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 6650-DZGGVQ
Risk Assessment number 7338-CB3NBE

Owner: 615 Kennedy Road Inc.
Unit 1 - 31 Scarsdale Road
Toronto, ON M3B 2R2

Site: **599 to 631 Kennedy Road, Toronto**

with a legal description as set out in Schedule '1'

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between 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	No
e.	Other: Maintaining a barrier to site soils and preparing and implementing a soil and groundwater management plan and health and safety plan for the Property.	Yes

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 management and groundwater plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing site soils and 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 the CPU the following terms shall have the meanings described below:

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

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

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

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

"Building Area" means the horizontal area of a Building at Grade within the outside surface of the exterior wall or walls.

"Building Code" means Ontario Regulation 163/24 (Building Code) made under the *Building Code Act, 1992*, S.O. 1992, c.23.

"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" has the meaning as set out in section 3.2 of the CPU.

"CPU" means this Certificate of Property Use as may be altered from time to time and bearing the document number 6650-DZGGVQ.

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

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

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

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

“Ministry” means the ministry of the government of Ontario responsible for the administration of the Act, currently named the Ministry of the Environment, Conservation and Parks.

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

“O. Reg. 347/90 means Ontario R.R.O. 1990, Regulation 347 General - Waste Management” made under the Act.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the CPU is issued, described in the “Owner” section on Page 1 above, and any beneficial or subsequent owners 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 described in the “Site” section on page 1 above.

“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" means a person who is designated as a provincial officer for the purposes of the Act.

“Qualified Person” means a person who meets the qualifications prescribed in 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 7338-CB3NBE accepted by the Director on October 29, 2026, and set out in the following documents:

- Report entitled “A Risk Assessment for 599-605 and 611-631 Kennedy Road, Toronto, Ontario, MECP File Reference PSF2023-22/IDS No. 7338-CB3NBE” prepared by Intrinsik Corp., dated May 2023;
- Report entitled “A Revised Risk Assessment for 599-605 and 611-631 Kennedy Road, Toronto, Ontario, MECP File Reference RA2023-22a/IDS No. 7338-CB3NBE” prepared by Intrinsik Corp., dated March 2025;
- Report entitled “A Revised Risk Assessment for 599-605 and 611-631 Kennedy Road, Toronto, Ontario, MECP File Reference RA2023-22b/IDS No. 7338-CB3NBE” prepared by Intrinsik Corp., dated December 2025;
- Report entitled “A Revised Risk Assessment for 599-605 and 611-631 Kennedy Road, Toronto, Ontario, MECP File Reference RA2023-22d/IDS No. 7338-CB3NBE” prepared by Intrinsik Corp., dated June 2026; and
- Report entitled “Addendum to Revised Risk Assessment for 599-605 and 611-631 Kennedy Road, Toronto, Ontario, MECP File Reference RA2023-22d/IDS No. 7338-CB3NBE” prepared by Intrinsik Corp., dated October 2026.

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

“Storage Garage” has the same meaning as in the Building Code.

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

Part 2: Legal Authority

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

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

1. 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.
2. 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 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 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 above the residential/parkland/institutional Property Use Standards within **Table 3 (**and **Table 7** for volatiles in groundwater**)** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011, for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule 'A', indoor air trigger levels are set out in Schedule 'B' and minimum number of indoor air samples in a building are set out in Schedule 'C' as attached to and forming part of the CPU with the following figures:

- Plan of Survey with Property outlined in red; and
- Figure K-1.

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

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 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. Refrain from planting any plants or produce that are edible or intended for human consumption on, in or under the Property unless the plants or produce that are edible or intended for human consumption are contained within above ground enclosed planter boxes that are separate from the site soils containing commercial soil products like topsoil.

