DRAFT 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 2664-DLBJW5
Risk Assessment number 8064-BBRN7S

Registered and Beneficial Owner

RSG Oakville Holdings Inc.
Unit 216 – 20 Maritime Ontario Boulevard
Brampton, ON L6S 0E7

Property: 550 Kerr Street, Oakville, Ontario

with a legal description described below:

PART LOT 16 CONCESSION 3 TRAFALGAR SOUTH DUNDAS ST, PART BLOCK A PLAN 967, PTS 1 TO 5 20R18594 EXCEPT PARTS 3,6 HR1779615, T/W & S/T 132602, 138843, S/T 132611 ; S/T 132603; SUBJECT TO AN EASEMENT OVER PARTS 1, 2 & 5 20R18594 IN FAVOUR OF PT BLK A PL 967 PTS 1-4, 6, 7 20R6554 & ENTRANCE PL 967 LYING N OF PRODUCTION OF SE LIMIT OF SHEPPARD RD AS IN HR1513388; SUBJECT TO AN EASEMENT OVER PARTS 1 & 4 20R18594 IN FAVOUR OF PT BLK A PL 967 PTS 1-4, 6, 7 20R6554 & ENTRANCE PL 967 LYING N OF PRODUCTION OF SE LIMIT OF SHEPPARD RD AS IN HR1513390; SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 2,4,5 HR1779615 AS IN HR1779615; TOWN OF OAKVILLE.

BEING ALL OF PIN 24828-0134 (LT), and as further shown in the plan of survey included as Schedule A.

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.

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

“ASTM” means the American Society for Testing and Materials.

“Barrier” means a Fill Cap Barrier, a Hard Cap Barrier or a Fill Cap Barrier for Deep Rooting Vegetation.

“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.

“Capping Soil” means,

(a) soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or

(b) soil that meets the applicable site condition standards for the Property, as specified in Item 3.2 of the CPU, and does not contain any contaminant for which no applicable site condition standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment, or

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number 2664-DLBJW5 issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

“Certificate of Property Use Number 7132-8TJLKE” mean the certificate of property use previously issued in relation to the Property and other lands by the Director under section 168.6 of the Act on September 18, 2012 for continued Commercial Use of the Property and the other lands.

“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 B of the CPU.

“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.

“Existing Commercial Use Building” means the slab on grade Building that existed on the Property at the time the Risk Assessment was accepted.

“Fill Cap Barrier” means cover, above the Contaminants of Concern, as shown in Typical Fill Cap detail shown in Figure XII-2, Composition of Typical Fill Cap, that,

(a) is at least 1.0 metre thick, or any greater thickness than 1.0 metre, as specified in section 7 of the Risk Assessment report, and

(b) consists of at least 0.5 metres thickness of Capping Soil, and above this, cover consisting of additional Capping Soil or non-soil surface treatment such as asphalt, concrete or concrete pavers, stone pavers, brick or aggregate.

“Fill Cap Barrier Above Storage Garage” means cover above the Contaminants of Concern as shown in detail, Typical Fill Cap Barrier Above Storage Garage Where Available Thickness is <1000mm of Figure XII-2, Composition of Typical Fill Cap, that consists of Capping extending from the top of a Storage Garage to Grade.

“Fill Cap Barrier for Deep Rooting Vegetation” means cover above the Contaminants of Concern as shown in detail, Typical Fill – Tree Drawing of Figure XII-2, Composition of Typical Fill Cap, that consists of Capping soil that is at least 1.0 metes thick and that extends a minimum of 0.5 metres laterally (outwards) and 0.5 metres vertically (below) the root ball as determined by a qualified arborist.

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

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

“Hard Cap Barrier” means an asphalt or concrete cover layer, above the Contaminants of Concern as shown in Figure XII-1, Composition of Typical Fill Cap, that is at least 225 millimetres thick, and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material and includes a Building slab or Building foundation and floor slab meeting these specifications.

“Intrusive Activities” means any activity undertaken at the Property, such as excavating or drilling into soil 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.

“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.

“Passive SVIMS” means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of natural forces or one or more wind turbines, or solar powered wind turbine operated vents drawing air from below the Building. “Property” means the property that is the subject of the CPU and is described in the property section on page 1 above and as further shown in Schedule A: Plan of Survey.

“Property Management Oversight” means management, on an ongoing basis, of all structural, mechanical, electrical, ventilation and other Building and Property services that relate to the installed SVIMS, as applicable for the Property as set out in section 7 of the Risk Assessment report including oversight of operation, inspection, monitoring, maintenance and repair activities, and of operational and reserve funding for these activities, by a property manager or management company engaged by the Owner or, in the case of collective ownership, by an authorized representative or representatives of the collective ownership of the Building and Property, such as a condominium board.

“Property Specific Standards” 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 B 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 8064-BBRN7S submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on September 4, 2025 and set out in the following documents.

- “Risk Assessment Pre-Submission Report for 2421 and 2431 New Street, Burlington, Ontario”, report prepared by Golder Associates Ltd., dated April 2019

- “Risk Assessment Submission #1: 550 Kerr Street, Oakville, Ontario”, report prepared by Golder Associates Ltd., dated December 19, 2019
- “Risk Assessment Submission #2: 550 Kerr Street, Oakville, Ontario”, report prepared by Golder Associates Ltd., dated April 2021
- “Tier 3 Risk Assessment Submission #3: 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated December 16, 2022
- “Tier 3 Risk Assessment Submission #4: 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated July 4, 2023
- “Tier 3 Risk Assessment Submission #4: 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated September 29, 2023
- “Tier 3 Risk Assessment Submission #4: 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated October 19, 2023
- “Tier 3 Risk Assessment Submission #5: 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated October 18, 2024
- “FW: Irene Hutchison is inviting you to collaborate on 337686.004-T3RA Submission 5 Addedum-550 Kerr Street Oakville”, email from Theresa Phillips, Pinchin Ltd., received by TASDB on January 21, 2025, with following document[s] attached:
  - “Tier 3 Risk Assessment Submission #5 Addendum: 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated January 21, 2025; file name: 337686.004 FINAL T3RA Submission 5 ADDENDUM - 550 Kerr St Oakville ON RSG Jan 21 2025 FINAL.pdf
- RE: RA for 550 Kerr Street, Oakville; RA1764-19 ; IDS# 8064-BBRN7S”, email from Theresa Phillips, Pinchin Ltd., received by TASDB on April 22, 2025, with following document attached:
  - “Tier 3 Risk Assessment Submission #5 Second Addendum, 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated April 22, 2025; file name: 337686.004 T3RA Submission 5 2nd ADDENDUM 550 Kerr St Oakville ON RSG Apr 22 2025.pdf
- “Niki Narciso shared the folder "RA Submission 5, Third Addendum, 550 Kerr Street, Oakville;RA1764-19 ; IDS# 8064-BBRN7S" with you” email from Niki Narciso, Pinchin Ltd., received by TASDB on July 22, 2025, with following document attached:
  - “Tier 3 Risk Assessment Submission #5 Third Addendum, 550 Kerr Street, Oakville, Ontario”, report prepared by Pinchin Ltd., dated July 16, 2025; file name: 337686.004 T3RA (Sub 5 3rd Addendum) 550 Kerr St Oakville ON RSG July 16 2025.pdf

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

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

“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(s) including: a combination of “Residential Use”, “Parkland Use”, “Commercial Use”, “Community Use” and/or “Institutional Use”, as defined in O. Reg. 153/04.

3.2 The contaminants on, in or under the Property that are present above the Table 7 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. The Standards for these Contaminants of Concern are also set out in Schedule B 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 Subject to 4.02, 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 4.0.1 to 4.14 and 5.2 as applicable.

4.0.1 Risk Management Measures that Apply to the Existing Commercial Use Prior to Redevelopment of the Property

Implement the risk management measures and requirements in Items 4.2.1, 4.2.2, 4.2.3, 4.2.4, and 4.2.5 of Certificate of Property Use Number 7132-8TJLKE in respect of the Property and other lands described therein remain in force until such time that the Owner has provided written notification to the Director that occupancy and use of the Existing Commercial Use Building has ceased.

4.02 Risk Management Measures that Appy to the Redevelopment of the Property

The Risk Management Measures and requirements identified in the Risk Assessment and as set out in Items 4.1 to 4.12 of the CPU, shall be implemented, and thereafter maintained or caused to be maintained as required, as of the date the Owner provides written notification to the Director under Item 4.0.1.

4.1 Hard Cap Barrier, Fill Cap Barrier and Fill Cap Barrier for Deep Rooting Vegetation Risk Management Measure

a. Cover all areas of the Property, where Contaminants of Concern are present at or within 1.0 metre(s) below the soil surface, or within 1.5 metre(s) below the soil surface in areas of the Property where deep-rooted vegetation is to be planted, such that a Hard Cap Barrier, a Fill Cap Barrier, Fill Cap Above Storage Garage Barrier or a Fill Cap Barrier for Deep Rooting Vegetation is in place in these areas, so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface;

b. Before commencing development of all or any part of the Property, install fencing and implement dust control measures for any part of the Property requiring covering but which has not been covered, so as to prevent exposure to the Contaminants of Concern at the Property. Fencing and dust control measures shall be maintained until such time as the Barriers are installed.

