

Certificate of Property Use

Environmental Protection Act, R.S.O. 1990, c.E.19, s.168.6

Certificate of property use number: 5170-DSFFE3

Risk assessment number: 7686-CTLK7E

Owner: Taggart (City Centre) Ltd.
708 225 Metcalfe St
Ottawa, Ontario, K2P 1P9

(Owner)

Site: 158 and 160 Spruce Street, Ottawa, Ontario

(Property)

With a Legal Description of:

PT LT 4 BLK A PL 73, N/S SOMERSET ST, PL 73 AS IN NS54486; LT 5, BLK A, PL 73, N/S SOMERSET ST, PL 73; PT LT 4 BLK A, PL 73, S/S SPRUCE ST, PL 73, AS IN NS54486; LT 5 BLK A PL 73, S/S SPRUCE ST, PL 73; CITY OF OTTAWA, PIN number 04107-0124(LT)

And

PART OF LOT 4 (SOUTH SPRUCE STREET) AND PART OF LOT 4 (NORTH SOMERSET STREET) IN BLOCK A PLAN 73, OTTAWA, PART 1 PLAN 4R19573. SUBJECT TO A EASMENT IN FAVOUR OF HYDRO OTTAWA LIMITED AS IN OC326107, PIN number 04107-0274(LT)

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

Summary:

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

- i) Risk Management Measures (RMMs) that are required to be implemented are found in Part 4 of this CPU, Director Requirements. Key RMMs specified in Part 4 include, but are not limited to:
- Installing, inspecting and maintaining any new hard cap or soil cap barriers in this area of the Property as per Section 4.2 (a) of this CPU;
 - Prohibiting the construction of any Building (s) on the Property unless the new Building (s) is constructed as specified in Section 4.2 (m) or (y) of this CPU;
 - Implementing a soil and groundwater management plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil and groundwater that have been identified in the RA at concentrations that exceed the applicable site condition standards as per Section 4.3 of this CPU.
 - Implementing a health and safety plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil and groundwater that have been identified in the RA at

concentrations that exceed the applicable site condition standards as specified in Section 4.4 of this CPU;

- Prohibiting the use of groundwater in on or under the Property as per Section 4.5 of this CPU; and,
 - Registering a certificate on the Property title in accordance with Section 197 of the *Environmental Protection Act* and that before dealing with the Property in any way, a copy of this CPU is to be given to any person who will acquire an interest in the Property as per Section 4.10, 4.11 and 4.12 of this CPU.
- ii) Duration of Risk Management Measures identified in Part 4 of this CPU is summarized as follows:
- a. The soil and groundwater management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing site soils and/or groundwater for as long as the Contaminants of Concern are present on the Property.
 - b. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes this CPU.

Part 1: Interpretation

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

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

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

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

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified in Table 3: Generic Site Condition Standards in a Non-Potable Ground Water Condition (coarse textured soils) (Residential/Parkland/Institutional) of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011;

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

“Clear Stone” means a graded aggregate intended for use in drainage, backfill, bedding, and other applications as specified in Ontario Provincial Standard Specification 1004 (OPSS MUNI. 1004);

“Competent Person” as defined in the Ontario Occupational Health and Safety Act.

“Contaminant” has the same meaning as in the Act; namely any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that may cause an Adverse Effect;

“Contaminants of Concern” & “COC” has the meaning as set out in section 3.2 of this CPU;

“CPU” means this Certificate of Property Use Number No. 5170-DSFFE3 as it may be altered from time to time and bearing document # 5170-DSFFE3;

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use;

"EBR" means the *Environmental Bill of Rights, 1993*, S.O. 1993, c.28;

"Existing Building" means the single storey building currently occupying the property;

"Granular A" means a set of requirements for dense graded aggregates intended for use as granular base within the pavement structure, granular shouldering, and backfill, as specified in Ontario Provincial Standard Specification 1010 (OPSS.MUNI 1010);

"Impacted soil" is soil in which one or more contaminants are present at a concentration greater than the Property Specific Standard for the contaminant as specified in Table 1A – Schedule A of this CPU without incorporation of risk management measures;

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

"Ministry" means Ontario Ministry of the Environment, Conservation and Parks;

"O. Reg. 153/04" means *Ontario Regulation 153/04 Records of Site Condition – Part XV.1 of the Act* under Environmental Protection Act, R.S.O. 1990, c. E.19.

