

# Certificate of Property Use

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

Certificate of Property Use number 8773-CSZL7M  
Risk Assessment number 4347-BS7JSY

## Registered Owner

Lakeview Community Partners Limited  
2173 Turnberry Road  
Burlington, Ontario L7M4P8

## Beneficial Owners

Argo (Lakeview) Limited  
2173 Turnberry Road  
Burlington, Ontario L7M 4P8

TACC (Lakeview) Inc.  
270 Chrislea Road  
Woodbridge, Ontario L4L 8A8

Lydian Building Group Ltd.  
8700 Dufferin Street  
Concord, Ontario L4K 4S6

Branthaven Lakeshore Inc.  
720 Oval Ct  
Burlington, ON L7L 6A9

CCI (Lakeview) Limited Partnership  
by its General Partner  
2670562 Ontario Ltd.  
141 Adelaide Street West, #703  
Toronto, ON M5H 3L5

## Site: 985 Hydro Road, Mississauga, Ontario (Area 6)

with a legal description described below:

PART OF LOT 7, CONCESSION 3, SOUTH OF DUNDAS STREET, PART OF WATER LOT IN FRONT OF LOT 7, GEOGRAPHIC TOWNSHIP OF TORONTO, NOW IN THE CITY OF MISSISSAUGA, REGIONAL MUNICIPALITY OF PEEL, DESIGNATED BY PART OF PIN 13485-0776 (LT); SUBJECT TO EASEMENTS AS IN INSTRUMENT NUMBERS TT125865 AND TT141214, SUBJECT TO AN EASEMENT OVER PART OF PART 12 AND PART 7, PLAN 43R-39219, AS IN INSTRUMENT NUMBER RO604091, SUBJECT TO AN EASEMENT OVER PART OF PART 10 PLAN 43R-39219, AS IN INSTRUMENT NUMBER PR2974060, SUBJECT TO AN EASEMENT OVER PART OF PART 3 PLAN 43R-39219, AS IN INSTRUMENT NUMBER TT162654 AND DESCRIBED AS AREA 6 ON A PLAN OF SURVEY PREPARED BY J. D. BARNES LIMITED DATED OCTOBER 22, 2020, REFERENCE No. 16-30-917-03-H.

Being part of PIN 13485-0776 (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 this CPU, the following capitalized terms have the meanings described below. These terms are also defined in the Approved Model. Not all of these terms may be used in this CPU.

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

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

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

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

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

“Barrier” means a Fill Cap Barrier, Hard Cap Barrier or Temporary Gravel Roadway.

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

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

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

“Capping Soil” means,

- (a) soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or

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

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number 8773-CSZL7M issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

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

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

“CVCA” means the Credit Valley Conservation Authority.

“CVCA Permit 20/203” means Permit 20/203 issued by the CVCA on February 10, 2021 to the Owner in accordance with Ontario Regulation 160/06, pursuant to Section 28 of the Conservation Authorities Act (R.S.O. 1990 Chapter C.27) to facilitate the alteration of Serson Creek for a new creek corridor and the realignment of the Creek into a naturalized aquatic water body.

“Development Lands” means the approximately 72-hectare (177 acre) property located at 985 Hydro Road, Mississauga the location of the former Ontario Power Generation Lakeview Coal Generating Plant that has been divided into various parcels to facilitate redevelopment as shown in Drawing L-6, Landscape Area Plan. The Property subject to this CPU is known as Area 6 of the Development Lands.

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

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

“Fill Cap Barrier” means cover, above the Contaminants of Concern, as shown in Drawing L-1A, that,

- (a) is at least 1.0 metre thick, or any greater thickness than 1.0 metre, as specified in section L-2.2 of Appendix L of the Risk Assessment, and
- (b) consists of at least 0.5 metres thickness of Capping Soil, and above this, cover consisting of additional Capping Soil or non-soil surface treatment such as asphalt, concrete or concrete pavers, stone pavers, brick or aggregate.

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

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

“Hard Cap Barrier” means an asphalt or concrete cover layer, above the Contaminants of Concern as shown in Drawing Number L-1A, Non Serson Creek Corridor Lands, that is at least 225 millimetres thick and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material and includes a Building slab or Building foundation and floor slab meeting these specifications.

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

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

“Minister” means the minister of the Ministry.

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

“Mixed-Use Building” means a Building with uses that include Residential, Parkland and/or Institutional uses and less sensitive Commercial and/or Community uses.

“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, described in the “Owner” section on page 1 above, and any subsequent registered or beneficial owner of the Property.

“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 Risk Assessment and is described in the property “Site” section on page 1 above.

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

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

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

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

“Regulated Area” means the part of the Property as legally described in Schedule D and shown in the Plan of Survey referred to within the Risk Assessment as the Serson Creek Corridor and that is subject to CVCA Permit 20/203 and that includes the channel lands to be conveyed to the City of Mississauga and the lands that are regulated by the Credit Valley Conservation Authority as an erosion control setback.

“Risk Assessment” means the Risk Assessment Number 4347-BS7JSY submitted with respect to the Property and accepted by a Director under section 168.5 of the Act on June 19, 2023 and set out in the following documents:

- Risk Assessment Pre-Submission Report for Area 6, 985 Hydro Road, Mississauga, Ontario”, report prepared by EXP Services Inc., dated August 4, 2020
- “Risk Assessment for Area 6 at Hydro Road, Mississauga, Ontario”, report prepared by Exp Services Inc. and dated February 2021
- “Area 6 at 985 Hydro Road, Mississauga, Ontario Risk Assessment – Addendum 1”, report prepared by Exp Services Inc., dated September 30, 2021
- “Area 6 at 985 Hydro Road, Mississauga, Ontario Risk Assessment – Addendum 2”, report prepared by Exp Services Inc., dated October 13, 2022
- “Area 6 at 985 Hydro Road, Mississauga, Ontario Risk Assessment – Addendum 3”, report prepared by Exp Services Inc., dated April 14, 2023
- “RE: Request for Additional Information - RA for Area 6 - 985 Hydro Road, Mississauga, ON [RA1897-20d; IDS#4347-BS7JSY]”, email from Henry Yee, Exp Services Inc., received by TASDB on May 30, 2023, with following document attached:
  - Area 6, 985 Hydro Rd\_RA Addendum 4 Letter - 5.30.23.pdf
- “RE: Request for Additional Information - RA for Area 6 - 985 Hydro Road, Mississauga, ON [RA1897-20d; IDS#4347-BS7JSY]”, email from Henry Yee, Exp Services Inc., received by TASDB on June 8, 2023, with following document(s) attached:
  - 1\_RSC Letter Area 6-June 8, 2023.pdf
  - 2\_16-30-917-03-H sticker (2020OCT22).pdf