4.1.1 Inspection, Maintenance and Reporting Requirements for all Barriers

a. 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 each Barrier at the Property 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. semi-annual inspections, in spring and fall, of the Barriers;
   iii. noting any deficiencies in the Barrier observed during the inspections, or at any other time;
   iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the Barrier has been properly repaired;
   v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the Barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property;
   vi. 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;

   and which is,

   A. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and

   B. updated and delivered to the Owner within 30 days following making any alteration to the program.

b. Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each Barrier at the Property, including cross-sectional drawings of the Barrier showing its design and vertical and lateral extent;
   and which are,

   A. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and

   B. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the Barrier, or other relevant feature shown on the site plan.

c. Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer,

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

and which are,

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 procedures.

4.2 Risk Management Requirements for All New Buildings Constructed on the Property

Refrain from constructing any new Building on the Property unless the building has Property Management oversight and the Building includes each of the following Risk Management Measures:

a. Building with no first storey residential, institutional or parkland use on Risk Management Measure as described in Item 4.3,

b. Building with Storage Garage (intermittent 3.9 Litres/second of Ventilation) Risk Management Measure as described in Item 4.4, and

c. Building with Passive or Active Soil Vapour Intrusion System (SVIMS) Risk Management Measure as described in Item 4.5.

4.3 Building with no first storey residential, institutional or parkland use Risk Management Measure:

Refrain from constructing any Building on the Property, unless:

a. the intended and actual use of the Property is commercial use, community use, residential use, parkland use or institutional use, as defined in O. Reg. 153/04, or a combination thereof;

b. the intended and actual use of the Building on its First Storey and below Grade is not residential use, parkland use or institutional use, or a combination thereof;

c. the ventilation and air duct systems serving the First Storey of the Building and any area below this are separate systems from the ones serving all stories above the First Storey;

d. the Building complies with all applicable requirements of the Building Code, such as the provisions governing:
   i. 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; and

ii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code.

4.4 Building with Storage Garage (intermittent 3.9 Litres/second of Ventilation) Risk Management Measure:

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

a. the Storage Garage is constructed at or below the Grade of the Building;

b. the Storage Garage area covers the entire Building Area at Grade;

c. Irrespective of the number of motor vehicles the Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing:

   i. design of a mechanical ventilation system as set out in Division B, Article 6.3.1.3. (Ventilation of Storage and Repair Garages) of the Building Code;
   ii. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.7. (Interconnection of Systems) of the Building Code; and
   iii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code;

d. the mechanical ventilation system for the Storage Garage is designed to provide, during operating hours a continuous supply of outdoor air at a rate of not less than 3.9 litres per second for each square metre of floor area or be activated on an as-needed basis by carbon monoxide or nitrogen dioxide monitoring devices as required by the Building Code.

4.5 Passive Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure

Refrain from constructing any Building on the Property unless the Building includes a Passive SVIMS that is consistent with minimum conceptual design specifications that are described within Section 1.2.2 of Appendix XII of the Risk Assessment and as further shown within Figure XII-3, Typical Schematic for Bathtub SSDS New Construction and Figure XII-4, Typical Vent Pipe – New Construction, and that meets the following requirements:

4.5.1 Operation as a Contingency Measure

The Passive SVIMS is to be installed and maintained for operation as a contingency measure if triggered by Item 4.7.2 d ii. of the CPU.

4.5.2 Design, Installation and Operation

Design, install and operate a SVIMS for the Building, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air, including the following requirements and components for the SVIMS:

System Requirements

a. the Passive SVIMS is to:

   i. be designed, installed and operated with the objective of achieving during all seasons at least a 1 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and

   ii. be able to be readily converted to operation as an Active SVIMS, if necessary, to ensure soil vapour is being sufficiently removed from below the Building, including making provision to readily allow installation and operation of an electrical powered fan on each vent riser, with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area, and making provision for an automated monitoring system of electrical fan operation which remotely detects and indicates system malfunctions; and

   iii. have in place or be able to easily put in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998;

Sub-slab Foundation Layer

b. throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, above soil containing the Contaminants of Concern, designed by a Licensed Professional Engineer for the Building constructor in consultation with the Licensed Professional Engineer for the SVIMS;

Soil Vapour Venting Layer

c. throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer designed for collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:

   i. perforated collection pipes of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth;

   or,

   other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency;

   ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a

soil vapour venting layer that extends below these elements of the Building foundation;

iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table;

Primary and Secondary Soil Vapour Barrier Membranes

d. throughout the Building Area, a continuous leak free primary soil vapour membrane as shown in Drawing XII-3 such as a sheet geomembrane or spray applied membrane to be installed below and along the Building foundations and a continuous leak free secondary soil vapour membrane as shown in Drawing XII-3 such as a sheet geomembrane or spray applied membrane to be installed below the floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:

i. are of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412, D543 and D1434, as applicable;

ii. has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licensed Professional Engineer;

Vent Risers

e. vent risers must be of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, including:

i. at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;

ii. vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;

iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather;

iv. a wind turbine or solar powered wind turbine on each vent riser for a Passive SVIMS and an electrically powered fan on each vent riser, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions for an Active SVIMS;

Monitoring Devices

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

Labeling Equipment

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

Utility Sealing

h. where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,

i. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material must be installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill;

ii. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material must be installed at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building;

4.5.3 Quality Assurance / Quality Control

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the SVIMS is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

a. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer;

b. daily inspections of the installation of the SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;

c. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:

i. daily inspection reports noting any deficiencies and corrective actions taken;

ii. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;

iii. verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations;

iv. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means;

v. verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage;

d. noting any deficiencies in the materials or installation of the SVIMS;

e. ensuring the prompt repair of any deficiencies, to the design specifications;

f. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

A. delivered to the Owner before installation of the SVIMS begins; and

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

4.5.4 As Constructed Plans

Prepare as constructed plans of the SVIMS, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed SVIMS,

including cross-sectional drawings specifying the design and the vertical and lateral extent of the SVIMS relative to the Building and the ground surface,

and which are:

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

B. updated and delivered to the Owner within 30 days following making any alteration to the SVIMS, or other relevant feature shown on the plans;

4.5.5 Inspection and Maintenance

Prepare and implement a written inspection and maintenance program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate

iii. inspections of the SVIMS including:

1. semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building;
2. semi-annual inspections, in spring and fall, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building;
3. additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) for a Passive SVIMs or electrical powered fans for an Active SVIMS to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges for an Active SVIMS; and
4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;

iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time;

v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in subparagraph iii above;

vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;

vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;

viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

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

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

4.5.6 Operational Monitoring

Prepare and implement a written program for monitoring of the operation of the installed SVIMS, prepared by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

ii. locations and description of the devices and equipment used, or tested, for each monitoring event; and

iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;

iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:

1. at least once before occupancy and as considered appropriate by a Licensed Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using temporary or permanently installed electrically powered fan(s), including with respect to the soil vapour venting layer being able to achieve a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and

2. after occupancy has commenced, minimum quarterly measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to

the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in paragraph f. of Item 4.5.2 above;

v. if the operational monitoring required by paragraph iv. 2. of item 4.5.6 indicates that the SVIMS is not able to achieve a 1 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building for a Passive SVIMS, or 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building for an Active SVIMS then the SVIMS shall be inspected by a Licensed Professional Engineer and the SVIMS shall be repaired forthwith to the original design specification, at minimum. Repairs or maintenance shall be made by an appropriately qualified contractor, under the supervision of a Licensed Professional Engineer. If the deficiencies within the SVIMS can not be repaired such that the pressure differential continues to be inadequate thirty (30) days after being identified, then

    1. the Director shall be notified forthwith, and indoor air quality monitoring shall immediately be carried out within the Building in accordance with Item 4.7.1, and

    2. an action plan shall be submitted to the Director for review within thirty (30) days of the notification. The action plan shall be designed with the objective of restoring the pressure differential design requirements, including the requirement that a Passive SVIMS can be readily converted to operation as an Active SVIMS, if necessary. The action plan shall also describe additional indoor air quality monitoring to be performed until such time that the pressure differential requirements are achieved.

vi. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken, such as:

    1. the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections;
    2. changes to the frequency or nature of the monitoring;
    3. the need to make repairs or changes to the design or operation of the SVIMS;
    4. if necessary, implementation of the contingency plan in the event needed repairs or changes to the SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results, inspections and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;

    and which are,

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

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

4.5.6 Intrusive Activities Caution

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

i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and

ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures;

4.5.7 Building Code

The Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code;

ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and

iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

4.6 Subsurface Utility Trench Risk Management Measure

a. Where new utilities are to be installed or existing utilities repaired on the Property, trench plugs/ trench dams consisting of low-permeability materials such as compacted clay or bentonite, or other low permeable material such as concrete or unshrinkable fill, shall be installed across the trench cross-section so as to prevent migration of Contaminants of Concern into the permeable backfill material along any buried piping, cable or duct banks. Clay seals (plugs) are required to be installed where utilities are to be installed near or below

the groundwater table and shall consist of clay compacted at appropriate moisture contents that is extended for a minimum of 1000 mm along the utility trench, across the full width and extend to the base of the overlying topsoil or surface treatment.

b. Drawing(s), prepared by a Licensed Professional Engineer shall be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of each subsurface utility trench constructed on the Property, including cross-sectional drawings of the subsurface utility trench showing its design and vertical and lateral extent.

