

**Ministry of the  
Environment,  
Conservation and Parks**  
Peterborough District Office  
300 Water Street  
2<sup>nd</sup> Floor, South Tower  
Peterborough ON K9J 3C7  
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**Ministère de l'Environnement,  
de la Protection de la nature  
et des Parcs**  
Bureau du district de Peterborough  
300, rue Water  
2<sup>e</sup> étage, Tour Sud  
Peterborough (Ontario) K9J 3C7  
Tél: 705 755-4300  
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August 14, 2020

1347921 Ontario Inc.  
21 Eden Ave  
Markham, Ontario, L3R 6P9

AND

Harinder Singh Lamba  
21 Eden Ave  
Markham, Ontario, L3R 6P9

Site: Stoney Creek Trailer Park  
Part of Lot 6, Concession 5 (former Ops Township)  
City of Kawartha Lakes, Ontario

**Re: Amendment #5 to Director's Order Number SCTP-DO001FA to Accept Work Plan Submitted in Response to Amendment #4 'Work Ordered Items'**

The Order was amended on four previous occasions: 1) on October 18, 2019 to provide for extensions to compliance dates for certain 'Work Ordered Items', 2) on November 12, 2019 to remove Item Nos. 10 and 11 regarding registration on property title, 3) on November 19, 2019 to provide extensions to the compliance dates for certain 'Work Ordered Items', and 4) on February 19, 2020 to Re-Establish Compliance Dates for Work Ordered Items.

Amendments 1), 2) and 3) to the Director's Order were made in response to requests by the Orderees. After review, amendments were made to the Director's Order in order to provide the Orderees a reasonable opportunity to comply with the Director's Order Requirements. Amendment 4) was made to re-establish all the Work Ordered Items and set new compliance dates for the Work Ordered Items.

Despite reasonable amendments to the Director's Order, the Orderees did not comply with the Director's Order. In addition, a number of verbal and written assurances were provided by the Orderees indicating that they would comply with the requirements of the Director's Order. The verbal and written commitments were not followed through upon by the Orderees. The in-action on the part of the Orderees necessitated my decision to

re-establish all Work Ordered Items and set new compliance dates for the Work Ordered Items in Amendment #4.

More recently, the ministry was notified that the Orderees had retained the service of Tekoa Environmental Limited. Following discussion with Tekoa and submission of a letter (including action plan), dated April 2, 2020, by Tekoa on behalf of the Orderees, I am amending the Director's Order (Amendment #5) as follows:

#### **Part 4: Work Ordered**

##### **Item No. 1**

By March 5, 2020, submit written confirmation to the Director that the professional and contractor services listed below have been retained and that a copy of this Order has been provided to each entity:

- a) an Approved Septage Hauler to complete all work specified in Work Ordered Item No. 4 of this Order;
- b) a Licensed Installer or a Professional Engineer to complete all work specified in Work Ordered Item No. 5 of this Order;
- c) a Professional Engineer with experience and expertise in the design, construction and operation of sewage systems to conduct the work required by Item Nos. 6, 7 and 8 of this Order. The written confirmation shall include but not necessarily be limited to the name of the individual or company, proof of retention and a description of their qualifications and experience; and
- d) A Professional Engineer or Professional Geoscientist with experience and expertise in assessing groundwater and surface water impacts from sewage disposal systems to undertake the hydrogeological impact assessment part of the work required by Work Ordered Item Nos. 6 and 7 of this Order. The written confirmation shall include but not necessarily be limited to the name of the individual or company, proof of retention and a description of their qualifications and experience.

The written confirmation shall be submitted within 15 days following a preliminary meeting between Tekoa and the ministry's Eastern Region Technical Support staff referenced in Work Ordered Item No. 1a.

Work Ordered Items 1a), b) and c) have been confirmed as complete in the April 2, letter from Tekoa.

Work Ordered Item 1d) remains incomplete but is amended to specify a new compliance date.

### **Item No. 1a**

Work Ordered Item No. 1a has been added, as follows:

Within 15 days of the days following service of Amendment #5 to Director's Order Number SCTP-DO001FA, arrange and attend a preliminary meeting between Tekoa and the ministry's Eastern Region Technical Support staff. The intent of this meeting is to determine the proposed technical approach and scope of the hydrogeological and surface water impact assessment part of the work required by Work Ordered Item Nos. 6 and 7, below.