“Risk Management Measures” means the risk management measures specific to the Property described in the Section 7 and Appendix L of the Risk Assessment, Part 4 of the CPU and as further specified in the following documents:

- “RE: Area 6 – Permitting/CPU Discussion”, email from Henry Yee, Exp Services Inc., received by on July 18, 2023, and additional document(s) provided through EXP’s FTP site including,
  - 243747\_Area 6\_App L (RMP) - July 18, 2023 - Clean.pdf
- Memorandum prepared by EXP Services Inc., to Ministry of the Environment, Conservation and Parks, dated August 3, 2023, Project Name: Serson Creek Cap Construction, Area 6 at 985 Hydro Road, Mississauga, Ontario, prepared by Andrew How Soon Yuen, Sarah DiBattista, and

Robert Helik P.Eng., providing confirmation that the Serson Creek Soil Barrier System Risk Management Measure and the Erosion and Sediment Control Risk Management Measure were constructed in accordance with the requirements and specifications described in the Risk Assessment.

- Letter prepared by David A. Elliot, Agro Zaffiro LLP, to EXP, dated August 22, 2023, providing the legal description for the Regulated Area reproduced in Schedule D and an annotated Plan of Survey,

“Serson Creek Corridor” means the parcel of the Property located near the eastern boundary that is described in the Risk Assessment and is comprised of the Regulated Area and that includes the realigned and naturalized Serson Creek including channel bed, aquatic pools, pocket wetlands, valley lands and buffer zone.

“Serson Creek Erosion and Sediment Control Risk Management Measure” means the erosion and sediment control elements constructed on the Property by the Owner in accordance with CVCA Permit 20/203 within the Serson Creek Corridor prior to acceptance of the Risk Assessment.

“Serson Creek Soil Barrier System Risk Management Measure” means cover, above the Contaminants of Concern, as shown in Drawing L-1B, that was constructed on the Property by the Owner in accordance with CVCA Permit 20/203 prior to acceptance of the Risk Assessment,

- (a) within the Serson Creek low-flow channel creek bed that consists of at least 0.5 metre thickness of sub-rounded stones and Granular “B” aggregate or equivalent material that is underlain by a geotextile fabric,
- (b) within the Serson Creek low-flow channel where pocket wetlands have been constructed that consists of at least 0.5 metres thickness of Capping Soil and/or sub-rounded stones and Granular “B” aggregate or equivalent material that is underlain by a geotextile fabric, or
- (c) within all other areas of the Serson Creek Corridor,
  - i. that consists of at least 0.5 metres thickness of Capping Soil, and above this for the construction of a trail or access road path, cover consisting of additional Capping Soil or non-soil surface treatment such as concrete pavers, stone pavers, brick or aggregate, or
  - ii. that is at least 225 millimetres thick and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material.

“Storage Garage” has the same meaning as in the Building Code.

“SVIMS” means soil vapour intrusion mitigation system.

“Temporary Gravel Roadway” means a provisional cover above the Contaminants of Concern, to be installed as an alternative to fencing on areas of the Property that has not yet been developed for use, that consist of at least 0.5 metres of Granular “A” aggregate or equivalent material and/or Capping Soil.

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

## **Part 2: Legal Authority**

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
- (a) the performance of any action specified in the certificate of property use;
  - (b) the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
  - (c) measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Subsection 168.6(1) of the Act states that if a risk assessment relating to a property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
- 1. Take any action specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
  - 2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate of property use has been issued under subsection 168.6(1),
- (a) alter any terms and conditions in the certificate or impose new terms and conditions; or
  - (b) revoke the certificate.

- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- (a) the owner of the property shall ensure that a copy of the provision is given to every occupant of the property; and
  - (b) the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
  - (c) the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

### **Part 3: Background**

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the following intended use(s) including: a combination "Residential Use", "Parkland Use", "Commercial Use", "Community Use" and/or "Institutional Use", as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above Table 1 standards of the ***Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*** published by the Ministry and dated April 15, 2011 are set out in the Risk Assessment. The standards for these Contaminants of Concern are also set out in Schedule A



which is attached to and forms part of the CPU. Also attached to and forming part of the CPU are the following figures that are also set out in the Risk Assessment:

- Plan of Survey Prepared by J. D. Barnes Limited, dated October 22, 2020, Reference No. 16-30-917-03-H.
- Drawing L-1A, Non-Serson Creek Corridor Lands, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng..
- Drawing L-1B, Serson Creek Corridor Lands, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated July 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.
- Drawing L-2A, Conceptual Soil Vapour Mitigation System, Slab-On-Grade, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.
- Drawing L-2B, Conceptual Soil Vapour Mitigation, Building with Basement, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.
- Drawing L-3, Conceptual Soil Vapour Membrane Details in the Presence of a Sub-Slab Depressurization System, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.
- Drawing L-4, Conceptual Soil Vapour Mitigation System Details for Active and Passive System, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.
- Drawing L-5, Above Grade Details for Active and Passive System, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.
- Drawing L-6, Landscape Area Plan, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated February 2023.

- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.
- 3.4 I am of the opinion, for the reasons set out in the Risk Assessment, that Contaminants of Concern require on-going pathway elimination and it is necessary to restrict the use of the Property and/or the construction of Buildings and/or the notice provisions as outlined in Part 5 of this CPU.
- 3.5 I am of the opinion, that the requirements set out in Part 6 of this CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment and in Part 4 of the CPU.
- 3.6 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of this CPU and the registration of notice of the CPU on title to the Property as set out in the order requirements in Part 7 of this CPU.

