

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 3865-DHTLVU
Risk Assessment number 6405-C2NJMZ

Owner: TFC Developments Inc. (registered Owner)
Suite 401 - 1 West Pearce St
Richmond Hill, Ontario, L4B 3K3

Nustyle Developments Ltd. (beneficial Owners)

and

Cameron Stephens Equity Capital 1 GP Inc., as
general partner for and on behalf of
Cameron Stephens Equity Capital 1 LP

Site: 175 & 185 Eileen Avenue, Toronto, ON

with a legal description as set out below:

Part Lot 6 Humber River Range Concession 3 from the Bay Part 1 66R32093,
City of Toronto

Being All of PIN 10533-0229 (LT)

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Summary:

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

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are

summarized as follows:

- | | |
|--|-----|
| a. Installing/maintaining any equipment | Yes |
| b. Monitoring any contaminant | Yes |
| c. Refraining from constructing any building specified | Yes |
| d. Refraining from using the Property for any use specified | No |
| e. Other: Maintaining a barrier to site soils and preparing and implementing a soil and groundwater management plan and health and safety plan for the Property. | Yes |

ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

- a. The barrier to site soils over the entirety of the Property shall be maintained indefinitely until the Director alters or revokes the CPU.
- b. The soil and groundwater management plan and health and safety plan shall be required for the Property during any activities potentially in contact with or exposing site soils and groundwater for as long as the Contaminants of Concern are present on the Property.
- c. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

Part 1: Interpretation

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

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

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

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

“Building” means an enclosed structure 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.

“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 causes or may cause an Adverse Effect.

“Contaminants of Concern” has the meaning as set out in section 3.2 of the CPU.

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number 3865-DHTLVU.

"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.

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

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the Professional Engineers Act, R.S.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.

“O. Reg. 347/90 means Ontario means R.R.O. 1990, Regulation 347 General - Waste Management” made under the Act.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the CPU is issued, described in the “Owner” section on Page 1 above, and any beneficial or subsequent owners of the Property.

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

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

“Property Specific Standards” or “PSS” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in section 3.2 of the CPU and are the same standards specified in the Risk Assessment.

"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 subsection 5 (2) of O. Reg. 153/04, namely a person who:

- a. Holds a license, limited licence or temporary licence under the *Professional Engineer Act*, or
- b. Holds a certificate of registration under the *Professional Geoscientists Act*, 2000, and is a practicing member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

"Risk Assessment" means the Risk Assessment number 6405-C2NJMZ accepted by the Director on June 2, 2025 and set out in the following documents:

- Report entitled "175 and 185 Eileen Avenue, Toronto, Ontario Risk Assessment" prepared by EXP Services Inc., dated December 22, 2021;
- Report prepared by "175 and 185 Eileen Avenue, Toronto, Ontario Risk Assessment", report prepared by EXP Services Inc., dated December 13, 2022;
- Report prepared by "175 and 185 Eileen Avenue, Toronto, Ontario Risk Assessment Addendum 2", report prepared by EXP Services Inc., dated September 13, 2024;
- Email entitled "RE: Submission of RA Addendum 2 - 175 and 185 Eileen Ave, Toronto, ON (RA1950-21b; IDS Ref. No. 6405-C2NJMZ)" prepared by EXP Services Inc., dated November 28, 2024 with the following document attached:
 - Updated RMP - 175 and 185 Eileen Ave., Toronto, ON - Nov 2024
- Report entitled "175 and 185 Eileen Avenue, Toronto, Ontario Risk Assessment Addendum 3" prepared by EXP Services Inc., dated April 2, 2025.

"Risk Management Measures" means the risk management measures specific to the Property described in the Risk Assessment, Part 4 of the CPU and/or the letter prepared by Exp Services Inc. entitled 'Re:GTR-00604969-10, Application to Modify Draft Certificate of Property Use No. 3865-DHTLVU, 175 and 185 Eileen Avenue, Toronto, Ontario' dated July 11, 2025.

"Storage Garage" has the same meaning as in the Building Code.

"Sub Slab Vapour Venting Layer" means an engineered venting layer and associated Venting Components above the sub-slab materials for building construction and below a Vapour Barrier, as designed by a Licenced Professional Engineer which operates in a passive manner but can be converted into an active system if necessary, providing pressure relief, collection and venting of vapours away from a building.

"Tribunal" has the same meaning as in the Act, namely the Ontario Land Tribunal.

"Vapour Barrier" means a geo-synthetic barrier (including but not limited to geomembrane or spray applied equivalent) meeting the appropriate gas permeability and chemical resistance specifications to be considered impermeable and resistant to the Contaminants of Concern as

per Risk Assessment and is considered appropriate by the Licenced Professional Engineer and Qualified Person for its application.

“Venting Components” means a network of perforated piping/plenums or venting composites embedded in granular materials of sufficient permeability or other venting products with continuous formed void space that convey vapours and direct these vapours into vent risers that terminate above the roof elevation or at an exhaust point located a minimum of three (3) metres away from any air intakes for the building or human receptors with option of wind-driven turbines to support passive venting, or active venting if required.

Part 2: Legal Authority

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

- a. alter any terms and conditions in the certificate or impose new terms and conditions;
or
 - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
 - a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: “residential use”, as defined in O. Reg. 153/04.

- 3.2 The Contaminants on, in or under the Property that are present above the residential/parkland/institutional Property Use Standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011, for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule 'A'; air trigger levels are set out in Schedule 'B'; minimum number of sub-slab soil vapour and indoor air samples based on development plans are set out in Schedules 'C' and 'D'; soil vapour boundary trigger levels are set out in Schedule 'E'; and groundwater trigger levels are set out in Schedule 'F'; as attached to and forming part of the CPU with the following figures:
- Plan of survey with Property outlined in red;
 - Figures L-1, L-2, L-3A, L-3B, L-4, L-5, L-6, L-7A and L-7B; and
 - Drawings 1 to 5 for soil vapour extraction system.
- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.

Part 4: Director's Requirements

Pursuant to the authority vested in me under section 168.6(1) of the Act, 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 Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:
- a. Refrain from planting any plants or produce that are edible or intended for human consumption unless grown in self-contained above Grade planter boxes or beds having no contact with site soils on Property.
 - b. The Property shall be covered by a barrier to site soils designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to site soils shall consist of a hard cap, fill/soil cap and/or fence as specified below:
 - i. Hard caps on the Property for driveways, roads, walkways and Building foundations/slabs shall have a minimum depth of 225 mm consisting of asphalt and/or concrete underlain by granular fill (as illustrated by figure L-5 of the CPU).
 - ii. Hard caps on the Property for roads and sidewalks for conveyance to City of Toronto (public lands) shall have a minimum depth of 2.0 m consisting of asphalt, and/or concrete underlain by granular fill and/or soil meeting residential/ parkland/institutional property use standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of***

- the Act* for coarse textured soils published by the Ministry and dated April 15, 2011 (as illustrated by figure L-5 of the CPU).
- iii. Fill caps on the Property shall have a minimum depth of 1.0 m consisting of granular fill, gravel and/or soil meeting residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011 (as illustrated by figure L-5 of the CPU).
 - iv. Fill caps on the Property for conveyance to City of Toronto (public lands) shall have a minimum depth of 2.0 m consisting of granular fill, gravel and/or soil meeting residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011 (as illustrated by figure L-5 of the CPU).
 - v. Fill caps for deep rooting plants shall have a minimum depth of 1.5 m consisting of soil with a minimum of 0.5 m radius of soils meeting residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011, surrounding the root ball (as illustrated by figure L-5 of the CPU).
 - vi. Utility trenches or corridors containing utility pipes within a fill cap on the Property for conveyance to the City of Toronto (public lands) shall include at least a 500 mm of soil meeting residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011, below the utility (as illustrated by figure L-5 of the CPU).
 - vii. Utility trenches or corridors containing utility pipes below a fill cap on the Property for conveyance to the City of Toronto (public lands) and with a utility pipe diameter less than 900 mm on the Property shall consist of soil meeting residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011, to the top of the utility pipe, and a minimum thickness of 600 mm on either side of the utility pipe and a minimum thickness of 500 mm below the utility pipe (as illustrated by figure L-5 of the CPU).
 - viii. Utility trenches or corridors containing utility pipes below a fill cap on the Property for conveyance to City of Toronto (public lands) and with a utility pipe diameter more than 900 mm on the Property shall consist of soil meeting residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011, to the top of the utility pipe, a minimum thickness of 1300 mm on either side of the utility pipe and a minimum thickness of 500 mm below the utility pipe (as illustrated in figure L-5 of the CPU).
 - ix. For portion(s) of the Property, not under development or not in use, shall have a fence barrier to prevent the general public from accessing the site and a dust control plan to prevent surface soil from impacting the adjacent properties.
- c. An inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of all barriers to site soils Risk Management

Measures (including any Storage Garages, Building foundations and fence barriers) as long as the Contaminants of Concern are present on the Property. The inspection program shall include, at a minimum, semi-annual (every six months) inspections of the barrier to site soils integrity. Any barrier to site soils deficiencies shall be repaired forthwith. Inspection, deficiencies and repairs shall be recorded in a log-book maintained by the Owner and made available upon request by a Provincial Officer.