"O. Reg. 347" means *R.R.O. 1990, Reg. 347: General - Waste Management* under Environmental Protection Act, R.S.O. 1990, c. E.19.

"O. Reg. 406" means Ontario Regulation 406/19: On-Site and Excess Soil Management under Environmental Protection Act, R.S.O. 1990, c. E.19.

"Owner" means **Taggart (City Centre) Ltd.**, the current owners of the Property, and any future Property Owner(s);

"Property" means the property that is the subject of this CPU and described in the "Site" section on page 1 above, and illustrated in Figure 1 of Schedule A which is attached to and forms part of this CPU;

"Property Specific Standards" means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in section 3.2 of this CPU and are the same standards specified in the Risk Assessment;

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act;

"Qualified Person" means a person who meets the qualifications prescribed in O. Reg. 153/04, made under the Act;

"Risk Assessment" (RA) means the Risk Assessment No. **7686-CTLK7E** accepted by the Director on September 8, 2025, and set out in the following documents:

- **"Pre-Submission Form for 158 and 160 Spruce Street, Ottawa, Ontario", report prepared by Corrin Environmental Consulting, dated July 2023**
- **"Risk Assessment Submission 1 for 158 and 160 Spruce Street, Ottawa, Ontario", report prepared by Corrin Environmental Consulting, dated January 2024**
- **"Risk Assessment Submission 2 for 158 and 160 Spruce Street, Ottawa, Ontario", report prepared by Corrin Environmental Consulting, dated April 2025**
- **"Risk Assessment Submission 3 for 158 and 160 Spruce Street, Ottawa, Ontario", report prepared by Corrin Environmental Consulting, dated November 2025**

- **“RE: Request for Additional Information - RA for 158 and 160 Spruce Street, Ottawa, Ontario [RA2155-23c; IDS#7686-CTLK7E]”, email from Natasha Corrin, P. Eng., Corrin Environmental Consulting, received by TASDB on December 16, 2025, with following document[s] attached:**
 - **RA2155-23c Responses to Req for add info 16Dec25.pdf**
 - **23-007 RA Submission 3 Spruce St Ottawa Updated 16Dec25.pdf**

“Risk Management Measures” means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of this CPU;

“Risk Management Plan” (RMP) means the risk management plan specific to the Property contained in Appendix K for the Risk Assessment and/or Part 4 of this CPU;

“Soil and Groundwater Management Plan” means the soil and groundwater management plan specified in section 4.3 of this CPU;

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

“Unimpacted Soil” means soil that meets the soil criteria identified in Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition of the Ministry’s *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.

Part 2: Legal Authority

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

- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- a. alter any terms and conditions in the certificate or impose new terms and conditions; or
 - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of the property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 196(1) of the Act states that the authority to make an order under the Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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 to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **Residential** as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in or under the Property that are present either above **Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition of the Ministry's 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 and groundwater or for which there are no such standards, are defined as the Contaminants of Concern. The Property Specific Standards for these Contaminants of Concern are set out in **Table 1A and Table 1B of Schedule "A"**, which is attached to and forms part of this 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 outlined in Part 4 of this CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.

