implemented upon the Owner receiving written approval from the Director.

Groundwater management plan:

4.16 Within 30 days of the issuance of this CPU, a 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 7.3.4 of the RMP. Before starting any planned Intrusive Activities on the Property, the existing plan must be reviewed and updated, where necessary, by a Qualified Person. A copy of the plan must be kept on the Property for the entire duration of the Intrusive Activities.

The plan shall be submitted to the Director by the Owner at least 14 days prior to any such planned Intrusive Activities being undertaken and shall be consistent with the measures specified in 7.3.4 of the RMP.

Any short-term Intrusive Activities required for the purposes of emergency repairs (i.e., for repairs to underground utilities etc.) will not require the submission of the plan prior to undertaking the short-term emergency repairs.

The plan shall include, but not be limited to, the following key components as deemed necessary by a Qualified Person:

- i. Oversight by a Qualified Person.
- ii. Storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include, but not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary.
- iii. 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.

- iv. 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, groundwater management, collection/storage and drainage, all groundwater characterization results obtained as part of the groundwater management plan, names of the Qualified Persons, contractors, haulers and receiving sites for any groundwater, as a result of dewatering activities, removed from the property and any complaints received relating to site activities; and,
- v. 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:

- 4.17 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 in soil that have been identified in the RA at concentrations that exceed the ASCS for which potential risks have been identified as detailed in Section 7.3.3 of the RMP. A copy of the plan shall be maintained on the Property for the duration of all Intrusive Activities. The Owner shall ensure that the plan accounts for the presence of the COCs and is implemented prior to any Intrusive Activities being undertaken on the Property to protect workers from exposure to the COCs. The plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans, and contact information. Prior to initiation of any Project on the Property or portion (s) of the Property, the local Ministry of Labour office shall be notified, where so prescribed under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, of the proposed activities and that COCs have been identified in soil 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.

Part 5: CPU Restrictions on Property Use – Prohibitions

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

New enclosed Building(s):

- 5.1 Refrain from constructing any new Building (s) on, in or under the Property unless the Building (s) includes a Storage Garage as detailed in Section 4.3 of this CPU, is constructed as an Open-Air Storey Storage Garage as detailed in section 4.5 of this CPU or the Building includes a Vapour Mitigation System (VMS) as detailed in Section 4.4 of this CPU.

Prohibition of groundwater use:

- 5.2 Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of groundwater in or under the Property as a potable water source, except as may be required for continued use as a monitoring well, as defined in the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (OWRA) subject to the following:
- i. properly abandon on the Property any wells, as described, or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,
 - ii. refrain from constructing on the Property any wells as described or defined in the OWRA.

Part 6: Additional Requirements

Site Changes

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

Reports

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

Part 7: Ownership, Disclosure and Registration Requirements

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

Disclosure of CPU

- 7.1 Upon services of this CPU, the Owner and any other person with an interest in the Property shall, before dealing with the Property in any way, give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property, as a result of the dealing.

Certificate of Requirement

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

Owner Change

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

Part 8: General

- 8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.

- 8.2 An application under sub section 168.6(3) of the Act to, alter any terms and conditions in the CPU or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 8.3 The Director may amend the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 8.4 Subsection 186(3) of the Act provides that failure to comply with a requirement of the CPU constitutes an offence.
- 8.5 The requirements of the CPU are minimum requirements only and do not relieve you from,
- a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law;
 - or
 - b) obtaining any approvals or consents not specified in the CPU.
- 8.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.7 In the event that any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- c) natural phenomena of an inevitable or irresistible nature, or insurrections,
 - d) strikes, lockouts or other labour disturbances,
 - e) inability to obtain materials or equipment for reasons beyond your control, or
 - f) any other cause whether similar to or different from the foregoing beyond your control,
- the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 8.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 8.9 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU
- 8.10 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and Risk Assessment.
- 8.11 In the event that the Owner complies with the provisions of Part 7 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.
- 8.12 Where the CPU requires that the Director must be notified or receive a report this should be done by email at environment.guelph@ontario.ca