- d. A site-specific health and safety plan shall be developed for the Property and implemented during all intrusive, below-grade construction activities potentially coming in contact with or exposing site soils or groundwater and a copy shall be maintained on the Property for the duration of these intrusive activities. The Owner shall ensure that the health and safety plan take into account the presence of the Contaminants of Concern and is implemented prior to any intrusive work being done on the Property in order to protect workers from exposure to the Contaminants of Concern. The health and safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, shall addresses any potential risks identified in the Risk Assessment, and shall include, but not be limited to,
 - i. occupational hygiene requirements
 - ii. requirements for personal protective equipment for direct contact of soils and groundwater and for soil vapours in any trenches as per Risk Assessment;
 - iii. requirements for any trench work by workers may include trench venting and air monitoring as per Risk Assessment; and
 - iv. contingency plan requirements including site contact information.Prior to initiation of any project (as defined in the Occupational Health and Safety Act, as amended) on the Property, the local Ministry of Labour office shall be notified of the proposed activities and that the Property contains contaminated soil and groundwater. Implementation of the health and safety plan shall be overseen by persons appropriately qualified 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, which shall be made available for review by a Provincial Officer upon request.
- e. A soil and groundwater management plan shall be prepared for the Property and implemented during any activities potentially coming in contact with or exposing site soils and groundwater. A copy of the plan shall be kept by the Owner and made available for review by a Provincial Officer upon request. Implementation of the plan shall be overseen by a Qualified Person and shall include, but not be limited to, provisions for soils excavation, stockpiling, characterization, disposal and record keeping specified below:
 - i. Dust control measures and prevention of soil tracking by vehicles and personnel from the Property, which may include wetting of soil with potable water, reduced speeds for on-site vehicles, tire washing stations and restricting working in high wind conditions, as required;

- ii. Management of excavated materials which may include cleaning equipment, odour control, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment, as required;
 - iii. Characterization of excavated soils shall follow the soil sampling strategy in the Risk Assessment. Excavated soils and materials requiring off-site disposal as a waste shall be disposed of in accordance with the provisions of O. Reg. 347/90, made under the Act. Excavated soils meeting the PSS may be placed on-site below the barrier to site soils if deemed suitable by a Qualified Person. Excavated soils meeting the residential/parkland/ institutional property use standards within **Table 3** of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011 may be placed within the barriers to site soils if deemed suitable by a Qualified Person and in accordance with the Risk Assessment
 - iv. Soils brought to the Property shall follow the soil sampling strategy in the Risk Assessment and only soils meeting the residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011 is to be placed on, in or under the Property.
 - v. Groundwater management during any dewatering activities should include groundwater sampling of Contaminants of Concern as per Risk Assessment.
 - vi. Record keeping including dates and duration of work, weather and site conditions, location and depth of excavation activities, dust control measures, stockpile management and drainage, dewatering activities, soil characterization results, names of the Qualified Person, contractors, haulers and receiving sites for any soil or ground water removed from the Property and any complaints received relating to site activities potentially coming in contact with or exposing site soils and groundwater.
- f. Refrain from constructing any Building on, in or under the Property unless the Building contains a vapour mitigation system as follows:
- i. All Building(s) on the Property shall include the sealing of all foundation penetrations and sumps and a Vapour Barrier, Sub Slab Vapour Venting Layer and Venting Components as per Risk Assessment (as illustrated in figures L-1, L-2, L-3A, L-3B and L-4 of the CPU).
 - ii. The Owner shall retain a copy of all Vapour Barrier, Sub Slab Vapour Venting Layer and Venting Components as-built drawings signed by a Licensed Professional Engineer along with the proposed testing and performance requirements for the Vapour Barrier, Sub Slab Vapour Venting Layer and Venting Component for inspection by a Provincial Officer.
 - iii. An inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of the vapour mitigation system. A final inspection for cracks, holes or penetrations in the below grade walls and floors

shall be conducted before any finishes are applied to the walls and floors and prior to occupancy and shall be recorded in a logbook. Any holes, cracks or penetrations shall be repaired and sealed immediately and recorded in a logbook.

- iv. With regard to the venting layer and Venting Components, inspections of the venting layer and Venting Components, where visually accessible, will be made for potential breaches. The inspection program shall include semi-annual (every six months) inspections as per the Risk Assessment and any deficiencies shall be repaired forthwith. The inspection results shall be recorded in a log book maintained by the Owner and available upon request by a Provincial Officer.
- g. Refrain from constructing any Building on, in or under the Property other than a Building that meets the requirements of Item 4.2 f. of the CPU unless the Building contains a Storage Garage Risk Management Measure, and:
 - i. the Storage Garage is constructed at or below the Grade of the Building and contains a Vapour Barrier below Grade of the Building and on sides of the Building foundation (as illustrated in figures L-7A and L-7B of the CPU).
 - ii. the Storage Garage area covers the entire Building Area at Grade;
 - iii. the Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing:
 - 1. 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;
 - 2. 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;
 - 3. 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 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.
- h. A soil vapour boundary control system shall be installed along the western and northeastern property boundaries as indicated by drawings 1 and 2 of the CPU and shall contain a soil vapour extraction system with multiple vertical abstraction wells and vapour treatment system as per Risk Assessment and as indicated in drawings 3, 4 and 5 of the CPU. The Owner shall retain a copy of all soil vapour control system as-built drawings signed by a Licensed Professional Engineer along with the proposed testing and performance requirements for inspection by a Provincial Officer.
- i. Refrain from constructing any utility conduits or corridors on, in or under the Property unless utility conduits or corridors includes a low permeability trench plug as per Risk Assessment.
- j. The air monitoring requirements for the Buildings on the Property is to commence prior to occupancy of any Building on the Property. All air monitoring programs shall be done in accordance with USEPA Method TO-15 for all the Contaminants of Concerns listed in Schedule 'B' of the CPU with a summa canister and a 24 hour

residence time for all indoor air sampling. The air monitoring program shall be carried out as follows:

- i. Sub slab soil vapour monitoring shall commence prior to occupancy for Building(s) containing a vapour mitigation system (item 4.2 f of the CPU) and carried out on a quarterly basis (every three months) for the first year, and semi annually (every six months with one event in summer and winter) for the second year and annually for third, fourth and fifth years (during worst case season based on previous results) and thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.
- ii. Indoor air monitoring shall commence prior to occupancy for Building(s) containing a Storage Garage (item 4.2 g. of the CPU) and carried out semi annually (every six months with one event in summer and winter) for the first and second years and annually (during worst case season based on previous results) for third year and thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.
- iii. For indoor air samples collected from the operating storage garage, PHC F2 is to be included in the preoccupancy sampling round only to avoid potential interference from vehicular exhaust once the future buildings are occupied as per Schedule 'B' of the CPU.
- iv. All air monitoring and sampling shall be done in accordance with the Ministry's document entitled "(Draft) Technical Guidance for Soil Vapour Intrusion Assessment" dated January 4, 2021, and any outdoor air sampling shall be done in accordance with The Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated January 2018 for the Contaminants of Concerns listed in Schedule 'B' of the CPU.
- v. Sampling locations for the soil vapour probes shall be identified by an appropriately qualified person to be protective of human health for any persons using or occupying the buildings on the Property. The minimum number of sample locations for sub slab soil vapour monitoring program shall follow Schedule 'C' of the CPU for each building.
- vi. Sampling locations for the indoor air shall be identified by an appropriately qualified person to be protective of human health for any persons using or occupying the buildings on the Property. The minimum number of sample locations for indoor air monitoring program shall follow Schedule 'D' of the CPU for each Building.
- vii. If the air concentration for any Contaminants of Concern exceeds any trigger levels in Schedule "B" of the CPU, then the Owner shall immediately notify the Director in writing of the exceedance along with a copy of the soil vapour probe construction logs, laboratory's certificate of analysis and chain of custody, field notes indicating the initial and final canister pressures, atmospheric pressure, weather and temperature.
- viii. The Owner shall keep a copy of all air sampling data and records available for inspection by a Provincial Officer upon request.
- ix. If the air concentration for the Contaminants of Concern exceeds Schedule 'B' of the CPU for soil vapour trigger levels for sub slab soil vapour monitoring or Schedule 'B' of the CPU for indoor air trigger levels for indoor air monitoring, then the sub slab soil vapour or indoor air monitoring shall recommence for all Contaminants of Concern within fifteen (15) days of receipt of the analytical results and be carried out as follows:

1. If none of the concentrations of the Contaminants of Concern exceeds Schedule 'B' (soil vapour trigger levels or indoor air trigger levels) of the CPU on the recommended sub slab soil vapour or indoor air monitoring event, then the sub slab soil vapour or indoor air monitoring event shall be carried quarterly (every three months) for additional four monitoring events; or
 2. If any of the concentrations of the Contaminants of Concern exceeds Schedule 'B' (soil vapour trigger levels or indoor air trigger levels) of the CPU on the recommended slab soil vapour or indoor air monitoring event, then the sub slab soil vapour and/or indoor air monitoring shall commence for all Contaminants of Concern within fifteen (15) days of receipt of the analytical results and a Licensed Professional Engineer shall, within thirty (30) days of the receipt of the analytical results,
 - i. develop and submit a detailed contingency plan (as outlined in Risk Assessment) to address the vapours in the Building; and
 The indoor air and sub-slab soil vapour monitoring shall continue on a quarterly basis (every three months) until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.
- k. Soil vapour boundary monitoring on the Property shall commence following the construction of the soil vapour boundary control system which is scheduled to take place during Property redevelopment activities. All soil vapour boundary monitoring programs shall be done in accordance with USEPA Method TO-15 for the Contaminants of Concerns listed in Schedule 'E' of the CPU with summa canisters. The soil vapour monitoring program shall be carried out as follows:
- i. Soil vapour boundary monitoring shall be carried out on a quarterly basis (every three months) for the first year, and semi annually (every six months) for the second and third years and annually thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.
 - ii. Sampling locations for the soil vapour boundary monitoring shall include a total of four (4) soil vapour probes installed at 3 mbgs with two soil (2) vapour probes installed at the northeastern corner of the Property and two (2) soil vapour probes installed along the western site boundary.
 - iii. All soil vapour monitoring and sampling shall be done in accordance with the Ministry's document entitled "(Draft) Technical Guidance for Soil Vapour Intrusion Assessment" dated January 4, 2021.
 - iv. If the soil vapour concentration for any Contaminants of Concern exceeds any trigger levels in Schedule 'E' of the CPU, then the Owner shall immediately notify the Director in writing of the exceedance along with a copy of the soil vapour probe construction logs, laboratory's certificate of analysis and chain of custody, field notes indicating the initial and final canister pressures, atmospheric pressure, weather and temperature.
 - v. The Owner shall keep a copy of all soil vapour sampling data and records available for inspection by a Provincial Officer upon request.
 - vii. If the air concentration for the Contaminants of Concern exceeds Schedule 'E' of the CPU for soil vapour boundary trigger levels, then the soil vapour boundary monitoring shall recommence for all Contaminants of Concern within fifteen (15) days of receipt of the analytical results and be carried out as follows:

1. If none of the concentrations of the Contaminants of Concern exceeds Schedule 'E' (soil vapour boundary trigger levels) of the CPU on the recommenced soil vapour boundary monitoring event, then the soil vapour boundary monitoring event shall be carried quarterly (every three months) for additional four monitoring events; or
 2. If any of the concentrations of the Contaminants of Concern exceeds Schedule 'E' (soil vapour boundary trigger levels) of the CPU on the recommenced soil vapour monitoring event, then within thirty (30) days of receipt of the analytical results, a Licensed Professional Engineer shall
 - i. develop and submit a detailed contingency plan (as outlined in Risk Assessment) to address the soil vapours at property boundaries; and

