

Certificate of Property Use

Environmental Protection Act, R.S.O. 1990, c.E.19, section s.168.6 (CPU) and 197 (Order)

Certificate of property use number: 7540-C5TLSB
Risk assessment number: 5284-A3XS2T

Owners:

Registered Owner of the Centre Property:

Roundhouse Centre Windsor Inc.
Suite 502 – 100 Sheppard Ave E
North York, ON
M2N 6N5

Registered Owner of the Pad Property:

Roundhouse Centre Windsor II Inc.
Suite 502 – 100 Sheppard Ave E
North York, ON
M2N 6N5

Beneficial Owners of the Property:

S/P Windsor Holdings Inc.
Suite 200 - 1600 Steeles Avenue West
Concord, ON
L4K 4M2
(Beneficial interest of 49.995% in Property)

660268 Ontario Limited
Suite 502 – 100 Sheppard Ave E
North York, ON
M2N 6N5
(Beneficial interest of 49.995% in Property)

Neutrino Investments Ltd.
Suite 502 – 100 Sheppard Ave E
North York, ON
M2N 6N5
(Beneficial interest of 0.010% in Property)

Site:

See Schedule “C” of this Certificate of Property Use

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.

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

- Installing, inspecting and maintaining hard cap and fill cap barriers on the Property as per Sections 4.2(a) to 4.2(d) of this CPU;
- Prohibiting the construction of any Building (s) on the Property within 30 metres of any volatile subsurface plume unless the new Building (s) is constructed with a vapour mitigation system as per Section 4.2(e) and the requirements set out on Sections 4.2(f) to 4.2(i) of this CPU are complied with;
- On-going soil vapour monitoring for the existing building Retail A / Pad 3 and implementation of contingency measures if necessary as per Section 4.2(j) of this CPU;
- Implementing a Groundwater Monitoring Program on the Property as per Section 4.2(k) of this CPU;
- Implementing a soil and groundwater management plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil and groundwater that have been identified in the RMP as per Section 4.2 (l) of this CPU;
- Implementing a Health and Safety Plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil and groundwater that have been identified in the RMP as per Section 4.2(m) of this CPU;
- Appropriately construct and seal any new utility corridors installed on the Property as per Section 4.2(n) of this CPU;
- Prohibiting the use of groundwater in on or under the Property as per Section 4.3 of this CPU;
- Prohibiting the planting of fruit and vegetables for consumption, other than those planted in above ground containers such that they are isolated from the subsurface conditions as per Section 4.5 of this CPU; and,
- Restricting the use of the property to Commercial / Industrial as per Section 4.6 of this CPU; and,
- Registering a certificate on the Property title in accordance with Section 197 of the Environmental Protection Act and that before dealing with the Property in any way, a copy of the CPU is to be given to any person who will acquire an interest in the Property as per Sections 4.10 and 4.11 of this 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.

“Applicable Site Condition Standards” means the soil or groundwater criteria for coarse textured soils for industrial/commercial/community property use in **Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Groundwater Condition** of the “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” published by the Ministry and dated April 15, 2011.

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

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

“Buffer Area” has the meaning set out in Schedule “C” of this CPU.

“Centre Property” means the part of the Property as described in Schedule “C” of this CPU.

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

“Contaminants of Concern” and “COCs” has the meaning as set out in O. Reg. 153/04.

“CPU” means this Certificate of Property Use Number No. **7540-C5TLSB** as may be amended from time to time, and includes any schedules attached thereto, which form part of this certificate of property use.

"Director" means the undersigned director or any other person appointed as a director for the purpose of issuing a certificate of property use under the Act.

“EBR” means the *Environmental Bill of Rights, 1993*, S.O. 1993, c.28.

“Environmental Compliance Approval” has the same meaning as set out in the Act.

“Fill Material” means loose, granular material from an Ontario Ministry of Natural Resources licensed quarry or other non-soil material or commercial products such as compost bark chips, concrete, unshrinkable fill, crushed concrete, concrete-based materials or equivalent.

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.R.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.

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

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

“Owners” means the owner or, jointly and severally owners of the Property, beginning with the person(s) to whom the CPU is first issued by the Director under section 168.6 of the Act based on the Risk Assessment, , and any subsequent owner(s) of the Property.

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

“Pad Property” means the part of the Property, as described in Schedule “C” of this CPU.

“Property” means the properties that are the subject of the CPU as described in Schedule “C” of this CPU and illustrated in Figure 1 of Schedule ‘A’ of this CPU, and is comprised of the entire Pad Property and part of the Centre Property, but does not include the Buffer Area.

“Property Specific Standards” and “PSS” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in Tables 1A and 1B of Schedule ‘A’ of this CPU.

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

“Qualified Person” means a person who meets the qualifications for a qualified person prescribed in O. Reg. 153/04.

"Risk Assessment" and "RA" means the Risk Assessment No. **5284-A3XS2T** accepted by the Director on **July 30, 2019** and set out in the following final documents:

- *Risk Assessment for 3009 to 3205 Howard Avenue, Windsor, Ontario*, report prepared by NovaTox Inc., dated August 29, 2016;
- *Revised Risk Assessment Report for 3009-3205 Howard Avenue, Windsor, Ontario*, report prepared by NovaTox Inc., dated August 20, 2017;
- Email titled “*RA1500-15a [IDS Ref. No. 5284-A3XS2T] -- RA for 3009-3205 Howard Ave., Windsor, Ontario*”, e-mail from Mark Chappel, Novatox Inc., received by TASDB on September 15, 2017, with the following document attached:
 - 14-254 Fig 2_15Sept1106.key.pdf;
- *Revised Risk Assessment Report for 3009-3205 Howard Avenue, Windsor, Ontario* report prepared by NovaTox Inc., dated July 12, 2018;
- *Re: Addendum – Risk Assessment for 3009 to 3205 Howard Avenue, Windsor, Ontario RA1500-15*, prepared by NovaTox, dated March 11, 2019;
- *Risk Assessment for Roundhouse Centre, 3009 to 3205 Howard Avenue, Windsor, Ontario, Revised Sections*, prepared by NovaTox, dated March 12, 2019;
- Email titled: “*Roundhouse Centre – 3009-3205 Howard Avenue, Windsor, ON – MOE Ref #5284-A3XS2T*”, including 12 pdf attachments, sent by Daniel Weinryb, Krauss, Weinryb, received by the ministry on July 5, 2021; and
- Email titled: “*RE: Roundhouse Centre – 3009-3205 Howard Avenue, Windsor, ON – MOE Ref #5284-A3XS2T*”, including 1 pdf attachment, sent by John Cracknell, Premier Environmental Services Inc, received by the ministry on August 17, 2021.

“Risk Management Measures" and “RMMs” means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU. In the event of a conflict between the requirements in Part 4 of the CPU and the Risk Assessment, the requirements of the CPU take precedence.

“Risk Management Plan” and “RMP” means the risk management plan as set out in section 7 and Appendix J of the Risk Assessment.

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

“Unimpacted Soil” means soil that meets the Applicable Site Condition Standards.

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 Subsection 168.6 (1) of the Act states that if the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), issue a certificate of property use to the Owners of the property, requiring the Owners to do any of the following things:
 - 1. Take any action specified in the certificate that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, 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 Owners of the 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 Owners 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 Owners of the property to refrain from using the property for a specified use or from constructing a specified building on the property,
 - a. the Owners 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 Owners of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 196(1) of the Act states that the authority to make an order under the Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.
- 2.8 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.9 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.10 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.

2.11 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owners to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **commercial or industrial use** as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above **Table 3 Full Depth Generic Site Condition Standards in a Non-Potable Groundwater Condition** of the *Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act* published by the Ministry and dated April 15, 2011 for **coarse** textured soils are set out in the Risk Assessment and in Schedule A (Contaminants of Concern). The Standards for these Contaminants of Concern are also set out in Schedule A which is attached to and forms part of the CPU. Also attached to and forming part of the CPU is a copy of a current plan of survey of the Property and/or a site plan of the Property.
- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the RA.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of Buildings and/or the notice provisions as outlined in Sections 4.3 to 4.6 of this CPU.
- 3.5 I am of the opinion, that the requirements set out in Sections 4.7, 4.8 and 4.9 of this CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment and in Part 4 of the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in the order requirements in Sections 4.10, 4.11 and 4.12 of this CPU.

Part 4: Director Requirements

Pursuant to the authority vested in me under subsection 168.6(1) of the Act, I hereby require the Owners, jointly and severally, 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 Section 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:

Hard cap and fill cap barriers:

- a) Hard cap and or fill cap barriers are required to be installed over any area where soil exceeds the Applicable Site Condition Standards so as to prevent exposure to the Contaminants of Concern identified on the Property and shall be maintained for as long as the COCs are present on the Property at concentrations that exceed the Applicable Site Condition Standards. The inferred area of soil which exceeds the Applicable Site Condition Standards, determined as part of the RA, is shown on Figure 2A. The hard cap and fill cap barriers shall be installed in accordance with Section 7.2.1 of the RA along with Figure J1 in Appendix J of the RA.

