

# 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 **1254-C89NWV**

Risk assessment number **0155-BC6QVC**

**Owner:** The Corporation of the Town of Midland  
575 Dominion Avenue  
Midland, Ontario  
L4R 1R2

**Site:** **420 Bayshore Drive**  
**Midland, Ontario**

with a legal description as follows:

**PT LTS 107 & 108, PT WATER LOT LYING IN FRONT LT 108 CON 2, TAY, WATER LTS 1 TO 12, PT LTS 1 TO 12 N/S FRANK ST, PT CHARLES ST, PT GEORGE ST & PT LINDSAY ST ALL N/S FRANK ST PL 349; PT CHARLES ST, PT GEORGE ST & PT LINDSAY ST, CLOSED NORTH OF CNR PL 724; DESCRIBED AS PT 1, 51R-42857; TOWN OF MIDLAND; COUNTY OF SIMCOE**

**Being part of Property Identification No. 58452-0553 (LT)**

**as outlined on the Plan of Survey - “Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots ‘C’ and ‘D’, Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe” dated January 25, 2021 by Dearden and Stanton Ltd., 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  | Yes |
| 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 or Impacted Sediments 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.

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

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

- (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 [1254-C89NWV](#).

"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/Industrial/Commercial/Community Property Use Standards for soils within **Table 9 “Generic Site Condition Standards for Use within 30 m of a Water Body 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 9 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Ground Water Condition”** or the GW2 component value used to determine the **Table 7 “Generic Site Condition Standards for Shallow Soils 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.

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

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

“Property Management Oversight” means management, on an ongoing basis, of all structural, mechanical, electrical, ventilation and other Building and Property services that relate to the installed Passive SVIMS, or the installed Active SVIMS, as applicable for the Property as set out in section 7 of the Risk Assessment report including oversight of operation, inspection, monitoring, maintenance and repair activities, and of operational and reserve funding for these activities, by a property manager or management company engaged by the Owner or, in the case of collective ownership, by an authorized representative or representatives of the collective ownership of the Building and Property, such as a condominium board.

“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 **0155-BC6QVC** accepted by the Director on October 29, 2021 and set out in the following documents and information/correspondence:

- **The Risk Assessment Pre-Submission Form by Canada North Environmental Services Limited Partnership ("CanNorth") dated May 3, 2019;**
- **The report entitled "Midland Landing Risk Assessment, 420 Bayshore Drive, Midland, Ontario" by CanNorth dated November 2019;**
- **The report entitled "Midland Bay Landing Risk Assessment, 420 Bayshore Drive, Midland, Ontario" by CanNorth dated June 2020;**
- **The report entitled "Midland Bay Landing Risk Assessment, 420 Bayshore Drive, Midland, Ontario" by CanNorth dated April 2021; and**
- **The report entitled "Midland Bay Landing Risk Assessment, 420 Bayshore Drive, Midland, Ontario" by CanNorth dated September 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.

"Storage Garage" has the same meaning as in the Building Code.

"SVIMS" means soil vapour intrusion mitigation system.

"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/Industrial/Commercial/Community Property Use Standards for soils within **Table 9 "Generic Site Condition Standards for Use within 30 m of a Water Body 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 mixed use of “Residential”, “Parkland” and “Commercial” property uses, as defined in O. Reg. 153/04. The Property was historically used for a mixed use of industrial purposes including a former aggregate processing facility, coal docks and storage, railway spur lines, dry dock area; vacant lands used as an informal open space with trails and access to the lake; and parkland. The Property is currently vacant and is proposed to be developed into a mixed use of residential, commercial, and parkland 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 within **Table 9 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Ground Water Condition”** or for ground water within **Table 9 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Ground Water Condition”** or the GW2 component value used to determine the **Table 7 “Generic Site Condition Standards for Shallow Soils 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 “Property Specific Standards in Soil”
- Table 1.2 “Property Specific Standards in Groundwater”

## Schedule B – Figures

- Plan of Survey - “Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots ‘C’ and ‘D’, Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe” dated January 25, 2021 by Dearden and Stanton Ltd., Ontario Land Surveyors.
- Site Plan “Midland Bay Landing Development Areas” dated September 2017 by the Town of Midland.
- Figure 1 “Fill/Hard Cap RMM” dated June 2020/Revised November 2020 by Cambium Inc. (“Cambium”).
- Figure 2 “Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots ‘C’ and ‘D’, Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe” dated January 25, 2021 by Dearden and Stanton Ltd., Ontario Land Surveyors.
- Figure 3 “Cross-Section: Typical Soil-Vapour Mitigation System” dated June 2020 by Cambium.
- Figure 4 “Typical Soil-Vapour Mitigation System Additional Details” dated June 2020 by Cambium.
- Figure 5 “Typical Utility Trench” dated June 2020 by Cambium.
- Figure 6 “Clay Seal for Pipe Trenches – Ontario Provincial Standard Drawing” dated November 2016, OPSD 802.095

## Schedule C – Table 1.6 “Indoor Air and Sub-slab Trigger Values

## Schedule D – 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 and Impacted Soils.

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 or a minimum of 0.5 m of Unimpacted Soils immediately on top of a geotextile barrier above Impacted Soils, all as illustrated in Figure 1: "Fill/Hard Cap RMM" dated June 2020/Revised November 2020 by Cambium 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 2 m for a 4 m by 4m (length by width) area surrounding the planting, all as illustrated in Figure 1: "Fill/Hard Cap RMM" dated June 2020/Revised November 2020 by Cambium in Schedule "B".

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 1: "Fill/Hard Cap RMM" dated June 2020/Revised November 2020 by Cambium 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. For the portions of the Property currently deemed to be parkland property use as identified as Areas 2 and 4 of the Site Plan entitled "Midland Bay Landing Development Areas" dated September 2017 by the Town of Midland in Schedule "B", a fence barrier or equivalent barrier is not required until these areas are undergoing redevelopment.

#### 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 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 east portion of the Property as illustrated as Area 1 on Figure 2 "Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots 'C' and 'D', Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe" dated April 17, 2015 by Dearden and Stanton Ltd., Ontario Land Surveyors" in Schedule B unless the building is equipped with a SVIMS or an at or below grade storage/parking garage risk management measure as per Item Nos. 4.2.10 or 4.2.11 of the CPU, respectively.

No enclosed structures shall be constructed on the west portion of the Property as illustrated as Area 2 on Figure 2 "Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots 'C' and 'D', Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe" dated April 17, 2015 by Dearden and Stanton Ltd., Ontario Land Surveyors" in Schedule B unless the building is equipped with a SVIMS risk management measure as per Item No. 4.2.10 of the CPU.

#### 4.2.4 LAND USE RESTRICTIONS

No vegetable gardens or other gardens to grow edible produce shall be installed at the Property unless placed within a planting container or equivalent structure (i.e. raised beds) isolating the garden from subsurface conditions. Raised vegetable gardens may be

constructed as follows:

- Using a minimum of 60 cm of clean growing media or Unimpacted Soils immediately on top of the cap in areas where the Fill Cap includes a geotextile barrier.
- Using a minimum of 60 cm of clean growing media or Unimpacted Soils on top of a geotextile barrier in areas where the Fill Cap does not include a geotextile barrier.

#### 4.2.5 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.

#### 4.2.6 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.

#### 4.2.7 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:

4.2.7.1 The dates and duration of work completed;

4.2.7.2 A summary of the work completed;

4.2.7.3 A site plan showing the location of the work;

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

#### 4.2.8 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.

#### 4.2.9 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.

#### 4.2.10 SOIL VAPOUR INTRUSION MITIGATION SYSTEM (SVIMS) – PASSIVE SVIMS

In accordance with Item 4.2.3 of the CPU, if SVIMS RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a soil vapour mitigation system designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings.

