

Certificate of Property Use

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

Certificate of property use number: 7126-DSWPTA
Risk assessment number: 0256-DBLR86

Owner: INNER HARBOUR DEVELOPMENT GP Inc., as a General Partner (“Registered Owner”)
for and on behalf of INNER HARBOUR DEVELOPMENT LP.

177 Wellington Street, Suite 302
Kingston, Ontario, K7L 3E3

Property: (“Property”)

10 Cataraqui Street, Kingston

Legally described as:

SRO PART FARM LOT A, CONCESSION WEST OF THE GREAT CATARAQUI RIVER,
PART 6 PLAN 13R23269.

Being PART of PIN: 36001-0658 (LT)

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

Summary:

The following is a summary of Risk Management Measures (“RMMs”) identified in Part 4 of this CPU, which are required to be implemented. This summary does not create any binding requirements and is being provided for convenience only. Refer to Part 1 of the CPU for the meaning of any capitalized terms. Key RMMs in Part 4 of the CPU include, but are not limited to:

- Installing, inspecting, and maintaining any new fill cap barriers on the Property or portions of the Property as detailed Sections 4.3 to 4.10 of this CPU;
- Implementing a soil management plan during any intrusive activities undertaken on the Property potentially in contact with Contaminants of Concern (“COCs”) in soil that exceed the Applicable Site Condition Standards (“ASCS”) as detailed in Section 4.11 of this CPU;
- Implementing a health and safety plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil that exceed the ASCS as detailed in Section 4.12 of this CPU;

- Prohibiting the growing of plants for human consumption, other than those planted in above-ground containers such that they are isolated from the subsurface conditions as per Section 5.1 of this CPU;
- Prohibiting the construction of any Building(s) on, in or under the Property as per Section 5.2 of this CPU;
- Prohibiting the use of groundwater as a source of water as per Section 5.3 to 5.4 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 the CPU is to be given to any person who will acquire an interest in the Property as per Part 7 of this CPU.

Part 1: Interpretation

In the CPU the following terms shall 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.

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified in **Table 9: Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Groundwater Condition (coarse textured soils) (residential/parkland /institutional/industrial/commercial/ community use)** of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011.

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

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

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

“Contaminant of Concern” and “COC” has the meaning as set out in Section 3.2 of the CPU.

“CPU” means this Certificate of Property Use Number No. **7126-DSWPTA** as may be amended from time to time, and includes all schedules attached hereto.

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use under section 168.8 of the Act.

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

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.R.O. 1990, c. P.28 qualified to carry out the specific RMMs as required by the CPU.

"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* under Environmental Protection Act, R.S.O. 1990, c. E.19.

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

"Property" means the property that is the subject of the CPU and described in the "Property" section on page 1 above and illustrated and labelled as the "Subject Parcel" in **Figure 1 – Plan of Survey** of Schedule 'A' which is attached to and forms part of this CPU.

"Property Specific Standards" and "PSS" means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in Section 3.2 of the CPU.

"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 at section 5(2).

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

"Reg. 903" means *R.R.O. 1990, Regulation 903: (Wells)* under the Ontario Water Resources Act, R.S.O. 1990, c. O.40.

"Risk Assessment" and "RA" means the Risk Assessment **No. 0256-DBLR86** accepted by the Director on **March 31, 2026**, and set out in the following final documents:

- **"Pre-Submission Form for 10 Cataraqui Street, Kingston, Ontario -portion within 30m of water (excluding trail right of way)", report prepared by Intrinsik Corp., dated December 2, 2024**
- **"A Risk Assessment for 10 Cataraqui Street, Kingston, Ontario -portion within 30m of water (excluding trail right of way)", report prepared by Intrinsik Corp., dated May, 2025**
- **"A Revised Risk Assessment for 10 Cataraqui Street, Kingston, Ontario -portion within 30m of water (excluding trail right of way)", report prepared by Intrinsik Corp., dated October 2025**
- **"RE: Request for Additional Information - RA for 10 Cataraqui Street, Kingston, Ontario - portion within 30m of water (excluding trail right of way) [RA2285-24b; IDS#0256-DBLR86]", email from Glenn Ferguson, Intrinsik Corp., received by TASDB on February 6, 2026, with following document[s] attached:**
 - **Addendum to the Revised RA - 10 Cataraqui Street, Kingston, ON - February 6, 2026.pdf**
 - **CSM 10 Cataraqui St Waterfront (900-0046-04 R02 Rev 2).pdf**
 - **RMP 10 Cataraqui Waterfront (900-0046-04 R01 Rev 2).pdf**

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

"Risk Management Plan" and "RMP" means the risk management plan detailed in Appendix J of the RA.

