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Timmins District Office**

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**Ministère de l'Environnement, de la
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Bureau du district de Timmins**

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DATE , 2018

To: The Corporation of the City of North Bay
200 McIntyre Street East
North Bay, ON P1B 8H8
Attn: Mr. Peter Leckie, City Solicitor

Marina Point Village Real Estate Inc.
130 Elm Street, Suite 201
Sudbury, ON P3C 1T6
Attn: Dianna Leach-Petrone

The North Bay Parry Sound District Health Unit
345 Oak Street West
North Bay, ON P1B 2T2
Attn: Dr. Jim Chirico, Medical Officer of Health/Executive Officer

Re: Amendment to Certificates of Property Use:

**5873-6EJHQ(a) (Area 1A Commercial), dated July 22, 2005;
5873-6EJHQ(b) (Area 1B Parkland), dated August 26, 2005; and
5873-6EJHQ(c) (Area 1C Residential), dated August 26, 2005**

In 2005 the Ministry of the Environment, Conservation and Parks (ministry) issued the above-noted CPUs to The Corporation of the City of North Bay (City of North Bay). Each CPU included a legal description of the property and the risk management measures involved and a requirement to provide notice of the CPU and register on title a certificate of requirement to provide notice to persons who may acquire an interest in the property.

Since 2005 there have been transfers of some of the lands to other parties so that now you are the Owners, parties who are subject to the provisions of one or more of the CPUs. We are issuing this letter as an amendment to the CPUs to reflect the current ownership, to provide updates and to respond to the request for a specific amendment as noted below.

A. Background

Area 1A Commercial

On February 10, 2006 a Certificate of Requirement was registered on title as instrument BS13514 on PIN 49167-0242. It is hereby noted that reference to the previous PIN 49167-0224 set out in the CPU was struck out by hand in two of the three required places and Plan 36R-10780 was mistakenly identified as 10790.

The North Bay Parry Sound District Health Unit acquired some of the lands in Area 1A from the City of North Bay on December 22, 2014 and June 25, 2015 and these became the consolidated PIN 0264. These lands are primarily being used for commercial use.

The City of North Bay property that it now owns as part of Area 1A was formerly part of PIN 0242 and is now part of PIN 0266 and is being partially used by the City as a pedestrian bike path. The other portion of this property is also being used by Marina Point Village Real Estate Inc. (MPVREI) for access, parking, and landscaping relating to its residential development in Area 1C as a result of an easement granted by the City of North Bay registered as instrument BS13574 on February 17, 2006.

Area 1B Parkland

On March 9, 2006 a Certificate of Requirement was registered on title as instrument BS14363 on PINs 49167-0242, 0215 and 0216. It is hereby noted that reference to the previous PIN 49167-0224 set out in the CPU was struck out by hand in four of the four required places, but PIN 0229 was struck out in only two of the four required places. On April 20, 2006 a separate Certificate of Requirement was registered on title as instrument NB169459 regarding the PIN 49167-0229 in the registry system.

On October 18, 2006 some of the lands in Area 1B were transferred by the City of North Bay to 1711534 Ontario Inc. (part of lot 121 and all of lot 122 and 123 of Plan 38, now designated as part 1 of 36R11426; North Bay; District of Nipissing, being part of PIN 49167-0255) to be used as a commercial parking lot servicing the buildings on the abutting property. On September 25, 2018 the Ministry received a letter from Dr. Rod Johnston acknowledging that the property had issues of contamination on it at depth and that this was being addressed by limiting the use of the property to a commercial parking lot. It was also confirmed that any future change in the use of the property to another commercial or community use would require the consideration of risk by a qualified person and further that any future change in use of the property to agricultural, institutional, parkland, or residential would require a new record of site condition per Ontario Regulation 153/04.

On March 6, 2018, a small triangular parcel of land (the Triangle Property) approximately 0.18 hectares forming part of Area 1B was transferred by the City of North Bay to MPVREI (PIN 0265), to be used as part of its residential development in Area 1C.

On April 6, 2018 the Ministry received a letter on behalf of MPVREI from Gauvreau GeoEnvironmental Group Inc. which included an opinion letter from Intrinsik Corp. that there would be no residential health risk expected if the Triangle Property were moved from Area 1B to Area 1C and be subjected to the Risk Management Measures set out in CPU 5873-6EJHQR(c). The letter requested that the Triangle Property be so moved which would make all the MPVREI lands subject to the same CPU.

The City of North Bay property that it now owns in Area 1B was formerly part of PIN 0242 and is now part of PIN 0266 and is being used as parkland.

Area 1C Residential

On February 10, 2006 a Certificate of Requirement was registered on title as instrument BS13513 on PIN 49167-0241. It is hereby noted that reference to the previous PIN 49167-0224 set out in the CPU was struck out by hand in two of the three required places.

On February 17, 2006, surface lands of Area 1C (PIN 0245) were transferred by the City of North Bay to 1323254 Ontario Inc. which later changed its name to MPVREI. The remaining subsurface lands owned by the City of North Bay became PIN 0246.

