

## Certificate of Property Use

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

**Certificate of Property use number:** 2478-C6BJ3H

**Risk Assessment number:** 8607-BPU598

**Owner:** Indwell Community Homes  
1430 Main St East  
Hamilton, Ontario  
L8K 1C3

**Site:** Part of 219-247 East Avenue North (Formerly 225 East Avenue North)  
Hamilton, Ontario  
L8L 5J4

with a legal description described below:

Part of Lots 89, 90, & 91, Robert Land Survey (aka OM1433), being on the west side of East Avenue, designated as Part 2 on Reference Plan 62R-21424, Hamilton

**Being Part of PIN 17183-0290 (LT).**

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 this CPU, the following capitalised terms have the meanings described below. These terms are also defined in the Approved Model. Not all of these terms may be used in this CPU.

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

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

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

“Building Code” means Ontario Regulation 332/12 (Building Code) as amended to January 1, 2015, made under the *Building Code Act, 1992*, S.O. 1992, c.23.

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number **2478-C6BJ3H** issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

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

“Contaminants of Concern” or “COC” has the same meaning as in O. Reg. 153/04, which, for the Property, means one or more contaminants found on, in or under the Property at a concentration that exceeds the applicable site condition standards for the Property, as specified in section 3 of the Risk Assessment report and in Schedule A of the CPU.

“Director” means a person in the Ministry appointed as a director for the purpose of issuing a certificate of property use under section 168.6 of the Act.

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

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or ground water, which may disturb or expose Contaminants of Concern at the Property.

“Licenced Professional Engineer” means a person who means a person who has obtained the appropriate education and training and has demonstrated experience and expertise in the areas related to the work required to be carried out in this CPU and holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P.28.

“Minister” means the minister of the Ministry.

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

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

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the Certificate of Property Use for the Property is first issued by the Director under section 168.6 of the Act based on the Risk Assessment, and any subsequent owner of the Property.

“Property” means the property that is the subject of the Risk Assessment and is described in the property “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 section 3.2 of the CPU.

“Provincial Officer” has the same meaning as in the Act, namely, a person who is designated by the Minister as a provincial officer for the purposes of the Act and the regulations.

“Qualified Person” means a person who meets the qualifications set out in subsection 5(2) of O. Reg. 153/04.

“Risk Assessment” means the risk assessment number **8607-BPU598** submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on **September 7, 2021** and set out in the following documents:

- **“A Risk Assessment for Part of 225 East Avenue North, Hamilton, Ontario (Parcel 2)”, prepared by Intrinsik Corp., dated November 2020;**
- **“A Revised Risk Assessment for Part of 225 East Avenue North, Hamilton, Ontario (Parcel 2)”, prepared by Intrinsik Corp. and dated April 2021; and,**
- **“An Addendum to a Revised Risk Assessment for Part of 225 East Avenue North, Hamilton, Ontario (Parcel 2)”, prepared by Intrinsik Corp. and dated August 2021.**

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

“Risk Management Plan” means the final version of the risk management plan as set out in Section 7 and Appendix K of the “Risk Assessment” report dated August 5, 2021;

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

## **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 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:

1. 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.
  2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.3 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.
- 2.4 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 of property use 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.
- 2.5 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; and
  - (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.
- 2.6 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.
- 2.7 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.

- 2.8 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.
- 2.9 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 of Concern 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/Parkland/Institutional**, as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above **Table 7: Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition for Residential, Parkland, Institutional land use** 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 for **coarse textured soils** are set out in the Risk Assessment and in Schedule A (Contaminants of Concern) which is attached to and forms 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 in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that 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 notice provisions as outlined in Part 5 of this CPU.
- 3.5 I am of the opinion, that the requirements set out in Part 6 of this 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 this CPU and the registration of notice of the CPU on title to the Property as set out in the order requirements in Part 7 of this CPU.