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

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

- 4.0 Implement, and thereafter maintain or cause to be maintained, the following Risk Management Measures and requirements identified in the Risk Assessment and set out in Items 4.1 to 4.14 and 5.2 as applicable.

##### **4.1 Hard Cap Barrier, Fill Cap and Temporary Gravel Roadway Risk Management Measure**

- a. Cover all areas of the Property where Contaminants of Concern are present at or within 1.0 metre(s) below the soil surface, other than on the lands located within the Serson Creek Corridor, as described in Section L-2.2, Soil Barrier of Appendix L of the Risk Assessment and as shown in Drawing L-1A, "Non Serson Creek Corridor Lands" such that a Hard Cap Barrier as shown in Detail 1A-1 (Asphalt and Granular Sub-base Construction) or Detail 1A-2 (Concrete Sidewalk/foundation and Granular Sub-base Construction) or a Fill Cap Barrier as shown in Detail L-1A-3 (Soft Cap Construction – Landscaped Area), or Detail L-1A-5 (Tree Planting Specification) is in place in these areas, so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface; and
- b. Before commencing development of all or any part of the Property, install fencing and/or a Temporary Gravel Roadway as shown in Detail L-1A-4 (Temporary Gravel Roadways) of Drawing L-1A, "Non Serson Creek Corridor Lands" and implement dust control measures for any part of the Property requiring covering but which has not been covered, so as to prevent exposure to the Contaminants of Concern at the Property. Fencing, a Temporary Gravel Roadway and dust control measures shall be maintained until such time as the Hard Cap Barrier or Fill Cap Barrier are installed.

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

- a. Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each Barrier described in Item 4.1 at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:
  - i. procedures and timing for implementing the program;
  - ii. semi-annual inspections, in spring and fall of the Hard Cap Barrier, Fill Cap Barrier and Temporary Gravel Roadway Risk Management Measures as described in Section L-4.2, Soil Barrier, of Appendix L of the Risk Assessment;
  - iii. noting any deficiencies in the Barrier observed during the inspections, or at any other

time;

- iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the Barrier has been properly repaired;
- v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the Barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property;
- vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- A. 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
  - B. updated and delivered to the Owner within 30 days following making any alteration to the program.
- b. Prepare a site plan, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each Barrier at the Property installed in accordance with Item 4.1, including cross-sectional drawings of the Barrier showing its design and vertical and lateral extent;

and which are,

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

specified in the inspection and maintenance program;

and which are,

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

#### **4.3 Serson Creek Soil Barrier System Risk Management Measure and Erosion and Sediment Control Risk Management Measure**

- 4.3. a. Maintain the Serson Creek Corridor Soil Barrier System Risk Management Measure as described in Section L-2.3.1, Serson Creek Corridor of Appendix L of the Risk Assessment and as shown in Drawing L-1B, "Serson Creek Corridor Lands" so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface;
- b. Maintain the Erosion and Sediment Control Risk Management Measure including rock revetements and bioengineering treatments (vegetative plantings) within the riparian buffer zone of the Serson Creek Corridor as described within Section L-2.3.2, Soil Erosion Control, of Appendix L of the Risk Assessment, so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface;

#### **4.4 Inspection, Maintenance and Reporting Requirements for the Serson Creek Soil Barrier System Risk Management Measure and Erosion and Sediment Control Risk Management Measure**

##### **4.4.1 Serson Creek Soil Barrier System Risk Management Measure**

Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of the Serson Creek Soil Barrier System Risk Management Measure as described in Item 4.3. a., so long as the Contaminants of Concern are present at the Property, including, at a minimum:

- a. procedures and timing for implementing the program;
- b. inspections as described in Section L-4.3.1, Soil Cover System, of Appendix L of the Risk Assessment, including;
  - i. semi-annual inspections, for a minimum period of five years, and until such time as the Director, upon application by the Owner, alters the requirement,

- ii. following first large 100-year flooding event, and
  - iii. annual monumented cross sections shall be completed through two riffles and two pools including a cross section survey, installation and monitoring of erosion pins, completion of pebble counts and monumented photograph, for minimum period of five years, post construction, and until such time as as the Director, upon application by the Owner, alters the requirement.
- c. noting any breeches or deficiencies in the Serson Creek Soil Barrier System Risk Management Measure observed during the inspections, or at any other time,
  - d. repairing promptly in accordance with the actions and timelines specified in Table L:5: Tiered Response System for Barrier Compromise, of Appendix L of the Risk Assessment any such breeches or deficiencies, to the original design specifications, with prompt written notification to be provided to the Director upon identification of a moderate or severe breach, with follow-up written confirmation to be provided to the Director that the breach has been properly repaired;
  - e. contingency measures to be implemented if breeches or deficiencies cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property;
  - f. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- A. 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
  - B. updated and delivered to the Owner within 30 days following making any alteration to the program.
- g. Within ninety days of the completion of five years of post construction inspection, maintenance and monitoring required by Item 4.4.1 b., prepare and submit to the Director, an adaptive management monitoring program prepared by a Professional Engineer. The monitoring program shall include the following, at minimum:
    - i. Recommendations for long term inspection, maintenance and monitoring of the Serson Creek Soil Barrier System Risk Management Measure. the following, at minimum:
    - ii. Recommendations for repairs or alterations to the Serson Creek Soil Barrier System Risk Management Measures as may be necessary,

- iii. Documentation of the inspections required by Item 4.1.1 b. including the identification of any deviations from the original specifications, and
- iv. Documentations regarding any noted deficiencies in the Serson Creek Soil Barrier System Risk Management Measure including any repairs that were made.

