

# 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 **0058-C82HUU**  
Risk assessment number **2141-ATYS6K**

**Owner:** 1646551 Ontario Inc.  
o/a Tiffin By The Lake  
655 Aberdeen Blvd.  
Midland, Ontario  
L4R 5N9

**Site:** 517, 523, 529, 535, 541, 547, 553, 559, 565, 589, 595, 601, 607, and 613 Taylor  
Drive  
Midland, Ontario

with a legal description as follows:

**517 Taylor Drive: LOT 1, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0704 (LT)**

**523 Taylor Drive: LOT 2, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0705 (LT)**

**529 Taylor Drive: LOT 3, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0706 (LT)**

**535 Taylor Drive: LOT 4, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0707 (LT)**

**541 Taylor Drive: LOT 5, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0708 (LT)**

**547 Taylor Drive: LOT 6, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0709 (LT)**

**553 Taylor Drive: LOT 7, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0710 (LT)**

**559 Taylor Drive: LOT 8, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0711 (LT)**

**565 Taylor Drive: LOT 9, PLAN 51M-971, SUBJECT TO AN EASEMENT IN GROSS OVER PART 1, 51R40499 AS IN SC1378451, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0712 (LT)**

**589 Taylor Drive: LOT 13, PLAN 51M-971, SUBJECT TO AN EASEMENT IN GROSS OVER PART 2, 51R40499 AS IN SC1378451, TOWN OF MIDLAND,**

**COUNTY OF SIMCOE being all of Property Identification Number 58475-0716 (LT)**

**595 Taylor Drive: LOT 14, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0717 (LT)**

**601 Taylor Drive: LOT 15, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0718 (LT)**

**607 Taylor Drive: LOT 16, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0719 (LT)**

**613 Taylor Drive: LOT 17, PLAN 51M-971, SUBJECT TO AN EASEMENT IN GROSS OVER PART 3, 51R40499 AS IN SC1378451, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0720 (LT)**

**as outlined on Figure 1 - "Plan 51M-971 – Plan of Subdivision of Part of Lots 19 and 20, Concession 3, Geographic Township of Tay, Town of Midland, County of Simcoe" dated July 7, 2011 by Preston Nicholson Harvey Inc., Ontario Land Surveyors, a copy of which is attached hereto in Schedule "B".**

**The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described 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.**

**Summary:**

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

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:
  - a. Installing/maintaining any equipment No
  - b. Monitoring any contaminant Yes
  - c. Refraining from constructing any building specified Yes
  - d. Refraining from using the Property for any use specified Yes
  - e. Other: Maintaining a barrier to site soils, and preparing and implementing a soil and ground water management plan and health and safety plan for the Property. Yes
  
- ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:
  - a. The barrier to site soils shall be maintained indefinitely until the Director alters or

revokes the CPU.

- b. The soil and ground water management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing Impacted Soils, Impacted Ground Water for as long as the Contaminants of Concern are present on the Property.
- c. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

## Part 1: Interpretation

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

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

“Adverse Effect” has the same meaning as in the Act; namely,

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; and,
- (h) interference with the normal conduct of business.

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

“Building Code” means the Ontario Regulation 332/12; ‘Building Code’, 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.

“Contaminants of Concern” and “COC” 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 **0058-C82HUU**.

"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.

“Impacted Soil” means soil in which one or more Contaminants are present at concentrations greater than the Residential/Parkland/Institutional Property Use Standards for soils within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil.

“Impacted Ground Water” means ground water in which one or more Contaminants are present at concentrations greater than the Ground Water Standards for All Types of Property Uses within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for All Types of Property Use.

“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.

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P.28 and 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.

“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.

“Modified Generic Risk Assessment Approved Model” has the same meaning as in subsection 1 (1) of Schedule C of O. Reg. 153/04, namely, the data file entitled “Modified Generic Risk Assessment Model” and dated October 19, 2009 as amended from time to time, that is maintained by the Ministry as part of its Brownfield initiative and is available on the Internet and may be available in such other manner as the Minister considers appropriate.

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

“O. Reg. 406/19” means Ontario Regulation 406/19, “On-Site and Excess Soil Management” made under the Act.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the CPU is issued, described in the “Owner” section on Page 1 above, and any subsequent owner(s) of the Property.

“OWRA” means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40.

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

"Property Specific Standards" or "PSS" means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in Item 3.2 of the CPU and are the same standards specified in the Risk Assessment.

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act.

"Qualified Person" means a person who meets the qualifications prescribed in subsection 5 (2) of O. Reg. 153/04, namely a person who:

- a. Holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, or
- b. Holds a certificate of registration under the *Professional Geoscientists Act, 2000*, and is a practising member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

"Risk Assessment" means the Risk Assessment number **2141-ATYS6K** accepted by the Director on October 21, 2021 and set out in the following documents and information/correspondence:

- **The document entitled "Risk Assessment Pre-Submission Form, Tiffin Garden Estates, Taylor Drive, Midland, Ontario" by Terrapex Environmental Ltd. ("Terrapex") dated December 4, 2017;**
- **The report entitled "Site-Specific Risk Assessment, Tiffin Garden Estates, Taylor Drive, Midland, Ontario" by Terrapex dated February 28, 2020;**
- **The report entitled "Revised Site-Specific Risk Assessment, Tiffin Garden Estates, Taylor Drive, Midland, Ontario" by Terrapex dated November 13, 2020; and**
- **The report entitled "Revised Site-Specific Risk Assessment, Tiffin Garden Estates, Taylor Drive, Midland, Ontario" by Terrapex dated June 30, 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.

