

## Certificate of Property Use

Issued under the authority of the Environmental Protection Act, R.S.O. 1990, c. E. 19, sections  
168.6, 132 and 197

Certificate of Property use number 8436-AQNNGU  
Risk Assessment number 7357-A9FQEC

**Owner:** 2467766 Ontario Inc.

**Site:** 69-79 Main Street South and 94-96 Mill Street, Halton Hills (Georgetown), Ontario

With a legal description of :

PT LT 3, PL 37, E OF MAIN STREET OR N WEST MILL ST AS IN 305780; PT LT 18,  
CON 9 ESQ, PT LTS 1, 2, 3 PL E OF MAIN ST OR NW OF MILL ST, PTS 1, 2, 3, 7, 8  
20R4220; PT LTS 1, 2, 3 PL 37 E OF MAIN ST OR NW OF MILL ST AS IN 542657;  
SUBJECT TO AN EASEMENT OVER PT 1 20R20126 IN FAVOUR OF PT LT 1 PL 37 E  
OF MAIN ST OR NW OF MILL ST AS IN 731988, AS IN HR1312251; SUBJECT TO AN  
EASEMENT OVER PTS 2, 3, 4, 5 20R20126 IN FAVOUR OF PT LT 1, PL 37 E OF  
MAIN ST AS IN 731988, AS IN HR1482529; TOWN OF HALTON HILLS

BEING ALL OF PIN 25042-0155 (LT)

The conditions of this Certificate of Property Use and section 197 order set out the requirements regarding the above-noted Property and the Risk Assessment carried out in relation to the Property which was assigned the number noted above and is described in more detail in Part 1 below.

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

### Part 1: Interpretation

In the CPU the following terms shall have the meanings described below:

“Act” means the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended.

“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.

“Barrier” means the hard cap barrier and/or fill cap barrier as set out in Item 4.2.1 of the CPU.

“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 332/12 (Building Code) as amended to January 1, 2015, 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 Item 3.2 of the CPU.

“CPU” means this certificate of property use and section 197 order as may be altered from time to time and bearing document number 8436-AQNNGU.

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use and a section 197 order.

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

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

“Inspection Program” means the inspection and maintenance program for the Barrier requirements as set out in Item 4.2.2 of the CPU.

"Ministry" means Ontario Ministry of the Environment and Climate Change.

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

“Owner” means the owner(s) of the Property, beginning with the person to whom the CPU is issued, 2467766 Ontario Inc., described in the “Owner” section on page 1 above, being the current registered and beneficial owner, and any subsequent owner(s) of the Property.

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

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

“Property Specific Standards” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in Item 3.2 of the CPU and are the same as the standards specified in the Risk Assessment, and are attached hereto as Schedule “A”.

"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 licence, limited licence or temporary licence under the Professional Engineers Act, or (b) holds a certificate of registration under the Professional Geoscientists Act, 2000, and is a practising member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

“Risk Assessment” means the Risk Assessment 7357-A9FQEC accepted by the Director on January 22, 2018 and set out in the following documents:

- “Risk Assessment Pre-Submission Form and Streamlined Tier 3 Risk Assessment, 69-79 Main Street South and 94/96 Mill Street, Georgetown, ON”, report prepared by exp Services Inc., dated April 14, 2016;
- “Revised Streamlined Tier 3 Risk Assessment 69-79 Main Street South and 94-96 Mill Street, Georgetown, Ontario”, report prepared by exp Services Inc., dated November 23, 2016;
- “Revised Streamlined Tier 3 Risk Assessment Report of 69-79 Main Street South and 94-96 Mill Street, Georgetown, Ontario”, report prepared by exp Services Inc., dated June 19, 2017;
- “RE: Request for Additional Information - RA1520-16 - 69-79 Main Street South and 94/96 Mill Street, Georgetown, ON [IDS# 7357-A9FQEC]”, email from Robert Helik, exp Services Inc., received by SDB on July 25th, 2017, with the following attached:
  - Replacement Pages\_RA1520-16\_25JUL2017.pdf ; and
- “RE: Request for Additional Information - RA1520-16 - 69-79 Main Street South and 94/96 Mill Street, Georgetown, ON [IDS# 7357-A9FQEC]”, email from Mark Beasy, exp Services Inc., received by MOECC on December 22, 2017, with the following attached:
  - annotated16-049RP01A-SignedNov.102017.pdf
  - expletter.december20.pdf
  - Parcel register consolidated PIN.PDF
  - Transfers.pdf
- “RE: Request for Additional Information - RA1520-16 - 69-79 Main Street South and 94/96 Mill Street, Georgetown, ON [IDS# 7357-A9FQEC]”, email from Mark Beasy, exp Services Inc., received by MOECC on January 22, 2018, with the following provided by ftp account:
  - Appx V - Storage Garage Engineering - Revised Jan9-2018
  - BRM-00603467-H0-FIG 1
  - L.1 - RA Assumption Deviations - Revised Jan9-2018
  - Ongoing MW Locations and Identifiers
  - Revised Georgetown 2018 - 2016 MGRA Model
  - RMP - Revised Jan9-2018
- Appendix V – Engineering Risk Management Measures: Storage Garage, 68-79 Main Street South and 94-96 Mill Street, Georgetown, ON, signed by Rob Helik, P.Eng., exp Services Inc., dated January 2018.