#### 4.4.2 Erosion and Sediment Control Risk Management Measure

Prepare and implement a written vegetation monitoring and maintenance program, prepared by a qualified ecologist and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of the Serson Creek Erosion and Sediment Control Risk Management Measure and the health and survival of all planted riparian buffer vegetation, as described in Item 4.3. b., so long as the Contaminants of Concern are present at the Property, including, at a minimum:

- a. procedures and timing for implementing the program;
- b. inspections as described in Section L-4.3.2, Vegetation Monitoring of Appendix L of the Risk Assessment, including;
  - i. two initial baseline site assessments to confirm baseline data for the vegetative communities including species and structure.
  - ii. annual site assessments to be carried out during each full growing season post-construction for a minimum period of five years, post construction, and until such time as as the Director, upon application by the Owner, alters the requirement.
- c. noting any breeches or deficiencies in the Serson Creek Erosion and Sediment Control Risk Management Measure including instances of vegetation die-off, species specific losses, resulting erosion etc. observed during the inspections, or at any other time,
- d. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the negative effect has been properly repaired;
- e. contingency measures and corrective actions to be implemented noted deficiencies cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property;
- f. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

- A. 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

- B. updated and delivered to the Owner within 30 days following making any alteration to the program.
- g. Prepare and submit to the Director an annual monitoring report be prepared by a qualified ecologist. The report shall include at minimum, the following:
  - i. a summary of the findings of the annual site assessment described in Item 4.4.2. b. ii and an assessment of the changes to the functions of the natural heritage features,
  - ii. recommendations for repairs, alterations or improvements to the Serson Creek Erosion and Sediment Control Risk Management Measures as may be necessary,
  - iii. recommendations for alterations to the frequency and/or scope of the monitoring program, as may be necessary.

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

and which are,

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

#### **4.5 Subsurface Utility Trench Risk Management Measure**

- a. For any public subsurface utility trench constructed on the Property, Capping Soil shall be placed within the utility trench as shown in Detail L-1A-6 (Utilities Within the Unimpacted Soil Cover) and Detail L-1A-7 (Utilities Below the Unimpacted Soil Cover) of Drawing L-1A, "Non Serson Creek Corridor Lands" so as to prevent exposure to the Contaminants of Concern at the Property.
- b. Prepare a drawing(s), 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 each subsurface utility trench constructed on the Property,

including cross-sectional drawings of the subsurface utility trench showing its design and vertical and lateral extent.

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

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

- a. Building with Storage Garage (Intermittent 3.9 Litres/second of Ventilation) as described in Item 4.7, or.
- b. Building with Passive or Active Soil Vapour Intrusion Mitigation System Risk Management Measure, as described in Item 4.8.

4.6.1 Notwithstanding Items 4.6 a., and Item 4.6 b., any new Building to be constructed with a footprint that encroaches onto the property known as Area 2 of the Development Lands shall be constructed in accordance with the risk management measures applicable to Certificate of Property Use Number 8343-BVHNF3 issued regarding Area 2 of the Development Lands.

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

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

- a. the Storage Garage is constructed at or below the Grade of the Building;
- b. the Storage Garage area covers the entire Building Area at Grade;
- c. the Storage Garage complies with all applicable requirements of the Building Code, such as the provisions governing
  - i. design of a mechanical ventilation system as set out in Division B, Article 6.2.2.3. (Ventilation of Storage and Repair Garages) of the Building Code;
  - ii. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.9. (Interconnection of Systems) of the Building Code; and
  - i. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
- d. the mechanical ventilation system for the storage garage is designed to provide, during operating hours a continuous supply of outdoor air at a rate of not less than 3.9 litres per second for each square metre of floor area or be activated on an as-needed basis by carbon monoxide or nitrogen dioxide monitoring devices as required by the Building Code.



#### **4.8 Passive or Active Soil Vapour Intrusion Mitigation System (SVIMS) Risk Management Measure**

Refrain from constructing any Building on the Property unless the Building construction, includes a Passive SVIMS or an Active SVIMS that is consistent with the minimum conceptual design specifications that are described within Section 2.1.2 of Appendix L of the Risk Assessment and as further shown within Drawing L-2A, Conceptual Soil Vapour Mitigation System, Slab-On-Grade, Drawing L-2B, Conceptual Soil Vapour Mitigation, Building with Basement, Drawing L-3, Conceptual Soil Vapour Membrane Details in the Presence of a Sub-Slab Depressurization System, Drawing L-4, Conceptual Soil Vapour Mitigation System Details for Active and Passive System, and Drawing L-5, Above Grade Details for Active and Passive System, and that meets the following requirements:

##### **4.8.1 Design, Installation and Operation**

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

##### **System Requirements**

- a. the Passive SVIMS is to:
  - i. be designed, installed and operated with the objective of achieving during all seasons at least a 1 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area;
  - ii. 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;

or, in the case of an Active SVIMS,

- b. the Active SVIMS is to;
  - i. be designed, installed and operated with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and
  - ii. have in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998;

#### Sub-slab Foundation Layer

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

#### Soil Vapour Venting Layer

- d. 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 of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth;or,
  - other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency;
  - ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; 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;

#### Soil Vapour Barrier Membrane

- e. 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, as conceptually described in Section L-2.1.2 of Appendix L of the Risk Assessment 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, D543 and D1434, 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;

#### Vent Risers

- f. vent risers must be of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air and, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, including:
  - i. at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;
  - ii. vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;
  - iii. vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather; and
  - iv. a wind turbine or solar powered wind turbine on each vent riser for a Passive SVIMS and an electrically powered fan on each vent riser, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions for an Active SVIMS;

#### Monitoring Devices

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

## Labeling Equipment

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

## Utility Sealing

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

### 4.8.2 Quality Assurance / Quality Control

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

- a. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer;
- b. daily inspections of the installation of the SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;
- c. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:
  - i. daily inspection reports noting any deficiencies and corrective actions taken;
  - ii. smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;
  - iii. verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations;

- iv. verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means; and
  - v. verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage;
- d. noting any deficiencies in the materials or installation of the SVIMS;
  - e. ensuring the prompt repair of any deficiencies, to the design specifications;
  - f. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;
- and which are,
- A. delivered to the Owner before installation of the SVIMS begins; and
  - B. updated and delivered to the Owner within 30 days of making any alteration to the program;

#### 4.8.3 As Constructed Plans

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

and which are:

- A. 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
- B. updated and delivered to the Owner within 30 days following making any alteration to the SVIMS, or other relevant feature shown on the plans;

#### 4.8.4 Inspection and Maintenance

Prepare and implement a written inspection and maintenance program, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon

request by a Provincial Officer, to ensure the continued integrity and effectiveness of the SVIMS, including, at a minimum:

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate
- iii. inspections of the SVIMS including:
  1. semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building;
  2. semi-annual inspections, in spring and fall, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building;
  3. additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) for a Passive SVIMS or electrical powered fans for an Active SVIMS 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 for an Active SVIMS; and
  4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;
- iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time;
- v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in subparagraph iii above;
- vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;
- vii. a contingency plan as outlined in Section L-4.1.4 of Appendix L of the Risk Assessment report to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licensed Professional Engineer;
- viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

- A. 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
- B. updated and delivered to the Owner within 30 days following making any alteration to the program;

#### 4.8.5 Operational Monitoring

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

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event;
- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
  - 1. 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. after occupancy has commenced, minimum quarterly measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in paragraph g. of Item 4.8.1 above;
- v. if the operational monitoring required by paragraph iv. 2. of item 4.8.5 indicates that the SVIMS is not able to achieve a 1 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building for a Passive SVIMS, or 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 for an Active SVIMS then the SVIMS shall be inspected by a Licensed Professional Engineer and the SVIMS shall be repaired forthwith to the original design specification, at minimum. Repairs or maintenance shall be made by an appropriately qualified contractor,

under the supervision of a Licensed Professional Engineer. If the deficiencies within the SVIMS can not be repaired such that the pressure differential continues to be inadequate thirty (30) days after being identified, then

1. the Director shall be notified forthwith, and indoor air quality monitoring shall immediately be carried out within the Building in accordance with Item 4.9, and
  2. an action plan shall be submitted to the Director for review within thirty (30) days of the notification. The action plan shall be designed with the objective of restoring the pressure differential design requirements, including the requirement that a Passive SVIMS can be readily converted to operation as an Active SVIMS, if necessary. The action plan shall also describe additional indoor air quality monitoring to be performed until such time that the pressure differential requirements are achieved.
- vi. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken,

such as:

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

and which are,

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

#### 4.8.6 Intrusive Activities Caution

Prepare and implement written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed SVIMS, so as to ensure the persons are made aware of the presence and



significance of the SVIMS and the Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;

and which are,

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

#### 4.8.7 Building Code

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

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

#### 4.9 Indoor Air Quality Monitoring Program

Under the supervision of a Qualified Person implement the indoor air quality monitoring program within all Buildings constructed in the Property as described in Section L-4.1.3 of Appendix L of the Risk Assessment, as follows:

- a. The sampling locations for the indoor air quality monitoring program shall be located at the lowest occupied level of the Building at locations identified by an industrial hygienist or other appropriately qualified person to be protective of human health for any persons using or occupying the Buildings on the Property. The minimum number of indoor air quality sample locations is two for Buildings up to 500 square metres of Building Area, three for Buildings that are 500 to 1000 square metres of Building Area with one additional sampling location for each additional 1000 square metres of Building Area. An outdoor (ambient background) sample shall also be collected;
- b. The indoor air quality monitoring program shall be carried out in accordance with the following schedule:
  - i. For a Building operating with a Passive SVIMS Risk Management Measure constructed in accordance with Item 4.8, the indoor air quality monitoring program

shall commence with at least one monitoring event prior to occupancy of the Building and then on a quarterly basis for a minimum period of two years, and then on a semi-annual basis until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether. The indoor air quality monitoring is to coincide with quarterly pressure differential monitoring required by Item 4.8.5 iv. The Owner shall ensure that for each calendar year one monitoring event is conducted in either January or February and is representative of worst-case conditions;

- ii. For a Building operating with an Active SVIMS Risk Management Measure constructed in accordance with Item 4.8, including any Buildings with a footprint encroaching in part onto Area 2 of the Development Lands that is subject to Certificate of Property Use Number 8343-BVHNF3, the indoor air quality monitoring program shall include at minimum one monitoring event prior to occupancy of the Building.
  - iii. In addition, for a Building operating with either a Passive SVIMS Risk Management Measure or an Active SVIMS Risk Management Measure, an indoor air quality monitoring event shall be undertaken within the Building no later than 30 days following the notification to the Director required by paragraph v. of Item 4.8.5 and indoor air quality monitoring shall continue to be carried out on a quarterly frequency coinciding with the quarterly pressure differential monitoring required by paragraph iv. of Item 4.8.5 until such time that the required pressure differential requirements have been restored or until such time as the Director, upon application by the Owner, has reviewed the data available and either alters the frequency of the monitoring or eliminates the requirement altogether.
- c. All indoor air quality monitoring shall be in accordance with the sample collection and analytical methodologies specified and for the Contaminants of Concerns that are listed in Schedule B of the CPU. The outdoor air sample shall be in accordance with the Ministry's "Operations Manual for Air Quality Monitoring in Ontario", dated March 2008, and
- i. for Buildings restricted to Residential Use, Parkland Use and/or Institutional Use, or for Mixed-Use Buildings where the lowest occupied level includes a Residential Use, Parkland Use and/or Institutional Use, the samples shall be collected over a 24-hour duration and the results of the indoor air quality samples shall be compared to the R/P/I Use Indoor Air Target Levels for each Contaminant of Concern identified in Schedule B.
  - ii. for Buildings restricted to Commercial Use and/or Community Use, the samples shall be collected over an 8-hour duration and the results of the indoor air quality samples shall be compared to the I/C/C Use Indoor Air Target Levels for each Contaminant of Concern identified in Schedule B.
  - iii. for Mixed-Use Buildings where the lowest occupied level is restricted to Commercial Use and/or Community Use, the samples shall be collected over a 24-hour duration and the results of the indoor air quality samples shall be compared to both the R/P/I Use, and the I/C/C Use Indoor Air Target Levels for each Contaminant of Concern identified in Schedule B.