b. 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 cap and/or fence as specified below:
   i. Hard caps on the Property for roads and walkways shall have a minimum depth of 225 mm consisting of asphalt and/or concrete underlain by granular fill (as illustrated by figure K-1 of the CPU).
   ii. Hard caps on the Property for floor slab, building footings and foundations shall have a minimum depth of 75 mm consisting of concrete (as illustrated by figure K-1 of the CPU).
   iii. Fill caps on the Property shall have a minimum depth of 1.0 m consisting of soil meeting the residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011 (as illustrated by figure K-1 of the CPU).
   iv. Fill caps for any deep rooting plants with roots extending 1.0 m below the surface of the Property (i.e. trees and shrubs) shall have a minimum depth of 1.5 m with a radius of a minimum of 2.4 m surrounding the plant meeting the residential/ parkland/institutional property use standards within ***Table 3 of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011 to support the root structure (as illustrated by figure K-1 of the CPU).
   v. For portion(s) of the Property not under development shall have existing hard caps in place or a fence barrier to prevent the general public from accessing these areas of the Property and a dust control plan to prevent surface soil from impacting the adjacent properties.

c. 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 Storage Garages, Building foundations and fence barriers) as long as the Contaminants of Concern are present on the Property. The inspection program shall include, at a minimum, semi-annual (every six months) 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.

d. A soil and groundwater management plan shall be prepared for the Property and implemented during any activities potentially coming in contact with or exposing site soils and groundwater. 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 cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment, 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 O. Reg. 347/90, 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 residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011, 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 residential/parkland/institutional property use standards within **Table 3** of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Act*** for coarse textured soils published by the Ministry and dated April 15, 2011 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. A site-specific health and safety plan shall be developed for the Property and implemented during all intrusive, below-grade construction activities potentially coming in contact with or exposing site soils and/or groundwater and a copy shall be maintained on the Property for the duration of these intrusive activities. The Owner shall ensure that the health and safety plan take into account the presence of the Contaminants of Concern and is implemented prior to any intrusive work being done on the Property in order to protect workers from exposure to the Contaminants of Concern. The health and safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, shall addresses any potential risks identified in the Risk Assessment, and shall include, but not be limited to,

i. occupational hygiene requirements

ii. requirements for personal protective equipment for direct contact of soils and groundwater as per Risk Assessment;

iii. requirements for any excavation and trench work by workers should also include including monitoring the trench airspace prior to entering and working as per Risk Assessment. and

iv. contingency plan requirements including site contact information.

Prior to initiation of any project (as defined in the Occupational Health and Safety Act, as amended) on the Property, the local Ministry of Labour office shall be notified of the proposed activities and that the Property contains contaminated soil and groundwater. Implementation of the health and safety plan shall be overseen by persons appropriately qualified to review the provisions of the plan with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the plan, which shall be made available for review by a Provincial Officer upon request.

f. Refrain from constructing any Building on, in or under the Property unless the Building includes a Storage Garage, as defined in Building Code and meets the following requirements:

i. The Storage Garage is constructed at or below the Grade of the Building; and

ii. The Storage Garage area covers the entire Building Area at Grade and any waterproofing if applicable and the sealing of all sumps and penetrations into the Building; and

iii. The Storage Garage is in compliance with all applicable requirements of the Building Code, including, without limitation, the provisions governing the following:

1. design of the mechanical ventilation system as set out in Division B, subsection 6.2.2.3, Ventilation of Storage and Repair Garages;
2. interconnection of air duct systems as set out in Division B, subsection 6.2.3.9 (2); and,
3. air leakage as set out in Division B, section 5.4.

iv. The mechanical ventilation system for the storage garage is designed to provide, during operating hours a continuous supply of outdoor air at a rate of not less than 3.9 litres per second for each square metre of floor area or be activated on an as-needed basis by carbon monoxide or nitrogen dioxide monitoring devices as required by the Building Code.

g. The air monitoring requirements for any Building on the Property is to commence prior to occupancy of any Building as per Risk Assessment. All air monitoring programs shall be done in accordance with USEPA Method TO-15 for all the Contaminants of Concerns listed in Schedule ‘B’ of the CPU with a summa canister and an eight (8) hour residence time for all indoor air sampling. The air monitoring program shall be carried out as follows:

i. Indoor air monitoring for any Building on the Property shall commence prior to occupancy of any Building and shall be carried out on a semi-annual basis (every six months) for the first year and thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.

