

# Certificate of Property Use

Issued under the authority of the Environmental Protection Act, R.S.O. 1990, c. E.19,  
sections 168.6 (CPU), 132 (Financial Assurance) and 197 (Order)

Certificate of Property Use number 7671-DP7MWX  
Risk Assessment number 2655-CPAML4

## Owner:

### Registered Owner

150 Steeles Milton Inc.  
170 Steeles Avenue East  
Milton, ON L9T 2Y5

### Beneficial Owners

B.D.L. Milton Properties Inc.  
530 Kipling Avenue  
Toronto, ON M8Z 5E3

Hood Landco Inc.  
2 Bulls Lane  
Hamilton, Ontario L9A 1C7

### Site: 150 Steeles Avenue East (Property 6), Milton, Ontario

with a legal description described below:

Part of Lot 15, Concession 2 Trafalgar New Survey Being Part 1 on Plan 20R-22854; Town of Milton;

And being part of PIN 24951-0313 (LT), and as further shown in Schedule C: Plan of Survey.

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

## Part 1: Interpretation

In this CPU, the following capitalized terms have the meanings described below:

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

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

(a) impairment of the quality of the natural environment for any use that can be made of it,

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

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

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number 7671-DP7MWX issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

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

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

“Creek Monitoring Plan” means the monitoring program dated November 10, 2025 as outlined in Attachment F2: Creek Monitoring Plan of Appendix F of the Risk Assessment.

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

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

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

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

“Minister” means the minister of the Ministry.

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

“Ontario Benthic Biomonitoring Network (OBBN) 2007 protocol” means the Ontario Benthos Biomonitoring Network: Protocol Manual, January 2007, Copyright Queen’s Printer for Ontario, 2007, ISBN 978-1-4249-2121-8.

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

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

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the Certificate of Property Use for the Property is first issued by the Director and any subsequent Registered or Beneficial owner(s) of the Property.

“Property” means the property that is the subject of the Risk Assessment and CPU and is described in the property “Site” section on page 1 above and as further shown in Schedule C: Plan of Survey prepared, signed and sealed by C. Wahba, Ontario Land Surveyor, on November 1, 2024, and registered on November 27, 2024 as Plan 20R-22854 (Annotated).

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

“Provincial Officer” means a person who is designated as a provincial officer for the purposes of the Act and the regulations.

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

“Risk Assessment” means the Risk Assessment Number 2655-CPAML4 submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on November 21, 2025 and set out in the following documents:

- “Tier 3 Risk Assessment for 150 Steeles Avenue East (RSC Property 6), Milton, Ontario”, report prepared by DS Consultants Ltd., dated August 20, 2023
- “New Science Risk Assessment for 150 Steeles Avenue East (RSC Property 6), Milton, Ontario”, report prepared by DS Consultants Ltd., dated March 25, 2024
- “RE: Risk Assessment for 150 Steeles Avenue East, Milton, Ontario; RA2120-23a; IDS#2655-CPAML4” e-mail from Reese McMillan, DS Consultants Ltd., received by TASDB on May 1, 2024, with the following documents attached:
  - “Attachment A2 150 Steeles RSC Property 6 May 2024.pdf”
- “Revised New Science Risk Assessment 150 Steeles Avenue East (RSC Property 6) Milton, Ontario”, report prepared by DS Consultants Ltd., dated December 20, 2024
- “RE: RA for 150 Steeles Avenue East, Milton Appendix A - Response to Schedule A comments 3-6 under New P2CSM Comments, July 2024” email from Reese McMillan, DS Consultants Ltd., received by TASDB on February 13, 2025, with the following documents attached:
  - Steeles Appendix A Feb 2025.pdf
  - Steeles Creek response document Feb 2025.pdf

- “Revised New Science Risk Assessment, 150 Steeles Avenue East (RSC Property 6), Milton, Ontario”, report prepared by DS Consultants Ltd., dated May 30, 2025
- “Revised New Science Risk Assessment, 150 Steeles Avenue East (RSC Property 6), Milton, Ontario”, report prepared by DS Consultants Ltd., dated July 31, 2025
- “RE: RA for 150 Steeles Ave E (RSC Property 6), Milton; RARA2120-23e; IDS# 2655-CPAML4” email from Reese McMillan, DS Consultants Ltd., received by TASDB on October 20, 2025, with the following documents attached:
  - PSF RSC Property 6- 150 Steeles Ave E, Milton ON Feb 13, 2023.pdf
  - 150 Steeles Ave E (RSC Property 6), Milton Tier 3 Risk Assessment August 2023.pdf
  - 150 Steeles Ave E (RSC Property 6), Milton, NSRA March 2024.pdf
  - 150 Steeles (RSC Property 6) Revised NSRA.pdf
  - MGRA 2024 Steeles Creek.xlsx
  - NSRA 150 Steeles (RSC Property 6) July 2025.pdf
  - MGRA 2025 Steeles Creek.xlsx
  - 150 Steeles (RSC Property 6) Revised NSRA May 2025.pdf
  - MGRA 2025 Steeles Creek.xlsx
  - NSRA Addendum 150 Steeles (RSC Property 6) October 20, 2025.pdf
- “RE: RA for 150 Steeles Ave E (RSC Property 6), Milton; RARA2120-23e; IDS# 2655-CPAML4” email from Reese McMillan, DS Consultants Ltd., received by TASDB on November 10, 2025, with the following documents attached:
  - PSF RSC Property 6- 150 Steeles Ave E, Milton ON Feb 13, 2023.pdf
  - 150 Steeles Ave E (RSC Property 6), Milton Tier 3 Risk Assessment August 2023.pdf
  - 150 Steeles Ave E (RSC Property 6), Milton, NSRA March 2024.pdf
  - 150 Steeles (RSC Property 6) Revised NSRA.pdf
  - MGRA 2024 Steeles Creek.xlsx
  - NSRA 150 Steeles (RSC Property 6) July 2025.pdf
  - MGRA 2025 Steeles Creek.xlsx
  - 150 Steeles (RSC Property 6) Revised NSRA May 2025.pdf
  - MGRA 2025 Steeles Creek.xlsx
  - NSRA Addendum 2 150 Steeles (RSC Property 6) November 10, 2025.pdf

