

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 (Disclosure Order)

Certificate of property use number **6675-AM3KQD**
Risk assessment number **5207-9GXPKM**

1541 Merivale Road Ltd. (Owner)
464 Bank Street – Suite 200
Ottawa, ON
K2P 1Z3

Site: 1541 Merivale Road (Property)
Ottawa, Ontario

With a legal description of:

Part Lot 17, Plan 353, being Part 1 on Plan 5R-10627, except Part 1 on Plan 5R-13197 & Parts 1 & 2 on Plan 5R-13573; s/t NS3052 formerly City of Nepean, City of Ottawa.

Being all of PIN 04678-0001 (LT)

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and, which also includes the documents listed 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.

Risk Management Measures (RMMs) that are required to be implemented are found in Part 4 of the CPU – Director Requirements. Key RMMs specified in Part 4 include, but are not limited to:

- soil barriers including fill, cement concrete, bituminous concrete (asphalt), pavers and, capping soil/granular material shall be maintained indefinitely above the Subsurface Soils or until the Director alters conditions related to the said RMMs or revokes the CPU;
- no New Building shall be constructed in the future unless a Passive SVIMS with the capacity to be upgraded to an Active SVIMS is integrated under and with the said Building(s);
- implementing a sub-slab vapour monitoring program for any and all Buildings constructed at the Property, supplemented, if necessary, by an indoor air quality monitoring program;
- managing exposure to the Contaminants of Concern through the

implementation of a soil management plan, a groundwater management plan, a health and safety plan, and a vapour monitoring program. The said plans and programs shall continue indefinitely, or until the Director alters conditions relating to the said plans and/or programs, or revokes the CPU.

Part 1: Interpretation

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

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

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

"Adverse Effect" has the same meaning as in the Act; namely, it has the meaning of one or more of,

- 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.

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

"Building Code" means the Ontario Regulation 332/12: Building Code, as amended to January 1, 2015, made under the *Building Code Act*, 1992, S.O. 1992, c. 23;

"Competent Person" has the same meaning as in the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1;

"Contaminant" has the same meaning as in the Act, namely any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect;

"COCs" or Contaminants of Concern" has the meaning as set out in Item 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 **6675-AM3KQD**;

"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;

"Environmental Compliance Approval" has the same meaning as set out in the *Environmental Protection Act*, R.S.O. 1990, Chapter E. 19;

"Licenced Professional Engineer" means a person who holds a licence, limited licence or temporary licence in conformity with the *Professional Engineers Act*, R.R.O. 1990, c. P. 28;

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

"New Building" means any building established after the CPU is issued;

"Occupant" means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property;

"OHSA" means the *Occupational Health and Safety Act*, R.S.O. 1990, c. O. 1;

"O. Reg. 153/04" means the Ontario Regulation 153/04: Records of Site Condition – Part XV.1 of the Act, made under the Act;

"Owner" means 1541 Merivale Road Ltd., the current owner of the Property, its successors and assigns;

"Passive SVIMS" means a soil vapour intrusion mitigation system designed and operated to collect and remove soil vapour from below a Building and convey the soil vapour through vent risers to the outside air by means of natural forces or one or more wind turbines, or solar powered wind turbine operated vents drawing air from below the Building;

"Property" means the property that is the subject of the Risk Assessment, is described in the "Site" section on page 1 of the CPU, and is illustrated in Schedule 'A' which is attached to and forms part of this CPU;

"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;

"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 set out in subsection 5(2) of O. Reg. 153/04;

"Risk Assessment (RA)" means the risk assessment number **5207-9GXPKM** accepted by the Director on January 6th, 2017, and set out in the following documents:

- *"Human Health and Ecological Risk Assessment, 1541 Merivale Road, Ottawa, Ontario", by NovaTox Inc., dated June 2015;*
- *"Human Health and Ecological Risk Assessment, 1541 Merivale Road, Ottawa, Ontario", by NovaTox Inc., dated January 2016;*
- *"Human Health and Ecological Risk Assessment, 1541 Merivale Road, Ottawa, Ontario", by NovaTox Inc., dated July 2016; and,*
- *"Re: RA for 1541 Merivale Road, Ottawa; RA1375-14; IDS# 5207-9GXPKM", email from Mark Chappel, NovaTox Inc., received by SDB on December 2, 2016, with electronic file named 12-125 RA Addenda_2Dec505.pdf (Letter by NovaTox Inc. - Re: 1541 Merivale Road, Ottawa, Ontario, RA 1375-14; IDS# 5207-9GXPKM; Response to MOECC Comments/ Revised Tables 1-1 and 6-1") attached.*

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

"Subsurface Soils" are soils that are located at the Property at depths greater than 1.0 metre below ground surface; and,

"Tribunal" has the same meaning as in the Act, namely, the Environmental Review 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 relating to the property has been accepted under clause 168.5 (1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
- a. Take any action that is specified in the certificate 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 the 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 196(1) of the Act states that the authority to make an order under the Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.
- 2.8 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.
- 2.9 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.
- 2.10 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.

