

## Certificate of Property Use

Issued under the authority of the Environmental Protection Act, R.S.O. 1990, c. E.19,  
sections 168.6 (CPU), 132 (Financial Assurance) and 197 (Order)

Certificate of Property Use number 1470-CFUHSV  
Risk Assessment number 4163-B7VUW2

**Owner:** **Port Credit West Village Partners Inc.** (Registered Owner)  
40 King Street West, Suite 2700  
Toronto, Ontario M5H 3Y2

**Port Credit West Village Partners GP Inc., for and  
on behalf of Port Credit West Village Partners L.P.** (Beneficial Owner)  
40 King Street West, Suite 2700  
Toronto, Ontario M5H 3Y2

**Site:** **70 Mississauga Road South, Mississauga**

with a legal description as set out in Schedule 1 attached

This Certificate of Property Use and section 197 Order set out the requirements regarding the above-noted Property and the Risk Assessment carried out in relation to the Property which was assigned the number noted above and is described in more detail in Part 1 below.

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

### Part 1: Interpretation

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

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

“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.

“Alternate Cap Barrier” means cover, above the Contaminants of Concern, that is restricted for use only on future parkland use and future community use roadway boulevard areas of the Property within tree drip lines as determined by a qualified arborist and is at least 100 millimetres thick consisting of Capping Soil or non soil surface treatment such as mulch or wood chips underlain by a geotextile fabric as specified in section 7.2.1.2 of the Risk Assessment report for the sole purpose of preventing the unnecessary removal and damage of mature trees that existed on the Property at the time of acceptance of the Risk Assessment.

“ASTM” means the American Society for Testing and Materials.

“Barrier” means a Fill Cap Barrier, Hard Cap Barrier or Alternate Cap Barrier.

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

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

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

“Capping Soil” means,

- (a) soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or
- (b) soil that meets the applicable site condition standards for the Property, as specified in Item 3.2 of the CPU, and does not contain any contaminant for which no applicable site condition standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number 1470-CFUHSV issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

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

“Contaminants of Concern” has the same meaning as in O. Reg. 153/04, which, for the Property, means one or more contaminants found on, in or under the Property at a concentration that exceeds the applicable site condition standards for the Property, as specified in section 7 of the Risk Assessment report and in Schedule A of the CPU.

“Development Lands” means the 28.7-hectare (70.9 acre) property located as 70 Mississauga Road South, Mississauga that has been divided into Parcels 1, 2 and 3 to facilitate redevelopment, the Property subject to this CPU is Parcel 2.

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

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

“Fill Cap Barrier” means cover, above the Contaminants of Concern, that,

- (a) is at least 1.0 metre thick, or any greater thickness than 1.0 metre, as specified in section 7.2.1.1 of the Risk Assessment report, and
- (b) consists of at least 0.5 metres thickness of Capping Soil, and above this, cover consisting of additional Capping Soil or non-soil surface treatment such as asphalt, concrete or concrete pavers, stone pavers, brick or aggregate.

“First Storey” has the same meaning as in the Building Code.

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

“Hard Cap Barrier” means an asphalt or concrete cover layer, above the Contaminants of Concern, as specified in section 7.2.1.3 of the Risk Assessment report that is at least 225 millimetres thick and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material and includes a Building slab or Building foundation and floor slab meeting these specifications.

“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.

“LNAPL” means Light Nonaqueous Phase Liquid and refers to petroleum hydrocarbon liquids that are lighter than water (e.g., gasoline, diesel).

“Licensed Professional Engineer” means a person who 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 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.

“Minister” means the minister of the Ministry.

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

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

“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 Certificate of Property Use for the Property is first issued by the Director under section 168.6 of the Act based on the Risk Assessment, and any subsequent owner of the Property.

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

“Property 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 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” means the standards established as the maximum allowable concentrations for the Contaminants of Concern at the Property, as specified in section 6 of the Risk Assessment report and in Schedule A of the CPU.

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

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

“Raised Building Construction” mean a Building that is constructed such that no portion of the Building is in contact with the ground, other than support structures including structural caissons or piles such that free-mixing and flow of air beneath the Building can occur.

“Risk Assessment” means the Risk Assessment Number 4163-B7VUW2 submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on June 29, 2022 and set out in the following documents.

- Tier III Risk Assessment, Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated August 9, 2019
- Tier III Risk Assessment (Revision 1), Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated June 12, 2020
- Tier III Risk Assessment (Revision 2), Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated May 5, 2021

- Tier III Risk Assessment (Revision 3), Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated March 25, 2022
- Tier III Risk Assessment (Revision 4), Part of 70 Mississauga Road South, Mississauga, Ontario, report prepared by Stantec Consulting Ltd., dated June 14, 2022

"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.

## **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 a risk assessment relating to a property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
1. Take any action specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
  2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 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 of property use has been issued under subsection 168.6(1),
- (a) alter any terms and conditions in the certificate or impose new terms and conditions; or
  - (b) revoke the certificate.
- 2.6 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; and
  - (b) the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
  - (c) the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 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 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 following intended use(s) including: a combination “Residential Use”, “Parkland Use”, “Commercial Use”, “Community Use” and/or “Institutional Use”, as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above Table 3 standards 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 medium to fine 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 are the following figures:
- Plan of Survey of Part of Lots 9, 10 and 11 Broken Front Range Credit Indian Reserve, Geographic Township of Toronto, City of Mississauga, Regional Municipality of Peel, prepared by J.D. Barnes Limited, dated May 12, 2020 that has been annotated to show the boundaries of the Property.
  - Drawing 1, Conceptual Design of Proposed Fill Cap and Hard Cap Barriers, prepared by Stantec Consulting Ltd., dated June 14, 2022.
  - Drawing 2, Perimeter and Underfloor Drain Detail, prepared by Stantec Consulting Ltd., dated June 11, 2022.
  - Drawing 3, Typical Layout and Details of Active Soil Vapour Intrusion Mitigation System, prepared by Stantec Consulting Ltd., dated June 11, 2022.
  - Drawing 4, Site Area Within 10m and 30m of Off-site Development Setbacks, prepared by Stantec Consulting Ltd., dated June 14, 2022.
  - Drawing 5, Raised Building Construction, prepared by Stantec Consulting Ltd., dated June 14, 2022.
- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of Buildings and/or the notice provisions as outlined in Part 5 of this CPU.
- 3.5 I am of the opinion, that the requirements set out in Part 6 of this CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment and in Part 4 of the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in the order requirements in Part 7 of this CPU.

#### **Part 4: CPU Risk Management Measures and Requirements Relating to the Risk Assessment and the Property**

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)1 of the Act:

4.0 Implement, and thereafter maintain or cause to be maintained, the following Risk Management Measures and requirements identified in the Risk Assessment and set out in Items 4.1 to 4.8 and 5.2 as applicable.

##### **4.1 Hard Cap Barrier, Fill Cap Barrier, or Alternate Cap Barrier Risk Management Measure**

- a. Cover all areas of the Property where Contaminants of Concern are present at or within 1.0 metre(s) below the soil surface such that a Hard Cap Barrier, Fill Cap Barrier or Alternate Cap Barrier, as shown in Drawing 1, is in place in these areas, so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface; and
- b. Before commencing development of all or any part of the Property, install fencing and implement dust control measures for any part of the Property requiring covering but which has not been covered, so as to prevent exposure to the Contaminants of Concern at the Property. Fencing and dust control measures shall be maintained until such time as the Hard Cap Barrier, Fill Cap Barrier, or Alternate Cap Barrier (s) are installed.