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

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

## **Part 2: Legal Authority**

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,

- a. the performance of any action specified in the certificate of property use;
  - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
  - c. measures appropriate to prevent Adverse Effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6(1) of the Act states that if a risk assessment relating to a property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
- 1. Take any action specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any Adverse Effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
  - 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate of property use has been issued under subsection 168.6(1),
- a. alter any terms and conditions in the certificate or impose new terms and conditions; or
  - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property; and
  - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
  - c. the owner of the property shall ensure that every occupant of the property complies with the provision.

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

### **Part 3: Background**

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the following intended use: "Agricultural or Other Use", as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above the Table 1 standards of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*** published by the Ministry and dated April 15, 2011 for coarse textured soils are set out in the Risk Assessment and in Schedule A. The Standards for these Contaminants of Concern are also set out in Schedule A which is attached to and forms part of the CPU.
- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of Buildings and/or the notice provisions as outlined in Part 5 of this CPU.
- 3.5 I am of the opinion, that the requirements set out in Part 6 of this CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment and in Part 4 of

the CPU.

- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in the order requirements in Part 7 of this CPU.

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

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

- 4.0 Implement, and thereafter maintain or cause to be maintained, the following Risk Management Measures and requirements identified in the Risk Assessment and set out in Items 4.1 to 4.8 and 5.2 as applicable.

##### **4.1 No Building Restriction**

Refrain from constructing any Building on the Property.

##### **4.2 Site Access Restriction Risk Management Measure**

- a. Within ninety days of the date of the CPU, install gateless fencing and signage around the perimeter of the Property at the locations shown in Figure F1-1: Site Restriction Fencing and Signage, prepared by DS Consultants Ltd., dated December 2024, so as to restrict public access to the Property to prevent exposure to the Contaminants of Concern. The gateless fencing and signage shall be installed in accordance with the specifications described in Section 7.1.2.3 of the Risk Assessment and shall be maintained so long as the Contaminants of Concern are present at the Property.
- b. Provide written notice to the Director that the gateless fencing and signage has been installed on the Property as specified in Item 4.2 a, within 30 days of construction.
- c. Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of the gateless fencing and signage so long as the Contaminants of Concern are present at the Property, including, at a minimum:
  - i. procedures and timing for implementing the program;
  - ii. quarterly inspections;
  - iii. noting any deficiencies in the fencing or evidence of unauthorized human access, during the inspections, or at any other time;
  - iv. repairing promptly any deficiencies, to the original design specifications; and
  - v. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection

upon request by a Provincial Officer.

#### **4.3 Erosion Control Risk Management Measure**

- a. Within ninety days of the date of the CPU, install a silt fence on the Property at the locations shown in Figure No. F1-2: Silt Fencing Location, prepared by DS Consultants Ltd., dated December 2024, of the CPU to prevent the movement of entrained soil and Contaminants of Concern into Sixteen Mile Creek. The silt fence shall be installed in accordance with the specifications shown in Figure No. F1-3: Silt Fencing RMM, prepared by DS Consultants Ltd., dated December 2024, and signed/sealed by M. R McMillan (Limited Engineering License), and shall be maintained so long as the Contaminants of Concern are present at the Property.
- b. Provide written notice to the Director that the silt fence has been installed on the Property as specified in Item 4.3 a, within 30 days of construction.
- c. Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of the silt fencing so long as the Contaminants of Concern are present at the Property, including, at a minimum:
  - i. procedures and timing for implementing the program;
  - ii. quarterly inspections;
  - iii. noting any deficiencies in the silt fence during the inspections, or at any other time;
  - iv. repairing promptly any deficiencies in the silt fence to the original design specifications; and
  - v. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer.

#### **4.4 Benthic and Terrestrial Monitoring**

Upon issuance of the CPU implement the Creek Monitoring Plan on the Property under the supervision of a Qualified Person so long as the Contaminants of Concern are present at the Property to assess risks to ecological receptors present within and adjacent to Sixteen Mile Creek on an ongoing basis. The requirements of the Creek Monitoring Plan are further set below out in Items 4.4.1 to 4.4.5:

- 4.4.1 Implement a soil sampling program on the Property under the supervision of a Qualified Person to assess the continued effectiveness of the erosion control risk management measure in Item 4.3. The soil sampling program shall be completed in accordance with the requirements and specifications that are described within section 3.1 of the Creek Monitoring Plan, and as follows:
  - a. Collect discrete surficial soil samples at a semi-annual frequency in the spring and fall of each year at locations Soil1, Soil2, Soil3 and Soil4 as shown on Figure No. F1-4, Monitoring Program, prepared by DS Consultants Ltd., dated May 2025. The soil sampling events shall



coincide with the sediment sampling events and the ecological health survey events required by Item 4.4.2 and 4.4.3, respectively; and

- b. Send the soil samples to an accredited laboratory and have the samples analysed for the Contaminants of Concern specified in Table 1A of Schedule A of the CPU with the results compared against the Property Specific Standards specified in Table 1A of Schedule A of the CPU.

