Ontario

Ministry of the Environment, Conservation and Parks

Ministère de l'Environnement, de la Protection de la nature et des Parcs

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 1386-DP7SBD
Risk Assessment number 8666-CE9JCH

Owner: RN Developments Inc. (Registered Owner)
Suite 101 – 337 Sunnyside Ave.
Ottawa, Ontario
K1S 0R9

Property: 349 Danforth Avenue
Ottawa, Ontario

with a Legal Description of:

PT LT 3, Plan 204, N/S of Danforth Ave; As in CR618520, Ottawa

PIN 04017-0156 (LT)

The Property is delineated in Schedule B on a Legal Plan of Survey.

The conditions of this Certificate of Property Use address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 4 below. In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

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.

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

“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” or “ASCS” means the soil and groundwater criteria for coarse textured soils in the context of residential/parkland/institutional property use and which appear at Table 7 Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water presented in the Ministry publication *Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act*, dated April 15, 2011.

“Barrier” means a Fill Cap Barrier or Hard Cap Barrier.

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

“Building Code” has the same meaning as set out in the *Building Code Act*, *1992*, S.O. 1992, c. 23 and as prescribed in Ontario Regulation 163/24 (Building Code), made under that Act..

“Capping Soil” means soil that meets the Applicable Site Condition Standards for the Property and does not contain any contaminant for which no Applicable Site Condition Standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) of O. Reg. 153/04 and, which is associated with any potentially contaminating activity described in the Risk Assessment.

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number 1386-DP7SBD issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time, and includes any schedules attached thereto, which form part of the Certificate of Property Use.

“Competent Person” has the same meaning as 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 cause or may cause an Adverse Effect.

“Contaminants of Concern” or “C O Cs” - the singular form is presented as “C O C” - has the same meaning as in O. Reg. 153/04, which, for the Property, means one or more contaminants found on, in or under the Property at a concentration that exceeds the Applicable Site Condition Standards for the Property, as specified in section 6 of the Risk Assessment report and in Schedule A of the CPU.

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

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

“Fill Cap Barrier” means a capping soil cover layer, above the Contaminants of Concern, that is at least, 1.0 metre thick, or 1.5 metres in thickness within the dripline of deep-rooted trees and for both cases, is underlain by a nonwoven geotextile or other suitable material to mark the bottom of the fill cap, as specified in Appendix XIII of the Risk Assessment report.

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

“Hard Cap Barrier” means an asphalt or Portland cement concrete cover layer, above the Contaminants of Concern, that is at least 75 millimetres in thickness and is underlain by no less than 150mm of Granular “A” aggregate or equivalent material and includes the Building slab or Building foundation and floor slab meeting these specifications.

“HASP” means Health and Safety Plan.

“Intrusive Activities” means any and all intrusive activities undertaken at the Property, such as excavating or drilling into soil or groundwater, which may disturb or expose Contaminants of Concern at the Property.

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

“Minister” means the minister of the Ministry.

“Ministry”, when used on its own, 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.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the Certificate of Property Use for the Property is first issued by the Director under section 168.6 of the Act based on the Risk Assessment, and any beneficial or subsequent owner(s) of the Property.

"OWRA" means the *Ontario Water Resources Act,* R.S.O. 1990, c.O.40.

“Property” means the property that is: the subject of the CPU and the Risk Assessment and is described in the “Property” section on page 1 above.

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

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

“Provincial Officer” has the same meaning as in the Act, namely, a person who is designated by the Minister as a provincial officer for the purposes of the Act and the regulations.

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

“Risk Assessment” means the risk assessment number 8666-CE9JCH submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on December 23rd, 2025 and set out in the following documents:

- “Human Health and Ecological Risk Assessment 349 Danforth Avenue, Ottawa, Ontario”, report prepared by GEMTEC Consulting Engineers and Scientists Limited, dated January 6, 2023

- “Human Health and Ecological Risk Assessment 349 Danforth Avenue, Ottawa, Ontario”, report prepared by GEMTEC Consulting Engineers and Scientists Limited, dated July 13, 2023

- “RE: Responses to comments on PSF-RA for 349 Danforth Avenue, Ottawa, Ontario [RA2051-22b; IDS#8666-CE9JCH]”, email from Drew Paulusse, GEMTEC Consulting Engineers and Scientists Limited, received by TASDB on July 21, 2023, with the following documents attached

    - 100602.003 Response to MECP PSF Comments_Jan 2023.pdf
    - 100602.003 Response to MECP RA Comments_June 2023_Rev1.pdf

- "RE: Risk Assessment for 349 Danforth Avenue, Ottawa, Ontario [RA2051-22a; IDS Ref. No. 8666-CE9JCH]", email from Drew Paulusse, GEMTEC Consulting Engineers and Scientists Limited, received by TASDB on September 18, 2023

- "Human Health and Ecological Risk Assessment 349 Danforth Avenue, Ottawa, Ontario", report prepared by GEMTEC Consulting Engineers and Scientists Limited, dated December 8, 2023

- "RE: Request for additional information – RA for 349 Danforth Ave., Ottawa, Ontario [RA2051-22c; IDS#8666-CE9JCH]", email from Drew Paulusse, GEMTEC Consulting Engineers and Scientists Limited, received by TASDB on December 22, 2023 with the following document attached:

    - 349 Danforth – Table Revisions – Dec 22-23.docx

- "RE: Change in RA Team, Risk Assessment for 349 Danforth Ave., Ottawa, Ontario [IDS#8666-CE9JCH]", email from Drew Paulusse, GEMTEC Consulting Engineers and Scientists Limited, received by TASDB on June 4, 2024 with the following documents attached:

    - PSF Sections A_B_1_8_10_2024-06-04.pdf
    - 100602.003_LTR01_Notification of Change of RA Team.pdf

- "RE: Request for Additional Information – RA for 349 Danforth Ave., Ottawa, Ontario [RA2051-22c; IDS#8666-CE9JCH]", email from Drew Paulusse, GEMTEC Consulting Engineers and Scientists Limited, received by TASDB on June 6, 2024 with the following documents attached:

    - 100602.003_Appendix K_2024-06-06_sealed.pdf
    - 349 Danforth_Architectural_31-May-24.pdf

- "Human Health and Ecological Risk Assessment 349 Danforth Avenue, Ottawa, Ontario", report prepared by GEMTEC Consulting Engineers and Scientists Limited, dated July 30, 2024

- "Human Health and Ecological Risk Assessment 349 Danforth Avenue, Ottawa, Ontario", report prepared by GEMTEC Consulting Engineers and Scientists Limited, dated April 1, 2025

- "RE: Request for additional information: Risk Assessment for 349 Danforth Ave., Ottawa, Ontario [RA2051-22d; IDS#8666-CE9JCH]", email from Drew Paulusse, GEMTEC Consulting Engineers and Scientists Limited, received by TASDB on December 9, 2025 with the following document attached:

    - 100602.003_349 Danforth_T3RA_RPT_V06_2025-12-09_Section 7.pdf; and,

the following three professional engineering opinions confirming that the engineering disciplines guiding the re-development of the Property integrated the Risk Management Measures in their

respective designs:

- “Re: Human Health and Ecological Risk Assessment 349 Danforth Avenue, Ottawa, Ontario”, letter signed by Zoran Mrdja, P. Eng., Arch-Nova Design Inc., dated March 10, 2025

- “Re: Human Health and Ecological Risk Assessment 349 Danforth Avenue, Ottawa, Ontario”, letter signed by Mohamed Amer, P. Eng., Wisdom Engineering Limited, dated March 26, 2025

- “Re: Geotechnical Constraints Review – Proposed Vapour Mitigation System 349 Danforth Avenue, Ottawa, ON”, letter signed by Brent Wiebe, P. Eng., GEMTEC Consulting Engineers and Scientists, dated March 7, 2025

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

“SVIMS” means soil vapour intrusion mitigation system.