- 2.11 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 (RA) was undertaken 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: "commercial use" and "residential use", as defined in O. Reg. 153/04. No residential use is permitted unless the first floor of any and all New Buildings is exclusively used for commercial activities.
- 3.2 The Contaminants on, in or under the Property that are present at concentrations above the respective Residential/Parkland/Institutional Property Use Standards for coarse-textured soils listed in Table 3 of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*** (published by the Ministry on April 15, 2011) or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for these Contaminants of Concern are set out in Schedule 'B' attached to and forming part of the CPU.
- 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 elimination of the exposure pathways and that it is necessary to restrict the land use and/or to control the construction of Building(s) and/or to include notice provisions as outlined in Items 4.3 to 4.5 inclusive.

Part 4: Director 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:

Risk Management Measures

- 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:

Geotechnical Engineering

- 4.2.1. Quality assurance and quality control, for such earthworks at the Property as the excavation, placement and/or compaction of geotechnical materials

which may include any Contaminant of Concern, shall be carried out by the Licenced Professional Engineer responsible for geotechnical engineering work pertaining to the construction activities, in consultation with a Qualified Person.

Barriers to Subsurface Soils

- 4.2.2. Except for maintaining and/or reinstating the structural integrity of the existing barriers to Subsurface Soils, no site alteration shall be carried out without a commence work letter or equivalent permission issued by the City of Ottawa as a result of a site plan agreement under the *Planning Act*, R.S.O. 1990, c. P. 13;
- 4.2.3. No Subsurface Soils located within any of the areas of impacted soils – illustrated in Schedule 'C' - shall be brought to a depth of less than one metre (1.0 metre) below ground surface unless they are excavated and transported off-site within the same week.
- 4.2.4. Any stockpile containing Subsurface Soils shall be protected from the weather elements with the meaning that it will not become a source of fugitive dust nor contaminate surface runoff at any property.
- 4.2.5. For a re-development of the Property in accordance with a site plan agreement under the *Planning Act*, R.S.O. 1990, c. P. 13:
- a. Every barrier established at the Property shall conform to one of the options illustrated in Schedules 'D' and 'E' and, best fitting the specific circumstances encountered, i.e. parking areas, landscaped areas, etc.;
 - b. All utility trenches shall be backfilled with granular materials meeting the Residential/Parkland/Institutional Property Use Standards for coarse-textured soils listed in Table 3 of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*** (published by the Ministry on April 15, 2011) and shall reach a thickness of no less than 0.5 m below the base of each utility conduit and a width of no less than 0.5m on each side of the said conduit. For utility conduits with their biggest inner dimension of 0.9 m and greater, the width of granular materials on either side of the utility conduit shall be no less than 1.3 m. The said backfilling requirements are illustrated in Schedule 'F'. Hydraulic plugs shall be built into any and all utility trenches to prevent further movement of contaminated groundwater to within the footprint of a Building(s).
 - c. In those specific landscaped area(s) where any plant will be grown as food, for its medicinal properties, and/or aesthetic value, the non-woven geotextile shall be covered by no less than 1.0 metre of soil in thickness, inclusive of a layer of topsoil sufficient to support horticultural needs as depicted in Schedule 'E'. Both soil and topsoil placed above the non-woven geotextile shall meet the Residential/Parkland/Institutional Property Use standards listed in Table 3 of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*** (published by the Ministry on April 15, 2011).

Mitigation of Vapour Intrusion

- 4.2.6. Refrain from constructing any New Building on, in or under the Property unless the said Building includes a Passive SVIMS or an Active SVIMS, designed by a Licenced Professional Engineer in consultation with a Qualified Person and, unless the plans and specifications for the Building specific Passive SVIMS or Active SVIMS have been approved by the Director.

Soil Management Plan

- 4.2.7. A soil management plan shall be prepared for the Property and implemented during any activity carried out by on-site workers who potentially could come in contact with or be exposed to Subsurface Soils. 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 soil excavation; stockpiling, characterization, disposal and record keeping as identified below;
- a. Dust control measures and prevention of soil tracking by vehicles and personnel from the Property, which may include wetting of soil with potable water, reducing speeds for all vehicles moving on the Property, washing vehicle tires on the Property and restricting work in the presence of high wind conditions or as required by other conditions;
 - b. 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;
 - c. Characterization of excavated soils to determine if soils exceed the Property Specific Standards shall follow the 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, made under the Act. Excavated soil meeting the Property Specific Standards may be placed on-site below the barrier to site soils if deemed suitable by a Qualified Person and in accordance with the Risk Assessment.
 - d. Record keeping including dates and duration of work, weather and site conditions, location and depth of excavation activities, dust control measures implemented, stockpile management and drainage observed at different times in a given day, soil characterization results, names of the Qualified Person, contractors, haulers and receiving sites for any soil or contaminated ground water removed from the Property and any complaints received relating to site activities potentially coming in contact with or exposing site soils and ground water.