4.4.2 Implement a sediment sampling program on the Property under the supervision of a Qualified Person to assess the sediment quality of Sixteen Mile Creek on an ongoing basis. The sediment sampling program shall be completed in accordance with the requirements and specifications described within section 3.2 of the Creek Monitoring Plan, and as follows:

- a. Collect sediment samples at a semi-annual frequency in the spring and fall of each year at locations Sed1, Sed2, Sed3 and Sed4 within Sixteen Mile Creek as shown in Figure No. F1-4: Monitoring Program, prepared by DS Consultants Ltd., dated May 2025. The sediment sampling events shall coincide with the soil sampling events and the ecological health survey events required by Items 4.4.1 and 4.4.3, respectively; and
- b. Send the sediment samples to an accredited laboratory and have the samples analysed for the Contaminants of Concern specified in Table 1B of Schedule A of the CPU with the results compared against the Property Specific Standards specified in Table 1B of Schedule A of the CPU.

4.4.3. Implement an ecological health survey program under the supervision of a Qualified Person in collaboration with a competent ecologist to monitor the ongoing health of the terrestrial receptors on the Property. The ecological health survey program shall be completed in accordance with the requirements and specifications described within section 3.3 of the Creek Monitoring Plan, and as follows:

- a. Conduct an ecological health survey event quarterly. The events shall coincide with each of the inspections that are required by Items 4.2 and 4.3 and the soil and sediment sampling events required by Items 4.4.1 and 4.4.2, respectively; and
- b. Each ecological health survey event shall include a walkthrough of the Property. Photographs shall be taken and field notes collected to document for evidence of the following conditions;
  - i. stressed vegetation including staining, deceased or damaged trees or vegetation and diseased trees or vegetation;
  - ii. unexplainable bare ground cover (i.e. not a trail) or changes in groundcover;
  - iii. nests, burrows or beaver dams (including location and condition);
  - iv. flooding or changes in ground saturation;
  - v. notable changes in tree canopy;
  - vi. gross changes in creek size or location even if due to the presence of a beaver dam;
  - vii. new invasive or endangered species;
  - viii. portions of the Site which were not accessible; and
  - ix. damage caused by unauthorized human activity.

- 4.4.4. Implement a benthic community analysis program under the supervision of a Qualified Person in collaboration with a competent ecologist to monitor the effects of sediment quality on the health of the benthic community within Sixteen Mile Creek. The benthic community analysis shall be in accordance with the requirements and specifications described within section 3.3.1 of the Creek Monitoring Plan, and as follows:
- a. Collect benthic samples at an annual frequency coinciding with the fall soil sampling and sediment sampling events required by Items 4.4.1 and 4.4.2, respectively;
  - b. Benthic samples shall be collected with a consistent kick and sweep sampling method using a d-net (500 micron mesh size) and conducted in accordance with the Ontario Benthic Biomonitoring Network (OBBN) 2007 protocol. Information on locations (including sweep paths), temperature, flow rate, depths and samples shall also be collected; and
  - c. Benthic samples are to be identified to the lowest taxonomic level required for analysis and assessed using calculation of standard metrics (e.g. taxonomic richness, Hilsenhoff Biotic Index.). The assessment of benthic activity shall indicate the general health of the community and shall include composition of community and index calculations.
- 4.4.5
- a. No later than thirty days following each of the monitoring events required by Items 4.4.1 through 4.4.4, have a Qualified Person in collaboration with a competent ecologist review the information collected during the respective monitoring event and prepare a written report providing an interpretation of the soil and sediment analytical results and the health of the benthic and terrestrial communities including an assessment of any discernable trends in the laboratory results or with the conditions and observations documented during previous monitoring events;
  - b. If any of the following occurrences are identified in Item 4.4.5 a, provide to the Director the written report referred to in Item 4.4.5 a, along with a detailed contingency plan, including an implementation schedule, as conceptually described in section 3.7 of the Creek Monitoring Plan including recommendations for additional soil, sediment and/or groundwater sampling, benthic analysis, toxicological testing, remedial action, risk management measures or any other contingency measure as may be deemed necessary;
    - i. If the concentration of any Contaminant of Concern in a soil sample collected as a requirement of Item 4.4.1 is identified to exceed a respective Property Specific Standard, provide a report to the Director within 10 business days of receiving analytical results,
    - ii. If the concentration of any Contaminant of Concern in a sediment sample collected as a requirement of Item 4.4.2 is identified to exceed a respective Property Specific Standard, provide a report to the Director within 10 business days of receiving analytical results,
    - iii. If a negative change to the terrestrial health of the Property is observed during an ecological health survey completed as a requirement of Item 4.4.3, provide a report to the Director within 10 business days of completing the ecological health survey, or

- iv. as statistically significant change or impairment is observed within the benthic community analyses completed as a requirement of Item 4.4.4, provide a report to the Director within 30 business days of receiving analytical results.

Upon the Owner receiving written approval from the Director, implement the approved contingency plan; and

- c. Submit written confirmation to the Director, along with supporting documentation, prepared by a Qualified Person and/or competent ecologist that the contingency plan has been implemented in accordance with the schedule approved by the Director.

#### **4.5 No Ground Water Use Risk Management Measure**

Upon issuance of the CPU, take all actions necessary or advisable to prevent any use of ground water in or under the Property as a potable water source. The Owner shall,

- a. Refrain from using ground water in or under the Property as a potable source of water; and
- b. Except, as may be required for continued use as a monitoring well, as defined in the Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA):
  - i. properly abandon on the Property any wells, as described or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,
  - ii. refrain from constructing on the Property any wells as described or defined in the OWRA.