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

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

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

- 9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal, if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 9.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.
- 9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act. The contact information for the Director and the Tribunal is the following:

Registrar

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto, ON, M5G 1E5

Email: OLT.Registrar@ontario.ca

and

Director

Ministry of the Environment, Conservation and Parks

1 Stone Rd. West, 4th Floor

Guelph, ON

N1G 4Y2

Fax: 519-826-4286

Email: environment.guelph@ontario.ca

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

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

- 9.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 9.5 If you commence an appeal before the Tribunal, under section 47 of the EBR you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

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

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

9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

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

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

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

Issued at Guelph this **XX** day of **XXXX**, **2025**.

DRAFT

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

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LEGEND

- APPROXIMATE PROPERTY BOUNDARY
- MW04-25 ● SHALLOW OVERBURDEN MONITORING WELL
- MW04-21 ● SHALLOW BEDROCK MONITORING WELL
- MW1-19 ○ DEEP BEDROCK MONITORING WELL
- BH6-20 ■ GHD BOREHOLE
- CB □ CATCHBASIN
- WW WET WELL
- CO CLEANOUT

161 REGAL ROAD

151 REGAL ROAD

141 REGAL ROAD

2002 ADDITION

2008 ADDITION

GROUNDWATER TREATMENT BUILDING

2,400 L CONCRETE UST

FORMER 1,000 L CONCRETE UST

FORMER CHEMICAL STORAGE ROOM

FORMER PAINT SPRAY ROOM

CHIP/GRINDINGS BIN CONTAINMENT AREA

1,136 L STEEL UST

TRANSFORMER ENCLOSURE

UPPER PARKING LOT

LOWER PARKING LOT

GROUNDWATER TREATMENT SYSTEM DISCHARGE

GROUNDWATER COLLECTION TRENCH

STORMWATER MANAGEMENT POND

REGAL ROAD

CURTIS DRIVE

Plan North

0 10 20 30m

1:1000

Coordinate System: UTM ZONE 17 NAD83 METERS

GHD

73 AND 95 CURTIS DRIVE, GUELPH, ONTARIO

RISK ASSESSMENT

Project No. 11196797

Date July 2023

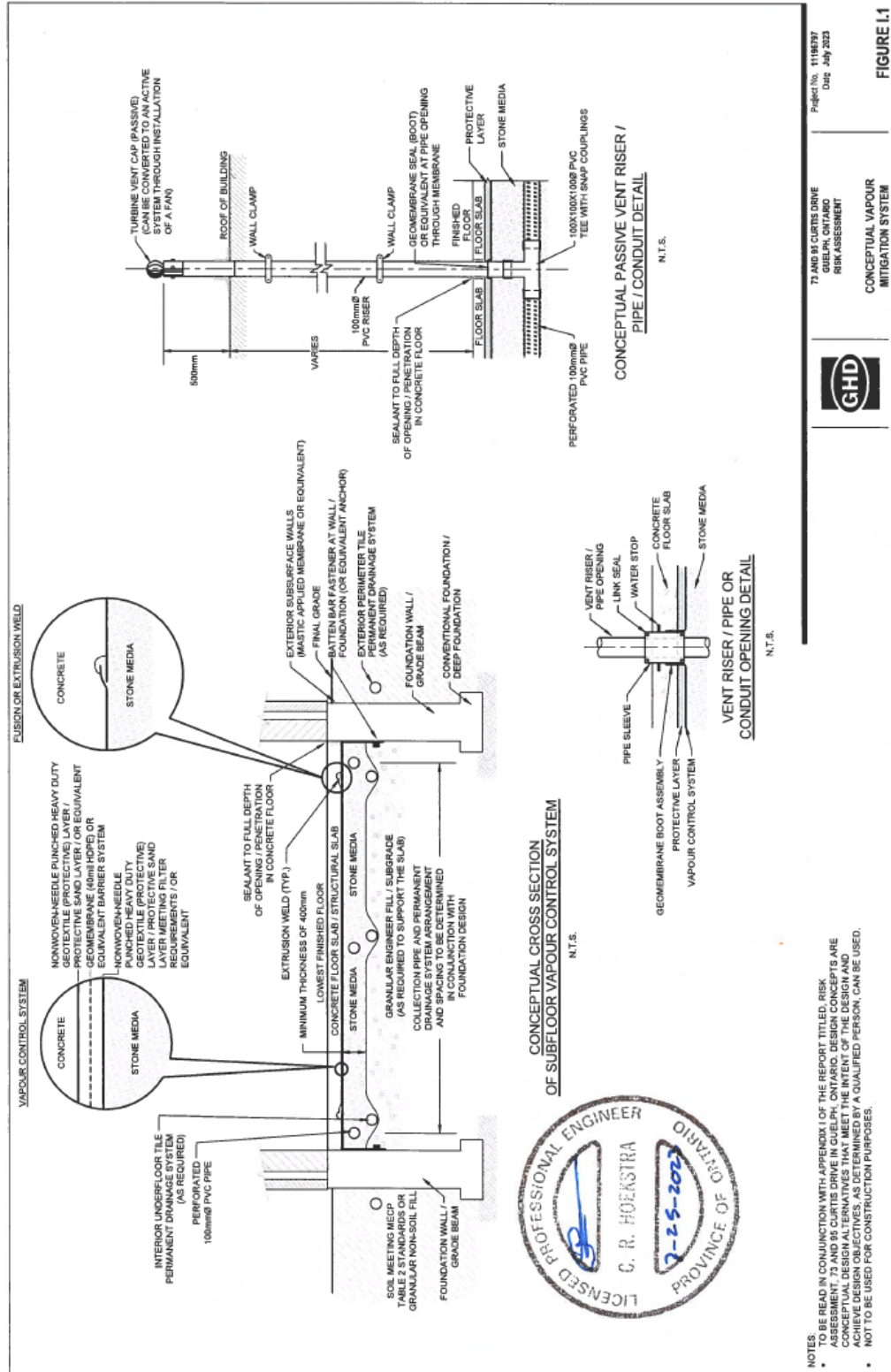
SITE PLAN AND INVESTIGATIVE LOCATIONS

FIGURE 3.1

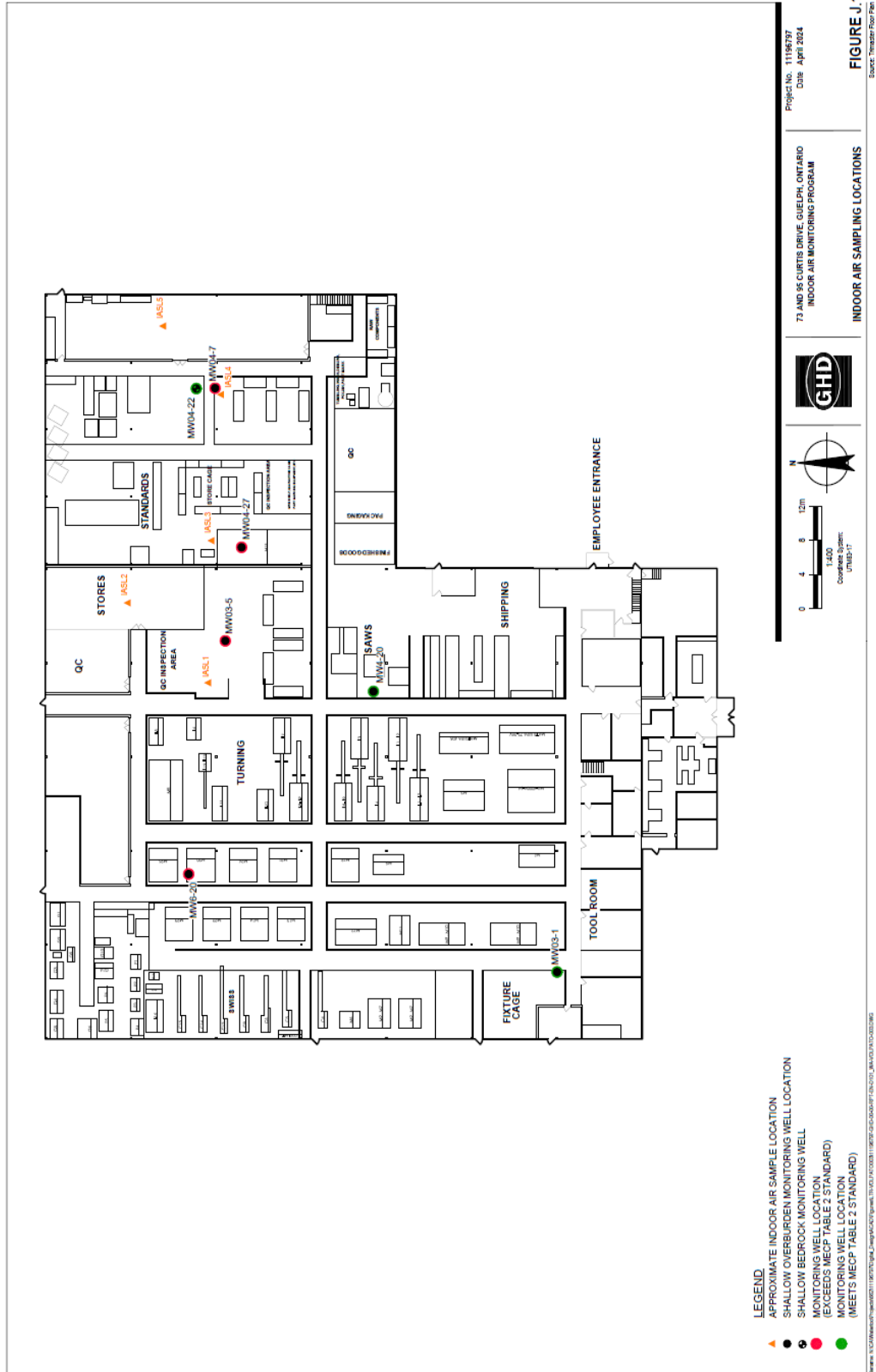
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Plot Date: 06 July 2023 9:08 AM

Date Source: GOLDER ASSOCIATES PROJECT NO: 04-1113-008/5000/ DATE: MARCH 2004