The soil vapour boundary monitoring shall continue on a quarterly basis (every three months) until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.
- I. The groundwater monitoring program shall be carried out within thirty (30) days of issuance of the CPU and sampled on a quarterly basis (once every three months) for first year, semi-annually (every six months) for the second year and annually (once a year) in the third year and thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU. The groundwater monitoring shall be carried out as follows:
- i. The groundwater monitoring program shall consist of three (3) existing wells at BH109R, BH-7 and BH-6 as indicated on figure L-6 of the CPU. After development occurs, four (4) new wells will be installed at MW1 to MW4 as indicated on figure L-6 of the CPU.
 - ii. The Contaminants of Concern to be monitored are listed on Schedule 'F' of the CPU;
 - iii. Water from all monitoring wells shall be sampled according to Ministry's Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act (MOE, 2004b) as amended from time to time.
 - iv. The Owner shall keep a copy of all groundwater sampling data available for inspection by a Provincial Officer upon request.
 - v. Should there be a reason to change the selected groundwater monitoring well location and/or should a measured groundwater concentration exceed the PSS or groundwater trigger level of Schedule 'F' of the CPU, the Owner shall immediately notify the Director in writing of the exceedance(s) long with a copy of the laboratory's certificate of analysis, chain of custody and borehole logs.
 - vi. If the groundwater concentration for the Contaminants of Concern exceeds groundwater trigger levels in Schedule 'F' of the CPU or PSS concentration, then groundwater monitoring shall recommence for Contaminants of Concern listed in Schedule 'F' of the CPU within thirty (30) days of receipt of the analytical results and be carried out as follows:
 - a. If none of the concentrations of the Contaminants of Concern exceeds Schedule 'F' (groundwater trigger levels) of the CPU or PSS, then the groundwater monitoring event shall continue on a quarterly basis (every 3 months) for a twelve (12) month period (4 additional monitoring events).

- 4.5 The Owner shall ensure that every occupant of the Property, is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 4.3 and 4.4, unless noted N/A. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Site Changes

- 4.6 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. 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

- 4.7 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.

Property Requirement

- 4.8 For the reasons set out in the CPU and pursuant to the authority vested in me under subsection 197(1) of the Act, I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.

Certificate of Requirement

- 4.9 Within fifteen (15) days from the date of receipt of a certificate of requirement issued under subsection 197(2) of the Act and as set out in Schedule "G", register the certificate of requirement on title to the Property, in the appropriate land registry office.
- 4.10 Immediately after registration of the certificate of requirement, provide to the Director written verification that the certificate of requirement has been registered on title to the Property.

Owner Change

- 4.11 While the CPU is in effect, the Owner shall forthwith report in writing, to the Director any changes of ownership of the Property, except that while the Property is registered under

the Condominium Act, 1998, S.O.1998 c.19, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

Financial Assurance

- 4.12 Within fifteen (15) days of the date of the CPU, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of one hundred and ninety - eight thousand, two hundred and seventy-six dollars (\$198,276.00) in a form satisfactory to the Director and in accordance with Part XII of the Act.
- 4.14 A written report reviewing the financial assurance required by the CPU shall be included in the annual report every five years as referred to as Item 4.2 n. with an updated cost estimate with respect to the matters dealt with in Item 4.12 above.

Part 5: General

- 5.1 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.
- 5.2 An application under sub section 168.6(3) of the Act to,
 - a. alter any terms and conditions in the CPU or impose new terms and conditions; or
 - b. revoke the CPU;shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may alter 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 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.
- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner 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.

- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.
- 5.7 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,
- natural phenomena of an inevitable or irresistible nature, or insurrections,
 - strikes, lockouts or other labour disturbances,
 - inability to obtain materials or equipment for reasons beyond your control, or
 - 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.
- 5.8 Failure to comply with a requirement of the CPU by the date specified does not absolve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the provisions of Items 4.9 and 4.10 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, as amended, 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.
- 5.10 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 6: Information regarding a Hearing before the Ontario Land Tribunal

- 6.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 6.2 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.

- 6.3 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 address, email address and fax numbers of the Director and the Tribunal are:

Registrar Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5
Email: OLT.Registrar@ontario.ca

and

Jimena Caicedo
Ministry of the Environment, Conservation and Parks
5775 Yonge Street, 8th Floor
Toronto, Ontario
M2M 4J1
Fax: 416-326-5536
Email: Environment.Toronto@ontario.ca

- 6.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

- 6.5 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 EBR registry. 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 Environmental Commissioner of Ontario who will place it on the EBR registry. The notice must be delivered to the Environmental Commissioner at 605-1075 Bay Street, Toronto, Ontario M5S 2B1 by the earlier of:

6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and

6.5.2 fifteen (15) days after service on you of a copy of the CPU.

- 6.6 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.

- 6.7 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

- 6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the EBR registry; and
 - 6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.
- 6.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws.

Issued at Toronto this 14th day of October 2025.

“Originally Signed by”

Jimena Caicedo
Director, section 168.6 of the Act

Schedule 'A'

Property Specific Standards (Soil and Groundwater) for each Contaminant of Concern

Contaminants of Concern (COC)	Property Specific Standards for Soil (µg/g)	Property Specific Standards for Groundwater (µg/L)
Antimony	9.7	NA
Cadmium	88.6	NA
Chloroform	NA	13.7
Chromium (total)	NA	2760
Chromium VI	NA	2640
Dichloroethylene-1,2-cis	NA	2.78
Lead	418	NA
Nickel	256	NA
Petroleum Hydrocarbons F2	372	NA
Tetrachloroethylene	0.90	144
Trichloroethylene	1.4	972
Vinyl Chloride	NA	112
Zinc	584	NA

NA – not applicable

Schedule 'B'

Air Trigger Levels

Contaminants of Concern (COC)	Indoor Air Trigger Levels (µg/m³)	Soil Vapour Trigger Levels (µg/m³)
PHC F2	471*	23,500
Tetrachloroethylene	4.28	214
Trichloroethylene	0.27	13.6
Vinyl Chloride	0.13	6.32

* This parameter is to be included in the one-time pre-occupancy event for the Building with Storage Garage and vapour membrane/barrier RMM to avoid potential interference from vehicular exhaust once the future buildings are occupied.

Schedule 'C'

Minimum Number of Sub-Slab Soil Vapour Samples Based on Development Plan

(Building with soil mitigation system as per Item 4.2 f. of the CPU)

Building #	Approx. Building Area (m²)	Minimum Number of Samples
1	1,400	5
2	1,230	5

Schedule 'D'

Minimum Number of Indoor Air Samples Based on Development Plan

(Building with Storage Garage as per Item 4.2 g. of the CPU)

Building #	Approx. Building Area (m²)	Minimum Number of Samples
1	1,400	4
2	1,230	4

Schedule 'E'

Soil Vapour Boundary Trigger Levels

Contaminants of Concern (COC)	Soil Vapour Trigger Level (µg/m³)*
Dichloroethylene-1,2-cis	6817
Tetrachloroethylene	2351
Trichloroethylene	144
Vinyl Chloride	63

* assumed 3 mbgs vapour probe depth

Schedule 'F'

Groundwater Trigger Levels

Contaminants of Concern (COC)	Groundwater Trigger Levels (µg/L)
Dichloroethylene, 1,1-	92
Dichloroethylene-1,2-cis	92
Tetrachloroethylene	92
Trichloroethylene	312
Vinyl Chloride	9.2

Schedule 'G'

CERTIFICATE OF REQUIREMENT

s.197(2)

Environmental Protection Act

This is to certify that pursuant to Item 4.8 of Certificate of Property Use number 3865-DHTLVU issued by Jimena Caicedo, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the Environmental Protection Act, on October 14, 2025, being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the Property municipally known as 175 & 185 Eileen Avenue, Toronto, ON being all of Property Identifier 10533-0229 (LT) (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

TFC DEVELOPMENTS INC.