#### **4.6 Health and Safety Plan**

In addition to any requirements under the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, within thirty (30) days of the date of the CPU prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property, the potential presence of methane and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, as described in section 7.1.2.5 of the Risk Assessment, and including, at a minimum:

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil, sediment, surface water or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment;

- c. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;
- d. all relevant information, measures and procedures concerning protection of the persons from exposure to any biogenic gases such as methane and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, the monitoring of methane gas prior to work in an enclosed space, excavation and trench, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;
- e. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property;
- f. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident;
- g. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

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

#### **4.7 Soil, Sediment and Ground Water Management Plan**

Within ninety (30) days of the date of the CPU prepare and implement in accordance with the details described in Section 7.1.2.6 of the Risk Assessment, a written soil, sediment and groundwater management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil and/or sediment or soil and/or sediment brought to the Property so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or sediment at the Property. Requirements relating to any planned construction activities on the Property shall be incorporated into the written soil, sediment and ground water management plan no later than thirty (30) days prior to the planned date of construction works. The soil, sediment and ground water management plan shall include, at minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. measures, in addition to any applicable measures specified in O. Reg. 153/04 or O. Reg. 406/19, to manage soil and sediment excavated at the Property and any soil or sediment brought to or removed from the Property, including:
  - i. characterizing for contaminant quality including the pH value of excavated soil or sediment and any soil or sediment brought to the Property; and
  - ii. managing excavated soil or sediment separately from any soil or sediment brought to the Property, such that soil and/or sediment is not to be stockpiled at the Property and that soil and/or sediment excavated at the Property is to be removed from the Property for off-site use as fill or disposal;
- c. measures to implement an erosion and sediment control best practices plan prepared by an appropriately qualified Licensed Professional Engineer and/or fluvial geomorphologist including:
  - i. measures to manage storm water to prevent the movement of entrained soil and Contaminants of Concern into Sixteen Mile Creek and to minimize the potential for soil erosion into Avonhead Creek including maintaining of the natural vegetation within the stream bank and/or employing other means of stabilizing the riparian area of the Property;
  - ii. measures to minimize the potential for major sediment loss downstream; and
  - iii. including regular inspections with respect to the plan and actions be undertaken to improve existing erosion and sediment control measures, as may be necessary;
- d. measures to manage storm water and any ground water from dewatering at the Property, to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and
- e. recording, in writing, the soil, sediment and groundwater management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04, O. Reg. 406/19 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
  - i. dates and duration of the Intrusive Activities being undertaken;
  - ii. weather and site conditions during the Intrusive Activities;
  - iii. the location and depth of excavation activities, if any;
  - iv. dust control and soil tracking control measures such as hauling records;
  - v. characterization results for excavated soil or sediment and any soil or sediment brought to or removed from the Property including soil or sediment quantities excavated and brought to and removed from the Property;

- vi. activities related to implementing the erosion and sediment control best practices plan;
- vii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
- viii. names and contact information for any haulers and owners or operators of receiving sites for soil and any sediment removed from the Property, and for haulers and owners or operators of project areas (as defined in O. Reg. 406/19 also known as source sites) of any soil brought to the Property;
- ix. any complaints received relating to the Intrusive Activities;

and which is,

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

#### **4.8 Annual Reports Requirement**

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

- a. a confirmation that the No Building Restriction Risk Management Measure as outlined in Item 4.1 has been complied with;
- b. a copy of all records relating to the Site Access Restriction Risk Management Measure as outlined in Item 4.2, if applicable;
- c. a copy of all records relating to the Erosion Control Risk Management Measure as outlined in Item 4.3, if applicable;
- d. a copy of all records relating to the benthic and terrestrial monitoring as outlined in Item 4.4 and as specified within the Creek Monitoring Plan, if applicable;
- e. a confirmation that the No Ground Water Risk Management Measure as outlined in Item 4.5 has been complied with;
- f. a copy of all records relating to the health and safety plan as outlined in Item 4.6, if applicable;
- g. a copy of all records relating to the soil, sediment and ground water management plan as outlined in Item 4.7, if applicable; and
- h. a copy of all records relating to the financial assurance requirement as outlined in Items

6.4, 6.5 and 6.6, if applicable.

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

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

### **5.1 Property Use Restriction**

Refrain from using the Property for any use other than: "Agricultural or Other Use", as specified in O. Reg. 153/04.

### **5.2 Building Construction Restrictions**

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

### **5.3 Notice of Restrictions**

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

## **Part 6: Additional Requirements**

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

### **6.1 Site Changes Affecting Risk Management Measures**

In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, a new risk assessment may need to be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance. An amendment to the CPU will be issued to address the changes set out in any notice received and any future changes that the Director considers necessary in the circumstances.

## **6.2 Report Retention Requirements**

The Owner shall retain a copy of any reports and other records required under the CPU for a period of seven (7) years from the date the report or record is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the requesting Director or Provincial Officer.

## **6.3 Owner Change Notification**

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

## **Financial Assurance**

- 6.4 Within fifteen (15) days of the date hereof, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of two hundred eighty-nine thousand, nine hundred forty and 75/100 dollars (CAD \$289,940.75) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.
- 6.5 Commencing on March 31, 2030, and at intervals of every three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Item 6.4. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to the environmental conditions of the Property and shall include any costs of additional monitoring and/or implementation of contingency plans.
- 6.6 Commencing on March 31, 2027, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required under Item 6.4 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Item 6.5. The re-evaluation shall be made available to the Ministry, upon request. If the re-evaluation is for an amount greater than the amount as set out in Item 6.4 the Owner shall submit to the Director a copy of the re-evaluation.