"Tribunal" has the same meaning as in the Act; namely, the Ontario Land Tribunal.

"Unimpacted Soil" means soil in which Contaminants are present at concentrations less than the Residential/Parkland/Institutional Property Use Standards for soils within **Table 3 "Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition"** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** published by the Ministry and dated April 15, 2011 for coarse textured soil.

## 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 related 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:
1. Take any action that is 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.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- a. alter any terms and conditions in the certificate or impose new terms and conditions;
  - or
  - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
  - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
  - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in

any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.

- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

### Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use of “Residential” property use, as defined in O. Reg. 153/04. The Property was historically used for industrial purposes including a historical railroad corridor and round house terminal. The Property is currently vacant and is proposed to be developed into residential land uses.
- 3.2 The Contaminants on, in or under the Property that are present above the Residential/Parkland/Institutional Property Use Standards for soils and ground water within **Table 3 “Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition”** of the ***Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act*** published by the Ministry and dated April 15, 2011 for coarse textured soil or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU.
- 3.3 The following Schedules form part of this CPU:

#### Schedule A – Property Specific Standards

- Table 1-1 “Recommended Property Specific Standards for Soil”
- Table 1-2 “Recommended Property Specific Standards for Groundwater”

## Schedule B – Figures

- Figure 1 - “Plan 51M-971 – Plan of Subdivision of Part of Lots 19 and 20, Concession 3, Geographic Township of Tay, Town of Midland, County of Simcoe” dated July 7, 2011 by Preston Nicholson Harvey Inc., Ontario Land Surveyors.
- Figure H-1: “Risk Management Measures – Barriers to Site Soils” dated November 2020 by Terrapex.
- Figure H-2: “Risk Management Measures – Vapour Barrier” dated June 2021 by Terrapex.

## Schedule C – Certificate of Requirement

- 3.4 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.
- 3.5 The Risk Assessment indicates the presence of Contaminants of Concern in soil and ground water which requires on-going restrictions on land use and pathway elimination. As such, it is necessary to restrict the use of the Property, impose building restrictions, and implement Risk Management Measures as set out 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 Items 4.8 and 4.9 of this CPU.

## 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. The performance objectives of the Risk Management Measures are as follows:



- block soil exposure pathways for human receptors and ecological receptors;
- block soil and ground water vapour pathways for new buildings to be developed at the Site;
- block ground water pathways for human receptors; and
- establish inspection and monitoring programs to evaluate the effectiveness of the Risk Management Measures.

#### 4.2.1 CAPPING (“Cap”)

The Property shall be covered by a physical barrier where there is less than 1.0 m of Unimpacted Soils between the final developed grade, as approved by the Town of Midland, and Impacted Soils. In addition, soils located below the final developed grade and extending to a depth of at least 1.5 m shall have a pH of between 5 and 9.

The barrier shall be designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to Impacted Soils shall consist of a clean soil cap (fill cap), hard cap and/or fence as specified below:

4.2.1.1 Fill Cap - A clean soil cap shall consist of a minimum of 1.0 m of Unimpacted Soils, all as illustrated in Figure H-1: “Risk Management Measures – Barriers to Site Soils” dated November 2020 by Terrapex in Schedule “B”. The material above the Impacted Soil may also include up to 0.5 m of non-soil surface treatment such as asphalt, concrete, concrete pavers, stone pavers, brick, or aggregate.

For any plants that are to be planted with root structures that would typically extend to depths greater than the Fill Cap depth (i.e. trees), then the Fill Cap shall be extended to a depth of 1.5 m for a radius of 2.4 m surrounding the planting.

4.2.1.2 Hard Cap - For areas that are not under structures, a hard cap shall consist of at least 75 mm of hard surface consisting of hot mix asphalt, concrete or other surface treatment not required to support vegetative growth underlain by at least 150 mm of Granular “A” or other suitable material, all as illustrated in Figure H-1: “Risk Management Measures – Barriers to Site Soils” dated November 2020 by Terrapex in Schedule “B”.

4.2.1.3 Upon issuance of the CPU, for portion(s) of the Property, under re-development or not in use and not capped, these areas shall have a fence barrier or equivalent barrier to prevent the general public from accessing that part of the Property and a dust control plan to prevent surface soil from impacting the adjacent properties.

## 4.2.2 INSPECTION AND MAINTENANCE PROGRAM

4.2.2.1 Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:

- i. procedures and timing for implementing the program;
- ii. semi-annual inspections (spring and fall) of the Cap;
- iii. noting any deficiencies in the barrier observed during the inspections, or at any other time;
- iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the barrier has been properly repaired;
- v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property; and
- vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- vii. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
- viii. updated and delivered to the Owner within 30 days following making any alteration to the program; and

4.2.2.2 Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each barrier at the Property, including cross-sectional drawings of the barrier showing its design and vertical and lateral extent and confirming that the soils located below the final developed grade to a depth of at least 1.5m has a pH of between 5 and 9;

and which are,

- i. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the barrier, or other relevant feature shown on the site plan; and

4.2.2.3 Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the barrier and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

#### 4.2.3 BUILDING RESTRICTIONS

No enclosed structures shall be constructed on the Property unless the building is equipped with a vapour mitigation system as per Item Nos. 4.2.9 of the CPU.

