

Certificate of Property Use

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

Certificate of property use number **6454-CGJJCS**
Risk assessment number **4058-BVF74U**

Owner: Chayell Palm Canada Ltd.
7815 Kent Blvd.
Brockville, Ontario
K6V 6N7

Site: 220 Bradford Street
Barrie, Ontario

with a legal description as follows:

PT PARKLT 15 W/S BRADFORD ST, 16 W/S BRADFORD ST, 17 W/S BRADFORD ST, 18 W/S BRADFORD ST, PL 15 BARRIE PT 4 51R7586; BARRIE

being all of Property Identification Number 58794-0126 (LT)

as outlined on the Plan of Survey entitled “Plan of Survey Showing Topographic Information, Part of Park Lots 15, 16, 17, and 18 (West of Bradford Street), Registered Plan 15, City of Barrie, County of Simcoe” dated November 5, 2019 by J.D. Barnes Limited, a copy of which is attached hereto in Schedule “B”.

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Summary:

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

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:
 - a. Installing/maintaining any equipment Yes
 - b. Monitoring any contaminant Yes
 - c. Refraining from constructing any building specified Yes
 - d. Refraining from using the Property for any use specified Yes
 - e. Other: Preparing and implementing a ground water management plan and health and safety plan for the Property. Yes

- ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:
- a. The ground water management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing Impacted Soils, Impacted Ground Water for as long as the Contaminants of Concern are present on the Property.
 - b. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

Part 1: Interpretation

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

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

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

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

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

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

“Building Area” means the area of the Building requiring a soil vapour mitigation system under Item 4.2.6 of the CPU but excludes the area of the Building utilizing the “Open-Air Parking Garage” Risk Management Measure under Item 4.2.7 of the CPU.

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

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

“Contaminant” has the same meaning as in the Act; namely, any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

“Contaminants of Concern” and “COC” has the meaning as set out in Item 3.2 of the CPU.

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number [6454-CGJJCS](#).

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

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

“Impacted Soil” means soil in which one or more Contaminants are present at concentrations greater than the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 8 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil.

“Impacted Ground Water” means ground water in which one or more Contaminants are present at concentrations greater than the Ground Water Standards for All Types of Property Uses within **Table 8 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Potable Ground Water Condition”** or the GW2 component value used to determine the **Table 6 “Generic Site Condition Standards for Shallow Soils in a Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for All Types of Property Use.

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

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

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

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

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

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

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

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

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

"Property Management Oversight" means management, on an ongoing basis, of all structural, mechanical, electrical, ventilation and other Building and Property services that relate to the installed Passive SVIMS and other requirements for the Property as set out in Part 4 of the CPU including oversight of operation, inspection, monitoring, maintenance and repair activities, and of operational and reserve funding for these activities, by a property manager or management company engaged by the Owner or, in the case of collective ownership, by an authorized representative or representatives of the collective ownership of the Building and Property, such as a condominium board.

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

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

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

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

"Risk Assessment" means the Risk Assessment number [4058-BVF74U](#) accepted by the Director on June 13, 2022 and set out in the following documents and information/correspondence:

- The document entitled "Pre-Submission Form for 220 Bradford Street, Barrie, Ontario" by Intrinsic Corp. ("Intrinsic") dated October 30, 2020;
- The report entitled "A Risk Assessment for 220 Bradford Street, Barrie, Ontario" by Intrinsic dated March 18, 2021;
- The report entitled "A Risk Assessment for 220 Bradford Street, Barrie, Ontario" by Intrinsic dated October 1, 2021; and

- The report entitled “A Risk Assessment for 220 Bradford Street, Barrie, Ontario” by Intrinsik dated March 15, 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.

“Unimpacted Soil” means soil in which Contaminants are present at concentrations less than the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 8 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil.

Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
- a. the performance of any action specified in the certificate of property use;
 - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
 - c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Section 168.6(1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
1. Take any action that is specified in the certificate and that, in the Director’s opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.

- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- a. alter any terms and conditions in the certificate or impose new terms and conditions;
 - or
 - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
 - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
 - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended mixed use of “Residential” and “Commercial” property uses, as defined in O. Reg. 153/04. The Property was historically used for residential and commercial purposes including an autobody/auto repair shop and car dealership. The Property is currently vacant and undeveloped. The proposed development is to include a mix of residential and commercial land uses consisting of high-rise residential development above open air parking and a small commercial space at ground level.
- 3.2 The Contaminants on, in or under the Property that are present above the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 8 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Potable Ground Water Condition”** or for ground water within **Table 8 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Potable Ground Water Condition”** or the GW2 component value used to determine the **Table 6 “Generic Site Condition Standards for Shallow Soils in a Potable Ground Water Condition”** of the **Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act** published by the Ministry and dated April 15, 2011 for coarse textured soil or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU.
- 3.3 The following Schedules form part of this CPU:
- Schedule A – Property Specific Standards
- Table 1-1 “Final Property-Specific Groundwater Standards ($\mu\text{g/L}$)”
- Schedule B – Figures
- Plan of Survey - “Plan of Survey Showing Topographic Information, Part of Park Lots 15, 16, 17, and 18 (West of Bradford Street), Registered Plan 15, City of Barrie, County of Simcoe” dated November 5, 2019 by J.D. Barnes Limited.
 - Figure 1 – Cross-Section: (Membrane), Typical Soil-Vapour Mitigation System” by Cambium Inc. (“Cambium”) dated March 2021.
 - Figure 2 - “Cross-Section: Typical Soil-Vapour Mitigation System” by Cambium dated March 2021.
 - Figure 6 – “Groundwater Elevations – Shallow Wells – April 8, 2020” by Cambium dated April 2020.
- Schedule C – Table 7-3 “Indoor Air and Sub-Slab Vapour Trigger Values.
- Schedule D – Certificate of Requirement

- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.
- 3.5 The Risk Assessment indicates the presence of Contaminants of Concern in ground water which requires on-going restrictions on land use and pathway elimination. As such, it is necessary to restrict the use of the Property, impose building restrictions, and implement Risk Management Measures as set out in the Risk Assessment and in Part 4 of the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in Items 4.8 and 4.9 of this CPU.

Part 4: Director Requirements

Pursuant to the authority vested in me under section 168.6(1) of the Act, I hereby require the Owner to do or cause to be done the following:

Risk Management Measures

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures. The performance objectives of the Risk Management Measures are as follows:
- block ground water vapour pathways for new buildings to be developed at the Site;
 - block ground water pathways for human receptors; and
 - establish inspection and monitoring programs to evaluate the effectiveness of the Risk Management Measures.

4.2.1 BUILDING RESTRICTIONS

No enclosed structures shall be constructed on the Property unless the building is equipped with a vapour mitigation system as per Item Nos. 4.2.6 "SVIMS" and/or 4.2.7 "Open-Air Parking Garage" of the CPU.

4.2.2 GROUND WATER MANAGEMENT PLAN

Prior to initiating any Intrusive Activities, prepare and implement a written 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 any ground water from dewatering or other activities during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in ground water at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. measures to manage any ground water from dewatering or other activities at the Property to prevent the movement of 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 an approved treatment system, if needed; and
- c. recording, in writing, any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
 - i. dates and duration of the Intrusive Activities being undertaken;
 - ii. weather and site conditions during the Intrusive Activities;
 - iii. the location and depth of excavation activities, and dewatering activities, if any;
 - iv. management activities for any ground water from dewatering;
 - v. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
 - vi. names and contact information for any haulers and receiving sites any ground water removed from the Property; and
 - vii. any complaints received relating to the Intrusive Activities, including any ground water management activities;

and which is,

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

4.2.3 HEALTH AND SAFETY PLAN

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

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

and which is,

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

4.2.4 FUTURE SITE DEVELOPMENT

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

4.2.4.1 The dates and duration of work completed;

4.2.4.2 A summary of the work completed;

4.2.4.3 A site plan showing the location of the work;

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

4.2.5 SITE PLAN

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

4.2.6 SOIL VAPOUR INTRUSION MITIGATION SYSTEM (SVIMS) – PASSIVE SVIMS

In accordance with Item 4.2.1 of the CPU, if SVIMS RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a soil vapour mitigation system designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings.

A conceptual design of a generic vapour control system is illustrated in Figure 1 “Cross-Section: (Membrane), Typical Soil-Vapour Mitigation System” by Cambium dated March 2021 and Figure 2 “Cross-Section: Typical Soil-Vapour Mitigation System” by Cambium dated March 2021 in Schedule “B”.

4.2.6.1 DESIGN, INSTALLATION AND OPERATION

Design, install and operate a SVIMS for the Building, designed by a Licensed Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licensed Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Contaminants of Concern from entering the Building air, including the following requirements and components for the SVIMS:

4.2.6.1.1 SYSTEM REQUIREMENTS

The Passive SVIMS is to:

- i. be designed, installed and operated with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and
- ii. be able to be readily converted to operation as an Active SVIMS, if necessary, to ensure soil vapour is being sufficiently removed from

below the Building, including making provision to readily allow installation and operation of an electrical powered fan on each vent riser, with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area, and making provision for an automated monitoring system of electrical fan operation which remotely detects and indicates system malfunctions; and

- iii. have in place or be able to easily put in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998;

4.2.6.1.2 SUB-SLAB FOUNDATION LAYER

Throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, designed by a Licensed Professional Engineer for the Building constructor, shall be installed in consultation with the Licensed Professional Engineer for the SVIMS.

4.2.6.1.3 SOIL VAPOUR VENTING LAYER

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

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

or,

other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls such as the Cupolex system or equivalent, which provides similar or greater air permeability and collection and venting efficiency; and
- ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; and
- iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter

collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table.