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

Part 2: Legal Authority

2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of

a. the performance of any action specified in the certificate of property use;
b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and,
c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.

2.3 Subsection 168.6(1) of the Act states that if 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 of property use has been issued under subsection 168.6(1),

a. alter any terms and conditions in the certificate or impose new terms and conditions; or,

b. revoke the certificate.

2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,

a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;

b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and

c. the owner of the property shall ensure that every occupant of the property complies with the provision.

2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.

2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.

2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1)

that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.

2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **residential use**, as defined in O. Reg. 153/04.

3.2 The Contaminants on, in or under the Property that are present at concentrations above those of **Table 7** of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*** published by the Ministry and dated April 15, 2011 for coarse textured soils are set out in the Risk Assessment and in Schedule A (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are also set out in Schedule A which is attached to and forms part of the CPU. Also attached to Schedule B and forming part of the CPU is a copy of a current plan of survey of the Property.

3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.

3.4 The Risk Assessment indicates the presence of Contaminants of Concern in soil and groundwater which require ongoing restriction of land use and blocking of exposure pathways. As such, it is necessary to restrict the use of the Property and implement Risk Management Measures as set out in the Risk Assessment and in Part 4 of the CPU.

3.5 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in the section 197 order requirements presented at Item 4.6, Item 4.7 and Item 4.8 of this CPU.

Part 4: Director Requirements

Pursuant to my authority under subsection 168.6(1) and section 197 of the Act, 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 following key elements of the Risk Management Measures:

Existing Hard Cap and Fill Cap Barriers:

(a) Hard Cap and Fill Cap Barriers shall be maintained over the entire Property for as long as the Contaminants of Concern are present on the Property at concentrations that exceed the ASCS to prevent exposure to the C O Cs identified on the Property; and,

(b) Existing Hard Caps and Fill Cap Barriers may be removed however, if the Contaminants of Concern are still present in the subsurface following a re-development of the Property, a Barrier must be established / re-established as soon as practically feasible where C O Cs will remain in the subsurface at concentrations above the ASCS in accordance with Figure K.10 of Schedule C.

Inspection, maintenance and reporting requirements for all Barriers:

(c) Have a Qualified Person to prepare a written inspection and maintenance program in accordance with section 1.5.1 of Appendix K of the Risk Assessment and implement the inspection and maintenance program. Any update to the program shall be delivered to the Owner within 30 days of the update. The said document shall be made available for review by a Provincial Officer upon request. The purpose of the program shall be to ensure the continuing integrity of each Barrier at the Property so long as the Contaminants of Concern are present at the Property, and shall include, at a minimum:

i. procedures and timing for implementing the program;

ii. semi-annual inspections, in spring and fall, of the Barrier;

iii. a requirement to note any deficiencies in the Barrier observed during the inspections, or at any other time;

iv. a requirement to repair promptly any such deficiencies, to the original design specifications, with written confirmation to the Owner that the Barrier has been properly repaired;

v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the Barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property; and,

vi. a procedure for recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and which shall be made available for review by a Provincial Officer upon request;

(d) Have a Licenced Professional Engineer to prepare up to date site plans of the entire Property to be delivered to the Owner within 30 days of any alteration to the location, design or extent of the Barrier, or other relevant element of the site plan. The site plan shall include the location, type and design of each Barrier at the Property, including cross-sectional drawings of the Barrier showing its design and vertical and lateral extent. A copy of the site plan shall be retained and made available for review by a Provincial Officer upon request;

(e) Have a Qualified Person to prepare written procedures, to address written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a Barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the Barrier and the Contaminants of Concern at the Property and the precautions to be taken to ensure the permanent integrity of the Barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the Barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program. Such written procedures shall be delivered to the Owner before any Intrusive Activities are undertaken at the Property and, in the event that the procedures are altered, each update shall be delivered to the Owner within 30 days of the said alteration. Any such written procedures are to be retained and be made available for review by a Provincial Officer upon request.

Future Building(s):

(f) The Building currently planned for the Property is depicted in plan view on Figure K.10 of Schedule C and it must incorporate any and all insulating, drainage, support and sealing elements complementing and necessary for a sustainable membrane installation under the 75mm reinforced Portland cement concrete Building slab – meaning those illustrated in Figures K.3, K.5, K.7, K.8 and K.11 of Schedule C - for mitigating the intrusion of the chlorinated volatile organic compounds listed as C O Cs in groundwater in Schedule A. Essential to the entire Active SVIMS are such ventilation elements as the perforated vapour collection pipes, and the vent riser equipped with an electric fan, all appearing in Figure K.4 of Schedule C and all other requirements of Section 1.2.2 of Appendix K of the Risk Assessment. In other words, they must be established, operated and maintained to ensure an air pressure differential of 6 Pascal below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building.

Building Prohibition Risk Management Measure:

(g) Refrain from increasing the footprint of the Building currently planned and identified in the preceding Item 4.2(f) and/or constructing any New Building on, in or under the Property unless the Director was informed in writing by the Owner that an application was filed with the City of Ottawa under the *Planning Act* and that the Director amended the CPU allowing the modifications to the Active SVIMS recommended by a Qualified Person.

Inspection, maintenance and reporting for SVIMS:

(h) Inspection and maintenance of the Active SVIMS shall be undertaken in accordance with Section 1.5.2 of Appendix K and records be kept of all activities carried out in relation with the same.

SVMIS Monitoring Program and Contingency

(i) The monitoring program described in Section 1.5.2 of Appendix K of the Risk Assessment shall be carried out using sampling ports established at the Building currently planned for the Property in accordance with Section 1.2.2 of Appendix K of the Risk Assessment and Figures K.3, K.4, K.6, K.10 and K.11 of Schedule C.

Health and Safety Plan

(j) A Property-specific HASP shall be developed for the Property and implemented during all planned Intrusive Activities in soil and groundwater at the Property that have been identified in the Risk Assessment at concentrations that exceed the Applicable Site Condition Standard. A copy of the HASP shall be maintained at the Property for as long as there may be Intrusive Activities carried out at the Property. The Owner shall ensure that the HASP takes into account the presence of COCs and it is implemented prior to any Intrusive Activity 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 all applicable Ontario Ministry of Labour health and safety regulations, taking into consideration all potential risks identified in the Risk Assessment, including, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans and contact information. Prior to the initiation of any project (on the Property or portion(s) of the Property), the local Ontario 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 and groundwater on the Property. The HASP shall be overseen by a Competent Person to review the provisions of the plan with respect to the proposed work and shall conduct daily inspections. The Owner shall retain a copy of the HASP and make it available for review by a Provincial Officer upon request.