4.7 Soil Vapour Intrusion Monitoring

The Owner shall implement for each Building constructed on the Property either an indoor air quality monitoring program or a sub-slab vapour monitoring program to assess the effectiveness of the Building related Risk Management Measures in preventing soil vapour containing the Contaminants of Concern from entering the Building air.

4.7.1 Indoor Air Quality Monitoring Program

Implement under the supervision of a Qualified Person the indoor air quality monitoring program as described in section 1.4.2.1 of Appendix XII and section 7.4.3 of the Risk Assessment, as follows:

a. i. For the Building described within the Risk Assessment and as shown in attached Drawing SPA151, Floor 01, 550 Kerr Street, Oakville, the indoor air quality monitoring program shall consist of the collection of indoor air quality samples on the ground floor of the Building at monitoring locations IA1, IA2, IA3, IA4 and IA-5 as shown on Figure XII-6, Proposed Indoor Air Monitoring Locations – Future Redevelopments. For quality control and quality assurance purposes, a minimum of one duplicate indoor air quality sample, one trip blank and one ambient outdoor air quality sample and shall be collected, or

ii. For any other Building, or if there are any changes to the indoor air quality monitoring locations for the Building that is described in part i. above, provide to the Director at least 90 days prior to occupancy of the Building an indoor air quality monitoring program for approval. The sampling locations for the indoor air quality monitoring program shall be located at the lowest occupied level of the Building at locations identified by an industrial hygienist or other appropriately qualified person to be protective of human health for any persons using or occupying the Buildings on the Property. The minimum number of indoor air sample locations is as follows:

I. two locations for Buildings up to 500 square metres of Building Area,
II. three locations for Buildings that are 500 to 1000 square metres of Building Area,
III. one additional location for each additional 1000 square metres of Building Area above 1000 square metres of Building Area.

For quality control and quality assurance purposes, duplicate indoor air quality sample(s), trip blank(s) and an ambient outdoor air quality sample shall be collected;

b. All indoor air quality monitoring shall be in accordance with the sample collection and analytical methodologies specified and for the Contaminants of Concerns that are listed in Schedule C of the CPU. The ambient outdoor air sample shall be in accordance with the Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated March 2008. The samples shall be collected over a 24-hour duration and the results of the indoor air quality samples shall be compared to the Residential/ Parkland/ Institutional Use Indoor Air Quality Target Levels for each Contaminant of Concern identified in Schedule C;

c. The indoor air quality monitoring program shall commence with at least one monitoring event prior to occupancy of a Building and then on a quarterly basis for a minimum period of two years. After eight consecutive quarterly sampling events with no confirmed exceedances of a respective Indoor Air Quality Target Level the sampling frequency is reduced to a semi-annual basis until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether;

d. If the indoor air concentration for the Contaminants of Concern exceeds a respective Indoor Air Target Quality Target Level, then the Owner shall immediately notify the Director writing of receiving the results. The notification to the Director shall include the indoor air quality sampling results and the laboratory certificates of analyses. Follow-up confirmatory indoor air samples shall be collected from each location and shall be analyzed for all Contaminants of Concern within 30 days of receipt of the initial analytical results. The Owner shall provide written notification to the Director immediately upon receiving the results from the follow-up sampling event;

    i. If the concentration of any Contaminant of Concern is confirmed within the follow-up sampling event to exceed a respective Indoor Air Quality Target Level, then the Owner shall within 30 days of receiving the laboratory analysis implement the contingency plan described within section 1.4.2.1 of Appendix XII of the Risk Assessment by requiring that the Storage Garage operate with continuous ventilation or by increasing the mechanical ventilation rate of the Storage Garage. Follow-up confirmatory indoor air samples shall be collected from each location and shall be analyzed for all Contaminants of Concern within 30 days of adjusting the mechanical ventilation of the Storage Garage.

    ii. If the concentration of any Contaminant of Concern is verified to exceed a respective Indoor Air Quality Target Level following the adjustment of the mechanical ventilation system of the Storage Garage, then the Owner shall immediately notify the Director in writing of receiving the results. The notification to the Director shall include the indoor air quality sampling results and the laboratory certificates of analyses. Follow-up confirmatory indoor air samples shall be collected from each location and shall be analyzed for all Contaminants of Concern within 30 days of receipt of the initial analytical results. The Owner shall provide written notification to the Director immediately upon receiving the results from the follow-up sampling event.

    iii. If the concentration of any Contaminant of Concern is confirmed within the follow-up sampling event to exceed a respective Indoor Air Quality Target Level following the adjustment of the mechanical ventilation system of the Storage Garage, then the Owner

upon receiving the laboratory analysis shall immediately provide written notification to the Director and shall implement the sub-slab vapour monitoring program as outlined in Item 4.7.2 of the CPU.

4.7.2 Sub-Slab Vapour Monitoring Program

If sub-slab vapour monitoring is elected by the Owner in lieu of implementing the indoor air monitoring program, or if the requirement for sub-slab vapour sampling is triggered by Item 4.7.1 d.iii., then the Owner shall, under the supervision of a Qualified Person, implement the sub-slab vapour monitoring program as described in section 1.4.2.1 of Appendix XII 7.4.3 of the Risk Assessment, as follows:

a. i. For the Building described within the Risk Assessment and as shown in attached Drawing SPA151, Floor 01, 550 Kerr Street, Oakville, the sub-slab vapour monitoring program shall consist of the collection of sub-slab vapour samples below the floor slab of the Parking Garage at monitoring locations SV-1 to SV-12 as shown on Figure XII-8, Proposed Sub-Slab Soil Vapour Sampling Locations for Future Redevelopment – Contingency Measure. For quality control and quality assurance purposes, a minimum of one duplicate sub-slab vapour sample and one trip blank sample and shall be collected, or

ii. For any other Building, or if there are any changes to the sub-slab vapour sample locations for the Building that is described in part i. above provide to the Director at least 90 days prior to occupancy of the Building a sub-slab vapour monitoring program for approval. The sampling locations for the sub-slab vapour monitoring program shall identified by an industrial hygienist or other appropriately qualified person. The minimum number of sub-slab vapour samples is as follows:

I. three locations for Buildings up to 500 square metres of Building Area,
II. one additional location for every additional 500 square metres of Building Area from 500 up to 2000 square metres of Building Area,
III. one additional location for every additional 1000 square metres of Building Area from 2000 square metres to 5000 square metres of Building Area, and
IV. one additional location for every additional 2000 square metres of Building Area above 5000 square metres of Building Area.

For quality control and quality assurance purposes, duplicate indoor air quality sample(s), trip blank(s) and an ambient outdoor air quality sample shall be collected.

b. The sub-slab vapour monitoring shall be in accordance with USEPA Method TO-15 for each of the Contaminants of Concerns identified in Schedule C of the CPU and the results of the sub-slab vapour samples shall be compared to the Residential/ Parkland/ Institutional Use Soil Sub-Slab Vapour Trigger Level for each Contaminant of Concern identified in Schedule C.

c. If sub-slab vapour monitoring is elected by the Owner in lieu of implementing the indoor air monitoring program, then the sub-slab vapour monitoring program shall commence with at least one monitoring event prior to occupancy of a Building and then on a quarterly basis for

a minimum period of two years. After eight consecutive quarterly sampling events with no confirmed exceedances of a respective Indoor Air Quality Target Level the sampling frequency is reduced to a semi-annual basis until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether;

i. If the sub-slab vapour concentration for any Contaminant of Concern exceeds a respective Sub-Slab Vapour Trigger Level identified in Schedule C, then the Director shall be immediately notified in writing and follow-up confirmatory sub-slab vapour samples shall be collected from each location and shall be analyzed for all Contaminants of Concern within 30 days of receipt of the initial analytical results. The Owner shall provide written notification to the Director immediately upon receiving the results from the follow-up sampling event;

ii. If the concentration of any Contaminant of Concern is verified to exceed a respective Sub-Slab Vapour Trigger Level identified in Schedule C in the follow-up sample, then the Owner shall immediately notify the Director in writing of receiving the analytical results and indoor air samples shall be collected as outlined in Item 4.7.1 from each monitoring location within 30 days of the Owner providing the Director with written notification

d. If the requirement for sub-slab vapour sampling is triggered by Item 4.7.1 d. iii, then sub-slab vapour samples shall be collected from each monitoring location within 30 days of the Owner providing the Director with written notification to the Director required by Item 4.7.1 d. iii.

i. Sub-slab vapour sampling shall continue on a quarterly basis for a minimum period of two years. After eight quarterly consecutive sampling events with no confirmed exceedances of a respective Sub-Slab Vapour Trigger Level the sampling frequency is reduced to a semi-annual basis until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether

ii. If the concentration of each Contaminant of Concern meets the respective Sub-Slab Vapour Trigger Level, then the Owner may elect to transition from indoor air monitoring to quarterly sub-slab vapour monitoring as outlined in part c, above.

iii. If the sub-slab vapour concentration for any Contaminant of Concern exceeds a respective Sub-Slab Vapour Trigger Level identified in Schedule C, then the Director shall be immediately notified in writing and the Owner shall within 30 days of receiving the analytical results commence operation of the Passive SVIMS Risk Management Measure as described within Item 4.5.1 of the CPU. Follow-up sub-slab vapour samples shall be collected from each location and shall be analyzed for all Contaminants of Concern within 30 days of commencing Operation of the Passive SVIMS,

iv. If the concentration of any Contaminant of Concern exceeds a respective Sub-Slab Vapour Trigger Level identified in Schedule C in a follow-up sample, then the Owner

shall within 30 days of receiving the laboratory analysis submit to the Director a contingency plan for review and approval. The contingency plan shall be prepared by a Licensed Professional Engineer and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations to further assess and address risks to vapour intrusion including but not limited to enhancements to the Passive SVIMS and/or remedial activities. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan in adherence to the schedule and timelines.