4.2.6.1.4 SOIL VAPOUR BARRIER MEMBRANE

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

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

4.2.6.1.5 VENT RISERS

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

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

4.2.6.1.6 MONITORING DEVICES

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

4.2.6.1.7 LABELING OF EQUIPMENT

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

4.2.6.1.8 UTILITY SEALING

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

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

4.2.6.1.9 QUALITY ASSURANCE / QUALITY CONTROL

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

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

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

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

4.2.6.1.10 AS CONSTRUCTED PLANS

Prepare as constructed plans of the SVIMS, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed SVIMS, including cross-sectional drawings specifying the

design and the vertical and lateral extent of the SVIMS relative to the Building and the ground surface,

and which are:

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

4.2.6.1.11 INSPECTION AND MAINTENANCE

Prepare and implement a written inspection and maintenance program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate; and
- iii. inspections of the SVIMS including:
 1. semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building; and
 2. semi-annual inspections, in spring and fall, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building; and
 3. additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) to determine whether they turn frequently and/or of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and
 4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal; and
- iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time; and

- v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in part iii above; and
 - vi. factors and considerations for determining if additional inspections or monitoring should be undertaken; and
 - vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry of such deficiencies, along with operational monitoring results, any additional lines of evidence that suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and
 - viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which are,
- ix. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the SVIMS, whichever is earlier; and
 - x. updated and delivered to the Owner within 30 days following making any alteration to the program.

4.2.6.1.12 OPERATIONAL MONITORING

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

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event; and
- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate; and
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
 - 1. at least once before occupancy and as considered appropriate by a Licensed Professional Engineer after occupancy has commenced,

vacuum testing of the soil vapour venting system by conducting pilot testing using temporary or permanently installed electrically powered fan(s), including with respect to the soil vapour venting layer being able to achieve a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and

2. at least once before occupancy, quarterly during the first two years after occupancy has commenced and semi-annually thereafter measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in Item 4.2.6.1.6 of the CPU; and

- v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken,

such as:

1. the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections; and
2. changes to the frequency or nature of the monitoring; and
3. the need to make repairs or changes to the design or operation of the SVIMS; and
4. if necessary, implementation of the contingency plan in the event needed repairs or changes to the SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results, inspections and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer; and

and which are,

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

4.2.6.1.13 INTRUSIVE ACTIVITIES CAUTION

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

and which are,

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

4.2.6.1.14 BUILDING CODE

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

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

4.2.7 OPEN-AIR PARKING GARAGE

In accordance with Item 4.2.1 of the CPU, if the Open-Air Parking Garage RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a Open-Air Parking Garage designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings.

- a. The Open-Air Parking Garage is to be constructed as an open air structure as per the definition of an “open-air storey” under O.Reg. 350/06 of the *Building Code Act, 1992* in which at least 25 percent of the total area of the perimeter walls is open to the outdoors in a manner that will provide cross ventilation to the entire storey.

- b. A minimum of one complete open-air storey shall be constructed below all residential units.
- c. The Open-Air Parking Garage complies with all applicable requirements of the Building Code.

4.2.8 INDOOR AIR/SUB-SLAB MONITORING PROGRAM

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

The monitoring program shall include the following:

- 4.2.8.1 Indoor air samples and/or sub-slab vapour samples (i.e. beneath the floor slab of the building) shall be obtained utilizing TO-15 methodology or equivalent (collection of gas into prepared canisters) or TO-17 methodology or equivalent (collection of gas into absorbent tubes) over a 24-hour duration and analyzed for the volatile COCs outlined in Table 7-3 "Indoor Air and Sub-Slab Vapour Trigger Values" of Schedule "C". The on-going quarterly monitoring shall be completed during periods that are reflective of seasonal variability (i.e. spring, summer, fall, and winter) with at least one sample each year being obtained during the winter and summer periods.
- 4.2.8.2 The indoor air samples and/or sub-slab vapour samples shall be compared to the Indoor Air or Soil Vapour Trigger Values as outlined in Table 7-3 of Schedule "C".
- 4.2.8.3 If the sub-slab sample concentrations obtained under Item 4.2.8.1 exceed the respective criteria as outlined in Table 7-3 of Schedule "C", the Owner shall notify the Director in writing of the results within three (3) business days and the sample shall be re-sampled within 10 days of receipt of the results.
- 4.2.8.4 If the results of the re-sample of the sub-slab vapour confirm the exceedance of the respective criteria in Table 7-3, the Owner shall notify the Director in writing within three (3) business days of receipt of the analytical results and initiate indoor air monitoring.
- 4.2.8.5 If indoor air sampling is required as per Item 4.2.8.4 of the CPU then indoor air sampling shall be completed on a semi-annual basis (winter and summer) for two years following the sub-slab exceedance. If the indoor air sample results exceed their respective criteria in Table 7-3, the Owner shall notify the Director in writing within three (3) business days of receipt of the analytical results and the sample shall be re-

sampled within 10 days of receipt of the results.

