
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: 8027-DJNKCB
Risk assessment number: 4656-CGYQPP

Owner:

City of Ottawa (Registered Owner)
110 Laurier Ave West, 5th floor
Ottawa, Ontario, K1P 1J1

Property:

930 & 1010 Somerset St West
Ottawa, Ontario

With a legal description of:

1010 Somerset Street West: being part of PIN 04107- 0030 (LT), 04107-0300 (LT) and 04107-0289 (LT)

AND

930 Somerset Street West: being part of PIN 04107-0111 (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. In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Part 1: Interpretation

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

“Adverse Effect” has the same meaning as in the Act; namely,

- a. impairment of the quality of the natural environment for any use that can be made of it,
- b. injury or damage to property or to plant or animal life,
- c. harm or material discomfort to any person,
- d. an adverse effect on the health of any person,
- e. impairment of the safety of any person,
- f. rendering any property or plant or animal life unfit for human use,
- g. loss of enjoyment of normal use of property, and
- h. interference with the normal conduct of business.

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

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

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified in *Table 3 Generic Site Condition Standards in the presence on non-potable Ground Water Condition (coarse textured soils) (residential/institutional and parkland use)* of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011.

“Barrier means a Fill Cap Barrier, Hard Cap Barrier or Shallow Soil Cap Barrier.

“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.

“Capping Soil” means soil that meets the Applicable Site Condition Standards for the Property and does not contain any contaminant for which no Applicable Site Condition Standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and, which is associated with any potentially contaminating activity described in the Risk Assessment.

“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. **8027-DJNKCB** 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.

“Fill Cap Barrier” means a Capping Soil cover layer, above the Contaminants of Concern, that is at least, 1.0 metre thick, or 1.5 metres in thickness within the dripline of deep-rooted trees, as specified in Section 7 of the Risk Assessment report.

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

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

“Hard Cap Barrier” means a barrier of a minimum thickness of 225 mm comprising hot mix asphalt or poured concrete of at least 75 mm underlain by 150 mm or more of Granular “A” and/or “B” aggregate or equivalent sub-base materials. This may also include other hardscape materials such as pavers or flagstone underlain by Granular “A” and/or “B” aggregate or equivalent sub-base materials to provide a total minimum thickness of 225 mm.

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

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

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

"Ministry" means the ministry of the government of Ontario responsible for the administration of the Act, currently named the Ministry of the Environment, Conservation and Parks.

“O. Reg. 153/04” means Ontario Regulation 153/04 (Record of Site Condition – Part XV.1 of the Act), made under the Act.

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

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

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

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

“Plouffe Park Modified Soil Cap” means a Capping Soil cover, above the Contaminants of Concern, that is at least 350 millimetres overlain by sod, consisting of 150 millimetres of sand overlain by 200 millimetres of Capping Soil, as described in:

- **Letter dated August 13, 2025, prepared by Dillon Consulting, Brent Loney, MSc, PGeo, Qualified Person Risk Assessment and Tom Grimminck, PEng, Risk Management Engineer.**

“Property” means the property that is the subject of the CPU and described in the “Property” section on page 1 above.

“Property Specific Standards” and “PSS” mean the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and are set out in 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” means the risk assessment number 0152-BCTPWR submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on July 23, 2025 and set out in the following documents:

- **930 & 1010 Somerset Street West, Ottawa, Ontario Risk Assessment report prepared by Dillon Consulting Limited, dated February 28, 2023**
- **930 & 1010 Somerset Street West, Ottawa, Ontario Risk Assessment, report prepared by Dillon Consulting Limited, dated November 2024**
- **930 & 1010 Somerset Street West, Ottawa, Ontario Risk Assessment, report prepared by Dillon Consulting Limited, dated May 2025**
- **930 & 1010 Somerset Street West, Ottawa, Ontario Risk Assessment, report prepared by Dillon Consulting Limited, dated July 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.

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

“SVIMS” means either an Active SVIMS or a Passive SVIMS.

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

“Vapour Mitigation System” means the vapour mitigation system described in Section 4.10 of the CPU.

Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for anyone or more of,
 - a. the performance of any action specified in the certificate of property use;
 - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
 - c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6 (1) of the Act states that if the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
 - a. Take any action specified in the certificate that, in the Director’s opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
 - b. Refrain from using the property for any use specified in the certificate or from constructing any Building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of the property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
 - a. alter any terms and conditions in the certificate or impose new terms and conditions; or
 - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of the property to refrain from using the property for a specified use or from constructing a specified Building on the property,
 - a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - c. the owner of the property shall ensure that every occupant of the property complies with the provision.

- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment (RA) was undertaken for the Property 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: **residential/parkland, community and commercial use** as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in or under the Property that are present above Table 1 of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act published by the Ministry and dated April 15, 2011 for coarse textured soils are set out in the Risk Assessment and in Schedule A (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are also set out in Schedule A which is attached to and forms part of the CPU. Also provided in Schedule B and forming part of the CPU is a copy of a current three-part plan of survey of the Property, and areal map of Plouffe Park.
- 3.3 I am of the opinion, for the reasons set out in the RA that the RMMs described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the RA.
- 3.4 The RA indicates the presence of Contaminants of Concern in 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 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 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, Fill Cap and Plouffe Park Modified Soil Cap Barriers:

- 4.3 Hard Cap, Fill Cap and/or Plouffe Park Modified Soil Cap Barriers shall be maintained over the entire Property for as long as the Contaminants of Concern are present on the Property at concentrations that exceed the ASCS so as to prevent exposure to the COCs identified on the Property; and,
- 4.4 Existing Hard Caps and Fill Cap Barriers may be removed; however, if the Contaminants of Concern are still present in the subsurface following a re-development of the Property, a Barrier must be established where COCs will remain in the subsurface at concentrations above the ASCS.

Inspection, maintenance and reporting requirements for all Barriers:

- 4.5 Implement an inspection and maintenance program, prepared, in writing, by a Qualified Person retained by the Owner. The said document shall be made available for review by a Provincial Officer upon request. The purpose of the program shall be to ensure the permanent integrity of each Barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:
- a. procedures and timing for implementing the program;
 - b. semi-annual inspections, in spring and fall, of the Barrier;
 - c. noting any deficiencies in the Barrier observed during the inspections, or at any other time;
 - d. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the Barrier has been properly repaired;
 - e. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the Barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property; and,
 - f. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and which shall be made available for review by a Provincial Officer upon request;
 - g. updated and delivered to the Owner within 30 days following making any alteration to the program.
- 4.6 A site plan of the entire Property shall be prepared by a Licensed Professional Engineer for retention by the Owner who shall make it available for review by a Provincial Officer upon request. The site plan shall feature the Property and the location, type and design of each Barrier at the Property, including cross-sectional drawings of the Barrier showing its design and vertical and lateral extent. The said documents shall be updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the Barrier, or other relevant element of the site plan;
- 4.7 Written procedures shall be prepared by a Qualified Person for retention by the Owner, and be made available for review by a Provincial Officer upon request, to address written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a Barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the Barrier and the Contaminants of Concern at the Property and the precautions to be taken to ensure the permanent integrity of the Barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the Barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program. Such written procedures shall be delivered to the Owner before any Intrusive Activities are undertaken at the Property and, in the event that the procedures are altered, each update shall be delivered to the Owner within 30 days of the said alteration.

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

- 4.8 All existing Buildings, other than the existing community building, shall remain vacant and be demolished as part of the redevelopment plan.
- 4.9 No **Building (s)** or portions thereof shall be constructed on, in or under the Property unless the Building(s) or portion thereof includes and is constructed with:

- a. a SVIMS as detailed in Section 4.10 of the CPU, or
- b. a Storage Garage as detailed in Section 4.11 of the CPU.

4.10 The Owner shall not construct a new Building or a new addition to an existing Building on, in or under the Property, unless the entire building area of the new Building or new addition is constructed with a SVIMS in accordance with the following requirements:

Design of SVIMS

- a. Design, install and operate a Passive SVIMS for the Building, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air.
- b. The Passive SVIMS shall:
 - i. be designed in accordance with Section 7.1.3.2 of the RA;
 - ii. be designed, installed and operated with the objective of achieving during all seasons a lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area;
 - iii. be able to be readily converted to operation as an Active SVIMS, if necessary, to ensure soil vapour is being sufficiently removed from below the Building, and the Active SVIMS shall
 - (1) readily allow for installation and operation of an electrical powered fan on each vent riser;
 - (2) have the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and
 - (3) have an automated monitoring system of electrical fan operation which remotely detects and indicates system malfunctions; and
 - iv. have in place or be able to easily put in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998.