## **Part 7: Section 197 Order (Property Notice and Certificate of Requirement Registration) Requirements**

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and 197(2) of the Act:

### **7.1 Property Notice Requirement**

For the reasons set out in the CPU and pursuant to the authority vested in me by subsection 197(1) of the Act I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any



amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.

## **7.2 Certificate of Requirement Registration**

Within fifteen (15) days from the date of receipt of a certificate of requirement issued under subsection 197(2) of the Act completed as outlined in Schedule B (Certificate of Requirement) register the certificate of requirement on title to the Property, in the appropriate land registry office.

## **7.3 Verification**

Within five (5) days after registering the certificate of requirement provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

## **Part 8: General Requirements**

- 8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 8.2 An application under subsection 168.6(3) of the Act to alter any terms and conditions in the CPU, or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 8.3 Failure to comply with the requirements of the CPU constitutes an offence.
- 8.4 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.
- 8.5 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.6 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
  - a. natural phenomena of an inevitable or irresistible nature, or insurrections,
  - b. strikes, lockouts or other labour disturbances,
  - c. inability to obtain materials or equipment for reasons beyond your control, or
  - d. any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

- 8.7 Failure to comply with a requirement of the CPU by a date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 8.8 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU.
- 8.9 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.
- 8.10 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19 and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.
- 8.11 Where there is more than one Owner each person is jointly and severally liable to comply with any requirements of the CPU unless otherwise indicated.
- 8.12 Where the CPU requires that the Director must be notified or receive a report this should be done by email.

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

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

- 9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 9.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.

- 9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act. The contact information for the Director and the Tribunal is the following:

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

and

Halton-Peel District Manager, Central Region  
Ministry of the Environment, Conservation and Parks  
4145 North Service Road, Suite 300  
Burlington, Ontario L7L 6A3  
Fax: 905-319-9902  
Email: [environment.haltonpeel@ontario.ca](mailto:environment.haltonpeel@ontario.ca)

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

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

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

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

- a. two (2) days after the day on which the appeal before the Tribunal was commenced; and
  - b. fifteen (15) days after service on you of a copy of the CPU.
- 9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

- 9.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- a. fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and
  - b. if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 9.8 The procedures and other information provided in this Part 9 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws)

Issued on this X<sup>th</sup> day of MONTH, YEAR

Neil Hannington  
Director, section 168.6 of the Act

## SCHEDULE A

**Table 1A: Contaminants of Concern and Property Specific Standards in Soil**

Contaminants of Concern (COC)	Units	Property Specific Standard (PSS)
<b>MEDIA – SOIL</b>		
Chromium	µg/g	360
Copper	µg/g	240
Lead	µg/g	70.8
Molybdenum	µg/g	4.44
Nickel	µg/g	3480
Zinc	µg/g	900
F3 (C16-C34)	µg/g	360
Acenaphthene	µg/g	0.12
Acenaphthylene	µg/g	0.12
Anthracene	µg/g	0.12
Benzo(a)anthracene	µg/g	0.36
Benzo(a)pyrene	µg/g	0.276
Benzo(b)fluoranthene	µg/g	0.408
Benzo(k)fluoranthene	µg/g	0.18
Chrysene	µg/g	0.324
Fluoranthene	µg/g	0.744
Fluorene	µg/g	0.12
Indeno(1,2,3-cd)pyrene	µg/g	0.156
1+2-Methylnaphthalenes	µg/g	0.24
Naphthalene	µg/g	0.12
Pyrene	µg/g	0.684
Cumulative PAHs	µg/g	5.28

## SCHEDULE A

**Table 1B: Contaminants of Concern, Property Specific Standards in Sediment**

Contaminants of Concern (COC)	Units	Property Specific Standard (PSS)
<b>MEDIA – SEDIMENT</b>		
Antimony	µg/g	1.8
Barium	µg/g	156
Beryllium	µg/g	0.936
Boron (total)	µg/g	14.4
Chromium	µg/g	49.2
Copper	µg/g	32.4
Lead	µg/g	216
Molybdenum	µg/g	0.888
Nickel	µg/g	276
Selenium	µg/g	0.72
Thallium	µg/g	0.156
Uranium	µg/g	0.552
Vanadium	µg/g	36
Zinc	µg/g	456
F3 (C16-C34)	µg/g	576
F4 (C34-C50)	µg/g	348
Acenaphthene	µg/g	0.0324
Acenaphthylene	µg/g	0.12
Benzo(b)fluoranthene	µg/g	0.408
Dibenzo(a,h)anthracene	µg/g	0.12
1+2-Methylnaphthalenes	µg/g	0.24
Naphthalene	µg/g	0.12
Pyrene	µg/g	0.684
Cumulative PAHs	µg/g	2.4

## SCHEDULE A

**Table 1C: Contaminants of Concern, Property Specific Standards in Ground Water**

Contaminants of Concern (COC)	Units	Property Specific Standard (PSS)
<b>MEDIA – GROUND WATER</b>		
Copper	µg/L	27.6
Nickel	µg/L	4320
Uranium	µg/L	14.4

## **SCHEDULE B**

### **CERTIFICATE OF REQUIREMENT**

#### **s.197(2)**

#### ***Environmental Protection Act***

This is to certify that pursuant to item 7.1 of Certificate of Property Use Number 7671-DP7MWX issued by Neil Hannington, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on DATE, being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property now municipally known as 150 Steeles Avenue East, Milton (and referred to as Property 6), Part of Lot 15, Concession 2 Trafalgar New Survey Being Part 1 on Plan 20R-22854; Town of Milton; Being part of PIN 24951-0313 (LT) (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