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

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

CPU 3865-DHTLVU

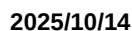


Figure L-1

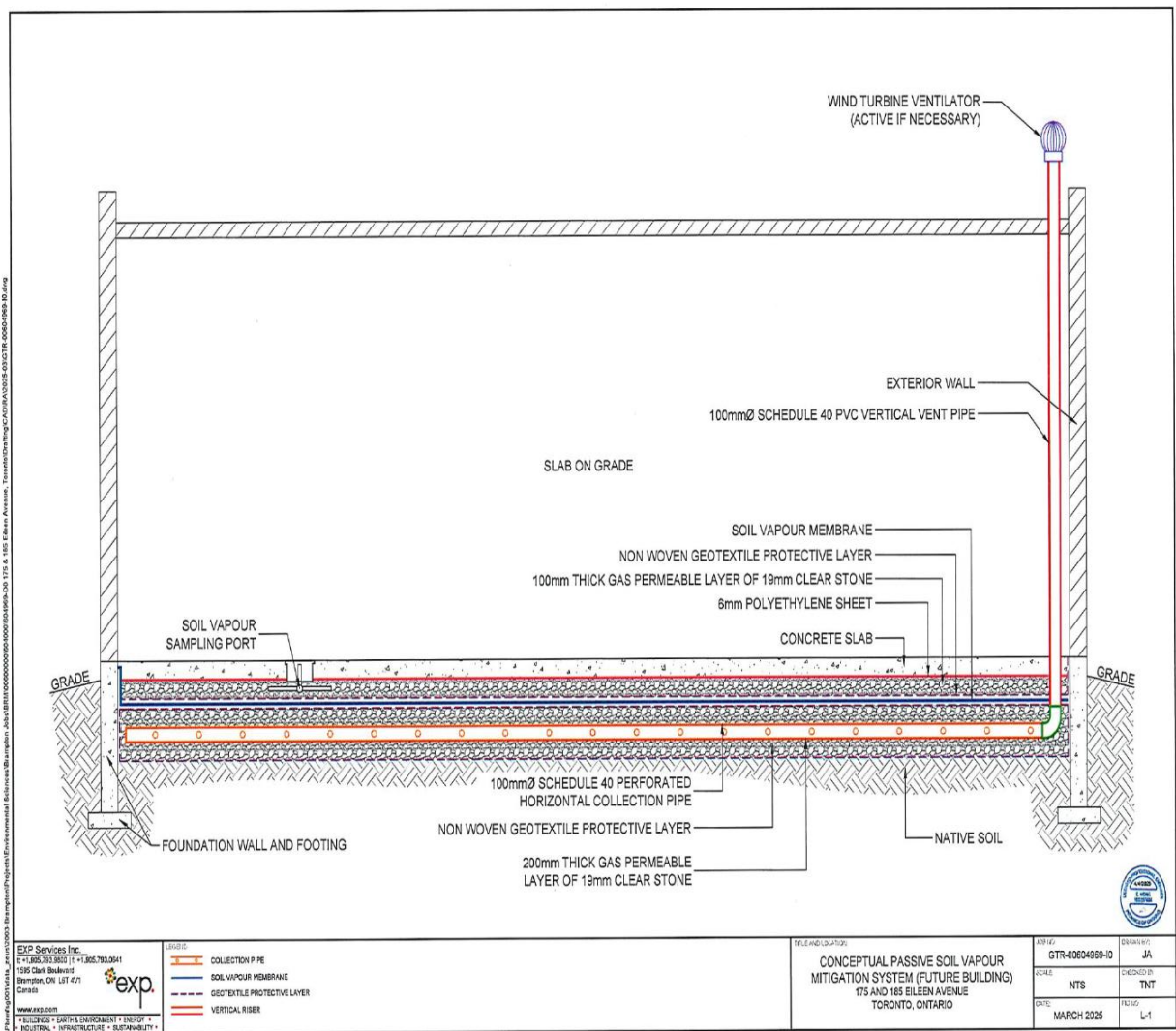


Figure L-2