Soil and Groundwater Management Plan

(k) Have a Qualified Person to prepare a written groundwater management plan for managing groundwater obtained from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil or groundwater at the Property. The plan shall be delivered to the Owner before any Intrusive Activities are undertaken at the Property and updated and delivered to the owner within 30 days of any alteration(s) to the plan. The plan shall be implemented during all Intrusive Activities potentially in contact with or exposing COCs in Groundwater at the Property. A copy of the plan shall be maintained and made available for review by a Provincial Officer upon request. The plan shall include, at a minimum:

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

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

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

α. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
(1) is suitable for use as Capping Soil;
(2) meets the Property Specific Standards; or
(3) exceeds the Property Specific Standards;

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

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

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

v. procedures for recording, in writing, the soil, storm water and any groundwater management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner and made available for review by a Provincial Officer upon request, including:

α. dates and duration of the Intrusive Activities being undertaken;
β. weather and site conditions during the Intrusive Activities;
γ. the location and depth of excavation activities, and dewatering activities, if any;
δ. dust control and soil tracking control measures;

ε. characterization results for excavated soil and any soil brought to or removed from the Property, and for any groundwater from dewatering;
ζ. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
η. management activities for any groundwater from dewatering;
θ. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
ι. names and contact information for all haulers and receiving sites for soil and any groundwater removed from the Property, and for all haulers and source sites of any soil brought to the Property; and
κ. any complaints received relating to the Intrusive Activities, including the soil, storm water and any groundwater management activities;

Annual Report:

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

i. a copy of all records related to the inspection and maintenance program for the Barrier(s) to the Property soils;

ii. a copy of all records related to the soil and groundwater management plans, and the HASP implemented at the Property; and,

iii. a copy of all signed site plans and, when applicable, cross-sectional diagrams, including any alterations.

Restriction on Plant Production:

(m) Refrain from using any area(s) for growing any plant that would be used as food, and/or for its medicinal properties, and/or aesthetic value.

No Groundwater Use Risk Management Measure:

(n) Refrain from using groundwater in or under the Property as a source of water for any use (e.g. watering plants, heat exchange, etc.).

(o) Except, as may be required for continued use as a groundwater monitoring well, as defined in the OWRA:

i. properly abandon any wells on the Property, according to the requirements set out in Regulation 903 (Wells) made under the OWRA; and,

ii. refrain from constructing any new wells on the Property as described or defined in the OWRA.

Site Changes Affecting Risk Management Measures and/or Site Plan:

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

4.4 In case the Owner plans a redevelopment of the Property and intends to file an application with the City of Ottawa for Site Plan Control under the *Planning Act*, the Owner shall not allow more than 10 days to elapse between the filing of the application for Site Plan Control and informing the Director that the said application was filed under the *Planning Act*. The Director shall respond within 60 days of the Owner reaching out to him/her and identify the documentation needed by the Ministry to determine how the RMP needs to be revised, or not, to address the Soil Vapour Intrusion pathway and also, what other MECP legal permission(s) may be needed for the said Property redevelopment.

Report Retention Requirements:

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

Property Notice Requirement:

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

Certificate of Requirement Registration:

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

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

Owner Change Notification:

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

Part 5: General

5.1 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, the application of such requirement to other circumstances and the remainder of the CPU are not affected.

5.2 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.

5.3 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 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 the CPU constitutes an offence.

5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.

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

5.7 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,

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

5.9 In the event that the Owner creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act*, 1998, S.O. 1998, c.19 and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

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 service on you of 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 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.

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 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
2430 Don Reid Drive, Suite 103
Ottawa ON
K1H 1E1
Fax: 613-521-5437
Email: environment.ottawa@ontario.ca

The contact information of the 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 https://olt.gov.on.ca.

Further information regarding service can be obtained from e-Laws at https://www.ontario.ca/laws. Please note that 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 application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

6.5 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 service on you of a copy of the 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 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

(a) fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and,

(b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.

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 https://www.ontario.ca/laws.

Issued at Ottawa this 1st day of May, 2026

Tracy Hart

Tracy Hart
Director, section 168.6 of the Act

Schedule A

Contaminants of Concern, Property Specific Standards, and Capping Soil Concentrations

Media	Contaminant of Concern (C O C)	Property Specific Standards	Units
Soil	Barium	500	micrograms per gram
Soil	Boron (Hot Water Soluble)	2.0	micrograms per gram
Soil	Cadmium	2.0	micrograms per gram
Soil	Lead	1280	micrograms per gram
Soil	Mercury	0.72	micrograms per gram
Soil	Selenium	3.5	micrograms per gram
Soil	Zinc	1000	micrograms per gram
Soil	Benzo(a) pyrene	0.70	micrograms per gram
Soil	Fluoranthene	1.2	micrograms per gram
Soil	Tetrachloroethylene	0.37	micrograms per gram
		ASCS	
Capping Soil	Barium	390	micrograms per gram
Capping Soil	Boron (Hot Water Soluble)	1.5	micrograms per gram
Capping Soil	Cadmium	1.2	micrograms per gram
Capping Soil	Lead	120	micrograms per gram
Capping Soil	Mercury	0.27	micrograms per gram
Capping Soil	Selenium	2.4	micrograms per gram
Capping Soil	Zinc	340	micrograms per gram
Capping Soil	Benzo(a) pyrene	0.3	micrograms per gram
Capping Soil	Fluoranthene	0.69	micrograms per gram
Capping Soil	Tetrachloroethylene	0.28	micrograms per gram

Contaminants of Concern, Property Specific Standards - Groundwater

Media	Contaminant of Concern (C O C)	Property Specific Standards	Units
Groundwater	Cis-Dichloroethylene	170	micrograms per litre
Groundwater	Trans-1,2-Dichloroethylene	3.0	micrograms per litre
Groundwater	Tetrachloroethylene	230	micrograms per litre
Groundwater	Trichloroethylene	37	micrograms per litre
Groundwater	Vinyl Chloride	43	micrograms per litre