#### **150 STEELES MILTON 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.



PLAN OF SURVEY OF  
PART OF LOT 15,  
CONCESSION 2, NEW SURVEY  
(GEOGRAPHIC TOWNSHIP OF TRAFALGAR)  
TOWN OF MILTON  
REGIONAL MUNICIPALITY OF HALTON

**METRIC**  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

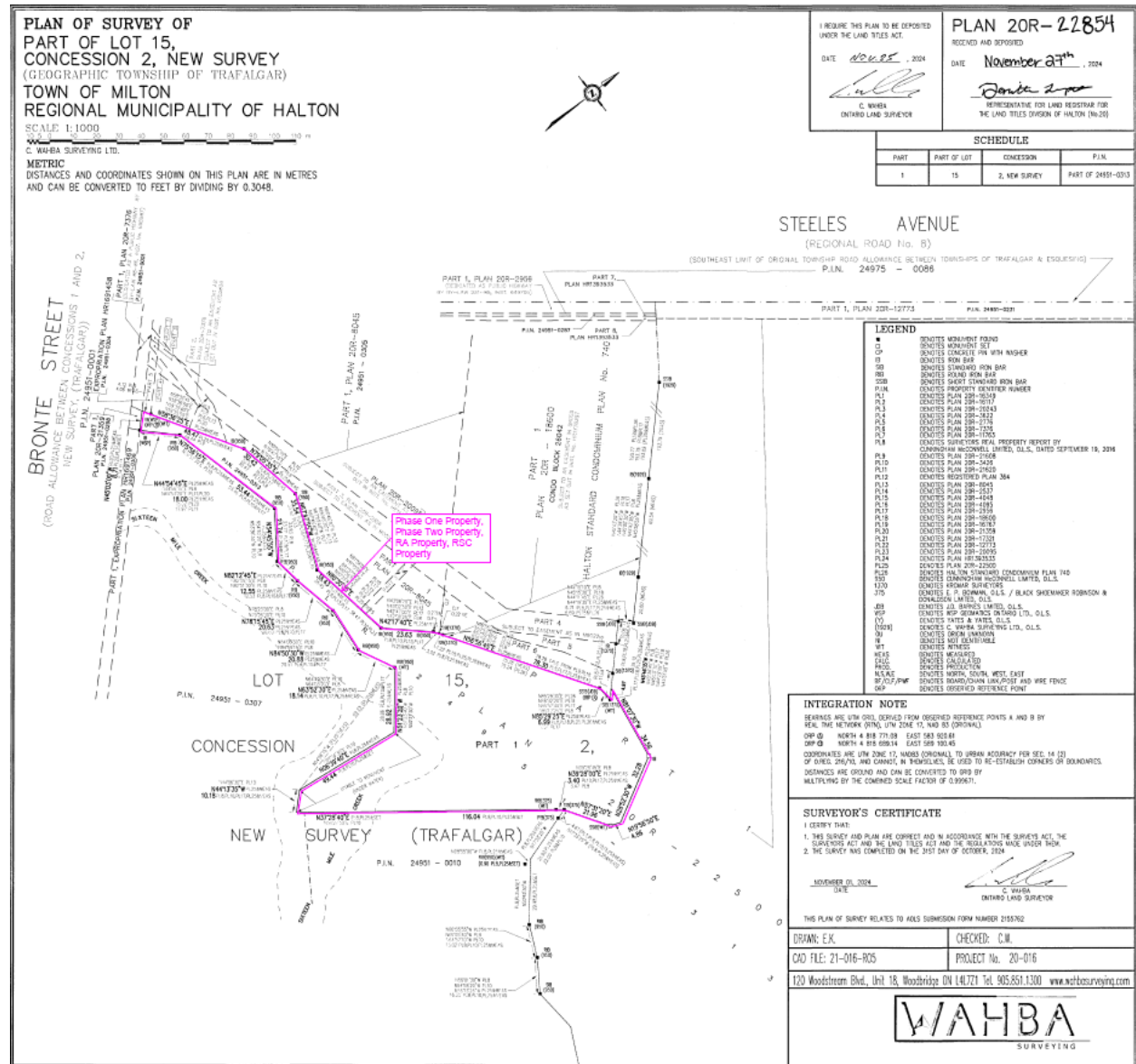
DATE NOV. 25, 2024



C. WEBER  
INTERIOR LAND SURVEYOR

REPRESENTATIVE FOR LAND REGISTRAR FOR  
THE LAND TITLES DIVISION OF HALTON (No. 26)

