

## 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: 3411-CBAPUW  
Risk Assessment number: 5105-BSDHZA

**Owner:** 5013492 Ontario Inc.  
97 Brock Street E  
Tillsonburg, ON  
N4G 2A1

**Site:** 50 Riverside Road  
Simcoe, ON  
N3Y 2N6

with a legal description described below:

Lot 5 Plan 279 except Part 1 37R1310, Part 1 37R9098; Norfolk County

**Being ALL of PIN 50189-0059 (LT).**

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

“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;

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

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

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

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number **3411-CBAPUW** 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” or “COC” 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 3 of the Risk Assessment report and in Schedule A of the CPU.

“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.

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

“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.

“Impacted Soils” means soil in which one or more Contaminants are present at concentrations greater than the soil criteria identified for coarse textured soils in a **Residential, Parkland, Institutional** land use on **Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition** of the Ministry’s *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.

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

“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.

“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 and shown on **Figures 1 and 3 of Schedule A** all attached to and forming part of this CPU

“Property Specific Standards” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in section 3.2 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.

“Risk Assessment” means the risk assessment number **5105-BSDHZA** submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on **December 16, 2021** and set out in the following documents:

- **“50 Riverside Road, Simcoe, Ontario, Risk Assessment”, prepared by MTE Consultants, dated March 5, 2021; and**
- **“50 Riverside Road, Simcoe, Ontario, Revised Risk Assessment”, prepared by MTE Consultants, dated August 6, 2021;**

“Risk Management Measures” means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU.

“Risk Management Plan” means the final version of the risk management plan as set out in Section 7 and Appendix K of the “Risk Assessment” report dated August 5, 2021;

“Unimpacted Soil” means soil that meets the criteria identified for **coarse textured soils** in **Residential, Parkland, Institutional** property use on **Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition** of the Ministry’s *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.

## 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 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 intended use: **Residential/Parkland/Institutional**, as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above **Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition** of the **Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act** published by the Ministry and dated April 15, 2011 for **coarse textured soils** are set out in the Risk Assessment and in **Schedule A** (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in **Tables 1A and 1B, Schedule A** which is attached to and forms part of the CPU.
- 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

Pursuant to the authority vested in me under subsection 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 Section 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:

### Engineered Barriers

- 4.2.1 Prior to the occupancy of any new Building(s) to be constructed on the Property, a barrier shall be installed across the entire Property to prevent exposures to COCs occurring on the Property. The barriers are to be maintained for as long as COCs are present on the Property and may consist entirely of a fill cap, or entirely of a hard cap, or of a hard cap in some areas of the Property and a fill cap in other areas of the Property. Barriers shall be constructed in accordance with **Figure 2, Schedule A** of this CPU and Section 7.8 of the Risk Management Plan and be comprised of:
  - i. **fill cap** - capping of areas on the Property where Impacted Soils are present at or within 1.0 m below the soil surface with a minimum of 1.0 m of Unimpacted Soil;
  - ii. **hard cap** - capping of areas on the Property where Impacted Soils are not covered by at least 1.0 m of Unimpacted Soil with asphalt, concrete, a building slab, or a building foundation and floor slab, consisting of at least 150 mm of Ontario Provincial Standard Specification (OPSS) Granular "A" product or equivalent material overlain by at least 75 mm of hot mix asphaltic concrete or concrete.
  - iii. the planting of vegetation with rooting depths greater than 1 metre below Grade surface shall be installed in accordance with the Risk Management Plan and as set out on **Figure 2, Schedule A** of this CPU.
  - iv. the use of any native soils on the Property in the construction of the barriers set out by this part of the CPU is only possible if the soil is determined to be Unimpacted Soil in accordance with Section 36 of Schedule E of the Regulation.
- 4.2.2 Prior to the development of all or any part of the Property, the Owner shall implement dust control measures for any part of the Property requiring barriers specified by Item 4.2.1 of this CPU but which has not been covered, so as to prevent exposure to COCs at the Property. The dust control measures are to be maintained until the installation of the barriers described by Item 4.2.1 of this CPU is complete.
- 4.2.3 Within 90 days of completion of the installation of the barriers described by Item 4.2.1 of this CPU, the Owner shall submit to the Director, written confirmation signed by a Licensed Professional Engineer that the barriers have been installed in accordance with the requirements of the Risk Management Plan and this CPU along with final design specifications/drawings and/or as-built drawings.