"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 anyone or more of,
- i. the performance of any action specified in the certificate of property use;
 - ii. the provision of temporary or permanent 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
 - iii. measures appropriate to prevent Adverse Effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6 (1) of the Act states that if the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
- i. Take any action specified in the certificate 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.
 - ii. Refrain from using the property for any use specified in the certificate or from constructing any Building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of the property to take any action that would have the effect of reducing the concentration of a Contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the Contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- i. alter any terms and conditions in the certificate or impose new terms and conditions; or
 - ii. 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,
- i. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - ii. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - iii. 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 RA was undertaken for the Property to establish the risks that the Contaminants identified in the RA may pose to future users and to identify appropriate RMMs to be implemented to ensure that the Property is suitable for the intended use: **parkland use** as defined in O. Reg. 153/04.

3.2 The Contaminants on, in, or under the Property that are present either above **Table 9 Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Groundwater Condition (coarse textured soils) (residential/parkland/institutional/industrial/commercial/community use)** for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011, or for which there are no such standards, are set out in the RA (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in **Table 1A of Schedule 'A'** which is attached to and forms part of the CPU.

3.3 I am of the opinion, for the reasons set out in the RA that the RMMs described therein and outlined in Part 4 of the CPU and the requirements in Parts 5 to 7 of this CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the RA.

3.4 The RA indicates the presence of Contaminants of Concern in **soil** which requires on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property and impose Building restrictions and implement RMMs as set out in the RA and in Parts 4 to 5 of the CPU.

3.5 I believe for the reasons set out in the RA that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property, as set out in Part 7 of this CPU.

Part 4: Risk Management Measures and Director Requirements

Pursuant to my authority vested under the authorities described in Part 2 of this CPU, 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 RMMs set out in this Part of the CPU.

Barriers to Soil:

4.3 The fill cap barriers that are to be installed on the Property as illustrated in Schedule 'A': Figure 2 – Soil Barrier Locations are required to be inspected and maintained so as to prevent exposure to the COCs that have been identified and shall be maintained for as long as the COCs are present at concentrations that exceed the Applicable Site Condition Standards (ASCS) for soil. Any new fill cap barriers shall be installed on the Property or portion of the Property in accordance with Section 2.2 of the RMP.

4.4 The new fill cap barrier(s) shall consist of the following, at minimum:

- i. Fill cap barrier(s) on the property shall have a minimum thickness of 0.5 metres consisting of soil meeting the ASCS above a non-woven geotextile (or equivalent) as per Section 2.2 of the RMP and as illustrated in Schedule 'A': Figure 3 – Engineered Barriers Conceptual Design.
- ii. As an alternative to the fill cap barrier outlined in Section 4.4.i. of this CPU, if trees or other deep rooting vegetation are to be installed or maintained, a fill cap consistent with that detailed in Section 2.2 of the RMP and as illustrated in Schedule 'A': Figure 3 – Engineered Barriers Conceptual Design shall be installed.

4.5 Within ninety (90) days of completion of the installation of any new barrier(s) on the Property, the Owner shall submit to the Director written confirmation signed by a Licensed Professional Engineer that the barriers have been installed in accordance with the requirements of Section 2.2 of the RMP and Section 4.3 of this CPU, and which includes final design specifications/drawings and/or as built drawings.

4.6 Within ninety (90) days of completion of the installation of any fill cap barrier(s) 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.

4.7 Despite Section 4.3 of this CPU, areas of the Property that are *not in use* or *not under development*, fill cap barrier(s) are not required as long as exposure to the COCs at concentrations that exceed the ASCS concentrations (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.

4.8 Sediment control plans shall be implemented in any areas of the Property where soil barriers have been installed but are void of vegetation, and shall be maintained until such time that suitable vegetation has been established to prevent soil erosion.

4.9 An inspection and maintenance program shall be 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, at a minimum, semi-annual (spring and fall) inspections of the barriers' integrity in accordance with the inspection and maintenance program as detailed in Section 2.6 of the RMP. Any barrier deficiencies shall be repaired forthwith. If cracks, breeches, or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure no exposure to the COCs occurs. The restoration of any damaged portions of the barriers shall, at minimum, meet the design specifications as detailed in Section 4.4 of this CPU. The Owner shall submit to the Director written confirmation, prepared and signed by a Licensed Professional Engineer, that the barriers have been repaired in accordance with the applicable requirements of this CPU. The written confirmation shall also include a description of any contingency measures put in place and shall be submitted to the Director within thirty (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 the Ministry upon request.

