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: 3077-DY6GTL
Risk Assessment number: 2510-D9VJDD

Owner: Indwell Community Homes (Registered & Beneficial Owner)
1430 Main Street East
Hamilton, Ontario
L8K 1C2

Property: 174 Ottawa Street North, Hamilton, Ontario (Property)

with a legal description as follows:

PART OF LOTS 290, 291 AND 292 ON PLAN 297, AND LOTS 293 AND 294 ON PLAN 297, DESIGNATED AS PARTS 1 AND 2, 62R19499; T/W CD388898; CITY OF HAMILTON BEING PART 2 ON THE PLAN OF SURVEY PREPARED BY B.A. JACOBS SURVEYING LTD., DATED DEC. 18, 2012

Being Part of PIN: 17246-0042 (LT)

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and further 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:

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

i. CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:
   a. Installing/maintaining any equipment — Yes
   b. Monitoring any contaminant — Yes
   c. Refraining from constructing any building specified — Yes
   d. Refraining from using the Property for any use specified — Yes
   e. Other: maintain a barrier to site soils, implementing a soil and — Yes

groundwater management plan and health and safety plan during intrusive activities, garden restriction

ii. Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

a. The barrier to site soils over the entirety of the Property shall be maintained indefinitely until the Director alters or revokes the CPU.

b. The soil and groundwater management plan and health and safety plan shall be required for the Property during any activities potentially in contact with or exposing site soils and groundwater for as long as the Contaminants of Concern are present on the Property.

c. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

Part 1: Interpretation

In this CPU, the following capitalised terms have the meanings described below.

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

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

"Applicable Site Condition Standards" means soil and groundwater that meets the soil or groundwater criteria for residential/parkland/institutional use identified in Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition (fine to medium textured soil) 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;

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

"Building Code" means the code adopted by section 1 of Ontario Regulation 163/24 (Building Code), made under the Building Code Act, 1992, S.O. 1992, c. 23.

“Certificate of Property Use” or “CPU” means this Certificate of Property Use number 3077-DY6GTL, as may be amended from time to time, and includes all schedules attached hereto.

“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 causes or may cause an Adverse Effect.

“Contaminants of Concern” or “COC” 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 3 of the Risk Assessment report and the property specific standards in Schedule ‘A’ of the CPU.

“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 168.6 of the Act.

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

“Garden Soil” means soil that meets the soil criteria identified in *Table 1: Full Depth Background Site Condition Standards* 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;

“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 ground water, which may disturb or expose Contaminants of Concern at the Property.

“Licensed Professional Engineer” means a person who holds a license, limited license or temporary license under the Professional Engineers Act, R.S.O. 1990, c. P.28.

“Minister” means the minister of the Ministry.

“Ministry” means the Ontario 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.

“Reg. 347” means Revised Regulation of Ontario 1990, Regulation 347 General – Waste Management” 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 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 “C” of this CPU.

“Property Specific Standards” or “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 and are the same standards specified in the Risk Assessment.

“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 prescribed in subsection 5 (2) of O. Reg. 153/04, namely a person who:

a. Holds a license, limited licence or temporary licence under the Professional Engineer Act, or
b. Holds a certificate of registration under the Professional Geoscientists Act, 2000, and is a practicing member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

“Risk Assessment” means the risk assessment number 2510-D9VJDD submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on October 2, 2026, and set out in the following documents:

- “Pre-Submission Form for 174 Ottawa Street North, Hamilton, Ontario”, report prepared by Intrinsik Corp., dated October 8, 2024
- “A Risk Assessment of 174 Ottawa Street North, Hamilton, Ontario”, report prepared by Intrinsik Corp., dated March 31, 2025
- “A Revised Risk Assessment of 174 Ottawa Street North, Hamilton, Ontario”, report prepared by Intrinsik Corp., dated September 19, 2025
- “A Second Revised Risk Assessment of 174 Ottawa Street North, Hamilton, Ontario”, report prepared by Intrinsik Corp., dated May 5, 2026
- “RE: Request for Additional Information - RA for 174 Ottawa Street North, Hamilton [RA2270-24c; IDS#2510-D9VJDD]”, email from Adam Safruk, Intrinsik Corp., received by TASDB on August 26, 2026, with following document[s] attached:
    - RMP - Revised Page.pdf
    - Phase Two CSM - Revised Pages.pdf
    - G2S22308 - 174 Ottawa St, Hamilton CSM - Rev 4 - August 2026.pdf
    - RMP Appendix - 174 Ottawa Street North, Hamilton - Aug 2026.pdf

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

“Risk Management Plan” means the final version of the risk management plan of the Risk Assessment as set out in the following document(s):

- RMP Appendix - 174 Ottawa Street North, Hamilton - Aug 2026.pdf.

- RMP - Revised Page.pdf

“Sub-Slab Vapour Venting Layer” means an engineered venting layer and associated Venting Components above the sub-slab materials for building construction and below a Vapour Barrier, as designed by a Licenced Professional Engineer which operates in as active system to provide pressure relief, collection and venting of vapours away from a building.