Hard cap barrier and the fill cap barriers shall consist of the following, at a minimum:

- i. The hard cap barrier (s) shall consist of a cover of asphalt, concrete, compacted granular aggregate, cobbles, paving stones, armour stones, rubberized surfaces or equivalent, a building slab (or building foundation and floor slab) consisting of at least 150 millimeters (mm) of Granular "A" or equivalent material overlain by at least 75 mm of hot mix asphalt, concrete, compacted granular aggregate, cobbles, paving stones, armour stones, rubberized surfaces or equivalent or a combination thereof with a minimum combined thickness of 225 mm as detailed in Figure 2B of Schedule 'A' (Figure 2B), which is attached to and forms part of this CPU.
 - ii. The fill cap barrier (s) shall consist of either:
 - a minimum of 500 mm thick cover of Unimpacted Soil immediately on top of a geotextile material for *landscaped areas with no deep rooting vegetation* as detailed in Figure 2B; and, or
 - a minimum of 500 mm thick cover or two times the root ball diameter of Unimpacted Soil for *landscaped areas with deep rooting vegetation* as detailed in Figure 2B.
- b) Within 90 calendar days of completion of the installation of any new hard cap and/or fill cap barriers on the Property or portion of the Property, the Owners shall submit to the Director written confirmation signed by a qualified Licensed Professional Engineer that the barriers have been installed in accordance Section 7.2.1 of the RA along with Figures J1 in Appendix J of the RA and Section 4.2(a)(i) and 4.2(a)(ii) of this CPU along with final design specifications/drawings and or as-built drawings.
- c) Within 90 calendar days of completion of the installation of any new hard cap and or fill cap barriers on the Property or portion(s) of the Property, the Owners shall submit to the Director a site plan that clearly identifies the final location of each of the different barriers.
- d) In relation to Section 4.2 (a) of this CPU, areas of the Property that are *not in use or not under development or redevelopment*, hard cap and fill cap barriers are not required as long as exposure to the COCs is prevented by a fence barrier that restricts access to those areas of the Property and a dust control plan is implemented.
- d) An inspection and maintenance program shall be implemented to ensure the continuing integrity of the hard cap and fill cap barriers as long as the COCs are present on the Property at concentrations that exceed the Applicable Site Condition Standards. The inspection program shall include annual inspections of the barrier's integrity in accordance with the inspection and maintenance program as detailed in Section 7.4.1 of the RA. Any barrier deficiencies shall be repaired within a reasonable period of time in accordance with Section 7.4.4 of the RA. If cracks, breeches or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure that no exposure to the COCs that have been observed on the Property at concentrations that exceed the Applicable Site Condition Standards. For the restoration of any damaged portions of the barriers, restoration shall meet the original design specifications, at minimum, as detailed in Section 7.2.1 of the RA and Figure J1 of the RA along with Section 4.2(a)(i) and (a)(ii) of this CPU and shown on Figure 2B. For significant breeches that are identified to potentially expose the COCs that are present on the Property at concentrations that exceed the Applicable Site Condition Standards, the Owners shall submit to the Director written confirmation prepared and signed by a qualified Licensed Professional Engineer, in consultation with a Qualified Person, that the barriers have been repaired in accordance with the applicable requirements of this CPU. The written confirmation shall also include a description of any contingency measures put in place and shall be submitted to the Director within 30 calendar days of the completion of any barrier repairs and/or restorations. The Owners shall keep records of the inspections and maintenance and make them available for review by the Ministry upon request.

New Enclosed Building (s) (new building):

- e) The construction of any new Building(s) on, in or under the Property is prohibited within 30 metres of any volatile plumes, the current extent of which are shown on Figure 5 of Schedule A of this CPU, unless the

Building(s) are constructed as slab-on-grade and include a vapour mitigation system as described in the Risk Management Plan of the RA and as shown conceptually on Figure 4 of Schedule A of this CPU. The vapour mitigation system shall be designed by an appropriately qualified Licensed Professional Engineer in consultation with a Qualified Person. The design, installation and commissioning of the vapour mitigation system shall give consideration to the following components:

- i. The Owners shall obtain an Environmental Compliance Approval, as necessary, and any other permits or approvals as may be required;
 - ii. The installation of the vapour mitigation system shall be completed under the supervision of a qualified Licensed Professional Engineer and a Qualified Person;
 - iii. In the event that a passive vapour mitigation system design has been selected, the passive system shall be designed and installed such that it can easily be converted to an active system; and,
 - iv. A quality assurance/quality control (QA/QC) program shall be undertaken during the installation of the vapour mitigation system and shall be completed by, and clearly documented in a report prepared by, a qualified contractor and overseen by a qualified Licensed Professional Engineer and Qualified Person.
- f) Within 90 calendar days of the installation of the vapour mitigation system as detailed in Section 4.2(e) of this CPU, in any new Building(s) on the Property, the Owners shall submit to the Director as-built drawings and detailed design specifications of the vapour mitigation system, if applicable, including any verification and QA/QC reports, prepared by the qualified Licensed Professional Engineer along with a statement from the qualified Licensed Professional Engineer that the vapour mitigation system has been installed in accordance with the original design specifications and that it has been designed to meet the requirements and objectives of the Risk Management Plan and the RA and the qualified Licensed Professional Engineer that designed the vapour mitigation system shall prepare an operation, monitoring, and maintenance program, including a contingency plan, that is to be implemented by the Owners, prior to first occupancy.
- g) An inspection, monitoring and maintenance program specified in Section 7.4.2 of the RA and Section 4.2(f) of this CPU shall be implemented to ensure the continued integrity of the building floor slab and vapour mitigation system for as long as the COCs are present on the Property. The inspection program shall include, at minimum, inspections of the integrity of the building floor slab and monitoring of the vapour mitigation system in accordance with the monitoring and maintenance program specified in Section 4.2(f) of this CPU. Any cracks, breaches or loss of integrity observed in the building floor slab or any observed deficiencies or necessary maintenance requirements with the vapour mitigation system shall be repaired forthwith to the original design specification, at minimum. Repairs or maintenance shall be made by an appropriately qualified contractor, under the supervision of a qualified Licensed Professional Engineer as necessary. If repairs to the building floor slab or the vapour mitigation system cannot be completed in a timely manner, the Owners shall ensure that the contingency measures prepared by a qualified Professional Engineer, as specified in Section 4.2(f) of this CPU, are implemented. All repairs are to be inspected by a qualified Licensed Professional Engineer and signed documentation shall be provided to the Owners that states that the repairs meet the original design specifications, at minimum. The Owners shall submit to the Director the written confirmation, prepared and signed by a qualified Licensed Professional Engineer, that the vapour mitigation system has been repaired to meet the original design specifications, at minimum. The written confirmation shall also include a description of any contingency measures that were put in place and shall be submitted to the Director within 30 calendar days of the completion of any repairs to the vapour mitigation system. The Owners shall keep records of the inspections, monitoring and maintenance program, along with documentation of all repairs that were required to be undertaken and these records shall be made available by the Owners to the Ministry for review upon request.
- h) The Owners shall ensure that all individuals/contractors intending to undertake work which could potentially come into contact with or interfere with the vapour mitigation system described in Section 4.2(e) of this CPU are made aware of the presence of the vapour mitigation system and the need to take appropriate precautions to ensure the integrity of the vapour mitigation system at all times. If the vapour mitigation system is damaged at any time, the Owners shall ensure that it is repaired forthwith by a qualified contractor, under the supervision of a qualified Licensed Professional Engineer as necessary, to the original design specifications, at minimum. If

repairs to the vapour mitigation system cannot be completed in a timely manner, the Owners shall ensure that the contingency measures prepared by a qualified Professional Engineer, as specified in Section 4.2(f) of this CPU are implemented. All repairs to the vapour mitigation system are to be inspected by a qualified Licensed Professional Engineer and signed documentation shall be provided to the Owners that states that the repairs meet the original design specifications, at minimum. The Owners shall submit to the Director the written confirmation, prepared and signed by a qualified Licensed Professional Engineer, that the vapour mitigation system has been repaired to meet the original design specifications, at minimum. The written confirmation shall also include a description of any contingency measures that were put in place and shall be submitted to the Director within 30 calendar days of the completion of any repairs to the vapour mitigation system. The Owners shall maintain records of all activities and repairs in relation to the vapour mitigation system and these records shall be made available by the Owners to the Ministry for review upon request.