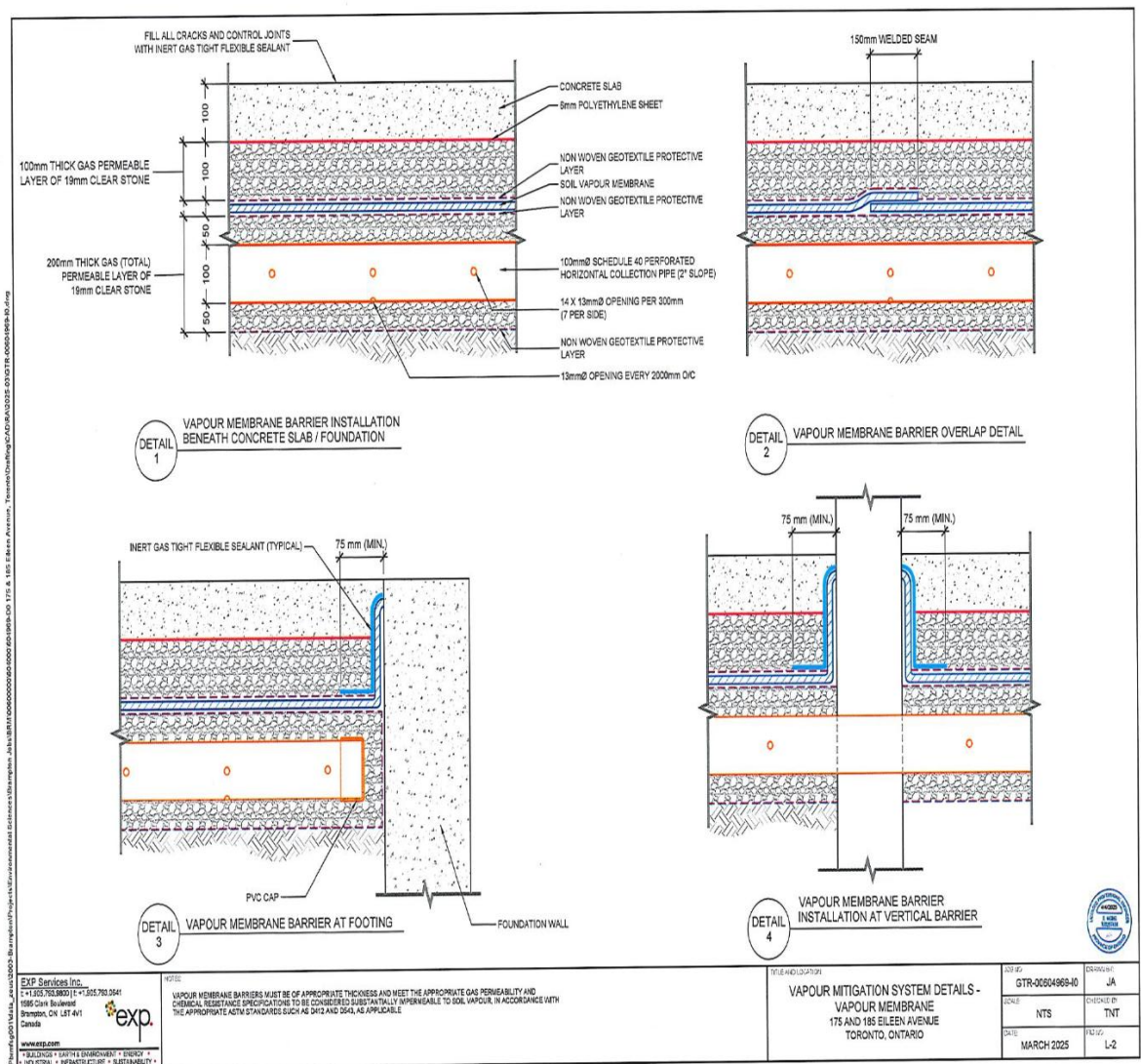


Figure L-3A

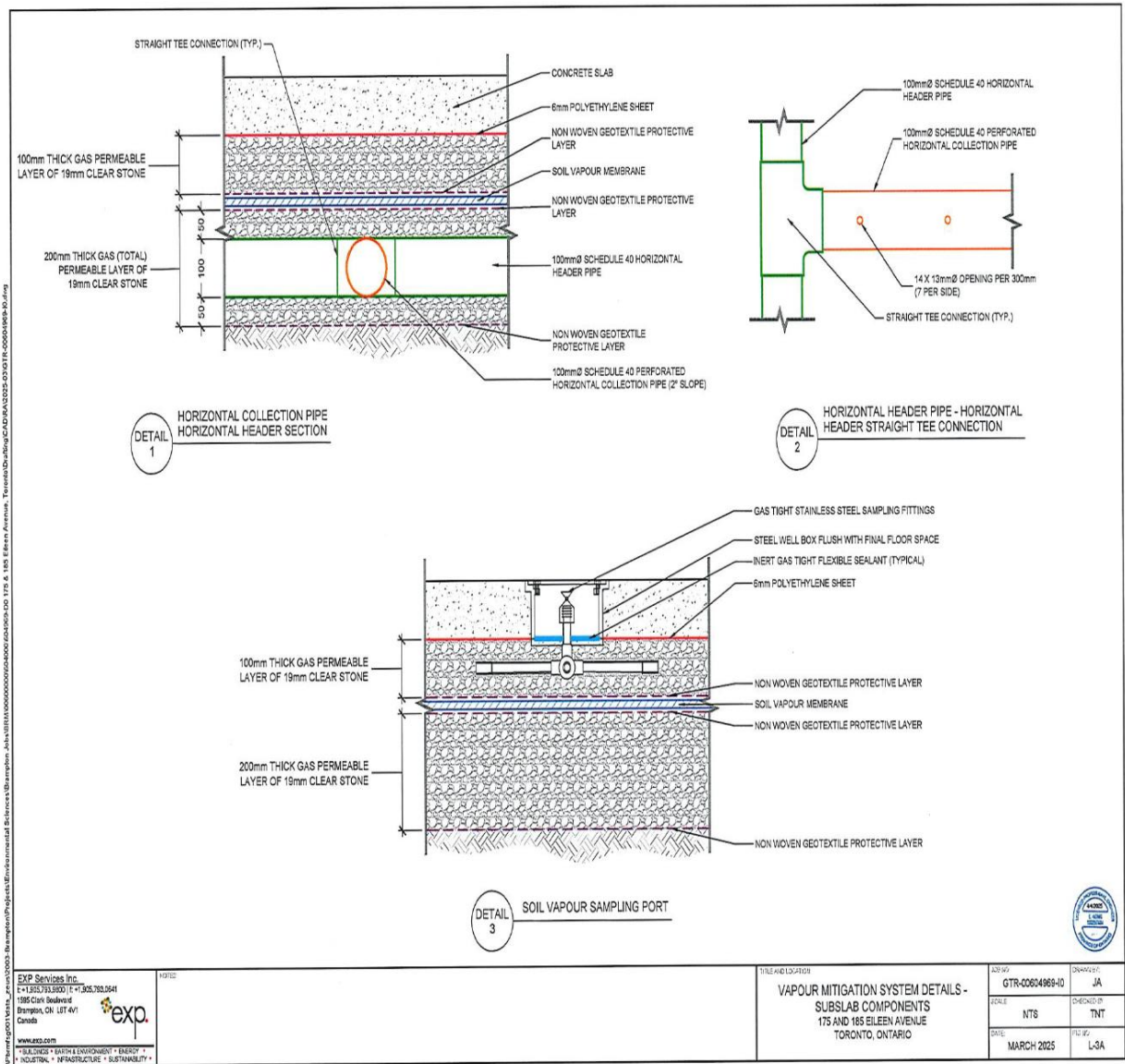


Figure L-3B

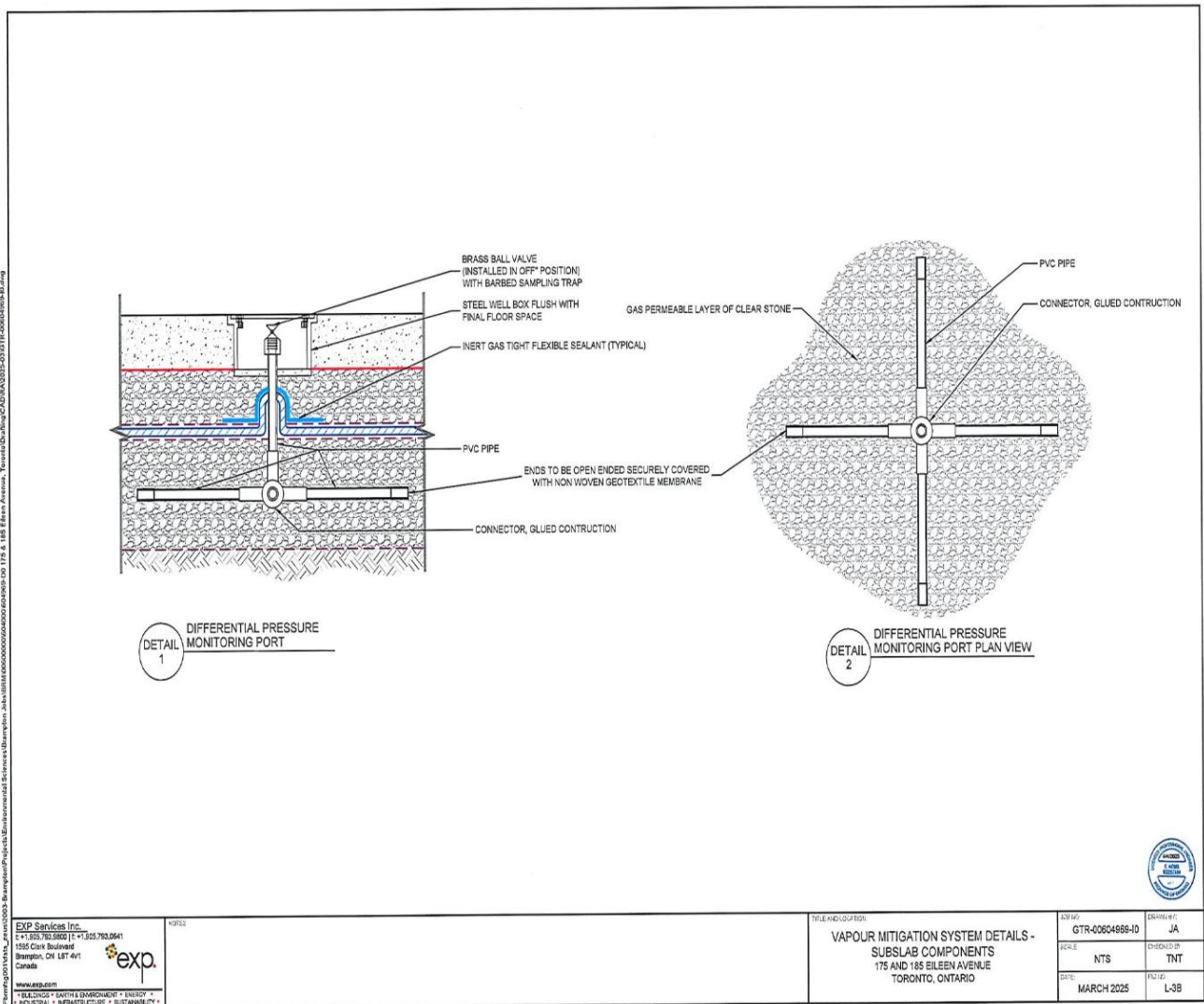


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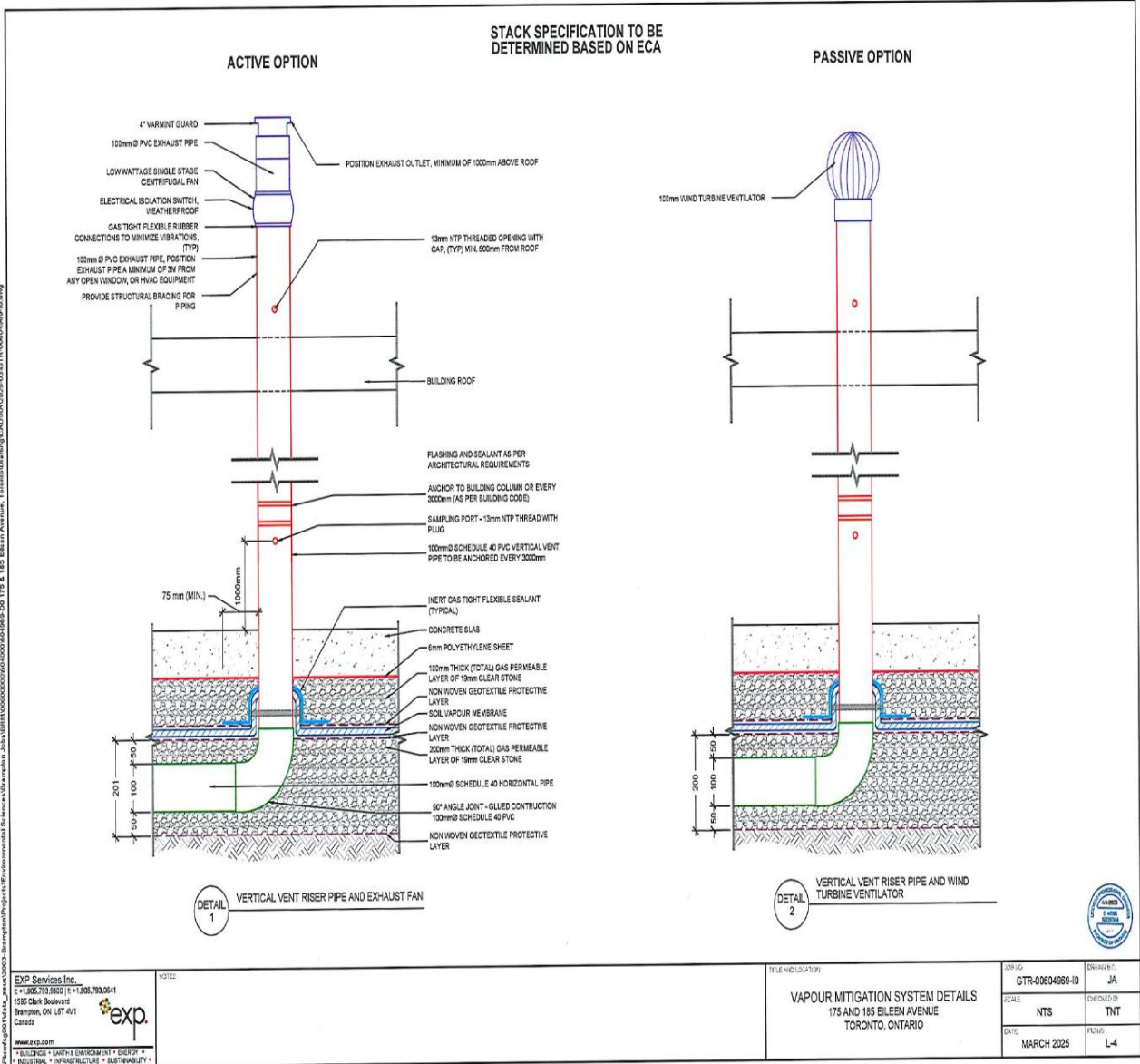