##### **4.2 Inspection, Maintenance and Reporting Requirements for all Barriers**

- a. 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, in spring and fall, of the Hard Cap Barrier and Fill Cap Barrier and tri-annual inspections, in spring, summer and fall of the Alternate Cap Barrier;
  - 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;
  - 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.
- b. For all areas of the Property where the Alternate Cap Barrier is constructed, prepare a report, prepared by a Qualified Person supported by a plan provided by a qualified arborist, documenting that the Alternate Cap Barrier was constructed in accordance with the requirements specified in Section 7.2.1.2 of the Risk Assessment.
  - c. 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.
- d. 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.

### **4.3 Risk Management Requirements for New Buildings**

Refrain from constructing any new Building on the Property unless the Building has Property Management oversight and includes one of the following Risk Management Measures,

- a. Building with Storage Garage (Intermittent 3.9 Litres/second of Ventilation) Risk Management Measure, as described in Item 4.4,
- b. Active SVIMS Risk Management Measure limited to slab-on-grade construction, as described in Item 4.5, or
- c. Raised Building Construction Risk Management Measure as described in Item 4.6.

### **4.4 Building with Storage Garage (intermittent 3.9 Litres/second of Ventilation) Risk Management Measure**

Refrain from constructing any Building on the Property unless the Building includes a Storage Garage, and:

- a. the Storage Garage is constructed at or below the Grade of the Building;
- b. the Storage Garage area covers the entire Building Area at Grade;
- c. the Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing
  - i. 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;
  - 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. mechanical ventilation systems shall provide, during operating hours, an intermittent supply of outdoor air at a rate of not less than 3.9 L/sec or be activated on an as-needed basis by carbon monoxide or nitrogen dioxide monitoring devices, which may result in intermittent ventilation and an estimated air changes per hour (ACH) of 3.0 with consideration of a 3m high garage, or equivalent construction and ventilation resulting in an estimated ACH of 3.0, including consideration for potential natural ventilation, and
- e. unless it can be shown that there is a minimum separation distance of 0.31 m between the bottom of any part of the Building foundation and the highest annual ground water elevation, which is necessary to mitigate risks associated with vapour intrusion within the Building, the Building must be constructed with either of,
  - i. perimeter and sub-slab drainage systems as set out in subsection 9.14.2.1 (Foundation Wall Drainage) and subsection 9.16.3.1 (Control of Water Ingress) of the Building Code as further described in Section 7.2.3.2 of the Risk Assessment and shown in Drawing 2, or

- ii. Waterproof construction as set out in subsection 9.13.3.(Waterproofing) of the Building Code and a continuous leak free vapour barrier membrane such as a sheet geomembrane or spray applied membrane, below the foundation floor slab and below and along the walls of any subsurface structures such as a sump, as further described in Section 7.2.3.3 of the Risk Assessment, and which,
  - 1. is of minimum thickness of 60 mil and meets the appropriate chemical resistance and diffusion coefficient specifications to be considered substantially impermeable to the soil vapour in accordance with the appropriate ASTM standards such as D412 and D543, as applicable, to be determined by a Licensed Professional Engineer in consultation with the Qualified Person, and
  - 2. has a suitable protective non-woven 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

4.4.1 For any new Building that is constructed on the Property with the Building with Storage Garage (Intermittent 3.9 Litres/second of Ventilation) with waterproof construction and a continuous leak free vapour barrier membrane in accordance with Item 4.4 e. ii, 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 waterproof construction and vapour barrier membrane 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:

- a. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer;
- b. daily inspections of the installation of the waterproof construction and vapour barrier membrane, including of the quality assurance and quality control measures and procedures undertaken by the installer;
- c. 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;
  - 2. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;
  - 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;
  - 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;
  - 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;

- d. noting any deficiencies in the materials or installation of the waterproof construction and vapour barrier membrane;
- e. ensuring the prompt repair of any deficiencies, to the design specifications;
- f. 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,

- g. delivered to the Owner before installation of the waterproof construction and vapour barrier membrane begins; and
- h. updated and delivered to the Owner within 30 days of making any alteration to the program;

4.4.2 Prepare and implement an indoor air quality monitoring program as described in Section 7.4.2.3 of the Risk Assessment for any new Building that is constructed on the Property with the Building with Storage Garage (Intermittent 3.9 Litres/second of Ventilation) with waterproof construction and a continuous leak free vapour barrier membrane in accordance with Item subparagraph e.ii. of Item 4.4, as follows:

- a. Provide to the Director within 90 days of construction of the Building, and prior to Building occupancy, an indoor air quality monitoring program. The sampling locations for the indoor air quality monitoring program shall be located at the lowest occupied level of the Building and shall be identified by an industrial hygienist or other appropriately qualified person to be protective of human health for any persons using or occupying the Buildings on the Property. The minimum number of indoor air sample locations is two for buildings up to 500 m<sup>2</sup> in area, three for buildings that are 500 m<sup>2</sup> to 1000 m<sup>2</sup> with one additional sampling location for each additional 1000 m<sup>2</sup> of area. An outdoor (background) sample shall also be collected.
- b. All indoor air quality monitoring shall be in accordance with USEPA Method TO-15 for the Contaminants of Concerns listed in Schedule B of the CPU with a summa canister, using a 10-hour regulator for a commercial use Building, and a 24-hour regulator for a residential use Buildings. For a mixed-use Building where the lowest occupied level is a commercial use, and where a residential use is located on the floor immediately above the commercial use separate summa canisters equipped with a 10-hour and a 24-hour regulator are to be used at each location. The outdoor air sample shall be in accordance with the Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated March 2008. The results of the indoor air quality samples shall be compared to the respective R/P/I or I/C/C Indoor Air Target Levels identified in Schedule B.
- c. Indoor air quality monitoring shall be carried out at least once before occupancy, and on a quarterly frequency for a minimum period of two years. If after two years there are no exceedance of the respective R/P/I and/or I/C/C Indoor Air Target Levels for any of the Contaminants of Concern the sampling frequency shall continue at a semi-annual frequency

until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether. The Owner shall ensure that for each calendar year one monitoring event is conducted in either January or February and is representative of worst-case conditions. If at anytime an exceedance is confirmed the frequency of monitoring shall return to quarterly sampling for a minimum period of one year until altered by the Director.

- d. If the indoor air concentration for the Contaminants of Concern exceeds a respective R/P/I and/or I/C/C Indoor Air Target Level identified in Schedule B, then the Director shall be notified in writing within 14 calendar days and two follow-up indoor air monitoring events shall be completed for all Contaminants of Concern. The first follow-up event shall occur within 14 calendar days of the receipt of the analytical results for the initial monitoring event and the second follow-up event shall occur within 14 calendar days of the receipt of the analytical results for the first follow-up event.
- e. The Owner shall provide written notification to the Director within 14 calendar days of receiving the results from the second follow-up sampling event. The notification shall include an assessment from the Qualified Person of whether the exceedance of the Indoor Air Target Level is related to vapour intrusion.
- f. If an exceedance of an Indoor Air Target Level is confirmed in either of the subsequent sampling events, then the Owner shall, within 45 days receiving the laboratory analysis, submit to the Director a proposed contingency plan and/or supplemental sampling plan for review and approval. The proposed contingency and/or supplemental sampling plan shall be prepared by a Licensed Professional Engineer and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations to further assess and address risks to vapour intrusion; and
- g. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan.