- i) Prior to first occupancy of any new enclosed Building(s) described in Section 4.2(e) of this CPU, the Owners shall implement a sub-slab vapour monitoring program in accordance with the section 7.4.2 of the RA. All sub-slab samples shall be monitored for the parameters shown on Table 1C of Schedule A of this CPU. The sub-slab vapour monitoring program shall include, but not be limited to, the following components:
 - i. Be overseen by a Qualified Person.
 - ii. Be carried out on a quarterly basis with at least one sampling event conducted during the winter months.
 - iii. If a measured concentration exceeds the values set out in Table 1C of Schedule A of this CPU, the Owners shall notify the Director in writing within 7 calendar days of receipt of the analytical results.
 - iv. If a measured concentration exceeds the values set out in Table 1C of Schedule A of this CPU, the Owners shall implement an additional confirmatory sampling program, completed by a Qualified Person, with sample collection occurring within 14 calendar days of the date of the initial sample collection.
 1. If none of the measured concentrations exceed the values set out on Table 1C of Schedule of A of this CPU on the confirmatory monitoring event, then monitoring shall be carried out as described by subsections i., ii., and iii. of Section 4.2(i) of this CPU.
 2. If any of the measured concentrations exceed the values set out on Table 1C of Schedule A of this CPU on the confirmatory monitoring event, the Owners shall notify the Director in writing within 7 calendar days of receipt of the analytical results and shall implement the contingency measures as described below and in section 7.4.3 and 7.5 of RA.
 - a. Retain an appropriately qualified Licensed Professional Engineer to oversee the conversion of the passive system to an active venting system, the conversion of which is to be completed no later than 4 weeks of the Director receiving written notice described in subsection iv. 2. of Section 4.2(i) of this CPU.
 - b. Within 7 calendar days of commissioning of the active venting system, submit a report to the Director prepared by an appropriately qualified Licensed Professional Engineer confirming that the active vapour mitigation system has been installed in accordance with the design specifications and it has been designed to meet the requirements and objectives of the RA and RMP. The report should contain the as-built drawings and detailed design specifications of the active vapour mitigation system.
 - c. Within 21 calendar days of commissioning of the active venting system, develop and submit a work plan with timelines to the Director for further investigations, including indoor air sampling, that is to be designed and overseen by an

appropriately qualified Licensed Professional Engineer. The plan is to include operation, monitoring and maintenance program as well as a contingency plan for the now active venting system.

- d. Upon the Owners receiving written approval from the Director regarding the work plan submitted as required under subsection iv. 2. c. of Section 4.2(i) of this CPU, the Owners shall forthwith implement the plan and provide confirmation to the Director.
 - e. Submit a monthly report to the Director, prepared by an appropriately Qualified Person, detailing confirmatory sub-slab and indoor air sampling results as a result of the implementation of the contingency measures.
- v. The sub-slab vapour monitoring program shall continue for a minimum of two years and until such time as the Director provides written notice to the Owner to reduce or discontinue the program.

Existing Building (s):

- j) Upon issuance of this CPU, the Owners shall implement a quarterly sub-slab vapour monitoring program for existing building Retail A / Pad 3 shown on Figure 1 of Schedule A of this CPU, in accordance with the section 7.2.7 and 7.5 of the RA. All sub-slab samples shall be monitored for the parameters shown on Table 1C of Schedule A of this CPU. The sub-slab vapour monitoring program for the Retail A / Pad 3 building shall include, but not be limited to, the following components:
- i. Be overseen by a Qualified Person.
 - ii. Be carried out on a quarterly basis with at least one sampling event conducted during the winter months.
 - iii. If a measured concentration has increased by greater than 20% when compared to the previous sampling event and taking into account seasonality, but does not exceed the values set out in Table 1C of Schedule A of this CPU, the Owners shall notify the Director in writing within 21 calendar days of receipt of the analytical results and shall also retain an appropriately Qualified Person who will propose an appropriate path forward to the Director within this timeframe.
 - iv. If a measured concentration exceeds the values set out in Table 1C of Schedule A of this CPU, the Owners shall implement an additional confirmatory sampling program, completed by a Qualified Person, with sample collection occurring within 14 calendar days of the date of the initial sample collection which resulted in the exceedance.
 - 1. If none of the measured concentrations exceed the values set out on Table 1C of Schedule A of this CPU on the confirmatory monitoring event, then monitoring shall be carried out as described by subsections i., ii., and iii. of Section 4.2(j) of this CPU.
 - 2. If any of the measured concentrations exceed the values set out on Table 1C of Schedule A of this CPU on the confirmatory monitoring event, the Owners shall notify the Director in writing within 7 calendar days of receipt of the analytical results and shall implement the contingency measures as described below and in sections 7.2.7 and 7.5 of the RA and shall retain an appropriately qualified licensed Professional Engineer.
 - a. Within 21 calendar days of receipt of the confirmatory monitoring event analytical results, develop and submit a work plan with timelines to the Director for further investigations, including indoor air sampling, and implementation of contingency measures that is to be designed and overseen by an appropriately qualified Licensed Professional Engineer.

- b. Upon the Owners receiving written approval from the Director regarding the work plan submitted as required under subsection iv. 2. a. of Section 4.2(j) of this CPU, the Owners shall forthwith implement the plan and provide confirmation to the Director.
 - c. Submit a monthly report to the Director, prepared by an appropriately Qualified Person, detailing confirmatory sub-slab and any indoor air sampling results as a result of the implementation of the contingency measures.
- v. The sub-slab vapour monitoring program shall continue for a minimum of two years and until such time as the Director provides written notice to the Owner to reduce or discontinue the program.

Groundwater Monitoring Program:

- k) Within 90 calendar days of the issuance of this CPU, the groundwater monitoring program specified in Section 7.2.2 of the RA shall be implemented by the Owners in order to monitor the groundwater quality migrating to the downgradient property north of the Property. Note that the selected monitoring locations were revised to nearby locations from those listed in the RA, based on a request from a Qualified Person acting on behalf of the Owner in August 2021, due to the previous locations being inaccessible. The groundwater monitoring program shall include, but not be limited to, the following components:
- i. Be overseen by a Qualified Person;
 - ii. Consist of the measurement of groundwater levels and sampling for chloride from existing monitoring wells MW15-12, MW15-13, MW16-13 and MW16-20 as detailed in Section 7.2.2 of the RA, and as identified on Figure 6 of Schedule A of this CPU, or suitable replacement (s) as deemed appropriate by a Qualified Person and approved by the Director;
 - iii. The measurement of groundwater levels and the collection of groundwater samples shall occur quarterly (every three months) for the first year, semi-annually (i.e. spring and fall) for the second year and annually thereafter;
 - iv. Groundwater samples shall be sent to an accredited laboratory and analyzed for the Target Analyte(s) specified in Table 1D of Schedule 'A' of this CPU;
 - v. The groundwater monitoring program shall occur for a minimum of three years and until written approval to reduce or discontinue the groundwater sampling program from the Director is received by the Owner;
 - vi. An annual report detailing the sample results, sample locations, borehole logs/monitoring well construction details along with an evaluation of the temporal trends in groundwater quality and an assessment of the potential for off-property migration of impacted groundwater shall be submitted to the Director on or before **March 31st** following each year of monitoring until written approval to discontinue the program from the Director is received by the Owners;
 - vii. Any changes to the groundwater monitoring program must be requested in writing by the Qualified Person and these changes shall only be implemented by the Owners upon receiving approval from the Director; and,
 - viii. In accordance with the contingency plan detailed in Sections 7.2.2 and 7.5 of the RA, and summarized as follows:
 - (a) In the event that the groundwater monitoring program identifies one or more of the Target Analytes at concentrations above the Target Groundwater Quality

Concentration in Table 1D, the Owners shall notify the Director in writing within 14 calendar days of the Owners receiving the laboratory analysis. Written notification shall be prepared by a Qualified Person and include the groundwater data, laboratory certificates of analysis and timeline for the implementation of the confirmatory groundwater sampling program.

- (b) Within 30 calendar days of the Owners receiving the initial laboratory analysis, the confirmatory groundwater sampling program shall be carried out by a Qualified Person.
- (c) In the event that the groundwater concentrations continue to be observed to exceed their respective Target Groundwater Quality Concentration in Table 1D the Owners shall notify the Director in writing within 14 calendar days of the Owners receiving the laboratory analysis. Written notification shall be prepared by a Qualified Person and include the groundwater data, laboratory certificates of analysis and timeline for the submission of a proposed groundwater action plan.
- (d) Within 30 calendar days of the Owners receiving the laboratory analysis, the Owners shall submit to the Director a proposed groundwater action plan for review and approval. The proposed groundwater action plan shall be prepared by a Qualified Person and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations for any additional investigation/ monitoring as may be required and or recommendations for the completion of a groundwater remedial option feasibility study and or the implementation of a groundwater remedial action plan which may include the implementation of additional remedial/mitigation measures as may be necessary.
- (e) Upon the Owners receiving written approval from the Director, the Owners shall implement the approved groundwater action plan.
- (f) Within 30 calendar days of implementation of the groundwater action plan, the Owners shall submit written confirmation, along with supporting documentation, prepared by a Qualified Person that the groundwater action plan has been implemented.