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

“Vapour Barrier” means a geo-synthetic barrier (including but not limited to geomembrane or spray applied equivalent) meeting the appropriate gas permeability and chemical resistance specifications to be considered impermeable and resistant to the Contaminants of Concern as per the Risk Assessment and is considered appropriate by the Licenced Professional Engineer or Qualified Person for its application.

“Venting Components” means a network of perforated piping/plenums or venting composites embedded in granular materials of sufficient permeability or other venting products (i.e. aerated flooring system) with continuous formed void space that convey vapours and direct these vapours into vent risers that terminate above the roof elevation or at an exhaust point located a minimum of three (3) metres away from any air intakes for the building or human receptors with active venting as described in the Risk Management Plan.

Part 2: Legal Authority

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

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

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

2.3 Section 168.6 (1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5 (1) (a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:

a. Take any action that is specified in the certificate and that, in the Director’s opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the Risk Assessment, including installing any equipment,

monitoring any contaminant or recording or reporting information for that purpose.

b. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.

2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.

2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),

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

b. revoke the certificate.

2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of 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 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 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 of Concern 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, above theProperty Specific Standards and the air trigger levels are set out in Schedule 'B'.

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

3.4 I am further of the opinion, for the reasons set out in the Risk Assessment which indicate that Contaminants of Concern require on-going restriction of land use, that it is necessary to restrict the use of the Property and require restrictions on building construction 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 Items 4.10 and 4.11 of this CPU, further to s. 197 of the Act.

3.6 The figures in Schedule "C" of this CPU are included for reference purposes.

Part 4: Director's Requirements

Pursuant to the authority vested in me under section 168.6(1) of the Act, I hereby require the Owner, jointly and severally unless otherwise indicated, 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 Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:

a. The Property shall be covered by a barrier to site soils designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to site soils shall consist of a hard cap, fill/soil cap and/or fence as specified below:
   i. Hard cap surface over existing asphalt and concrete surfaces shall have a minimum depth of 75 mm (as outlined in the RMP).
   ii. Hard caps on the Property for driveways, roads, walkways and Building foundations/slabs shall have a minimum depth of 225 mm consisting of asphalt, armour stone, rolled reclaimed asphalt, precast, pavers excluding permeable pavers and/or concrete underlain by granular fill (as outlined in the Risk Management Plan).
   iii. Fill caps on the Property shall have a minimum depth of 1.0 m consisting of granular fill, gravel, sand, bark mulch, wood chips and/or soil meeting Applicable Site Condition Standards.
   iv. Fill caps for any deep rooting plants with roots extending 0.5 m below the surface of the Property (i.e. trees and shrubs) shall be placed in fabricated planting cells at a minimum of 1 m deep with a compacted base layer or shall have a minimum depth of 1.5 m and laterally extend out to the drip line of the plant consisting of soil meeting the Applicable Site Condition Standards.
   v. Any portion(s) of the Property, not under development or not in use, shall have a fence barrier to prevent the general public from accessing the site and a dust control plan to prevent surface soil from impacting the adjacent properties.

b. An inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of all barriers to site soils risk management measures (including any fence barriers) as long as the Contaminants of Concern are present on the Property. The inspection program shall include, at a minimum, semi-annual (spring and fall) inspections of the barrier to site soils integrity. Any barrier to site soils deficiencies shall be repaired forthwith. Inspection, deficiencies and repairs shall be recorded in a log-book maintained by the Owner and made available upon request by a Provincial Officer.

c. In addition to any requirements under the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, including, at a minimum:
   i. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
   ii. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment;
   iii. all relevant information, measures and procedures concerning protection of

the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;

iv. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property;

v. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident;

vi. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

vii. and which is,

1. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
2. updated and delivered to the Owner within 30 days following making any alteration to the plan.

d. A soil and groundwater management plan shall be prepared for the Property and implemented during Intrusive Activities. A copy of the plan shall be kept by the Owner and made available for review by a Provincial Officer upon request. Implementation of the plan shall be overseen by a Qualified Person and shall include, but not be limited to, provisions for soils excavation, stockpiling, characterization, disposal and record keeping specified below:

i. Dust control measures and prevention of soil tracking by vehicles and personnel from the Property, which may include wetting of soil with potable water, reduced speeds for on-site vehicles, tire washing stations and restricting working in high wind conditions, as required;

ii. Management of excavated materials which may include soil, cleaning equipment, existing asphalt and existing concrete. Placement and segregation of excavated materials for stockpiling on designated are as 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, as required;

iii. Characterization of excavated soils shall follow the soil sampling strategy in the Risk Assessment. Excavated soils and materials requiring off-site disposal as a waste shall be disposed of in accordance with the provisions of Reg. 347, made under the Act. Excavated soils meeting the PSS may be placed on-site below the barrier to site soils if deemed suitable by a Qualified Person. Excavated soils meeting the Applicable Site Condition Standards may be placed within the barriers to site soils if deemed suitable by a by a Qualified Person and in accordance with the Risk Assessment.

iv. Soils brought to the Property shall follow the soil sampling strategy in the Risk

Assessment and only soils meeting the Applicable Site Condition Standards is to be placed on, in or under the Property.

v. Groundwater management during any dewatering activities shall include groundwater sampling of Contaminants of Concern.