ii. All air monitoring and sampling shall be done in accordance with the Ministry’s document entitled “(Draft) Technical Guidance for Soil Vapour Intrusion Assessment” dated January 4, 2021, and any outdoor air sampling

shall be done in accordance with The Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated January 2018 for the Contaminants of Concerns listed in Schedule 'B' of the CPU and shall be compared to the Ministry's "Ambient Air Quality Criteria" updated on September 21, 2023 or a more recent update on Ministry's web site.

iii. Sampling locations for the indoor air shall be identified by an appropriately qualified person to be protective of human health for any person using or occupying the buildings on the Property. The minimum number of indoor air sample locations for lowest level of the Storage Garage and the floor that is at Grade is dependent on the floor area of the final Building and shall follow minimum number of samples as indicated by Schedule 'C' of the CPU for each level or floor.

iv. If the air concentration for any Contaminants of Concern exceeds any trigger levels in Schedule "B" of the CPU, then the Owner shall immediately notify the Director in writing of the exceedance along with a copy laboratory's certificate of analysis and chain of custody, field notes indicating the initial and final canister pressures, atmospheric pressure, weather and temperature.

v. The Owner shall keep a copy of all air sampling data and records available for inspection by a Provincial Officer upon request.

vii. If the air concentration for the Contaminants of Concern exceeds Schedule 'B' of the CPU for indoor air monitoring, then the indoor air monitoring shall recommence for all Contaminants of Concern within ten (10) days of receipt of the analytical results and be carried out as follows:

1. If none of the concentrations of the Contaminants of Concern exceeds Schedule 'B' (indoor air trigger levels) of the CPU on the recommenced indoor air monitoring event, then indoor air monitoring shall be continued to be carried out semi-annual basis .
2. If any of the concentrations of the Contaminants of Concern exceeds Schedule 'B' (indoor air trigger levels) of the CPU on the recommenced indoor air monitoring event, then within thirty (30) days of the receipt of the analytical results,
   i. develop and submit a detailed contingency plan (as outlined in the Risk Assessment) to address the soil vapours in the Building; or
   ii. develop and submit a report to the Director that details these indoor air exceedances are due to background sources.

   The indoor air monitoring shall continue on a semi- annual basis (every six months) until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.

h. 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 alteration to the extent of the barriers to site soils
.

i. 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, and Storage Garage;
ii. a copy of all records related to the air monitoring programs including any copies of laboratory's certificate of analysis and chain of custody, field notes indicating the initial and final canister pressures, atmospheric pressure, weather and temperature on the day of sampling;
iii. a copy of all records related to the soil management plan and the health and safety plan on the Property;
iv. a copy of all signed site plans including any alterations;
v. confirmation that the Storage Garage is constructed at or below the Grade of the Building and covers the entire Building Area; and
vi. a copy of the updated cost estimate with respect to the matters dealt with in Item 4.12 (financial assurance) every five (5) years from the date of issuance of the CPU.

4.3 Refrain from using the Property for any of the following use(s): NA

4.4 Refrain from constructing the following building(s): No building construction unless construction is in accordance with Item 4.2 f. 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, unless noted N/A. 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 and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

Reports

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

Property Requirement

4.8 For the reasons set out in the CPU and pursuant to the authority vested in me under subsection 197(1) of the Act, I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of 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

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

4.10 Immediately after registration of the certificate of requirement, provide to the Director written verification that the certificate of requirement has been registered on title to the Property.

Owner Change

4.11 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.

Financial Assurance

4.12 Within fifteen (15) days of the date of the CPU, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of twenty-five thousand and two hundred dollars ($25,200.00) in a form satisfactory to the Director and in accordance with Part XII of the Act.

4.13 A written report reviewing the financial assurance required by the CPU shall be included in the annual report every five years as referred to as Item 4.2 j. of the CPU with an updated cost estimate with respect to the matters dealt with in Item 4.12 above

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, 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 In the event that the Owner complies with the provisions of Items 4.9 and 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, as amended, 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.

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

Part 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

Toronto District Manager
Ministry of the Environment, Conservation and Parks
5775 Yonge Street, 8th Floor
Toronto, Ontario
M2M 4J1
Fax: 416-326-5536
Email:Environment.Toronto@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.