Schedule B

Legal Plan of Survey for the RA Property
349 Danforth Avenue, Ottawa

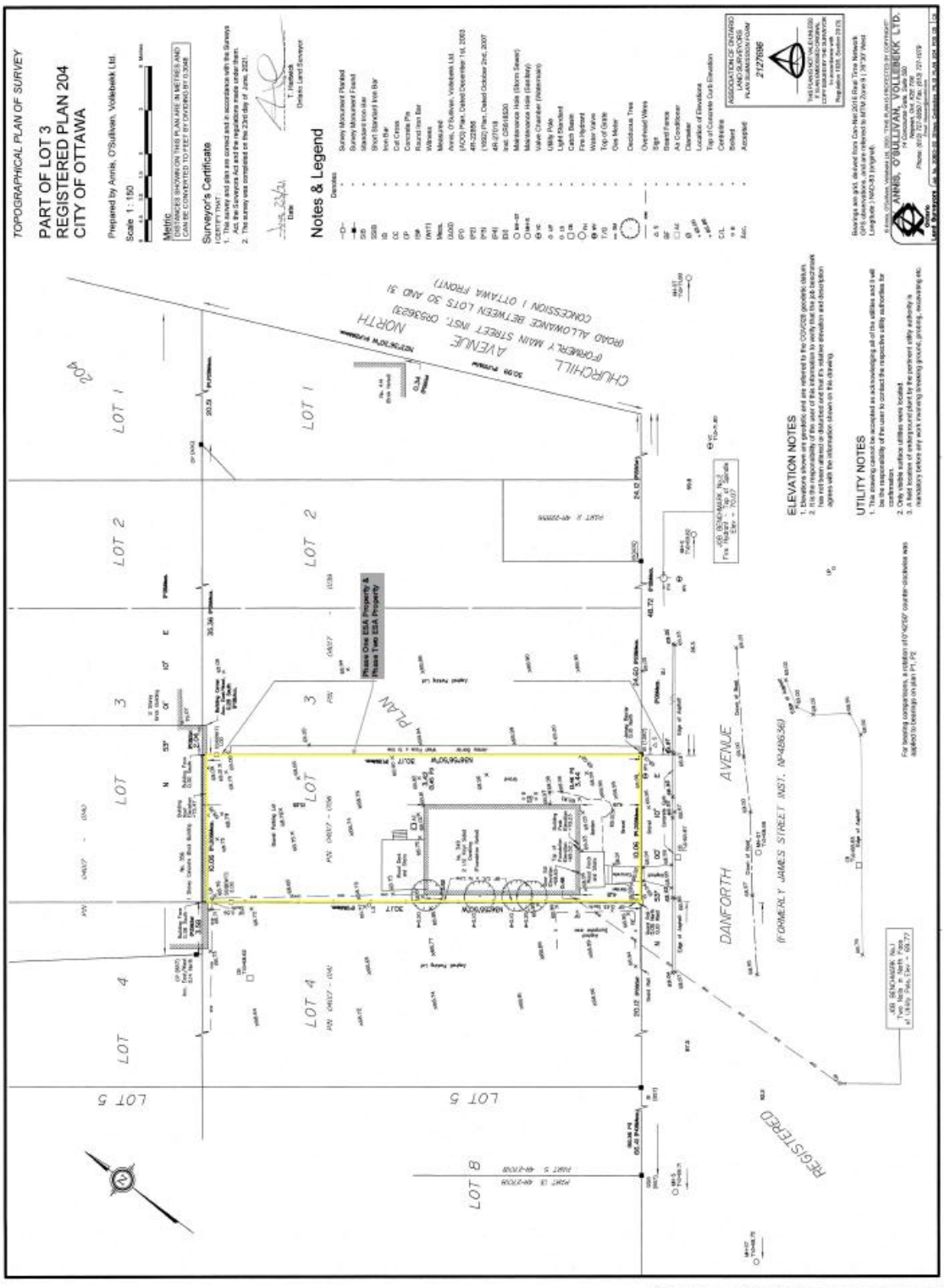

Figure K.3 – Schematic of the Active Soil Vapour Intrusion Mitigation System
349 Danforth Avenue, Ottawa

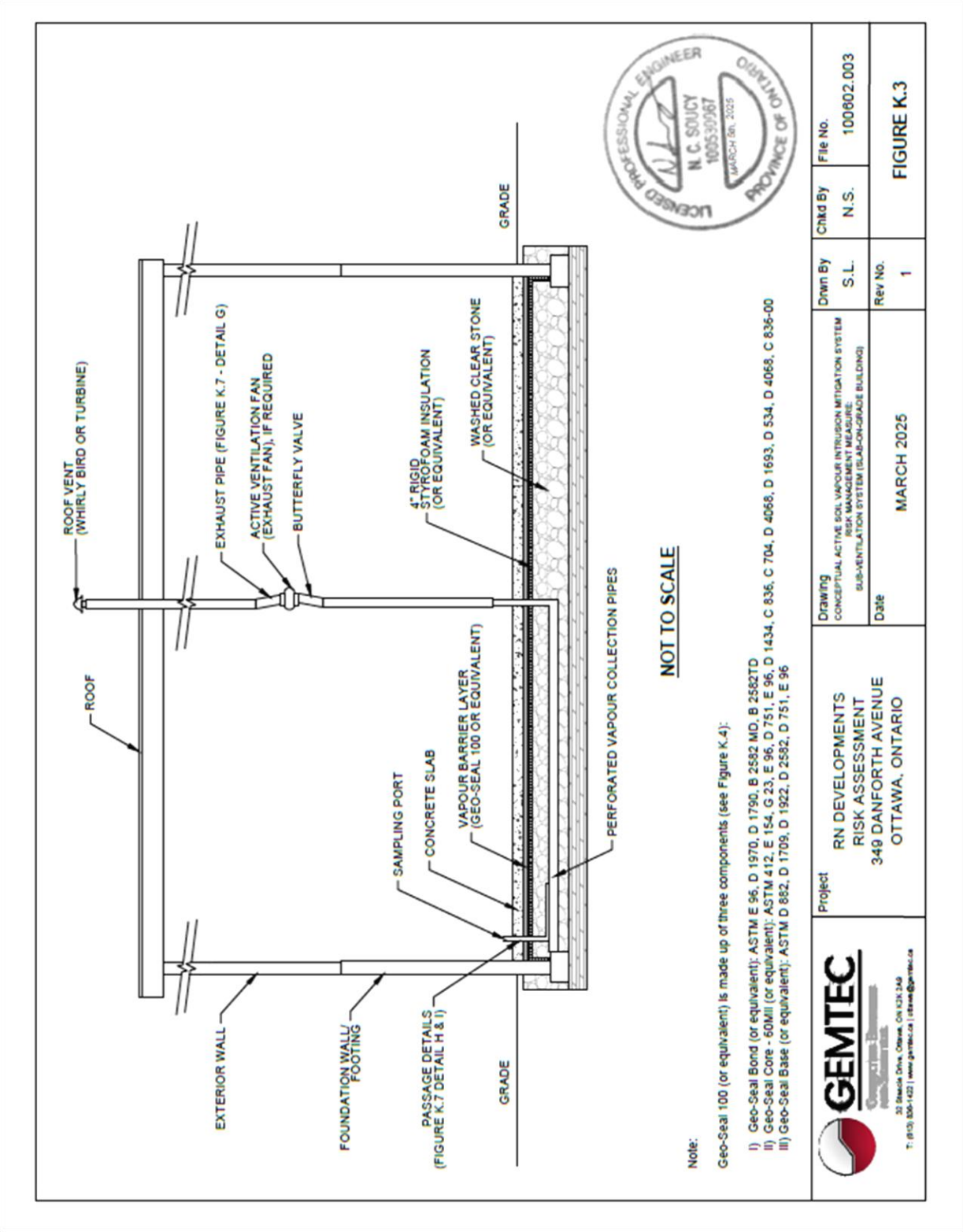

Figure K.4 – Plan View of the Active Soil Vapour Intrusion Mitigation System
349 Danforth Avenue, Ottawa