B. Amendments to the CPUs

Based on the Ministry's review and pursuant to my authority under subsection 168.6(3) of the Environmental Protection Act (Act), I hereby alter the CPUs as set out below to (i) transfer the Triangle Property and make it subject to the Risk Management Measures set forth in CPU 5873-6EJHQR(c); (ii) remove from the CPU 5873-6EJHQR(b) (Area 1B Parkland) the property transferred by the City of North Bay to 1711534 Ontario Inc. being used as a parking lot; (iii) permit some specific, existing residential uses within the Area 1A Commercial and CPU5873-6EJHQR(a) that align with the easement registered as BS13754; and (iv) further update the CPUs.

The terms herein that are capitalized have the meanings described herein or in the CPUs.

I. Updating the Owners and Legal Descriptions

The client (Owner) and the Property legal descriptions information set out on Page 1 of each CPUs is hereby revoked and are replaced by the updated list of current Owners and the legal descriptions as set out in each of the respective Schedules attached hereto.

This amendment transfers the Triangle Property from the CPU 5873-6EJHQR(b) (Area 1B Parkland) to the CPU 5873-6EJHQR(c) (Area 1C Residential) as requested.

This amendment also removes from the CPU 5873-6EJHQR(b) (Area 1B Parkland) the property transferred by the City of North Bay to 1711534 Ontario Inc. being used as a parking lot.

II. Updating the Definitions

The following Definitions included in "Part1: Interpretation" of the CPUs are hereby revoked and replaced by the following to reflect the Ministry's current name and a broader definition of Owner.

"Ministry" means the ministry of the Minister of the Environment, Conservation and Parks, or such other member of the Executive Council, as may be assigned the administration of the Act under the Executive Council Act, R.S.O. 1990, c. E.25, from time to time;

"Owner" means the owner(s) of the Property, beginning with The Corporation of the City Of North Bay, the person to whom the CPU was originally issued, and any subsequent owner(s) of the Property.

III. Figures and Plans of Survey

For ease of reference, a copy of the following are attached hereto and are hereby added to the CPUs to further identify the lands which are the subject matter of the CPUs:

Attachment 1: Figure 2 "Existing Site Conditions, Risk Management Plan, Former Rail Lands/North Bay Waterfront, North Bay, Ontario, The Corporation of the City of North Bay and Community Waterfront Friends (North Bay) Inc." (dated July 7, 2005) which was referred to in the CPUs and outlines the Areas 1A, 1B and 1C;

Attachment 2: North Bay Waterfront Certificates of Property Use Figure, prepared by the Ministry;

Attachment 3: Plan 36R-14166 (the Triangle Property); and

Attachment 4: Marina Point Block C Addition Site Plan dated November 24, 2017.

Part 4: Director Requirements

“The Corporation of the City of North Bay” in the introduction to Part 4 of the CPUs is hereby deleted and replaced with “the Owner” so that it now reads as follows:

Pursuant to the authority vested in me under section 168.6(1) of the Act, I hereby require the **Owner** to do the following:.

IV. Use of Area 1A – Commercial lands

Section 4.3 of CPU 5873-6EJHQR(a) is hereby deleted and replaced to permit the use set out in easement BS13754 so that it now reads:

Refrain from using the Property for any use other than the following use(s): *Commercial and Residential where the Residential use is solely for the purposes set out in the easement registered as BS13754, being for access, parking, landscaping, building support and such sanitary laterals, storm sewers, storm ceptors and watermains as required to service the building and adjacent parking areas.*

V. Certificates of Requirement Registrations

There is no need to reregister the Certificates of Requirements to correct the errors noted above in the Background section this CPU amendment.

There is a need however to change some of the registrations as noted in the Schedules. This will be done by the Ministry and the City of North Bay and MPVREI after the issuance of this CPU amendment.

C. Consent Amendment and Disclosure Requirements

This letter is being issued following a discussion with the Owners and the MPVREI consultant. It is understood and agreed that Part 6 of each CPU, Hearing before the Environmental Review Tribunal, applies if any Owner wishes to appeal any provision in this letter and the amended CPU.

The original issuance of the CPUs was not posted on the Environmental Bill of Rights, 1993 Environmental Registry but the CPUs and this amendment have been posted as EBR Registry Number **To Be Determined**.

A copy of this amendment along with the original CPUs will need to be disclosed by the Owners before dealing with the property subject to the CPUs in any way to every person who will acquire an interest in the property as a result of the dealing as required by Item 4.8 of the CPUs.

If you have any further questions or require additional information/clarification please contact Peter Wideman at 705-564-3013.