- 4.2.8.6 If the results of the re-sample of the indoor air confirm the exceedance of the respective criteria in Table 7-3, the Owner shall notify the Director in writing within three (3) business days of receipt of the analytical results and provide to the Director within 45 days of receipt of the analytical results a detailed mitigation plan, which may include one or more of the following: maintenance, confirmatory sampling, additional indoor air/sub-slab monitoring, recommendations for modifying the vapour mitigation systems such as converting from a passive system to an active system.
- 4.2.8.7 If the results of any monitoring event exceed the criteria values in Table 7-3, no un-authorized access to the area of the Building with the exceedance is allowed until it is confirmed that the indoor air/sub-slab vapour is below the trigger values in Table 7-3.
- 4.2.8.8 Any proposed changes to the indoor air/sub-slab vapour monitoring program shall be submitted to the Director for approval, along with appropriate justification, prior to implementation.

4.2.9 GROUND WATER MONITORING PROGRAM

Upon issuance of the CPU, an on-going ground water monitoring program shall be implemented for a minimum of 2 years following development of the Site in order to assess the concentrations of Contaminants of Concern within the ground water at the Site.

- 4.2.9.1 Ground water monitoring shall be implemented on a semi-annual basis in the spring and fall at the following monitoring wells: BH101, BH207 and BH402 along the western property boundary; BH104, BH204, BH 208, BH401 and a new shallow ground water monitoring well to be located near BH104 and BH401 along the eastern property boundary; BH102, BH205, BH206, BH2 along the southern property boundary; and BH202 along the northern property boundary, all as shown on Figure 6 “Groundwater Elevations – Shallow Wells – April 8, 2020” by Cambium dated April 2020 in Schedule “B”.
- 4.2.9.2 Ground water samples shall be analyzed for the ground water COCs as identified in Table 1-1 in Schedule “A” of the CPU and the analytical results shall be compared to their respective Property Specific Standard as identified in Table 1-1.
- 4.2.9.3 If the analytical results for the ground water monitoring program exceed the Property Specific Standards listed in Table 1-1 of Schedule “A”, the Owner shall notify the Director in writing of the exceedance(s) within 3 business days of receipt of the analytical results and provide to the Director a mitigation/assessment plan, which may include but not be limited to, confirmatory sampling, evaluation of trends, assessment of risk to receptors, assessment of potential sources or activities that may have affected the ground water, need for additional

investigations and/or need for increased monitoring frequency.

4.2.9.4 If an increasing trend in ground water concentrations are identified and has the potential to cause an off-site Adverse Effect, the Owner shall notify the Director in writing within three (3) business days of receipt of the analytical results and complete additional ground water sampling within ten (10) business days of receipt of the results to confirm the increasing trend. An increasing trend is defined as a concentration that is higher than the average of the concentrations plus twenty (20) percent to account for analytical uncertainty. Average concentrations are to be calculated using historical and current data; if historical data is unavailable, the average will be of the concentrations measured during the previous two (2) sampling events at each location. If the results of the re-sample confirm the increasing trend, the Owner shall notify the Director within three (3) days of receipt of the results and provide a mitigation/assessment plan within ten (10) days of receipt of the results, which may include but not be limited to, evaluation of trends, assessment of risk to receptors, assessment of potential sources or activities that may have affected the ground water, need for additional investigations and/or need for increased monitoring frequency.

4.2.9.5 Should any monitoring well listed in Item 4.2.9.1 become damaged or destroyed, that monitoring well will be repaired or replaced by a newly constructed monitoring well in a similar location and of similar construction as the original monitoring well.

4.2.9.6 Any proposed changes to the ground water monitoring program shall be submitted to the Director for approval prior to implementation.

4.2.10 PROHIBITION ON GROUND WATER USE

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

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

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

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

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

4.2.11 ANNUAL REPORT

Upon issuance of the CPU, the Owner shall prepare by March 31st of each year, an

annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available for review by a Provincial Officer upon request. The report shall be signed by a Qualified Person and shall include, but not be limited to, the following minimum information requirements:

- 4.2.11.1 A copy of all records relating to the inspection and maintenance program for the SVIMS.
 - 4.2.11.2 A copy of all records related to pressure monitoring of the SVIMS.
 - 4.2.11.3 A copy of all records related to the Indoor Air/Sub-Slab monitoring program, including a summary of all notifications to the Director of any exceedances and any follow up actions.
 - 4.2.11.4 A copy of all records related to the on-going Ground Water monitoring program, including a summary of all notifications to the Director of any exceedances and any follow up actions.
 - 4.2.11.5 A copy of all records relating to the ground water management plan.
 - 4.2.11.6 A copy of all records relating to the health and safety plan.
 - 4.2.11.7 An evaluation and interpretation of the results of the monitoring programs.
 - 4.2.11.8 A copy of any signed as constructed plans for the SVIMS, and Open-Air Parking Garage for any Building.
 - 4.2.11.9 A copy of signed site plans including any alterations.
 - 4.2.11.10 Any recommendations on changes to the monitoring programs and risk management measures.
 - 4.2.11.11 Any recommendations on changes to Financial Assurance, including a copy of the Financial Assurance re-evaluation completed in accordance with Item 4.13 of the CPU.
- 4.3 Refrain from using the Property for any of the following use(s): "Agriculture or Other" Property Uses as defined in O.Reg. 153/04.
- 4.4 Refrain from constructing the following building(s): No new enclosed structures on the Property unless the building is equipped with a SVIMS as per Item No. 4.2.6 and/or a Open-Air Parking Garage as per Item No. 4.2.7 of the CPU.
- 4.5 Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU

and that it contains the provisions noted above in Items 4.3 and 4.4. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Site Changes

- 4.6 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

Reports

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

Property Requirement

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

Certificate of Requirement

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

Verification

- 4.10 Immediately after registration of the certificate of requirement, provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

Owner Change

- 4.11 While the CPU is in effect, the Owner shall forthwith report in writing by email, to the

Director at Environment.Barrie@Ontario.ca any changes of ownership of the Property, except that while the Property is registered under the *Condominium Act, 1998*, S.O.1998 c.19, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

Financial Assurance

- 4.12 Within fifteen (15) days of the date of the CPU, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of Forty-Five Thousand Seven Hundred and Fifty Dollars (\$45,750) in a form satisfactory to the Director and in accordance with Part XII of the Act to cover costs for the performance of the Risk Management Measures required to be carried out under the CPU.
- 4.13 The Owner shall re-evaluate the financial assurance required under Item 4.12 every three years from the date of this CPU. The re-evaluation of the amount of financial assurance required shall include an assessment based on any new information relating to the environmental conditions of the Property and shall include any costs of additional monitoring and/or implementation of contingency plans. If the re-evaluation of the amount of financial assurance indicates that more than the amount in Item 4.12 is required, the Owner shall forthwith provide a copy of the re-evaluation to the Director.

Part 5: General

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, 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.
- 5.2 An application under sub section 168.6(3) of the Act to,
a. alter any terms and conditions in the CPU or impose new terms and conditions; or
b. revoke the CPU;
shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from,

- a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
 - b. obtaining any approvals or consents not specified in the CPU.
- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
 - b. strikes, lockouts or other labour disturbances,
 - c. inability to obtain materials or equipment for reasons beyond your control, or
 - d. any other cause whether similar to or different from the foregoing beyond your control,
- the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.
- 5.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the provisions of Items 4.9 and 4.10 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, and then transfers the ownership of the Property to various condominium owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

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

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

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

- 6.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.
- 6.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: *Service of Documents*, made under the Act as they may be amended from time to time. The contact information for the Director and the Tribunal is the following:

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

and

Barrie District Manager, Central Region
Ministry of the Environment, Conservation and Parks
54 Cedar Pointe Road, Unit 1201
Barrie, Ontario
L4N 5R7
Fax: 705-739-6440
Email: Environment.Barrie@Ontario.ca

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

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

- 6.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 6.5 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights, 1993* (the “EBR”), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.

The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Environment, Conservation and Parks at College Park, 5th Floor, 777 Bay Street, Toronto, Ontario M7A 2J3 by the earlier of:

- 6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and
- 6.5.2 fifteen (15) days after service on you of a copy of the CPU.
- 6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 6.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- 6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the Environmental Registry of Ontario; and
- 6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 6.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws.

Issued at Barrie this xth day of xxxx, 2023.

Draft

Chris Hyde
Director, section 168.6 of the Act

Schedule 'A'
Property Specific Standards

Table 1-1 “Final Property-Specific Groundwater Standards (µg/L)”



Table 1-1 Final Property-Specific Groundwater Standards (µg/L)						
<i>COC</i>	<i>Maximum GW Concentration</i>	<i>Table 8 Site Condition Standard</i>	<i>Final Property-Specific Standard</i>	<i>Basis of Property-Specific Standard</i>	<i>Risk Management Requirement</i>	<i>Potential for Off-Site Exceedance of Site Condition Standard</i>
Benzene	2.3	5	2.8	Max + 20%	Yes (Indoor air)	No
Dichloroethane, 1,2-	0.8	1.6	0.96	Max + 20%	Yes (Indoor air)	No
Dichloroethylene, 1,1-	1.2	1.6	1.4	Max + 20%	No	No
Dichloroethylene, cis-1,2-	175	1.6	210	Max + 20%	Yes (Indoor air, potable GW)	Yes
Dichloroethylene, trans-1,2-	18.8	1.6	23	Max + 20%	Yes (Indoor air, potable GW)	Yes
Dichloropropene, 1,3-	<1.0	0.5	1.2	Max + 20%	Yes (Indoor air, potable GW)	No
Trichloroethylene	172	1.6	210	Max + 20%	Yes (Indoor air, potable GW, and trench worker – ingestion, dermal contact, and trench air)	Yes
Vinyl chloride	9.0	0.5	46 ^b	Theoretical future vinyl chloride concentration	Yes (Indoor air, potable GW <u>and trench worker – dermal contact</u>)	Yes

^a Risk management measures are required to prevent the occurrence of unacceptable risks to human health.