#### 4.2.4 SOIL AND GROUND WATER MANAGEMENT PLAN

Prepare and implement a written soil and ground water management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil (including sediment, if required) or soil brought to the Property, and, if any, ground water from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil, sediment or ground water at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles; and
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
  - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
    - 1. is to be used as capping soil,
    - 2. meets the standards; or
    - 3. exceeds the standards;
  - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    - 1. used as capping soil at the Property;
    - 2. otherwise used as fill at the Property;
    - 3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
    - 4. removed from the Property for off-site use as fill or disposal; and
  - iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
    - 1. reflect the distinctions described in parts (c) i and ii; and
    - 2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern; and
    - 3. have been bermed or fenced, as appropriate, to restrict access by persons; and
    - 4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed; and
- d. measures to manage storm water and any ground water from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and
- e. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
  - i. dates and duration of the Intrusive Activities being undertaken;
  - ii. weather and site conditions during the Intrusive Activities;
  - iii. the location and depth of excavation activities, and dewatering activities, if any;

- iv. dust control and soil tracking control measures;
- v. characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;
- vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
- vii. management activities for any ground water from dewatering;
- viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
- ix. names and contact information for any haulers and receiving sites for soil and any ground water removed from the Property, and for haulers and source sites of any soil brought to the Property; and
- x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

- xi. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- xii. updated and delivered to the Owner within 30 days following making any alteration to the plan.

#### 4.2.5 HEALTH AND SAFETY PLAN

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.

#### 4.2.6 FUTURE SITE DEVELOPMENT

All Impacted Soil and Impacted Ground Water encountered during future site development that was not addressed under the Risk Assessment must be delineated and remediated in keeping with the requirements and assumptions of the Risk Assessment. If remediation is required, upon completion, a summary report completed by a Qualified Person shall be retained by the Owner and be available to a Provincial Officer upon request. The summary report shall include the following:

4.2.6.1 The dates and duration of work completed;

4.2.6.2 A summary of the work completed;

4.2.6.3 A site plan showing the location of the work;

4.2.6.4 Material characterization results and confirmatory sampling results, including copies of the laboratory certificates of analysis.

#### 4.2.7 SITE PLAN

The Owner shall submit a site plan prepared and signed by a Qualified Person prior to use of any future site development which will describe the Property, the proposed development and the location of the specified Risk Management Measures. This site plan shall be submitted to the Director and the Owner shall retain one copy for inspection upon request by a Provincial Officer. The site plan shall be revised and resubmitted to the Director following the completion of any changes to the development.

#### 4.2.8 SITE RESTORATION PLAN

A site restoration plan shall be developed and implemented for the Property prior to any development activities that may disturb the Cap. This plan shall include the steps to repair/replace the Cap to meet the requirements set out under Item 4.2.1 above. A log of steps taken to implement the plan shall be maintained and be available upon request by a Provincial Officer. The plan shall also be made available upon request by a Provincial Officer.

#### 4.2.9 VAPOUR INTRUSION BARRIER SYSTEM

In accordance with Item 4.2.3 of the CPU, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a vapour intrusion barrier system designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, including the following:

4.2.9.1 The Vapour Intrusion Barrier System shall be comprised of the following:

- a minimum 76 mm concrete floor slab;
- underlain by a low permeability vapour barrier membrane resistive to the Contaminants of Concern (such as a geosynthetic vapour barrier or Liquid Boot Gas Vapour Mitigation System, or equivalent), extending across the full width and length of an Building, providing a gas tight barrier beneath the Building slab, including all seams, penetrations, transitions, piping, sumps, or other utility connections;
- underlain by a minimum of 125 mm of crushed stone or granular material;

all as illustrated in Figure H-2: "Risk Management Measures – Vapour Barrier" dated June 2021 by Terrapex in Schedule "B".

#### 4.2.9.2 QUALITY ASSURANCE / QUALITY CONTROL

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the vapour barrier system is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

- i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer; and
- ii. daily inspections of the installation of the vapour barrier system, including of the quality assurance and quality control measures and procedures undertaken by the installer; and

- iii. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
  - 1. daily inspection reports noting any deficiencies and corrective actions taken; and
  - 2. smoke testing of the vapour barrier membrane, or equivalent alternative testing method that provides comparable results; and
  - 3. verification of the type and thickness of the vapour barrier membrane through testing of representative samples of materials used which is to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations; and
  - 4. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means, if applicable; and
  - 5. verification that appropriate measures to prevent post-construction damage or degradation to the vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage; and
- iv. noting any deficiencies in the materials or installation of the Vapour Intrusion Barrier System; and
- v. ensuring the prompt repair of any deficiencies, to the design specifications; and
- vi. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
 

and which are,
- vii. delivered to the Owner before installation of the vapour barrier system begins; and
- viii. updated and delivered to the Owner within 30 days of making any alteration to the program.

#### 4.2.9.3 AS CONSTRUCTED PLANS

Prepare as constructed plans of the vapour barrier system, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed



vapour barrier system, including cross-sectional drawings specifying the design and the vertical and lateral extent of the vapour barrier system relative to the Building and the ground surface,

and which are:

- i. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the vapour barrier system, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the vapour barrier system, or other relevant feature shown on the plans.