PART	PART OF LOT	CONCESSION	P.L.N.
1	15	2. NEW SURVEY	PART OF 24851-0313



**Figure F1-1: Site Restriction Fencing and Signage, prepared by DS Consultants Ltd., dated December 2024.**

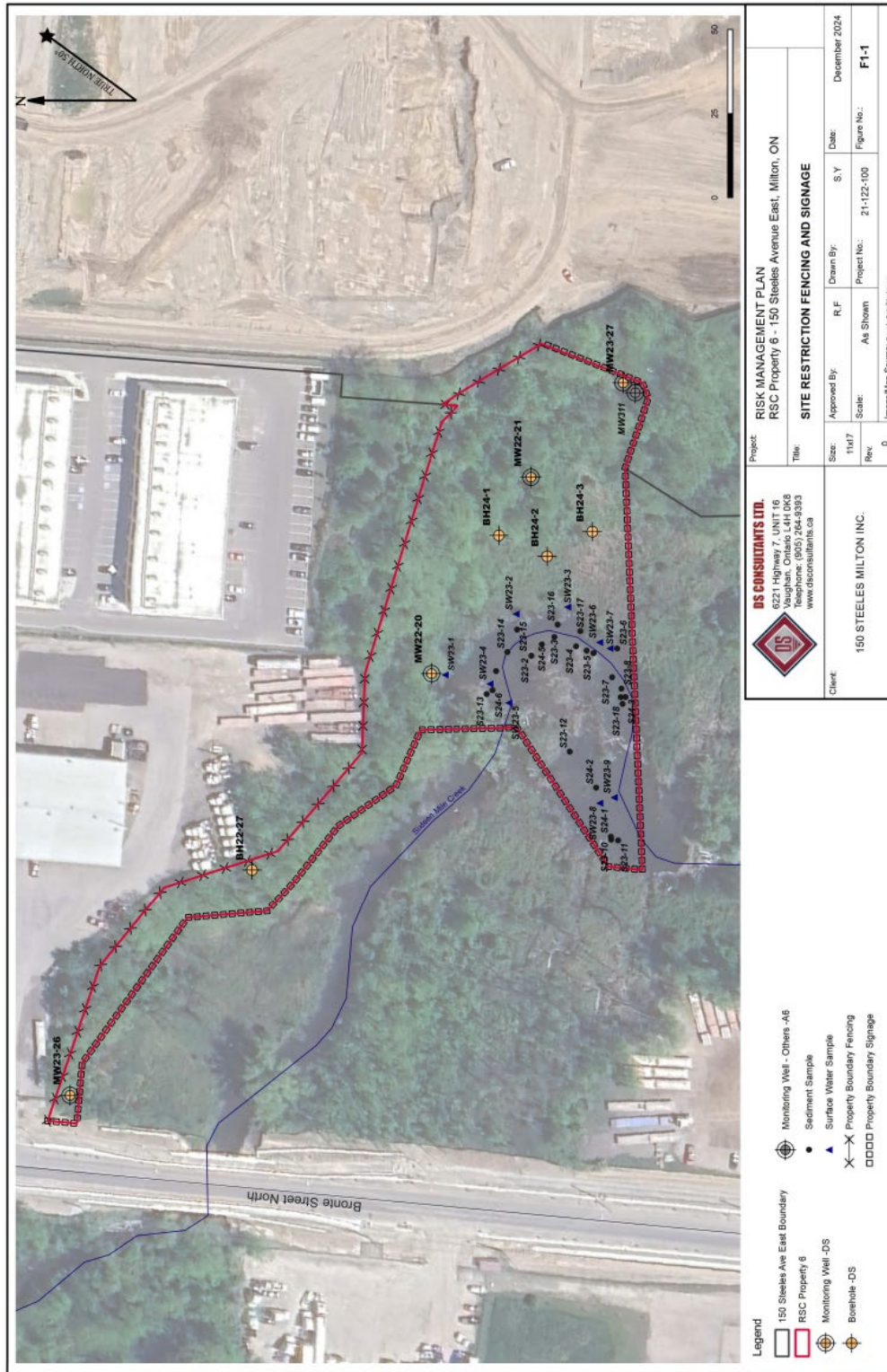
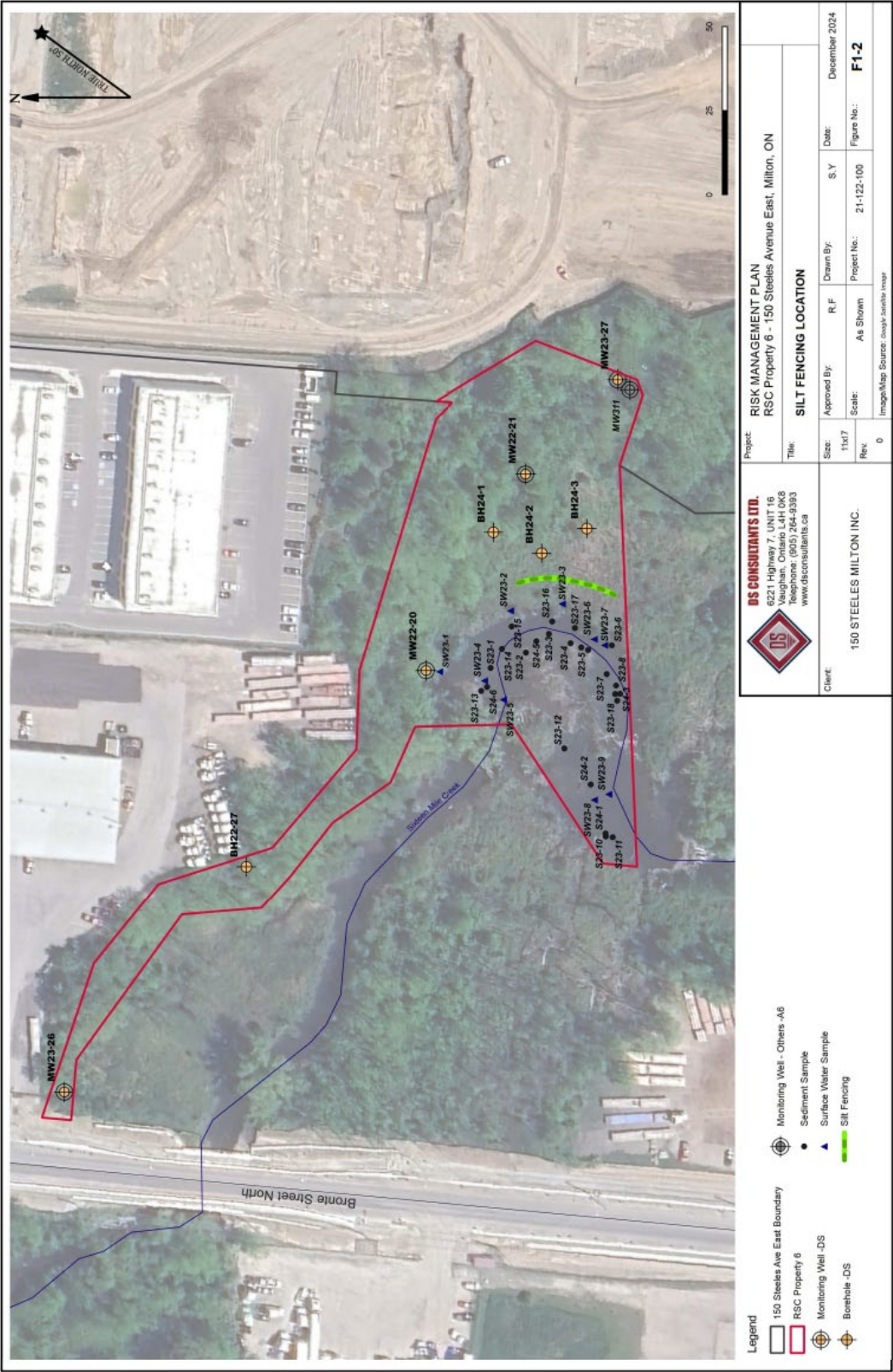