### **Item No. 2**

Work Ordered Item No. 2 remains, unchanged.

By March 5, 2020, provide written confirmation to the Director that the Approved Septage Hauler retained as a result of Item No. 1 has commenced the activities and tasks required by Item No. 4 of this Order.

The work ordered by Work Ordered Item No. 2 has commenced on or about March 3, 2020.

Work Ordered Item No. 2 is being complied with at this time.

### **Item No. 3**

Work Ordered Item No. 3 remains, unchanged but a new compliance date is being established to reflect the April 2, 2020 letter submitted by Tekoa on behalf of the Company.

Within 45 days following the issuance of Amendment #5 to Director's Order Number SCTP-DO001FA, provide written confirmation to the Director that the Licensed Installer or a Professional Engineer retained as a result of Item No. 1 has commenced the activities and tasks required by amended Item No. 5 of this Order.

### **Item No. 4**

Work Ordered Item No. 4 remains in place but has been modified to reflect the April 2, 2020 letter submitted by Tekoa on behalf of the Company and the work being undertaken at the site.

Commencing immediately upon service of this Order, and until all work required by this Order has been completed, either Mr. Keith Martin acting on behalf of the owner or the trailer park manager, Paul Stockton, both under the direction of Tekoa Environmental Limited, will undertake inspections of the contents levels in the septic tanks that serve

63 and 69 Otter Line, 17 Otter Line and 2 Driftwood Crescent on a frequency of every three weeks to determine which tanks are approaching full capacity, and pump out the contents of those tanks and dispose of them at an appropriately licenced facility or location.

**Item No. 4a**

Unchanged - Commencing immediately upon service of this Order, and until all work required by this Order has been completed, maintain and make available for inspection upon request by the Ministry, records of the pump-outs and paid invoices for the services of the Approved Septage Hauler.

**Item No. 5**

Work Ordered Item No. 5 has been replaced by the following:

Within 15 days following service of Amendment #5 to Director's Order Number SCTP-DO001FA, retain the services of a Licensed Installer or Professional Engineer retained under Item No. 1 to design replacement sewage works to address the sewage disposal requirements at the site.

**Item No. 5a**

Within 15 days of receiving final comments on the groundwater and surface water assessment report (required by Work Ordered Item No. 6) from ministry's Eastern Region Technical Support unit, submit an application for an Environmental Compliance Approval for those sewage works described in Work Ordered Item No. 5.

**Item No. 5b**

Work Ordered Item No. 5b has been added to allow for the timely replacement of the failed sewage works that serve 63 and 69 Otter Line while a centralized sewage works is designed and approved for the remainder of the Site. It has been recommended by Tekoa to replace the sewage works that serve 63 and 69 Otter Line as they are located too remotely from the planned centralized sewage works to be easily connected to those works.

To facilitate replacement of the sewage works to serve 63 and 69 Otter Line, I am extending the expiry date of ECA No. 9505-B5LM66 from June 1, 2020 to November 20, 2020. This ECA expiry extension only authorizes the sewage works described under Sewage System #3 of ECA No. 9505-B5LM66 to be constructed as per the conditions of ECA No. 9505-B5LM66.

## **Item No. 6**

Work Ordered Item No. 6 has been amended, as follows:

Within 15 days of the completion of the meeting referenced in Work Ordered Item No. 1a, provide a summary of the meeting and a letter report outlining the proposed technical approach and scope of the groundwater and surface water assessment to be completed at the Site based on the preliminary meeting discussion referenced at Work Ordered Item No. 1a.

The letter report outlining the agreed to technical approach and scope of the groundwater and surface water assessment is to be used as the basis for the preparation and submission of the groundwater and surface water assessment report to the ministry for review.

The groundwater and surface water assessment report will then be provided to the ministry's Eastern Region Technical Support staff for review and discussed during a pre-submission consultation meeting between the ministry and representatives of the Company.

The pre-submission consultation meeting is to be arranged and attended within 15 days after the submission of the groundwater and surface water assessment report to the ministry.