"Risk Management Measures" means the risk management measures specific to the Property described in Section 7 of 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 Environmental Review Tribunal.

“Unimpacted Soil” means soil in which no Contaminant is present or in which one or more Contaminants are present, but at a concentration, in the case of each Contaminant present, which is less than the risk based concentrations developed in the Risk Assessment without incorporation of risk management measures.

## **Part 2: Legal Authority**

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a

requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,

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

2.3 Subsection 168.6(1) of the Act states that if a risk assessment relating to a 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 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 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”, and/or “Commercial Use” as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in or under the Property that are present above the Table 2 standards 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 or for which there are no such standards, are set out in the Risk Assessment and in Schedule “A” and are defined in the CPU as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU. Also, attached to, and forming part of, the CPU are the following figures:
- Plan of Survey of Lots 2 and 3 and Part of Lot 1 East of Main Street Northwest of Mill Street Registered Plan 37 and Part of Lot 18, Concession 9 (Geographic Township of Esquesing ) Town of Halton Hills, Regional Municipality of Halton, prepared by KRCMAR Surveyors Ltd., dated November 10, 2017
  - Figure 1, “Cross -Section of Underground Parking and lowest Allowable Elevation of Concrete Slab, 69 to 79 Main Street South and 94/96 Mill Street, Georgetown, Ontario”, prepared by exp Services Inc., dated January 2018
  - Figure 20, “Proposed Monitoring Well Location Plan, Risk Assessment, 69 to 79 Main Street South and 94/96 Mill Street, Georgetown, Ontario”, prepared by exp Services Inc., dated June 2017
- 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.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment that the Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of buildings and/or the provisions as outlined in Part 5 of the CPU.
- 3.5 I am of the opinion, that the requirements set out in Part 6 of the CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment and in Part 4 of the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of the CPU and the registration of notice of the CPU on title to the Property as set out in the section 197 order requirements in Part 7 of the CPU.

### **Part 4: CPU Risk Management Measures relating to the Risk Assessment and the Property**

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)1 of the Act:

## Risk Management Measures and Monitoring and Reporting Requirements

- 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:
- 4.2.1 The Owner shall maintain, under the supervision and direction of a Qualified Person, and in accordance with Section 7.2 of the Risk Assessment, a hard cap barrier and/or fill cap barrier (“Barrier”) to the site soils in the Property so as to prevent the exposure to the Contaminants of Concern. The requirement to maintain the Barrier shall remain in place until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU. Prior to the Property or any part thereof being used or developed there is no need for a Barrier provided that exposure to the Contaminants of Concern that may cause an Adverse Effect is prevented by temporary fencing. The Barrier shall consist of a hard cap including future building slabs, concrete or asphalt areas, and/or fill cap, as specified below:
- (a) The hard cap barrier shall consist of capping of areas on the Property where Impacted Soils are present at or within 1.0 metre below the soil surface as follows:
    - i. Concrete slab consisting of concrete to a minimum depth of 75 mm followed by a minimum of 150 mm of Granular ‘A’ or equivalent, as designed by a professional engineer; and/or
    - ii. Asphalt or concrete areas to consist of a minimum of 75 mm of asphalt or concrete followed by a minimum 150 mm of clean Granular “A” or equivalent, as designed by a professional engineer.
  - (b) The fill cap barrier shall consist of capping of areas on the Property where Impacted Soils are present at or within 1.0 metre below the soil surface with a minimum of 1.0 metre of cover, consisting of at least 0.5 metre of Unimpacted Soil immediately on top of a geotextile material, and, above the Unimpacted Soil, may also include up to 0.5 metre of non-soil surface treatment such as asphalt, concrete or aggregate.
  - (c) Within 90 days of completion of the installation of the Barriers and fencing, as described in Item 4.2.1, the Owner shall submit to the Director written confirmation signed by a professional engineer that the Barriers have been installed in accordance with the requirements of Section 7.2.2 of the Risk Assessment and this CPU. The written notification shall include a site plan that clearly identifies the location of each of the different Barriers and cross section drawing(s) specifying the vertical and lateral extent of the Barriers and the location of any fencing.
- 4.2.2 An inspection and maintenance program (“Inspection Program”) shall be prepared and implemented to ensure the continuing integrity of the Barrier described in Item 4.2.1 for as long as the Contaminants of Concern are present on the Property. The Inspection Program shall be carried out in accordance with Section 7.2.2 of the Risk Assessment and include, at a minimum, semi-annual (spring and fall) inspections of the Barrier’s integrity. The Owner shall keep records of the inspection and maintenance and make them available for review by a Provincial Officer upon request. If as a result of the Inspection Program or otherwise, the Owner becomes aware of any crack, breach or loss of integrity of the Barrier, with the potential to expose underlying soil, the Owner shall promptly take steps to repair the Barrier. If the Barrier cannot be repaired or addressed in a timely manner; contingency measures, as determined by a Qualified Person, shall be implemented to limit any further exposure of receptors to the Contaminants of Concern that have been identified on the Property. The restoration of any damaged portions of the Barrier shall meet the original design specifications, at minimum, as detailed in Item 4.2.1.
- 4.2.3 Refrain from constructing any Building on the Property unless the Building includes a Storage Garage, and:
- (a) The Storage Garage is constructed at or below the Grade of the Building;
  - (b) The Storage Garage is constructed such that the elevation of the bottom of the slab of the lowest

level of the Storage Garage is a minimum of 240.37 metres above sea level as shown in Figure 1 “Cross Section of Underground Parking and lowest Allowable Elevation of Concrete Slab, 69 to 79 Main Street South and 94/96 Mill Street, Georgetown, Ontario”, of the CPU.

- (c) The Storage Garage area covers the entire Building Area at Grade; and
  - (d) The Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing
    - i. design of a mechanical ventilation system as set out in Division B, Article 6.2.2.3. (Ventilation of Storage and Repair Garages) of the Building Code;
    - ii. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.9. (Interconnection of Systems) of the Building Code; and
    - iii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
  - (e) The mechanical ventilation system for the Storage Garage is designed to provide, and provides at all times, 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.
- 4.2.4 Upon issuance of the CPU a ground water monitoring program shall be carried out by the Owner to confirm the ground water quality on the Property and to monitor the potential the potential that on-site ground water may pose to off-site receptors in accordance with Section 7.4.2 of the Risk Assessment. The ground water monitoring program shall include, but not be limited to the following components.
- (a) Be overseen by a Qualified Person;
  - (b) Consist of the measurement of ground water levels and the collection of ground water samples at the following monitoring wells as identified in Figure 20, “Proposed Monitoring Well Location Plan, Risk Assessment, 69 to 79 Main Street South and 94/96 Mill Street, Georgetown, Ontario” of the CPU;
    - i. Upgradient monitoring well location: MW18-1, and
    - ii. Downgradient monitoring well locations: MW18-2 and MW18-3;
  - (c) The measurement of ground water levels and the collection of ground water samples shall occur on a quarterly basis (every three months) for a minimum of two years upon which time the frequency can be reduced upon the recommendation of the Qualified Person in consultation with the Director;
  - (d) Ground water samples shall be sent to an accredited laboratory and analysed for the Contaminants of Concern as identified in Schedule “A” of the CPU;
  - (e) The Owner shall keep a copy of all ground water sampling data available for inspection by a Provincial Officer upon request;
  - (f) Any changes to the ground water monitoring program, including changes to the any of the selected ground water monitoring wells, must be requested in writing by the Qualified Person and these changes can only be implemented upon receiving approval from the Director in writing;
  - (g) In the event that any monitoring well is destroyed during construction or site activities the monitoring well shall be replaced with a similarly constructed well proximate to the same location as the destroyed well; and
  - (h) In the event that concentrations of any Contaminants of Concern in ground water are identified to exceed either the Property Specific Standard for the Contaminant of Concern as identified in Table 1B of Schedule “A” in any of the monitoring wells or the Target Ground Water Quality Concentration as identified in Table 1B of Schedule “A” in one or more of the downgradient monitoring wells, the Owner shall implement following contingency plan:

- i. Notify the Director in writing within 14 calendar days of the Owner receiving the laboratory analyses. Written notification shall be prepared by a Qualified Person and shall include the ground water data, laboratory certificates of analyses and timeline for the implementation of the confirmatory sampling program,
- ii. Within 30 calendar days of the Owner receiving the laboratory analysis the confirmatory ground water sampling program shall be implemented by the Qualified Person,
- iii. In the event that the ground water concentrations continue to be observed to exceed their respective Property Specific Standard, and/or Target Ground Water Quality Concentration, the Owner shall notify the Director in writing within 14 calendar days of the Owner receiving the laboratory analysis. Written notification shall be prepared by a Qualified Person and include the ground water data, laboratory certificates of analysis and timeline for the submission of a proposed remedial action plan,
- iv. Within 30 calendar days of the Owner receiving the laboratory analysis, the Owner shall submit to the Director a proposed contingency plan for review and approval. The proposed contingency plan shall be prepared by a Qualified Person and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations for any additional investigation and/or monitoring as may be required and or recommendations for the implementation of additional risk management and/or remediation measures as may be necessary,
- v. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan,
- vi. Within 30 calendar days of approval of the contingency plan by the Director, the Owner shall submit written confirmation, along with supporting documentation, prepared by a Qualified Person that the contingency plan has been implemented.

4.2.5 A soil and ground water management plan shall be prepared and implemented for the Property during any activities potentially in contact with or exposing site soils and ground water. A copy of the plan shall be made available for review by the Ministry upon request. The plan shall be overseen by a Qualified Person and comply with the requirements of sections 30 to 39 of Schedule "E" (Phase Two Environmental Site Assessments) of O. Reg. 153/04 as amended and shall include but not be limited to, provisions for soils excavation, stockpiling, characterization, disposal and record keeping specified below:

- (a) Dust control measures and prevention of soil tracking by vehicles and personnel from the Property, including wetting of soil with potable water, reduced speeds for on-site vehicles, tire washing stations and restricting working areas in high wind conditions;
- (b) Management of excavated material and contaminated ground water including 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 off-site disposal or other approved treatment;
- (c) Characterization of excavated soil and ground water to determine if excavated soil and ground water exceeded the Property Specific Standards in Schedule "A" and/or the applicable generic site condition standards for parameters not identified in Schedule "A" and require off-site disposal in accordance with the provisions of O. Reg. 347, as amended, made under the Act;
- (d) Sampling of soil to be received at the Property shall be undertaken in accordance with Section 34 of Schedule "E" of O. Reg. 153/04; and
- (e) 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, all materials characterization results, names of the Qualified Person, contractors, haulers and receiving sites for any materials removed from the Property and any complaints received relating to site activities.