vi. Record keeping including dates and duration of work, weather and site conditions, location and depth of excavation activities, dust control measures, stockpile management and drainage, soil characterization results, names of the Qualified Person, contractors, haulers and receiving sites for any soil or ground water removed from the Property and any complaints received relating to site activities potentially coming in contact with or exposing site soils and groundwater.

e. The Owner shall refrain from planting fruit and vegetables for consumption on the Property unless planted in above ground containers such that they plants are isolated from the subsurface conditions. The planting of fruit and vegetables for consumption on the Property is prohibited unless otherwise specified for as long and the Contaminants of Concern in soil remain present.

f. Refrain from constructing any Building on the Property unless the Building is constructed as Slab-on-Grade.

g. Refrain from constructing any Building on, in or under the Property unless the Building contains a vapour mitigation measure outlined in Section 2.1 of the Risk Management Plan (RMP) of the RA and at a minimum includes the following:

i. All Building(s) on the Property shall include the sealing of all foundation penetrations and a Vapour Barrier, Sub-Slab Vapour Venting Layer, Venting Components and utility trench (as illustrated in the RMP) installation as described in the Risk Assessment and Risk Management Plan. Any collection pipes shall be designed to include clean-outs, drains or openings to ensure drainage and removal of condensate or water including any entrained dust that may enter collection pipes or vent risers and any future drainage system shall be designed to ensure that the Sub Slab Vapour Venting Layer shall be maintained under dry conditions as per Risk Assessment. (as illustrated in the RMP).

ii. The Owner shall retain a copy of all Vapour Barrier, Sub Slab Vapour Venting Layer and Venting Components as-built drawings signed by a Licensed Professional Engineer along with the proposed testing and performance requirements for the Vapour Barrier, Sub Slab Vapour Venting Layer and Venting Component for inspection by a Provincial Officer.

iii. An inspection and maintenance program shall be prepared and implemented to ensure the continuing integrity of the vapour mitigation system. A final inspection for cracks, holes or penetrations in the below Grade walls and floors shall be conducted before any finishes are applied to the walls and floors and prior to occupancy and shall be recorded in a logbook. Any holes, cracks or penetrations shall be repaired and sealed immediately and recorded in a logbook.

iv. With regard to the venting layer and Venting Components, inspections of the

venting layer and Venting Components, where visually accessible, will be made for potential breaches. The inspection program shall include semi-annual (spring and fall) inspections as per the Risk Assessment and any deficiencies shall be repaired forthwith. The inspection results shall be recorded in a log book maintained by the Owner and available upon request by a Provincial Officer.

h. Within 90 days of the first occupancy of any building on the Property; the Owner shall implement a sub-slab vapour monitoring program in accordance with the Risk Management Plan. The program shall include, but not be limited to, the following components:

i. Be overseen by a Qualified Person;

ii. Be conducted for the Contarminant of Concern set out on Table 2 of Schedule 'B' of this CPU;

iii. Be carried out quarterly at each building on the Property at four locations indicated on Figure 2 of Schedule 'C' of this CPU, namely, Probe #1, Probe #2, Probe #3, and Probe #4;

iv. Sub-slab differential pressure measurements relative to the indoor air pressure within the Building(s) on the Property shall be compared to the criteria set out in the Risk Management Plan.

v. If the sub-slab pressure differential measurements performed as described by Item (iv) of Condition 4.2 are less than the criteria set out in the Risk Management Plan, the Owner shall notify the Director in writing within 15 days of the measurements being taken and:
   1. Include a description of any corrective actions undertaken to eventually achieve the criteria set out by the Risk Management Plan; or
   2. Provide a work plan with timelines to the Director for further investigations and recommendations (contingency actions) to attain the criteria set out by the Risk Management Plan.

vi. At the occurrence of eight consecutive quarters of results for the monitoring carried out in accordance with sub-item (v) of Condition 4.2(h) of this CPU are more than the criteria set out in the Risk Management Plan, a request can be made to the Director in accordance of Part 5.2 of this CPU;

vii. At the occurrence of eight consecutive quarters of results for the monitoring carried out in accordance with sub-items (i), (ii), and (iii) of Condition 4.2(h) of this CPU indicating that the measured levels are less than the sub-slab target levels set out on Table 2 of Schedule 'B' of this CPU, a request can be made to the Director in accordance of Part 5.2 of this CPU;

viii. If the concentration of any Contaminant of Concern measured as a result of the monitoring carried out in accordance with sub-items (i), (ii), and (iii) of Condition 4.2(h) of this CPU exceeds the sub-slab target values set out on Table 2 of Schedule 'B' of this CPU, at any of the locations described by the

Risk Management Plan and this CPU, then the Owner shall notify the Director within 3 business days of receiving the analytical results and undertake the following actions:

1. Collect an additional sample (confirmatory) within 10 business days of receipt of the analytical results at the location(s) where the exceedance (s) occurred;

2. If the sample(s) collected as required by sub-item (viii)1 of Condition 4.2(h) of this CPU is equal to or less than the sub-slab target levels set out on Table 2 of Schedule 'B' of this CPU, monitoring continues as set out by Sub-items (i), (ii), and (iii) of Condition 4.2(h) of this CPU and the Risk Management Plan;

3. If the sample(s) collected as required by sub-item (viii)1 of Condition 4.2(h) of this CPU is greater than the sub-slab target levels set out on Table 2 of Schedule 'B' of this CPU, indoor air quality monitoring shall commence as set out in the Risk Management Plan within 15 business days of receipt of the analytical results in the building(s) where the confirmed exceedence occurred.