#### 4.2.9.4 VAPOUR INTRUSION BARRIER SYSTEM IMPLEMENTATION REPORT

Prior to occupancy of any building, a vapour barrier implementation report shall be prepared by a Licensed Professional Engineer in consultation with a Qualified Person and submitted to the Director. This report shall include the following:

- details regarding the Property including grade elevations, locations of all buildings, and final detailed design of the vapour barrier in relation to the building envelopes;
- information regarding the incorporation of the vapour barrier system into building features, such as footings, piles, piers, foundation drainage systems, building envelope components, utility and site servicing infrastructure within the building envelope areas;
- any other aspect of the site development relating to the building envelopes that may affect or alter the design of the vapour barrier system to be implemented;
- final grade elevations of the buildings,
- depth to the ground water table below final grade, and
- the results of the indoor air/sub-slab vapour monitoring program required under Item 4.2.10 confirming that the indoor air and/or sub-slab vapour concentrations meet their respective criteria as outlined in Items 4.2.10.2 or 4.2.10.3.

#### 4.2.9.5 INTRUSIVE ACTIVITIES CAUTION

Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed vapour barrier system, so as to ensure the persons are made aware of the presence and significance of the vapour barrier system and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the vapour barrier system when

undertaking the Intrusive Activities, and if damaged, to ensure the vapour barrier system is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

- i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

4.2.9.6 The requirement for a Vapour Intrusion Barrier System does not apply to temporary structures such as construction trailers or similar buildings that are not intended to be permanent structures at the Site.

#### 4.2.10 INDOOR AIR/SUB-SLAB MONITORING PROGRAM

Prior to occupancy of each building an indoor air/sub-slab vapour monitoring program shall be developed and implemented by an appropriately qualified person(s) (Qualified Person or certified hygienist) in order to assess the potential for migration of COC vapours from Impacted Soils and Impacted Ground Water located beneath the buildings into the indoor air environment. A copy of the monitoring program shall be provided to the Director for approval prior to implementation.

The monitoring program shall include the following:

- 4.2.10.1 Indoor air samples and/or sub-slab vapour samples (i.e. beneath the floor slab of the building) shall be obtained utilizing TO-15 methodology or equivalent (collection of gas into prepared canisters) or TO-17 methodology or equivalent (collection of gas into absorbent tubes) over a 24-hour duration and analyzed for the volatile COCs outlined in Table 1-1 and Table 1-2 in Schedule "A" that require risk management measures for vapour intrusion into indoor air.
- 4.2.10.2 Indoor air samples shall be compared to the Human Health Indoor Air Criteria ("HHIAC") for residential property use as provided by the Ministry in the Modified Generic Risk Assessment Approved Model for each respective volatile COC.
- 4.2.10.3 Sub-slab vapour samples shall be compared to the Soil Vapour Screening Level Criteria as calculated by dividing the HHIAC by the residential attenuation factor of 0.02 for each respective volatile COC.
- 4.2.10.4 If the indoor air/sub-slab sample concentrations obtained under Item 4.2.10.1 exceed the respective criteria outlined in Items 4.2.10.2 or 4.2.10.3, then the sample shall be re-sampled immediately (within two (2) business days) of

receipt of the results.

- 4.2.10.5 If the results of the re-sample of the indoor air/sub-slab vapour confirm an exceedance of the respective criteria outlined in Items 4.2.10.2 or 4.2.10.3, the Owner shall notify the Director in writing within two (2) business days of receipt of the analytical results and provide to the Director a mitigation plan, which may include one or more of the following: confirmatory sampling, additional indoor air/sub-slab monitoring, recommendations for modifying the vapour mitigation systems such as converting to an active system.
- 4.2.10.6 If the results of any monitoring event exceed the criteria outlined in Item 4.2.10.2, no un-authorized access to the area of the Building with the exceedance is allowed until it is confirmed that the indoor air/sub-slab vapour is below the trigger values in Item 4.2.10.2.
- 4.2.10.7 Any proposed changes to the indoor air/sub-slab vapour monitoring program shall be submitted to the Director for approval, along with appropriate justification, prior to implementation.

#### 4.2.11 PROHIBITION ON GROUND WATER USE

Upon issuance of the CPU, the Owner shall take all actions necessary or advisable to prevent any use of ground water in or under the Property as a water source. The Owner shall,

4.2.11.1 Refrain from using ground water in or under the Property as a source of water; and

4.2.11.2 Except, as may be required for continued use as a monitoring well, as defined in the OWRA:

4.2.11.2.1 Properly abandon on the Property any wells, as described or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,

4.2.11.2.2 Refrain from constructing on the Property any wells as described or defined in the OWRA.

#### 4.2.12 ANNUAL REPORT

Upon issuance of the CPU, the Owner shall prepare by March 31<sup>st</sup> of 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 for review by a Provincial Officer upon request. The report shall be signed by a Qualified Person and shall include, but not be limited to, the following minimum information requirements:

- 4.2.12.1 A copy of all records related to the Vapour Intrusion Barrier System, including a copy of the Vapour Barrier Implementation reports that were prepared or revised during the previous calendar year.
  - 4.2.12.2 A copy of all records related to the Indoor Air/Sub-Slab monitoring program.
  - 4.2.12.3 A copy of all records relating to the soil and ground water management plan.
  - 4.2.12.4 A copy of all records relating to the health and safety plan.
  - 4.2.12.5 An evaluation and interpretation of the results of the monitoring programs.
  - 4.2.12.6 A copy of signed site plans including any alterations.
  - 4.2.12.7 Any recommendations on changes to the monitoring programs and risk management measures.
- 4.3 Refrain from using the Property for any of the following use(s): "Agriculture or Other" Property Uses as defined in O. Reg. 153/04.
- 4.4 Refrain from constructing the following building(s): No new enclosed structures on the Property unless the building is equipped with a Vapour Intrusion Barrier System as per Item No. 4.2.9 of the CPU.
- 4.5 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 4.3 and 4.4. 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.