Soil and Groundwater Management Plan:

- l) The property specific soil and groundwater management plan (Plan) shall be developed for the Property and implemented during all intrusive activities potentially in contact with or exposing COCs in soil or groundwater that exceed the Applicable Site Condition Standards as detailed in Sections 7.2.4 and 7.2.5 of the RA. A copy of the Plan shall be maintained on the Property for the duration of all planned intrusive activities. Any short term intrusive activities required for the purposes of emergency repairs (i.e. for repairs to underground utilities etc.) will not require *the submission* of the Plan prior to undertaking the short term emergency repairs. In the event that NAPL is encountered during any short-term intrusive work, the Owners shall notify the Director in writing within 24 hours of the residual NAPL being encountered. The written notice shall also include an action plan for dealing with residual NAPL that is encountered. For planned intrusive activities, this Plan shall be submitted to the Director by the Owners at least 14 calendar days prior to any such intrusive activities being undertaken and shall be consistent with the measures specified in Section 7.2.4 and 7.2.5 of the RA. The Plan shall include, but not be limited to, the following key components as deemed necessary by a Qualified Person:
 - i. oversight by a Qualified Person;
 - ii. include dust control measures and prevention of soils tracking by vehicles and personnel from the Property;
 - iii. odour control measures including, weather monitoring (temperature, humidity, wind), monitoring with a photoionization detector (PID), ambient air quality sampling (depending on the extent and duration

- of the excavation activities), specifications regarding the size of open excavations, wetting of soil with potable water, implementation of atomization equipment or foam suppression, tarping odorous soil, or ceasing work to reassess the source of odour and to evaluate the appropriate control measure,
- iv. management of excavated soils including cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment;
 - v. management measures and an action plan (including appropriate disposal options) for NAPL if encountered. If NAPL is encountered, the Owners shall notify the Director in writing within 24 hours of the NAPL being encountered;
 - vi. storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include, but not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary;
 - vii. characterization of excavated excess soils and groundwater, to determine if the excavated excess soils or groundwater exceed the Property Specific Standards listed in Table 1A of Schedule A of this CPU and/or the applicable generic site condition standards for parameters other than those identified in Table 1A and require off-site disposal in accordance with the provisions of Ontario Regulation 347, as amended, and Ontario Regulation 406/19, made under the Act;
 - viii. characterization of groundwater as a result of dewatering shall include, but not be limited to, adequate groundwater sampling prior to dewatering activities along with appropriate sampling of the groundwater collected during dewatering activities. Where dewatering is required, dewatering activities will be conducted in accordance with Section 7.2.5 of the RA.
 - ix. record keeping is to include, but not be limited to, dates and duration of work, weather and site conditions, location and depth of excavation activities/dewatering activities, dust control measures, odour control measures, stockpile management and drainage, NAPL management and disposal, all soil and groundwater characterization results obtained as part of the soil and groundwater management plan, names of the Qualified Persons, contractors, haulers and receiving sites for any excavated excess soils, groundwater, as a result of dewatering activities, and NAPL removed from the property and any complaints received relating to site activities; and,
 - x. copy of the plan and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

Health and Safety Plan:

- m) A property specific Health and Safety Plan shall be developed for the Property and implemented during all planned intrusive activities undertaken potentially in contact with COCs in soil and groundwater that have been identified in the RA at concentrations that exceed the Applicable Site Condition Standards and a copy shall be maintained on the Property for the duration of all intrusive activities. The Owners shall ensure that the Health and Safety Plan takes into account the presence of the COCs and is implemented prior to any intrusive activities being undertaken on the Property or portion (s) of the Property in order to protect workers from exposure to the COCs. The Health and Safety plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans and contact information. Prior to initiation of any Project (on the Property or portion (s) of the Property), the local Ministry of Labour office shall be notified, where so prescribed under the OHSA, of the proposed activities and that COCs have been identified in soils and or groundwater on the Property. The Health and Safety Plan shall be overseen by a Competent Person to review the provisions of the plan with respect to the proposed site work and conduct daily inspections. The Owners shall retain a copy of the plan to be available for review by the Ministry upon request.

Utility Corridors:

- n) The Owners shall ensure that any new utilities/ utility corridors or subsurface infrastructure (utilities) that are excavated for installation or maintenance are excavated and backfilled with appropriate material for structural purposes as detailed in Sections 7.2.1 and 7.4.4 of the RA. Where new utilities are to be installed, or existing utilities repaired on the Property in areas where COCs are found in soil that exceed the PSS in Table 1A, in

groundwater above the Applicable Site Condition Standard, one or more of the following mitigation measures as may be applicable and as determined by a qualified Licensed Professional Engineer shall be implemented:

- i. Trench Plugs: consisting of low-permeability materials such as compacted clay or bentonite, or other low permeable material such as concrete or unshrinkable fill, shall be installed across the trench cross-section so as to prevent migration of COCs into the permeable backfill material along any buried piping, cable or duct banks. Clay seals (plugs) are required to be installed where utilities are to be installed near or below the groundwater table and shall consist of clay compacted at appropriate moisture contents that is extended for a minimum of 750 mm along the utility trench, across the full width and extend to the base of the overlying cap barrier;
- ii. Anti-seep Collars: barriers made of any ridged impermeable material (e.g. concrete, steel or geomembranes);
- iii. Trench Liners: impermeable liner placed at the bottom and sides of the utility trench
- iv. Watertight Shoring: shoring at the trench walls be supplemented by lining the bottom of the trench with impermeable liner or low-permeability materials;
- v. Slurry or Controlled, Low-Strength Material (Flowable Fill) Trench Backfill: The entire trench to be filled with slurry consisting of fine aggregates, water and cementitious material; and or,
- vi. Concrete Structure of a Box Culvert as a Utility Corridor: Entry to the Concrete Structure or Box Culvert will require confined space entry equipment however would provide a corridor for utility installation and maintenance free of COCs.

Prohibition of potable groundwater wells:

- 4.3 Refrain from using the groundwater beneath the Property as a potable water supply. The installation of potable groundwater wells on the Property is prohibited.
- 4.4 Further to Section 4.3 of this CPU, the installation of groundwater monitoring wells for environmental testing or remediation purposes is not prohibited.

Prohibition of planting of fruit and vegetables for consumption:

- 4.5 The Owners shall refrain from planting fruit and vegetables for consumption on the Property unless planted in above ground containers such that the plants are isolated from the subsurface conditions. The planting of fruit and vegetables for consumption on the Property is prohibited for as long as the COCs in soil and groundwater remain present.

Property Use Restrictions:

- 4.6 The Owners shall refrain from using the Property for any type of property use specified in O. Reg. 153/04, other than Commercial and/or Industrial uses.

Site Changes:

- 4.7 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owners shall forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. 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:

- 4.8 Retain a copy of any reports required under the CPU, the Risk Assessment and any reports referred to in the Risk Assessment (until otherwise notified by the Director) and within ten (10) calendar days of the Director or a Provincial Officer making a request for a report, provide a copy to the Director or Provincial Officer.

Owners Change:

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

Property Requirement:

- 4.10 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:

- 4.11 Within fifteen (15) calendar days from the date of receipt of a certificate of requirement, issued under subsection 197(2) of the Act, completed as outlined in Schedule 'B' which is attached to and forms part of this CPU, register the certificate of requirement on title to the Property in the appropriate Land Registry Office.
- 4.12 Within five (5) calendar days after registering the certificate of requirement, provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

Part 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 shall not be affected thereby.
- 5.2 An application under subsection 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 amend 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 provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve you from,
a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law;
or
b) obtaining any approvals or consents not specified in the CPU.

- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 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 you from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owners comply with provisions of Sections 4.10 and 4.11 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then create 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 transfer ownership of the Property to various condominium unit owners, the ongoing obligations of the Owners under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

Part 6: Information regarding a Hearing before the Ontario Land Tribunal

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

- 6.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the "Tribunal"), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 6.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU or to rely on a ground that is not stated in the notice requiring the hearing.
- 6.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act as they may be amended from time to time. The address, email address and fax numbers of the Director and the Tribunal are:

The Secretary

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

and

Director, section 168.6 of the Act
Ministry of the Environment, Conservation and Parks

1094 London Road
Sarnia, ON
N7S 1P1
Fax: 519-381-5536
Email: Environment.Sarnia@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

Further information regarding service can be obtained from e-Laws at 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 (“ERO”)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 ERO. The notice must be delivered to the Minister of the Environment, Conservation and Parks at 777 Bay Street, 5th Floor, 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 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

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

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

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

Issued at Sarnia this **7th** day of **March 2022**.