- d. If the indoor air concentration for the Contaminants of Concern exceeds a respective Indoor Air Target Level identified in Schedule B, then the Director shall be notified in writing. The notification to the Director shall include the indoor air quality sampling results and the laboratory certificates of analyses. Indoor air monitoring shall be repeated for all Contaminants of Concern at the location where the exceedances(s) were observed within 30 days of receipt of the analytical results. The Owner shall provide written notification to the Director within 10 business days of receiving the results from the follow-up sampling event;
- e. If the concentration any Contaminant of Concern is verified to exceed a respective Indoor Air Target Level within the follow-up sampling event, as a result of sampling conducted in accordance with Item 4.9 c. i., or Item 4.9 c. ii., or if the concentration of any Contaminant of Concern is verified to exceed an I/C/C Use Indoor Air Target Level within the follow-up sampling event, as a result of sampling conducted in a Mixed-Use Building in accordance with Item 4.9 c. iii., then sampling shall continue to be carried out on a quarterly frequency, and the Owner shall within 30 days of receiving the laboratory analysis submit to the Director a proposed contingency plan for review and approval. The proposed contingency plan shall be prepared by a Licensed Professional Engineer and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations to further assess and address risks to vapour intrusion;
- f. If the concentration for any Contaminants of Concern is verified to exceed a respective R/P/I Use Indoor Air Target Level identified in Schedule B as a result of sampling conducted in a Mixed-Use Buildings in accordance with Item 4.9 c. iii., then indoor air quality monitoring shall be performed for all Contaminants of Concern on the lowest level of the Building with a Residential Use, Parkland Use and/or Institutional Use within 30 days of receipt of the analytical results. The Owner shall provide written notification to the Director within 10 business days of receiving the results from the follow-up sampling event. If the indoor air concentration for the Contaminants of Concern exceeds a respective R/P/I Use Indoor Air Target Level identified in Schedule B, then sampling shall continue to be carried out on a quarterly frequency, and the Owner shall within 30 days of receiving the laboratory analysis submit to the Director a proposed contingency plan for review and approval. The proposed contingency plan shall be prepared by a Licensed Professional Engineer and include, but not be limited to, a detailed interpretation of the available data collected to date along with recommendations to further assess and address risks to vapour intrusion;
- g. Upon the Owner receiving written approval from the Director, the Owner shall implement the approved contingency plan; and
- h. Within 30 calendar days of approval of the contingency plan by the Director, the Owner shall submit written confirmation, along with supporting documentation, prepared by a Qualified Person that the contingency plan has been implemented.

#### **4.10 Restriction on Growing Produce for Consumption Risk Management Measure**

The Owner shall refrain from planting fruit and vegetables for consumption on the Property unless planted in above ground containers such that the plants are isolated from the subsurface conditions or planted within Capping Soil that is least 1.0 metres thick and is that underlain by a geotextile

fabric layer. The planting of fruit and vegetables for consumption on the Property is restricted as described above for as long as the Contaminants of Concern in soil and ground water remain present.

#### **4.11 No Ground Water Use Risk Management Measure**

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

- a. Refrain from using ground water in or under the Property as a potable source of water; and
- b. Except, as may be required for continued use as a monitoring well, as defined in the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (OWRA):
  - i. properly abandon on the Property any wells, as described or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,
  - ii. refrain from constructing on the Property any wells as described or defined in the OWRA.

#### **4.12 Health and Safety Plan Requirement**

In addition to any requirements under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, within thirty (30) days of the date of the CPU prepare and implement a written health and safety plan for the Property, prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, as described in Section L-2.5 of Appendix L of the Risk Assessment, and including, at a minimum:

- a. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. all relevant information concerning the presence of, human exposure to, and risk posed by, the Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment;
- c. all relevant information, measures and procedures concerning protection of the persons from exposure to the Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;

- d. all relevant information concerning the presence and significance of the Risk Management Measures and requirements which are being, or have been, implemented at the Property;
- e. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident;
- f. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

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

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

Within thirty (30) days of the date of the CPU prepare and implement in accordance with the details described in Section L-2.6 of Appendix L of the Risk Assessment, a written soil management plan for the Property, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for managing excavated soil or soil brought to the Property, including soil originating within other areas of the Development Lands, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern in soil at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles;
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04 or O. Reg. 406/19, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
  - i. characterizing for contaminant quality of excavated soil and any soil brought to the Property, including determining whether the soil meets the requirements for Capping Soil;
  - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    - 1. used as Capping Soil at the Property;
    - 2. otherwise used below the Capping Soil as fill at the Property;

3. removed from the Property and used within other areas of the Development Lands;
  4. removed from the Property for off-site storage including the Development Lands or for processing but is to be returned for use as fill at the Property; or
  5. removed from the Property for off-site use as fill or disposal; and
- iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
1. reflect the distinctions described in subparagraphs (c) i and ii;
  2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern;
  3. have been bermed or fenced, as appropriate, to restrict access by persons; and
  4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed;
- d. measures to manage storm water at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed;
- e. recording, in writing, the soil and storm water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04, O. Reg. 406/19 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
- i. dates and duration of the Intrusive Activities being undertaken;
  - ii. weather and site conditions during the Intrusive Activities;
  - iii. the location and depth of excavation activities, if any;
  - iv. dust control and soil tracking control measures such as hauling records;
  - v. characterization results for excavated soil and any soil brought to or removed from the Property, including soil brought to and from other areas of the Development Lands, and for any ground water from dewatering;
  - vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
  - vii. management activities for any ground water from dewatering;
  - viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
  - ix. names and contact information for any haulers and owners or operators of receiving sites for soil removed from the Property, and for haulers and owners or operators of project areas (as defined in O. Reg. 406/19 also known as source sites) of any soil brought to the Property;
  - x. any complaints received relating to the Intrusive Activities, including the soil and storm water management activities;

and which are,

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

#### **4.14 Annual Reports Requirement**

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

- a. a copy of all records relating to the requirements for the Hard Cap Barrier, Fill Cap Barrier, and Temporary Gravel Roadway Risk Management Measures as outlined in Items 4.1 and 4.2 if applicable;
- b. a copy of all records relating to the requirements for the Serson Creek Soil Barrier System Risk Management Measure and the Erosion and Sediment Control Risk Management Measure as outlined in Items 4.3 and 4.4 if applicable;
- c. a copy of all records relating to the requirements for the Subsurface Utility Trench Risk Management Measure as outlined in Item 4.5, if applicable;
- d. a copy of all records relating to the Building with Storage Garage Risk Management Measure, as outlined in Item 4.7, if applicable;
- e. a copy of all records relating to the Building with Passive or Active SVIMS Risk Management Measure, as outlined in Item 4.8, if applicable;
- f. a copy of all records relating to the indoor air quality monitoring program as outlined in Item 4.9; if applicable;
- g. a copy of all records relating to the restriction on Growing Produce for Consumption Risk Management Measure as outlined in Item 4.10; if applicable;
- h. a confirmation that the No Ground Water Use Risk Management Measure as outlined in Item 4.11 has been complied with;
- i. a copy of all records relating to the health and safety plan as outlined in Item 4.12; if applicable;
- j. a copy of all records relating to the soil management plan as outlined in Item 4.13; if applicable; and
- k. a copy of documentation relating to the financial assurance requirement as outlined in Items 6.5, 6.6 and 6.7, if applicable.