4.8 Groundwater Monitoring Program

Implement the groundwater monitoring program on the Property under the supervision of a Qualified Person that is described within section 1.4.3 of Appendix XII of the Risk Assessment and as follows:

a. The groundwater monitoring Program shall consist of the measurement of groundwater levels and the collection of groundwater samples at the following monitoring well locations as shown in in Figure XII-7, Proposed Groundwater Monitoring Well Locations – Future Redevelopment:

   i. upgradient boundary monitoring wells: MW406-S, and MW406-D,

   ii. downgradient monitoring wells: MW401-S, MW401-D, MW402-S, MW402-D, MW403-S, and
   iii. transgradient monitoring wells: MW404-D MW404-S, MW404-D, MW405-S, and MW405-D;

b. Groundwater samples shall be sent to an accredited laboratory and analysed for the Contaminants of Concern specified in Table 1B of Schedule B of the CPU;

c. The groundwater monitoring results for all the monitoring wells shall be compared against the Property Specific Standards identified in Table 1B of Schedule B. The results of the downgradient and transgradient monitoring wells shall also be compared to the Table 7 Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition as set out in 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.

d. The groundwater monitoring program shall be conducted quarterly (every three months) for a minimum period of one year following the development of the Property. After four consecutive quarterly sampling events with no confirmed exceedance the frequency can convert to a semi-annual frequency until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether;

e. If the results for any Contaminant of Concern from any of the monitoring wells is identified to exceed a respective Property Specific Standard, or a Table 7 Site Condition Standard then the Owner shall implement the following:

i. Notify the Director in writing within 10 calendar days of the Owner receiving the laboratory analyses. Written notification shall be prepared by a Qualified Person and shall include the groundwater data and laboratory certificates of analyses,

ii. Within 30 calendar days of the Owner receiving the laboratory analysis, confirmatory groundwater sampling shall be repeated for all Contaminants of Concern where the exceedances were observed,

iii. In the event that the groundwater exceedance is confirmed, the Owner shall notify the Director in writing within 10 calendar days of the Owner receiving the laboratory analysis. Written notification shall be prepared by a Qualified Person and shall include the groundwater data and laboratory certificates of analysis,

f. If an exceedance of a Property Specific Standard is confirmed for any Contaminant of Concern, then within 60 calendar days of receiving the laboratory analysis, the Owner shall submit to the Director a proposed contingency plan for review and approval. The proposed contingency plan shall be prepared by a Licensed Professional Engineer, and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations for any additional investigation and/or monitoring and remediation measures as may be necessary,

i. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan, and

ii. The Owner shall submit written confirmation to the Director, along with supporting documentation, prepared by a Qualified Person that the contingency plan has been implemented in accordance with the schedule approved by the Director;

g. If an exceedance of a Table 7 Site Condition Standard is confirmed at any of the downgradient or transgradient monitoring well locations, then within 30 calendar days of the Owner receiving the laboratory analysis, the Owner shall submit to the Director a report prepared by a Qualified Person providing a detailed interpretation of the available data collected to date, an assessment of the off-site human health risks along with recommendations for any additional investigation and/or monitoring and remediation measures as may be necessary,

i. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan, and

ii. The Owner shall submit written confirmation to the Director, along with supporting documentation, prepared by a Qualified Person that the contingency plan has been implemented in accordance with the schedule approved by the Director;

h. The Owner shall keep a copy of all groundwater sampling data available for inspection by a Provincial Officer upon request.

i. Any changes to the groundwater monitoring program, including changes to the any of the selected ground water monitoring wells, must be requested in writing by the Qualified Person and these changes can only be implemented upon receiving approval from the Director in writing; and

j. In the event that any monitoring well is destroyed during construction or site activities the monitoring well shall be replaced with a similarly constructed well proximate to the same location as the destroyed well.

4.9 No Ground Water Use Risk Management Measure

Upon issuance of the CPU, the Owner shall 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 groundwater 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.

4.10 Health and Safety Plan Requirement

In addition to any requirements under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, prior to any Intrusive Activities being undertaken relating to the redevelopment of the Property, the Owner shall implement a written health and safety plan for the Property as described in sections 1.2.4 and 1.2.5 of Appendix XII of the Risk Assessment that has been prepared by a Competent Person in consultation with a Qualified Person. The plan shall be retained by the Owner, and be made available for inspection upon request by a Provincial Officer. The plan shall include information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern in soil and or groundwater at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, 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 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 concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property;

e. 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; and

f. 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, reviewed and updated as necessary by a Competent Person, and retained by the Owner, prior to any Intrusive Activities being undertaken at the Property.

4.11 Soil and Groundwater Management Plan Requirement

Prior to any Intrusive Activities being undertaken relating to the redevelopment of the Property, the Owner shall obtain a written soil and groundwater management plan for the Property that has been prepared by a Qualified Person for managing excavated soil or soil brought to the Property, and, if any, groundwater from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or ground water at the Property. The Owner shall ensure that the plan is implemented during any Intrusive Activities being undertaken at the Property and must make this plan available for inspection upon request by a Provincial Officer. The plan must be updated by a Qualified Person as may be necessary depending on the Intrusive Activity being undertaken and shall include the following key components, at a minimum:

a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;

b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles; and

c. measures, in addition to any applicable measures specified in O. Reg. 153/04 or O. Reg. 406/19 , to manage soil excavated at the Property and any soil brought to or removed from the Property, including:

    i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
        1. is Capping Soil;
        2. meets the Standards; or
        3. exceeds the Standards;

ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    1. used as Capping Soil at the Property;
    2. otherwise used as fill at the Property;
    3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
    4. removed from the Property for off-site use as fill or disposal; and

iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
    1. reflect the distinctions described in parts (c) i and ii; and
    2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern; and
    3. have been bermed or fenced, as appropriate, to restrict access by persons; and
    4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed; and

d. measures to manage storm water and any groundwater from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed;

e. the characterization and management of groundwater because of dewatering activities as may be required. This shall include the management of and proper characterization of groundwater prior to and during any dewatering activities to ensure proper disposal of the groundwater in accordance with all applicable acts, regulations, permits and approvals; and,

f. recording, in writing, the soil, storm water and any groundwater management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or 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, and dewatering activities, if any;
    iv. dust control and soil tracking control measures, such as hauling records;
    v. characterization results for excavated soil and any soil brought to or removed from the Property, and for any groundwater from dewatering;
    vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
    vii. management activities for any ground water from dewatering;

viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
ix. names and contact information for any haulers and owners or operators of receiving sites for soil and any groundwater removed from the Property, and for haulers and owners or operators of project areas (also known as source sites) of any soil brought to the Property;
x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities.

4.12 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 copy of all records relating to the requirements for the Hard Cap Barrier, Fill Cap Barrier and Fill Cap Barrier for Deep Rooting Vegetation Risk Management Measure as outlined in Items 4.1 and 4.1.1 if applicable;

b. a copy of all records relating to the Building with no first storey residential, institutional or parkland use Risk Management Measure as outlined in Item 4.3, if applicable;
c. a copy of all records relating to the Building with Storage Garage (intermittent 3.9 Litres/second of Ventilation) Risk Management Measure as outlined in Item 4.4, if applicable'

d. a copy of all records relating to the Passive Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure as outlined in Item 4.5, if applicable.

e. a copy of all records relating to the requirements for the Subsurface Utility Trench Risk Management Measure as outlined in Item 4.6, if applicable;

f. a copy of all records relating to the requirements for Soil Vapour Intrusion Monitoring as outlined in Item 4.7, if applicable;

g. a copy of all records relating to the Groundwater Monitoring Programs as outlined in Item 4.8, if applicable;

h. a confirmation that the No Ground Water Use Risk Management Measure as outlined in Item 4.9 has been complied with;

i. a copy of all records relating to the health and safety plan as outlined in Item 4.10, if applicable;

j. a copy of all records relating to the soil and groundwater management plan as outlined in Item 4.11, if applicable, and

k. 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

a. Refrain from using the Property for any of the following use(s): “Agricultural or Other Use”, as defined in O. Reg. 153/04.

b. Refrain from using the Existing Commercial Use Building in a manner that may create a new area of potential environmental concern at the Property that was not identified in the Risk Assessment, or that may materially change an area of potential environmental concern that was identified in the Risk Assessment.