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:

6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and

6.5.2 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 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:

6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the EBR registry; and

6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

6.8 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 at Toronto this XXth day of XXXX 2026.

DRAFT

Paul Celsie
Director, section 168.6 of the Act

Schedule ‘1’

Legal Description of the Property

Firstly: Part of Lots 1 and 2, Plan 3507 Designated as Part 3 on Plan 66R-27377; together with an easement over Part of Lots 1 and 2, Plan 3507 designated as Parts 1 and 2 on Plan 66R-27377 as in instrument number AT3886835; subject to an easement as in instrument number AT5911276; and

Secondly: Part of Lot 2, Plan 3507, being Part 3 on Plan 64R-8883; Scarborough, subject to an easement as in AT6718948; subject to an easement in gross as in instrument number AT6911354, City of Toronto.

Being all of PIN 06436-0666 (LT)

Schedule ‘A’

Property Specific Standards (Soil and Groundwater) for each Contaminant of Concern

Contaminants of Concern (COC)	Property Specific Standards (PSS) for Soil (µg/g)	Property Specific Standards (PSS) for Groundwater (µg/L)
Benzene	NA	0.84
Boron (HWS)	2.76	NA
Dichloroethylene, 1,1-	NA	1.4
Dichloroethylene, 1,2-cis-	NA	4,840
Dichloroethylene, 1,2-trans-	NA	67
Tetrachloroethylene	10	4,930
Trichloroethylene	1.5	1,930
Vinyl Chloride	NA	983

NA – not applicable

Schedule 'B'

Indoor Air Trigger Levels

Contaminants of Concern (COCs)	Indoor Air Trigger Levels ($\mu g/m^3$)	Ambient Air Quality Criteria ($\mu g/m^3$)
Benzene	1.63	2.3
Dichloroethylene, 1,2-trans-	42.9	105
Tetrachloroethylene	13.8	360
Trichloroethylene	0.872	12
Vinyl Chloride	0.813	1

Schedule 'C'

Minimum Number of Indoor Air Samples in a Building

Building Area (m^2)	Minimum Number of Samples*
Up to 500	2
> 500 to 1000	3
> 1000	1 additional sample for every 1000 m^2 over 1000*

* The number of samples calculated by density is rounded to the nearest whole number

Schedule 'D'

CERTIFICATE OF REQUIREMENT

s.197(2)
Environmental Protection Act

This is to certify that pursuant to Item 4.9 of Certificate of Property Use number 6650-DZGGVQ issued by Paul Celsie, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the Environmental Protection Act, on July 29, 2026, being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the Property municipally known as 599 to 631 Kennedy Street, Toronto being all of Property Identifier Number 06436-0666 (LT) (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

615 KENNEDY ROAD INC.

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.