4.10 An inspection and maintenance program shall be implemented to ensure any fencing on the property or any part thereof shall be implemented, so long as a fence barrier is required because the Property or any part thereof is not being used or developed.

Soil Management Plan:

4.11A property-specific soil management plan shall be developed for the Property and implemented during all intrusive activities potentially in contact with or exposing COCs in soil on the Property as detailed in Section 2.5 of the RMP. A copy of the soil management plan shall be maintained on the Property for the duration of all planned intrusive activities. The soil management plan shall include, but not be limited to, the following key components as deemed necessary by a Qualified Person:

- i. oversight by a Qualified Person;
- ii. dust control measures and prevention of soils tracking by vehicles and personnel from the Property;
- iii. 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;
- iv. 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;
 - v. characterization of excavated excess soils 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 ASCS for parameters other than those identified in **Table 1A** and require off-site disposal in accordance with the provisions of Reg. 347 and O. Reg. 406/19 made under the Act;
 - vi. record keeping which shall include, but not to be limited to:
 - a. dates and duration of work;
 - b. weather and site conditions;
 - c. location and depth of excavation activities/dewatering activities;
 - d. dust control measures;
 - e. stockpile management and drainage;
 - f. all soil characterization results obtained as part of the soil management plan;
 - g. names of the Qualified Person(s), contractor(s), hauler(s) and receiving site(s) for any excavated excess soils, and groundwater, as a result of dewatering activities, removed from the property; and
 - h. any complaints received relating to site activities; and,
 - vii. a copy of the soil management plan and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

Health and Safety Plan:

4.12A property-specific health and safety plan shall be developed for the Property, in accordance with Section 2.4 of the RMP, and implemented during all planned intrusive activities undertaken potentially in contact with the COCs in soil that have been identified in the RA. A copy of the health and safety plan shall be maintained on the Property for the duration of all intrusive activities. The Owner shall ensure that the health and safety plan accounts for 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 health and safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans, and contact information. Prior to initiation of any Project on the Property or portion(s) of the Property, the local Ministry of Labour office shall be notified, where so prescribed under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, of the proposed activities and that COCs have been identified in soil on the Property. The health and safety plan shall be overseen by a Competent Person to review the provisions of the health and safety plan with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the health and safety plan to be available for review by the Ministry upon request.

Part 5: CPU Restrictions on Property Use and Building Construction

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

Prohibition of Growing Plants for Consumption:

5.1 The Owner shall refrain from planting and prevent others from planting any plants or produce that are edible or intended for human consumption on, in or under the Property unless planted in above-ground containers with enclosed bottoms such that the plants are isolated from the subsurface conditions. The growing of plants for consumption on, in or under the Property is prohibited for as long as the COCs in soil remain present unless the plants are isolated from subsurface conditions.

Building Construction Restrictions:

5.2 The Owner shall refrain from constructing any Building(s) on, in or under the Property in accordance with Section 2.1 of the RMP.

Prohibition of Potable Groundwater Wells:

5.3 The Owner shall:

- i. refrain from using the groundwater beneath the Property as a source of potable water;
- ii. properly abandon any wells on the Property, in accordance with Reg. 903; and
- iii. refrain from constructing on the Property any wells as defined in Reg. 903.

5.4 Despite Section 5.3 of this CPU, the installation of groundwater monitoring wells for environmental testing purposes is permitted.

Part 6: Additional Requirements

Site Changes

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

Reports

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

Part 7: Ownership, Disclosure and Registration Requirements

Pursuant to my authority under subsection 197(1) of the Act, I order you as follows:

Disclosure of CPU

7.1 Upon service of this CPU, the Owner and any other person with an interest in the Property shall, before dealing with the Property in any way, give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.

Certificate of Requirement

7.2 Within fifteen (15) days from the date of receipt of an acknowledgment and direction package signed by the Director, register the certificate of requirement as set out in Schedule “B” on title to the Property in the appropriate land registry office.

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

Owner Change

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

Part 8: General

8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.

8.2 An application under 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 The Director may amend the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be provided, increased, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.

8.4 Subsection 186(3) of the Act provides that failure to comply with a requirement of the CPU constitutes an offence.

8.5 The requirements of the CPU are minimum requirements only and do not relieve you from,

- i. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
- ii. obtaining any approvals or consents not specified in the CPU.

8.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.

8.7 In the event that any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,

- i. natural phenomena of an inevitable or irresistible nature, or insurrections,
- ii. strikes, lockouts or other labour disturbances,
- iii. inability to obtain materials or equipment for reasons beyond your control, or
- iv. any other cause whether similar to or different from the foregoing beyond your control,

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

8.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

8.9 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU.