^b PSS represents the theoretical future vinyl chloride concentration associated with the degradation of parent compounds.



Schedule 'B'

FIGURES

- Plan of Survey - "Plan of Survey Showing Topographic Information, Part of Park Lots 15, 16, 17, and 18 (West of Bradford Street), Registered Plan 15, City of Barrie, County of Simcoe" dated November 5, 2019 by J.D. Barnes Limited.
- Figure 1 – Cross-Section: (Membrane), Typical Soil-Vapour Mitigation System" by Cambium dated March 2021.
- Figure 2 - "Cross-Section: Typical Soil-Vapour Mitigation System" by Cambium dated March 2021.
- Figure 6 – "Groundwater Elevations – Shallow Wells – April 8, 2020" by Cambium dated April 2020.

Figure 1 – Cross-Section: (Membrane), Typical Soil-Vapour Mitigation System” by Cambium dated March 2021

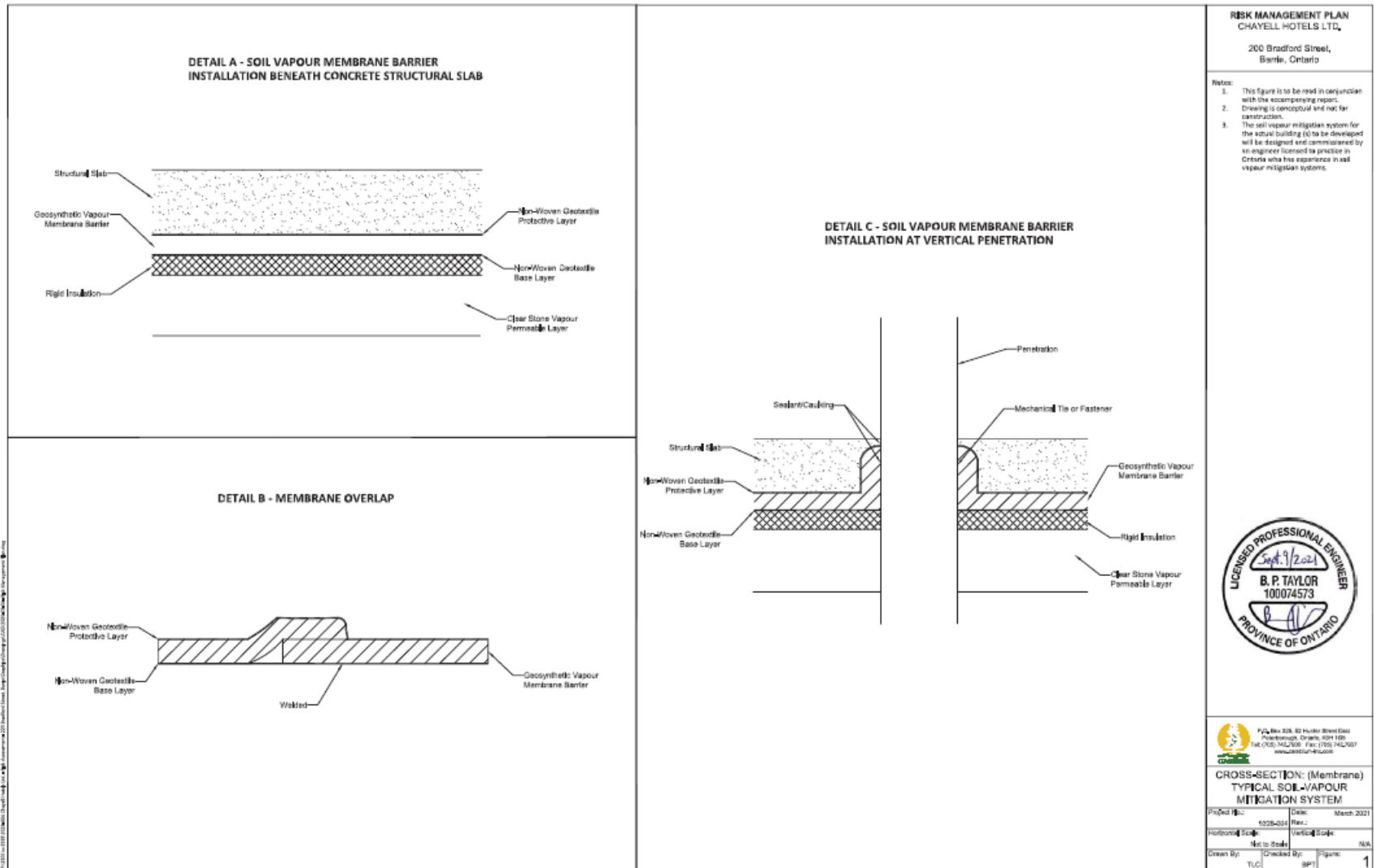


Figure 2 - "Cross-Section: Typical Soil-Vapour Mitigation System" by Cambium dated March 2021