Part 4: Director Requirements

Pursuant to the authority vested in me under section 168.6(1) of the Act, I hereby require the Owner to do or cause to be done the following:

Risk Management Measures

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Section 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:

Barriers to Soils:

- a. Subject to section 4.2(b), fill cap and hard cap barriers shall be installed over the Property in accordance with Section 7.2.1 of the RMP and Figure PE5122-RMP-1, wherever there is less than 1.0 m of Unimpacted Soil below the soil surface, so as to prevent exposure to the Contaminants of Concern (COCs) identified on the Property and shall be maintained for as long as the COCs are present on the Property.
- b. In relation to Section 4.2(a) of this CPU, areas of the Property that are not in use nor under development, hard cap and soil cap barriers are not required as long as exposure to the COCs at concentrations that exceed the ASCS (as determined by a Qualified Person) is prevented by a fence barrier that restricts access to those areas of the Property and a dust control plan is implemented as may be necessary to prevent surface soil from impacting adjacent areas.
- c. The fill cap and hard cap barriers shall consist of the following, at minimum:
- (i) The hard cap barrier(s) shall have a minimum total thickness of 225 millimetres (mm) consisting of a 75 mm cover of asphalt, concrete, a building slab, or building foundation and floor slab, underlain by 150 mm granular fill or aggregate, as per Section 7.2.1 and Figure PE5122-RMP-1 of the RMP.
 - (ii) The fill cap barrier(s) shall consist of a minimum 1.0 metre of Unimpacted Soil (Table 3) material underlain by an indicator layer placed immediately on top of the Impacted Soil, as per Section 7.2.1 and Figure PE5122-RMP-1 of the RMP.
- d. Within 90 days of completion of the installation of any new hard cap and/or soil cap barriers on the Property, and upon issuance of this CPU, the Owner shall submit to the Director written confirmation signed by a qualified Licensed Professional Engineer that the barriers have been installed in accordance with the requirements of Section 7.2.1 and Figure PE5122-RMP-1 of the RMP and Section 4.2(c) of this CPU along with final design specifications/drawings and or as built drawings.
- f. Within 90 days of completion of the installation of any new hard cap and or/soil cap barriers on the Property, the Owner shall submit to the Director a site plan that clearly identifies the final location of each of the different barriers.
- g. An inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of the barriers to soil as long as the COCs are present on the Property. The inspection program shall include semi-annual inspections (spring and fall) of the barriers' integrity in accordance with Section 7.4.1 of the RMP. Any barrier deficiencies shall be repaired forthwith. If cracks, breaches or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure that no exposure to the COCs occurs. The restoration of any damaged portions of the barriers shall, at minimum, meet the original design specifications and Section 4.2(c) of this CPU. The Owner shall submit to the

Director written confirmation, prepared and signed by a qualified Licensed Professional Engineer, that the barriers have been repaired in accordance with the requirements of Section 4.2(c) of this CPU. The written confirmation shall also include a description of any contingency measures that were put in place and shall be submitted to the Director within 30 days of the completion of any barrier repairs and/or restorations. The Owner shall keep records of the inspections, maintenance and repairs and make them available for review by a Provincial Officer upon request.

- h. An inspection and maintenance program, as described in Section 4.2(g) with respect to any fencing on the Property or any part thereof shall be implemented so long as fencing is required because the Property or any part thereof is not being used or developed.

New Building(s) with Underground Parking/Storage Garages:

- i. Refrain from constructing any new enclosed buildings on, in or under the Property unless:
 - (i) The building is constructed with underground (below final grade) storage/parking garage;
 - (ii) The building is one which has no commercial, residential, institutional or parkland use, as defined by O. Reg. 153/04, below final grade;
 - (iii) All portions of the building in contact with the underlying soil are constructed of concrete;
 - (iv) The building is in compliance with all applicable requirements of the Building Code, including, without limitation, the provisions governing:
 - a) design of a mechanical ventilation system as set out in Division B, Article 6.2.2.3 (Ventilation of Storage and Repair Garages) of the Building Code;
 - b) interconnection of air duct systems as set out in Division B, subsection 6.2.3.9 (2) (Interconnection of Systems); and
 - c) air leakage as set out in Division B, section 5.4 (Air Leakage) of the Building Code; and
 - (v) A passive soil-vapour intrusion mitigation system (SVIMS) is incorporated in its design and construction, which consists of a sub-slab venting layer and vapour intrusion barrier as per Section 4.2(l) of this CPU and Section 7.2.2 of the RMP.
- j. Components below grade, which may be in direct contact with groundwater, must be equipped with a geosynthetic soil vapour barrier that is waterproof and meets appropriate gas permeability and chemical resistance, in accordance with Section 7.2.2 of the RMP.
- k. The mechanical 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 liters per second for each meter of floor area as required by the Building Code and as detailed in Section 7.2.3.1 of the RMP.