- 4.2.4 The Owner shall prepare and maintain a site plan of the Property, stamped by a Licensed Professional Engineer, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of the barriers described by Item 4.2.1 of this CPU, including cross-sectional drawings showing the vertical and lateral extent of the barriers; and which is,
- 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.
- 4.2.5 The Owner shall implement an inspection and maintenance program to ensure the continuing integrity of the barriers described by Item 4.2.1 of this CPU for as long as the COCs are present on the Property. The inspection program shall include semi-annual (spring and fall) inspections of the barrier's integrity in accordance with the inspection and maintenance program set out in the Risk Management Plan. Any barrier deficiencies shall be repaired forthwith in accordance with the Risk Management Plan. If cracks, breaches or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure no exposure to the COCs present on the Property. The restoration of any damaged portions of the barriers shall meet the specifications set out, at minimum, in Item 4.2.1 of this CPU and the Risk Management Plan. In the event of a repair to a barrier, the Owner shall submit to the Director written confirmation prepared and signed by a Licensed Professional Engineer that the barriers have been repaired in accordance with the requirements of this CPU and the Risk Management Plan. The written confirmation shall also include a description of any contingency measures put in place and shall be submitted to the Director within 30 days of the completion of any barrier repairs and/or restorations. The Owner shall keep records of the inspections and maintenance and make them available for review by the Ministry upon request.

#### Building Restrictions

- 4.2.6 The construction of any Building(s) on the Property within the "Building Restriction" area shown in **Figure 3, Schedule A** of this CPU and described in the Risk Management Plan is strictly prohibited for as long for as long as COCs are present on the Property.
- 4.2.7 Residential or institutional occupancy of the existing Building indicated as "Existing Building" in **Figure 3, Schedule A** of this CPU is strictly prohibited. The use of the existing Building indicated as "Existing Building" in **Figure 3, Schedule A** of this CPU is restricted to its existing Commercial/Industrial uses as warehouse, shipping and receiving, or as light/dry Industrial uses including the manufacturing, assembly, and processing of construction materials. Other Industrial uses would be permitted upon the Owner's receipt of written approval from a Qualified Person for Risk Assessments (QP-RA), in consultation with a Qualified Person for Environmental Site Assessments (QP-ESA), that the other such Industrial uses of the existing building are appropriate



and would not change the conclusions of the Risk Assessment. The use of the existing building for Commercial uses that include a gas station, bulk fuel station or dry-cleaners are prohibited.

4.2.8 No ground water use Risk Management Measure:

- a. Refrain from using ground water in or under the Property as a source of water; and
- b. except, as may be required for continued use as a monitoring well, as defined in the OWRA:
  - a. properly abandon on the Property any wells, as described or defined in the *Ontario Water Resources Act*, according to the requirements set out in Regulation 903 (Wells) made under the *Ontario Water Resources Act*; and,
  - b. refrain from constructing on the Property any wells as described or defined in the *Ontario Water Resources Act*.

Soil and Groundwater Management Plan

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

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles; and
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
  - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
    1. is Capping Soil;
    2. meets the Standards; or
    3. exceeds the Standards;
  - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    1. used as Capping Soil at the Property;
    2. otherwise used as fill at the Property;

3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
  4. removed from the Property for off-site use as fill or disposal; and
- iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
1. reflect the distinctions described in parts (c) i and ii; and
  2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern; and
  3. have been bermed or fenced, as appropriate, to restrict access by persons; and
  4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed; and
- d. measures to manage storm water and any ground water from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and
- e. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
- i. dates and duration of the Intrusive Activities being undertaken;
  - ii. weather and site conditions during the Intrusive Activities;
  - iii. the location and depth of excavation activities, and dewatering activities, if any;
  - iv. dust control and soil tracking control measures;
  - v. characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;
  - vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
  - vii. management activities for any ground water from dewatering;
  - viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
  - ix. names and contact information for any haulers and receiving sites for soil and any ground water removed from the Property, and for haulers and source sites of any soil brought to the Property; and
  - x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

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

4.2.11 Before April 30<sup>th</sup> of the year following the year in which this CPU is issued and annually thereafter, the Owner shall prepare an annual report documenting the activities relating to the Risk Management Measures undertaken during the previous calendar year. This report is to be prepared by a Qualified Person and be made available upon request by a Provincial Officer. The report shall include the following information:

- i. Inspection and maintenance activities for the barriers described by Item 4.2.1 of this CPU;
- ii. Soil and ground water management activities as described by Item 4.2.10 of this CPU; and
- iii. Any other information determined to be necessary by the Qualified Person.

#### Site Changes

4.3 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. 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 the notice received and any further changes that the Director considers necessary in the circumstances.

#### Reports

4.4 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.

#### Property Requirement

4.5 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

- 4.6 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 B, register the certificate of requirement on title to the Property in the appropriate land registry office.
- 4.7 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.

### Owner Change

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

### Financial Assurance

- 4.9 The Director has not included in the CPU a requirement that the Owner provide financial assurance to the Crown in right of Ontario.