## **Part 4: CPU Risk Management Measures and Requirements 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:

- 4.0 Implement, and thereafter maintain or cause to be maintained, the following Risk Management Measures and requirements identified in the Risk Assessment and set out in Items 4.1 to 4.4 and 5.2 as applicable.
- 4.1 Refrain from constructing any Building on the Property unless the Building includes an open-air storey storage garage, as defined in the Building Code, meeting at minimum, the following requirements:
- i. The open-air storey storage garage is constructed at and above Grade with no below Grade levels;
  - ii. The open-air storey storage garage area covers the entire Building Area at Grade and at least 25 percent (%) of the total area of the storey's perimeter walls are open to the outdoors in a manner that will provide cross ventilation to the entire storey; and,
  - iii. The open-air storey storage garage complies with all applicable requirements of the Building Code.
- 4.2 Upon issuance of this CPU, the Owner shall implement a groundwater monitoring program in accordance with Section K-4.3 of the Risk Management Plan. The groundwater monitoring program shall include, but not be limited to, the following components:
- i. Be overseen by a Qualified Person.
  - ii. Be conducted at the groundwater wells indicated on Schedule B of this CPU, namely BH/MW306, BH/MW401, BH/MW403 and BH/MW404 or at suitable replacement(s) as deemed appropriate by a Qualified Person and approved by the Director.
  - iii. Consist of the semi-annual collection of groundwater samples once in spring and once in fall, for a minimum of two years, from the locations described by Item 4.2 ii. of this CPU.
  - iv. Groundwater samples shall be sent to an appropriately qualified laboratory and analyzed for the COC identified on Schedule C of this CPU;
  - v. The results of the groundwater samples shall be compared to the criteria set out by Schedule C of this CPU.

- vi. Groundwater samples collected as set out by Items 4.2 i., ii., iii. and iv. of this CPU, shall be assessed for the occurrence of an increasing trend in concentration(s) with respect to the criteria set out on Schedule C and if present, an increasing thickness of free product as specified by Section K-4.4 of the Risk Management Plan. If an increasing trend is identified, the Owner shall collect an additional sample(s) (confirmatory) as specified by the Risk Management Plan from the location(s) where the increasing trend(s) is identified.
  - a. If the analysis of the sample(s) collected as required by Item 4.2 vi. of this CPU no longer indicates an increasing trend with respect to the criteria set out on Schedule C determined in accordance with Section K-4.4 of the Risk Management Plan, then groundwater monitoring shall continue as set out by Items 4.2 i., ii., iii., and iv. of this CPU and the Risk Management Plan;
  - b. If the analysis of the sample(s) collected as required by Item 4.2 vi. of this CPU continues to demonstrate an increasing trend in concentration with respect to the criteria set out on Schedule C as determined in accordance with Section K-4.4 of the Risk Management Plan, then the Owner shall notify the Director within 10 business days of receiving the analytical results and retain a Qualified Person to develop and submit the contingency plan described by Section K-4.4 of the Risk Management Plan to the Director.
- vii. Upon the Owner receiving written approval from the Director regarding the contingency plan submitted as directed by Item 4.2 vi. b. of this CPU, the Owner shall implement the plan and provide confirmation to the Director. The contingency plan shall be completed under the supervision of a Qualified Person.
- viii. At the occurrence of two consecutive years of groundwater monitoring results for the monitoring carried out in accordance with Items 4.2 i., ii., iii. and iv. of this CPU that are less than the criteria set out on Schedule B of this CPU, a request can be made to the Director in accordance of Item 8.2 of this CPU.
- ix. In the event that one or more of the monitoring wells identified in Item 4.2 ii. of this CPU are damaged or destroyed, the Owner shall provide written notification to the Director and the damaged or destroyed monitoring wells shall be either repaired or replaced, as warranted, by a newly installed monitoring well in the same location and be of similar construction, to the extent practicable, as the original monitoring well that was destroyed prior to the next scheduled groundwater sampling event. All damaged monitoring wells that cannot reasonably be repaired shall be decommissioned in accordance with Ontario Regulation 903 as amended from time to time. Monitoring wells may be removed from the groundwater monitoring program upon the Owner receiving written approval from the Director.
- x. An annual report detailing the sample results, sample locations, borehole logs/monitoring well construction details along with an evaluation of the temporal trends in groundwater quality and an assessment of the potential for off-property migration of impacted groundwater shall be submitted to the Director on or before March 31<sup>st</sup> following each year of monitoring until written approval from the Director to discontinue the program is received by the Owner.

- xi. Any changes to the groundwater monitoring program specified by the Risk Management Plan must be requested in writing by the Qualified Person and these changes shall only be implemented by the Owner upon receiving approval from the Director.
- xii. The Owner shall keep a copy of all sampling data available for inspection by a Provincial Officer upon request.

#### **4.3 Health and Safety Plan Requirement:**

In addition to any requirements under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, including, at a minimum:

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment; and
- c. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate; and
- d. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property; and
- e. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident; and
- f. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- g. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and



- h. updated and delivered to the Owner within 30 days following making any alteration to the plan.