A conceptual design of a generic vapour control system is illustrated in Figure 3 “Cross-Section: Typical Soil-Vapour Mitigation System” dated June 2020 by Cambium and Figure 4 “Typical Soil-Vapour Mitigation System Additional Details” dated June 2020 by Cambium in Schedule “B”.

##### 4.2.10.1 DESIGN, INSTALLATION AND OPERATION

Design, install and operate a SVIMS for the Building, 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, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air, including the following requirements and components for the SVIMS:



#### 4.2.10.1.1 SYSTEM REQUIREMENTS

The Passive SVIMS is to:

- i. be designed, installed and operated with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and
- ii. be able to be readily converted to operation as an Active SVIMS, if necessary, to ensure soil vapour is being sufficiently removed from below the Building, including making provision to readily allow installation and operation of an electrical powered fan on each vent riser, with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area, and making provision for an automated monitoring system of electrical fan operation which remotely detects and indicates system malfunctions; and
- iii. have in place or be able to easily put in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998;

#### 4.2.10.1.2 SUB-SLAB FOUNDATION LAYER

Throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, above soil containing the Contaminants of Concern, designed by a Licensed Professional Engineer for the Building constructor in consultation with the Licensed Professional Engineer for the SVIMS.

#### 4.2.10.1.3 SOIL VAPOUR VENTING LAYER

Throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer designed for collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:

- i. perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth;

or,

other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls such as the Cupolex system or equivalent, which provides similar or greater air permeability and collection and venting efficiency; and

- ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; and
- iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table.

#### 4.2.10.1.4 SOIL VAPOUR BARRIER MEMBRANE

Throughout the Building Area, a continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, below the foundation floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:

- i. is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable; and
- ii. has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licensed Professional Engineer; and

#### 4.2.10.1.5 VENT RISERS

Vent risers must be of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, including:

- i. at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;
- ii. vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting; and
- iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather; and
- iv. a wind turbine or solar powered wind turbine on each vent risers for a Passive SVIMS.

#### 4.2.10.1.6 MONITORING DEVICES

Monitoring devices must be installed below the foundation floor slab across the Building Area to measure the (lower) air pressure differential, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, with the number and locations of the monitoring devices installed being as considered appropriate by the Licensed Professional Engineer in consultation with the Qualified Person, taking into account factors such as the Building Area and the design and configuration of the Building foundation.

#### 4.2.10.1.7 LABELING OF EQUIPMENT

Equipment for the SVIMS must be clearly labelled, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and Building.

#### 4.2.10.1.8 UTILITY SEALING

Where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,

- a. utility trench dams, consisting of a soil-bentonite mixture, sand-cement slurry or other appropriate material must be installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill; and
- b. conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material must be installed at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building.

#### 4.2.10.1.9 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 SVIMS 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 SVIMS, 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 soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results; and
  3. verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes 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; and
  5. verification that appropriate measures to prevent post-construction damage or degradation to the soil 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 soil 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 SVIMS; 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 SVIMS begins; and

- viii. updated and delivered to the Owner within 30 days of making any alteration to the program.

#### 4.2.10.1.10 AS CONSTRUCTED PLANS

Prepare as constructed plans of the SVIMS, 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 SVIMS, including cross-sectional drawings specifying the design and the vertical and lateral extent of the SVIMS 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 SVIMS, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the SVIMS, or other relevant feature shown on the plans.

#### 4.2.10.1.11 INSPECTION AND MAINTENANCE

Prepare and implement a written inspection and maintenance 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, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate; and
- iii. inspections of the SVIMS including:
  - 1. semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building; and
  - 2. semi-annual inspections, in spring and fall, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building; and
  - 3. additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) to determine whether

- they turn frequently and/or of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and
4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal; and
- iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time; and
  - v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in part iii above; and
  - vi. factors and considerations for determining if additional inspections or monitoring should be undertaken; and
  - vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry of such deficiencies, along with operational monitoring results, any additional lines of evidence that suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and
  - viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which are,
- ix. 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 SVIMS, whichever is earlier; and
  - x. updated and delivered to the Owner within 30 days following making any alteration to the program.

#### 4.2.10.1.12 OPERATIONAL MONITORING

Prepare and implement a written program for monitoring of the operation of the installed SVIMS, prepared by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event; and

- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate; and
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
  - 1. at least once before occupancy and as considered appropriate by a Licensed Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using temporary or permanently installed electrically powered fan(s), including with respect to the soil vapour venting layer being able to achieve a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and
  - 2. at least once before occupancy, quarterly during the first two years after occupancy has commenced and semi-annually thereafter measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in Item 4.2.10.1.6 of the CPU; and
- v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken,
  - such as:
    - 1. the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections; and
    - 2. changes to the frequency or nature of the monitoring; and
    - 3. the need to make repairs or changes to the design or operation of the SVIMS; and
    - 4. if necessary, implementation of the contingency plan in the event needed repairs or changes to the SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results, inspections and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and

and which are,

- vi. 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 SVIMS, whichever is earlier; and
- vii. updated and delivered to the Owner within 30 days of following making any alteration to the program.

#### 4.2.10.1.13 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 SVIMS, so as to ensure the persons are made aware of the presence and significance of the SVIMS and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the SVIMS 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.

#### 4.2.10.1.14 BUILDING CODE

The Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

- i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code; and
- ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and
- iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

#### 4.2.11 BUILDING WITH STORAGE GARAGE (CONTINUOUS 3.9 LITRES/SECOND PER SQUARE METRE OF VENTILATION) RISK MANAGEMENT MEASURE.

In accordance with Item 4.2.3 of the CPU, if the Building with Storage Garage RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a Building with Storage



Garage (Continuous 3.9 Litres/second per square metre of Ventilation) designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings.

- a. The Storage Garage is constructed at or below the Grade of the Building; and
- b. The Storage Garage area covers the entire Building Area at Grade; and
- c. The Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing:
  - iv. design of a mechanical ventilation system as set out in Division B, Article 6.2.2.3. (Ventilation of Storage and Repair Garages) of the Building Code; and
  - ii. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.9. (Interconnection of Systems) of the Building Code; and
  - iii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
- d. The mechanical ventilation system for the storage garage is designed to provide, during operating hours a continuous supply of outdoor air at a rate of not less than 3.9 litres per second for each square metre of floor area.
- e. An outer multi-layer soil vapour membrane shall be placed beneath the concrete structural slab as illustrated in Figure 4 “Typical Soil-Vapour Mitigation System Additional Details” in Schedule “B”.
- f. An inspection and maintenance program shall be prepared and implemented to ensure the continued integrity of the structure. The inspection program shall include semi-annual inspections, in spring and fall, of the visible areas of the structure and ventilation system, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building; identification of any deficiencies observed during the inspection or at any other time; and the repair forthwith of any deficiencies. The inspection results shall be recorded in a log book maintained by the owner and be available upon request by a Provincial Officer.

#### 4.2.12 INDOOR AIR AND SUB-SLAB VAPOUR MONITORING PROGRAM

Prior to occupancy of each building and quarterly thereafter for a minimum of two years, an indoor air and 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 programs shall be provided to the Director for approval prior to implementation. Following two years of monitoring for

each building, the Owner may make a request to the Director to amend the required monitoring programs.