5.2 Building Construction Restrictions

Refrain from constructing the following Building(s): Any Building except as may be permitted in the CPU including by implementing on any particular Building, the Risk Management Measures as may be applicable.

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 required under the CPU for a period of seven (7) years from the date the report 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 four hundred and sixty-three thousand, six hundred and fifty-six dollars (CAD $463,656) 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, 2029, 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 Property 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 D 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 at environment.haltonpeel@ontario.ca.

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

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

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

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

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

9.5 If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the “EBR”), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

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

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

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

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

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

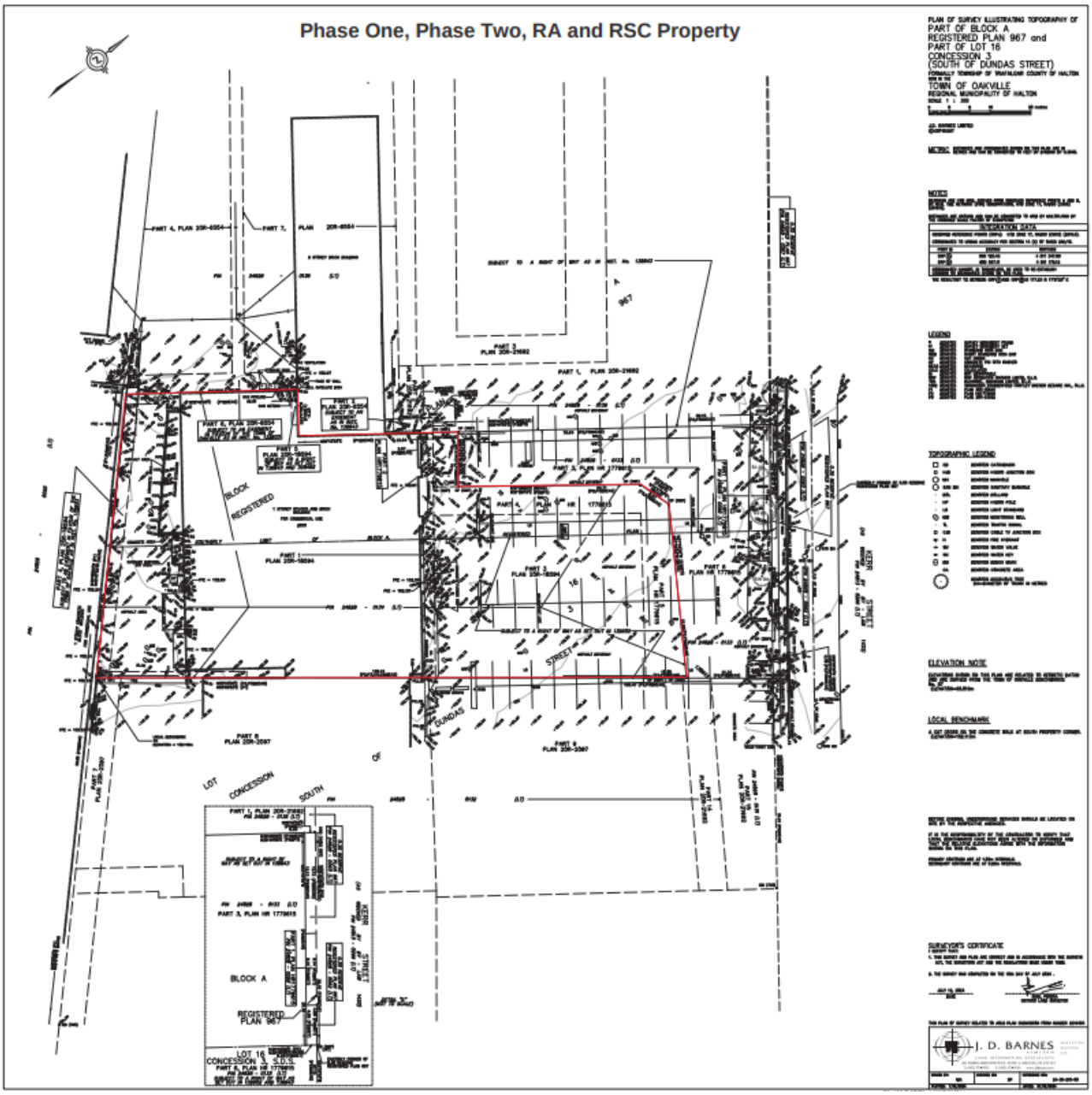
9.8 The procedures and other information provided in this Part 9 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws

Issued on this X^{h} day MONTH, YEAR

Director, section 168.6 of the Act

SCHEDULE A: Plan of Survey

Plan of Survey Illustrating Topography of Part of Block A, Registered Plan 967 and Part of Loy 16, Concession 3 (South of Dundas Street), Formerly Township of Trafalgar County of Halton Now in the Town of Oakville, Regional Municipality of Halton, completed on July 10, 2024 and signed on July 12, 2024 by Sunil Perera, Ontario Land Surveyor, J. D. Barnes Ltd.



SCHEDULE B

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

Contaminants of Concern (COC)	Units	Property Specific Standard (PSS)
MEDIA – SOIL		
Petroleum Hydrocarbons (PHCs)		
PHC F2	µg/g	300
PHC F3	µg/g	3360
PHC F4	µg/g	27600
Polycyclic Aromatic Hydrocarbons (PAHs)		
Anthracene	µg/g	0.984
Benz(a)anthracene	µg/g	2.88
Benzo(a)pyrene	µg/g	3.0
Benzo(b)fluoranthene	µg/g	3.72
Benzo(k)fluoranthene	µg/g	1.44
Dibenz(a,h)anthracene	µg/g	0.492
Fluoranthene	µg/g	6.6
Indeno(1,2,3-cd)pyrene	µg/g	2.04

Table 1B: Contaminants of Concern and Property Specific Standards in Ground Water

Contaminants of Concern (COC)	Units	Property Specific Standard (PSS)
MEDIA – GROUND WATER		
Petroleum Hydrocarbons (PHCs)		
PHC F1	µg/L	2520
BTEX		
Benzene	µg/L	7.68
Volatile Organic Compounds (VOCs)		
1,1-Dichloroethylene	µg/L	2.4
Cis-1,2-Dichloroethylene	µg/L	828
Trans-1,2-Dichloroethylene	µg/L	7.68
1,2-Dichloropropane	µg/L	0.852
Tetrachloroethylene	µg/L	3120
Trichloroethylene	µg/L	324
Vinyl Chloride	µg/L	456

SCHEDULE C

Indoor Air Quality Target Levels and Soil Vapour Trigger Levels

Contaminant Of Concern	**Indoor Air Quality Target Level** **Residential/ Parkland/ Institutional (R/P/I) Use** ($\mu g/m^3$)	**Soil Sub-Slab Vapour Trigger Level** **Residential/ Parkland/ Institutional (R/P/I) Use** ($\mu g/m^3$)
PHC F1	2,490	124,500
PHC F2	471	23, 550
Benzene	0.506	25.3
Cis-1,2-Dichloroetheylene	31.3	1,565
Trans-1,2-Dichloroetheylene	12.5	625
1,2-Dichloropropane	0.834	41.7
Tetrachloroethylene	4.28	214
Trichloroethylene	0.271	13.6
Vinyl Chloride	0.126	6.3

SCHEDULE D

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 2664-DLBJW5 issued by [DIRECTOR NAME], 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 550 Kerr Street, being all part of Property Identifier Number 24828-0134 (LT) (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

RSG OAKVILLE HOLDINGS 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.

Drawing SPA151, Floor 01, 550 Kerr Street, Oakville, Ontario prepared by Turner Fleischer Architects Inc.