### Site Changes

- 4.6 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 of Concern into the natural environment from the Property. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

## Reports

- 4.7 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 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, completed as outlined in Schedule "D", register the certificate of requirement on title to the Property in the appropriate land registry office.

## Verification

- 4.10 Immediately after registration of 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.

## Owner Change

- 4.11 While the CPU is in effect, the Owner shall forthwith report in writing by email, to the Director at [chris.hyde@ontario.ca](mailto:chris.hyde@ontario.ca) and the Ministry's Barrie District Office at [environment.barrie@ontario.ca](mailto:environment.barrie@ontario.ca) 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.

## Financial Assurance

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

## Part 5: General

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the CPU are not affected.
- 5.2 An application under sub section 168.6(3) of the Act to,
- a. alter any terms and conditions in the CPU or impose new terms and conditions; or
  - b. revoke the CPU;
- shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or 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.
- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner 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.
- 5.6 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.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
  - b. strikes, lockouts or other labour disturbances,
  - c. inability to obtain materials or equipment for reasons beyond 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.

- 5.8 Failure to comply with a requirement of the CPU by the date specified does not absolve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the 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 the ownership of the Property to various condominium 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 6: Information regarding a 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:

- 6.1 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.
- 6.2 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.
- 6.3 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 contact information for the Director and the Tribunal is the following:

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

and

Chris Hyde  
Director, section 168.6 of the Act  
Ministry of the Environment, Conservation and Parks  
54 Cedar Pointe Drive, Unit 1201  
Barrie, Ontario  
L4N 5R7

Fax: 705-739-6440  
Email: [chris.hyde@ontario.ca](mailto:chris.hyde@ontario.ca)

The contact information of the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or Toll Free 1 (866) 448-2248 or [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

Further information regarding service can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws). Please note where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any timelines.

6.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

6.5 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 Environment, Conservation and Parks at College Park, 5<sup>th</sup> Floor, 777 Bay Street, Toronto, Ontario M7A 2J3 by the earlier of:

6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and

6.5.2 fifteen (15) days after service on you of a copy of the CPU.

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 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:

6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the Environmental Registry of Ontario; and

6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.

6.8 The procedures and other information provided in this Item 6 are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws).



Issued at Barrie this 14<sup>th</sup> day of February, 2022.

A handwritten signature in blue ink, appearing to read "Chris Hyde", written in a cursive style.

Chris Hyde  
Director, section 168.6 of the Act

**Schedule 'A'**  
**Property Specific Standards**

Table 1-1: Recommended Property Specific Standards for Soil

Contaminant of Concern	Maximum Concentration (µg/g)	Table 3 Site Condition Standard <sup>a</sup> (µg/g)	Reasonable Estimate of the Maximum (REM) (µg/g)	Recommended Human Health Property Specific Standard (µg/g)	Recommended Ecological Property Specific Standard (µg/g)	Proposed Property Specific Standard (µg/g)	Basis for Proposed Property Specific Standard	Dominant Exposure Pathway(s) for Proposed PSS (Human; Ecological) <sup>b</sup>	Risk Management Measures Required (Y/N)
Acenaphthene	8.77	7.9	10.5	10.5	10.5	10.5	Maximum + 20%	S-IA; Plants & Soil Org.	No
Acenaphthylene	4.67	0.15	5.60	5.60	5.60	5.60	Maximum + 20%	Indoor Air (Resident); Plants & Soil Org.	Yes <sup>i</sup>
Anthracene	120	0.67	144	144	144	144	Maximum + 20%	Direct Contact (Resident); Plants & Soil Org.	Yes <sup>c,f</sup>
Benz(a)anthracene	22.4	0.5	26.9	26.9	26.9	26.9	Maximum + 20%	Direct Contact (Resident); Plants & Soil Org.	Yes <sup>c,f,g,h</sup>
Benzene	0.29	0.21	0.35	0.35	0.35	0.35	Maximum + 20%	Indoor Air (Resident); Plants & Soil Org.	Yes <sup>i</sup>
Benzo(a)pyrene	23.0	0.3	28	28	28	28	Maximum + 20%	Direct Contact (Resident); Plants & Soil Org.	Yes <sup>c,d,f,g</sup>
Benzo(b)fluoranthene	17.3	0.78	20.8	20.8	20.8	20.8	Maximum + 20%	Direct Contact (Resident); Short-Tailed Shrew	Yes <sup>c,f,g,h</sup>
Benzo(g,h,i)perylene	11.3	6.6	13.6	13.6	13.6	13.6	Maximum + 20%	S1; Short-Tailed Shrew	Yes <sup>g,h</sup>
Benzo(k)fluoranthene	10.6	0.78	12.7	12.7	12.7	12.7	Maximum + 20%	Direct Contact (Resident); Short-Tailed Shrew	Yes <sup>c,f,g,h</sup>
Chrysene	23.2	7	27.8	27.8	27.8	27.8	Maximum + 20%	S1; Short-Tailed Shrew	Yes <sup>g,h</sup>
Dibenzo(a,h)anthracene	3.12	0.1	3.74	3.74	3.74	3.74	Maximum + 20%	Direct Contact (Resident); Short-Tailed Shrew	Yes <sup>c,f,h</sup>
Fluoranthene	92.3	0.69	111	111	111	111	Maximum + 20%	Direct Contact (Resident); Plants & Soil Org.	Yes <sup>c,f,g</sup>
Indeno(1,2,3-cd)pyrene	10.5	0.38	12.6	12.6	12.6	12.6	Maximum + 20%	Direct Contact (Resident); Plants & Soil Org.	Yes <sup>c,f,g,h</sup>
Methylnaphthalene, 2-(1-)	12.7	0.99	15.2	15.2	15.2	15.2	Maximum + 20%	S1; Plants & Soil Org.	Yes <sup>i</sup>
Naphthalene	19.0	0.6	23	23	23	23	Maximum + 20%	Indoor Air (Resident); Plants & Soil Org.	Yes <sup>g,i</sup>
Phenanthrene	106	6.2	127	127	127	127	Maximum + 20%	None; Plants & Soil Org.	Yes <sup>g,i</sup>
Trichloroethylene	0.26	0.061	0.31	0.31	0.31	0.31	Maximum + 20%	Trench Air; Mammals & Birds	Yes <sup>i</sup>