The monitoring programs shall include the following:

- 4.2.12.1 Indoor air and 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 1.6 "Indoor Air and Sub-Slab Vapour Trigger Values" in Schedule "C". The on-going quarterly monitoring shall be completed during periods that are reflective of seasonal variability (i.e. spring, summer, fall, and winter) with at least one sample each year being obtained during the winter and the summer periods.
- 4.2.12.2 If the indoor air and/or sub-slab sample concentrations obtained under Item 4.2.12.1 exceed the respective criteria outlined in Table 1.6 of Schedule "C", the Owner shall notify the Director in writing within three (3) business days of receipt of the analytical results and the sample shall be re-sampled within ten (10) business days of receipt of the analytical results.
- 4.2.12.3 If the results of the re-sample of the indoor air and/or sub-slab vapour confirm an exceedance of the respective criteria in Table 1.6 of Schedule "C", the Owner shall notify the Director in writing within three (3) 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: maintenance, confirmatory sampling, additional indoor air/sub-slab monitoring, recommendations for modifying the vapour mitigation systems such as converting to an active system.
- 4.2.12.4 If the results of any monitoring event exceed the criteria outlined in Table 1-6, no un-authorized access to the area of the Building with the exceedance is allowed until it is confirmed that the sub-slab vapour and/or indoor air is below the trigger values in Table 1.6 of Schedule "C".
- 4.2.12.5 Any proposed changes to the indoor air and/or sub-slab vapour monitoring program shall be submitted to the Director for approval, along with appropriate justification, prior to implementation.

#### 4.2.13 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,

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

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

4.2.13.2.1 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,

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

#### 4.2.14 CONSTRUCTION OF UNDERGROUND UTILITIES

All new sub-surface utility conduits/piping at the Property shall be installed in trenches backfilled with Unimpacted Soils and utilizing trench plugs consisting of either clay plugs or cut-off collars located near property boundaries to mitigate the potential migration of impacted ground water along future utility corridors.

Clay plugs should be 1 m thick measured along the pipe and should completely replace the embedment and back fill material surrounding the service. Alternatively, cut-off collars comprising of unshrinkable fill can be installed around services, with watertight connections made between the collar and the service wall. Collars should not be placed within 1 m of a pipe joint. Typical utility trench backfill and a trench plug area as illustrated in Figure 5 "Typical Utility Trench" dated June 2020 by Cambium and Figure 6 "Clay Seal for Pipe Trenches – Ontario Provincial Standard Drawing" dated November 2016, OPSD 802.095 in Schedule "B", respectively.

#### 4.2.15 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:

4.2.15.1 A copy of all records relating to the inspection and maintenance program for the barrier to the Site soils.

4.2.15.2 A copy of all records relating to the inspection and maintenance program for the SVIMS.

4.2.15.3 A copy of all records related to pressure monitoring of the SVIMS.

- 4.2.15.4 A copy of all records relating to the inspection and maintenance program for the Building with Storage Garage risk management measure.
  - 4.2.15.5 A copy of all records related to the Indoor Air/Sub-Slab monitoring program.
  - 4.2.15.6 A copy of all records relating to the soil and ground water management plan.
  - 4.2.15.7 A copy of all records relating to the health and safety plan.
  - 4.2.15.8 An evaluation and interpretation of the results of the monitoring programs.
  - 4.2.15.9 A copy of signed site plans including any alterations.
  - 4.2.15.10 Confirmation that the Building(s) with Storage Garage covers the entire Building footprint and is ventilated in accordance to Item 4.2.11.
  - 4.2.15.11 Any recommendations on changes to the monitoring programs and risk management measures.
  - 4.2.15.12 Any recommendations on changes to Financial Assurance, including a copy of the Financial Assurance re-evaluation completed in accordance with Item 4.13.2 of the CPU, if required.
- 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 SVIMS as per Item No. 4.2.10 and/or a storage garage as per Item No. 4.2.11 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 as the Owner of the Property is a municipality.

- 4.13 If in the future, the Owner of the Property changes from the municipality the following financial assurance requirements will apply:
- 4.13.1 As a condition of, and within thirty (30) days of the change in ownership, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of Three Hundred and Forty-Seven Thousand One Hundred and Seventy Dollars (\$347,170) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.
- 4.13.2 The Owner shall re-evaluate the financial assurance required under Item 4.13.1 on or before March 31<sup>st</sup> of the year following the date of the change in ownership of the Property and every three years thereafter. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to the environmental conditions of the Property and shall include any costs of additional monitoring and/or implementation of contingency plans. If the re-evaluation of the amount of financial assurance indicates that more than the amount in Item 4.13.2 is required, the Owner shall forthwith provide a copy of the re-evaluation to the Director.

## **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: 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.

Issued at xxxx this x<sup>th</sup> day of xxxx, 2022.

***Draft***

Chris Hyde  
Director, section 168.6 of the Act

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

Draft

Table 1.1 Property Specific Standards in Soil

Parameter	Units	Soil Maximum	Soil REMC	Table 9 SCS	Recommended PSS	Dominant Exposure Pathway	Risk Management Requirement	Potential for Offsite Exceedance of SCS
<b>Metals</b>								
Antimony	µg/g	88	105.6	1.3	105.6	Direct contact by residents, sediment migration	RMM-1, RMM-3	No
Arsenic	µg/g	110	132	18	132	Direct contact by residents	RMM-1, RMM-3	No
Barium	µg/g	1470	1,764	220	1,764	Mammals and birds (short-tail shrew), sediment migration	RMM-1	No
Beryllium	µg/g	3.2	3.84	2.5	3.84	Plants and soil organisms	None	No
Cadmium	µg/g	1.8	2.16	1.2	2.16	Sediment migration	RMM-1	No
Cobalt	µg/g	48	57.6	22	57.6	Direct contact by residents	RMM-1	No
Copper	µg/g	280	336	92	336	Sediment migration	RMM-1	No
Cyanide (CN-)	µg/g	0.07	0.084	0.051	0.084	Sediment migration	None	No
Lead	µg/g	6800	8160	120	8160	Mammals and birds (American woodcock), sediment migration	RMM-1, RMM-3	No
Mercury	µg/g	1.4	1.68	0.27	1.68	Sediment migration	None	No
Molybdenum	µg/g	6.8	8.16	2	8.16	Sediment migration	RMM-1	No
Nickel	µg/g	84	100.8	82	100.8	Sediment migration	RMM-1	No
Selenium	µg/g	9.2	11.04	1.5	11.04	Mammals and birds (short-tail shrew)	RMM-1	No
Silver	µg/g	1.2	1.44	0.5	1.44	Sediment migration	<del>None</del> RMM-1	No
Uranium	µg/g	3.1	3.72	2.5	3.72	Sediment migration	None	No
Zinc	µg/g	1300	1,560	290	1,560	Sediment migration	RMM-1	No
<b>Polycyclic Aromatic Hydrocarbons</b>								
Acenaphthene	µg/g	1.4	1.68	0.072	1.68	Sediment migration	RMM-1	No
Acenaphthylene	µg/g	2.2	2.64	0.093	2.64	Sediment migration	RMM-1, RMM-2	No
Anthracene	µg/g	8.7	10.44	0.22	10.44	Sediment migration	RMM-1	No
Benz[a]anthracene	µg/g	5.5	6.6	0.36	6.6	Sediment migration	RMM-1	No
Benzo[a]pyrene	µg/g	8.6	10.32	0.3	10.32	Sediment migration	RMM-1	No
Benzo[b]fluoranthene	µg/g	14	16.8	0.47	16.8	Sediment migration	RMM-1	No