- 4.2.6 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 or ground water and a copy shall be maintained on the Property for the duration of these intrusive activities. For projects that involve intrusive, below-grade construction activities potentially resulting in contact with or exposing site soil or ground water, the Owner shall ensure that the health and safety plan takes 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 address any potential risks identified in the Risk Assessment, and shall include, but not be limited to, occupational hygiene requirements, requirements for personal protective equipment, and contingency plan requirements including site contact information. Prior to initiation of any project that involves intrusive, below-grade construction activities potentially resulting in contact with or exposing site soil or ground water (and as defined in the Occupational Health and Safety Act, as amended) on the Property, where that Act requires the provision of notice, the local Ministry of Labour office shall be notified of the proposed activities and that the Property contains contaminated ground water. Implementation of the health and safety plan shall be overseen by persons qualified to review the provisions of the plan with respect to the proposed site work and conduct regular inspections. The Owner shall retain a copy of the plan, which shall be made available for review by a Provincial Officer upon request.
- 4.2.7 The Owner shall prepare by March 31 each year, an annual report documenting the activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be kept by the Owner for inspection and be available upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements:
- (a) A copy of all records relating to the Inspection Program, as outlined in Item 4.2.2;
  - (b) A copy of all records relating to the Building with storage garage risk management measure, as outlined in Item 4.2.3, if applicable;
  - (c) A copy of all records relating to the ground water monitoring program, as outlined in Item 4.2.4; if applicable;
  - (d) A copy of all records relating to the soil and ground water management plan, as outlined in Item 4.2.5, if applicable;
  - (e) A copy of all records relating to the health and safety plan, as outlined in Item 4.2.6; and
  - (f) A copy of the updated reevaluation of the amount of financial assurance, as outlined in Item 6.6

#### **Part 5: CPU Restrictions on Property Use, Building Construction and Notice Requirements**

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)2 of the Act:

##### Property Use Restrictions

- 5.1 Refrain from using the Property for any of the following use(s): “agricultural or other use” as defined in O. Reg. 153/04, and from using the ground water beneath the Property as a potable water supply. The installation of potable drinking wells on the Property is prohibited.

##### Building Construction Restrictions

- 5.2 Refrain from constructing the following Building(s): Any Building except as may be permitted in the CPU.

### Notice of Restrictions

- 5.3 Pursuant the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued the CPU and that it contains the provisions noted above in Items 5.1 and 5.2, 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.

### **Part 6: Additional Requirements**

I hereby require the Owner to do or cause to be done the following things under the authority of subsection 168.6(1) of the Act:

#### Site Changes Affecting Risk Management Measures

- 6.1 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken or proposed, 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 of any Contaminant of Concern or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, the Director may require a new risk assessment be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance if the change in the physical site conditions or receptor characteristics is such that it is not contemplated by the existing Risk Assessment or cannot be adequately managed by the Risk Management Measures. 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.

#### Report Retention Requirements

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

#### Owner Change Notification

- 6.3 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, as amended, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

#### Financial Assurance

- 6.4 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 forty three thousand six hundred and forty nine dollars (\$43,649) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.
- 6.5 Commencing on March 31, 2021 and at intervals of three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Item 6.4. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to the environmental conditions of the Property and shall include any costs of additional monitoring and/or implementation of contingency plans.

- 6.6 Commencing on March 15, 2019, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required under Item 6.4 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Item 6.5. The re-evaluation shall be made available to a Provincial Officer upon request.

#### **Part 7: Section 197 Order - Property Notice and Certificate of Requirement Registration Requirements**

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and (2) of the Act:

##### Property Notice Requirement

- 7.1. Before dealing with the Property in any way, give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.

##### Certificate of Requirement Registration

- 7.2 Within fifteen (15) days of receipt of a certificate of requirement issued under subsection 197(2) of the Act, completed as outlined in Schedule "B", register the certificate of requirement on title to the Property, in the appropriate land registry office.

##### Verification Requirement

- 7.3 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.

#### **Part 8: General Requirements**

- 8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the CPU shall not be affected thereby.
- 8.2 An application under subsection 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.
- 8.3 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 provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 8.4 Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.
- 8.5 The requirements of the CPU are minimum requirements only and do not provide relief from,
- (a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
  - (b) obtaining any approvals or consents not specified in the CPU.
- 8.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. In particular, the Director shall alter the CPU where the approval or

acceptance by the Director is required in respect of a matter under the CPU and the Director does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.

8.7 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 their control, or
- (d) any other cause whether similar to or different from the foregoing beyond their control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

8.8 Failure to comply with a requirement of the CPU by the date specified does not absolve any person from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

8.9 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect until such time as the Director alters or revokes the CPU.

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

8.11 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 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.

#### **Part 9: Hearing before the Environmental Review Tribunal**

9.1 Pursuant to section 139 of the Act, you may require a hearing before the Environmental Review 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.

9.2 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.