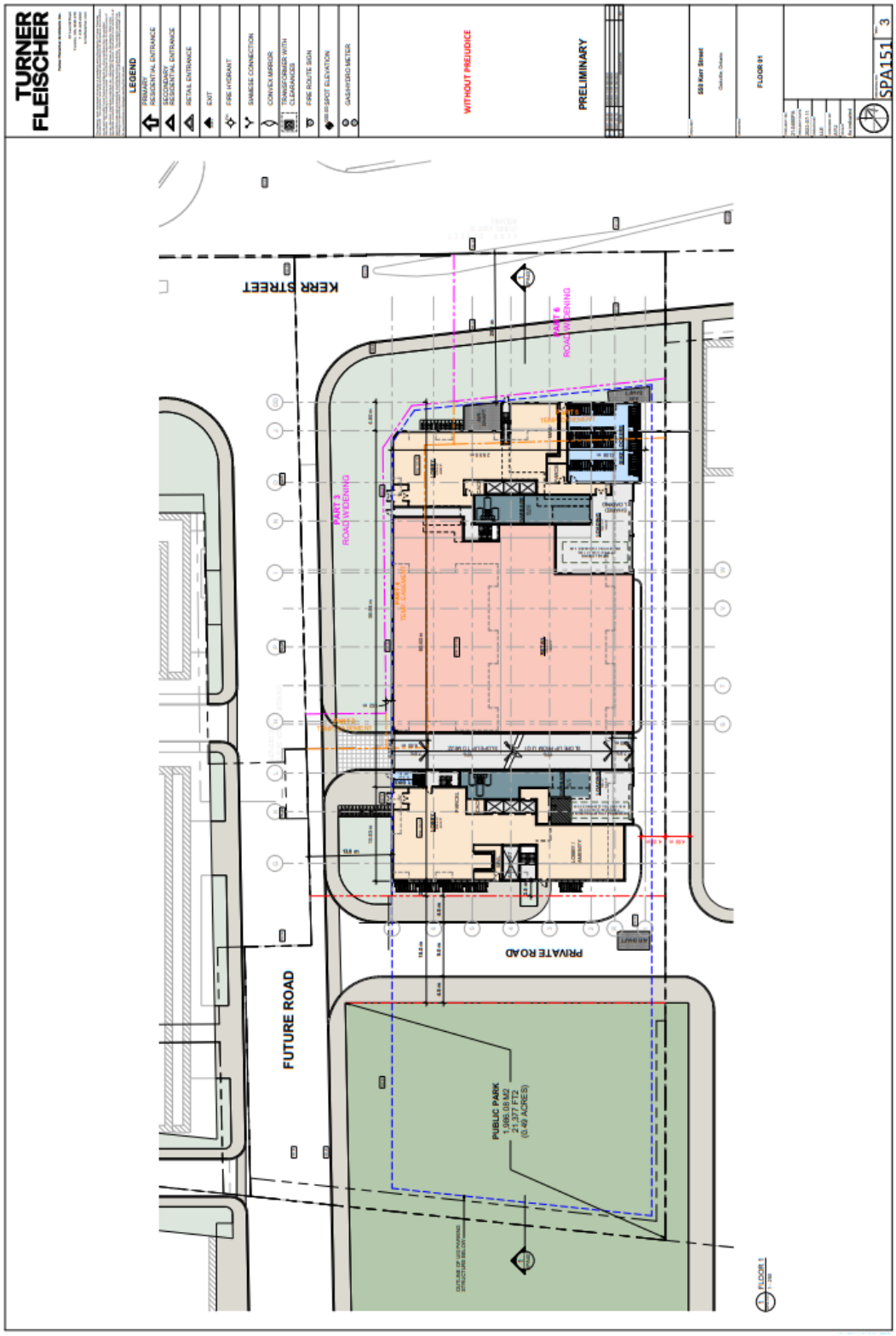


Figure XII-1, Composition of Typical Hard Cap, 550 Kerr Street, Oakville, prepared by Pinchin Ltd., dated September 2023, signed and sealed by P.D. Patel, P.Eng.

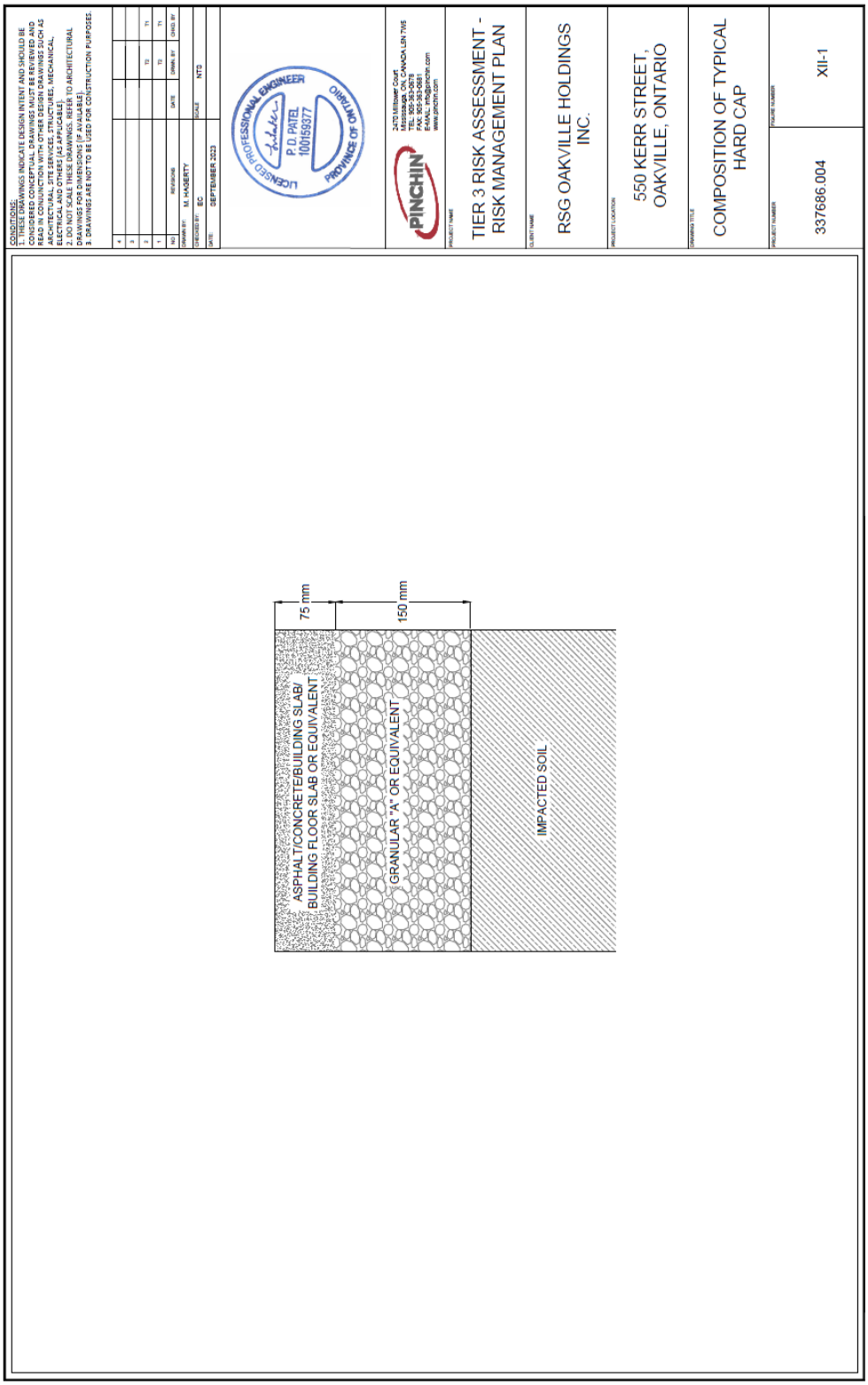


Figure XII-2, Composition of Typical Fill Cap, 550 Kerr Street, Oakville, prepared by Pinchin Ltd., dated January 15, 2026, signed and sealed by P.D. Patel, P.Eng.