Parameter	Units	Soil Maximum	Soil REMC	Table 9 SCS	Recommended PSS	Dominant Exposure Pathway	Risk Management Requirement	Potential for Offsite Exceedance of SCS
Benzo[ghi]perylene	µg/g	8.4	10.08	0.68	10.08	Sediment migration	RMM-1	No
Benzo[k]fluoranthene	µg/g	5.1	6.12	0.48	6.12	Sediment migration	RMM-1	No
Chrysene	µg/g	5.5	6.6	2.8	6.6	Sediment migration	RMM-1	No
Dibenz[a,h]anthracene	µg/g	2	2.4	0.1	2.4	Sediment migration	RMM-1	No
Fluoranthene	µg/g	12	14.4	0.69	14.4	Mammals and birds (short-tailed shrew)	RMM-1	No
Fluorene	µg/g	1.4	1.68	0.19	1.68	Sediment migration	RMM-1	No
Indeno[1,2,3-cd]pyrene	µg/g	8.3	9.96	0.23	9.96	Sediment migration	RMM-1	No
Methylnaphthalene, 2-(1-)	µg/g	12	14.4	0.59	14.4	Plants and soil organisms	RMM-1	No
Naphthalene	µg/g	4.7	5.64	0.09	5.64	Sediment migration	RMM-1	No
Phenanthrene	µg/g	6.4	7.68	0.69	7.68	Sediment migration	RMM-1	No
Pyrene	µg/g	8	9.6	1	9.6	Plants and soil organisms	RMM-1	No
<b>Volatile Organic Compounds</b>								
Trichloroethylene	µg/g	0.38	0.456	0.05	0.456	Indoor air	RMM-2	No
<b>BTEX</b>								
Benzene	µg/g	8.4	10.08	0.02	10.08	Direct contact by residents, Indoor air	RMM-1 RMM-2	No
Toluene	µg/g	25	30	0.2	30	Indoor air	RMM-1, RMM-2	No
Ethylbenzene	µg/g	4.8	5.76	0.05	5.76	Indoor air	RMM-1, RMM-2	No
Xylene Mixture	µg/g	43	51.6	0.05	51.6	Indoor air	RMM-1, RMM-2	No
<b>Petroleum Hydrocarbons</b>								
PHC F1	µg/g	400	480	25	480	Indoor air	RMM-2	No
PHC F2	µg/g	1,700	2,040	10	2,040	Indoor air	RMM-2	No
PHC F3	µg/g	38,000	45,600	240	45,600	Plants and soil organisms	RMM-1	No
PHC F4	µg/g	22,000	26,400	120	26,400	Sediment migration	RMM-1	No

**Notes:**

PSS Property Specific Standards      REMC Reasonable Estimate Maximum Concentration: see Section 3.3.4.  
SCS Site Condition Standard from MOE (2011): *Soil, Groundwater and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act.*  
NA Not applicable

**Risk Management Measures:**

- RMM-1: A cover (soil or hard cap) to be placed across the site
- RMM-2: Soil vapour management for buildings at the site Future building construction on the east portion of the Site (Area 1~~2~~ on Figure 7.1) will include either i) an at or below grade storage/parking garage or ii) SVIMS. On the west portion (Area 2~~4~~ on Figure 7.1) of the site buildings will include a SVIMS.
- RMM-3: Health and Safety Plan for workers involved in sub-surface activities.

**Table 1.2 Property Specific Standards in Groundwater**

Parameter	Units	Groundwater Maximum	Groundwater REMC	Table 9 SCS	Recommended PSS	Dominant Exposure Pathway	Risk Management Requirement	Potential for Offsite Exceedance of SCS
<b>Volatile Organic Compounds</b>								
Trichloroethylene	µg/L	2.2	2.64	1.6	2.64	Indoor air	RMM-2	No
Vinyl Chloride	µg/L	<0.2	0.74	0.5	0.74	Indoor air	RMM-2	No
<b>BTEX</b>								
Benzene	µg/L	2.4	2.88	44	2.88	Indoor air	RMM-2	No
<b>Petroleum Hydrocarbons</b>								
PHC F2	µg/L	1,000	1,200	150	1,200	Indoor air	RMM-2	No
PHC F3	µg/L	580	696	500	696	NA	None	No

Notes:

PSS Property Specific Standards

REMC Reasonable Estimate Maximum Concentration: see Section 3.3.4.

SCS Site Condition Standard from MOE (2011): *Soil, Groundwater and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act.*

NA Not applicable

Risk Management Measures:

- RMM-2: Soil vapour management for buildings at the site



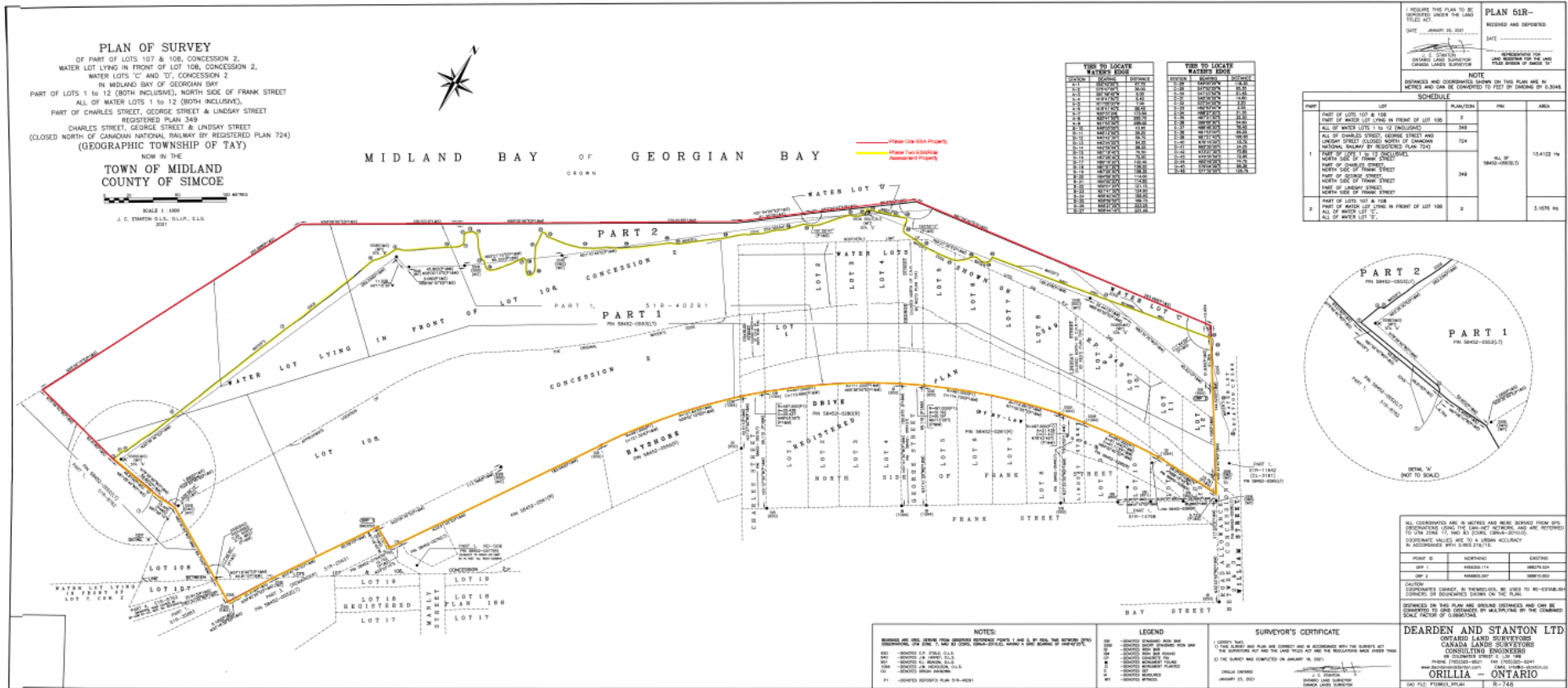
## Schedule 'B'

### FIGURES

- Plan of Survey - "Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots 'C' and 'D', Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe" dated January 25, 2021 by Dearden and Stanton Ltd., Ontario Land Surveyors.
- Site Plan "Midland Bay Landing Development Areas" dated September 2017 by the Town of Midland.
- Figure 1 "Fill/Hard Cap RMM" dated June 2020/Revised November 2020 by Cambium.
- Figure 2 "Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots 'C' and 'D', Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe" dated January 25, 2021 by Dearden and Stanton Ltd., Ontario Land Surveyors.
- Figure 3 "Cross-Section: Typical Soil-Vapour Mitigation System" dated June 2020 by Cambium.
- Figure 4 "Typical Soil-Vapour Mitigation System Additional Details" dated June 2020 by Cambium.
- Figure 5 "Typical Utility Trench" dated June 2020 by Cambium.
- Figure 6 "Clay Seal for Pipe Trenches – Ontario Provincial Standard Drawing" dated November 2016, OPSD 802.095.