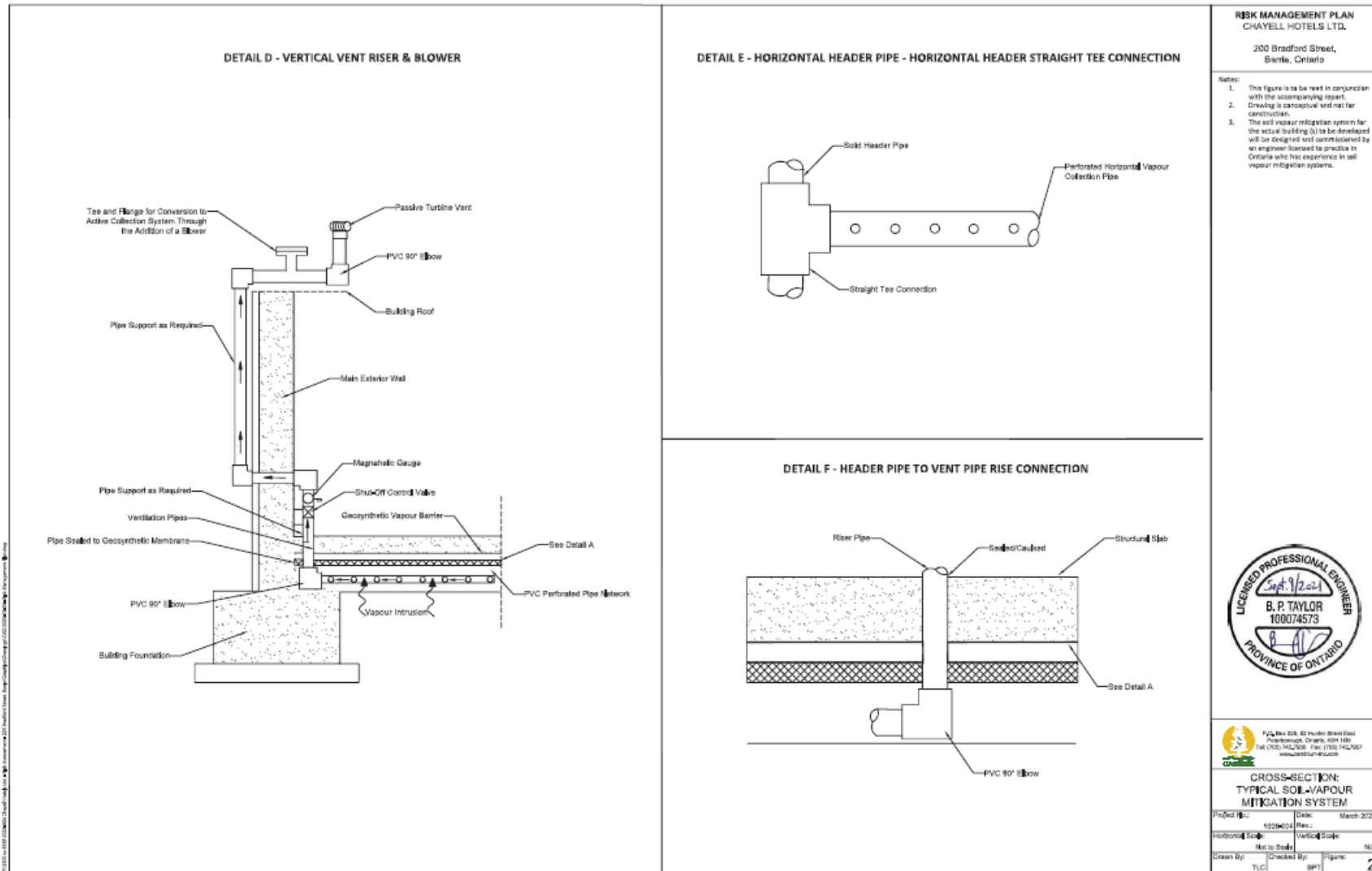
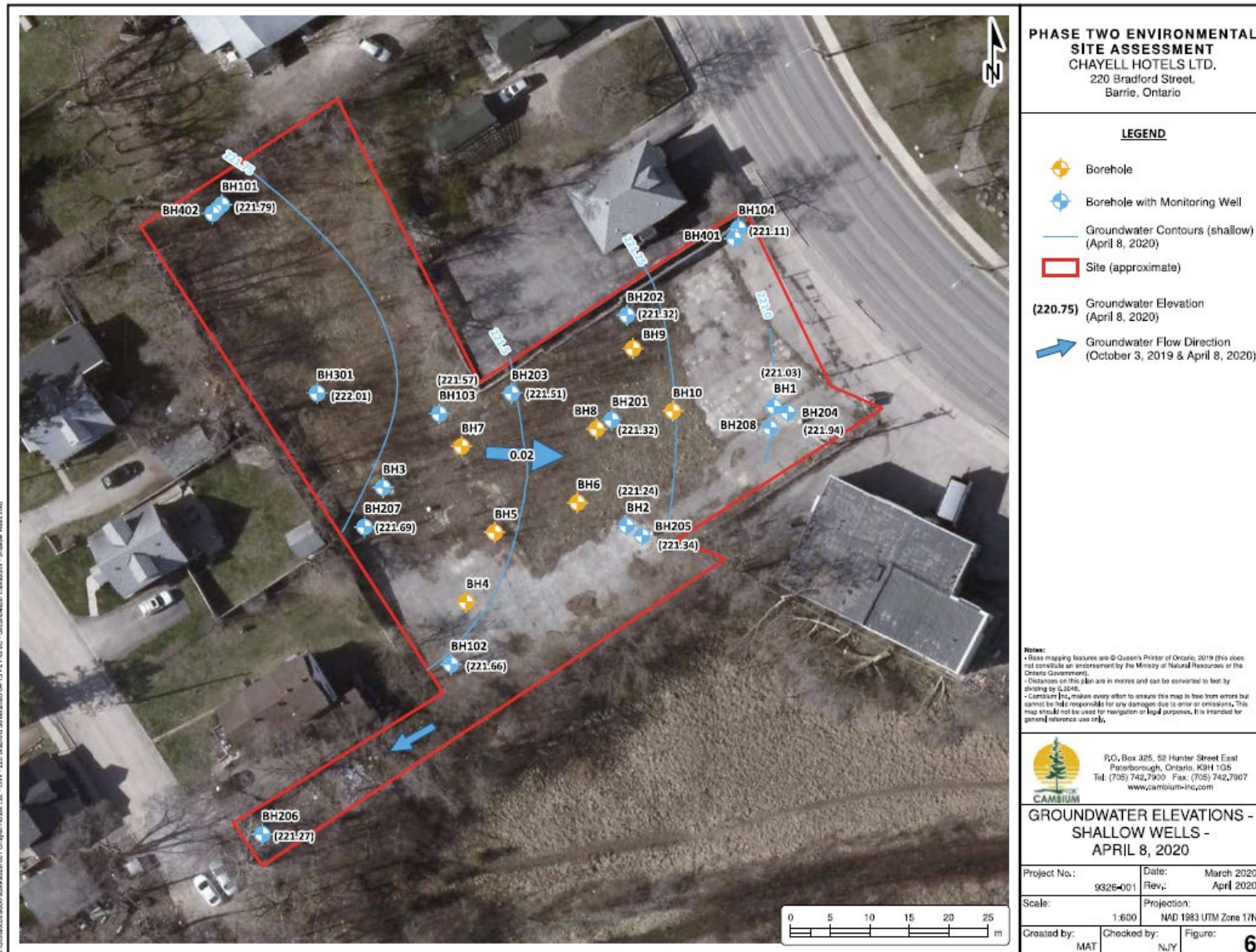