Sub-Slab Foundation Layer

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

Soil Vapour Venting Layer

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

required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table.

Soil Vapour Barrier Membrane

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

Vent Risers

- f. Vent risers shall be of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building, and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, including:
 - i. at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;
 - ii. vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;
 - iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather; and
 - iv. a wind turbine or solar powered wind turbine on each vent risers for a Passive SVIMS and an electrical powered fan on each vent risers, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions.

Monitoring Devices

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

Labeling Of Equipment

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

Utility Sealing

- i. Where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration, install

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

Quality Assurance / Quality Control

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

As Constructed Plans

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

Inspection And Maintenance

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

and which are,

- ix. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier;
- x. updated and delivered to the Owner within 30 days following making any alteration to the program; and
- xi. to be retained by the Owner, and be available for inspection upon request by a Provincial Officer.

Operational Monitoring

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

and which are,

- vi. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier;

vii. updated and delivered to the Owner within 30 days of following making any alteration to the program; and

viii. and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer.

Intrusive Activities Caution

n. Prepare and implement written procedures, prepared by a Qualified Person, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed SVIMS, so as to ensure the persons are made aware of the presence and significance of the SVIMS and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program; and which are:

- i. to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- ii. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- iii. updated and delivered to the Owner within 30 days following making any alterations to the Procedures. Building with Storage Garage (intermittent 3.9 Litres/second of Ventilation) Risk Management Measure:

4.11 Refrain from constructing any Building on the Property unless the Building includes a Storage Garage, and:

- a. the Storage Garage is constructed at or below the Grade of the Building;
- b. the Storage Garage area covers the entire Building Area at Grade;
- c. irrespective of the number of motor vehicles the Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing:
 - i. design of a mechanical ventilation system as set out in Division B, Article 6.3.3 (Ventilation of Storage and Repair Garages) of the Building Code;
 - ii. 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;
 - iii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
- d. 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.

Soil and Groundwater Management Plan:

4.12 A written soil and groundwater management plan shall be developed specifically for the Property and implemented during all Intrusive Activities potentially in contact with or exposing C O Cs in soil and/or groundwater, prepared by a Qualified Person and to be retained by the Owner who shall make it available for review by a Provincial Officer upon request, for managing exposed soil and groundwater from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or groundwater at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and,
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles; and
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
 - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
 - (1) is suitable for use as Capping Soil;
 - (2) meets the Property Specific Standards; or
 - (3) exceeds the Property Specific Standards;
 - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
 - (1) used as Capping Soil at the Property;
 - (2) otherwise used as fill at the Property;
 - (3) removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
 - (4) removed from the Property for off-site use as fill or disposal; and
 - iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
 - (1) reflect the distinctions described in parts iii. α. and iii. β.; and
 - (2) have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern; and
 - (3) have been bermed or fenced, as appropriate, to restrict access by persons; and
 - (4) have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed; and
- d. measures to manage storm water and any groundwater from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and,
- e. recording, in writing, the soil, storm water and any groundwater management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner who shall make it available for review by a Provincial Officer upon request, including:
 - i. dates and duration of the Intrusive Activities being undertaken;
 - ii. weather and site conditions during the Intrusive Activities;
 - iii. the location and depth of excavation activities, and dewatering activities, if any;
 - iv. dust control and soil tracking control measures;

- i. characterization results for excavated soil and any soil brought to or removed from the Property, and for any groundwater from dewatering;
- ii. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
- iii. management activities for any groundwater from dewatering;
- iv. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
- v. names and contact information for all haulers and receiving sites for soil and any groundwater removed from the Property, and for all haulers and source sites of any soil brought to the Property; and
- vi. any complaints received relating to the Intrusive Activities, including the soil, storm water and any groundwater management activities;

and which plan is,

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

Health and Safety Plan:

4.13 A health and safety plan shall be developed for the Property and implemented during all planned intrusive activities undertaken potentially in contact with COCs in groundwater that have been identified in the RA at concentrations that exceed the ASCS. 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.