Plan of Survey

“Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots ‘C’ and ‘D’, Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe” dated January 25, 2021 by Dearden and Stanton Ltd., Ontario Land Surveyors





Site Plan "Midland Bay Landing Development Areas" dated September 2017 by the Town of Midland

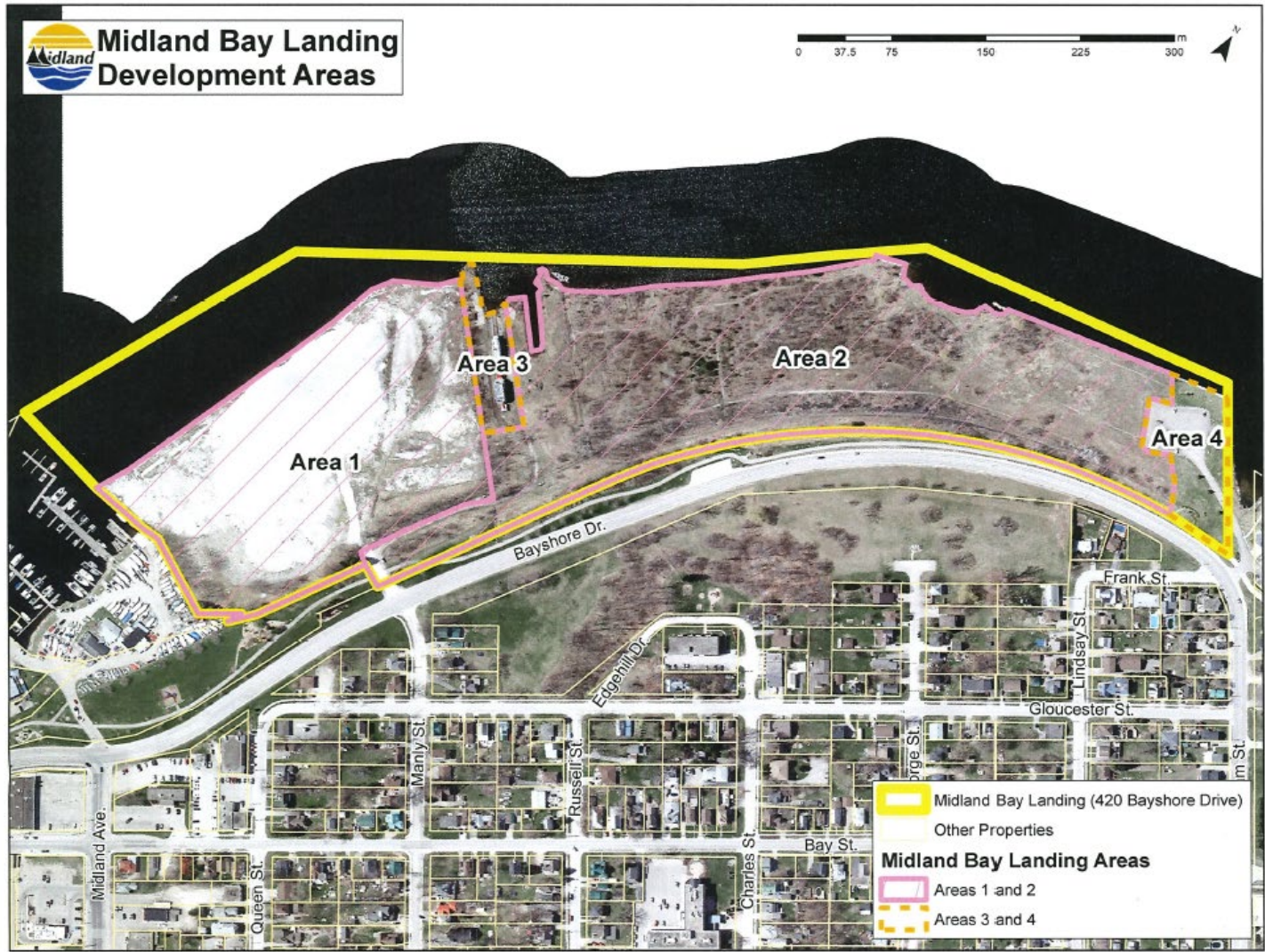




Figure 1 "Fill/Hard Cap RMM" dated June 2020/Revised November 2020 by Cambium

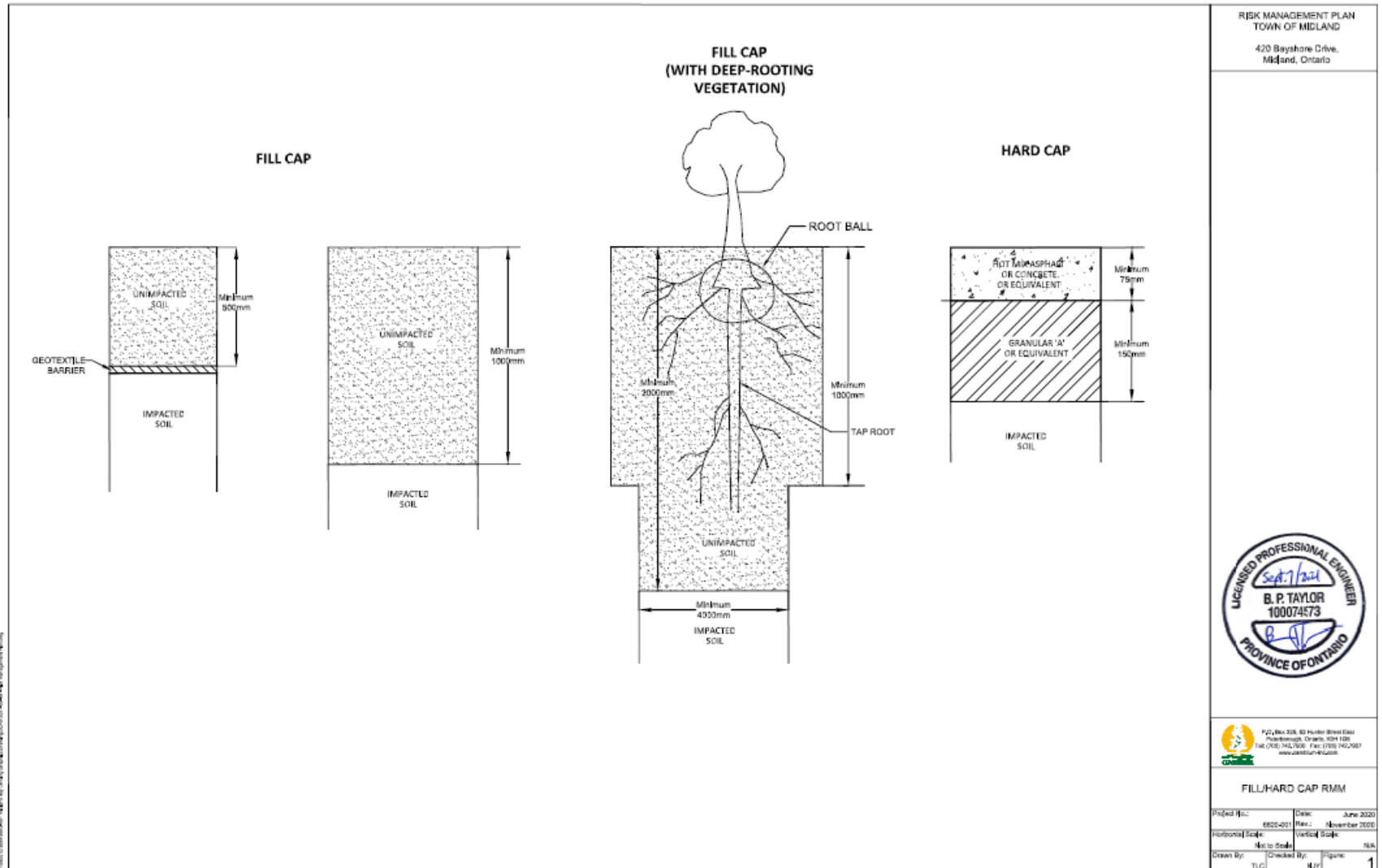


Figure 2 "Plan of Survey of Part of Lots 107 & 108, Concession 2, Water Lot Lying in Front of Lot 108, Concession 2, Water Lots 'C' and 'D', Concession 2 in Midland Bay of Georgian Bay, Part of Lots 1 to 12 (Both Inclusive), North Side of Frank Street, All of Water Lots 1 to 12 (Both Inclusive), Part of Charles Street, George Street & Lindsay Street, Registered Plan 349, Charles Street, George Street & Lindsay Street (Closed North of Canadian National Railway by Registered Plan 724), (Geographic Township of Tay), Now in the Town of Midland, County of Simcoe" dated January 25, 2021 by Dearden and Stanton Ltd., Ontario Land Surveyors.

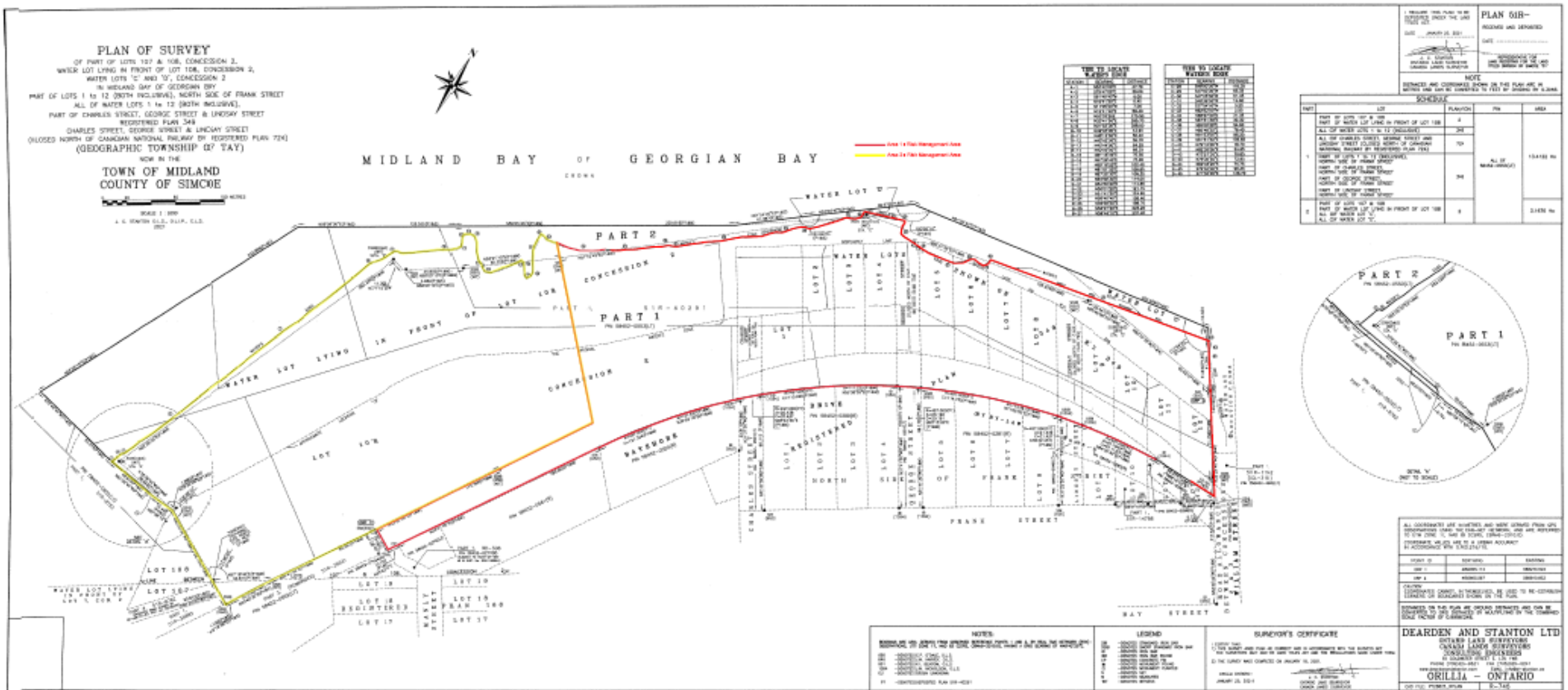


Figure 3 “Cross-Section: Typical Soil-Vapour Mitigation System” dated June 2020 by Cambium