9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act as they may be amended from time to time. The address, email address and fax numbers of the Director and the Tribunal are:

The Secretary  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, ON, M5G 1E5  
Fax: (416) 314-4506  
Email: ERTTribunalSecretary@ontario.ca

and

Dan Panko, Director  
Ministry of the Environment and Climate Change  
Halton-Peel District Office  
Suite 300, 4145 North Service Road  
Burlington, Ontario L7L 6A3  
Fax: 905-319-9902  
Email: Tim.Webb@ontario.ca

- 9.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 9.5 If you commence an appeal before the Tribunal, under section 47 of the 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:
- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
  - (b) fifteen (15) days after service on you of a copy of the CPU.
- 9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 9.7 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:
- (a) fifteen (15) days after the day on which notice of the issuance of the CPU is given in the EBR registry; and
  - (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 314-4600  
www.ert.gov.on.ca

Fax: (416) 314-4506

Issued at Burlington this 20<sup>th</sup> day of April, 2018

Dan Panko  
Director, section 168.6 of the Act

**SCHEDULE "A"**

**Table 1A: Property Specific Standards – Soil (All Depths)**

<b>Contaminant of Concern (COC)</b>  <b>(µg/g) unless as otherwise stated</b>	<b>Property Specific Standard (PSS)</b>
Petroleum Hydrocarbon F1	456
Lead	444
Mercury	2.04
Cyanide (CN <sup>-</sup> )	0.156
Electrical Conductivity (mS/cm)	5.52
Sodium Adsorption Ration (unitless)	39.6
Acenaphthene	7.9
Acenaphthylene	0.15
Anthracene	0.876
Benzo[a]anthracene	1.32
Benzo[a]pyrene	0.936
Benzo[b]fluoranthene	1.2
Benzo[ghi]perylene	6.6
Benzo[k]fluoranthene	0.78
Chrysene	7
Dibenz[a,h]anthracene	0.156
Fluoranthene	2.88
Ideno[1,2,3-cd]pyrene	0.696
Pyrene	78

**SCHEDULE "A" (continued)**

**Table 1B: Property Specific Standards – Ground Water**

Contaminant of Concern (COC)  (µg/l)	Property Specific Standard (PSS)	Target Ground Water Quality Concentration <sup>1</sup>
Dichloroethylene, 1,1	4.56	22
Dichloroethylene, 1,2-cis	4.46	9.5
Dichloroethylene, 1,2-trans	4.46	22
Tetrachloroethylene	45.6	22
Trichloroethylene	45.6	22
Vinyl chloride	5.28	2.5
Chloride	1,440,00	NV

(1) Target Ground Water Concentrations based on the MOECC (2011b) component value protective of the indoor pathway in a mixed use building with ground floor Commercial Use.

**Schedule "B"**

**CERTIFICATE OF REQUIREMENT**

**s.197(2)**

**Environmental Protection Act**

This is to certify pursuant to Item 7.2 of Certificate of Property Use Number 8436-AQNNGU issued by Dan Panko, Director of the Ministry of the Environment and Climate Change, under sections 168.6 and 197 of the Environmental Protection Act on April 20, 2018 being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as 69-79 Main Street South and 94-96 Mill Street, Halton Hills (Georgetown), Ontario being all of Property Identifier Number (PIN) 25042-0155 (LT) (the "property") with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the property (including restrictions on property use, restrictions on building construction, barrier to site soils, inspection and maintenance program, ground water monitoring program, soil and ground water management plan, health and safety plan and reporting requirements).