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

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

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

5.2 In those specific landscaped area(s) where any plant will be grown as food, and/or for its medicinal properties, and/or aesthetic value, the non-woven geotextile shall be covered by no less than

1.0 metre of soil in thickness, inclusive of a layer of topsoil sufficient to support horticultural needs. Both soil and topsoil placed above the non-woven geotextile shall meet the residential/parkland/institutional property use standards listed in Table 3 of the *Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act* (published by the Ministry on April 15, 2011). Plants grown in containers with a hard bottom are exempt from this requirement.

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.

Report Retention Requirements

- 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,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
 - b. strikes, lockouts or other labour disturbances,
 - c. inability to obtain materials or equipment for reasons beyond your control, or
 - d. any other cause whether similar to or different from the foregoing beyond your control,
- the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 8.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 8.9 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all 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 Where the CPU requires that the Director must be notified or receive a report this should be done by email at Email: MOEOttawa@ontario.ca
- 8.11 Where there is more than one Owner, each person is jointly and severally liable to comply with any requirements of the CPU unless otherwise indicated.
- 8.12 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the Condominium Act, 1998, S.O. 1998, c.19 and then transfers ownership of

the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

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, section 168.6 of the Act
Ministry of the Environment, Conservation and Parks
2430 Don Reid Drive, Suite 103
Ottawa ON
K1H 1E1
Fax: 613-521-5437
Email: MOEOttawa@ontario.ca

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

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

- 9.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 9.5 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights, 1993* (the “EBR”), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

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

- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
 - (b) fifteen (15) days after service on you of a copy of the CPU.
- 9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 9.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be to the Tribunal by the earlier of:
- (a) fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and
 - (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 9.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws

Issued at Ottawa this xxx day of xxx , **2025**.

Tracy Hart,
Director, section 168.6 and 197 of the Act

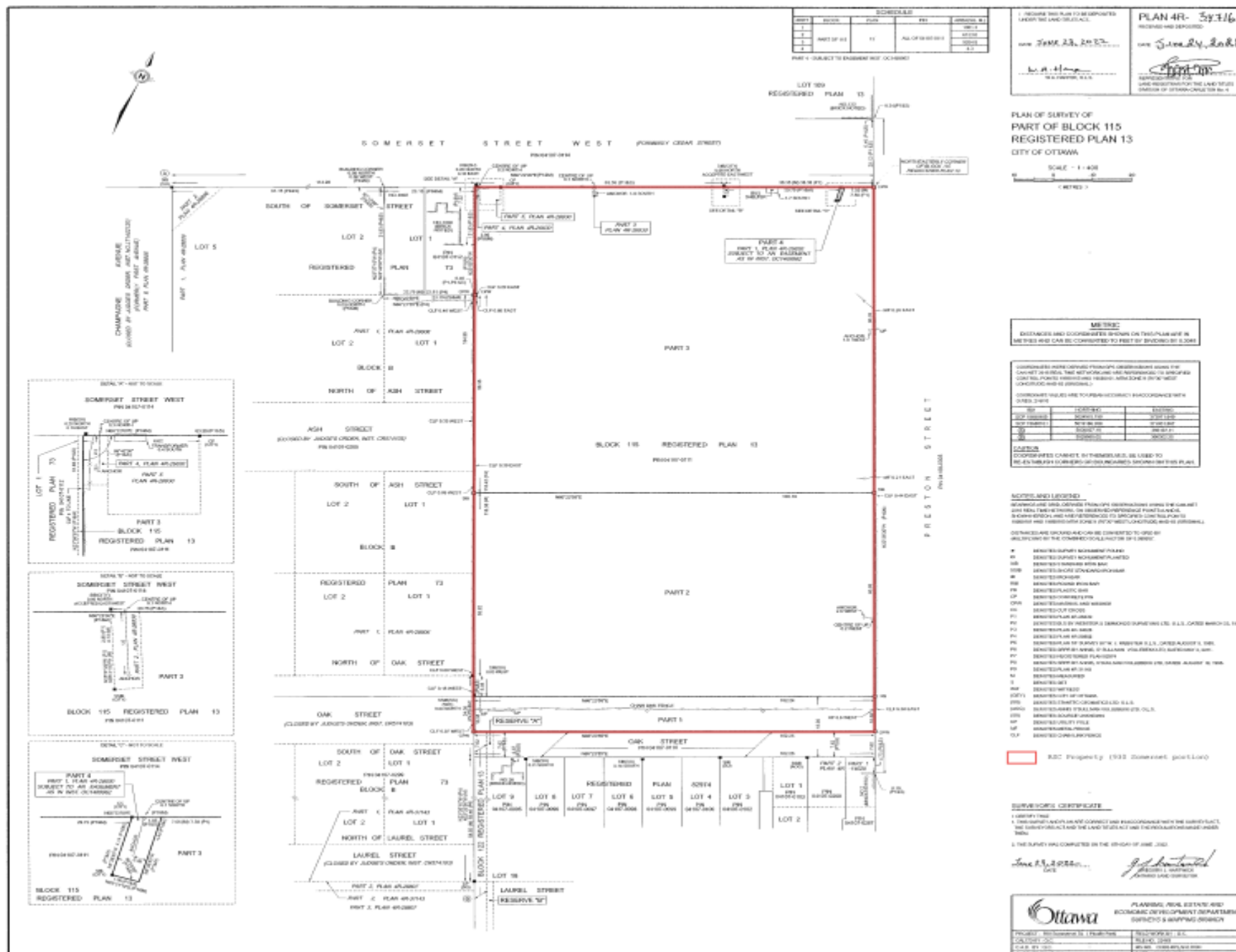
Schedule A
Contaminants of Concern, Property Specific Standards, Soil