Figure L-5

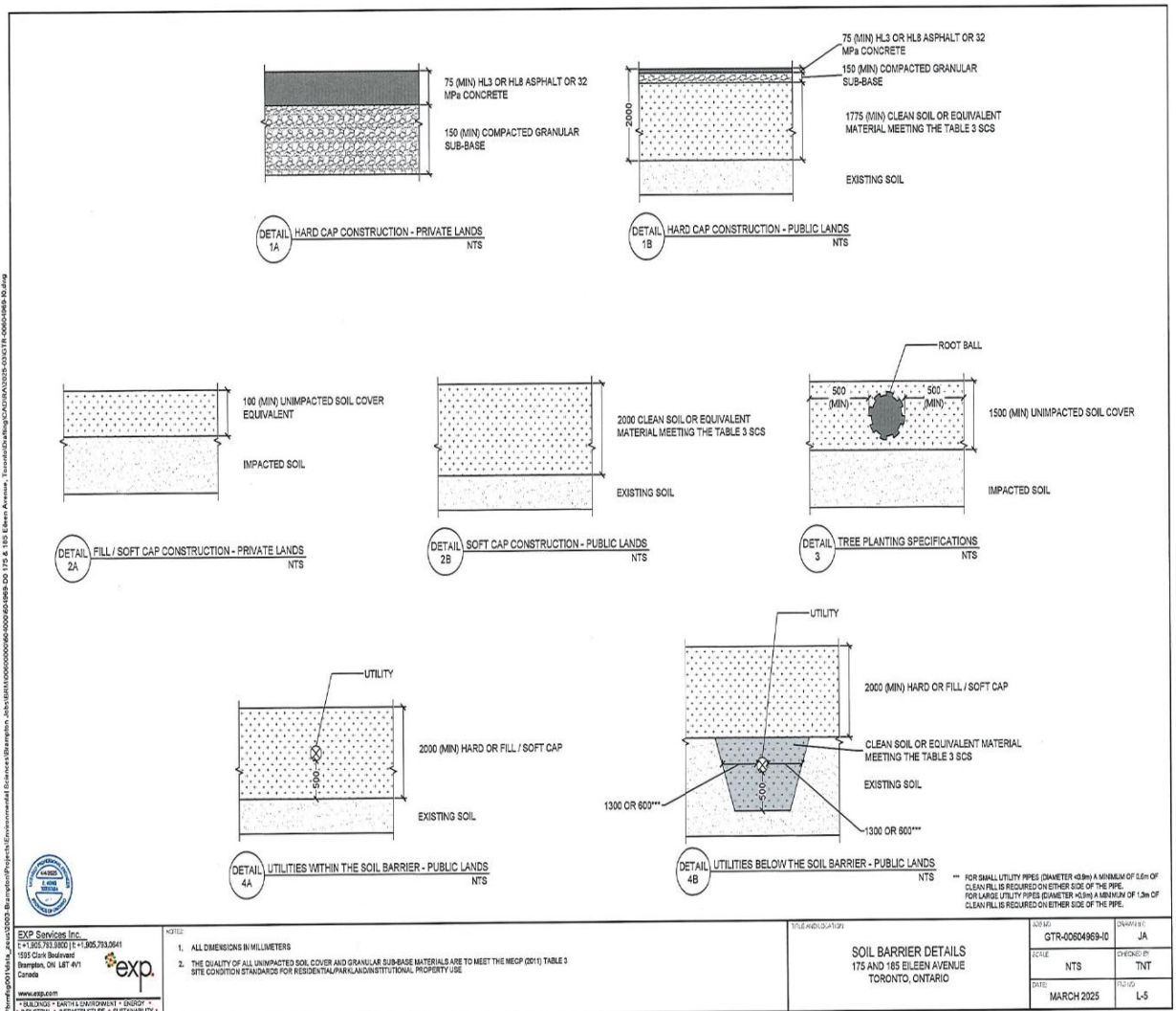


Figure L-6

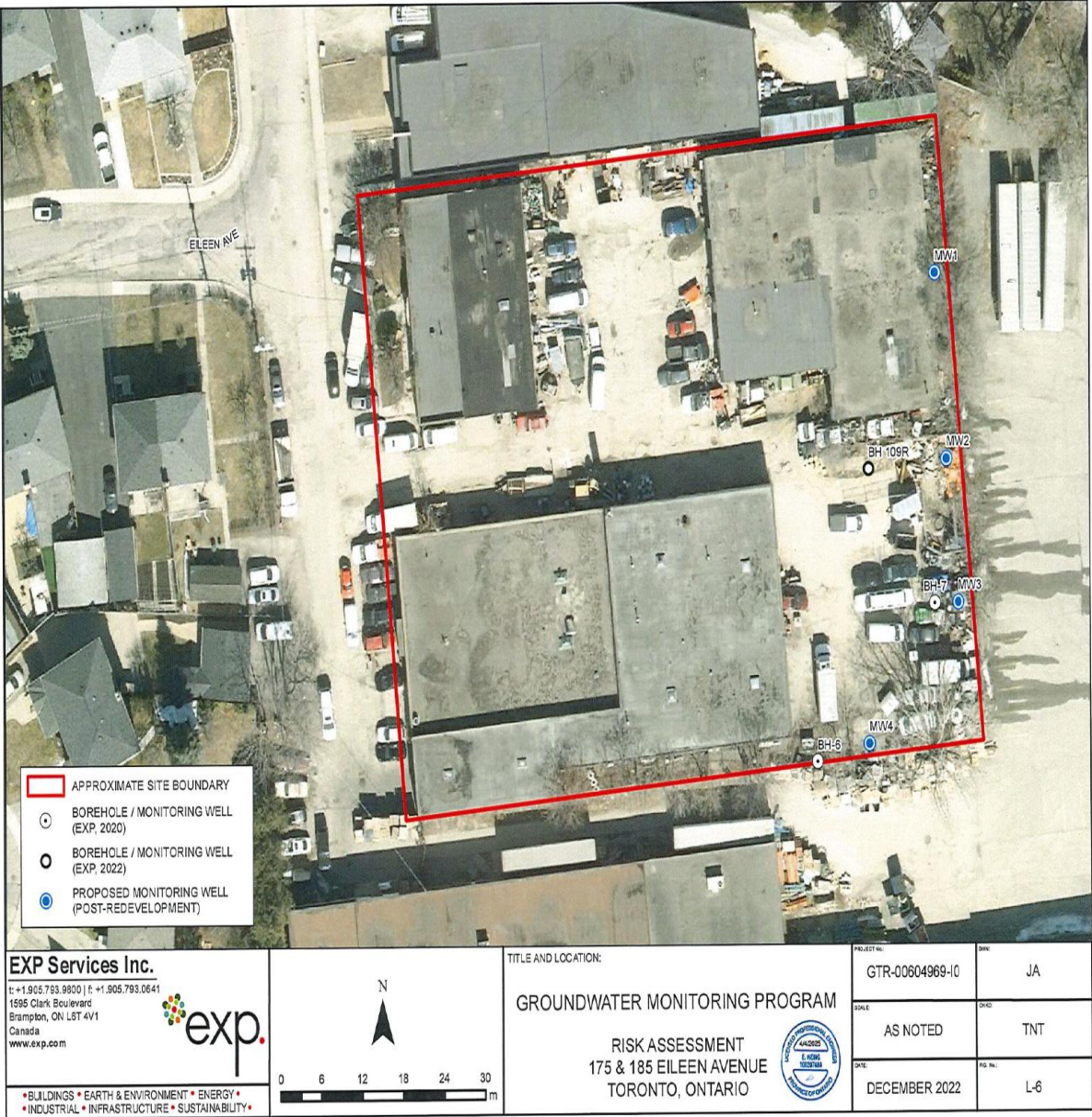


Figure L-7A