4. The indoor air samples collected as required by sub-item (viii)3 of Condition 4.2(h) of this CPU shall be collected in accordance with the Risk Management Plan by an appropriately Qualified Person and be representative of potential exposures to any persons using or occupying the buildings on the Property.

5. Outdoor air sample(s) shall be collected contemporaneously with the indoor air samples described by sub-item (viii)3 of Condition 4.2(h) of this CPU and shall be collected in accordance with the Risk Management Plan. The results of the outdoor air sampling are to be compared to the most recent Ambient Air Quality Criteria (AAQC) published by the Ministry;

6. If the indoor air sample(s) collected as required sub-item (viii)3 of Condition 4.2(h) of this CPU is equal to or less than the indoor air target levels set out on Table 3 of Schedule 'B' of this CPU, indoor air monitoring shall continue as set out in the Risk Management Plan;

7. If the indoor air sample(s) collected as required by sub-item (viii)3 of Condition 4.2(h) of this CPU exceeds the indoor air target levels set out on Table 3 of Schedule 'B' of this CPU, the Owner shall notify the Director in writing within 3 business days of receiving the analytical results and provide a copy of the results. The Owner shall also collect confirmatory samples at the locations where the exceedence (s) occurred within 10 business days of receiving the analytical results. The following actions are to be implemented (as applicable) in regards to the confirmatory monitoring results:

1. If the confirmatory samples are equal to or less than the indoor air target values set out on Table 3 of Schedule ‘B’ of this CPU, the Owner will provide these results to the Director within 3 business days of receiving the analytical results and conduct further indoor air monitoring as set out in the Risk Management Plan;

2. If any confirmatory samples exceed the indoor air target values set out on Table 3 of Schedule ‘B’ of this CPU, the Owner shall provide these results to the Director within 3 business days of receiving the analytical results and within 45 days of receiving the analytical results, shall:

    a. Develop and submit the contingency plan described by the Risk Management Plan to the Director; or

    b. Develop and submit a report to the Director confirming that the indoor air exceedences are due to ambient air sources and continue sampling as set out in the Risk Management Plan.

3. Upon the Owner receiving written approval from the Director regarding the contingency plan submitted as required by sub-item (viii)7(2) of Condition 4.2(h) of this CPU, the Owner shall forthwith implement the contingency plan and provide confirmation to the Director. The contingency plan shall be completed under the supervision of an appropriately qualified Licensed Professional Engineer.

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

i. Within 90 days of the first occupancy of any Building on the Property the Owner shall implement a groundwater monitoring program in accordance with the Risk Management Plan. Specifically, the groundwater monitoring program shall include, but not be limited to, the following components:

i. Be overseen by a Qualified Person;
ii. Consist of the collection of groundwater samples from the locations specified on Figure 3 of Schedule ‘C’ of this CPU, namely, MW501, MW502, MW503 and MW504, semi-annually (once between January to May and once between June to August);
iii. Groundwater samples shall be sent to an appropriately qualified laboratory and analyzed for the groundwater Contaminants of Concern identified in Table 1, Schedule ‘A’ of this CPU;
iv. The results of the groundwater samples shall be compared to the Groundwater Property Specific Standards set out on Table 1, Schedule ‘A’ of this CPU;
v. At the occurrence of four consecutive groundwater monitoring events are carried out in accordance with sub-items i, ii, iii and iv of Condition 4.2(i) of this

CPU indicating that the measured levels are less than the Property Specific Standards set out on Table 1, Schedule 'A' of this CPU, a request can be made to the Director in accordance of Part 5.2 of this CPU;

vi. In the event that a sample(s) collected as set out in sub-item ii of Condition 4.2(i) of this CPU result in a value greater than the groundwater Property Specific Standards set out in Table 1 of Schedule 'A' of this CPU, the Owner shall notify the Director within 5 business days of receiving the analytical results and collect an additional sample (confirmatory) within 30 business days of receiving the analytical results at the location(s) where the exceedance (s) occurred. The Owner shall provide copies of the confirmatory results to the Director within 5 business days of receiving the analytical results;

vii. If the sample (s) collected as required by sub-Item ii of Condition 4.2(i) of this CPU is equal to or less than the groundwater Property Specific Standards set out in Table 1 of Schedule 'A' of this CPU, monitoring shall continue as set out by sub-items i, ii, iii and iv of Condition 4.2(i) of this CPU and the Risk Management Plan;

viii. If the sample (s) collected as required by sub-Item ii of Condition 4.2(i) of this CPU is greater than the groundwater Property Specific Standards set out in Table 1 of Schedule 'A' of this CPU, the Owner must retain a qualified person to develop and submit the contingency plan described by the Risk Management Plan to the Director within 30 days of receipt of the analytical results.