Media	Contaminant of Concern (COC)	Property Specific Standards	Units
Soil	Antimony	107	Microgram per gram
	Arsenic	27	
	Barium	484	
	Cadmium	1.8	
	Chromium (III + VI)	151	
	Chromium (VI)	2.3	
	Cobalt	30	
	Lead	815	
	Mercury	1.3	
	Methyl Mercury	0.00058	
	Molybdenum	4.1	
	Selenium	2.4	
	Silver	3.2	
	Vanadium	136	
	Electrical Conductivity	6684 (μS/cm)	
	Sodium Adsorption Ratio (unitless)	24	
	Xylenes	0.19	
	PHC F2	31	
	PHC F3	1,320	
	PHC F4	1,680	
	Acenaphthene	0.66	
	Acenaththylene	0.52	
	Anthracene	1.2	
	Benzo(a)anthracene	3.6	
	Benzo(a)pyrene	4.0	
	Benzo(b/j)fluoranthene	4.3	
	Benzo(ghi)perylene	2.5	
	Benzo(k)fluoranthene	2.3	
	Chrysene	3.7	
	Dibenzo(a,h)anthracene	0.59	
	Fluoranthene	5.4	
	Fluorene	0.54	
	Indeno(1,2,3-cd)pyrene	2.3	
	Methynapthalene, 2-(1-)	2.2	
	Naphthalene	0.38	
	Phenanthrene	4.6	
	Pyrene	6.1	

Contaminants of Concern, Property Specific Standards - Groundwater

Media	Contaminant of Concern (COC)	Property Specific Standards	Units
Groundwater	Benzene	5.6	Micrograms per liter
	Toluene	7.9	
	Ethylbenzene	0.84	
	Arsenic	17	
	Barium	1272	
	Cobalt	6.5	
	Copper	10	
	Nickel	18	
	Uranium	53	
	Vanadium	23	
	Chloride	4,512,000	
	Sodium	2,268,000	

[illegible]



Schedule C Plouffe Park Map



CITY OF OTTAWA RISK ASSESSMENT

1010 & 930 SOMERSET STREET WEST, OTTAWA
ONTARIO

**FIGURE 1
PLOUFFE PARK**

- Plouffe Park
- RSC Property
- Parcel Boundary
- Railway



1:2,000
0 20 40 100 m

MAP CHARGING INFORMATION
DATA PROVIDED BY MAP: CITY OF OTTAWA

MAP CREATED BY: SALAS
MAP CHECKED BY: RM
MAP PROJECTION: NAD 1983 UTM Zone 18E



PROJECT: 212619
STATUS: DRAFT
DATE: 2020-07-02