

Certificate of Property Use - DRAFT

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: 2283-DSYJJH
Risk assessment number: 0654-D6SK4X

Owner:

808 Courtland GP Inc. (Registered Owner)

1440 King Street North, Suite 2
St. Jacobs, ON, N0B 2N0

AND

808 Courtland LP (Beneficial Owner)

1440 King Street North, Suite 2
St. Jacobs, ON, N0B 2N0

Property: **808 and 836 Courtland Avenue East, Kitchener, ON** (Property)

Legally described as:

**Part of Lot 11, Plan 791, Kitchener being Parts 1, 2 and 3 on Reference Plan 58R22065;
subject to an easement over Part 1, 58R22065 as in 58EX155E, subject to an easement over
Part 3, 58R22065 as in 1333184; City of Kitchener.**

Being PART of PIN: 22583-0650 (LT)

**The conditions of this Certificate of Property Use address the Risk Management Measures in the Risk
Assessment noted above and as defined in Part 1 below.**

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:

- Prohibiting the construction of any new Building (s) on the Property unless the new Building (s) is constructed as specified in Section 5.1 of this CPU.

- Implementing a groundwater management plan during any Intrusive Activities undertaken on the Property potentially in contact with Contaminants of Concern (COCs) in groundwater that exceed the Applicable Site Condition Standards (ASCS) as detailed in Section 4.6 of this CPU.
- Implementing a health and safety plan during any Intrusive Activities undertaken on the Property potentially in contact with COCs in groundwater that exceed the ASCS as detailed in Section 4.7 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 2 Full Depth Generic Site Condition Standards in a Potable Ground Water Condition (coarse textured soils) (residential/institutional and parkland 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” and “Building (s)” means an enclosed structure or structures 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.

“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. **2283-DSYJJH** 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.

"First Storey" has the same meaning as in the Building Code.

"Grade" has the same meaning as in the Building Code.

"Intrusive Activities" means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or groundwater, which may disturb or expose Contaminants of Concern in groundwater at the Property.

"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.

"Open Air Storage Garage" means an open-air storey and has the same meaning as the Building Code.

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

"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 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 are set out in **Table A – Property Specific Standards (PSS) – Groundwater (Table A)** of Schedule 'A', which is attached to and forms part of this 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).

"Risk Assessment" and "RA" means the Risk Assessment **No. 0654-D6SK4X** accepted by the Director on **February 5, 2026**, and set out in the following final documents:

- **Risk Assessment 808 and 836 Courtland Avenue East, Kitchener, Ontario. prepared by GHD Limited, dated March 17, 2025; and,**
- **Risk Assessment 808 and 836 Courtland Avenue East, Kitchener, Ontario. Prepared by GHD Limited, dated September 12, 2025.**

"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 Section 7.0 of the RA.

"Storage Garage" has the same meaning as set out 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 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 Risk Assessment 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 Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **commercial and residential use** as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in, or under the Property that are present are either above the Applicable Site Condition Standards, or for which there are no such standards, the Property Specific Standards.
- 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 **groundwater** 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 7 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 section 197 order requirements in Part 7 of this CPU.

Part 4: Risk Management Measures and Director Requirements

Pursuant to my authority under the authorities described in Part 2 of this CPU, I hereby require the Owner to do or cause to be done the following:

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Section 4.1, carry out or cause to be carried out the RMMs set out in this Part of the CPU.

New Enclosed Building (s) – Storage Garage:

- 4.3 Any new enclosed Building on the Property, other than those constructed as detailed in Section 4.4 and Section 4.5 of this CPU, shall be constructed with a Storage Garage and,

- a. the Storage Garage shall be constructed at or below the Grade of the Building;
- b. the Storage Garage area shall cover the entire Building Area at Grade;
- c. irrespective of the number of motor vehicles the Storage Garage shall comply 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 6.3.3 (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;
 - 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 shall be 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 and,
- e. prior to occupancy, the Owner shall obtain the as-built/as-constructed plans, as prepared by a Licensed Professional Engineer that includes a statement by the Licensed Professional Engineer that the Building, as constructed, meets the requirements specified in Section 4.3 of the CPU.

New enclosed Building (s) – slab-on-Grade Building:

- 4.4 Any new enclosed Building on the Property, other than those constructed as detailed in Section 4.3 and Section 4.5 of this CPU, shall be constructed as slab-on-Grade and,
- a. the intended and actual use of the Building on its First Storey shall not be residential use, parkland use or institutional use, or a combination thereof with the exception of limited ancillary uses that are transient in nature such as a lobby or similar amenity but not including separate meeting and/or entertainment areas;
 - b. the ventilation and air duct systems serving the First Storey of the Building shall be separate systems from the ones serving all stories above the First Storey;
 - c. the Building shall comply 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 6.2.3.9. (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; and
 - d. prior to occupancy, the Owner shall obtain the as-built/as-constructed plans, as prepared by a Licensed Professional Engineer that includes a statement by the Licensed Professional Engineer that the Building, as constructed, meets the requirements specified in Section 4.4 of the CPU.

New enclosed Building (s) – Open Air Storage Garage

- 4.5 Any new enclosed Building constructed on the Property, other than those constructed as detailed in Section 4.3 and Section 4.4 of this CPU, shall include an at and above Grade Open Air Storage Garage that meets the following requirements:

- a. The Open Air Storage Garage shall be constructed with at and above ground surface with no below ground surface levels;
- b. The Open Air Storage Garage area shall cover the entire Building Area at ground surface and at least 25 percent (%) of the total area of each storey's perimeter walls are open to the outdoors in a manner that will provide cross ventilation to the entire storey; and;
- c. The Open Air Storage Garage shall comply with all applicable requirements of the Building Code.