a MECP (Ministry of the Environment, Conservation and Parks), 2011. Ontario Regulation 153/04 Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act; Table 3 Site Condition Standards, residential/parkland/institutional property use, coarse-textured soil.

b Dominant exposure pathways identified by the lowest human health or ecological risk-based concentration. In instances where only one exposure pathway are provided, a dominant exposure pathway for the missing human or ecological was not identified (risks were not quantitatively evaluated).

c RMMs are required to mitigate risks associated with direct contact to soil for residents.

d RMMs are required to mitigate risks associated with direct contact to soil for subsurface workers.

e RMMs are required to mitigate risks associated with inhalation of soil vapour in trench air for subsurface workers.

f RMMs are required to mitigate risks associated with direct contact to soil for the outdoor worker.

g RMMs are required to mitigate risks associated with exposure to soil for terrestrial plants and soil invertebrates.

h RMMs are required to mitigate risks associated with exposure to soil for mammals and birds.

i RMMs are required to mitigate risks associated with inhalation of soil vapour in indoor air for residents within a residential building.

Table 1-2: Recommended Property Specific Standards for Groundwater

Contaminant of Concern	Maximum Concentration (µg/L)	Table 3 Site Condition Standard <sup>a</sup> (µg/L)	Reasonable Estimate of the Maximum (REM) (µg/L)	Recommended Human Health Property Specific Standard (µg/L)	Recommended Ecological Property Specific Standard (µg/L)	Proposed Property Specific Standard (µg/L)	Basis for Recommended Property Specific Standard	Dominant Exposure Pathway(s) for Proposed PSS <sup>b</sup>	Risk Management Measures Required (Y/N)
Acenaphthene	30.3	600	36.4	36.4	36.4	36.4	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Acenaphthylene	3.8	1.8	4.6	4.6	4.6	4.6	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Anthracene	16.9	2.4	20.3	20.3	20.3	20.3	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Benzo(a)anthracene	8.72	4.7	10.5	10.5	10.5	10.5	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Benzene	<0.5	44	0.6	0.6	0.6	0.6	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Benzo(a)pyrene	8.37	0.81	10.0	10.0	10.0	10.0	Maximum + 20%	Direct Contact (Subsurface Worker); GW3	Yes <sup>c</sup>
Benzo(b)fluoranthene	7.43	0.75	8.92	8.92	8.92	8.92	Maximum + 20%	GW1 x 100; GW3	No
Benzo(g,h,i)perylene	4.96	0.2	5.95	5.95	5.95	5.95	Maximum + 20%	GW1 x 100; GW3	No
Benzo(k)fluoranthene	4.02	0.4	4.82	4.82	4.82	4.82	Maximum + 20%	GW1 x 100; GW3	No
Chrysene	8.72	1	10.5	10.5	10.5	10.5	Maximum + 20%	Direct Contact (Subsurface Worker); GW3	No
Dibenz(a,h)anthracene	1.41	0.52	1.69	1.69	1.69	1.69	Maximum + 20%	Direct Contact (Subsurface Worker); GW3	No
Fluorene	37.8	400	45.4	45.4	45.4	45.4	Maximum + 20%	GW1 x 100; GW3	Yes <sup>d</sup>
Indeno(1,2,3-cd)pyrene	4.39	0.2	5.27	5.27	5.27	5.27	Maximum + 20%	GW1 x 100; GW3	No
Methylnaphthalene, 1-(2-)	67	1,800	80	80	80	80	Maximum + 20%	GW1 x 100; GW3	Yes <sup>d</sup>
Naphthalene	280	1,400	336	336	336	336	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Petroleum Hydrocarbons F1	<25	750	30	30	30	30	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Petroleum Hydrocarbons F2	<100	150	120	120	120	120	Maximum + 20%	Indoor Air (Resident); GW3	Yes <sup>d</sup>
Phenanthrene	71.8	580	86.2	86.2	86.2	86.2	Maximum + 20%	GW1 x 100; GW3	Yes <sup>d</sup>
Trichloroethylene	<0.5	1.6	0.6	0.6	0.6	0.6	Maximum + 20%	Trench Air; GW3	Yes <sup>d</sup>

a MECP (Ministry of the Environment, Conservation and Parks), 2011. Ontario Regulation 153/04 Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act; Table 3 Site Condition Standards, residential/parkland/institutional property use, coarse textured soil.

b Dominant exposure pathways identified by the lowest human health or ecological risk-based concentration. In instances where only one exposure pathway are provided, a dominant exposure pathway for the missing human or ecological was not identified (risks were not quantitatively evaluated).

c RMMs are required to mitigate risks associated with the direct contact with groundwater for subsurface workers.

d RMMs are required to mitigate risks associated with the inhalation of groundwater vapours in indoor air for residents within a residential building.