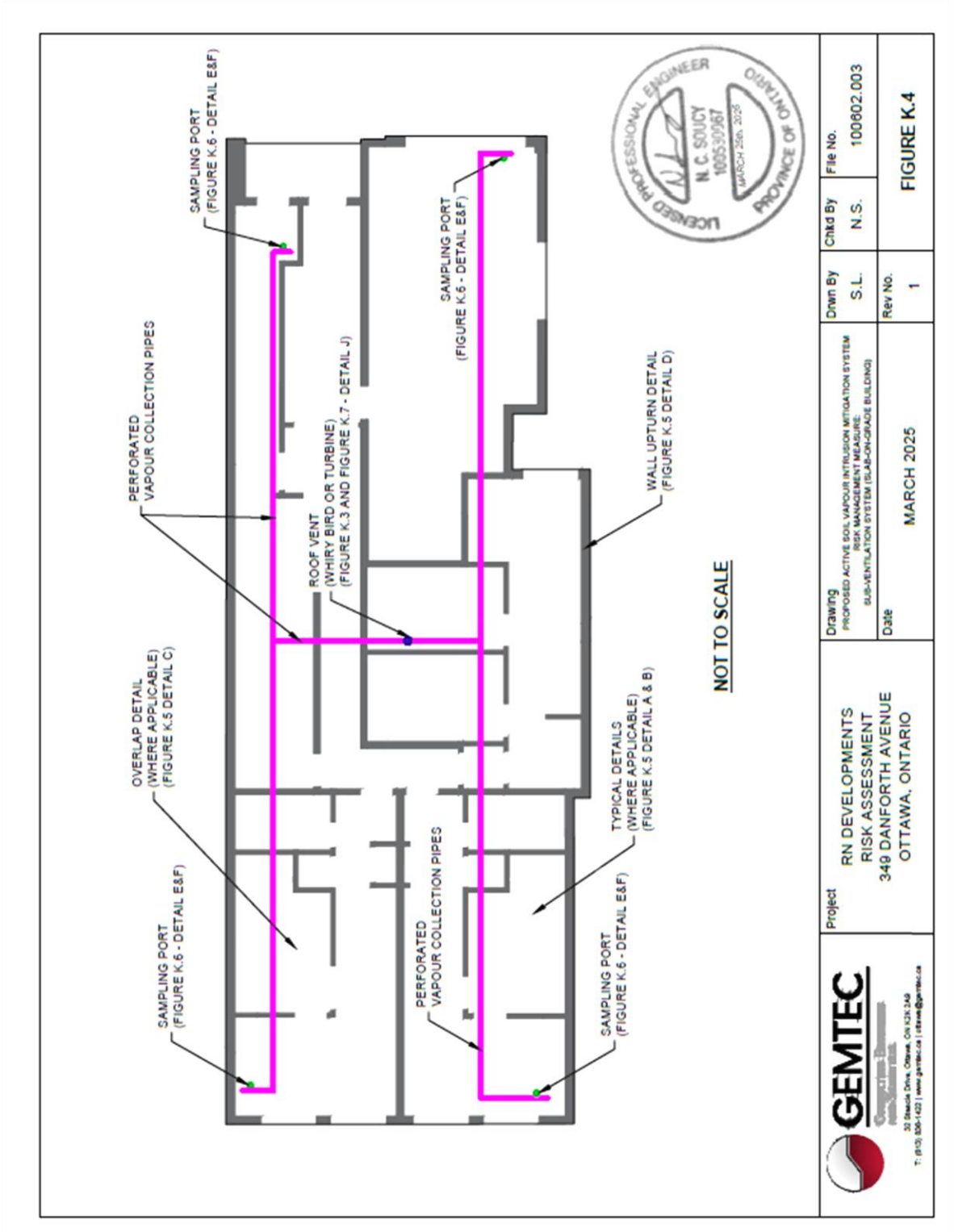

Figure K.5 – Typical Cross Sections Showing the Active SVIMS Membrane Installation
349 Danforth Avenue, Ottawa