ORIGINAL SIGNED BY

Sean Morrison,
Director, section 168.6 of the Act

Schedule 'A': Figure 1- Site Plan (not to scale)

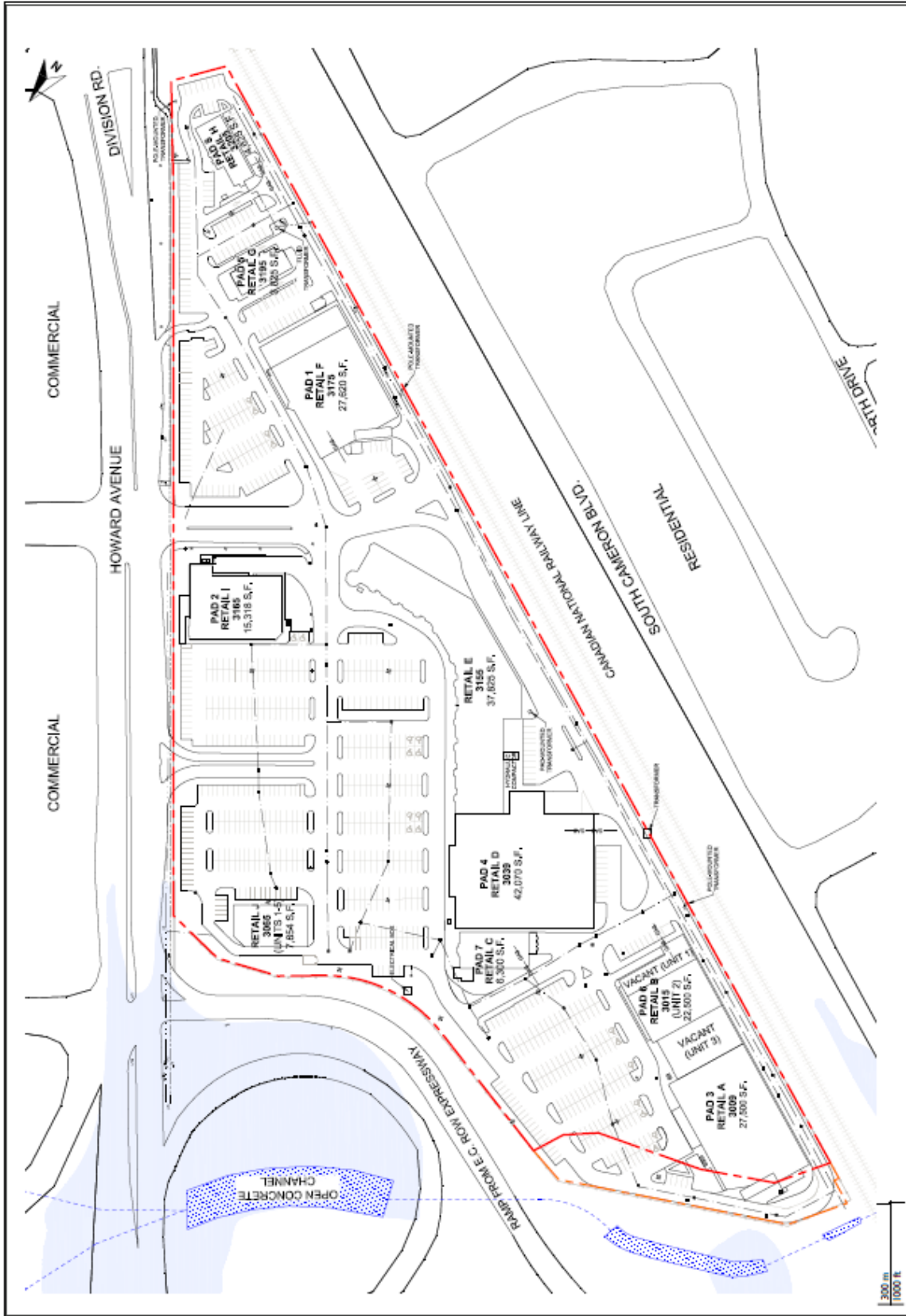
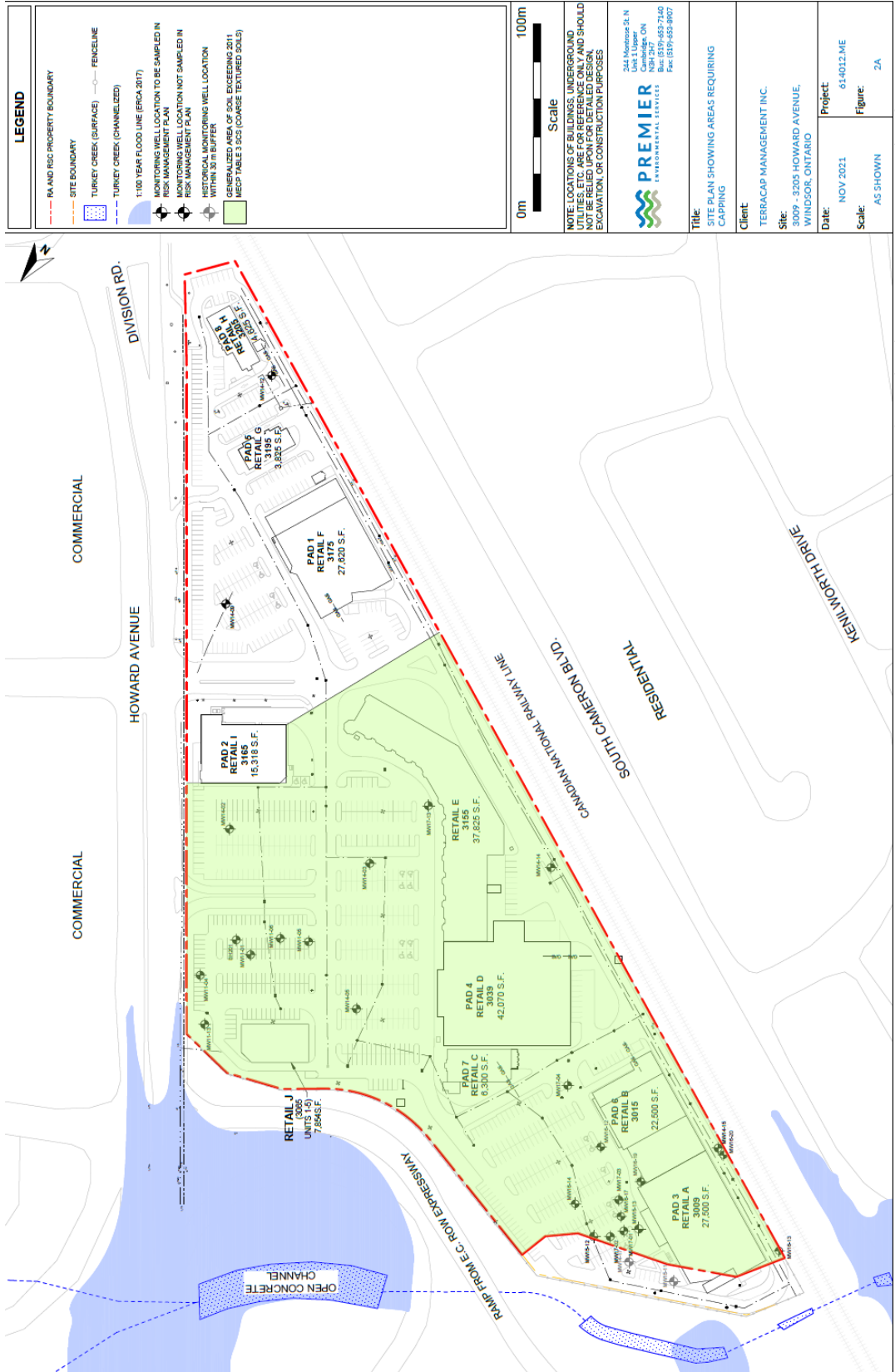