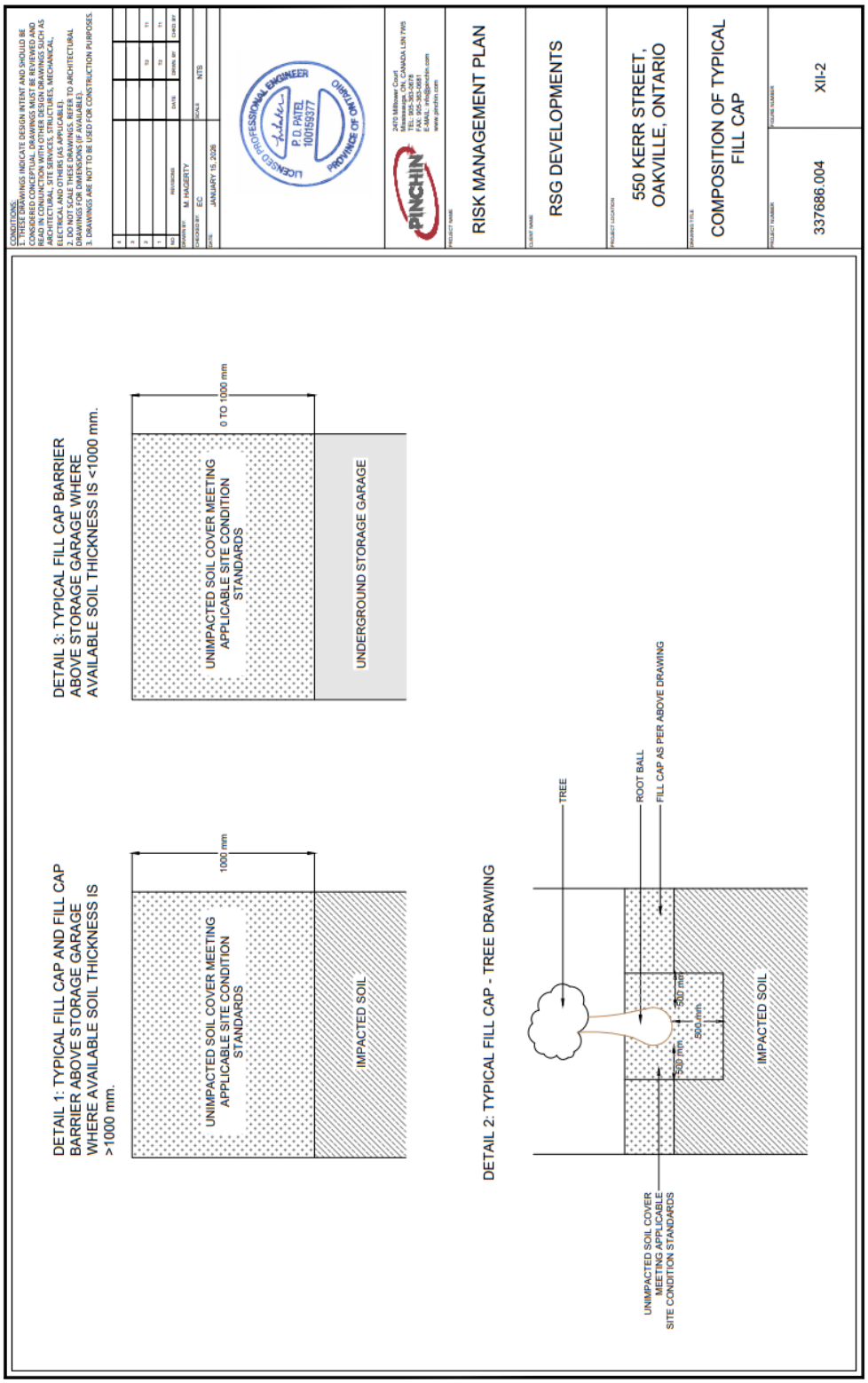


Figure XII-3, Composition of Typical Schematic for Bathtub SSDS New Construction, 550 Kerr Street, Oakville, prepared by Pinchin Ltd., dated September 2023, signed and sealed by P.D. Patel, P.Eng.

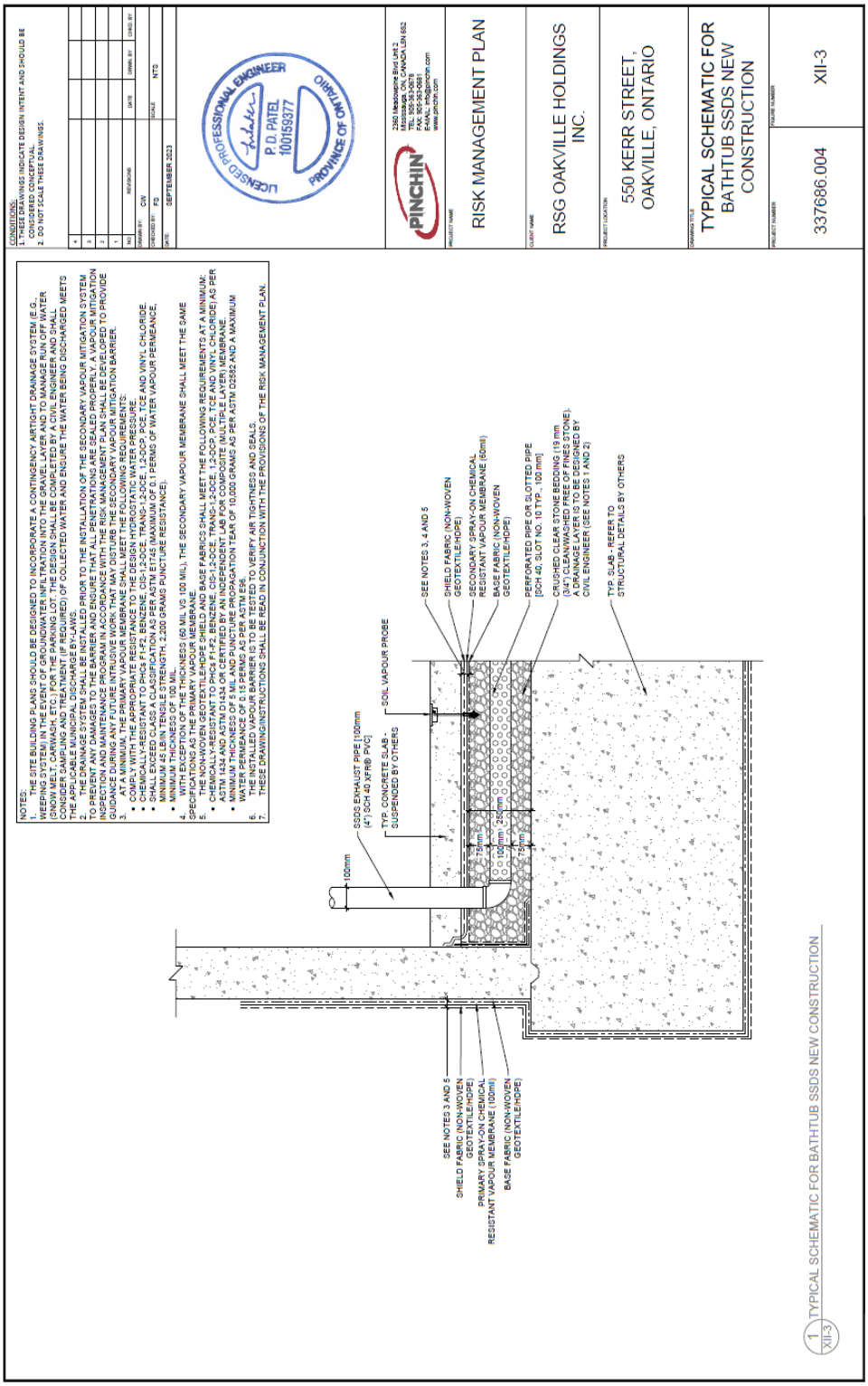


Figure XII-4, Composition of Typical Vent Pipe - New Construction, 550 Kerr Street, Oakville, prepared by Pinchin Ltd., dated September 2023, signed and sealed by P.D. Patel, P.Eng.

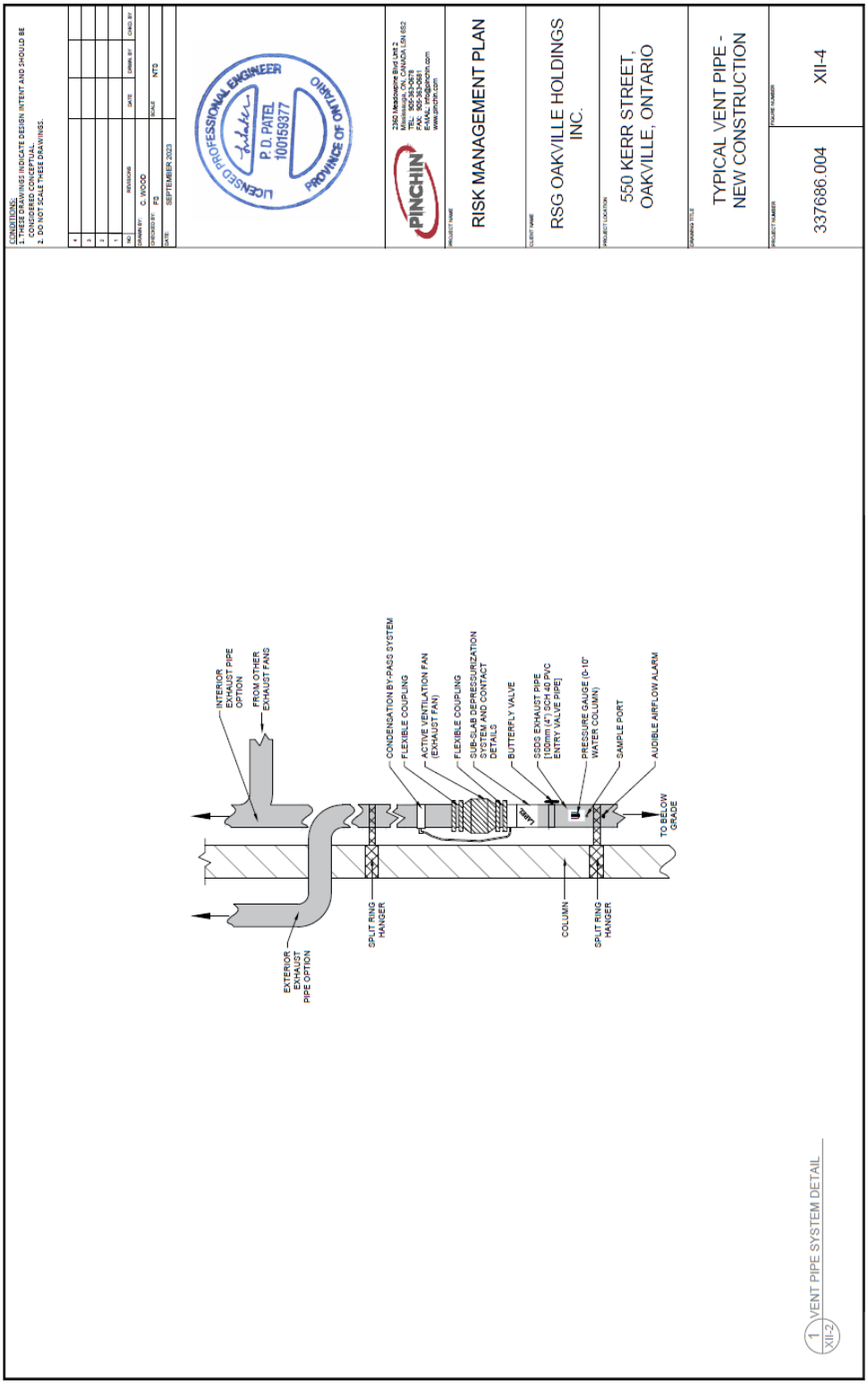


Figure XII-6, Proposed Indoor Air Monitoring Locations - Future Redevelopments, 550 Kerr Street, Oakville, prepared by Pinchin Ltd., dated September 2023, signed and sealed by P.D. Patel, P.Eng.