Soil Vapour Intrusion Management System (SVIMS):

- l. Refrain from constructing any new Building(s) on, in or under the Property unless the Building(s) includes a vapour mitigation system, as detailed in Section 7.2.2 of the RMP, along with Section 4.2(m) of this CPU.
- m. The construction of any new Building(s) is permitted on the Property provided that the new building includes and is constructed with SVIMS, as identified in Section 7.2.2 of the RMP. The SVIMS shall be designed by an appropriately qualified Licensed Professional Engineer in consultation with a Qualified Person in accordance with the conceptual designs detailed in Section 7.2.2 of the RMP and shall also include the following components:
 - (i) The Owner shall obtain an Environmental Compliance Approval, as necessary, and any other permits or approvals as may be required.
 - (ii) The installation of the SVIMS shall be completed under the supervision of an appropriately

qualified Licensed Professional Engineer and a Qualified Person.

- (iii) Should the passive SVIMS detailed in Section 7.2.2 of the RMP be the preferred approach for any new building the passive SVIMS shall be designed and constructed such that the passive venting system can easily be converted to an active venting system with all applicable approvals and permits as may be necessary; and,
- (iv) A quality assurance/quality control (QA/QC) program shall be undertaken during the installation of the SVIMS and shall be completed by, and clearly documented in a report prepared by, a qualified contractor and overseen by an appropriately qualified Licensed Professional Engineer and Qualified Person.

Performance Monitoring:

n. Once the final design of the SVIMS is completed as specified in Section 7.2.2 of the RMP and Section 4.2(m) of this CPU, the Owner shall submit to the Director, for review and acceptance, a performance monitoring program. The performance monitoring program shall be prepared by a Qualified Person in accordance with Section 7.4.2 of the RMP. Specifically, the performance monitoring program shall include the following key components:

- (i) Be overseen by a Qualified Person;
- (ii) Maintain the system and prevent any floor penetrations which would affect functioning of the system;
- (iii) Inspect the exhaust location to ensure no obstructions to air flow and system operation as per design;
- (iv) Semi-annual inspection of the underground parking structure ventilation system, by a qualified HVAC professional, to ensure proper maintenance and operation;
- (v) Maintain a minimum sub-slab pressure differential of 6 Pascals;
- (vi) The collection of sub-slab or indoor air samples from an appropriate number of representative locations, including QA/QC samples, that is adequate for the size and configuration of any new Building(s) as determined appropriate by the Qualified Person at the following frequency:
 - a) Prior to first occupancy;
 - b) Quarterly (spring, summer, fall and winter) thereafter for a minimum of two (2) years and semi-annually every year thereafter until written approval to discontinue the performance monitoring program by the Director is received by the Owner.
- (vii) Samples shall be sent to an accredited laboratory and analyzed for the contaminants listed in **Table 1C** of Schedule 'A' (**Table 1C**), which are attached to and form part of this CPU;
- (viii) An annual report documenting the performance monitoring program shall be prepared by a qualified Licensed Professional Engineer and submitted to the Director on or before March 31st following each year of monitoring until written approval to discontinue the program is received by the Owner from the Director. The annual report shall include, but not be limited to:
 - a) Laboratory results and laboratory certificates of analysis;
 - b) Field logs, leak testing (if necessary) and documentation of QA/QC;
 - c) Discussion and interpretation of the results in comparison to the respective Target Indoor Air Concentration as listed in Table 1C;
 - d) Conclusions and recommendations with respect to the need for additional and/or continued monitoring as may be warranted.

(ix) The Owner shall keep records of the monitoring, inspections, maintenance and repairs and make them available for review by a Provincial Officer upon request.