Figure 2: Site Plan - Location of Existing Buildings

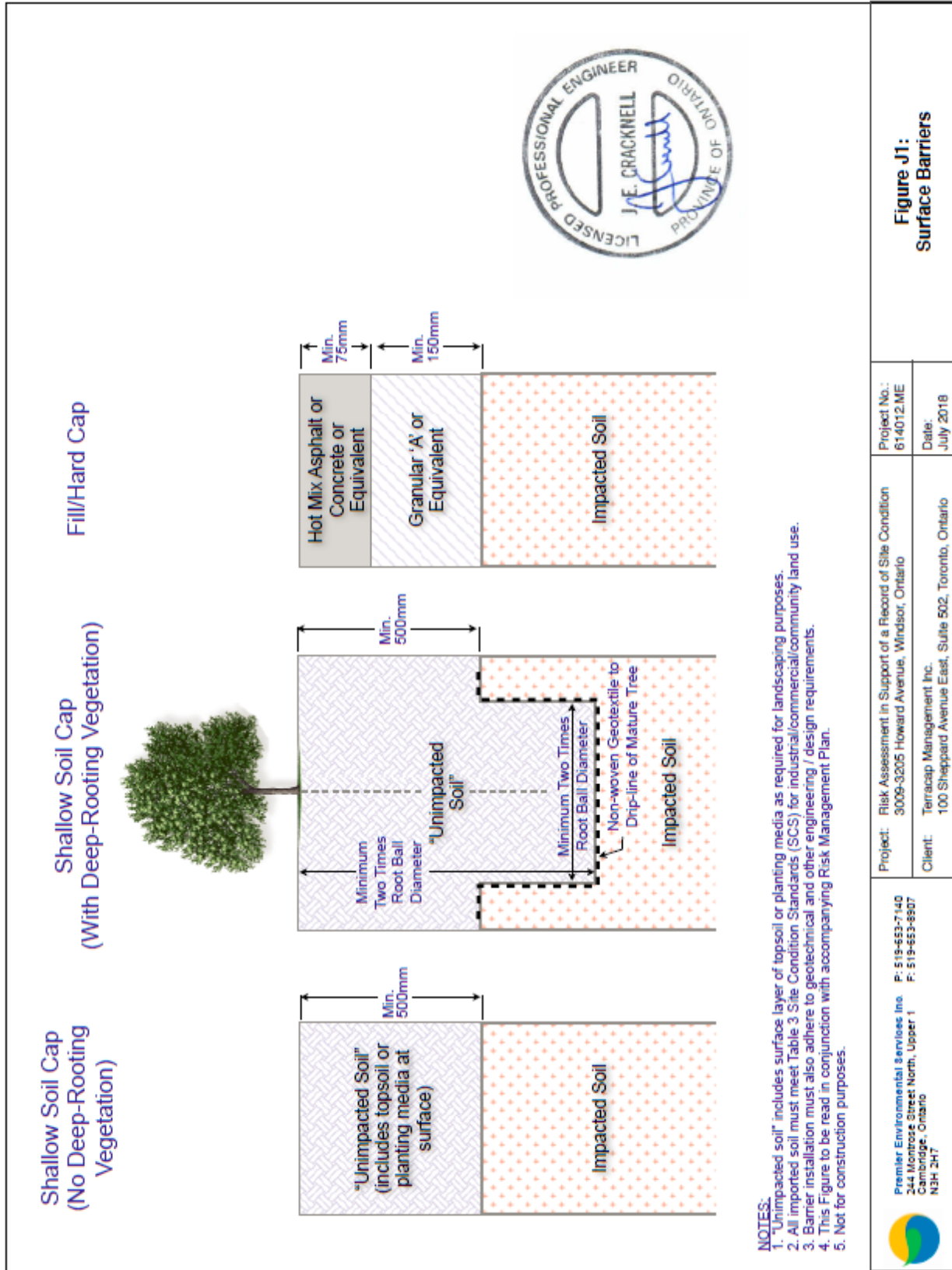
Project No.: 14-254	Date: August, 2017
Project: Risk Assessment for 3000-3205 Howard Avenue, Windsor, ON -RA Submission Note: Refer to the Survey and Phase Two CSM for detailed Figures showing Site. The part that is between the 30 m buffer and the property line excluded	
Client: Premier Environmental Services Inc.	

Novatox
 10 Crane Avenue, Guelph, Ontario
 1-877-680-7256 • <http://novatox.ca>

Schedule 'A': Figure 2A – Areas Currently Requiring Capping (not to scale)

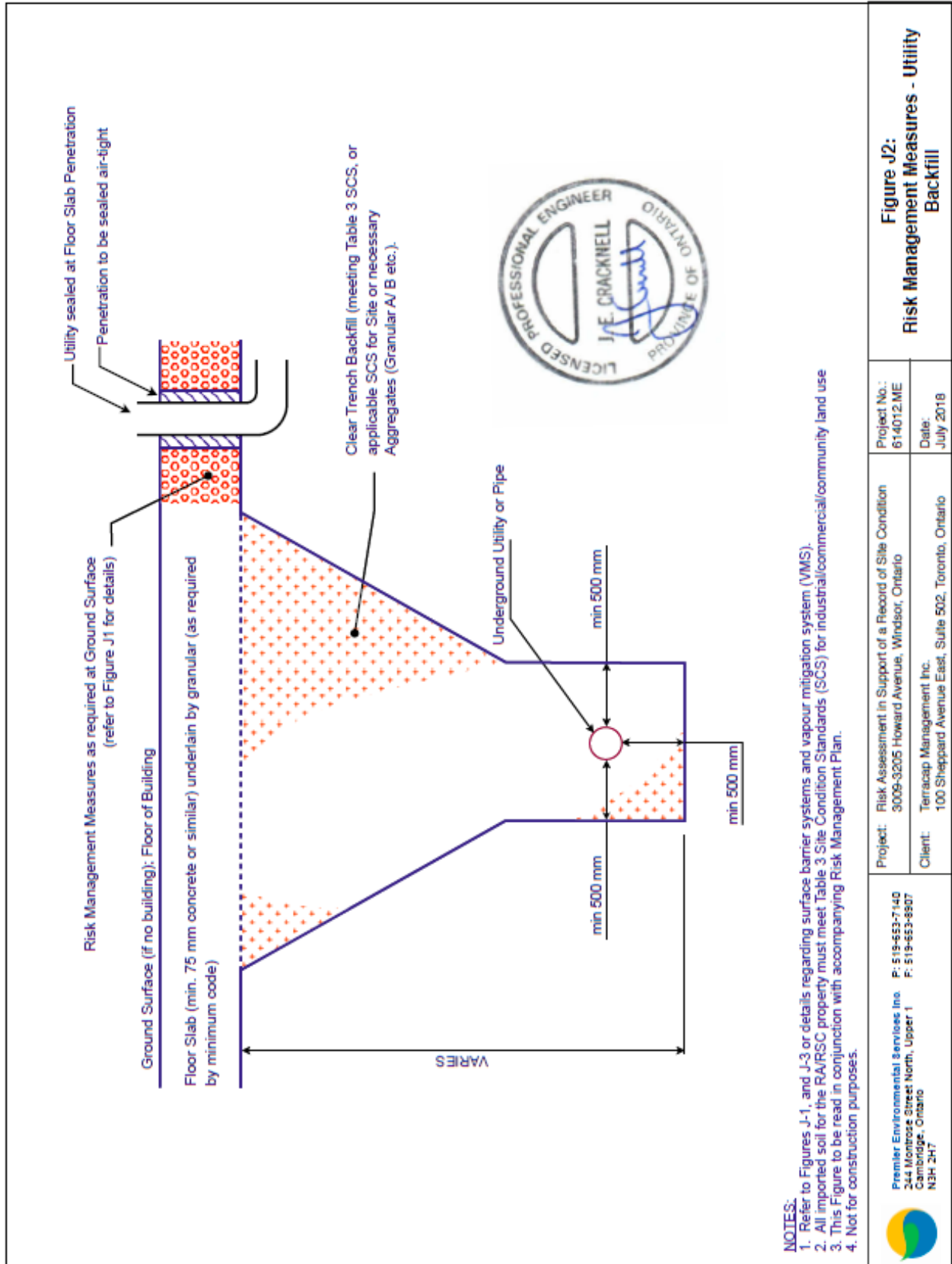


Schedule 'A': Figure 2B- Conceptual Design of Typical Surface Barriers (not to scale)



<p>Figure J1: Surface Barriers</p>	
<p>Project: Risk Assessment in Support of a Record of Site Condition 3009-3205 Howard Avenue, Windsor, Ontario</p>	<p>Project No.: 614012.ME</p>
<p>Client: Terracap Management Inc. 100 Sheppard Avenue East, Suite 502, Toronto, Ontario</p>	<p>Date: July 2018</p>
<p>Premier Environmental Services Inc. 244 Montrose Street North, Upper 1 Cambridge, Ontario N3H 2H7</p>	<p>P: 519-653-7140 F: 519-653-8907</p>

Schedule 'A': Figure 3 – Conceptual Design of Utility Backfill Barriers (not to scale)



NOTES:
 1. Refer to Figures J-1, and J-3 or details regarding surface barrier systems and vapour mitigation system (VMS).
 2. All imported soil for the RA/RSC property must meet Table 3 Site Condition Standards (SCS) for industrial/commercial/community land use
 3. This Figure to be read in conjunction with accompanying Risk Management Plan.
 4. Not for construction purposes.