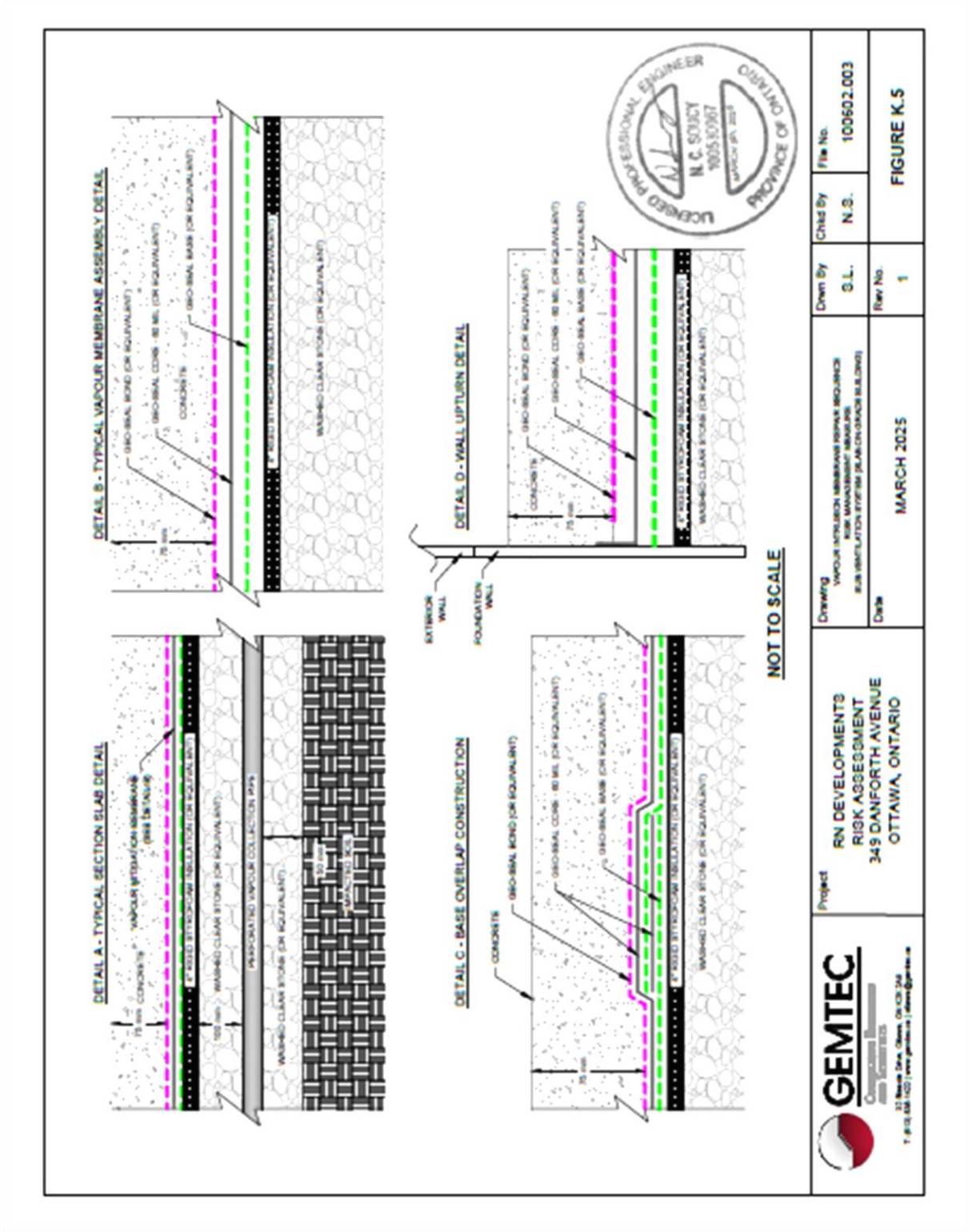

Figure K.6 – Typical Cross Section for a Soil Vapour Sampling Port
349 Danforth Avenue, Ottawa

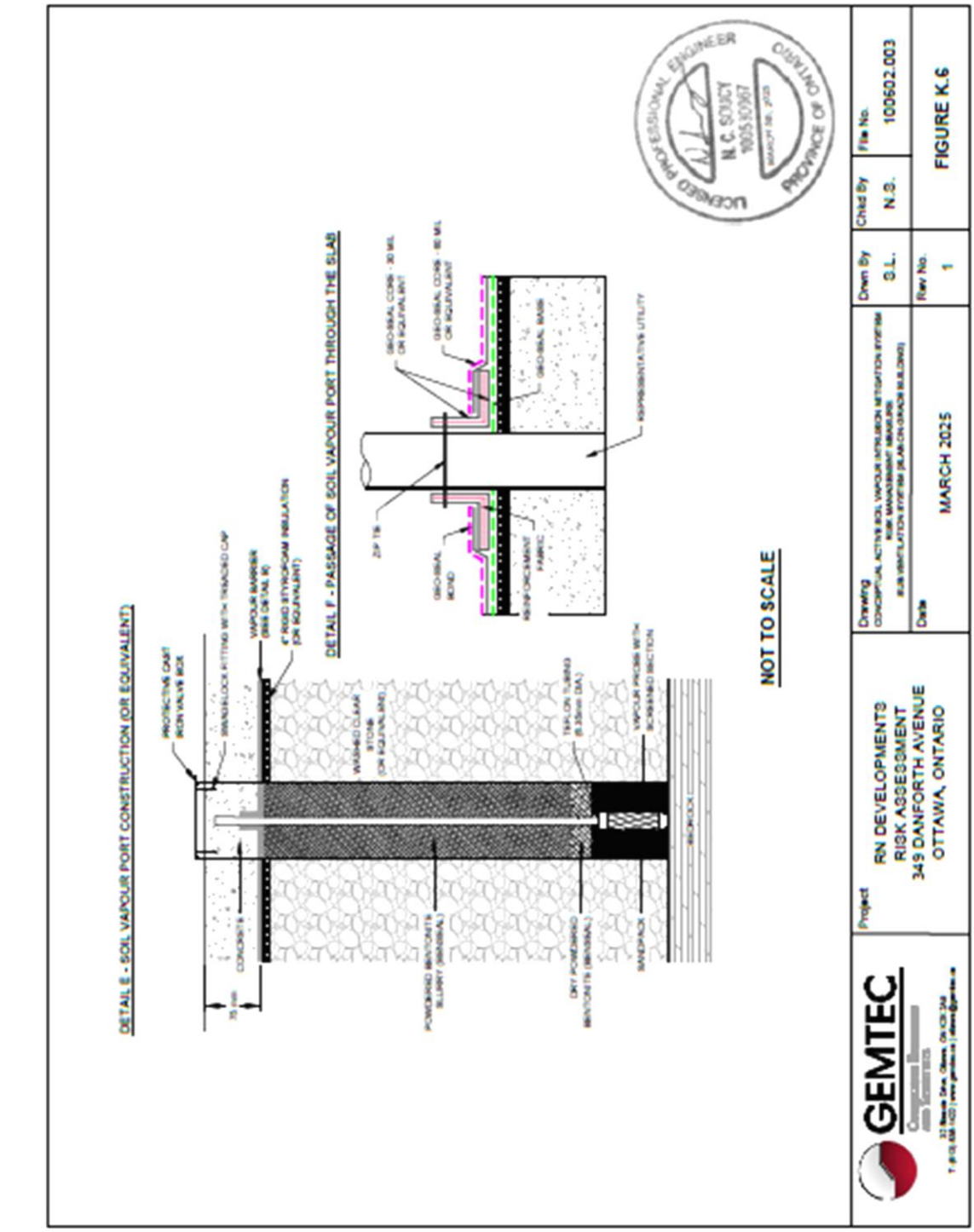

Figure K.7 – Elevation View of the Active SVIMS Vent Riser
349 Danforth Avenue, Ottawa