Figure 6 – “Groundwater Elevations – Shallow Wells – April 8, 2020” by Cambium dated April 2020



Schedule 'C'

Table 7-3 "Indoor Air and Sub-Slab Vapour Trigger Values"

Table 7-3 Indoor Air and Sub-Slab Vapour Trigger Values		
COC	Residential Indoor Air Trigger Values ($\mu\text{g}/\text{m}^3$)	Sub-Slab Vapour Trigger Values ($\mu\text{g}/\text{m}^3$)^b
Benzene	0.506	25
Dichloroethane, 1,2-	0.0428	2.1
Dichloroethylene, 1,1-	14.6	730
Dichloroethylene, cis-1,2-	31.3	1,570
Dichloroethylene, trans-1,2-	12.5	625
Dichloropropene, 1,3-	0.278	13.9
Trichloroethylene	0.271	13.6
Vinyl chloride	0.126	6.3

^a IAC were taken from the 2016 version of the MGRA model (MOECC, 2016).

^b The sub-slab trigger values are the indoor air trigger values divided by an attenuation coefficient of 0.02.

Draft

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

This is to certify pursuant to Item 4.8 of the Certificate of Property Use number **6454-CGJJCS** issued by Chris Hyde, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act* on **xxxx**, 2023 being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as **220 Bradford Street, Barrie, Ontario**, being all of Property Identifier Number (PIN) 58794-0126 (LT) (the "Property") with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the Property,

Chayell Palm Canada Ltd.

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

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