## **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 amend the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that 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 you from,
- a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
  - b) obtaining any approvals or consents not specified in the CPU.
- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a) natural phenomena of an inevitable or irresistible nature, or insurrections,
  - b) strikes, lockouts or other labour disturbances,
  - c) inability to obtain materials or equipment for reasons beyond your control, or
  - d) any other cause whether similar to or different from the foregoing beyond your control,

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

- 5.8 Failure to comply with a requirement of the CPU by the date specified does not 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 provisions of Items 4.6 and 4.7 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 may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

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

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

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

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

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

and

Director  
Ministry of the Environment, Conservation and Parks  
119 King Street West, 9<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y7  
Fax: (905) 521-7806  
Email: [stephen.burt@ontario.ca](mailto:stephen.burt@ontario.ca)

- 6.4 Unless stayed by application to 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 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.
- 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: (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.
- 6.8 The procedures and other information provided in this Part 6 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)

Further information on the requirements of the Tribunal regarding an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349

Fax: (416) 326-5370

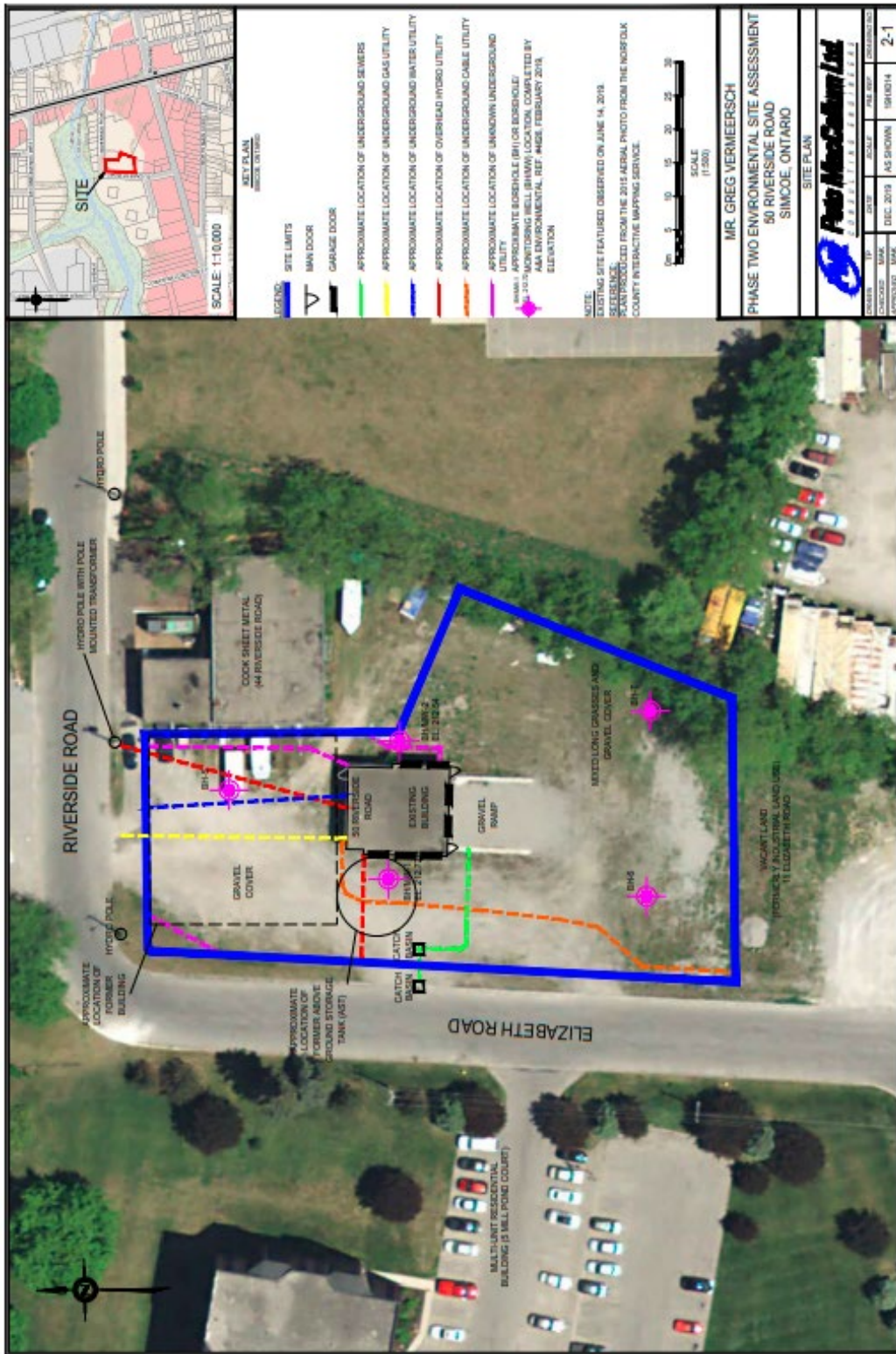
[olt.gov.on.ca](http://olt.gov.on.ca)

Issued on this **12th day of December 2022.**

A handwritten signature in black ink, appearing to be 'S. Burt', written over a light grey rectangular background.