Figure F1-2: Silt Fencing Location, prepared by DS Consultants Ltd., dated December 2024.



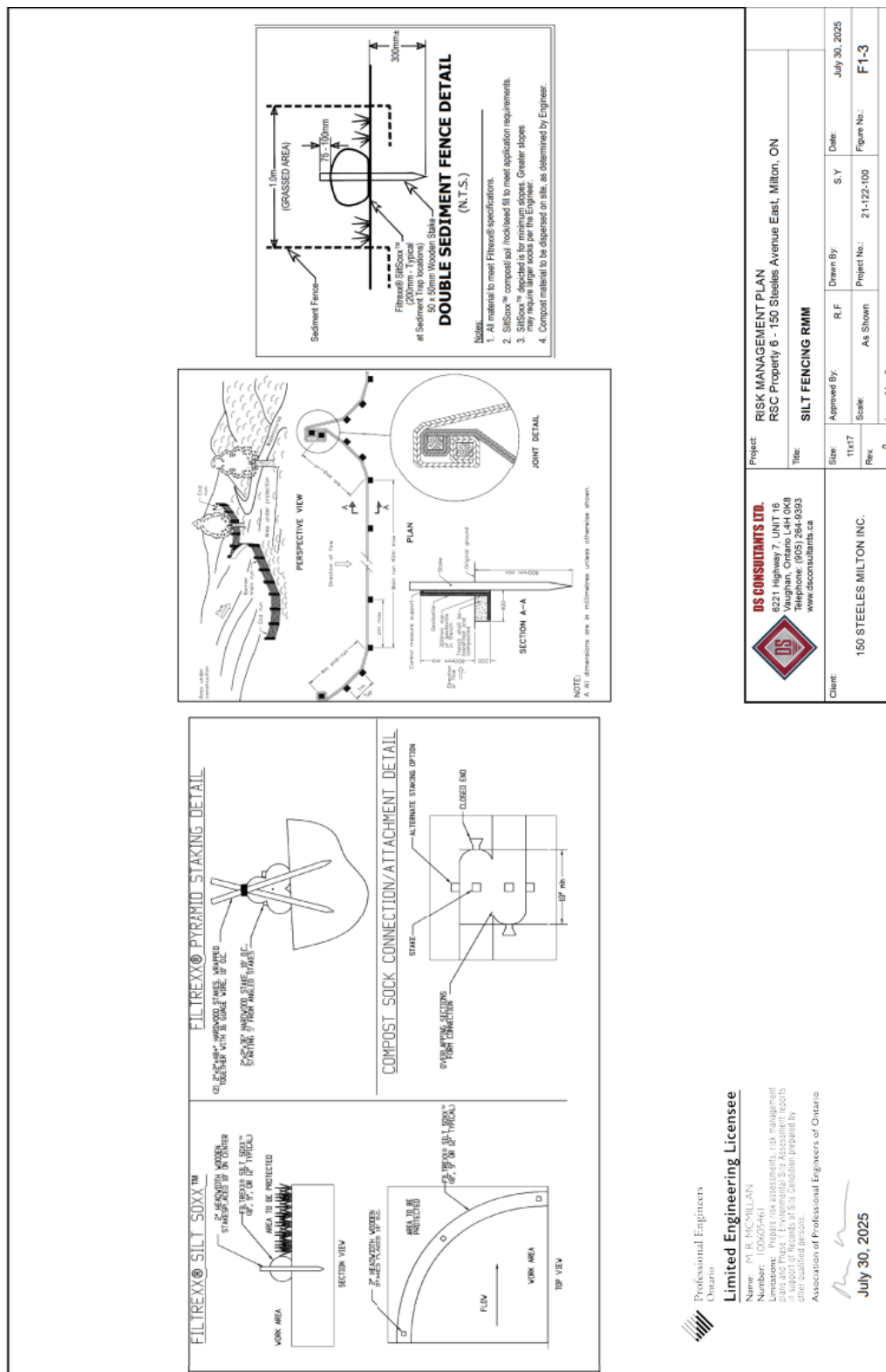


Figure F1-4: Monitoring Program, prepared by DS Consultants Ltd., dated May 2025