Plan of Survey

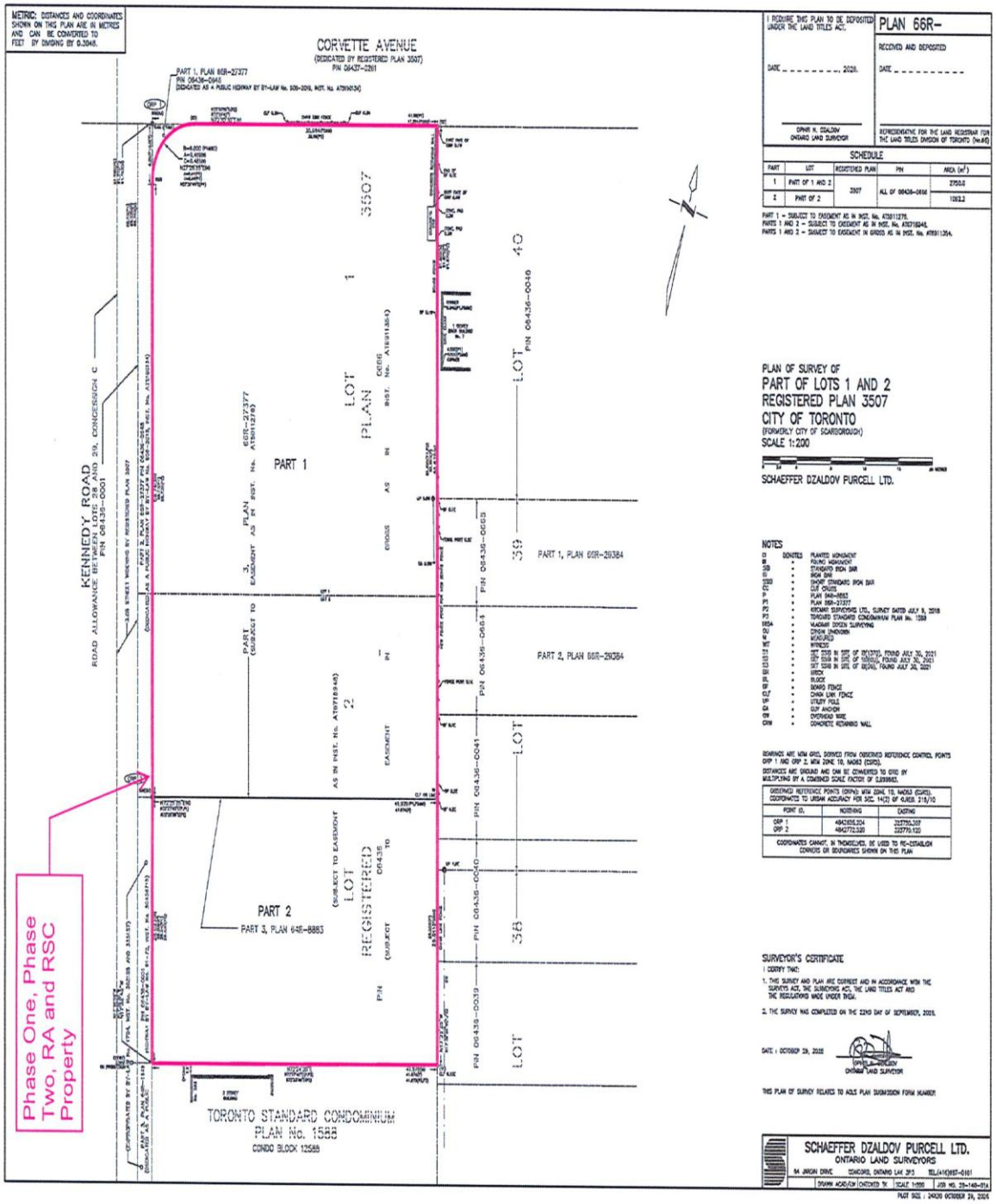
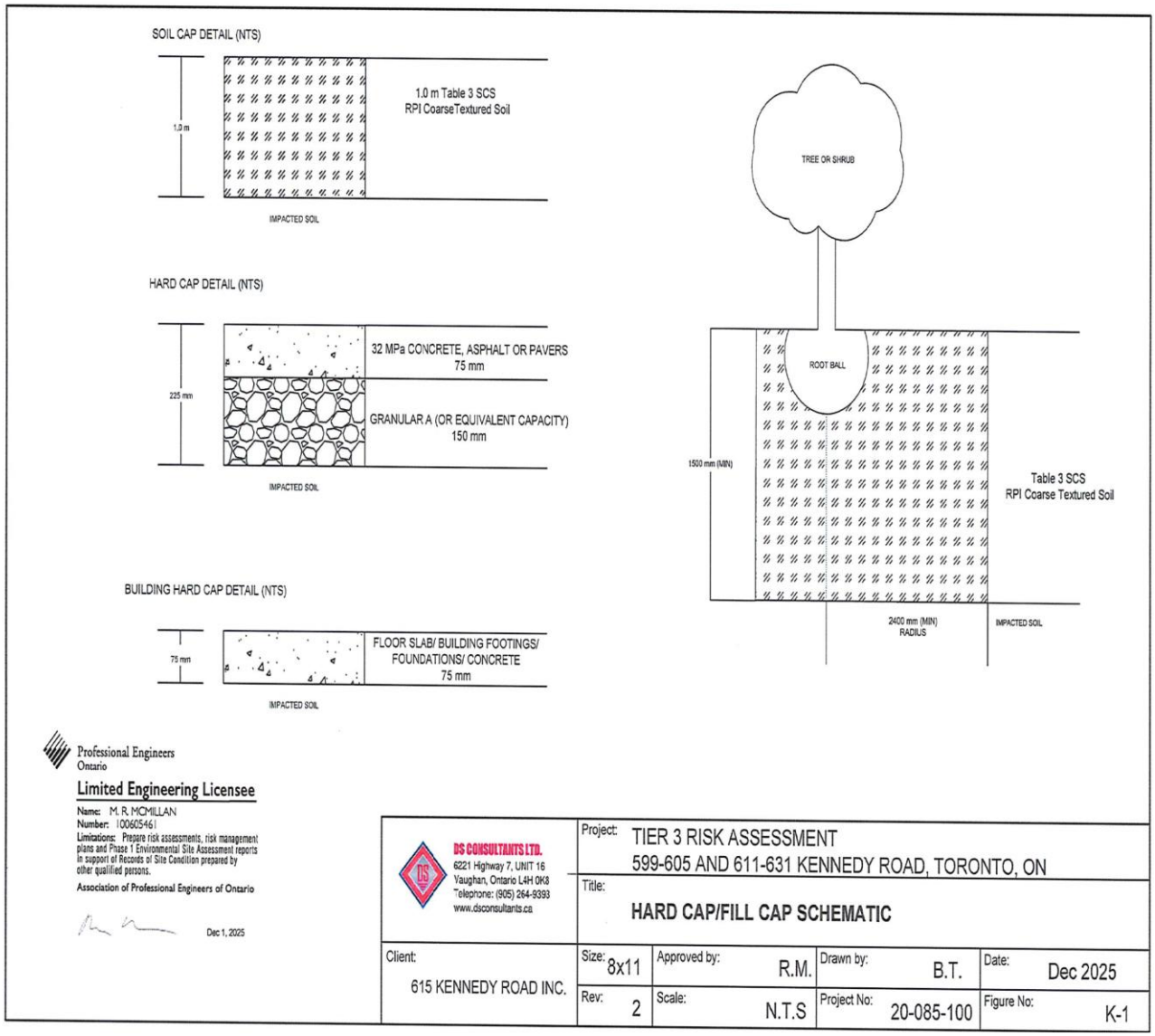