(x)

o. Upon completion of the installation of the SVIMS as specified in Section 4.2(m) of this CPU, and prior to first occupancy, the Owner shall implement the performance vapour monitoring program,

- that has been accepted in writing by the Director, as required by Section 4.2(n) of this CPU.
- p. Any changes to the performance monitoring program as required by Section 4.2(n) of this CPU (i.e., sampling frequency, location, methodology, etc.) must be prepared by a qualified Licensed Professional Engineer and must be submitted to the Director in writing. Any changes shall only be implemented upon the Owner receiving written acceptance from the Director.
- q. In the event that the performance monitoring program detailed in Section 4.2(n) of this CPU identifies one or more of the contaminants at concentrations above the Trigger Values in **Table 1C** the Owner shall:
- (i) Collect confirmatory samples within four (4) calendar days from the date of the Owner's receipt of the laboratory analysis;
 - (ii) In the event that the confirmatory sampling verifies the exceedances of one or more of the contaminant concentrations above the Trigger Value **Table 1C**, the Owner shall submit written notice to the Director within 14 calendar days of the Owner's receipt of the laboratory analysis for the confirmatory results. The written notice shall include sample results, the laboratory certificates of analysis and the details of, and the anticipated timeline to implement contingency measures consistent with Section 7.5.2 of the RMP including the initiation of a performance monitoring program, as detailed in Section 4.2(n) of this CPU.
- r. Within 30 calendar days of the implementation of the contingency measures identified 4.2(q)(ii) of this CPU the Owner shall submit to the Director an update report prepared by a qualified Licensed Professional Engineer documenting the implementation of contingency measures, results of the implementation of the confirmatory sampling program along with the details and timelines for the implementation of a performance indoor air monitoring program. The update report shall include, but not be limited to:
- (i) Laboratory results and laboratory certificates of analysis;
 - (ii) Field logs, leak testing (as necessary) and documentation of QA/QC;
 - (iii) Discussion and interpretation of the results in comparison to the respective Trigger Values as listed in Table 1C; and,
 - (iv) Conclusions and recommendations with respect to the performance of the SVIMS along with the need for additional work and/or continued monitoring as may be deemed warranted.
- s. In the event that any new components are added to the SVIMS, the performance monitoring program must be resumed for a minimum of two years post-construction and until written approval to discontinue the program is received by the Owner from the Director.
- As-Built Drawings and Specifications:***
- t. Within 90 calendar days of the completion of the construction of Building(s) as specified in Section 4.2(n) of this CPU and prior to first occupancy, the Owner shall submit to the Director as-built drawings and detailed design specifications of the vapour mitigation system, including any verification and QA/QC reports, prepared by the qualified Licensed Professional Engineer along with a statement from the qualified Licensed Professional Engineer that the vapour mitigation system has been installed in accordance with the original design specifications and that it has been designed to meet the requirements and objectives specified in Section 7.2.2 of the RMP along with Sections 4.2(i) and 4.2(m) of this CPU

Soil and Groundwater Management Plan:

- 4.3 The property-specific soil and groundwater management plan (SGWM Plan) shall be developed for the Property and implemented during all intrusive activities potentially in contact with or exposing COCs in soil or groundwater on the Property as detailed in Section 7.2.3.3 of the RMP. A copy of the SGWM Plan shall be maintained on the Property for the duration of all planned intrusive activities. The Plan SGWM shall include, but not be limited to, the following key components as deemed necessary by a Qualified Person:

- a. oversight by a Qualified Person;
- b. include dust control measures and prevention of soils tracking by vehicles and personnel from the Property;
- c. management of excavated soils including cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment;
- d. storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This may include, but not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary;
- e. characterization of excavated excess soils, not intended for on-site use, to determine if the excavated excess soils exceed the Property Specific Standards listed in Table 1A of Schedule "A" attached to this CPU (Table 1A) and/or the Applicable Site Condition Standards for parameters other than those identified in Table 1A and require off-site disposal in accordance with the provisions of Ontario Regulations 347 and 406 made under the Act;
- f. characterization and management of groundwater as a result of dewatering activities. Where dewatering is required, dewatering activities will be conducted by a qualified dewatering contractor, in a manner that will not involve discharges to the natural environment (directly or indirectly via a storm sewer). Excess water obtained as a result of dewatering, shall be temporarily stored on the Property prior to off-site disposal at an approved wastewater treatment facility as per Ontario Regulation 347, made under the Act, or treated and discharged to the sanitary sewer through a sanitary sewer use agreement. Prior to disposal through a City's sanitary sewer, a permit must be obtained and the collected groundwater must be sampled and analysed to ensure sewer use by-laws are met. Alternatively, excess groundwater may be removed directly by an appropriately licensed waste management system (i.e. via pump truck);
- g. include record keeping. Record keeping is to include, but not to be limited to:
 - (i) dates and duration of work;
 - (ii) weather and site conditions;
 - (iii) location and depth of excavation activities/dewatering activities;
 - (iv) dust control measures;
 - (v) stockpile management and drainage;
 - (vi) all soil and groundwater characterization results obtained as part of the soil and groundwater management plan;
 - (vii) names of the Qualified Persons, contractors, haulers, and receiving sites for any excavated excess soils and groundwater (as a result of dewatering activities) removed from the property;
 - (viii) any complaints received relating to site activities; and
 - (ix) copy of the plan and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

Health and Safety Plan:

- 4.4 A property-specific health and safety plan (HASP) shall be developed for the Property and implemented during all planned intrusive activities undertaken potentially in contact with COCs in soil and groundwater that have been identified in the RA. A copy of the HS Plan shall be maintained on the Property for the duration of all intrusive activities. The Owner shall ensure that the HASP takes into account the presence of the COCs and is implemented prior to any intrusive activities being undertaken on the Property or portion(s) of the Property in order to protect workers from exposure to the COCs. The HASP shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans and contact information. Prior to initiation of any Project (on the

Property or portion(s) of the Property), the local Ministry of Labour office shall be notified, where so prescribed under the OHSA, of the proposed activities and that COCs have been identified in soils and or groundwater on the Property. The HASP shall be overseen by a Competent Person to review the provisions of the HASP with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the HS Plan to be available for review by the Ministry upon request.

Prohibition of potable groundwater wells:

- 4.5 Refrain from using the groundwater beneath the Property as a potable water supply. The installation of groundwater wells on the Property is prohibited.
- 4.6 Further to Section 4.4 of this CPU, the installation of groundwater monitoring wells for environmental testing purposes is permitted.

Prohibition of Garden Products:

- 4.7 The Owner shall refrain from planting any garden products for consumption on the Property unless planted in above-ground containers such that the plants are isolated from the subsurface conditions. The planting of garden products for consumption on the Property is prohibited for as long as the COCs in soil and groundwater remain present unless the plants are isolated from the subsurface conditions.

Site Changes

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

Reports

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

Property Requirement

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

Certificate of Requirement

- 4.11 Within fifteen (15) days from the date of receipt of a certificate of requirement, issued under subsection 197(2) of the Act and as set out in Schedule B, register the certificate of requirement on title to the Property in the appropriate land registry office.

- 4.12 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 for the Property confirming that registration has been completed.

Owner / Occupant Change

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

Part 5: General

- 5.1 The requirements of this CPU are severable. If any requirement of this 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 this CPU.
- 5.2 An application under sub section 168.6(3) of the Act to,
- a. alter any terms and conditions in this CPU or impose new terms and conditions; or
 - b. revoke this CPU;
- shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may amend this CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of this CPU constitutes an offence.
- 5.5 The requirements of this CPU are minimum requirements only and do not relieve you from,
- a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
 - b. obtaining any approvals or consents not specified in this CPU.
- 5.6 Notwithstanding the issuance of this CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in this 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.

- 5.8 Failure to comply with a requirement of this CPU by the date specified does not absolve you from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with provisions of Sections 4.9 and 4.10 of this CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, , and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

Part 6: 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:

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

Registrar
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5

Email: OLT.Registrar@ontario.ca

and

Tracy Hart, Director
Ministry of the Environment, Conservation and Parks
2430 Don Reid Drive, Unit 103
Ottawa, ON K1H 1E1

Email: Tracy.Hart@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.