## **Schedule 'B'**

### **FIGURES**

- Figure 1 - "Plan 51M-971 – Plan of Subdivision of Part of Lots 19 and 20, Concession 3, Geographic Township of Tay, Town of Midland, County of Simcoe" dated July 7, 2011 by Preston Nicholson Harvey Inc., Ontario Land Surveyors.
- Figure H-1: "Risk Management Measures – Barriers to Site Soils" dated November 2020 by Terrapex
- Figure H-2: "Risk Management Measures – Vapour Barrier" dated June 2021 by Terrapex



Figure H-1: "Risk Management Measures – Barriers to Site Soils" dated November 2020 by Terrapex

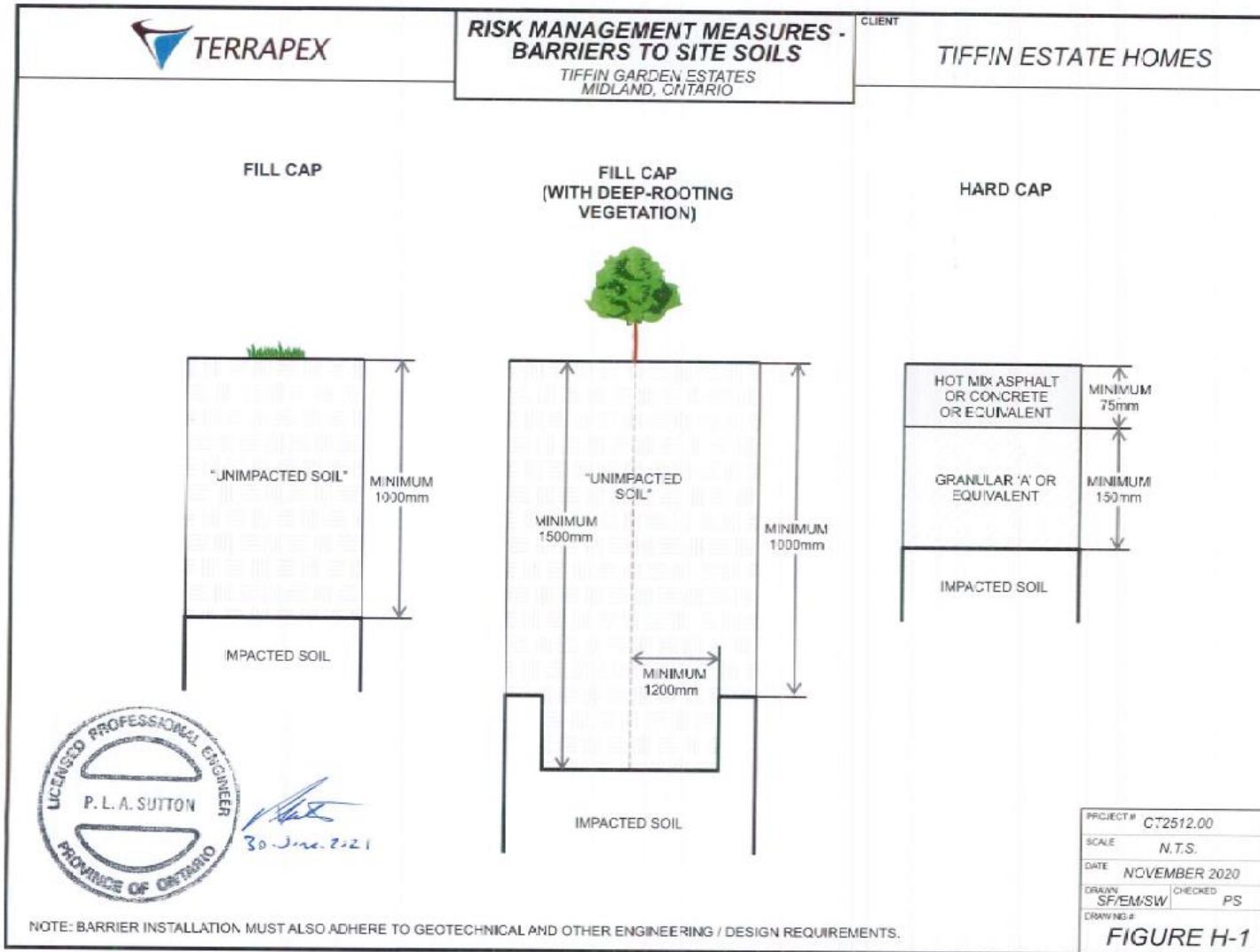
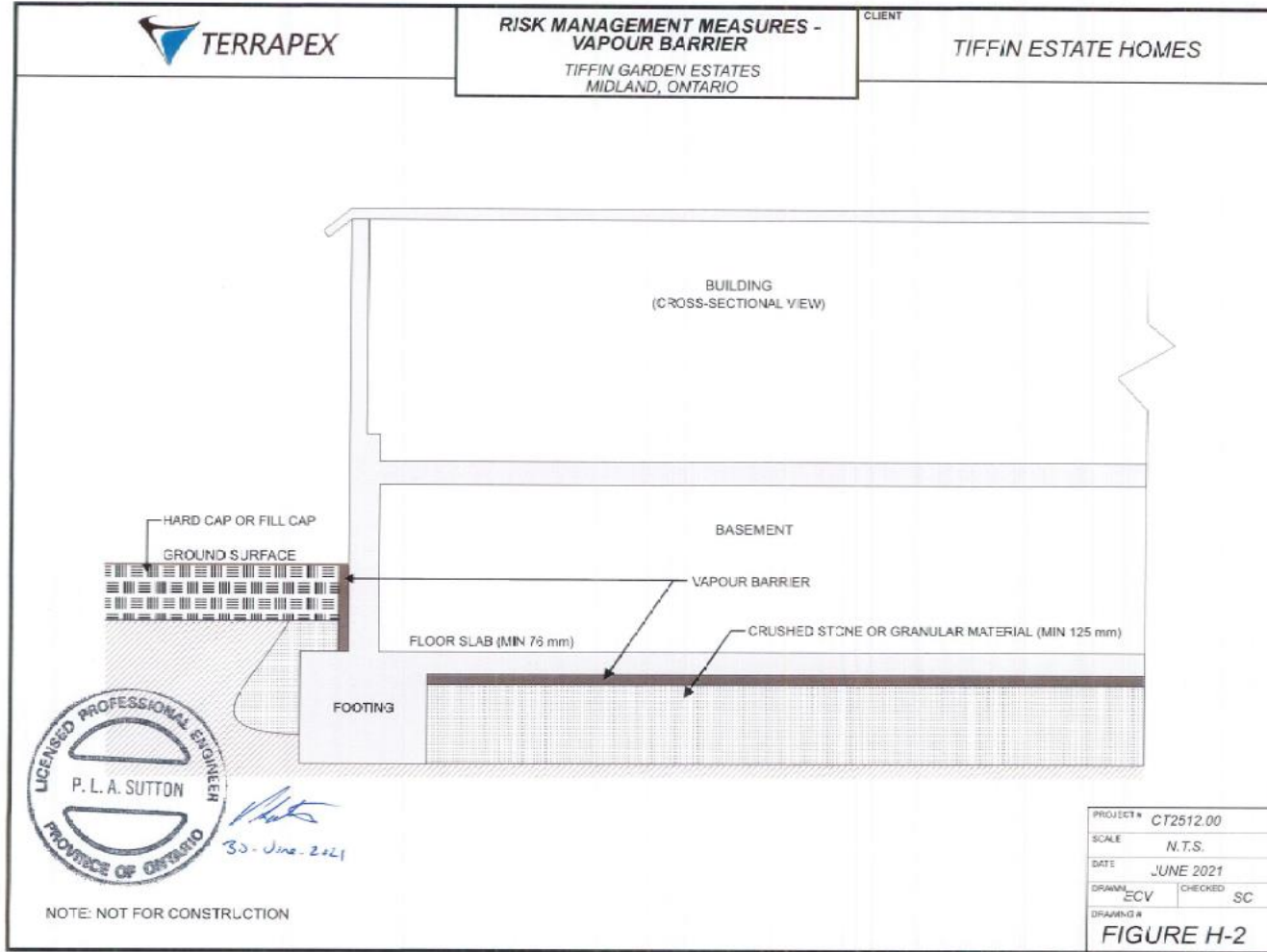