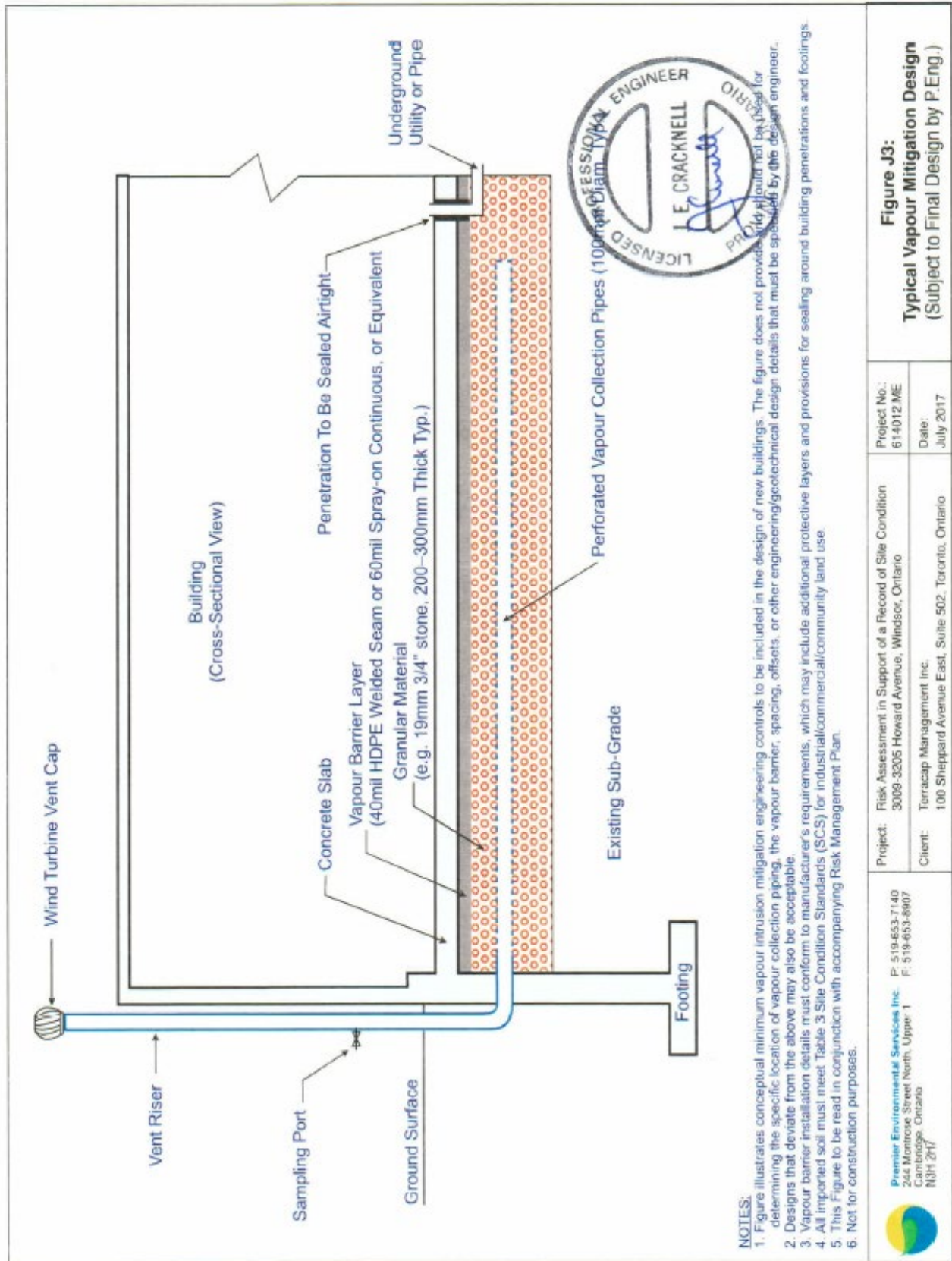
 Premier Environmental Services Inc. 244 Montrose Street North, Upper 1 Cambridge, Ontario N3H 2H7 P: 519-653-7140 F: 519-653-8907	Project: Risk Assessment in Support of a Record of Site Condition 3009-3205 Howard Avenue, Windsor, Ontario	Project No.: 614012.ME
	Client: Terracap Management Inc. 100 Sheppard Avenue East, Suite 502, Toronto, Ontario	Date: July 2018

Figure J2:
 Risk Management Measures - Utility
 Backfill

Schedule 'A': Figure 4 – Conceptual Design of Soil Vapour Mitigation System (not to scale)



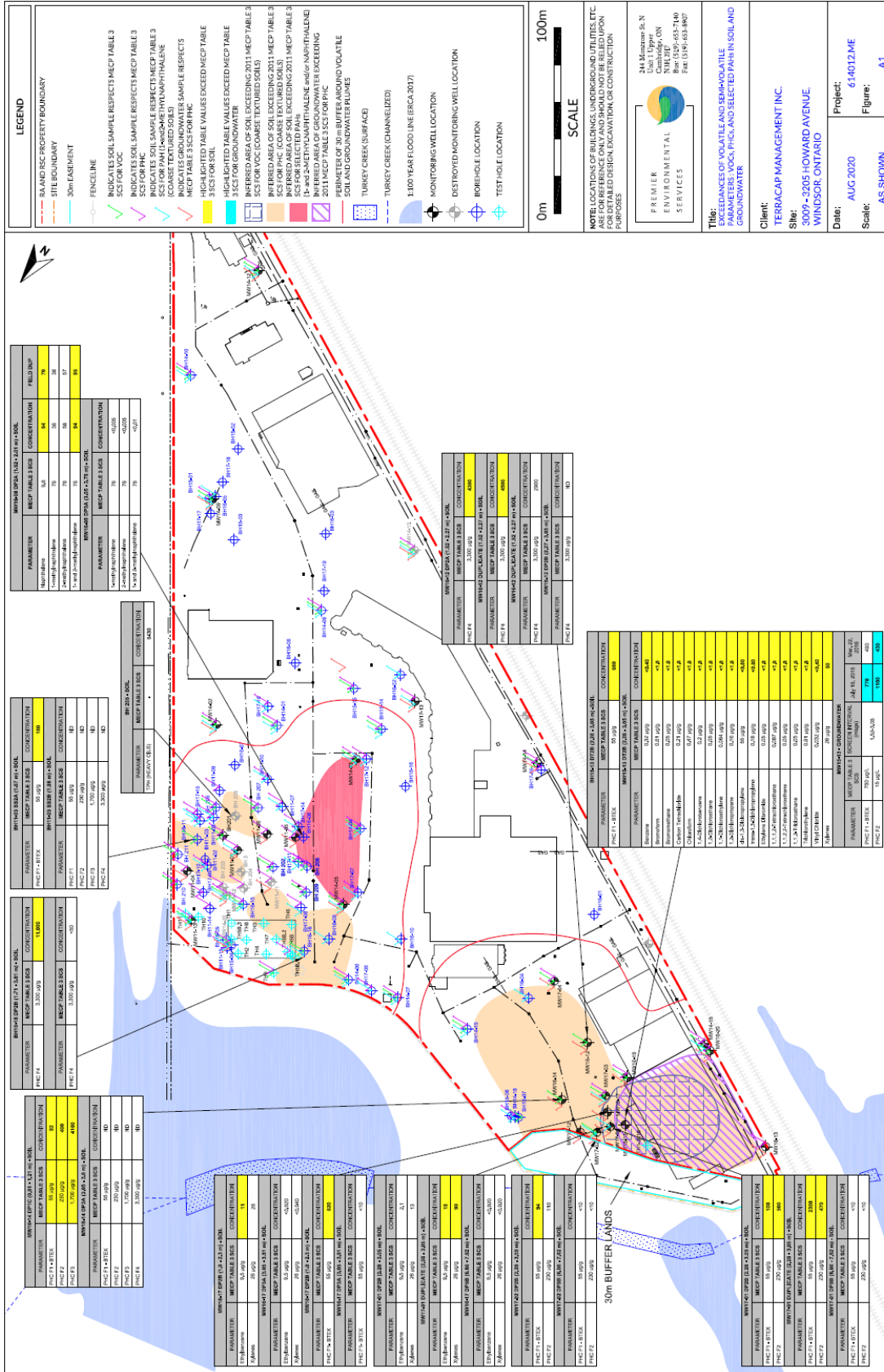
NOTES:

1. Figure illustrates conceptual minimum vapour intrusion mitigation engineering controls to be included in the design of new buildings. The figure does not provide details for determining the specific location of vapour collection piping, the vapour barrier, spacing, offsets, or other engineering/geotechnical design details that must be specified by the design engineer.
2. Designs that deviate from the above may also be acceptable.
3. Vapour barrier installation details must conform to manufacturer's requirements, which may include additional protective layers and provisions for sealing around building penetrations and footings.
4. All imported soil must meet Table 3 Site Condition Standards (SCS) for industrial/commercial/community land use.
5. This Figure to be read in conjunction with accompanying Risk Management Plan.
6. Not for construction purposes.