Groundwater Management Plan

- 4.2.8. A groundwater management plan shall be developed by a Licenced Professional Engineer to establish what procedures shall be carried out to dewater any excavation with a bottom planned for deeper than one metre (1.0 m) below ground surface. The said plan shall identify:
- a. the water quality to be expected in the subsurface;
 - b. the method to be used to contain the groundwater; and,
 - c. the means by which groundwater would be processed prior to its disposal; and,
 - d. the permit and/or Environmental Compliance Approval that would authorize the said collection, transmission, treatment and disposal of groundwater;

Health and Safety Plan

- 4.2.9. A health and safety plan shall be developed specifically for the Property and implemented during all intrusive activities which may have the potential for workers and/or Occupants to come in contact with or be exposed to site soil or groundwater. The Owner shall ensure that:
- a. The health and safety plan takes into account the presence of the Contaminants of Concern and is implemented prior to any intrusive work being undertaken at the Property or any portion thereof, in order to protect workers from exposure to the Contaminants of Concern.
 - b. The health and safety plan shall be prepared in accordance with applicable Ontario Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not be limited to, occupational hygiene requirements, personal protective equipment, contingency plans and contact information.
 - c. Prior to initiating any project, as defined in the OHSA, at the Property or any portion thereof, the local Ontario Ministry of Labour office shall be notified of the proposed activities and provided information about the Contaminants of Concern identified in soil and/or groundwater at the Property.
 - d. The implementation of the health and safety plan shall be overseen by a Competent Person who shall also review and adjust, when necessary, the provisions of the plan in relation to the findings of daily inspections and the site work proposed for each day. A log within the health and safety plan shall be kept of all revisions to the said plan, the dates on which the revisions were made and the rationale for any and all revisions.
 - e. A copy of the health and safety plan shall be kept at the Property for the duration of intrusive activities.

- f. A copy of the plan shall be kept by the Owner and shall be made available for review by the Ministry upon request.

Vapour Monitoring Program

4.2.10. The Owner shall carry out the following vapour monitoring activities:

- a. For a minimum period of three (3) consecutive years starting at the issuance of the CPU, the Owner shall carry out sub-slab vapour sampling on a semi-annual basis, i.e. once every six (6) months for a minimum total of six (6) sampling rounds, for the Property at every vapour probes already installed at the Property as illustrated in Schedule 'C'. No later than sixty (60) days after the last sampling round, the Owner shall provide a written report prepared and signed by a Licenced Professional Engineer on the 3-year sub-slab vapour monitoring activities, including recommendations on measures needed, where warranted, to meet the indoor air target levels of Schedule 'G' as selected by a Qualified Person on the basis of the most sensitive land use allowed by the municipal zoning of the Property.
- b. For any and all Building(s) subject to a site plan agreement under the *Planning Act*, the Owner shall submit to the Director a vapour monitoring program covering a minimum of three (3) consecutive years, prepared by a Licenced Professional Engineer and, which, upon its implementation, shall fully utilize a new network of soil vapour probes and soil vapour pins on a semi-annual frequency for a minimum total of six (6) sub-slab vapour sampling rounds. The Owner shall implement the said program no later than thirty (30) days after receiving the written approval to carry it out from the Director.
- c. For any and all Building(s) subject to a site plan agreement under the *Planning Act*, no occupancy of the Building(s) shall be permitted unless the results from sampling and analyzing sub-slab vapour can support an expert opinion from a Licenced Professional Engineer that unequivocally states that, on the basis of the results thus obtained, the indoor air target levels identified in Schedule 'G', as selected by a Qualified Person on the basis of the most sensitive land use allowed by the municipal zoning of the Property, would be met. Such opinion shall be communicated in writing to the Director and, the building official responsible for the issuance of an occupancy permit under the Building Code no later than thirty (30) days following the sub-slab vapour sampling.
- d. No occupancy of the Building(s) shall occur unless all results and the expert opinion obtained in relation to Item 4.2.10c have been shared with the building official responsible for the issuance of an occupancy permit under the Building Code.
- e. After an occupancy permit has been issued and no later than two (2) weeks of the analytical results for the sub-slab vapour sample being released by the laboratory, the Director shall be notified in writing of any sub-slab vapour sample having a concentration(s) potentially leading to a calculated indoor air quality concentration(s) greater than the

applicable indoor air target level(s) listed in Schedule 'G', as selected by a Qualified Person on the basis of the most sensitive land use allowed by the municipal zoning of the Property. The Owner shall carry out confirmatory sub-slab vapour sampling no later than three (3) business days after notifying the Director.

- f. After an occupancy permit has been issued and no later than one (1) month of the analytical results for the confirmatory sample being released by the laboratory in relation to Item 4.2.10e and which show that one or more indoor air target levels could be exceeded, the Director shall receive from the Owner an action plan prepared in writing by a Licenced Professional Engineer and which may include indoor air sampling for comparison with the indoor air target levels listed in Schedule 'G', as selected by a Qualified Person on the basis of the most sensitive land use allowed by the municipal zoning of the Property. The action plan shall be immediately implemented by the Owner upon receiving written confirmation of the Director approving the said plan with or without conditions.
- g. In the event, that any indoor air target level listed in Schedule 'G' is not met in the course of carrying out the action plan in relation to Item 4.2.10f, the Owner shall provide to the Director and within two (2) months of the indoor air sample results being released by the laboratory, a written report prepared by a Licenced Professional Engineer which shall include engineered controls with the objective of improving indoor air quality and which may include the design and installation of an Active SVIMS. The Professional Engineer's report transmitted to the Director shall be accompanied by a written confirmation that an application for a building permit has been filed, where warranted, in accordance with the Building Code.