#### **4.5 Active Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure**

Refrain from constructing any Building on the Property unless the Building is of slab-on-grade construction, includes an Active SVIMS, and the Active SVIMS that is consistent with the minimum conceptual design specifications that are described within Section 7.2.3.4 of the Risk Assessment report and shown on Drawing 3, and that meets the following requirements:

##### **4.5.1 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:

## System Requirements

- a. the Active 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;
  - ii. have in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998;

## Sub-slab Foundation Layer

- b. 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;

## Soil Vapour Venting Layer

- c. 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, which provides similar or greater air permeability and collection and venting efficiency;
  - 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;
  - 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;

### Soil Vapour Barrier Membrane

- d. 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;
  - 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;

### Vent Risers

- e. 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;
  - iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather;
  - iv. an electrical powered fan on each vent risers, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions;

### Monitoring Devices

- f. 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;

#### Labeling Equipment

- g. 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;

#### Utility Sealing

- h. where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,
  - i. 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;
  - ii. 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;

#### 4.5.2 Quality Assurance / Quality Control

Prepare and implement a quality assurance and quality control program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the 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:

- a. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer;
- b. daily inspections of the installation of the SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;
- c. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
  - i. daily inspection reports noting any deficiencies and corrective actions taken;
  - ii. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;
  - iii. 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;

- iv. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means;
  - v. 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;
- d. noting any deficiencies in the materials or installation of the SVIMS;
  - e. ensuring the prompt repair of any deficiencies, to the design specifications;
  - f. 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,

- g. delivered to the Owner before installation of the SVIMS begins; and
- h. updated and delivered to the Owner within 30 days of making any alteration to the program;

#### 4.5.3 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;

#### 4.5.4 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;
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate
- 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;
  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;
  3. additional inspections, on a more frequent basis as appropriate, 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;
- iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time;
- v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in subparagraph iii above;
- vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;
- vii. a contingency plan as outlined in section 7.5.2.4 of the Risk Assessment report to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;
- 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;

#### 4.5.5 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;
- 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;
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
  - 1. for a period of one month prior to occupancy, and on an ongoing basis after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using 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. before occupancy, and after occupancy has commenced, quarterly 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 paragraph f. of Item 4.5.1 as may be amended as required by paragraph vi. of Item 4.5.4 above;
- v. if the operational monitoring required by paragraph iv. of item 4.5.5 indicates that the SVIMS is not 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 then the SVIMS shall be inspected by a Licensed

Professional Engineer. If the deficiencies within the SVIMS can not be repaired such that the pressure differential continues to be inadequate, then the Director shall be immediately notified and a contingency plan as outlined within Section 7.5.2.4 of the Risk Assessment is to be submitted to the Director for review within thirty (30) days of the notification. If the contingency plan includes a requirement for an indoor air quality monitoring program, then the indoor air monitoring program shall be undertaken in accordance with Item 4.5.8.

- vi. 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;
2. changes to the frequency or nature of the monitoring;
3. the need to make repairs or changes to the design or operation of the SVIMS;
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 which are,

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

#### 4.5.6 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;

#### 4.5.7 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;
- 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.

#### 4.5.8 Indoor Air Quality Monitoring

If triggered by paragraph v of Item 4.5.5, prepare and implement an indoor air quality monitoring program as described in Section 7.5.2.4 of the Risk Assessment, as follows:

- a. The sampling locations for the indoor air quality monitoring program shall be located at the lowest occupied level of the Building and shall be identified by an industrial hygienist or other appropriately qualified person to be protective of human health for any persons using or occupying the Buildings on the Property. The minimum number of indoor air sample locations is two for buildings up to 500 m<sup>2</sup> in area, three for buildings that are 500 m<sup>2</sup> to 1000 m<sup>2</sup> with one additional sampling location for each additional 1000 m<sup>2</sup> of area. An outdoor (background) sample shall also be collected.
- b. All indoor air quality monitoring shall be in accordance with USEPA Method TO-15 for the Contaminants of Concerns listed in Schedule B of the CPU with a summa canister, using a 10-hour regulator for a commercial use Building, and a 24-hour regulator for a residential use Building. For a mixed-use Building where the lowest occupied level is a commercial use, and a where a residential use is located on the floor immediately above a commercial use, separate summa canisters equipped with a 10-hour and a 24-hour regulator are to be used at each location. The outdoor air sample shall be in accordance with the Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated March 2008. The results of the indoor air quality samples shall be compared to the respective R/P/I or I/C/C Indoor Air Target Levels identified in Schedule B.

- c. An indoor air quality monitoring event shall be undertaken within the Building no later than 60 days following the notification to the Director required by paragraph v. of Item 4.5.5. Indoor air quality monitoring shall be carried out on a quarterly frequency until such time that the required pressure differential requirements have been restored or until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether. The Owner shall ensure that for each calendar year one monitoring event is conducted in either January or February and is representative of worst-case conditions.
- d. If the indoor air concentration for the Contaminants of Concern exceeds a respective R/P/I or I/C/C Indoor Air Target Level identified in Schedule B, then the Director shall be notified in writing within 14 calendar days and two follow-up indoor air monitoring events shall be completed repeated for all Contaminants of Concern. The first follow-up event shall occur within 14 calendar days of the receipt of the analytical results for the initial monitoring event and the second follow-up event shall occur within 14 calendar days of the receipt of the analytical results for the first follow-up event.
- e. The Owner shall provide written notification to the Director within 14 calendar days of receiving the results from the second follow-up sampling event. The notification shall include an assessment from the Qualified Person of whether the exceedance of the Indoor Air Target Level is related to vapour intrusion.
- f. If an exceedance of an Indoor Air Target Level is confirmed in either of the subsequent sampling events a contingency plan, then the Owner shall, within 45 days receiving the laboratory analysis, submit to the Director a proposed contingency plan and/or supplemental monitoring plan as outlined in Section 7.5.2.4 of the Risk Assessment for review and approval. The proposed contingency plan and/or supplemental monitoring plan shall be prepared by a Licensed Professional Engineer and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations to further assess and address risks to vapour intrusion.
- g. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan.

#### **4.6 Raised Building Construction Risk Management Measure**

Refrain from constructing any Building on the Property unless the Building is of Raised Building Construction that is consistent with the conceptual design as described within Section 7.2.3.5 of the Risk Assessment report and shown in Drawing 5 and that meets the following requirements:

- a. This Raised Building Construction Risk Management Measure is restricted to Buildings to be constructed on parts of the Property that will be owned by the City of Mississauga and that will be occupied on a transient basis with uses limited to park restrooms, storage of janitorial and maintenance equipment, and associated mechanical and electrical equipment rooms,
- b. The maximum footprint of a Building constructed with the Raised Building Construction Risk Management Measure is limited to 196 square metres, and

- c. A minimum clearance of 0.5 metres is required between the underside of the floor slab and the elevation of the ground surface at Grade. The space beneath the Building shall be clear of obstructions that prevent free flow of air but may be bordered by a barrier such as a lattice or fencing or other materials that allows free flow of air into and out of the sub-building space.