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

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

### **5.1 Property Use Restriction**

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

### **5.2 Building Construction Restrictions**

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

### **5.3 Notice of Restrictions**

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

## **Part 6: Additional Requirements**

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

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

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

### **6.2 Report Retention Requirements**

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



### **6.3 Owner Change Notification**

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

### **Financial Assurance**

- 6.4** Within thirty (30) days of the date of the CPU, the Owner shall provide financial assurance to the Crown in right of Ontario in the amount of three hundred and ninety-eight thousand, eight hundred and eighty-nine dollars (\$398,889) 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.
- 6.5** Commencing on March 31, 2027 and at intervals of every three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of financial assurance to implement the actions required under Item 6.4. 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.
- 6.6** Commencing on March 31, 2025, the Owner shall prepare and maintain at the Site an updated re-evaluation of the amount of financial assurance required to implement the actions required under Item 6.4 for each of the intervening years in which a re-evaluation is not required to be submitted to the Director under Item 6.5. The re-evaluation shall be made available to the Ministry, upon request. If the re-evaluation is for an amount greater than the amount as set out in Item 6.4 the Owner shall submit to the Director a copy of the re-evaluation.
- 6.7** The amount of financial assurance set out in Item 6.4 is an estimate of the amount of financial assurance associated with the performance of the Risk Management Measures for one development block on the Property. Upon the finalization of development plans for a development block at the Property the Owner shall prepare and submit to the Director an updated re-evaluation of the amount of financial assurance required to implement the actions required under Item 6.4.

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

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

#### **7.1 Property Notice Requirement**

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

the dealing,

## **7.2 Certificate of Requirement Registration**

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

## **7.3 Verification**

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

## **Part 8: General Requirements**

8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.

8.2 An application under subsection 168.6(3) of the Act to alter any terms and conditions in the CPU, or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.

8.3 Failure to comply with the requirements of the CPU constitutes an offence.

8.4 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.

8.5 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.

8.6 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,

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

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

8.7 Failure to comply with a requirement of the CPU by a date specified does not relieve the

Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

- 8.8 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and all the other requirements in the CPU shall commence upon the issuance of the CPU and continue in full force and effect in accordance with the terms and conditions of the CPU until such time as the Director alters or revokes the CPU.
- 8.9 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.
- 8.10 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19 and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.
- 8.11 Where there is more than one Owner each person is jointly and severally liable to comply with any requirements of the CPU unless otherwise indicated.

## **Part 9: Information regarding a Hearing before the Ontario Land Tribunal**

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

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

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

and

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

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

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

- 9.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 9.5 If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the "EBR"), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.
- The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Ministry of the Environment, Conservation and Parks, College Park 5th Flr, 777 Bay St, Toronto, ON M7A 2J3 by the earlier of:
- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
  - (b) fifteen (15) days after service on you of a copy of the CPU.
- 9.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 9.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- (a) fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and
  - (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 9.8 The procedures and other information provided in this Part 9 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws)

Issued on this 30<sup>th</sup> day October, 2023

Dan Panko  
Director, section 168.6 of the Act

## Schedule A

**Table 1A: Contaminants of Concern and Property Specific Standards in Soil**

Contaminants of Concern (COC)	Units	Property Specific Standards
<b>MEDIA – SOIL</b>		
<b>Volatile Organic Compounds</b>		
Benzene	µg/g	3.2
Ethylbenzene	µg/g	3
Toluene	µg/g	14
Xylenes	µg/g	23
<b>Petroleum Hydrocarbons</b>		
PHC F1	µg/g	204
PHC F2	µg/g	264
PHC F3	µg/g	1,560
PHC F4	µg/g	13,200
<b>Polycyclic Aromatic Hydrocarbons</b>		
Acenaphthene	µg/g	0.32
Acenaphthylene	µg/g	0.12
Anthracene	µg/g	0.88
Benzo(a)anthracene	µg/g	1.3
Benzo(a)pyrene	µg/g	1.0
Benzo(b)fluoranthene	µg/g	1.2
Dibenz(a,h)anthracene	µg/g	0.16
Fluoranthene	µg/g	3.1
Fluorene	µg/g	0.50
Indeno(1,2,3-cd)pyrene	µg/g	0.59
1 and 2-Methylnaphthalene	µg/g	8.8
Naphthalene	µg/g	3.4
Phenanthrene	µg/g	2.9
Pyrene	µg/g	2.4
<b>Metals and Inorganics</b>		
Antimony	µg/g	2.6

<b>Contaminants of Concern (COC)</b>	<b>Units</b>	<b>Property Specific Standards</b>
Arsenic	µg/g	107
Barium	µg/g	528
Beryllium	µg/g	3.7
Boron	µg/g	107
Boron (Hot Water Soluble)	µg/g	3.0
Molybdenum	µg/g	5.8
Selenium	µg/g	6.6
Thallium	µg/g	1.8
Uranium	µg/g	3.6
Zinc	µg/g	696

**Schedule B**

**Indoor Air Quality Target Levels**

Contaminant Of Concern	Indoor Air Target Level	Indoor Air Target Level	Sample Collection and Analytical Method
	Residential/ Parkland/ Institutional (R/P/I) Use  (µg/m <sup>3</sup> )	Industrial/ Commercial/ Community (I/C/C) Use  (µg/m <sup>3</sup> )	
Benzene	0.506	1.63	USEPA Method TO-15; summa canister
PHC F2	471	NA	USEPA Method TO-15; summa canister
Aliphatic C>10-C12	521	NA	USEPA Method TO-15; summa canister
Aliphatic C>12-C16	521	NA	USEPA Method TO-15; summa canister
Aromatic C>10-C12	104	NA	USEPA Method TO-15; summa canister
Aromatic C>12-C16	104	NA	USEPA Method TO-15; summa canister