Inspection and Maintenance Plan

4.2.11. An inspection and maintenance plan shall be prepared and implemented to ensure the continuing integrity of the RMMs acting as barriers to site soils as long as the Contaminants of Concern are present on, in or under the Property. The inspection plan shall include, at a minimum, semi-annual (spring and fall) inspections of the integrity of the barriers to the site soils. Any deficiency in the barriers to the site soils shall be repaired forthwith to meet original performance standards. Inspection, deficiencies and repairs shall be recorded in a log book maintained by the Owner and made available upon request by a Provincial Officer.

Documentation and Reporting

4.2.12. The Owner shall:

- a. maintain records pertaining to the inspection and maintenance of the RMMs, the implementation of contingency measures, any and all Property restoration activities, soil testing and, the leading causes of events having affected the structural integrity of any RMM for as long as the RMMs are in place.

- b. prepare by March 31st of each year, an annual report documenting all activities in relation to Part 4 of the CPU and undertaken during the previous calendar year. A copy of this report shall be kept on file indefinitely by the Owner and shall be promptly made available for inspection upon request by a Provincial Officer.
- c. submit to the Director by March 31st of each year, a copy of the annual report identified in Item 4.2.12b. Such transmission may be discontinued when the Director will have confirmed that the off-site migration of petroleum hydrocarbons does not constitute an Adverse Effect.

Property Use Restrictions

- 4.3 Refrain from using the groundwater at the Property for any use and particularly as a source of potable water and/or for a geothermal energy system that is not, at any time, a closed loop system.
- 4.4 Refrain from constructing the following Building(s): any Building unless its construction incorporates a Passive SVIMS with provision(s) to be upgraded to an Active SVIMS and the said Building is equipped with sub-slab vapour pins at key locations as designed and identified by a Licenced Professional Engineer. No residential use is authorized at any Building unless the use of the first storey is commercial.

Notification of Occupants

- 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.

Site Changes

- 4.6 Following a re-development of the Property and 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(s) into the natural environment. An amended certificate of property use 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 and all 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 'H', 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 / Occupant Change

- 4.11 While the CPU is in effect, forthwith report in writing, to the Director any changes of ownership or occupancy 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 related common elements on the Property.

Financial Assurance

- 4.12 The Director has not included in the CPU a requirement that the Owner provide financial assurance.

Part 5: General

51. 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.
52. An application under section 168.6(3) of the Act shall be made in writing to the Director, with reasons for the request, to:
- a. alter any terms and conditions in the CPU or impose new terms and conditions; or
 - b. revoke the CPU;
53. The Director may alter the CPU under subsection 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.
54. Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.

55. The requirements of the CPU are minimum requirements only and do not relieve you 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.
56. 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.
57. 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.
58. Failure to comply with a requirement of the CPU by the date specified does not absolve you from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
59. In the event that the Owner complies with 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, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

Part 6: Hearing before the Environmental Review Tribunal

61. 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.

62. 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.
63. 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) 326-5370
Fax Toll Free To 1(844) 213-3474
Email: ERTTribunalSecretary@ontario.ca

and,

Steve Burns, Director
Ministry of the Environment and Climate Change
2430 Don Reid Drive, Suite 103
Ottawa ON
K1H 1E1

Fax: (613) 521-5437
Email: steve.burns@ontario.ca

64. Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
65. 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 ON M5S 2B1 by the earlier of:

- a. two (2) days after the day on which the appeal before the Tribunal was commenced;

and,

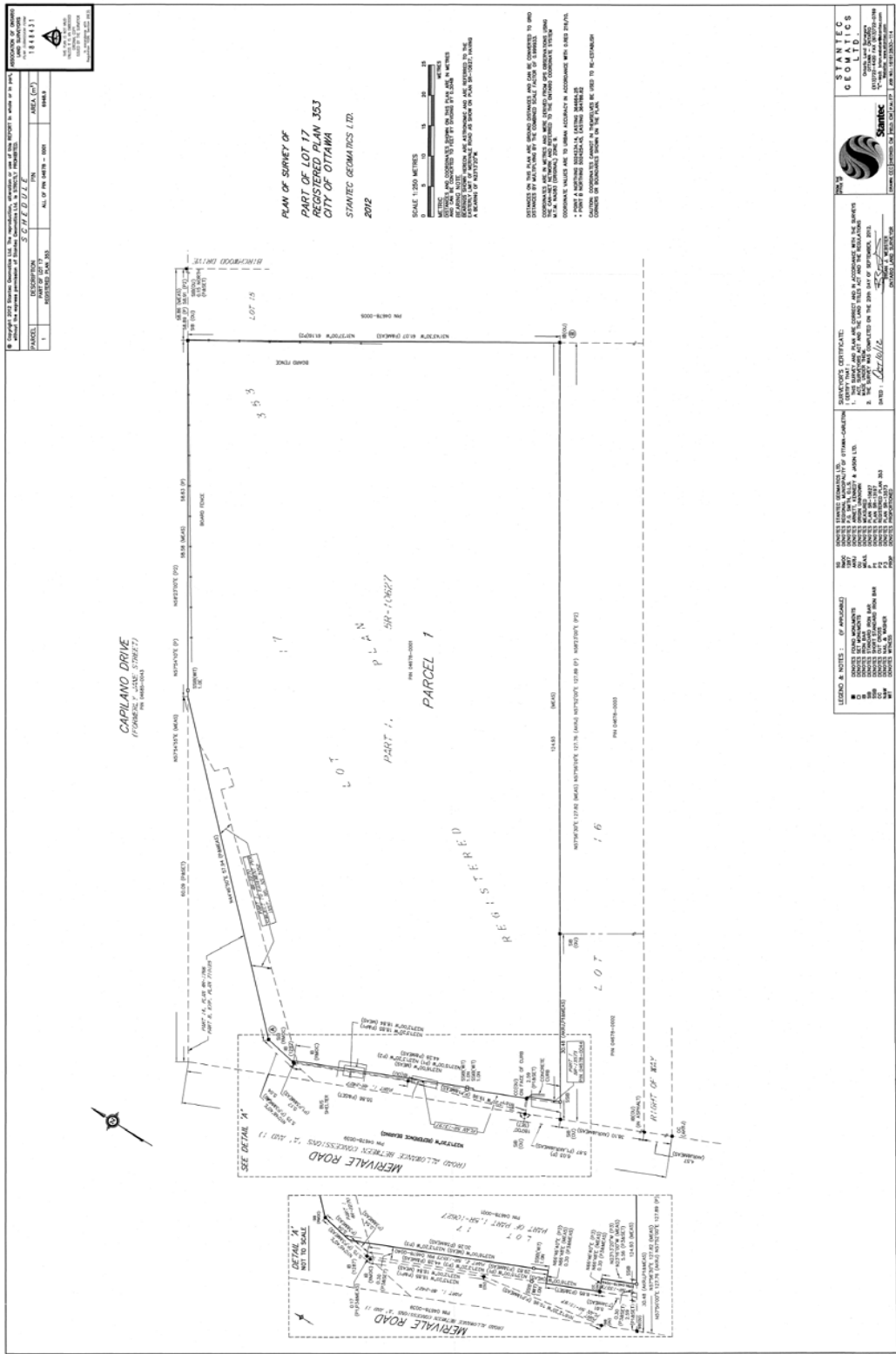
- b. fifteen (15) days after service on you of a copy of the CPU.
66. Pursuant to subsection 47(7) of the E.BR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
67. 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 on which your notice of appeal is given in the EBR registry.