Stephen Burt  
Director, section 168.6 of the Act

# Schedule A: Figure 1 – Site Plan (not to scale)

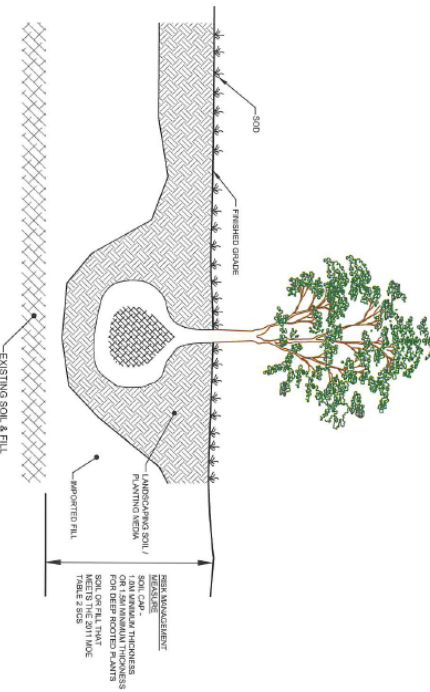




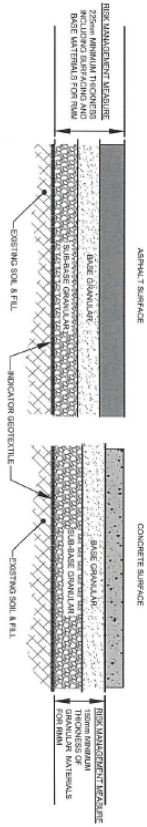
# Schedule A: Figure 2 – Capping Details (not to scale)

February 5, 2021 – 1:59 p.m. — Plotted By: DMacklyns Project: 47405-100 CAD: P:\P\47405\100\47405-100-MS1.DWG

## FILL CAP ENGINEERED BARRIERS



NOTE: SUB BASE AND GRINDING/FILL MUST BE FROM A COMMERCIAL LAND AND GRAVEL PRODUCTS ACT ONE NOT FROM A RESIDENTIAL SOURCE. ALL MATERIALS SHALL MEET THE 2011 MDE TABLE 202.



## HARD CAP ENGINEERED BARRIERS

NOTE: THE CONCEPTUAL DESIGNS ARE PROVIDED AS EXAMPLES OF THE MINIMUM REQUIREMENTS. THESE ARE NOT FINAL DESIGN DRAWINGS. FOR CONSTRUCTION DRAWINGS, THESE CONCEPTUAL DESIGNS MUST BE REDESIGNED AND REDESIGNED. FINAL DESIGNS WILL NEED TO CONSIDER SITE PLANNING, TRANSPORTATION, GEOTECHNICAL AND ENVIRONMENTAL REQUIREMENTS FOR THE SITE.



Scale(11x17): N.T.S.

Peto MacCallum Ltd  
EXERCISING ENGINEERS



Equipment Services, Simpsonton  
P.O. Box 10000

5013492 Ontario Limited

Risk Assessment  
Risk Management Measures

50 Riverside Road, Simcoe, ON

CONCEPTUAL DESIGN -  
ENGINEERED BARRIERS

Drawn By: DJM  
Checked By: DJM  
Project No: 47405-300  
February 2021  
K2

Schedule A: Figure 3 – Site Plan showing Building Restriction Area (not to scale)



**Schedule A: Table 1A: Property Specific Standards – Soil**

*All values in micrograms per gram except where indicated*

<b><i>Contaminant of Concern</i></b>	<b><i>Property-Specific Standard</i></b>
PHC F1	124
PHC F2	238

**Schedule A: Table 1B – Property Specific Standards - Groundwater**

*All values in micrograms per litre except where indicated*

<b><i>Contaminant of Concern</i></b>	<b><i>Property-Specific Standard</i></b>
PHC F2	878
PHC F3	724
Benzo(a)pyrene	0.024
Phenanthrene	1.4

Schedule B

**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 **3411-CBAPUW** issued by **Stephen Burt**, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on **December 12, 2022**, being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as **50 Riverside Road, Simcoe, Ontario being all of Property Identifier Number (PIN) No. 50189-0059 (LT) (the "Property")** with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

**5013492 Ontario Inc.**

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

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