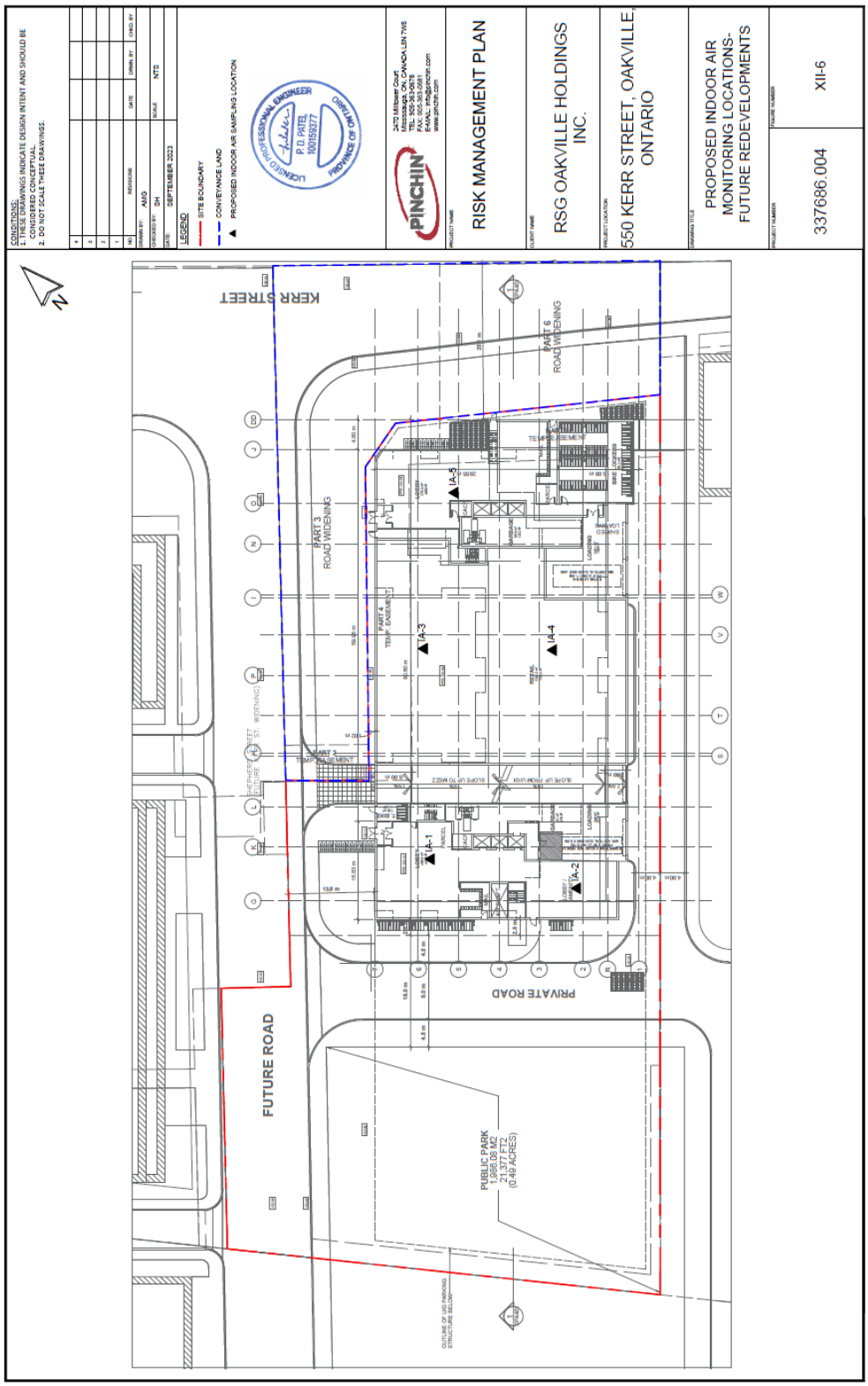


Figure XII-7, Proposed Groundwater Monitoring Well Locations - Future Redevelopments, 550 Kerr Street, Oakville, prepared by Pinchin Ltd., dated January 15, 2026, signed and sealed by P.D. Patel, P.Eng.

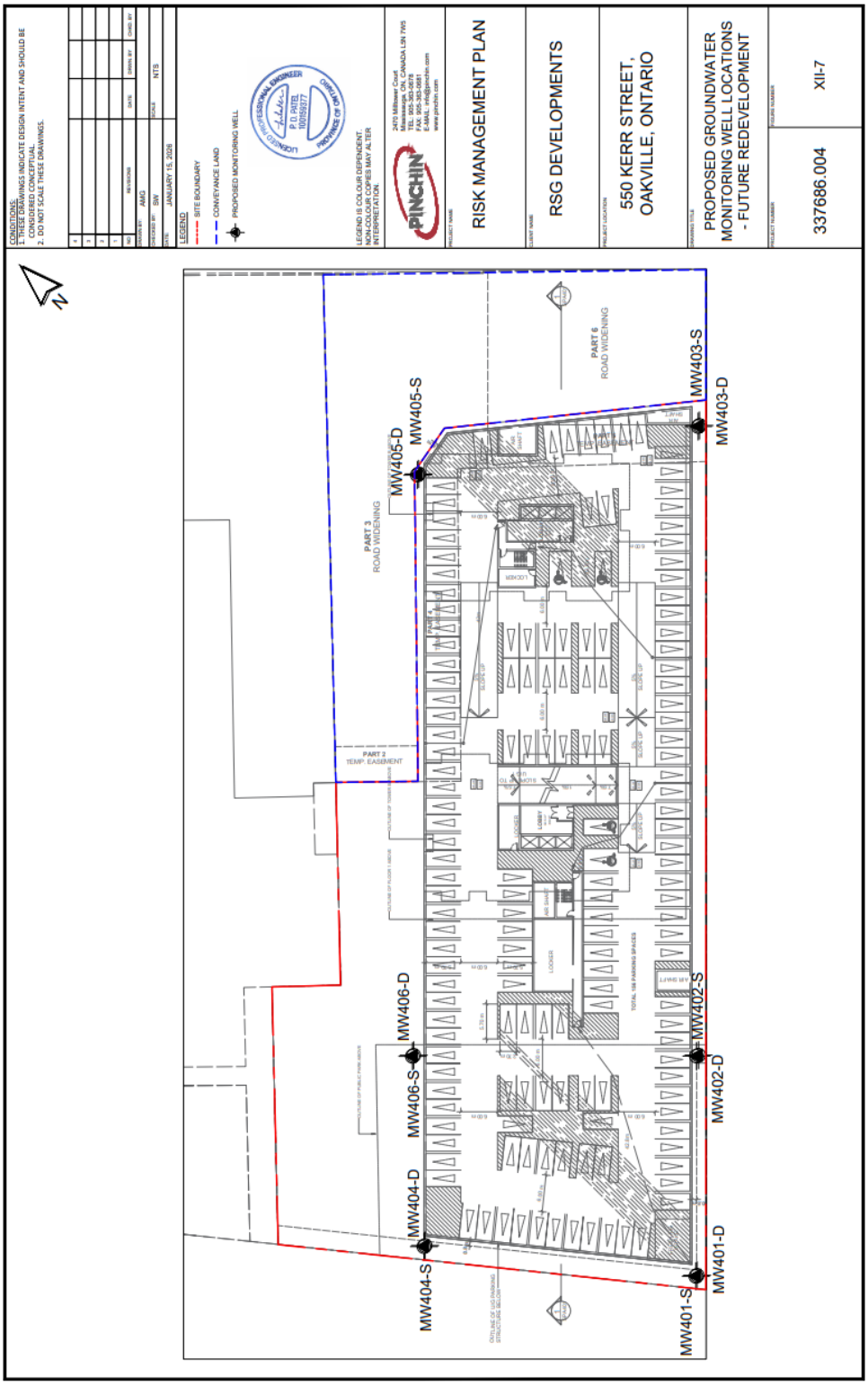


Figure XII-8, Proposed Sub-Slab Soil Vapour Sampling Locations - Future Redevelopment – Contingency Measure, 550 Kerr Street, Oakville, prepared by Pinchin Ltd., dated September 2023, signed and sealed by P.D. Patel, P.Eng.