Issued at Ottawa this 6th day of April, 2018.


Steve Burns
Director, section 168.6 of the Act

Schedule 'A'

Legal Survey Plan for 1541 Merivale Road, City of Ottawa

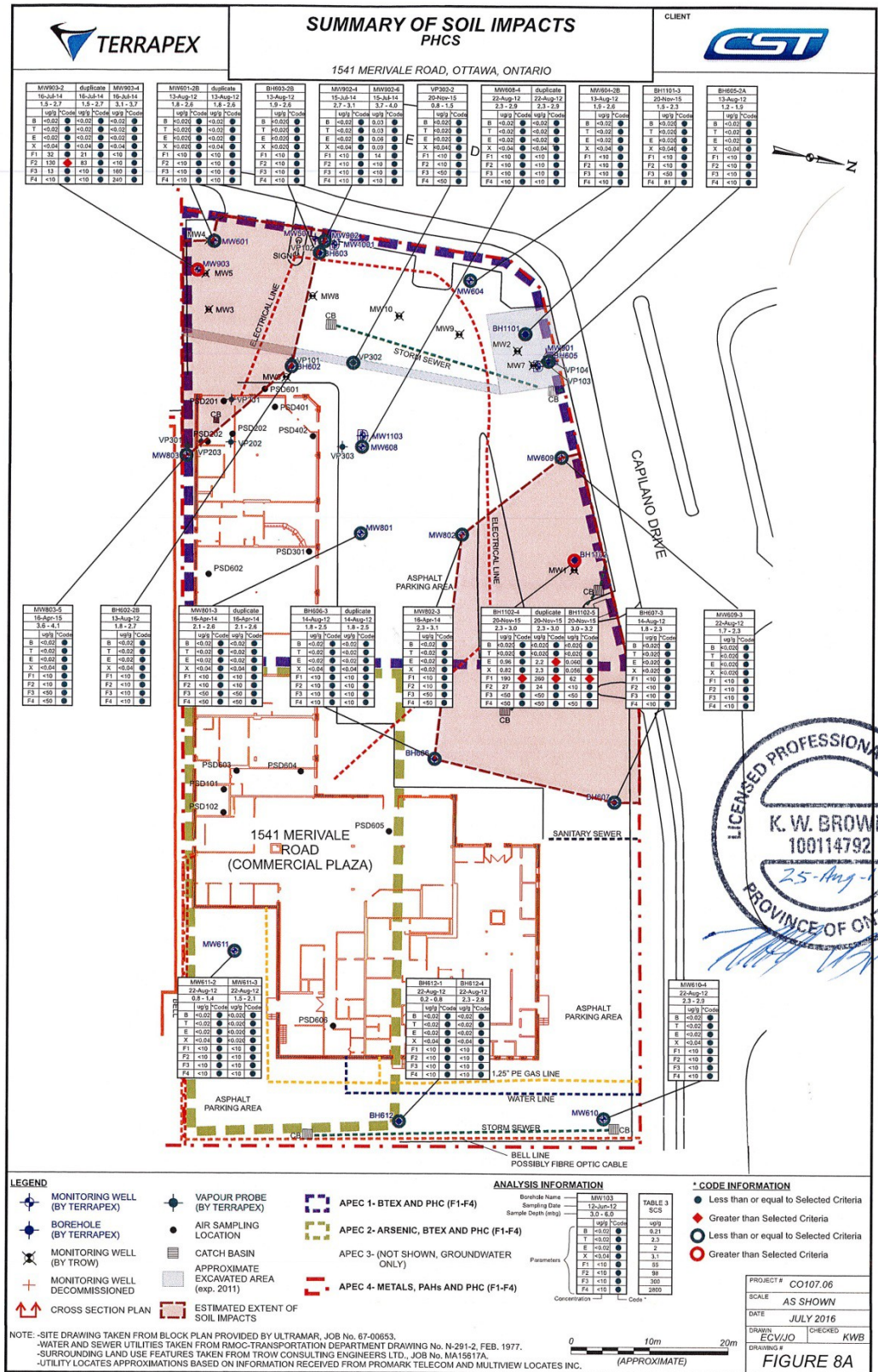


Schedule 'B'
 Property Specific Standards for Contaminants of Concern
 1541 Merivale Road, Ottawa, Ontario

Environmental Medium	Contaminant of Concern (COC)	Property Specific Standard [$\mu\text{g/L}$]