#### **4.7 Restriction on Soil Placed Within Proximity to Adjacent Residential Lands**

Refrain from relocating any soil onto the areas of the Property that are identified within Drawing 4 as “Off-site Buffer (10m)” or “Off-site Buffer (30m)” unless the placement of soil is in accordance with the following requirements:

- a. The soil is deposited in accordance with Section 7.2.2.1.1.1 of the Risk Assessment report; and
- b. Following placement of any soil within the areas of the Property described above, prepare a report, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location and the chemical quality specifications of the soils placed with the area. The report shall include plan and cross-sectional drawings showing the vertical and lateral extent of the soil.

#### **4.8 No ground Water Use Risk Management Measure**

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 potable water source. The Owner shall,

- a. Refrain from using ground water in or under the Property as a potable source of water; and
- b. Except, as may be required for continued use as a monitoring well, as defined in the Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA):
  - i. 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,
  - ii. refrain from constructing on the Property any wells as described or defined in the OWRA.

#### **4.9 Health and Safety Plan Requirement**

In addition to any requirements under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, as described in Section 7.2.4 of the Risk Assessment, and including, at a minimum:

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- 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;
- 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;
- 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;
- 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;
- 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.

#### **4.10 Soil and Ground Water Management Plan Requirement**

Prepare and implement in accordance with the details described in Section 7.2.2 of the Risk Assessment, 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 or soil brought to the Property, including soil originating within other areas of the Development Lands, 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 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;



- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles;
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04 or O. Reg. 406/19, 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 meets the requirements for Capping Soil;
  - 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. used within the areas of the Property outlined in Item 4.7;
    - 3. otherwise used below the Capping Soil as fill at the Property;
    - 4. removed from the Property and used within other areas of the Development Lands;
    - 5. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
    - 6. 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 subparagraphs (c) i and ii;
    - 2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern;
    - 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;
- 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;
- 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, O. Reg. 406/19 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 such as hauling records;
- v. characterization results for excavated soil and any soil brought to or removed from the Property, including soil brought to and from other areas of the Development Lands, 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 owners or operators of receiving sites for soil and any ground water removed from the Property, and for haulers and owners or operators of project areas (as defined in O. Reg. 406/19 also known as source sites) of any soil brought to the Property;
- 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.

#### **4.11 Remediation Report**

Prior to filing a record of site condition for any portion of the Property, prepare, and provide to the Director a report, prepared by a Qualified Person that documents the remediation of soil and ground water to the Property Specific Standards. The remediation report shall include, but not be limited to, the following minimum information requirements:

- a. a summary of the completed excavation activities, including results of the soil and ground water verification sampling programs, including an assessment of the presence of NAPL including plan and cross-sectional drawings showing the vertical and lateral extent of the remediation; and
- b. recommendations, as may be necessary, for any ongoing post-remediation ground water monitoring and/or monitoring for the presence of LNAPL.

#### **4.12 Annual Reports Requirement**

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

- a. a copy of all records relating to the requirements for the Hard Cap Barrier, Fill Cap Barrier or Alternate Cap Barrier, as outlined in Items 4.1 and 4.2, if applicable;
- b. a copy of all records relating to the Storage Garage Risk Management Measure, as outlined in Item 4.4, if applicable;
- c. a copy of all records relating to the Active SVIMS Risk Management Measure, as outlined in Item 4.5, if applicable;
- d. a copy of all records relating to the Raised Building Construction Risk Management Measure, as outlined in Item 4.6, if applicable;
- e. a copy of all records relating to the requirements for soil placed in proximity to adjacent residential lands, as outlined in Item 4.7, if applicable
- f. a copy of all records relating to the health and safety plan as outlined in Item 4.10; if applicable;
- g. a copy of all records relating to the soil and ground water management plan as outlined in Item 4.10; if applicable; and
- h. a copy of documentation relating to the financial assurance requirement as outlined in Item 6.5, if applicable.

## **Part 5: CPU Restrictions on Property Use, Building Construction and Notice Requirements**

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)2 of the Act:

### **5.1 Property Use Restriction**

Refrain from using the Property for any of the following use(s): "Agricultural or Other Use", as specified in O. Reg. 153/04.

### **5.2 Building Construction Restrictions**

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

### **5.3 Notice of Restrictions**

Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 5.1 and 5.2, except where noted N/A, and that every occupant complies with such provisions. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

## **Part 6: Additional Requirements**

I hereby require the Owner to do or cause to be done the following things under the authority of paragraph 168.6(1)1 of the Act:

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

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

### **6.2 Report Retention Requirements**

The Owner shall retain a copy of any reports required under the CPU for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the requesting Director or Provincial Officer.

### **6.3 Owner Change Notification**

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

## **Financial Assurance**

**6.4** The Director has not included in the CPU a requirement that the Owner provide financial at this time.

**6.5** Prior to the submission of a building permit for any new Building on the Property constructed with the Building with Storage Garage (Intermittent 3.9 Litres/second of Ventilation) with Waterproof Construction and Vapour Barrier Risk Management Measure under subparagraph e. ii. of Item 4.4, the Owner shall submit to the Director, a financial assurance evaluation that includes costs relating to the implementation of the monitoring requirements described under Item 4.4.2 associated with the new Building.

## **Part 7: Section 197 Order (Property Notice and Certificate of Requirement Registration) Requirements**

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and 197(2) of the Act:

### **7.1 Property Notice Requirement**

For the reasons set out in the CPU and pursuant to the authority vested in me by subsection 197(1) of the Act I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing,

### **7.2 Certificate of Requirement Registration**

Within fifteen (15) days from the date of receipt of a certificate of requirement issued under subsection 197(2) of the Act completed as outlined in Schedule C register the certificate of requirement on title to the Property, in the appropriate land registry office.

### **7.3 Verification**

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

## **Part 8: General Requirements**

- 8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 8.2 An application under subsection 168.6(3) of the Act to alter any terms and conditions in the CPU, or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 8.3 Failure to comply with the requirements of the CPU constitutes an offence.
- 8.4 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.
- 8.5 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 8.6 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,

- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
- b. strikes, lockouts or other labour disturbances,
- c. inability to obtain materials or equipment for reasons beyond your control, or
- d. any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

- 8.7 Failure to comply with a requirement of the CPU by a date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 8.8 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU.
- 8.9 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.
- 8.10 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19 and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

## **Part 9: 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:

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

Halton-Peel District Manager, Central Region  
Ministry of the Environment, Conservation and Parks  
4145 North Service Road, Suite 300  
Burlington, Ontario L7L 6A3  
Fax: 905-319-9902  
Email: [environment.haltonpeel@ontario.ca](mailto:environment.haltonpeel@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.

- 9.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 9.5 If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the "EBR"), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.
- The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Ministry of the Environment, Conservation and Parks, College Park 5th Flr, 777 Bay St, Toronto, ON M7A 2J3 by the earlier of:
- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
  - (b) fifteen (15) days after service on you of a copy of the CPU.
- 9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 9.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- (a) fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and
  - (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.