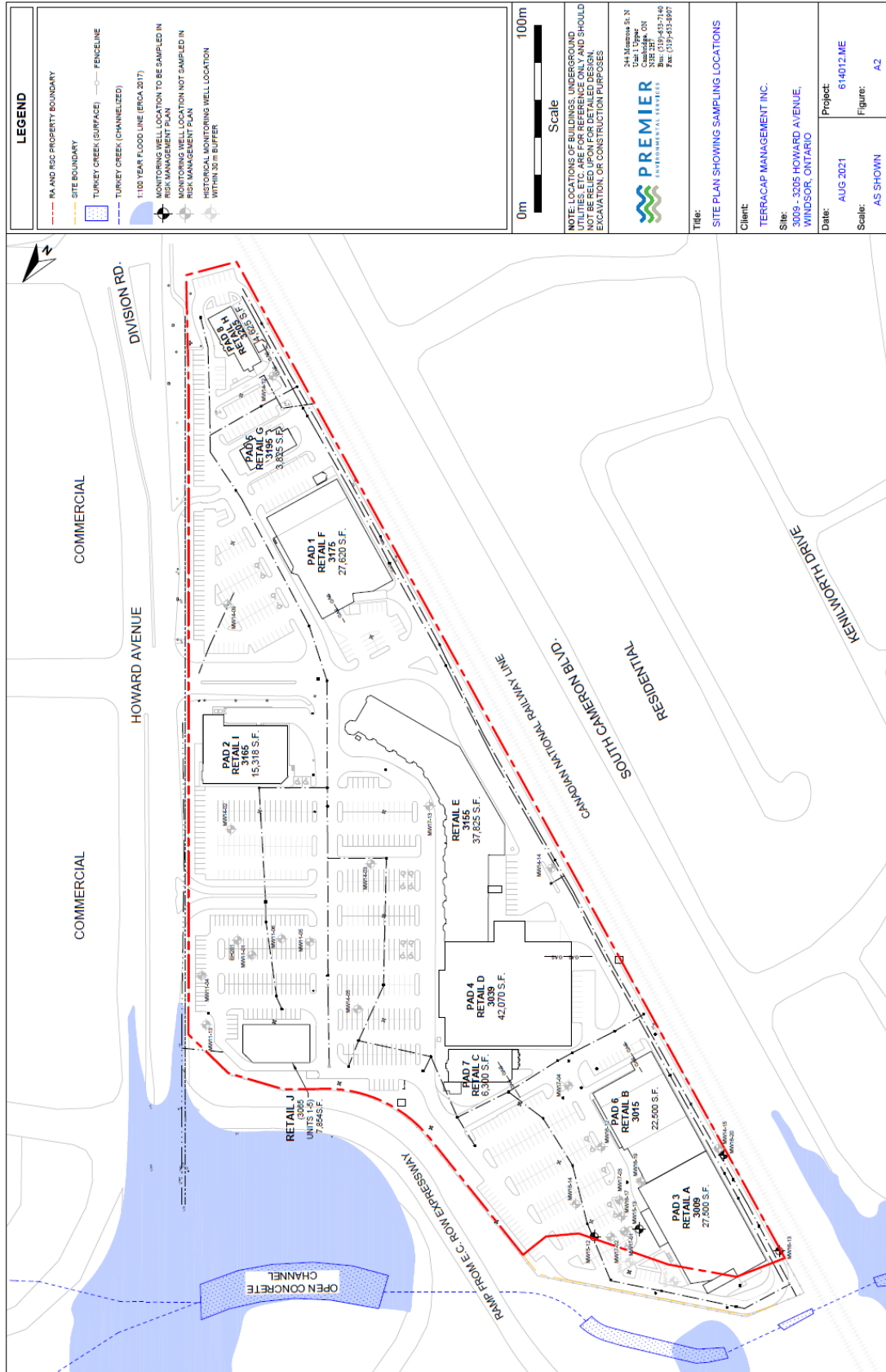
 <p>Premier Environmental Services Inc. 244 Monroise Street North, Upper 1 Cambridge, Ontario N3H 2H7</p>	<p>Project: Risk Assessment in Support of a Record of Site Condition 3008-3205 Howard Avenue, Windsor, Ontario</p>	<p>Project No.: 614012 ME</p>
	<p>Client: Terracap Management Inc. 100 Sheppard Avenue East, Suite 502, Toronto, Ontario</p>	<p>Date: July 2017</p>

**Figure J3:
Typical Vapour Mitigation Design
(Subject to Final Design by P.Eng.)**

Schedule 'A': Figure 5 – Current Volatile Plume Area and 30m Buffer (not to scale)



Schedule 'A': Figure 6- Existing Groundwater Monitoring Network (not to scale)



Schedule 'A': Table 1A: Property Specific Standards (PSS) – Soil

<i>Soil Contaminant of Concern (COC)</i>	<i>PSS (µg/g)</i>
Antimony	156
Arsenic	110.4
Boron (HWS)	3.84
Cadmium	3
Copper	4,440
Lead	2,748
Selenium	7.08
Vanadium	115.2
Zinc	6,000
EC (mS/cm)	5.04
SAR (unitless)	81.6
Acenaphthylene	9.6
Anthracene	61.2
Benz[a]anthracene	45.6
Benzo[a]pyrene	27.6
Benzo[b]fluoranthene	36
Benzo[k]fluoranthene	14.4
Chrysene	30
Dibenz[a,h]anthracene	3.6
Fluoranthene	115.2
Indeno[1,2,3-cd]pyrene	9.6
Methylnaphthalene, 2- (1-)	114
Naphthalene	112.8
Phenanthrene	180
Ethylbenzene	21.6
Xylene Mixture	119
PHC F1	2,760
PHC F2	888
PHC F3	9,240
PHC F4	13,200
Total PCBs	13.2

Schedule ‘A’: Table 1B: Property Specific Standards (PSS) - Groundwater

<i>Groundwater Contaminant of Concern (COC)</i>	<i>PSS (µg/L)</i>
Chloride	10,080,000
Sodium	5,400,000
Naphthalene	14.4
Benzene	5.0
Ethylbenzene	204
Xylenes	1,200
PHC F1	924
PHC F2	1,320
Methylene chloride	144

Schedule ‘A’: Table 1C: Target Soil Vapour Concentrations

<i>Soil Vapour Target Analytes</i>	<i>Target Soil Vapour Concentration (µg/m³)</i>	
	<i>Commercial/Industrial</i>	
Benzene	4.08E+02	
Toluene	8.96E+05	
Ethylbenzene	1.79E+05	
Xylene Mixture	1.25E+05	
Naphthalene	6.63E+02	
Methylnaphthlene (2-), 1-	6.63E+02	
PHC F1	Aliphatic C6-C8	8.23E+06
	Aliphatic C>8-C10	4.48E+05
	Aromatic C>8-C10	8.95E+04
PHC F2	Aliphatic C>10-C12	4.48E+05
	Aliphatic C>12-C16	4.48E+05
	Aromatic C>10-C12	8.95E+04
	Aromatic C>12-C16	8.95E+04

Schedule 'A': Table 1D: Proposed Groundwater Monitoring Program

<i>Groundwater Monitoring Well ID</i>	<i>COC</i>	<i>Target Concentration(s) – Table 9 SCS (µg/L)</i>
MW15-12	Chloride	1,800,000
MW15-13	Chloride	1,800,000
MW16-13	Chloride	1,800,000
MW16-20	Chloride	1,800,000

SCHEDULE 'B'

CERTIFICATE OF REQUIREMENT

s.197(2)

Environmental Protection Act

This is to certify that pursuant to Section 4.11 of Certificate of Property Use number **7540-C5TLSB** issued by Sean Morrison, Director of the Ministry of Environment, Conservation and Parks under subsections 168.6(1) and 197(1) of the *Environmental Protection Act*, dated **March 7, 2022** being a Certificate of Property Use and order under section 197(1) of the *Environmental Protection Act* relating to the property municipally known as 3009, 3015, 3031, 3039, 3065, 3155, 3165, 3175, 3195, and 3205 Howard Avenue, Windsor, Ontario and being legally described in Schedule "C" of the Certificate of Property Use (the "Property"), being part of PIN 01306-1347 (LT) and all of PIN 01306-1346 (LT), with respect to a Risk Assessment and Risk Management Measures and other preventive measure requirements

ROUNDHOUSE CENTRE WINDSOR INC.

and

ROUNDHOUSE CENTRE WINDSOR II INC.

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

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

Schedule ‘C’: Legal Description of the Risk Assessment Property

The lands which are the subject matter of the Risk Assessment (the “**Property**”) consist of the whole of the Pad Property and a portion of the Centre Property and are collectively described as follows:

**PCL 83-1 SEC WINDSOR-3; PT LTS 83, 84 & 85 CON 3 PTS 1 TO 6 12R10030 SAVE AND EXCEPT PARTS 1, 2, 3, 4 & 5 ON PLAN 12R26388 AND PARTS 1, 2 & 3 ON PLAN 12R27065
City of Windsor, County of Essex
Land Titles Division of Essex**

(being part of PIN 01306-1347 (LT) and all of PIN 01306-1346 (LT))

The **Centre Property** is described as follows:

PCL 83-1 SEC WINDSOR-3; PT LTS 83, 84 & 85 CON 3 PTS 1 TO 6, 12R10030 EXCEPT PTS 1, 2 & 3, 12R26954
City of Windsor, County of Essex
Land Titles Division of Essex
(being the whole of PIN 01306-1347 (LT) – Land Titles Fee Simple Absolute)

The **Pad Property** is described as follows:

PT LT 85 CON 3 PTS 1, 2 & 3, 12R26954, WINDSOR
City of Windsor, County of Essex
Land Titles Division of Essex
(being the whole of PIN 01306-1346 (LT) – Land Titles Fee Simple Absolute)

The portion of the Centre Property that is **not** part of the Property that is the subject of this CPU is known as the buffer area (the “**Buffer Area**”) and is identified on a Plan of Survey dated July 20, 2017, prepared, signed and sealed by Andrew S. Mantha, Ontario Land Surveyor and legally described as follows:

PT LTS 83 & 84 CON 3 PTS 1 TO 5 12R26388 AND PT LT 83 CON 3 PTS 1 TO 3 12R27065
City of Windsor, County of Essex
Land Titles Division of Essex
(being part of PIN 01306-1347 (LT))