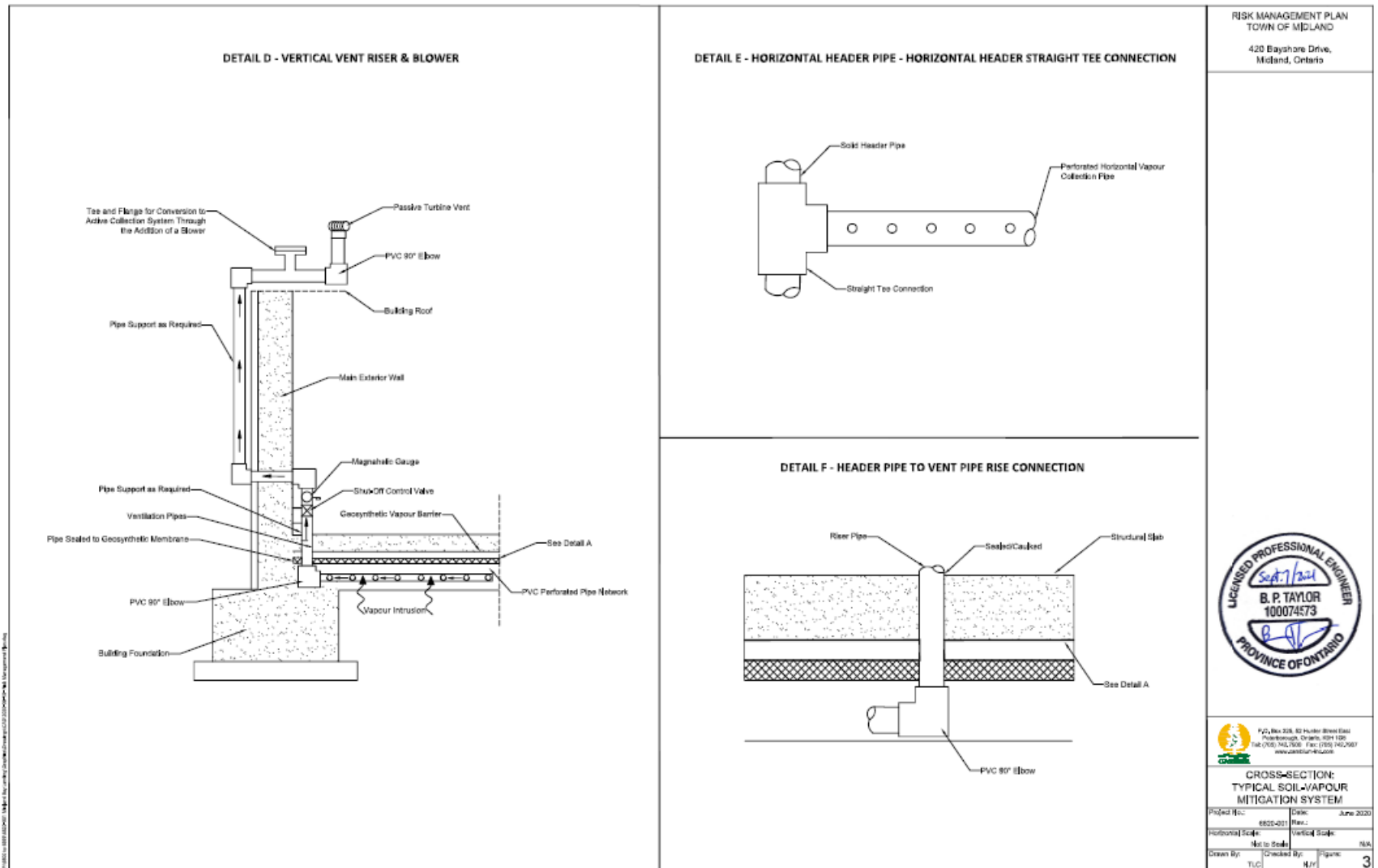


Figure 4 “Typical Soil-Vapour Mitigation System Additional Details” dated June 2020 by Cambium