9.8 The procedures and other information provided in this Part 9 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws)

Issued on this 15<sup>th</sup> day September, 2022

*Original signed by Tina Dufresne on September 15, 2022*

Tina Dufresne  
Director, section 168.6 of the Act



Schedule '1' – Legal Description

The legal description of the Property to which this CPU pertains is:

BLOCKS 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 26, 27, 28, 31, 32, 33, 34, 36, 37, 39, 41, 42 AND 45 ON PLAN 43M2118 CITY OF MISSISSAUGA AND PARTS OF BLOCKS 29, 35 AND 38 PLAN 43M2118 CITY OF MISSISSAUGA, DESIGNATED AS PARTS 2 AND 3 ON THE PLAN OF SURVEY OF PART OF LOTS 9, 10 AND 11 BROKEN FRONT RANGE CREDIT INDIAN RESERVE PREPARED BY J.D. BARNES LIMITED, LAND INFORMATION SPECIALISTS, DATED MAY 12, 2020

BEING ALL OR PART OF THE FOLLOWING PINS

PIN 13488-2556 (LT) - Block 7, Plan 43M-2118; City of Mississauga;  
PIN 13488-2559 (LT) - Block 10, Plan 43M-2118; City of Mississauga;  
PIN 13488-2560 (LT) - Block 11, Plan 43M-2118; City of Mississauga;  
PIN 13488-2561 (LT) - Block 12, Plan 43M-2118; City of Mississauga;  
PIN 13488-2562 (LT) - Block 13, Plan 43M-2118; City of Mississauga ;  
PIN 13488-2563 (LT) - Block 14, Plan 43M-2118; City of Mississauga;  
PIN 13488-2564 (LT) - Block 15, Plan 43M-2118; City of Mississauga;  
PIN 13488-2565 (LT) - Block 16, Plan 43M-2118; City of Mississauga;  
PIN 13488-2566 (LT) - Block 17, Plan 43M-2118; City of Mississauga;  
PIN 13488-2568 (LT) - Block 19, Plan 43M-2118; City of Mississauga;  
PIN 13488-2569 (LT) - Block 20, Plan 43M-2118; City of Mississauga;  
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PIN 13488-2590 (LT) - Block 41, Plan 43M-2118; City of Mississauga;  
PIN 13488-2591 (LT) - Block 42, Plan 43M-2118; City of Mississauga;  
PIN 13488-2594 (LT) - Block 45, Plan 43M-2118; City of Mississauga;  
Part of PIN 13488-2578 (LT) – Part of Block 29, Plan 43M-2118; City of Mississauga;  
Part of PIN 13488-2584 (LT) – Part of Block 35, Plan 43M-2118; City of Mississauga; and  
Part of PIN 13488-2587 (LT) – Part of Block 38, Plan 43M-2118; City of Mississauga.

## Schedule A

### Contaminants of Concern and Property Specific Standards

Contaminants of Concern (COC)	Units	Property Specific Standards
<b>MEDIA - SOIL</b>		
Acenaphthylene	µg/g	0.68
Anthracene	µg/g	23
Antimony	µg/g	26
Arsenic	µg/g	47
Barium	µg/g	840
Benzene	µg/g	17
Benz[a]anthracene	µg/g	36
Benzo[a]pyrene	µg/g	3.6
Benzo[b]fluoranthene	µg/g	19
Benzo[g,h,i]perylene	µg/g	18
Benzo[k]fluoranthene	µg/g	8.2
Biphenyl 1,1'-	µg/g	13
Bis(2-ethylhexyl)phthalate	µg/g	130
Boron (Hot Water Soluble)	µg/g	16
Cadmium	µg/g	7.9
Chlorobenzene	µg/g	3.4
Chloroform	µg/g	0.88
Chromium Total	µg/g	430
Chrysene	µg/g	19
Cobalt	µg/g	140
Copper	µg/g	1400
Dibenz[a h]anthracene	µg/g	3.6
Dichlorobenzene, 1,2-	µg/g	13
Dichlorobenzene, 1,4-	µg/g	0.44
Dichloroethane, 1,2-	µg/g	0.13
Dichloropropane, 1,2-	µg/g	0.2

<b>Contaminants of Concern (COC)</b>	<b>Units</b>	<b>Property Specific Standards</b>
Dinitrotoluene, 2,4 & 2,6-	µg/g	0.12
Electrical Conductivity (mS/cm)	mS/cm	3
Ethylbenzene	µg/g	33
Ethylene dibromide	µg/g	0.073
Fluoranthene	µg/g	43
Hexane (n)	µg/g	150
Indeno[1 2 3-cd]pyrene	µg/g	13
Lead	µg/g	1000
Mercury	µg/g	11
Methylnaphthalene, 2-(1-)	µg/g	410
Molybdenum	µg/g	91
Naphthalene	µg/g	270
Nickel	µg/g	220
PHC F1	µg/g	480
PHC F2	µg/g	1600
PHC F3	µg/g	7200
PHC F4	µg/g	8000
Phenanthrene	µg/g	62
Polychlorinated Biphenyls	µg/g	0.7
Pyrene	µg/g	240
Selenium	µg/g	44
Sodium Adsorption Ratio	Unitless	58
Tetrachloroethane, 1,1,2,2-	µg/g	0.12
Thallium	µg/g	3.4
Toluene	µg/g	140
Trichloroethane, 1,1,2-	µg/g	0.37
Trichloroethylene	µg/g	0.11
Vanadium	µg/g	140
Vinyl Chloride	µg/g	0.14
Xylene Mixture	µg/g	52
Zinc	µg/g	900

Contaminants of Concern (COC)	Units	Property Specific Standards
<b>MEDIA – GROUND WATER</b>		
Benzene	µg/L	2100
Dichloroethane, 1,2-	µg/L	8.6
Dichloroethylene, 1,1-	µg/L	0.31
Dichloroethylene, 1,2-cis-	µg/L	252
Dichloroethylene, 1,2-trans-	µg/L	5.88
Ethylbenzene	µg/L	2900
Hexane (n)	µg/L	200
Naphthalene	µg/L	44
PHC F1	µg/L	7800
PHC F2	µg/L	2000
PHC F3	µg/L	500
PHC F4	µg/L	500
Toluene	µg/L	6400
Trichloroethylene	µg/L	39
Vinyl Chloride	µg/L	7.8
Xylene Mixture	µg/L	11000

**Schedule B**

**Indoor Air Trigger Levels**

Contaminant Of Concern	Indoor Air Target Level  R/P/I (µg/m3)	Indoor Air Target Level  I/C/C (µg/m3)
Benzene	5.06E-01	1.63E+00
Dichloroethane, 1,2-	4.28E-02	1.38E-01
Dichloroethylene, 1,1-	1.46E+01	5.01E+01
Dichloroethylene, cis-1,2	3.13E+01	1.07E+02
Dichloroethylene, trans-1,2	1.25E+01	4.29E+01
Ethylbenzene	2.09E+02	7.15E+02
Hexane (n)	5.21E+02	1.79E+03
Naphthalene	7.72E-01	2.65E+00
PHC F1	2.49E+03	8.54E+03
PHC F2	4.71E+02	1.61E+03
Toluene	1.04E+03	3.58E+03
Trichloroethylene	2.71E-01	8.72E-01
Vinyl Chloride	1.26E-01	4.06E-01
Xylene Mixture	1.46E+02	5.01E+02