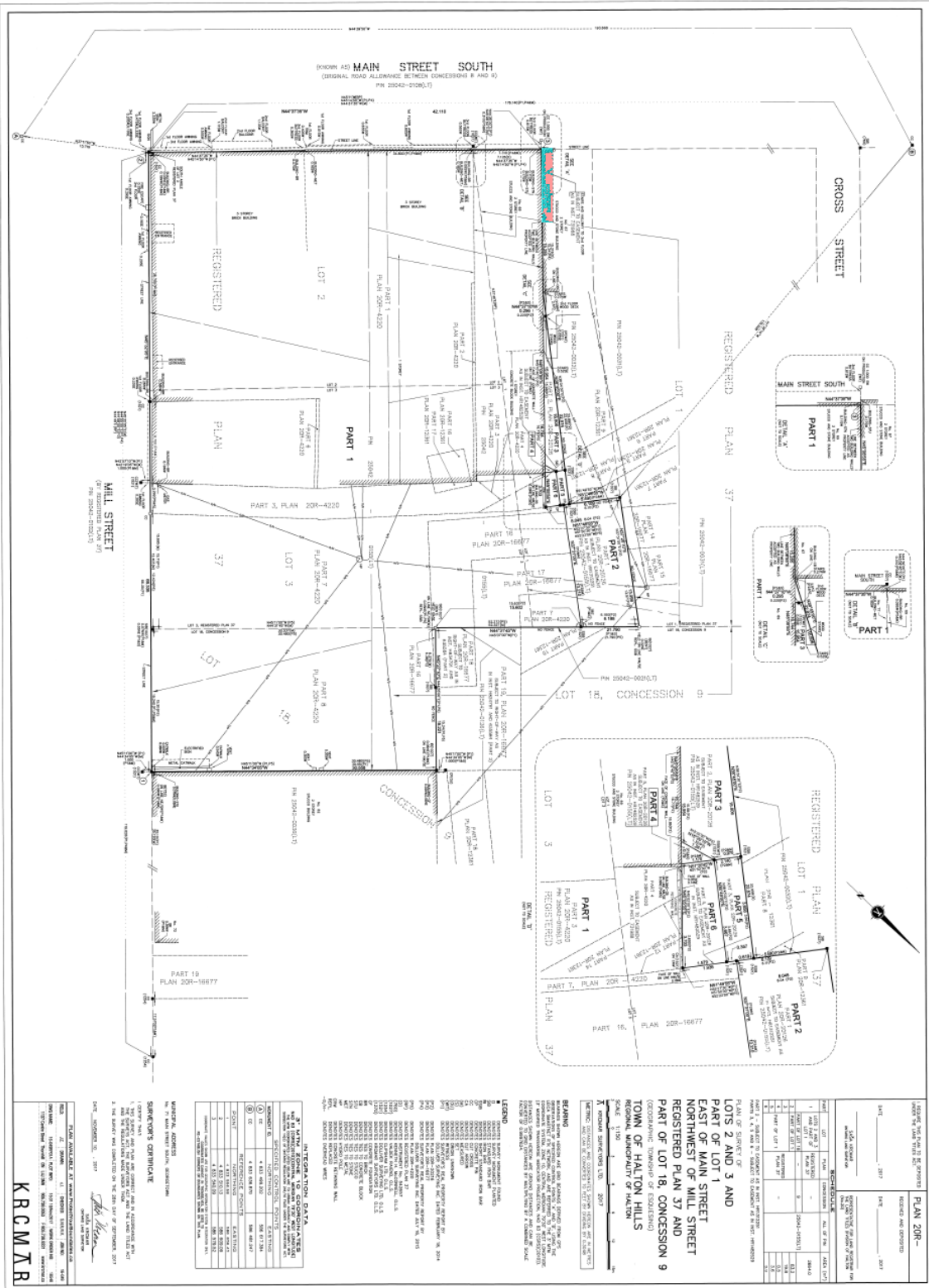
**2467766 ONTARIO INC.**

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.