Ground Water	Benzene	156
Ground Water	Ethylbenzene	1,680
Ground Water	Xylenes	3,600
Ground Water	PHC – Fraction F1	10,080
Ground Water	PHC – Fraction F2	6,480
Environmental Medium	Contaminant of Concern (COC)	Property Specific Standard [$\mu\text{g/g}$]
Soil	Ethylbenzene	2.64
Soil	PHC – Fraction F1	312
Soil	PHC – Fraction F2	156

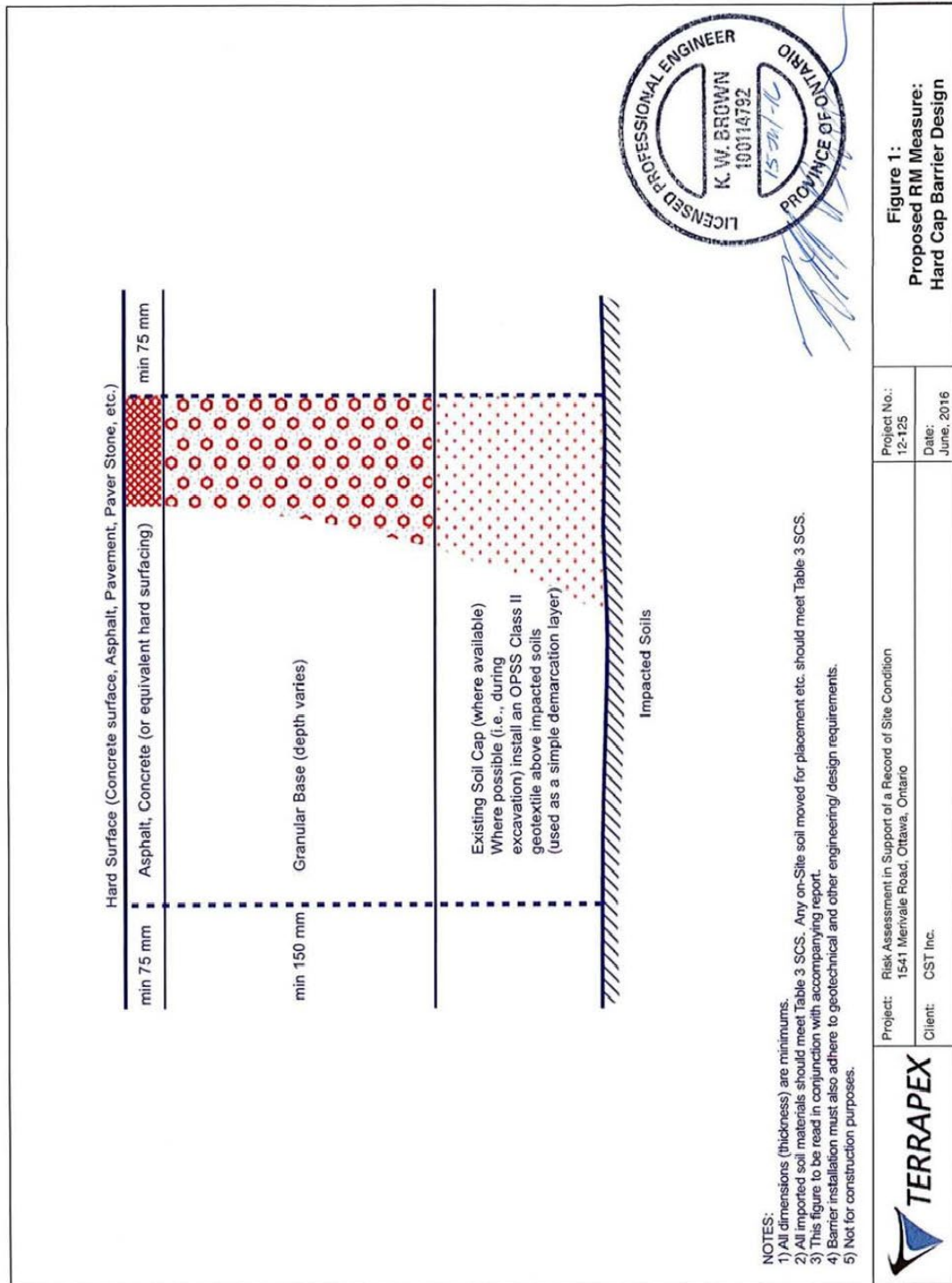
Schedule 'C'