- 6.4 Unless stayed by the Tribunal under section 143 of the Act, this CPU is effective from the date of issue.
- 6.5 If you commence an appeal before the Tribunal, under section 47 of EBR, you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of this 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 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 this CPU.
- 6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 6.7 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in this CPU may seek leave to appeal this CPU. Under 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.
- 6.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws.

Issued at Ottawa, Ontario this ____ day of _____, 2026.

Tracy Hart
Director, section 168.6 of the Act

DRAFT

Schedule 'A': Figure 1
(not to scale)

DRAFT

PLAN of SURVEY TO BE INSERTED HERE

Schedule "A" – Table 1A: Property Specific Standards – Soil

Contaminant of Concern	Applicable Site Condition Standard (µg/g)	Proposed PSS (µg/g)
Antimony	7.5	1.01E+01
Cadmium	1.2	1.56E+00
Copper	140	1.76E+02
Lead	120	5.10E+02
Mercury	0.27	4.80E-01
Molybdenum	6.9	1.20E+01
Selenium	2.4	3.48E+00
Zinc	340	5.28E+02
trans-1,2-Dichloroethylene	0.084	5.52E-01
1,2-Dichloropropane	0.05	1.99E+00
Tetrachloroethylene	0.28	1.00E+01
Trichloroethylene	0.061	7.42E+01
Vinyl Chloride	0.02	<u>6.00E-01</u>
Acenaphthylene	0.15	2.03E+00
Anthracene	0.67	5.06E+00
Benzo[a]anthracene	0.5	1.66E+01
Benzo[a]pyrene	0.3	1.04E+01
Benzo[b]fluoranthene	0.78	1.62E+01
Benzo[k]fluoranthene	0.78	7.91E+00
Chrysene	7	1.49E+01
Dibenzo[a,h]anthracene	0.1	1.66E+00
Fluoranthene	0.69	2.36E+01
Indeno[1,2,3-cd]pyrene	0.38	5.83E+00
Methylnaphthalene (1&2)	0.99	3.48E+00
Naphthalene	0.6	2.64E+00
Phenanthrene	6.2	2.03E+01
PHC F3	300	4.12E+02

Schedule "A" – Table 1B: Property Specific Standards – Groundwater

Contaminant of Concern	Applicable Site Condition Standard (µg/g)	Proposed PSS (µg/g)
Benzene	44	2.16E+00
Chloroform	2.4	2.02E+01
1,1-Dichloroethylene	1.6	2.16E+00
cis-1,2-Dichloroethylene	1.6	5.28E+02
trans-1,2-Dichloroethylene	1.6	5.70E+01
Hexane	51	1.14E+01
Tetrachloroethylene	1.6	8.71E+01
Trichloroethylene	1.6	3.07E+02
Vinyl chloride	0.5	8.92E+01

Schedule "A" – Table 1C: Soil Vapour and Indoor Air Trigger Levels

Contaminant of Concern	Indoor Air Trigger Level (µg/m³)	Sub-Slab Vapour Trigger Level (µg/m³)
Benzene	5.06E-01	2.53E+01
Chloroform	2.09E+01	1.04E+03
cis-1,2-Dichloroethylene	3.13E+01	1.56E+03
trans-1,2-Dichloroethylene	1.25E+01	6.26E+02
Hexane	6.26E+02	3.13E+04
Tetrachloroethylene	4.28E+00	2.14E+02
Trichloroethylene	2.71E-01	1.36E+01
Vinyl Chloride	1.26E-01	6.32E+00

Schedule 'B'

CERTIFICATE OF REQUIREMENT

s.197(2)

Environmental Protection Act

This is to certify that pursuant to Item 4.8 of Certificate of Property Use number **2706-BX6RRZ** issued by David Bradley, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the Environmental Protection Act, on _____, __, 2026, being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as 158 and 160 Spruce Street, Ottawa, Ontario, being PIN 04107-0124(LT) and PIN 04107-0274(LT) (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property.

TAGGART (CITY CENTRE) LTD.

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.