## SCHEDULE C

### CERTIFICATE OF REQUIREMENT

s.197(2)

#### *Environmental Protection Act*

This is to certify that pursuant to item 7.1 of Certificate of Property Use number 1470-CFUHSV issued by Tina Dufresne, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on September 15, 2022, being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property now municipally known as part of 70 Mississauga Road, Mississauga, ON L5H 2H3, comprised of those PINs set out in Appendix "1" hereto and being legally described as BLOCKS 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 26, 27, 28, 31, 32, 33, 34, 36, 37, 39, 41, 42 AND 45 ON PLAN 43M2118 CITY OF MISSISSAUGA AND PARTS OF BLOCKS 29, 35 AND 38 PLAN 43M2118 CITY OF MISSISSAUGA, DESIGNATED AS PARTS 2 AND 3 ON THE PLAN OF SURVEY OF PART OF LOTS 9, 10 AND 11 BROKEN FRONT RANGE CREDIT INDIAN RESERVE PREPARED BY J.D. BARNES LIMITED, LAND INFORMATION SPECIALISTS, DATED MAY 12, 2020 (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

#### **PORT CREDIT WEST VILLAGE PARTNERS 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.

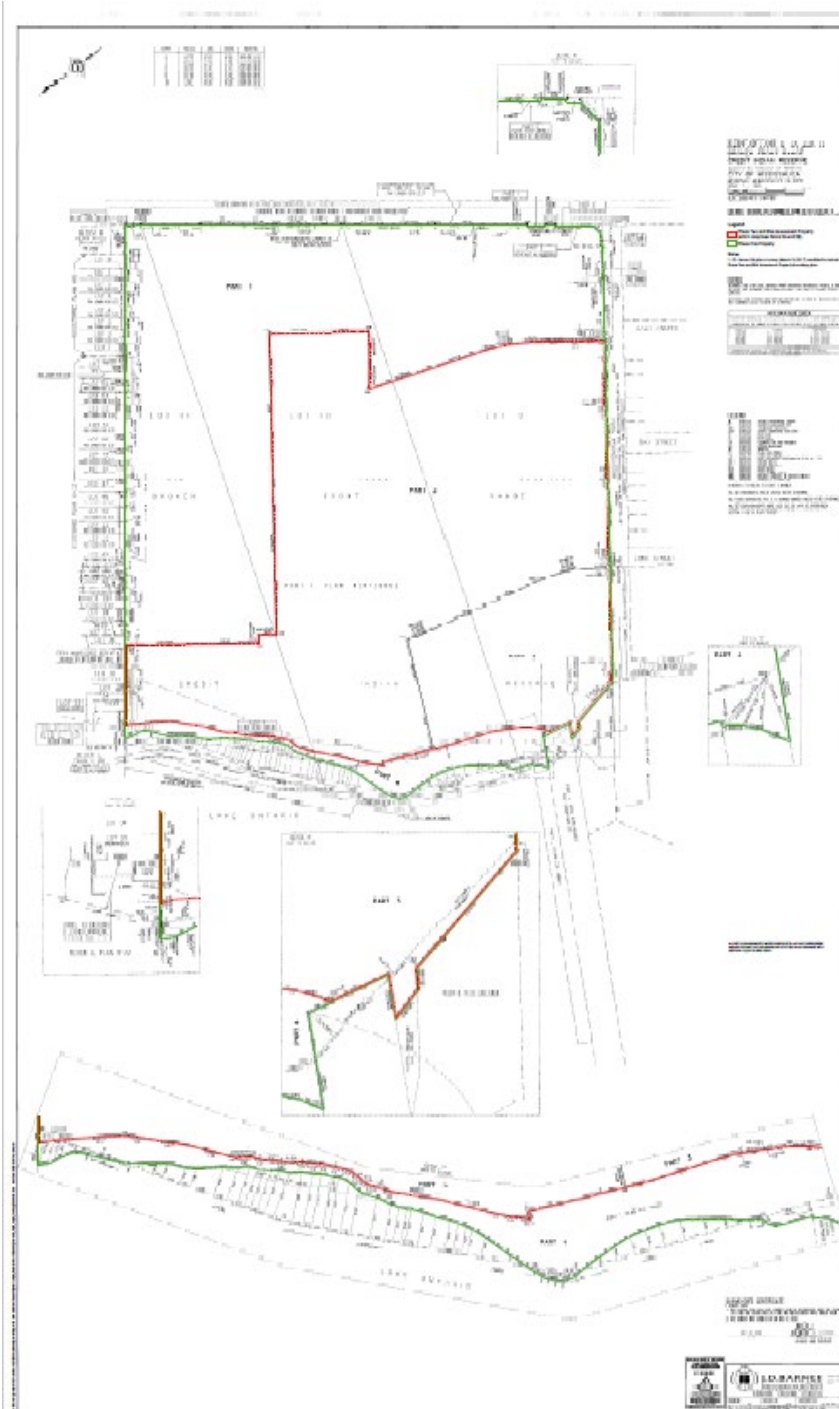
## **SCHEDULE C (Continued)**

### **APPENDIX "I"**

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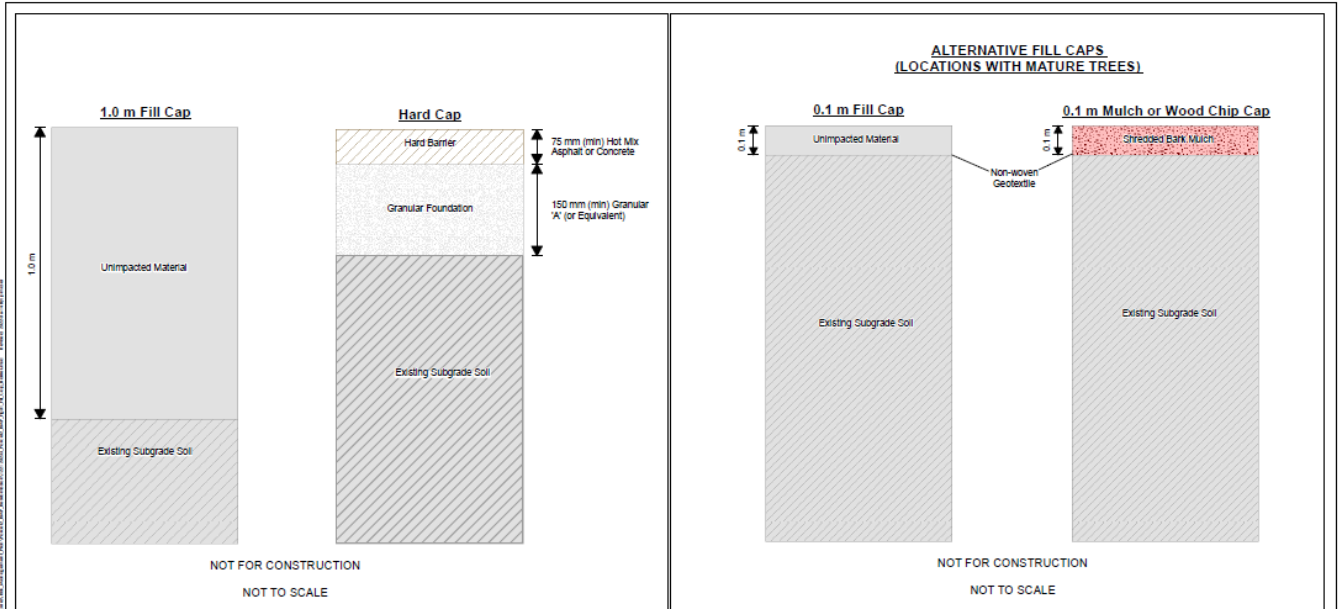
## FIGURES