Figure H-2: "Risk Management Measures – Vapour Barrier" dated June 2021 by Terrapex





**Schedule 'C'**  
**CERTIFICATE OF REQUIREMENT**  
**s.197(2)**  
**Environmental Protection Act**

This is to certify pursuant to Item 4.8 of the Certificate of Property Use number **0058-C82HUU** issued by Chris Hyde, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act* on February 14, 2022 being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as **517, 523, 529, 535, 541, 547, 553, 559, 565, 589, 595, 601, 607, and 613 Taylor Drive, Midland, Ontario**, being all of Property Identifier Numbers (PINs) as follows:

**517 Taylor Drive: LOT 1, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0704 (LT)**

**523 Taylor Drive: LOT 2, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0705 (LT)**

**529 Taylor Drive: LOT 3, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0706 (LT)**

**535 Taylor Drive: LOT 4, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0707 (LT)**

**541 Taylor Drive: LOT 5, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0708 (LT)**

**547 Taylor Drive: LOT 6, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0709 (LT)**

**553 Taylor Drive: LOT 7, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0710 (LT)**

**559 Taylor Drive: LOT 8, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0711 (LT)**

**565 Taylor Drive: LOT 9, PLAN 51M-971, SUBJECT TO AN EASEMENT IN GROSS OVER PART 1, 51R40499 AS IN SC1378451, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0712 (LT)**

**589 Taylor Drive: LOT 13, PLAN 51M-971, SUBJECT TO AN EASEMENT IN GROSS OVER PART 2, 51R40499 AS IN SC1378451, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0716 (LT)**

**595 Taylor Drive: LOT 14, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0717 (LT)**

**601 Taylor Drive: LOT 15, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0718 (LT)**

**607 Taylor Drive: LOT 16, PLAN 51M-971, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0719 (LT)**

**613 Taylor Drive: LOT 17, PLAN 51M-971, SUBJECT TO AN EASEMENT IN GROSS OVER PART 3, 51R40499 AS IN SC1378451, TOWN OF MIDLAND, COUNTY OF SIMCOE being all of Property Identification Number 58475-0720 (LT)**

(the "Property") with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the Property,

**1646551 Ontario Inc.**

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

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