#### **4.4 Annual Reports Requirement:**

The Owner shall prepare by March 31 each year, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements as applicable:

- a. Groundwater monitoring activities as described by Item 4.2 of this CPU;
- b. Documentation relating to the Health and Safety Plan described by Item 4.3 of this CPU;
- c. A site plan indicating that the open-air storey storage garage is beneath the entire Building footprint; and
- d. Any other information determined to be necessary by the Qualified Person.

### **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:

#### **5.1 Property Use Restriction: N/A.**

#### **5.2 Building Construction Restrictions**

Refrain from constructing the following Building(s): Any Building except as may be permitted in the CPU including by implementing on any particular Building, the Risk Management Measures as may be applicable.

#### **5.3 Notice of Restrictions**

Pursuant to 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 this CPU and that it contains the provisions noted above in Items 5.1 and 5.2, except where noted N/A, and that every occupant complies with such provisions. 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 paragraph 168.6(1)1 of the Act:

## **6.1 Site Changes Affecting Risk Management Measures**

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, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, a new risk assessment may need to be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance. An amendment to the CPU will be issued to address the changes set out in any notice received and any future changes that the Director considers necessary in the circumstances.

## **6.2 Report Retention Requirements**

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, provide a copy to the requesting Director or Provincial Officer.

## **6.3 Owner Change Notification**

While the CPU is in effect, the Owner shall, forthwith report in writing to the Director any changes of ownership of the Property except that while the Property is registered under the *Condominium Act, 1998*, S.O.1998 c.19 no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

## **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 197 (2) of the Act:

### **7.1 Property Notice Requirement**

For the reasons set out in the CPU and pursuant to the authority vested in me by 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,

## 7.2 Certificate of Requirement Registration

Within fifteen (15) days from the date 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.

## 7.3 Verification

Within five (5) days after registering the certificate of requirement provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

## 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, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 8.2 An application under subsection 168.6(3) of the Act to alter any terms and conditions in the CPU, or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 8.3 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.
- 8.4 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.
- 8.5 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.6 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.
- 8.7 Failure to comply with a requirement of the CPU by a date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

- 8.8 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU.
- 8.9 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.
- 8.10 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 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 Ontario Land Tribunal**

With respect to those provisions relating to my authority in issuing a certificate of property use under section 168.6 and an order under section 197 of the Act:

- 9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 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:

Registrar  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, ON, M5G 1E5  
Email: [OLT.Registrar@ontario.ca](mailto:OLT.Registrar@ontario.ca)

and

Director  
Ministry of the Environment, Conservation and Parks

119 King Street West, 9<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y7  
Fax: (905) 521-7806  
Email: [stephen.burt@ontario.ca](mailto:stephen.burt@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 Environmental Registry of Ontario. 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 Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Ministry of the Environment, Conservation and Parks, College Park 5th Flr, 777 Bay St, Toronto, ON M7A 2J3 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 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to 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 decision to issue the CPU is given in the Environmental Registry of Ontario; and (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 9.8 The procedures and other information provided in this Part 9 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws)

Further information on the requirements of the Tribunal regarding an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349

Fax: (416) 326-5370

[olt.gov.on.ca](http://olt.gov.on.ca)