Figure K-1


SOIL CAP DETAIL (NTS)
1.0 m
1.0 m Table 3 SCS
RPI CoarseTextured Soil
IMPACTED SOIL
HARD CAP DETAIL (NTS)
225 mm
32 MPa CONCRETE, ASPHALT OR PAVERS
75 mm
GRANULAR A (OR EQUIVALENT CAPACITY)
150 mm
IMPACTED SOIL
BUILDING HARD CAP DETAIL (NTS)
75 mm
FLOOR SLAB/ BUILDING FOOTINGS/
FOUNDATIONS/ CONCRETE
75 mm
IMPACTED SOIL
TREE OR SHRUB
ROOT BALL
1500 mm (MIN)
Table 3 SCS
RPI Coarse Textured Soil
2400 mm (MIN)
RADIUS
IMPACTED SOIL
Professional Engineers
Ontario
Limited Engineering Licensee
Name: M. R. MCMILLAN
Number: 100605461
Limitations: Prepare risk assessments, risk management plans and Phase 1 Environmental Site Assessment reports in support of Records of Site Condition prepared by other qualified persons.
Association of Professional Engineers of Ontario
Dec 1, 2025
DS CONSULTANTS LTD.
6221 Highway 7, UNIT 16
Vaughan, Ontario L4H 0K8
Telephone: (905) 264-9393
www.dsconsultants.ca
Project: TIER 3 RISK ASSESSMENT
599-605 AND 611-631 KENNEDY ROAD, TORONTO, ON
Title: HARD CAP/FILL CAP SCHEMATIC
Client: 615 KENNEDY ROAD INC.
Size: 8x11
Approved by: R.M.
Drawn by: B.T.
Date: Dec 2025
Rev: 2
Scale: N.T.S
Project No: 20-085-100
Figure No: K-1