Image: 60321 Google / Imagery Date: 7/8/2011

Schedule 'A': Figure 2: Conceptual Vapour Mitigation System



Schedule 'A': Figure 3: Indoor Air Sampling Locations



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

<i>Groundwater Contaminant of Concern (COC)</i>	<i>PSS (µg/L)</i>
1,1-Dichloroethylene	0.70
1,2-cis-Dichloroethylene	2.95
Trichloroethylene	898
Vinyl Chloride	76

Schedule 'A': Table B – Target Sub-Slab Vapour & Indoor Air Concentrations - Residential

<i>Target Analyte</i>	<i>Target Sub-Slab Vapour Concentrations (µg/m³)</i>	<i>Target Indoor Air Concentrations (µg/m³)</i>
Trichloroethylene	218	0.87
Vinyl Chloride	203	0.81

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 **2484-DJ2J3K** issued by **Aaron Todd**, Director of the Ministry of Environment, Conservation and Parks under subsections 168.6 and 197(1) of the *Environmental Protection Act*, dated **XXXX XX, 2025** being a Certificate of Property Use and order under section 197(1) of the *Environmental Protection Act* relating to the property municipally known as **73 and 95 Curtis Drive, City of Guelph, being ALL of PIN: 71360-0064 (LT) and ALL of PIN: 71360-0334 (the "Property")** with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property,

Comtran Properties Inc.

AND

Robstar Investments Limited

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.