Prior to occupancy, the Owner shall obtain the as-built/ as-constructed plans, as prepared by a Licensed Professional Engineer that includes a statement by the Licensed Professional Engineer that the Building, as constructed, meets the requirements specified in Section 4.5 of the CPU.

Groundwater management plan:

4.6 Within 90 days of the issuance of this CPU, a groundwater management plan shall be developed for the Property by a Qualified Person that has been retained by the Owner and made available for inspection upon request by the Ministry. The plan shall be implemented during all Intrusive Activities as detailed in Section 7.3.4 of the RMP. Before starting any planned Intrusive Activities on the Property, the existing plan must be reviewed and updated, where necessary, by a Qualified Person. A copy of the plan must be kept on the Property for the entire duration of the Intrusive Activities.

The plan shall be submitted to the Director by the Owner at least 14 days prior to any such planned Intrusive Activities being undertaken and shall be consistent with the measures specified in Section 7.3.4 of the RMP.

Any short-term Intrusive Activities required for the purposes of emergency repairs (i.e., for repairs to underground utilities etc.) will not require the submission of the plan prior to undertaking the short-term emergency repairs.

The 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. Storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include, but to not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary.
- iii. Decontamination procedures for all equipment used to pump or transfer waters collected from the excavation. Wash water used for decontamination of equipment shall be collected, containerized, characterized and disposed of in accordance with all applicable acts, regulations, permits and approvals;
- iv. Characterization and management of groundwater because of dewatering activities. 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;
- v. Include record keeping. Record keeping is to include, but not to be limited to, dates and duration of work, weather and site conditions, location and depth of excavation activities/dewatering activities, dust control measures, stockpile management and drainage, all soil and groundwater characterization results obtained as part of the groundwater management

plan, names of the Qualified Persons, contractors, haulers and receiving sites for groundwater, as a result of dewatering activities, removed from the property and any complaints received relating to site activities; and

- vi. A 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:

- 4.7 A health and safety plan shall be developed for the Property and implemented during all planned Intrusive Activities undertaken potentially in contact with the COCs in groundwater that have been identified in the RA at concentrations that exceed the ASCS for which potential risks have been identified as detailed in Section 7.3.3 of the RMP. A copy of the plan shall be maintained on the Property for the duration of all Intrusive Activities. The Owner shall ensure that the plan accounts for the presence of the COCs and is implemented prior to any Intrusive Activities being undertaken on the Property to protect workers from exposure to the COCs. The 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 groundwater on the Property. The plan shall be overseen by a Competent Person to review the provisions of the plan with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the plan to be available for review by a Provincial Officer upon request.

Part 5: CPU Restrictions on Property Use – Prohibitions

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:

New enclosed Building(s):

- 5.1 Refrain from constructing any new Building (s) on, in or under the Property unless the Building (s) is constructed:
 - a. with a Storage Garage as specified in Section 4.3 of this CPU,
 - b. as a slab-on-Grade Building (s) as specified in Section 4.4; or,
 - c. with an Open Air Storage Garage as specified in Section 4.5 of this CPU.

Prohibition of groundwater use:

- 5.2 Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of groundwater 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, other than those that may be required for monitoring purposes, as described or defined in the OWRA.

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, 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 may be requested 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).
- 6.3 Within ten (10) days of the Director or a Provincial Officer making a request for a report required under the CPU, the Owner shall provide a copy of the report 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 a certificate of requirement, issued under subsection 197(2) of the Act and completed as outlined in Schedule 'B' of the CPU, 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 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 sub section 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 Subsection 186(3) of the Act provides that failure to comply with a requirement of the CPU constitutes an offence.
- 8.4 The requirements of the 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 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 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.
- 8.8 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 requirements of the CPU shall take precedence in the event of a conflict between the requirements of the CPU and the Risk Assessment.
- 8.10 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.
- 8.11 Where the CPU requires that the Director must be notified or receive a report, the notification or report shall be sent via email to environment.guelph@ontario.ca

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 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.
- 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 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.
- 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

Ministry of the Environment, Conservation and Parks
1 Stone Rd. West, 4th Floor
Guelph, ON
N1G 4Y2

Fax: 519-826-4286
Email: environment.guelph@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 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 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:

- (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 consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws

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

DRAFT

Aaron Todd,
Director, section 168.6 and 197 of the Act

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

<i>Groundwater Contaminant of Concern (COC)</i>	<i>PSS (µg/L)</i>
Trichlorethylene	33
Vinyl Chloride	3.5

DRAFT

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 7.1 of Certificate of Property Use **2283-DSYJJH** issued by **Aaron Todd**, 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 **808 and 836 Courtland Avenue East, Kitchener, Ontario** and legally described as **Part of Lot 11, Plan 791, Kitchener being Parts 1, 2 and 3 on Reference Plan 58R22065; subject to an easement over Part 1, 58R22065 as in 58EX155E, subject to an easement over Part 3, 58R22065 as in 1333184, City of Kitchener, being PART of PIN: 22583-0650 (LT) (the "Property")** with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property,

808 Courland GP Inc.

and

808 Courtland 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 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.