## **Item No. 6a**

Within 15 days of the completion of the pre-submission consultation meeting with the ministry's Eastern Region Technical Support staff noted in Work Ordered Item No. 6, submit to the Director an Action Plan, for his review and acceptance, prepared by the Professional Engineer retained under Work Ordered Item No. 1, which shall include but not necessarily be limited to identification of the actions that will be taken and when those actions will be taken to ensure the completion of Condition 9 of ECA No. 9505-B5LM66.

## **Item No. 7**

Unchanged - Upon receipt of the undersigned Director's acceptance of the proposed Action Plan, implement the accepted Action Plan.

## **Item No. 8**

Work Ordered Item No. 8 remains in place. Changes to the requirements have been made in response to a request by the Company through their consultant Tekoa Limited. Tekoa has submitted a revised Financial Assurance evaluation following discussion with ministry staff. With the changes to Work Ordered Item No. 8, below, the work ordered

and, with the completed submission of a revised Financial Assurance evaluation (which the Director found to be acceptable), this work ordered item has been completed.

By March 16, 2020, submit to the Director, for acceptance, a Financial Assurance evaluation prepared by the Professional Engineer retained under Work Ordered Item No. 1, in accordance with the Ministry's Financial Assurance Guideline F-15, which shall provide in detail, a schedule of dates and payment amounts, if applicable, that shall be provided to the ministry as Financial Assurance to provide sufficient funds to implement and complete the ongoing work required by Item No. 4 of this Order for an operational planning period of two (years) years and for implementation of the accepted Action Plan. This work ordered item has been completed

The Financial Assurance evaluation shall include written analyses, detailed and itemized calculations, and, if necessary, accounting documents to provide a justification of the proposed amounts and payment schedule, if applicable.

### **Item No. 9**

Work Ordered Item No. 9 remains in place but has been modified to reflect the April 2, 2020 letter submitted by Tekoa on behalf of the Company and the revised Financial Assurance evaluation submitted on June 21, 2020.

A letter dated August 12, 2020 which confirmed the Director's acceptance of the Financial Assurance evaluation submitted pursuant to Item No. 8 of this Order has been provided to the Company along with this Amendment to the Director's Order (Amendment # 5). The letter confirmed the Directors acceptance of the Financial Assurance evaluation submitted and identified the payment schedule.

Following the Director's acceptance of the Financial Assurance evaluation submitted pursuant to Item No. 8 of this Order, submit to the Director payment of the accepted amount of Financial Assurance in a form that meets the requirements as set out in Section 131 of the EPA.

### **Item No. 10**

Work Ordered Item No. 10 was previously removed by amendment on November 12, 2019 at the request of the Orderees. Work Ordered Item No. 10 was subsequently restored to the Director's Order as the Company failed to comply with the Order.

The Company has again requested through Tekoa Limited that Work Ordered Item Numbers 10 and 11 (regarding the requirement for registration of an instrument on property title) be removed from the Director's Order due to the costs involved as the Orderees have provided a letter that commits to complying with Work Ordered Item No. 12 to provide a copy of this Order to any person who may acquire an interest in the property.

I am satisfied that the protection of public interests will be maintained based on the confirming letter noted above.

For the reasons noted above, Work Ordered Item No. 10 is removed from this Order.

**Item No. 11**

For the reasons noted above under Work Ordered Item 10, Work Ordered Item No. 11 is removed from this Order.

**Item No. 12**

Unchanged – Before dealing with the Site in any way, the Orderees shall give a copy of this Order to every person who will acquire an interest in the Site as a result of the dealing.

Information regarding General Requirements and Appeal/Hearing Provisions is provided at the end of this letter.

Please do not hesitate to contact me directly at 705 927 6165 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bradley". The signature is fluid and cursive, with a large initial "D" and "B".