ix. Upon the Owner receiving written approval from the Director regarding the contingency plan submitted as directed by sub-Item viii of Condition 4.2(i) of this CPU, the Owner shall forthwith implement the plan and provide confirmation to the Director. The contingency plan shall be completed under the supervision of a Qualified Person.

x. In the event that one or more of the monitoring wells identified in sub-Item ii of Condition 4.2(i) of this CPU are damaged or destroyed, the Owner shall provide written notification to the Director forthwith and the damaged or destroyed monitoring wells shall be either repaired or replaced, as warranted, by a newly installed monitoring well in the same location and be of similar construction, to the extent practicable, as the original monitoring well that was destroyed prior to the next scheduled groundwater sampling event. All damaged monitoring wells that cannot reasonably be repaired shall be decommissioned in accordance with Ontario Regulation 903 as amended from time to time. Monitoring wells may be removed from the groundwater monitoring program upon the Owner receiving written approval from the Director;

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

j. The Owner shall retain a copy of the site plan prepared and signed by a Qualified Person prior to occupancy which will describe the Property, placement and quality of all the barriers to site soils. The site plan will include a plan and cross section drawings specifying the vertical and lateral extent of the barriers. This site plan shall be retained by the Owner for inspection upon request by a Provincial Officer. The site plan shall be revised following the completion of any alterations to the extent of the barriers to site soils.

k. 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 upon request by a Provincial Officer. 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 to site soils;
   ii. a copy of all records related to the soil and groundwater management plan and the health and safety plan on the Property;
   iii. a copy of all as-built drawings for the vapour mitigation measures including the Vapour Barrier, Sub Slab Vapour Venting Layer and Venting Components;
   iv. a copy of all sub-slab vapour monitoring and air monitoring records including laboratory's certificate of analyses and chain of custody and field notes indicating the initial and final canister pressures;
   v. a copy of all sub-slab differential pressure monitoring records including field notes;
   vi. a copy of all groundwater monitoring well and sampling records including laboratory's certificate of analyses and chain of custody and field notes;
   vii. a copy of the signed site plan that includes cross section drawings specifying the vertical and lateral extent of the barriers along with any alterations made to the site plan.
   viii. Any other information determined to be necessary by the Qualified Person.

4.3 Refrain from using the Property for any of the following use(s): Agricultural or Other Use", as specified in O. Reg. 153/04.

4.4 Refrain from constructing the following building(s): No building construction unless construction is in accordance with Items 4.2(f) and 4.2(g) of the CPU.

4.5 The Owner shall ensure that every occupant of the Property, is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 4.3 and 4.4. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Site Changes

4.6 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, forthwith notify the Director of such changes, including any steps taken 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.

Reports

4.7 Retain a copy of any reports, plans, programs, programs or other documentation required to be prepared, developed or provided further to the CPU, the Risk Assessment and any reports referred to in the Risk Assessment (until otherwise notified by the

Director).

4.8 Within ten (10) days of the Director or a Provincial Officer making a request for documentation, provide a copy to the Director or Provincial Officer.

4.9 Provide by email to Environment.Hamilton@ontario.ca any notice or documentation required by the CPU to be sent to the Director or a Provincial Officer.

Disclosure of CPU and Certificate of Requirement

Pursuant to my authority under subsection 197(1) of the Act, I order the Owner, jointly and severally, unless otherwise indicated, to do the following

4.10 Upon service of the CPU, the Owner 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.

4.11 Within fifteen (15) days from the date of receipt of an acknowledgement and direction package signed by the Director, register a certificate of requirement issued under subsection 197(2) of the Act and completed as set out in Schedule 'D' of the CPU, on title to the Property, in the appropriate land registry office.

4.12 Within five (5) days after registration of the certificate of requirement, provide to the Director written confirmation that the certificate of requirement has been registered on title to the Property as required by Item 4.9, by providing a copy of the registered certificate and the parcel register(s) for the property identifier number (PIN) for the Property.

Owner Change

4.13 Within 5 days of any changes of ownership of the Property notify the Director in writing describing the change of the ownership, except changes in the ownership of individual condominium units or any appurtenant common elements on the Property registered under the Condominium Act, 1998, S.O.1998 c.19.

4.14 In the event that the Owner complies with the provisions of Item 4.10 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 by the condominium corporation on behalf of the new Owners of the Property.

Part 5: Additional Information

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, 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.

5.2 An application under sub section 168.6(3) of the Act to,

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

b. revoke the CPU;

shall be made in writing to the Director, with reasons for the request.

5.3 The Director may alter 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 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,

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.

5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.

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 the date specified does not absolve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

5.9 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.

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

Part 6: Information regarding a Hearing before the Ontario Land Tribunal

6.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.

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 address, email address and fax numbers of the Director and the Tribunal are:

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

and

District Manager
Hamilton District Office
Ministry of the Environment, Conservation and Parks
119 King Street West, 9th Floor
Hamilton, Ontario
Email: Environment.Hamilton@ontario.ca

6.4 Unless stayed by 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 Environmental Bill of Rights, 1993 (the "EBR"), you must give notice to the public in the EBR registry. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

6.6 The notice must be delivered to the Environmental Commissioner of Ontario who will place it on the EBR registry. The notice must be delivered to the Environmental Commissioner at 605-1075 Bay Street, Toronto, Ontario M5S 2B1 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 service on you of a copy of the CPU.