Issued at Hamilton on this 26<sup>th</sup> day of November, 2021

*Original signed by*

Stephen Burt  
Director, section 168.6 of the Act

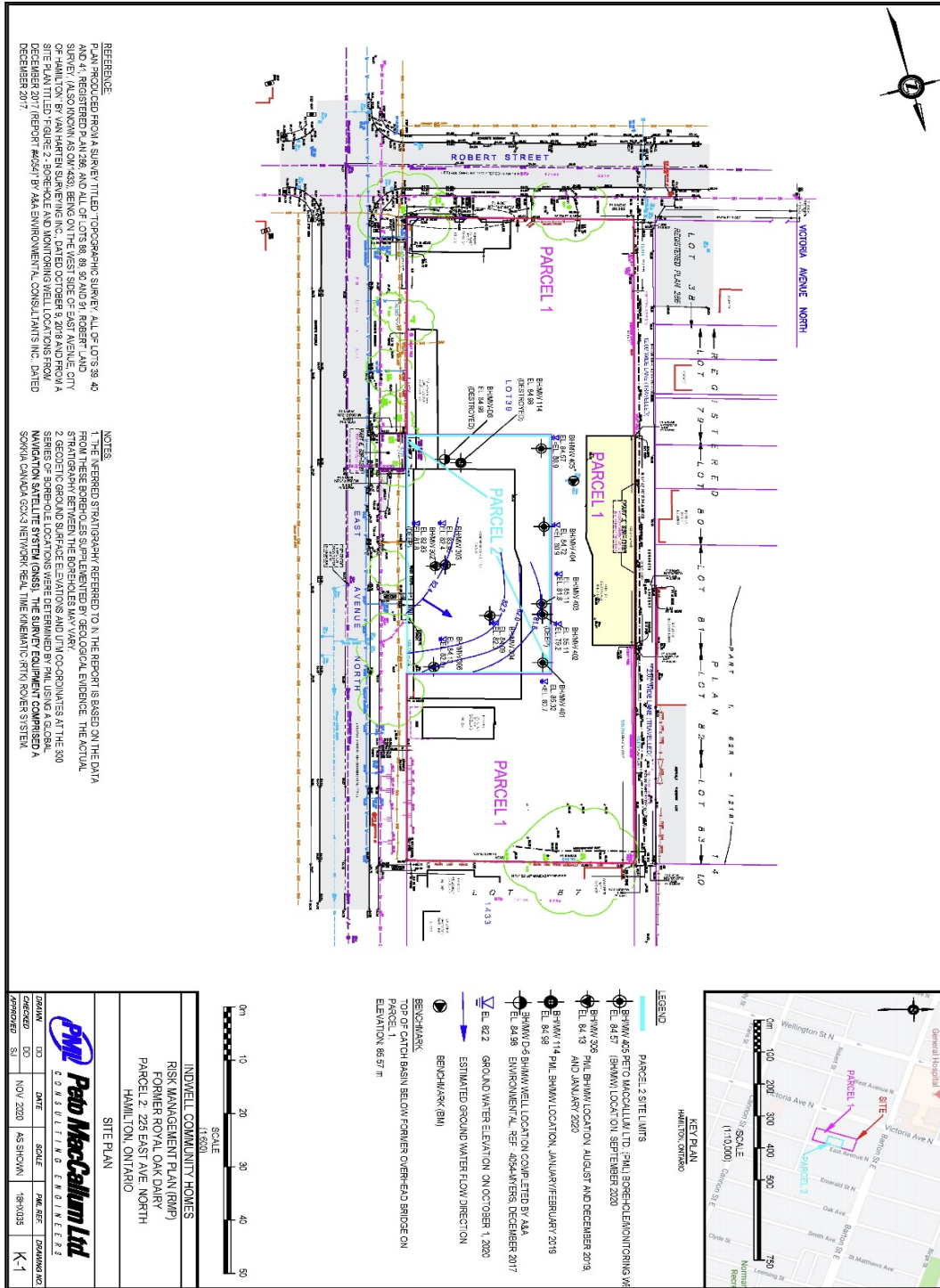
## Schedule A

### Property Specific Standards – Groundwater

*All values in micrograms per litre except where indicated*

<b>Contaminants of Concern (COC)</b>	<b>Property Specific Standards</b>
Acenaphthene	1.8
Acenaphthylene	0.24
Anthracene	2.5
Benz(a)anthracene	5.0
Benzo(a)pyrene	6.1
Benzo(b)fluoranthene	6.7
Benzo(g,h,i)perylene	4.2
Benzo(k)fluoranthene	2.4
Chromium VI	137
Chrysene	4.7
Dibenz(a,h)anthracene	0.79
Dichloroethane, 1,2-	9.4
Fluoranthene	13.2
Indeno(1,2,3-cd)pyrene	3.2
Pyrene	9.8

# Schedule B Groundwater Monitoring Locations





## Schedule C

### Groundwater Trigger Criteria

*All values in micrograms per litre except where indicated*

<b>Contaminants of Concern (COC)</b>	<b>Property Specific Standards</b>
Acenaphthene	1.8
Acenaphthylene	0.24
Anthracene	1
Benz(a)anthracene	1.8
Benzo(a)pyrene	2.1
Benzo(b)fluoranthene	4.2
Benzo(g,h,i)perylene	0.2
Benzo(k)fluoranthene	1.4
Chromium VI	110
Chrysene	0.7
Dibenz(a,h)anthracene	0.4
Dichloroethane, 1,2-	9.4
Fluoranthene	13.2
Indeno(1,2,3-cd)pyrene	1.4
Pyrene	5.7

## SCHEDULE D

### CERTIFICATE OF REQUIREMENT

s.197(2)

#### *Environmental Protection Act*

This is to certify that pursuant to Item 7.1 of Certificate of Property Use number **2478-C6BJ3H** issued by **Stephen Burt**, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on November 26, 2021, being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as **Part of 219-247 East Avenue North (Formerly 225 East Avenue North) Hamilton, Ontario being part of Property Identifier Number (PIN)17183-0290 (LT) (the “Property”)** with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

#### **Indwell Community Homes**

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.