David Bradley  
District Manager (Director)  
Ministry of the Environment, Conservation and Parks  
Peterborough District Office  
300 Water St. – Floor 2 South  
Peterborough ON K9J 3C7

## Part 5: General Requirements

- 5.1. The requirements of this Order are minimum requirements only and do not relieve the Orderees from:
  - complying with any other applicable order, statute or regulation; and
  - obtaining any approvals or consents not specified in this Order.
- 5.2. If you are unable to comply with any of the requirements of this Order, you may make written submission to the Director. Upon consideration of these submissions the Director may amend this Order.
- 5.3. Notwithstanding the issuance of this Order, further or other orders may be issued in accordance with the EPA and OWRA or other legislation administered by the ministry as circumstances require. In particular, the Director shall issue an order where the acceptance or approval of the Director is required in respect of a matter under this Order and,
  - the Director does not grant acceptance or approval; or,
  - the Director grants acceptance or approval, but with changes that have not been agreed to by the person(s) required to obtain the acceptance or approval.
- 5.4. Where this Order directs that the acceptance or approval of the Director shall be obtained, the Director shall not unreasonably withhold such acceptance or approval.
- 5.5. The requirements set out in this Order are severable. If any requirement of this Order is held to be invalid with regard to a particular circumstance, it will not affect the application of that requirement to other circumstances and will not affect the remainder of this Order.
- 5.6. Subsection 19(1) of the EPA and subsection 13(1) of the OWRA provides that an Order or approval of a Court, the Minister of the Environment, Conservation and Parks, or the Director is binding upon the successor or assignee of the person to whom it is directed.
- 5.7. Subsection 186(2) of the EPA and subsection 107(2) of the OWRA provides that non-compliance with the requirements of this Order constitutes an offence.
- 5.8. Unless stayed by application under Section 143 of the EPA or Section 102 of the OWRA, this Order is effective upon it being served upon you and its terms and conditions shall be in force until such time as they are amended or revoked by the Director



## Part 6: Hearing Before the Environmental Review Tribunal

- 6.1. Pursuant to Section 140 of the EPA and Section 100 of the OWRA, you may require a hearing before the Tribunal), if, within fifteen (15) days after service upon you of this Order, you serve written notice upon the Tribunal and the Director as set out in section 6.3.
- 6.2. Pursuant to Section 142 of the EPA and Section 101 of the OWRA, notice requiring the hearing must include a statement of the portions of the Order for which the hearing is required 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 Order or to rely on grounds of appeal that are not stated in the notice requiring the hearing.
- 6.3. Service of a notice requiring a hearing must be carried out in a manner set out in Section 182 of the EPA and Ontario Regulations 227/07 and 226/07: *Service of Documents* made under the EPA and OWRA 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, Ontario  
M5G 1E5  
Fax: (416) 314-4506  
Email: [ERTTribunalSecretary@ontario.ca](mailto:ERTTribunalSecretary@ontario.ca)

and

David Bradley, Director  
Ontario Ministry of the Environment, Conservation and Parks  
Peterborough District Office  
300 Water Street – Floor 2 South  
Peterborough, Ontario K9J 3C7  
Fax: (705) 744-4321  
Email: [david.bradley@ontario.ca](mailto:david.bradley@ontario.ca)

Where service is made by mail, the service shall be deemed to be made on the fifth (5) day after the day of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Unless stayed by application to the Environmental Review Tribunal under Section 143 of the EPA and/or Section 102 of the OWRA, this Order is effective from the

date of issue.

- 6.4. If you commence an appeal before the Environmental Review Tribunal, under Section 47 of the Environmental Bill of Rights, 1993 (EBR), you must give notice to the public in the EBR registry. The notice must include a brief description of this Order (sufficient to identify it) and a brief description of the grounds of appeal.
- 6.5. The notice must be delivered to the Environment Minister who will place it on the EBR registry. The notice must be delivered to the Environment Minister at: 777 Bay Street, 5<sup>th</sup> Floor, Toronto, Ontario M7A 2J3 by the earlier of:
  - two (2) days of commencing the appeal before the Tribunal; and,
  - fifteen (15) days after this Order.
- 6.6. Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 6.7. For your information, under Section 38 of the EBR, any person resident in Ontario with an interest in this Order may seek leave to appeal the Order. Under Section 40 of the EBR, the application for leave to appeal must be made to the Review Tribunal by the earlier of: fifteen (15) days after notice of this Order is given in the EBR registry; and, if you appeal, fifteen (15) days after your notice of appeal is given in the EBR registry.