6.7 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.

6.8 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

i. fifteen (15) days after the day on which notice of the issuance of the CPU is given in the EBR registry; and
ii. if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

6.9 The procedures and other information provided in Part 6 are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws.

Issued this *[date to be included when finalized]*.

Director, section 168.6 and 197 of the Act

Schedule 'A'

Table 1: Contaminants of Concern and Property Specific Standards

Media	Contaminants of Concern (COC)	Units	Property Specific Standards
Soil	Acenaphthylene	µg / g	0.41
Soil	Anthracene	µg / g	12
Soil	Barium	µg / g	1,000
Soil	Benzo(a)anthracene	µg / g	18
Soil	Benzo(a)pyrene	µg / g	9.9
Soil	Benzo(b)fluoranthene	µg / g	15
Soil	Benzo(k)fluoranthene	µg / g	4.5
Soil	Boron (HWS)	µg / g	3.4
Soil	Chrysene	µg / g	15
Soil	Dibenzo(a,h)anthracene	µg / g	1.2
Soil	Dichlorobenzene, 1,4-	µg / g	0.20
Soil	Fluoranthene	µg / g	40
Soil	Indeno(1,2,3-cd)pyrene	µg / g	4.1
Soil	Mercury	µg / g	1.1
Soil	Methylnaphthalene	µg / g	1.9
Soil	Naphthalene	µg / g	1.1
Soil	Phenanthrene	µg / g	46
Soil	Zinc	µg / g	720
Groundwater	Benzene	µg / L	1.7
Groundwater	Chloroform	µg / L	6.5
Groundwater	Dichloroethylene, 1,2-cis	µg / L	190
Groundwater	Tetrachloroethylene	µg / L	170
Groundwater	Trichloroethylene	µg / L	26
Groundwater	Vinyl Chloride	µg / L	33

Schedule 'B'

Table 2: Sub-Slab Vapour Trigger Limits (μg/m^3)

Contaminants of Concern	Sub-Slab Vapour Trigger Limits (μg/m^3)
Benzene	25.3
Dichlorobenzene, 1,4-	13.9
Dichloroethylene, 1,2-cis-	624
Mercury	0.94
Naphthalene	38.6
Tetrachloroethylene	214
Trichloroethylene	13.6
Vinyl Chloride	6.3

Table 3: Indoor Air Trigger Criteria (μg/m^3)

Contaminants of Concern	Health-Based Indoor Air Criteria (μg/m^3)
Benzene	0.506
Dichlorobenzene, 1,4-	0.278
Dichloroethylene, 1,2-cis-	12.5
Mercury	0.0188
Naphthalene	0.772
Tetrachloroethylene	4.28
Trichloroethylene	0.271
Vinyl Chloride	0.126

Schedule ‘C’