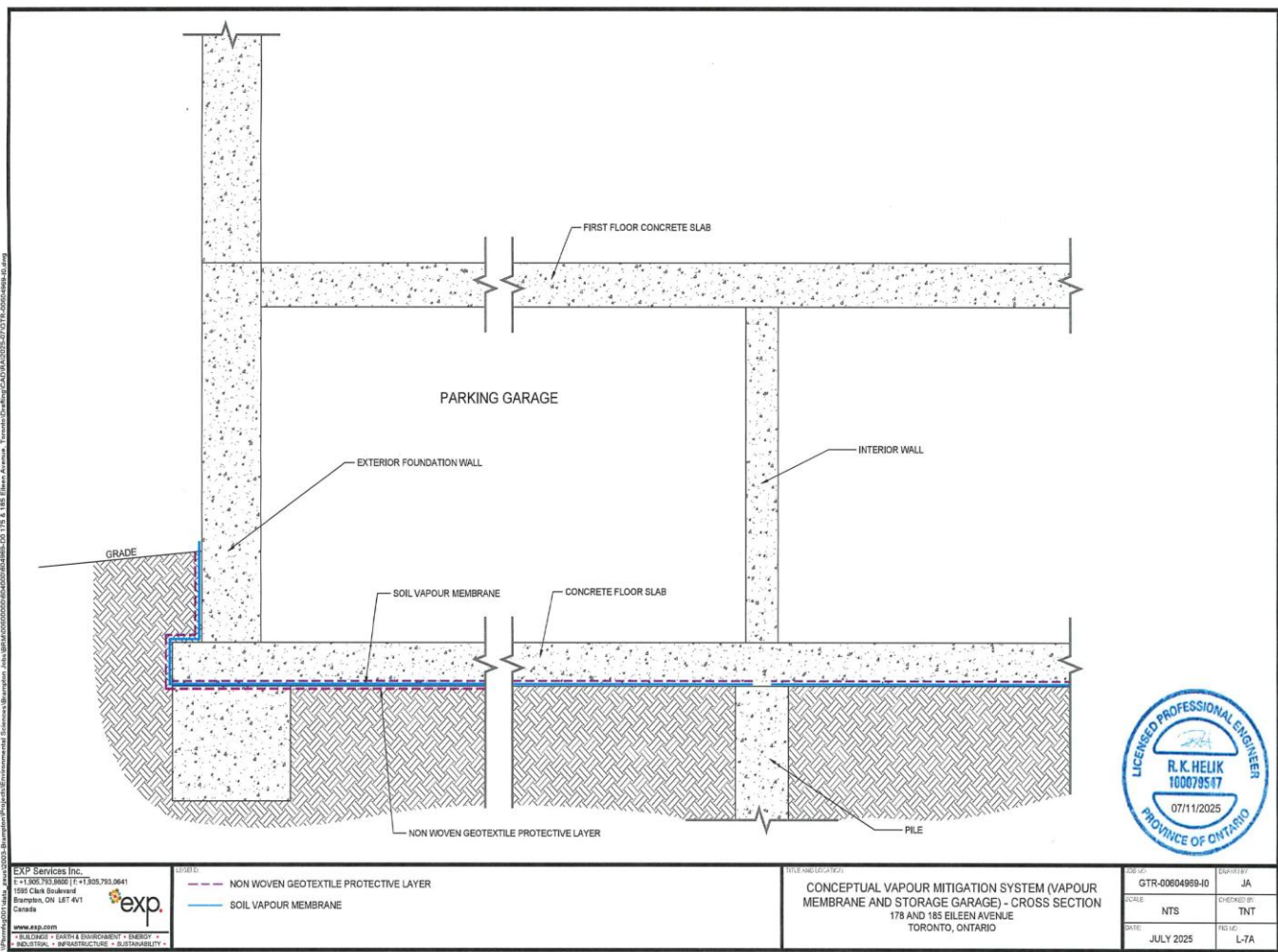
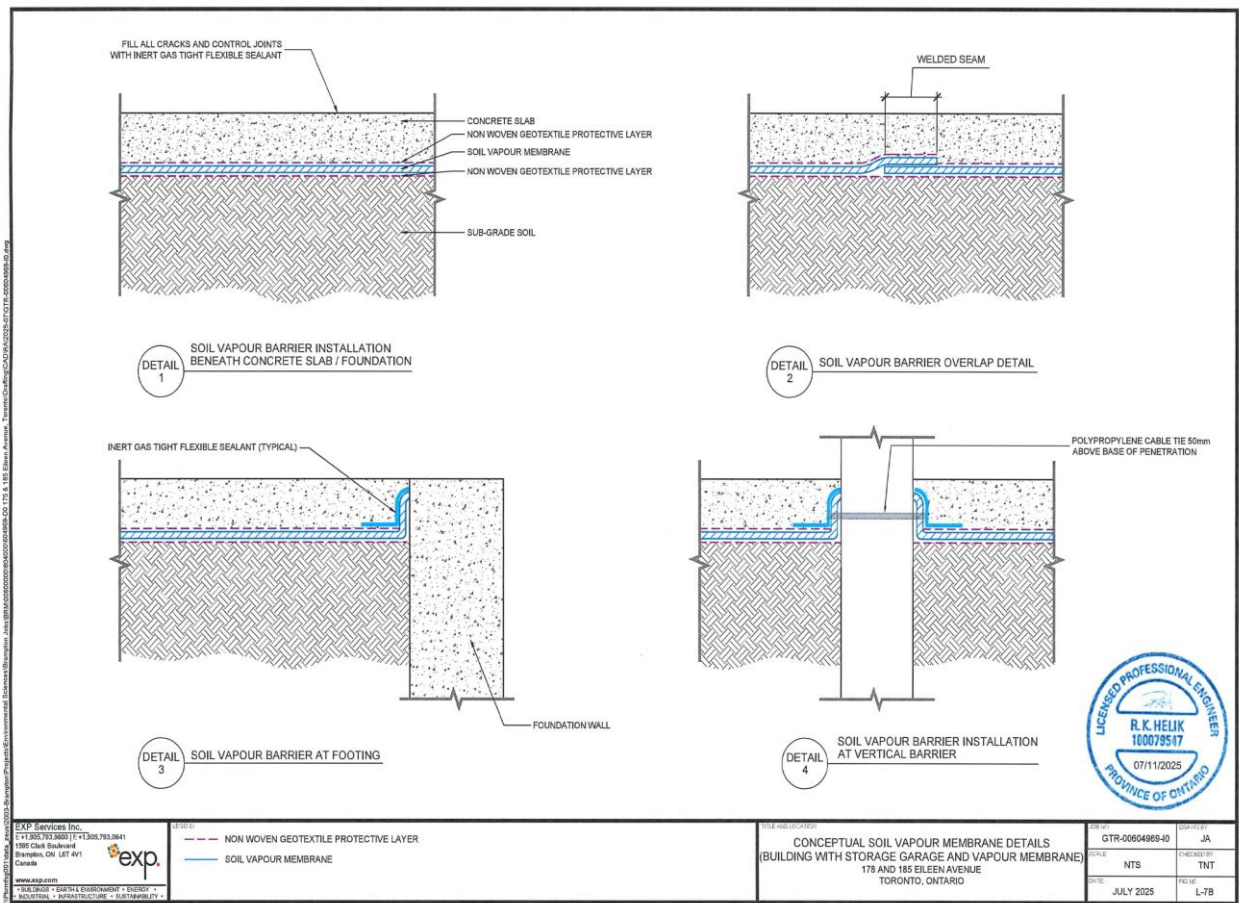
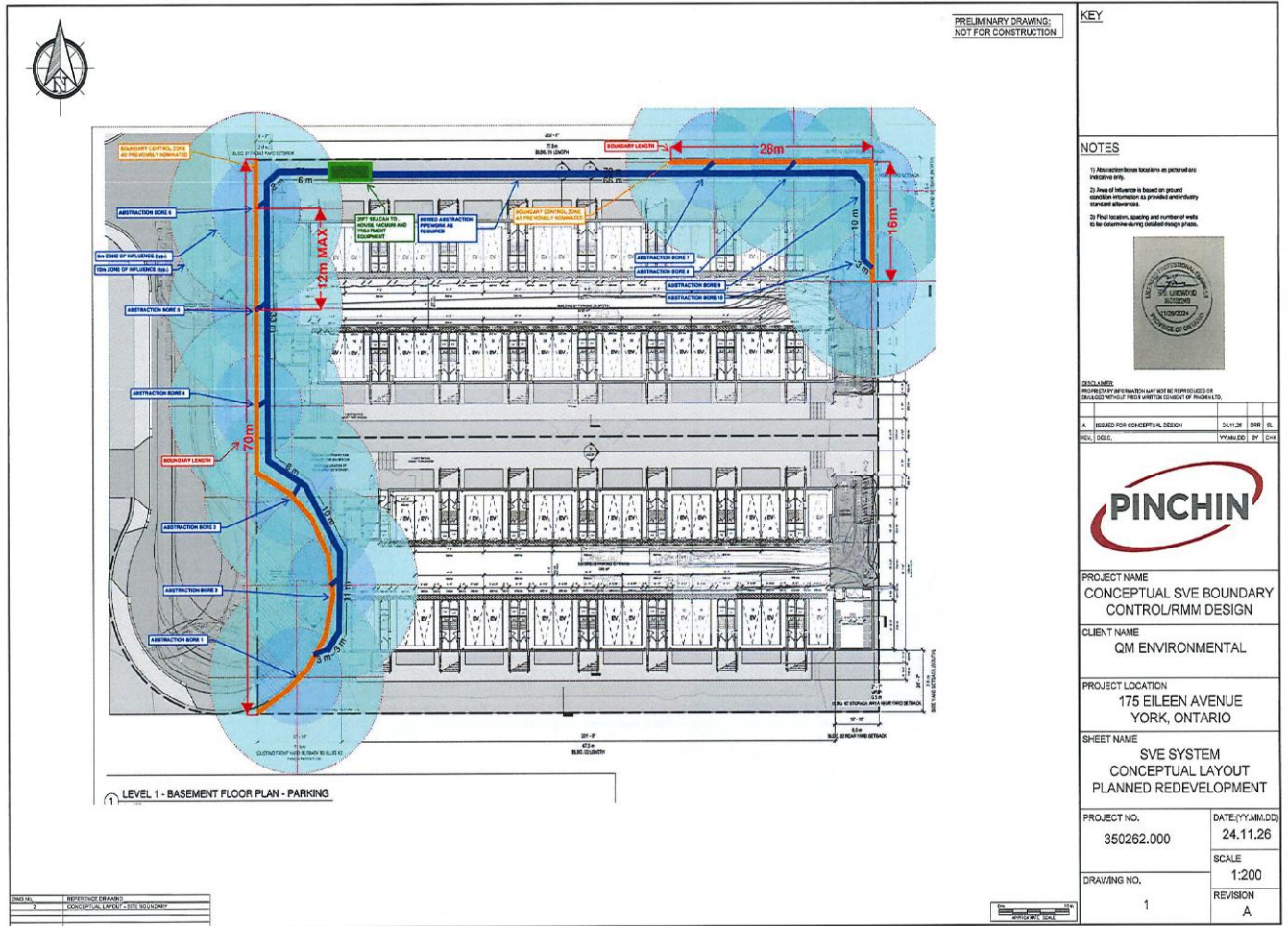