8.10 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and Risk Assessment.

8.11 In the event that the Owner complies with the provisions of Part 7 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 may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

8.12 Where there is more than one Owner, each person is jointly and severally liable to comply with any requirements of the CPU unless otherwise indicated.

Part 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 sections 139 and 140 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.
- 9.2 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 leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground that is not stated in the notice requiring the hearing.
- 9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act. The contact information for the Director and the Tribunal is the following:

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

and

Director, section 168.6 of the Act
Ministry of the Environment, Conservation and Parks
1259 Gardiners Road, Unit 3
Kingston, ON K7P 3J6
Fax: 613-548-6920
Email: cathy.chisholm@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 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 Environment, Conservation and Parks, College Park 5th Floor, 777 Bay St, Toronto, ON M7A 2J3 by the earlier of:

- i. two (2) days after the day on which the appeal before the Tribunal was commenced; and
- ii. fifteen (15) days after the day on which you were served a copy of the CPU.

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

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

- i. 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
- ii. 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 consulted for additional details and accurate reference. Further information can be obtained from e-Laws at

Issued at Kingston this **XX day of XXXX, 2026.**

DRAFT

Catherine Chisholm,
Director, sections 168.6 and 197 of the Act

Schedule 'A': Table 1A - Property Specific Standards (PSS) - Soil

<i>Soil Contaminant of Concern (COC)</i>	<i>Units</i>	<i>Maximum Soil Concentration</i>	<i>Site Condition Standard¹</i>	<i>PSS</i>
Acenaphthene	µg/g	10	0.072	12
Acenaphthylene	µg/g	<0.4	0.093	0.5
Anthracene	µg/g	3.9	0.22	4.7
Antimony	µg/g	2.8	1.3	3.4
Arsenic	µg/g	26.8	18	32
Barium	µg/g	657	220	788
Benz(a)anthracene	µg/g	2.05	0.36	2.5
Benzo(a)pyrene	µg/g	2.1	0.3	2.5
Benzo(b)fluoranthene	µg/g	2.96	0.47	3.6
Benzo(g,h,i)perylene	µg/g	1.22	0.68	1.5
Benzo(k)fluoranthene	µg/g	0.88	0.48	1.1
Cadmium	µg/g	2.4	1.2	2.9
Cobalt	µg/g	93.5	22	112
Copper	µg/g	274	92	329
Dibenz(a,h)anthracene	µg/g	<0.4	0.1	0.5
Fluoranthene	µg/g	13.4	0.69	16
Fluorene	µg/g	17.2	0.19	21
Indeno(1,2,3-cd)pyrene	µg/g	1.54	0.23	1.8
Lead	µg/g	785	120	942
Mercury	µg/g	1.2	0.27	1.4
Methyl mercury	µg/g	0.000182	NV	2.2E-04
Methylnaphthalene, 2-(1-)	µg/g	2.17	0.59	2.6
Naphthalene	µg/g	0.59	0.09	0.7
PHC F1	µg/g	27	25	32
PHC F2	µg/g	1,970	10	2,364
PHC F3	µg/g	946	240	1,135
PHC F4	µg/g	484	120	581
Phenanthrene	µg/g	38.4	0.69	46
PCBs (total)	µg/g	2.21	0.3	2.7
Pyrene	µg/g	8.27	1	9.9
Selenium	µg/g	3.7	1.5	4.4
Vanadium	µg/g	97.5	86	117
Xylene mixture	µg/g	0.12	0.05	0.14
Zinc	µg/g	650	290	780

Notes:

¹ MECP (2011) Table 9: Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Groundwater Condition for Residential/Parkland/Institutional/Industrial/Commercial/Community land use and coarse-textured soil

SCHEDULE 'B'

CERTIFICATE OF REQUIREMENT

s.197(2)

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

This is to certify that pursuant to Section 7.2 of Certificate of Property Use number **7126-DSWPTA** issued by **Catherine Chisholm**, Director of the Ministry of Environment, Conservation and Parks under subsections 168.6 and 197(1) of the *Environmental Protection Act*, dated **XXXX XX, 2026** being a Certificate of Property Use and order under section 197(1) of the *Environmental Protection Act* relating to the property municipally known as **10 Cataraqui Street, Kingston, Ontario being PART of PIN: 36001-0658 (LT) (the "Property")** with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property,

INNER HARBOUR DEVELOPMENT GP Inc., as a General Partner for and on behalf of INNER HARBOUR DEVELOPMENT LP.

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 that may be made thereto, to every person who will acquire an interest in the Property as a result of the dealing.

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