**Survey: Plan of Survey of Part of Lots 9, 10 and 11 Broken Front Range Credit Indian Reserve, Geographic Township of Toronto, City of Mississauga, Regional Municipality of Peel, prepared by J.D. Barnes Limited, dated May 12, 2020 that has been annotated to show the boundaries of the Property**





**Drawing 1: Conceptual Design of Proposed Fill Cap and Hard Cap Barriers, prepared by Stantec Consulting Ltd., dated June 14, 2022**



- Notes:**
1. Unimpacted Material (Prokard Property Use) - Materials that can be used in fill caps including soil meeting the applicable generic standards, granular fill, fibrous materials such as crushed concrete free of aggregates and hazardous materials and that has been deemed suitable by a Qualified Person, cobble, and/or armour stone, or other such materials that are specified in the Certificate of Property Use.
  2. Mature trees: 0.15 m diameter at breast height

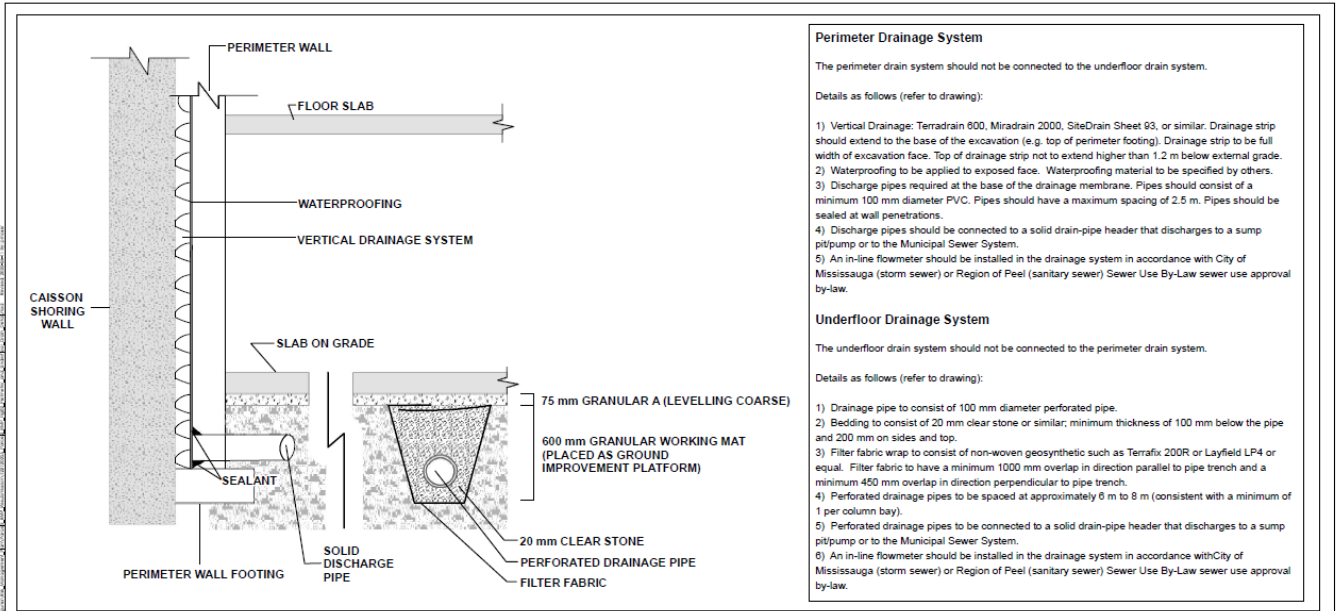


Project Location: 1201 2025A REV.A  
 Part of 10 Westborough Road South, Mississauga, Ontario  
 Prepared by: 1945-02-2022-06-14  
 Technical Number: 19-01-2022-06-14

Client/Project:  
 Port Credit West Village Partners Inc.  
 Parcel 2  
 Risk Management Plan

Drawing No.:  
 1  
 Title:  
 Conceptual Design of Proposed  
 Fill Cap and Hard Cap Barriers

**Drawing 2: Perimeter and Underfloor Drain Detail, prepared by Stantec Consulting Ltd., dated June 11, 2022**



**Perimeter Drainage System**

The perimeter drain system should not be connected to the underfloor drain system.

Details as follows (refer to drawing):

- 1) Vertical Drainage: Terradrain 600, Miradrain 2000, SiteDrain Sheet 93, or similar. Drainage strip should extend to the base of the excavation (e.g. top of perimeter footing). Drainage strip to be full width of excavation face. Top of drainage strip not to extend higher than 1.2 m below external grade.
- 2) Waterproofing to be applied to exposed face. Waterproofing material to be specified by others.
- 3) Discharge pipes required at the base of the drainage membrane. Pipes should consist of a minimum 100 mm diameter PVC. Pipes should have a maximum spacing of 2.5 m. Pipes should be sealed at wall penetrations.
- 4) Discharge pipes should be connected to a solid drain-pipe header that discharges to a sump pit/pump or to the Municipal Sewer System.
- 5) An in-line flowmeter should be installed in the drainage system in accordance with City of Mississauga (storm sewer) or Region of Peel (sanitary sewer) Sewer Use By-Law sewer use approval by-law.

**Underfloor Drainage System**

The underfloor drain system should not be connected to the perimeter drain system.

Details as follows (refer to drawing):