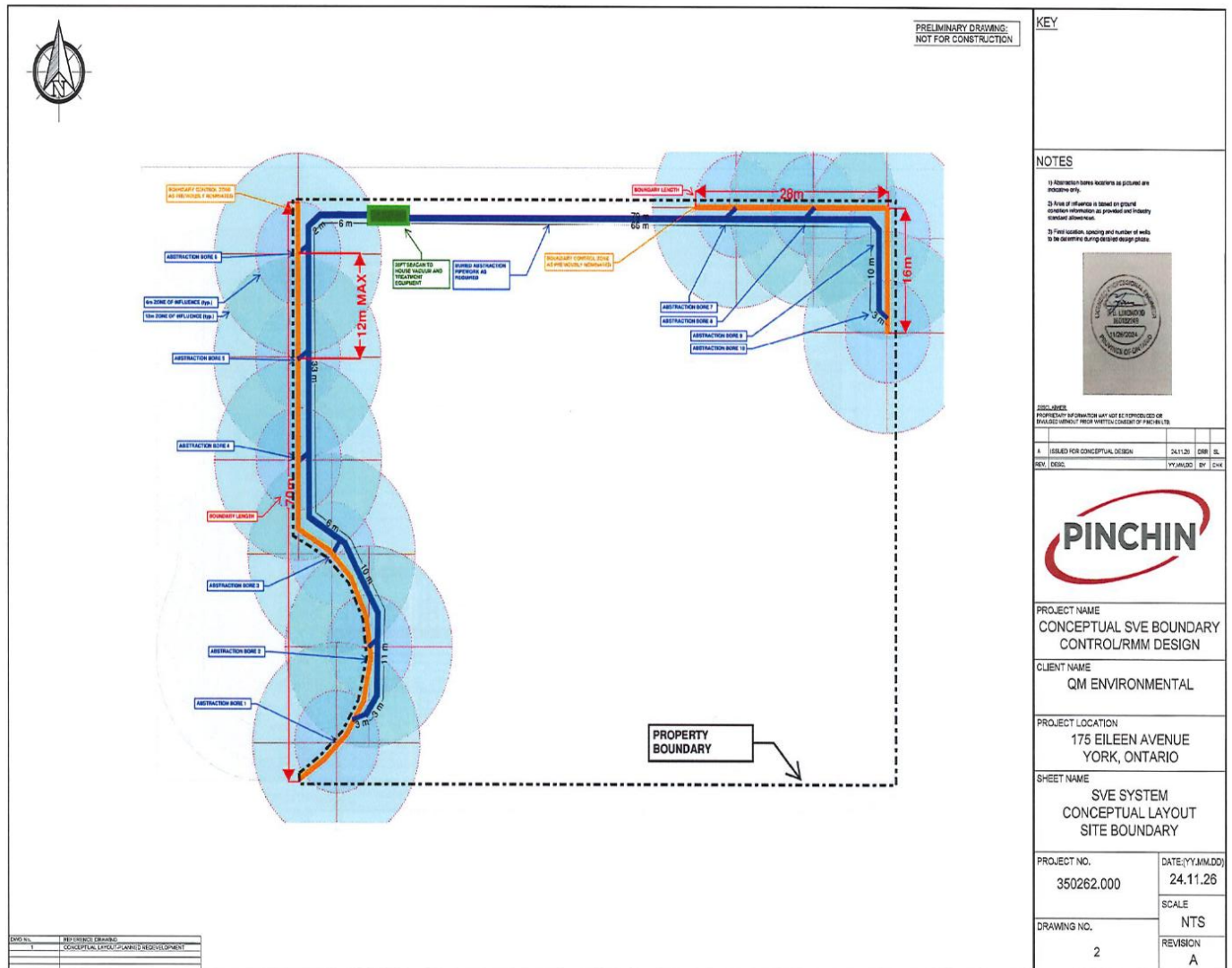
Figure L-7B



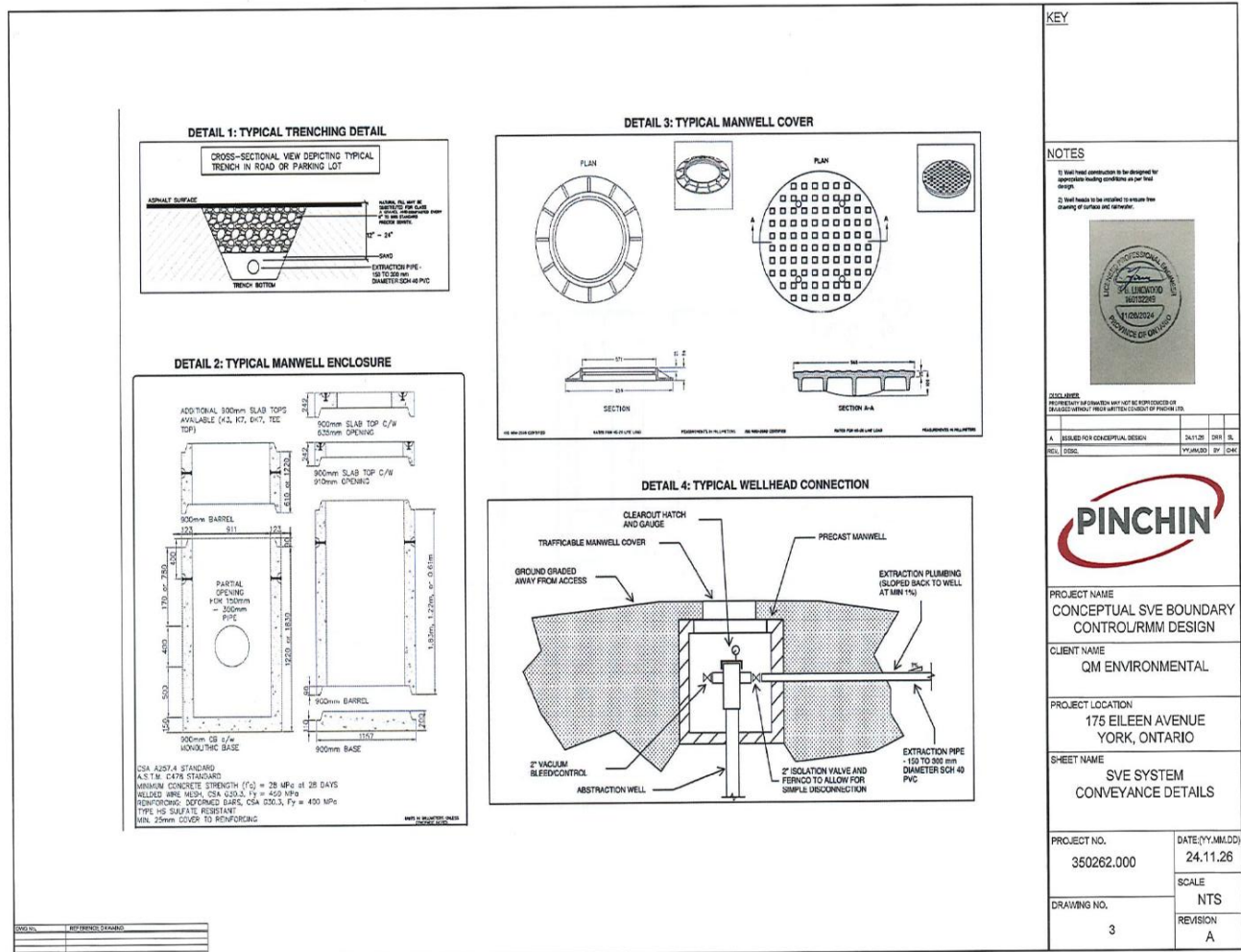
Drawing 1



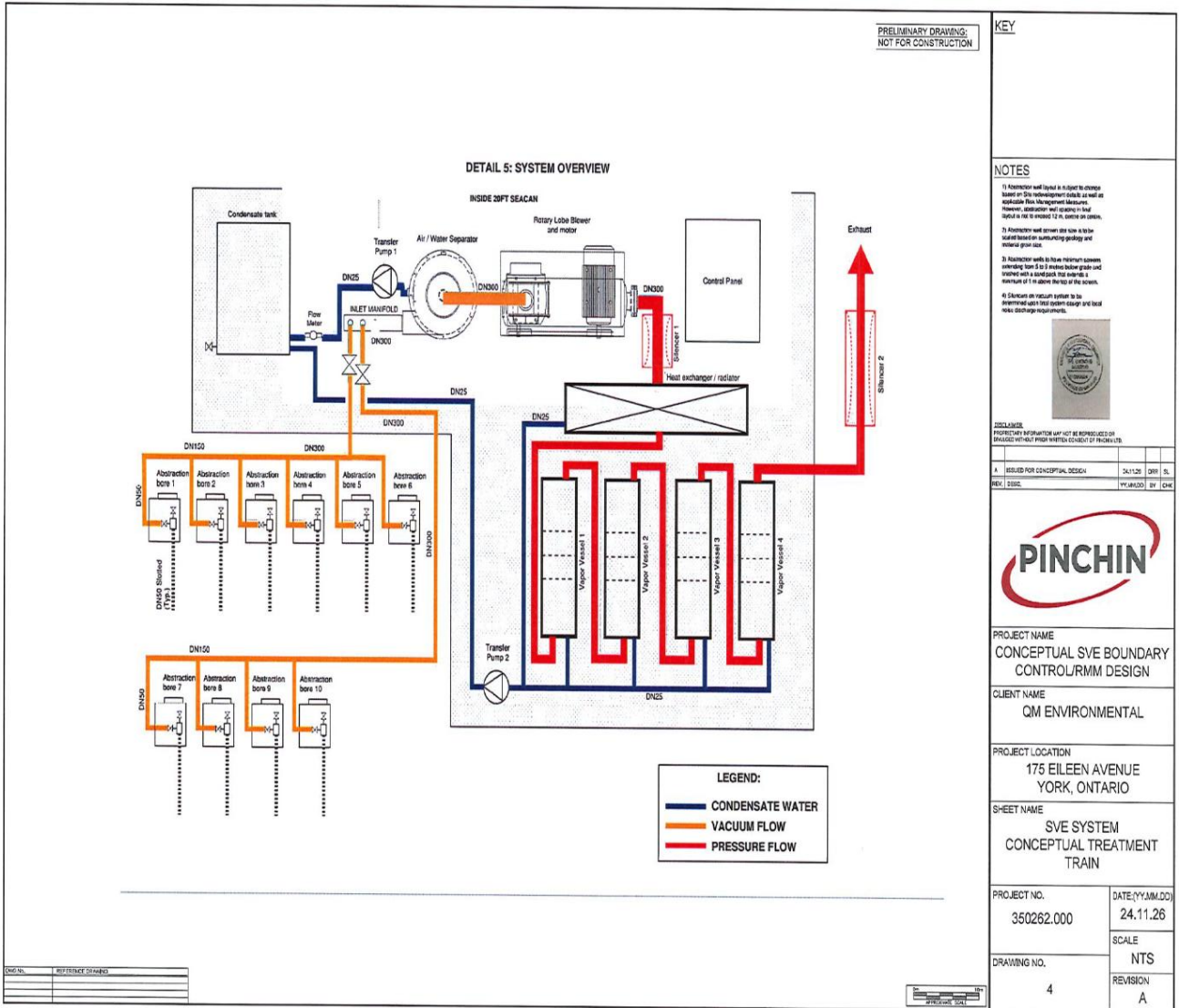
Drawing 2



Drawing 3



Drawing 4



Drawing 5

PRELIMINARY DRAWING; NOT FOR CONSTRUCTION						KEY
Functional Description:						NOTES: 1) Abstraction well layout is subject to change based on site investigation results as well as applicable Plan Management Measures. However, abstraction well layout in field is to be installed 1.5 m. centre on centre. 2) Abstraction well screen and side is to be subject to an existing existing 100 mm diameter well. 3) Abstraction well to have minimum screens extending from 3 to 5 metres below grade and installed with a sand pack that extends a minimum of 1 m above the top of the screen.
The plant will be manually operated on and off via associated push button switches on the control panel door. The Blower motor will run, coupled to the blower. This will create vacuum in the adjoining pipework through to the field. The vacuum created will draw air through the 9 connected abstraction wells. This will be balanced by an operator on site to achieve optimal flows and pressures. The entrained air moving through the pipework will go through the associated pipework and into the air water separator. Any entrained water will be removed by the air water separator as condensate. The separator will be temporarily drained by means of a high and low level switch which will run the connected transfer pump 1 to discharge captured condensate into the condensate tank. The air will continue to move through the blower under vacuum, where it will be condensed and pressurized as it is dispelled from the blower. This will cause an increase in temperature and pressure of the air. To reduce temperature increases, the air will be moved through a radiator/heat exchanger to cool it. This will help optimize treatment in the downstream vapor vessels. The air will move through 4 associated vapor vessels which will contain media specific to the contaminants of the site to be treated. The exposure of the air to this media will remove the contaminants as required. While the air moves through the heat exchanger and vapor vessels it is likely to develop more condensate. To overcome this, a second transfer pump will draw condensate from these systems by means of a timer control. an operator will tune this to suit during commissioning. Silencers will be added to the system to ensure sufficient damping of the blower system and ensure limited residual noise is dispersed to the surrounding environment. Instruments will provide means of monitoring the system and associated alarms will be configured to control and shut down the plant as per the alarms list attached. An operator will oversee system operation on an as needs basis to ensure the system is balanced and the condensate tank drained as required. The level of supervision required will be determined on site during commissioning and through the initial process proving period.						
Electrical Load:						
Based on the following supply: 600 volt 3 phase						
Description:	Rated:	Unit:	FLC (Amps):	Duty Cycle %:	Adjusted Load (Amps):	
Vacuum Blower	15	hp	18	100	18	
Stepdown Transformer 600V to 208V	5 kva	kva	10	50	5	
- Container Lighting						
- Ventilation Fan						
- Transfer Pump 1						
- Transfer Pump 2						
- Misc controls and instrumentation						
- Panel Heater						
			FLC: 28.0 Amps	Typical: 23.0 Amps		
Alarms List						
	Plant Shutdown					
Blower Overload	Yes					
Blower Motor Temp	Yes					
Over Vacuum	Yes					
Over Pressure	Yes					
Blower Discharge Temp	Yes					
Transfer Pump 1 Overload	Yes					
Transfer Pump 2 Overload	Yes					
Condensate Tank High Level	Yes					
Air Water Separator High Level	Yes					
DISCLAIMER: Preliminary information may not be reproduced or released without the written consent of PINCHIN LTD.						
A. ISSUED FOR CONCEPTUAL DESIGN						
REV. DATE: YYMMDD BY CHK						
						
PROJECT NAME CONCEPTUAL SVE BOUNDARY CONTROL/RMM DESIGN						
CLIENT NAME QM ENVIRONMENTAL						
PROJECT LOCATION 175 EILEEN AVENUE YORK, ONTARIO						
SHEET NAME SVE SYSTEM OPERATIONAL DETAILS						
PROJECT NO. 350262.000				DATE (YYMMDD) 24.11.26		
DRAWING NO. 5				SCALE NTS		
				REVISION A		

NO.	REVISIONS/REMARKS

NO.	REVISIONS/REMARKS