PHC Impacted Soils Delineated for 1541 Merivale Road, City of Ottawa



Schedule 'D'

Hard Cap - Soil Barrier Option for 1541 Merivale Road, City of Ottawa



Schedule 'E'

Soft Cap - Soil Barrier Option for 1541 Merivale Road, City of Ottawa

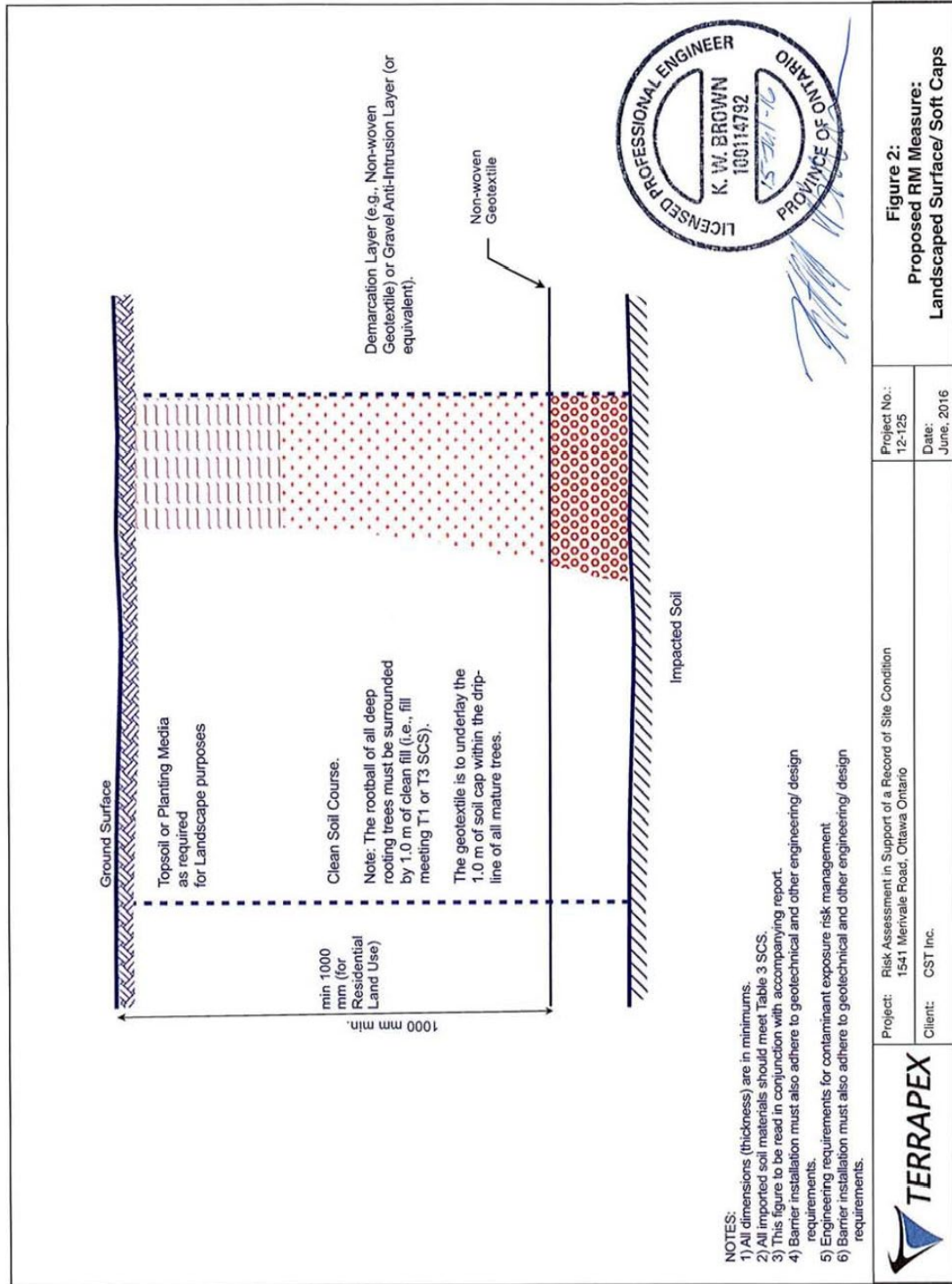


Figure 2:
Proposed RM Measure:
Landscaped Surface/ Soft Caps

Project No.:
12-125
Date:
June, 2016

Project: Risk Assessment in Support of a Record of Site Condition
1541 Merivale Road, Ottawa Ontario
Client: CST Inc.