Carroll Leith
Director, section 168.6 of the Act

cc. Peter Wideman, District Engineer, Sudbury District of the Ministry
Nancy Hartry, Regional Counsel of the Ministry

Parties required under section 50 of O. Reg. 153/04:

Carly Price, Chief Building Official, City of North Bay and
Karen McIsaac, City Clerk, City of North Bay

1711534 Ontario Inc.
245 Oak Street, Suite 100
North Bay, ON P1B 8B8
Attn: Dr. Rod Johnston

SCHEDULE A

Lands that are subject to Certificate of Property Use 5873-6EJHQR (a) (Commercial)

Owner	Legal Description	Current Pin
The Corporation of the City of North Bay Certificate of Requirement BS13514	PT LT 21 Con D Widdifield, PTS 1,2,3,4,5,7, 8, 9, 21 PL 36R11715; PT Railway St., PT 7 & 8, 36R10780; PT Foran St., PT 9, 36R-10780; S/T Easement over PTS 5, 8, 17, 18 & 19, 36R11715 as in BS13754	Part of 49167-0266
North Bay Parry Sound District Health Unit Certificate of Requirement BS13514	PT LT 21 Con D Widdifield, PT 2 PL 36R11715; PT LT 21 Con D Widdifield, PTS 14 & 15, PL 36R11988; SRO: PT LT 21 Con D Widdifield Pts 9 & 18, PL 36R-11988; District of Nipissing; T/W Easement over PT LT 21 Con D Widdifield, Pts 5, 6, 7 & 8, PL 36R11988 as in BS157554; City of North Bay	All of 49167-0264

SCHEDULE B

Lands that are subject to Certificate of Property Use 5873-6EJHQR (b) (Parkland)

Owner	Legal Description	Current Pin
The Corporation of the City of North Bay Certificate of Requirement BS14363	PT LT 20, Con D Widdifield, PT Wyld St. PL 38 Widdifield; PT Sherbrooke St. PL 38 Widdifield PT Railway St. PL 38 Widdifield; PT LT 118-121 PL 38 Widdifield; LT 126 PL 38 Widdifield; PT LT 127-128 PL 38 Widdifield PT 1 36R10782; PT LT 20-21 Con D Widdifield; PT 1, 2,3 36R10781, PT 9 36R10781; PT 10 36R10781; PT LT 20 Con D Widdifield, PT 16, 36R10781; PT LT 20-21 Con D Widdifield, PT 1 & 7 36R-5206 EXCEPT PT 4 & 5 36R6599 & EXCEPT PTS 9 & 18 on PL 36R11988 & EXCEPT Pts 14 & 15 PL 36R11988; S/T Easement over PTs 5, 8, 17, 18 & 19, 36R11715 as in BS13754; North Bay; District of Nipissing	Part of 49167-0266
Certificate of Requirement BS14363	Ferguson St. PL 38 Widdifield SW of Oak St; North Bay; District of Nipissing	All of 49167-0215
Certificate of Requirement BS14363 NEEDS TO BE ADDED	PT Lt 20 Con D Widdifield, Pt 1, 36R8867 & Pt 13, 36R10781; North Bay; District of Nipissing	All of 49167-0216
Certificate of Requirement NB169459	PT LT 174-182 PL 38 Widdifield; PT Toronto St, PL 38 Widdifield; PT LT 20 Con D Widdifield; North Bay, District of Nipissing	All of 49167-0229

SCHEDULE C

Lands that are subject to Certificate of Property Use 5873-6EJHQR (c) (Residential)

Owner	Legal Description	Current Pin
<p>Marina Point Village Real Estate Inc.</p> <p>Certificate of Requirement BS13513</p> <p>NEED TO ADD Certificate of Requirement BS13513</p> <p>NEED TO DELETE FROM BS13514 and BS14363</p>	<p>Pt Lt 21 Con D Widdifield, Pts 1, 5 to 8, 17 & 19, PL 36R11988; S/T Easement over Pts. 5 to 8 & 19, PL 36R11988 as in BS13754; T/W Easement over Pts 5, 8, 17, 18 & 19 PL 36R11715 & Pts 2, 3, 4 PL 36R11988 as in BS13754; City of North Bay; District of Nipissing; S/T Easement over Pts 5, 6, 7 & 8, PL 36R11988 in favour of PT LT 21 Con D Widdifield, PT 2 PL 36R11715; PT LT 21 Con D Widdifield, PTS 14 & 15 PL 36R11988; SRO: PT LT 21 Con D Widdifield Pts. 9 & 18 PL36R11988 as in BS157554;</p> <p>PT LT 21 Con D Widdifield being PT 1, PL 36R-14166; City of North Bay</p>	<p>All of 49167-0245</p> <p>All of 49167-0265</p>
<p>The Corporation of the City Of North Bay</p> <p>Certificate of Requirement BS13513</p>	<p>PT Lt 21 Con D, Widdifield, Pts 2,3,4, 10 to 13 & 16, 36R11988, T/W Easement over PT 5 to 8 & 19, 36R11988 as in BS13574; S/T Easement over Pts. 2,3 & 4 36R11988 as in BS13754; City of North Bay; District of Nipissing</p>	<p>All of 49167-0246</p>