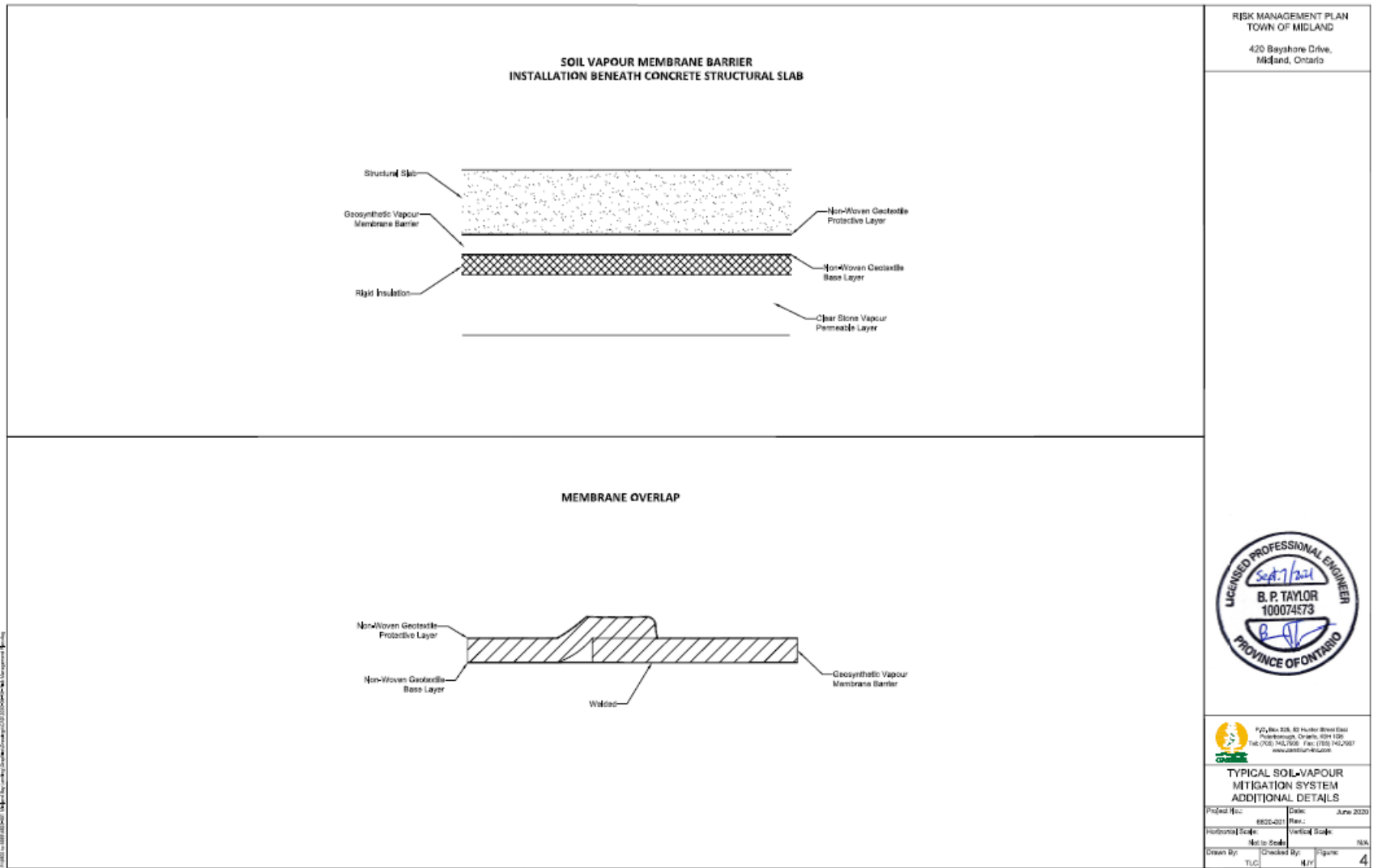


Figure 5 "Typical Utility Trench" dated June 2020 by Cambium

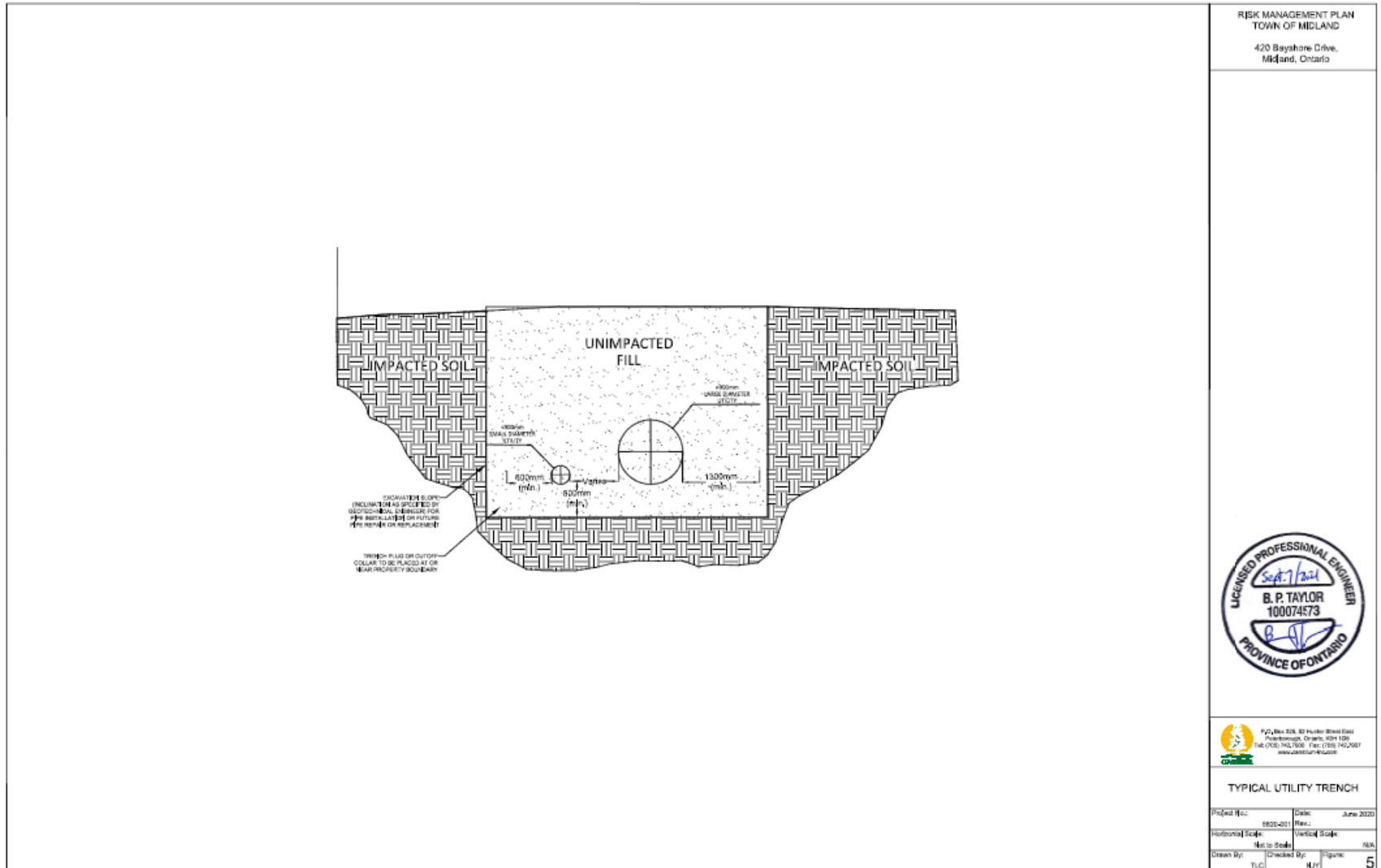
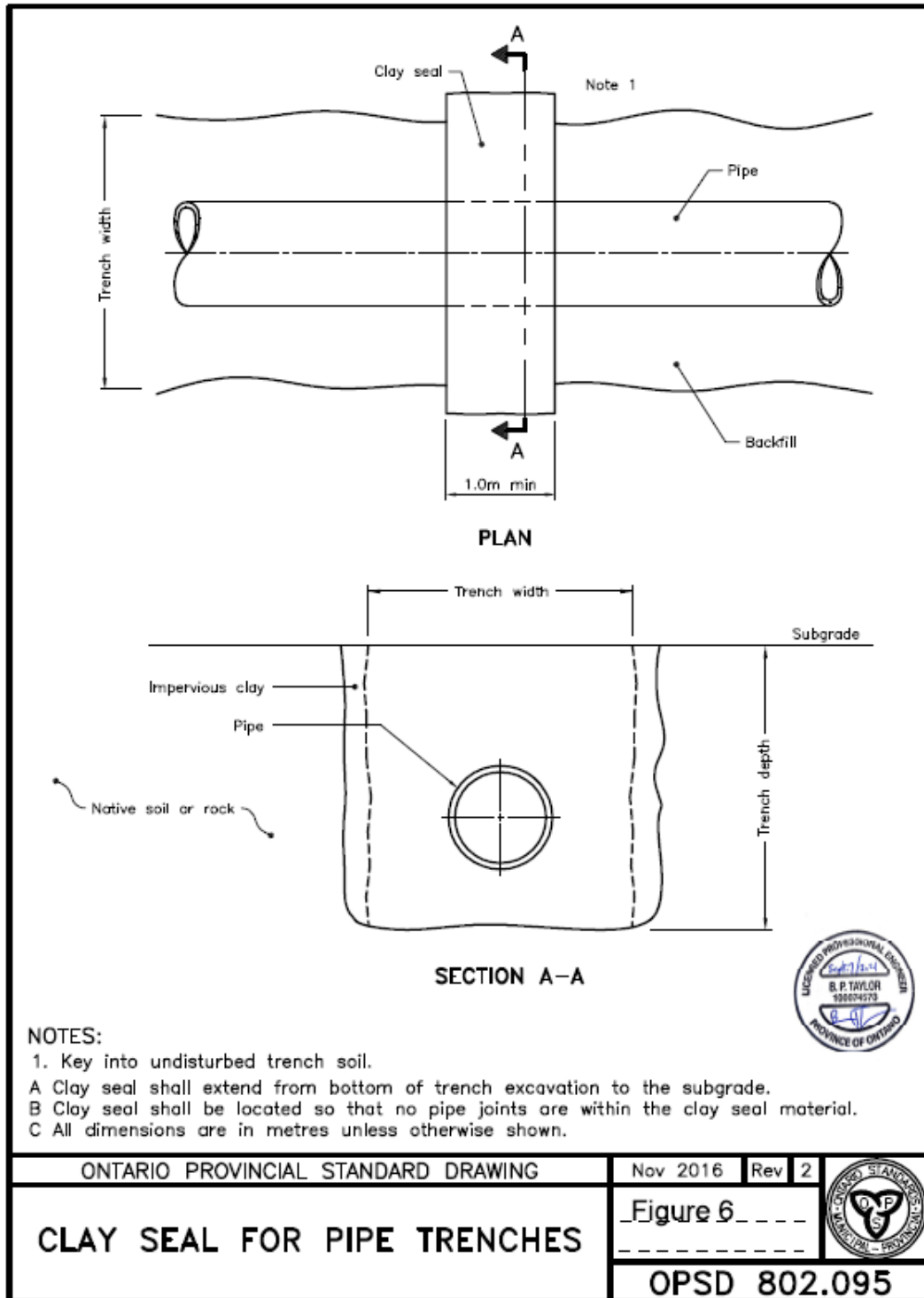


Figure 6 "Clay Seal for Pipe Trenches – Ontario Provincial Standard Drawing" dated November 2016, OPSD 802.095



Schedule 'C'

**Table 1.6 Indoor Air and Sub-Slab Vapour Trigger Values**

Parameter	Indoor Air Trigger Values - HBIAC ( $\mu\text{g}/\text{m}^3$ ) <sup>a</sup>	Sub-Slab Trigger Values ( $\mu\text{g}/\text{m}^3$ ) HBIAC $\div$ 0.02
Benzene	0.506	25.3
Toluene	1042.9	52,143
Ethylbenzene	396.29	19,185
Xylenes	146	7,300
PHC F1	2490.6	124,530
PHC F2	470.6	23,530
Acenaphthylene	0.185	92.7
Naphthalene	0.77	38.5
Trichloroethylene	0.27	13.5
Vinyl chloride	0.13	6.5

Notes: <sup>a</sup> – HBIAC for residential land use in the MGRA Model (MOECC 2016b)

DRAFT

**Schedule 'D'**  
**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 **1254-C89NWV** 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 **xxxx**, 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 **420 Bayshore Drive, Midland, Ontario**, being all of Property Identifier Number (PIN) 58452-0553 (LT) (the "Property") with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the Property,

**The Corporation of the Town of Midland**

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

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