Schedule 'F'

Backfilling for 1541 Merivale Road, City of Ottawa

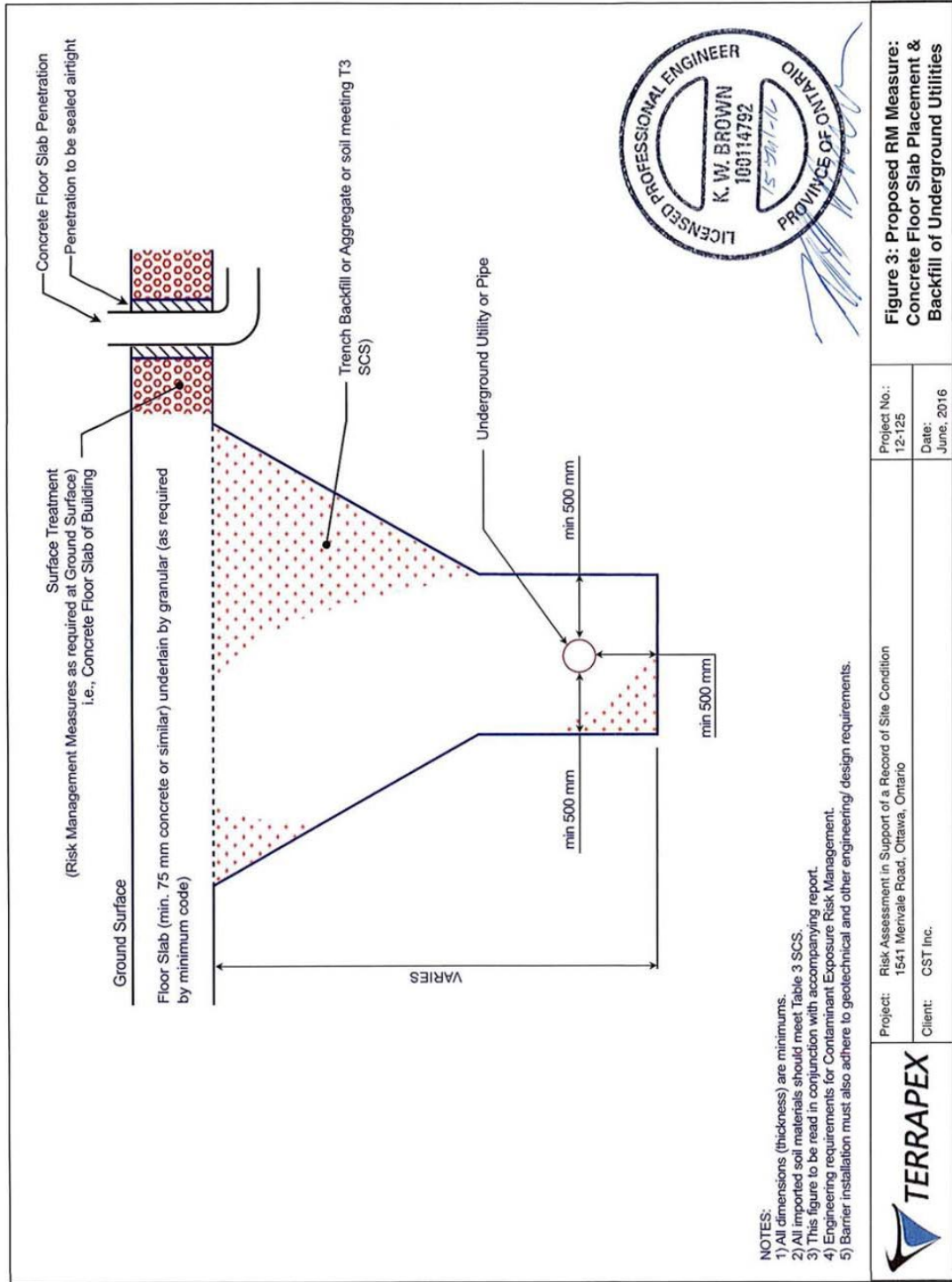


Figure 3: Proposed RM Measure:
Concrete Floor Slab Placement &
Backfill of Underground Utilities

Project No.: 12-125
Date: June, 2016

Project: Risk Assessment in Support of a Record of Site Condition
1541 Merivale Road, Ottawa, Ontario
Client: CST Inc.



Schedule 'G'

Indoor Air Target Levels
for Volatile Organic Compounds

1541 Merivale Road, Ottawa, Ontario

Contaminant of Concern	Indoor Air Target Levels [$\mu\text{g}/\text{m}^3$]	
	Residential Land Use	Industrial/Commercial Land Use
Benzene	0.506	1.63
Ethylbenzene	201	201
Xylenes	146	501
PHC – Fraction F1		
Aliphatic C ₆ – C ₈	9,590	32,900
Aliphatic >C ₈ – C ₁₀	521	1,790
Aromatic >C ₈ – C ₁₀	104	358
PHC – Fraction F2		
Aliphatic >C ₁₀ – C ₁₂	521	1,790
Aliphatic >C ₁₂ – C ₁₆	521	1,790
Aromatic >C ₁₀ – C ₁₂	104	358
Aromatic >C ₁₂ – C ₁₆	104	358

CERTIFICATE OF REQUIREMENT

s. 197(2)

Environmental Protection Act

This is to certify that pursuant to Item 4.9 of Certificate of Property Use 6675-AM3KQD issued by Steve Burns, Director of the Ministry of the Environment and Climate Change, under sections 168.6 and 197 of the *Environmental Protection Act*, on April 6th, 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 1541 Merivale Road, Ottawa Ontario, being all of PIN 04678-0001 (LT) (the "property") with respect to a Risk Assessment and certain Risk Management Measures on the property

1541 MERIVALE ROAD LTD.

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.