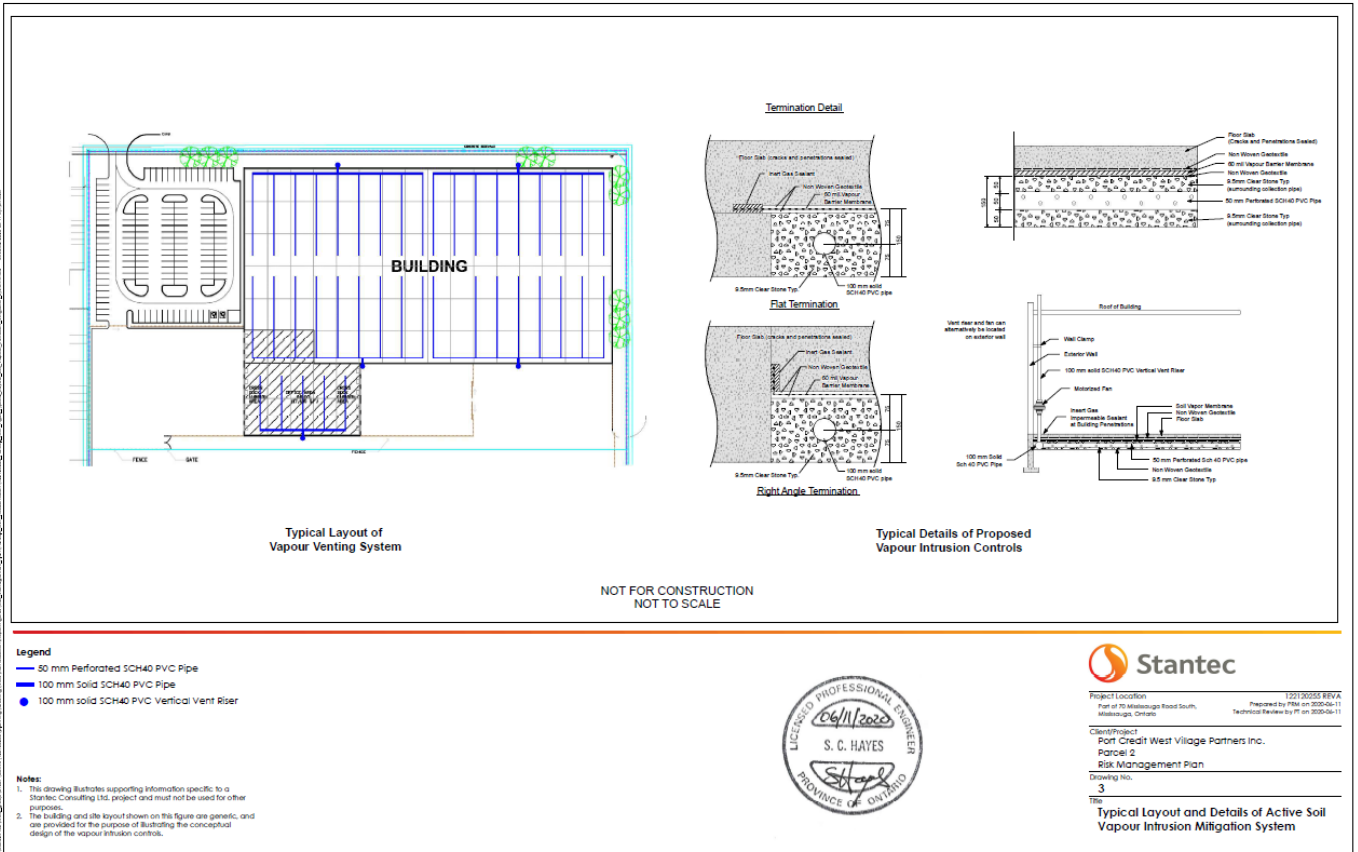
- 1) Drainage pipe to consist of 100 mm diameter perforated pipe.
- 2) Bedding to consist of 20 mm clear stone or similar; minimum thickness of 100 mm below the pipe and 200 mm on sides and top.
- 3) Filter fabric wrap to consist of non-woven geosynthetic such as Terrafix 200R or Layfield LP4 or equal. Filter fabric to have a minimum 1000 mm overlap in direction parallel to pipe trench and a minimum 450 mm overlap in direction perpendicular to pipe trench.
- 4) Perforated drainage pipes to be spaced at approximately 6 m to 8 m (consistent with a minimum of 1 per column bay).
- 5) Perforated drainage pipes to be connected to a solid drain-pipe header that discharges to a sump pit/pump or to the Municipal Sewer System.
- 6) An in-line flowmeter should be installed in the drainage system in accordance with City of Mississauga (storm sewer) or Region of Peel (sanitary sewer) Sewer Use By-Law sewer use approval by-law.

NOT TO SCALE



Project Location: 122120255 REV A  
 Part of 15 Mississauga Road South, Mississauga, Ontario  
 Prepared by: PSM on 2022-06-11  
 Technical Review by: FT on 2022-06-11  
 Client/Project: POST-CREDIT WEST VILLAGE PARTNERS INC.  
 PARCEL 2  
 RISK MANAGEMENT PLAN  
 Drawing No.: 2  
 Title: Perimeter and Underfloor Drain Detail

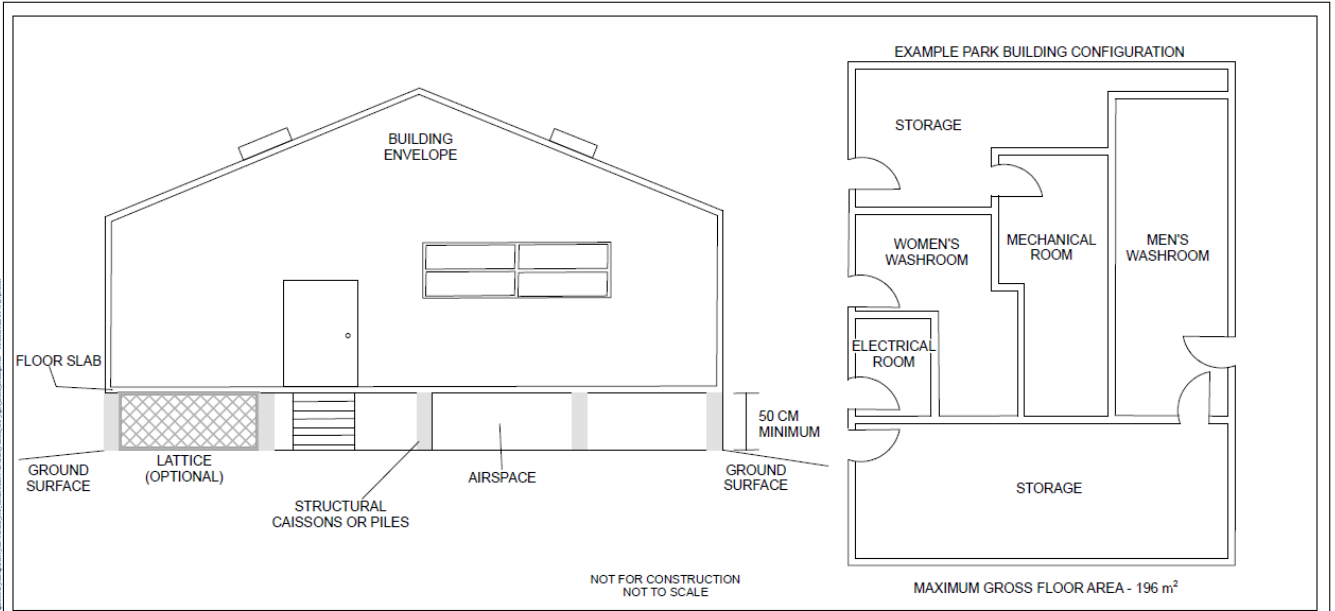
**Drawing 3: Typical Layout and Details of Active Soil Vapour Intrusion Mitigation System, prepared by Stantec Consulting Ltd., dated June 11, 2022**



**Drawing 4: Site Area Within 10m and 30m of Off-site Development Setbacks, prepared by Stantec Consulting Ltd., dated June 14, 2022**



**Drawing 5: Raised Building Construction, prepared by Stantec Consulting Ltd., dated June 14, 2022**



**Notes:**  
 1. This drawing illustrates supporting information specific to a Stantec Consulting Ltd. project and must not be used for other purposes.  
 2. The building and site layout shown on this figure are generic, and are provided for the purpose of illustrating the conceptual design of raised building construction.



**Project Location:** 122180555 REV1  
 Port Credit West Village Road South, Mississauga, Ontario  
 Prepared by: 1916 on 2022-04-14  
 Technical Review by: 511 on 2022-06-14

**Client/Project:**  
 Port Credit West Village Partners Inc.  
 Parcel 2  
 Risk Management Plan  
 Drawing No. 5  
**Title:** Raised Building Construction