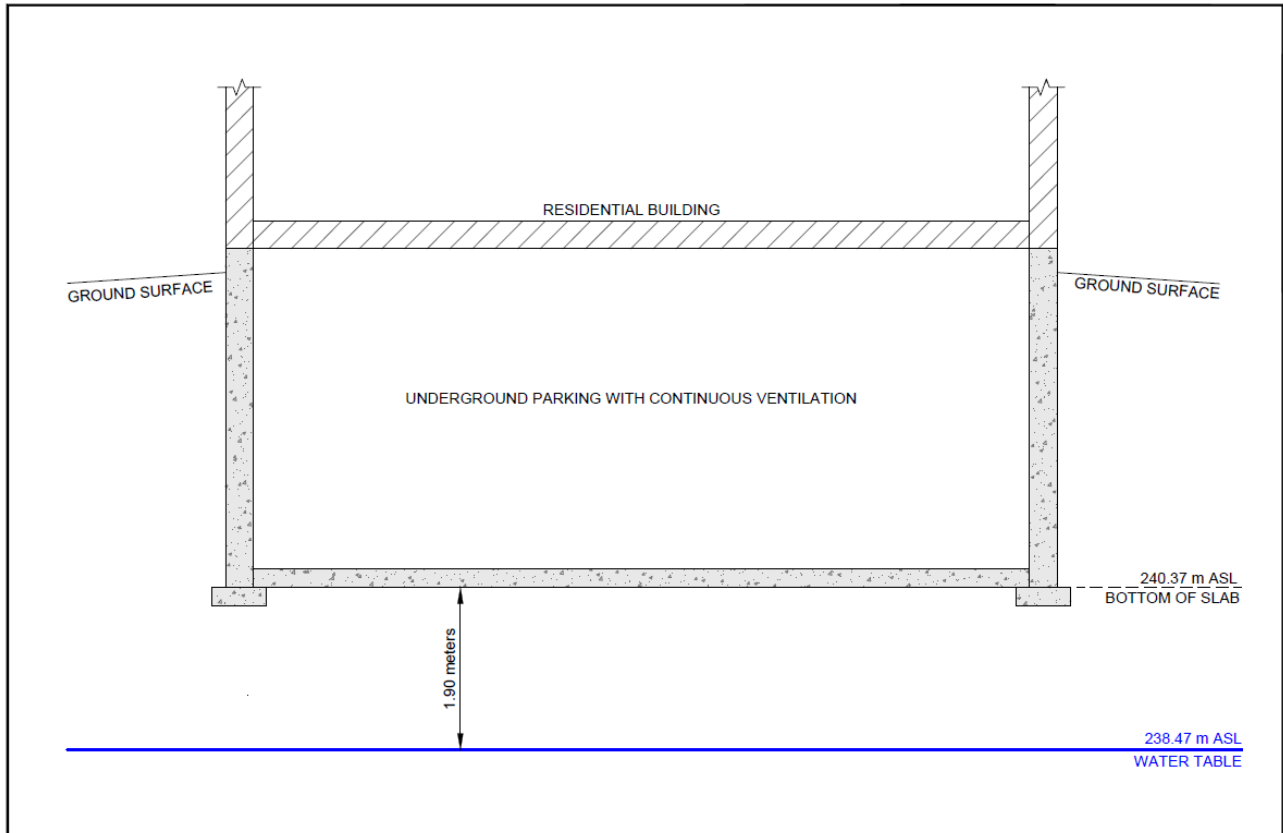
Under subsection 197(3) of the Environmental Protection Act, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the real property.




**Plan of Survey of Lots 2 and 3 and Part of Lot 1 East of Main Street Northwest of Mill Street Registered Plan 37 and Part of Lot 18, Concession 9 (Geographic Township of Esquesing ) Town of Halton Hills, Regional Municipality of Halton, prepared by KRCMAR Surveyors Ltd., dated November 10, 2017**



**Figure 1, “Cross -Section of Underground Parking and lowest Allowable Elevation of Concrete Slab, 69 to 79 Main Street South and 94/96 Mill Street, Georgetown, Ontario”, prepared by exp Services Inc., dated January 2018**



<p>EXP Services Inc.                  T: +1.905.793.9800   F: +1.905.793.0641                  1595 Clark Boulevard                  Brampton, ON L6T 4V1                  Canada                    www.exp.com</p> <p>• BUILDINGS • EARTH &amp; ENVIRONMENT • ENERGY •                  • INDUSTRIAL • INFRASTRUCTURE • SUSTAINABILITY •</p>	<p>TITLE AND LOCATION:</p> <p style="text-align: center;"><b>CROSS-SECTION OF UNDERGROUND PARKING AND                  LOWEST ALLOWABLE ELEVATION OF CONCRETE SLAB</b>                  69 TO 79 MAIN STREET SOUTH AND 94/96 MILL STREET,                  GEORGETOWN, ONTARIO</p>	<p>PROJECT NO.:                  BRM-00603467-H0</p>	<p>DWN.:                  AS</p>
		<p>SCALE:                  NTS</p>	<p>CK:                  MB</p>
		<p>DATE:                  JANUARY 2018</p>	<p>FIG. NO.:                  1</p>

**Figure 20, “Proposed Monitoring Well Location Plan, Risk Assessment, 69 to 79 Main Street South and 94/96 Mill Street, Georgetown, Ontario”, prepared by exp Services Inc., dated June 2017**