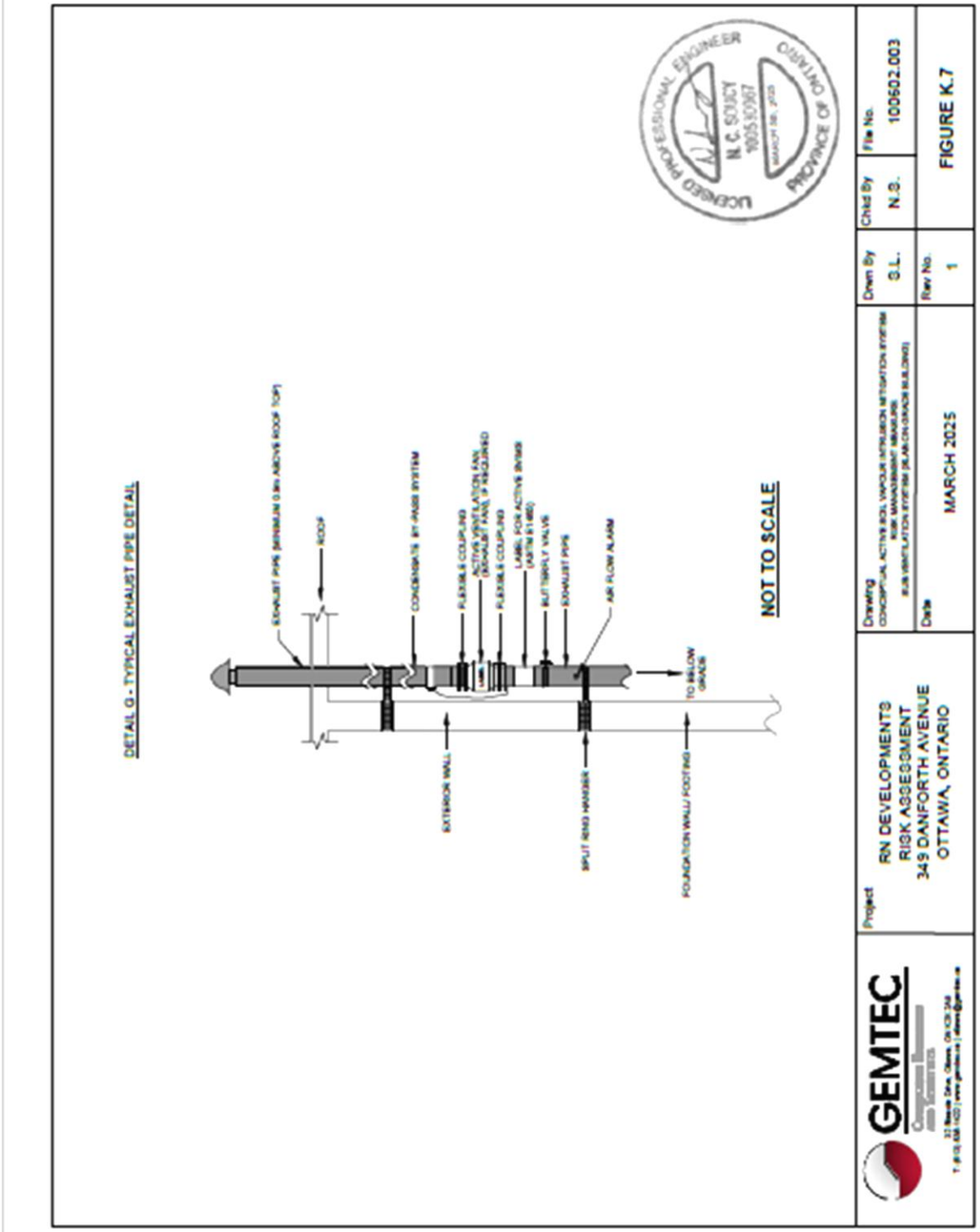

Figure K.8 – Typical Cross Sections for Mitigating Penetrations of the Active SVIMS Membrane
349 Danforth Avenue, Ottawa

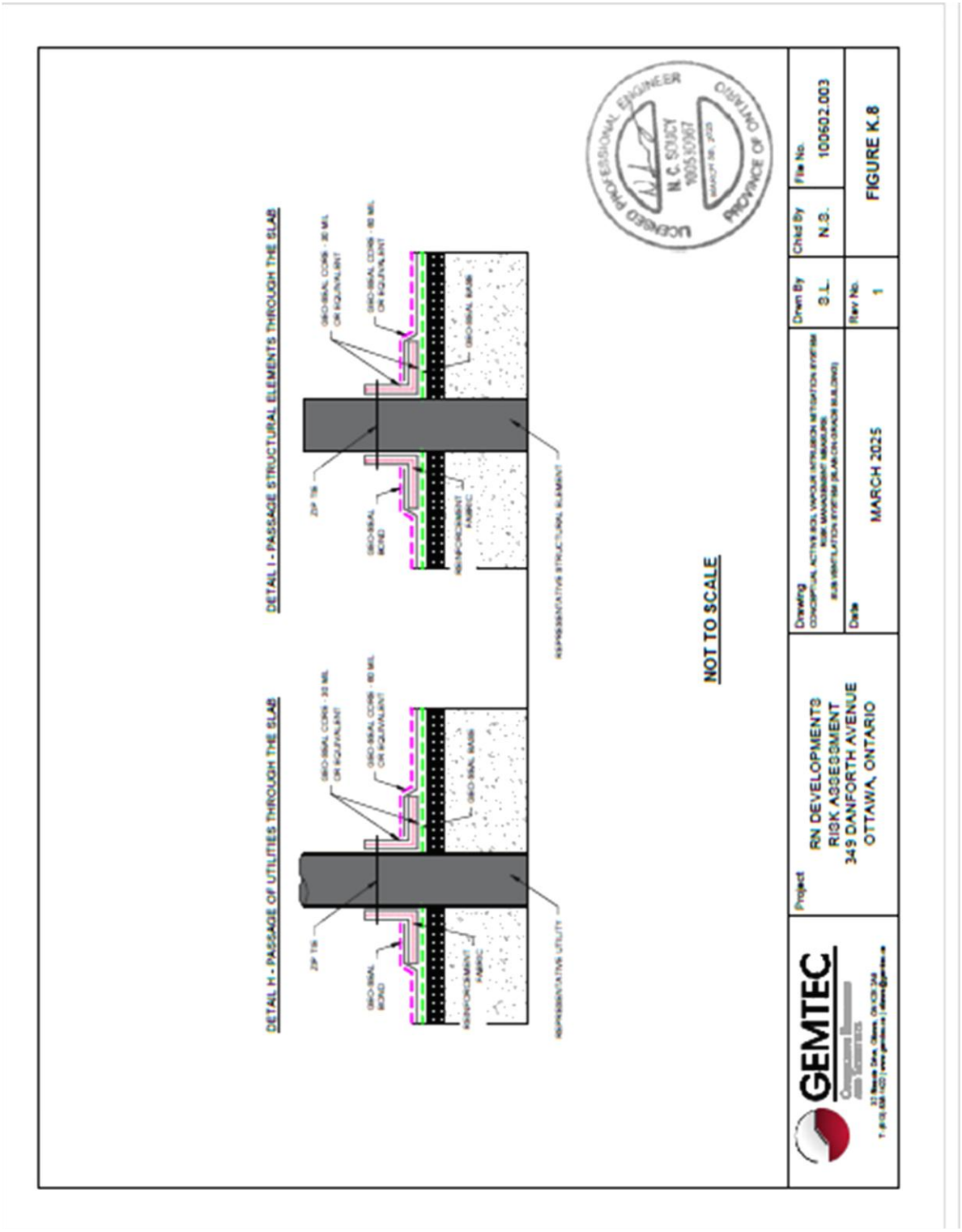

Figure K.9 – Cross Sections of Repair Sequence for the Active SVIMS Membrane
349 Danforth Avenue, Ottawa