Figure 1: Plan of Survey

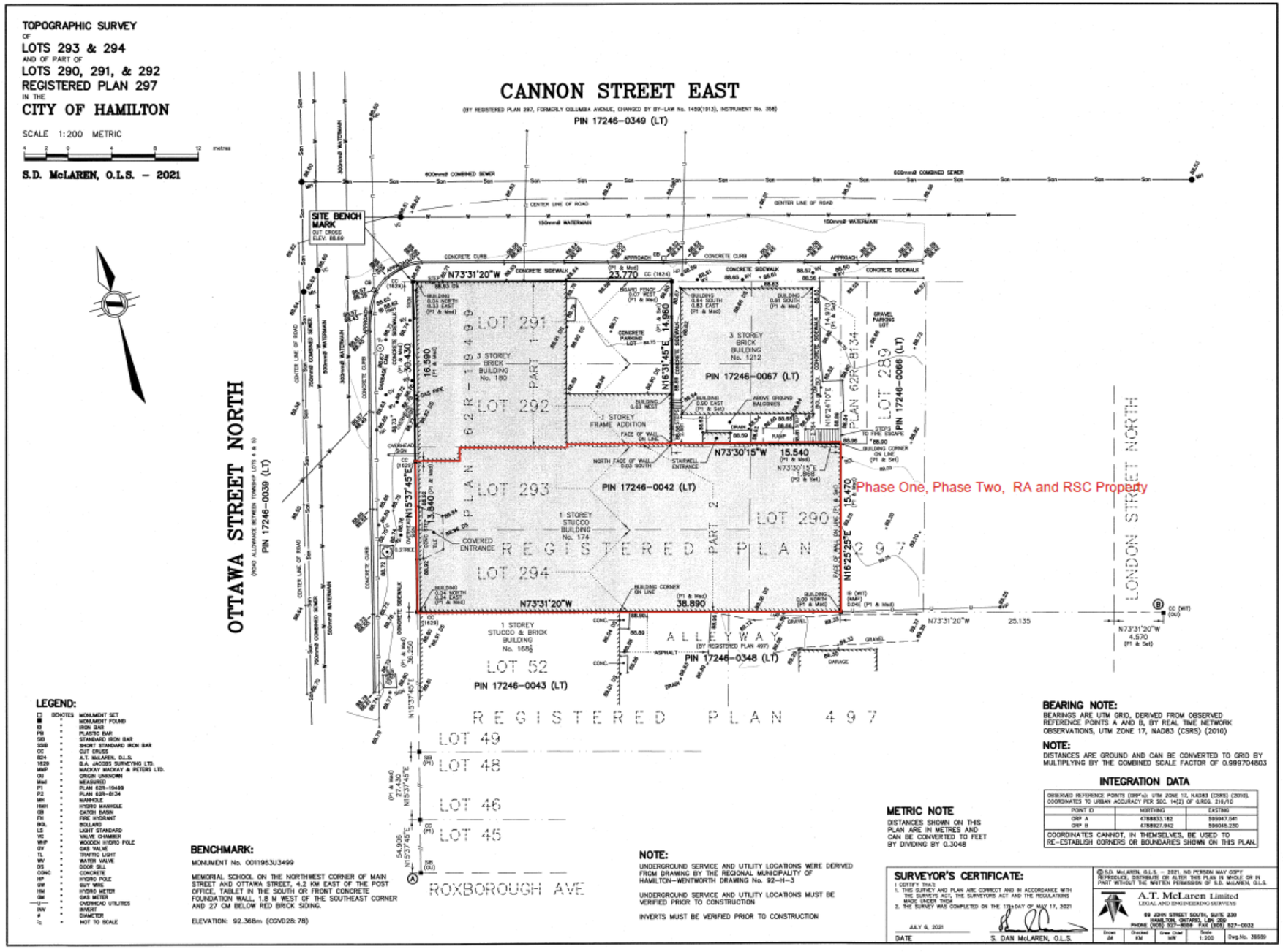


Figure 2: Vapour Mitigation System Design including Sub-Slab Vapour Sampling Proposed Locations