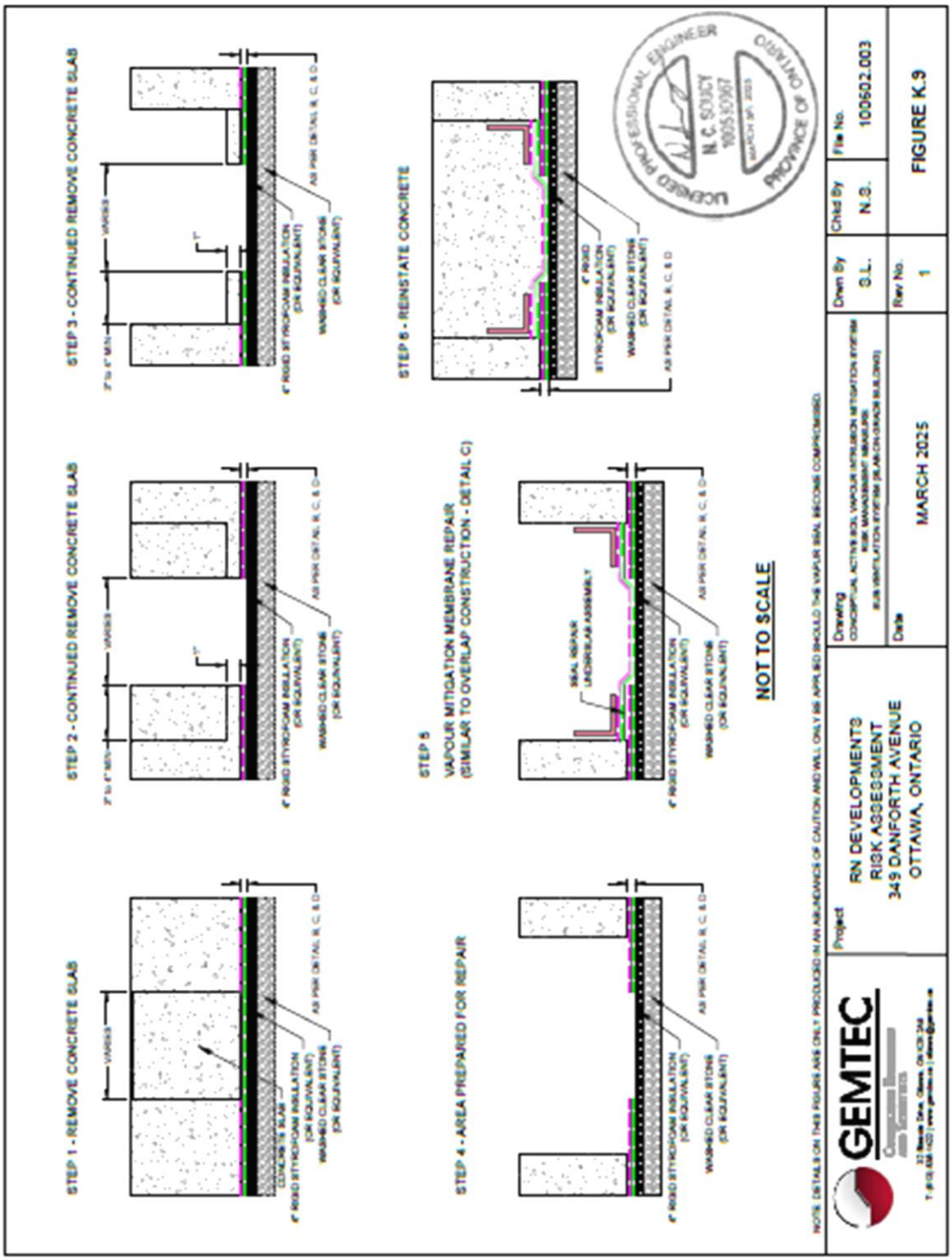

Figure K.10 – Site Plan
349 Danforth Avenue, Ottawa

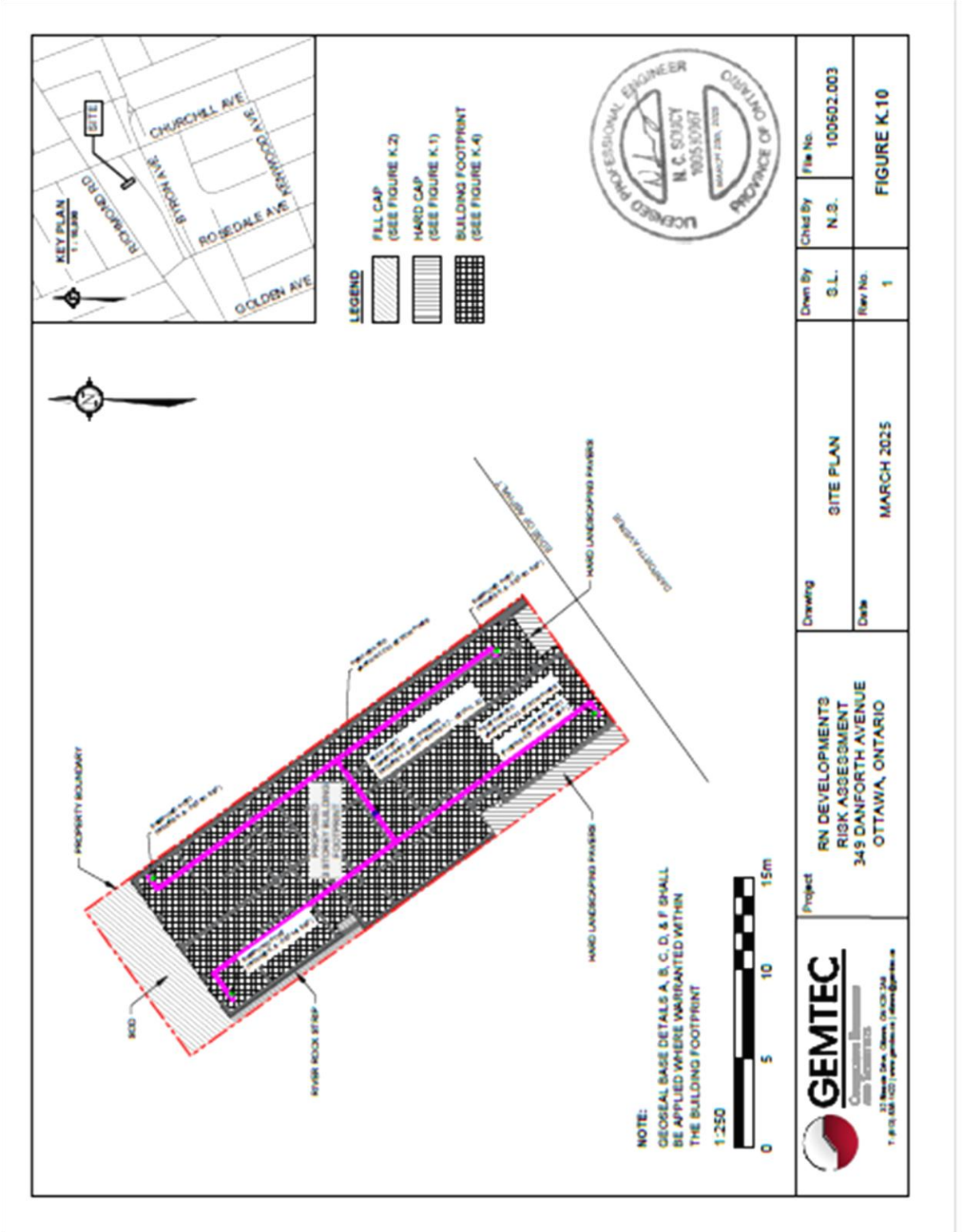

Figure K.11 – Notes to Complement Figures K.3 to K.10 inclusively
349 Danforth Avenue, Ottawa