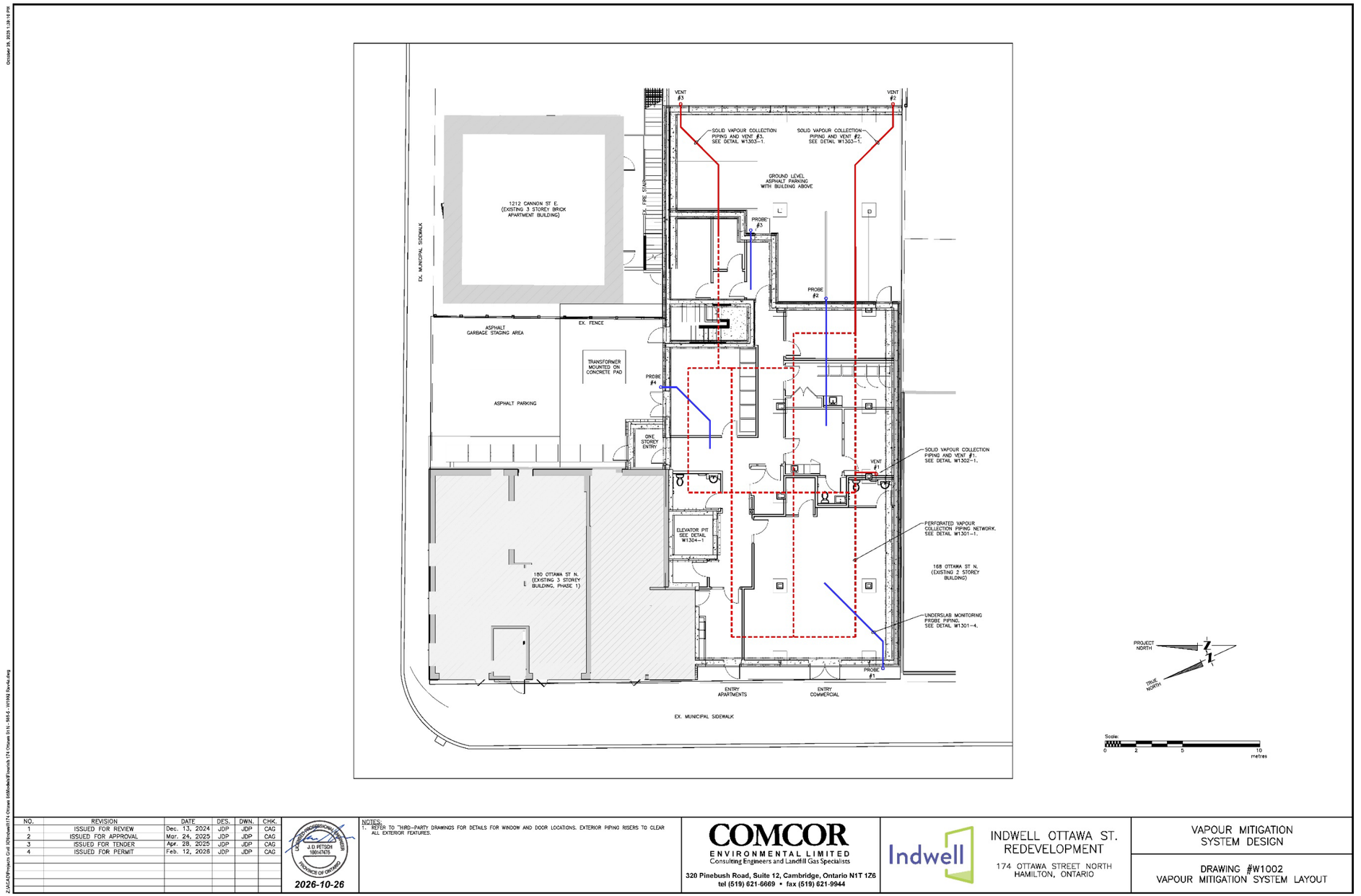
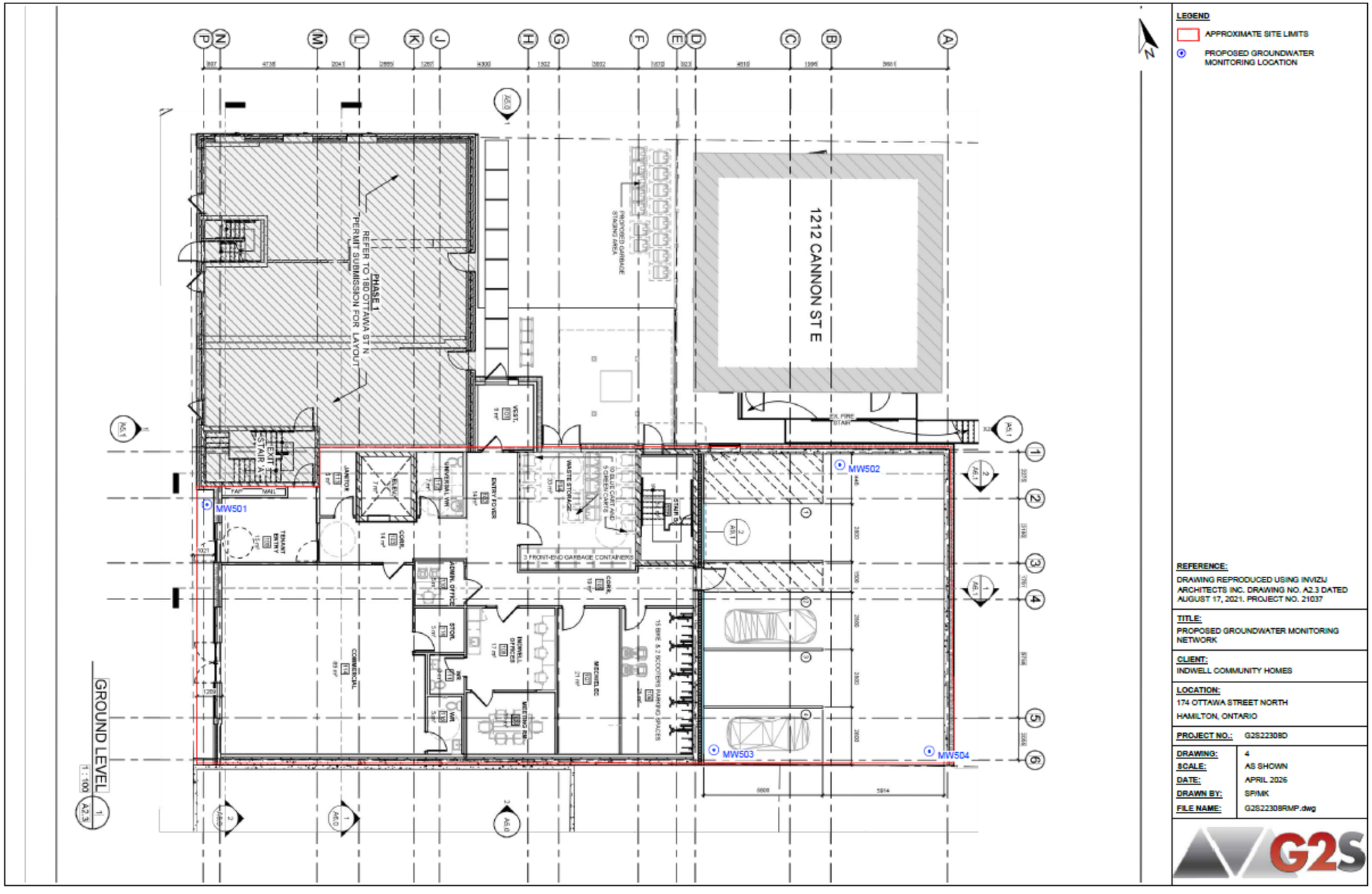


Figure 3: Groundwater Monitoring Proposed Locations



SCHEDULE ‘D’

CERTIFICATE OF REQUIREMENT

s.197(2)
Environmental Protection Act

This is to certify that pursuant to Item 7.1 of Certificate of Property **CPU 3077-DY6GTL** issued by **Stephen Burt**, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on [date to be included when finalized] being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as, **174 Ottawa Street North, Hamilton, Ontario and legally described as PART of Property Identifier Number 17246-0042 (LT)** (the “Property”) with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property,

Indwell Community Homes

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

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