**Note:**

NA – Not Applicable

PHC F2 – Petroleum Hydrocarbons Fraction 2



## SCHEDULE C

### CERTIFICATE OF REQUIREMENT

#### s.197(2)

#### *Environmental Protection Act*

This is to certify that pursuant to item 7.1 of Certificate of Property Use number 8873-CSZL7M issued by Dan Panko, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on October 30, 2023, being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property now municipally known as 985 Hydro Road, Mississauga, ON L5E 1H3 being part of Property Identifier Number PIN 13485-0776 (LT), namely, PART OF LOT 7, CONCESSION 3, SOUTH OF DUNDAS STREET, PART OF WATER LOT IN FRONT OF LOT 7, GEOGRAPHIC TOWNSHIP OF TORONTO, NOW IN THE CITY OF MISSISSAUGA, REGIONAL MUNICIPALITY OF PEEL, DESIGNATED BY PART OF PIN 13485-0776 (LT); SUBJECT TO EASEMENTS AS IN INSTRUMENT NUMBERS TT125865 AND TT141214, SUBJECT TO AN EASEMENT OVER PART OF PART 12 AND PART 7, PLAN 43R-39219, AS IN INSTRUMENT NUMBER RO604091, SUBJECT TO AN EASEMENT OVER PART OF PART 10 PLAN 43R-39219, AS IN INSTRUMENT NUMBER PR2974060, SUBJECT TO AN EASEMENT OVER PART OF PART 3 PLAN 43R-39219, AS IN INSTRUMENT NUMBER TT162654 AND DESCRIBED AS AREA 6 ON A PLAN OF SURVEY PREPARED BY J. D. BARNES LIMITED DATED OCTOBER 22, 2020, REFERENCE No. 16-30-917-03-H (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

#### **LAKEVIEW COMMUNITY PARTNERS LIMITED**

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

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

## **SCHEDULE D**

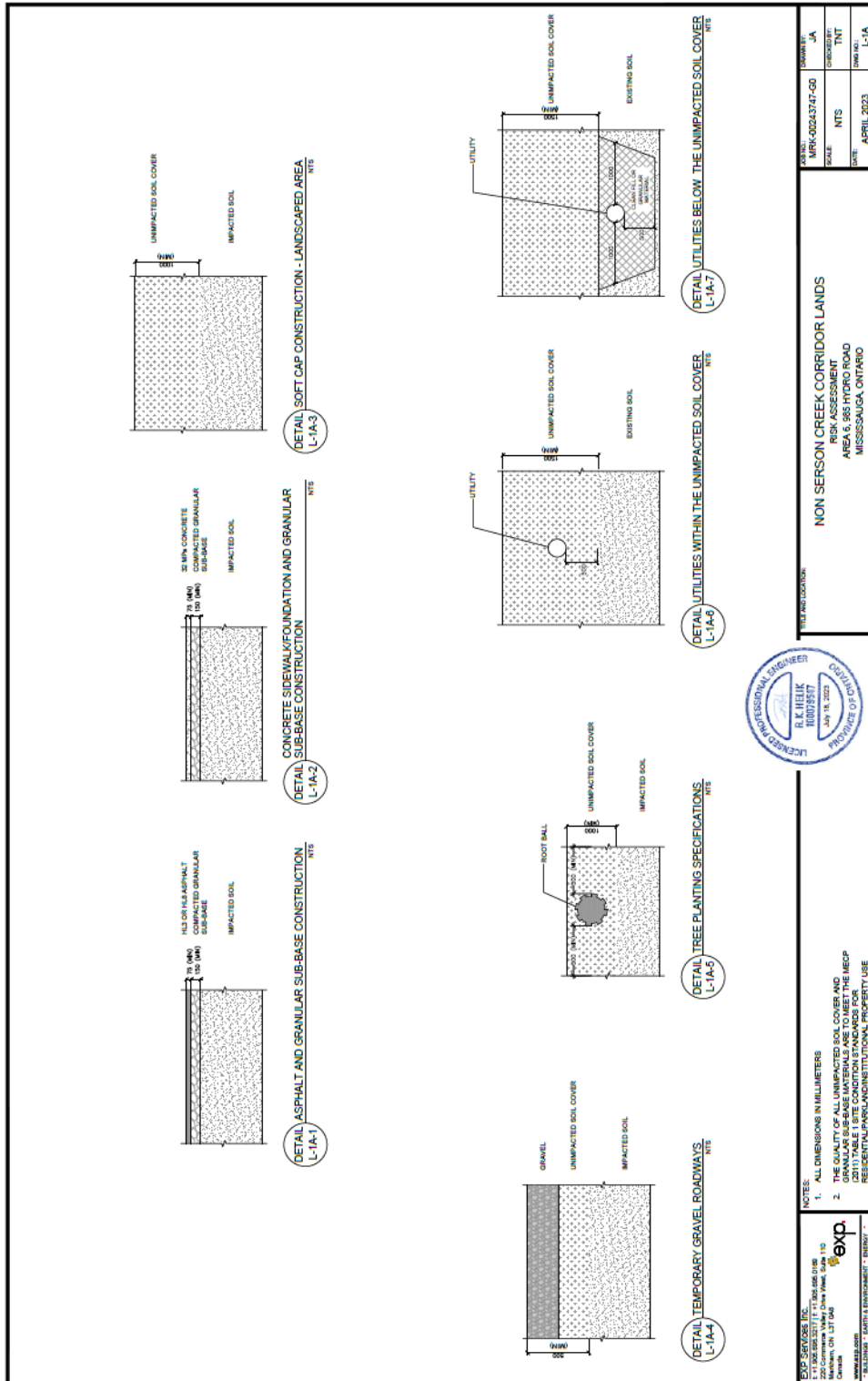
### **LEGAL DESCRIPTION OF REGULATED AREA**

The legal description of the "Regulated Area" being the part of the Property referred to within the Risk Assessment as the "Serson Creek Corridor" is

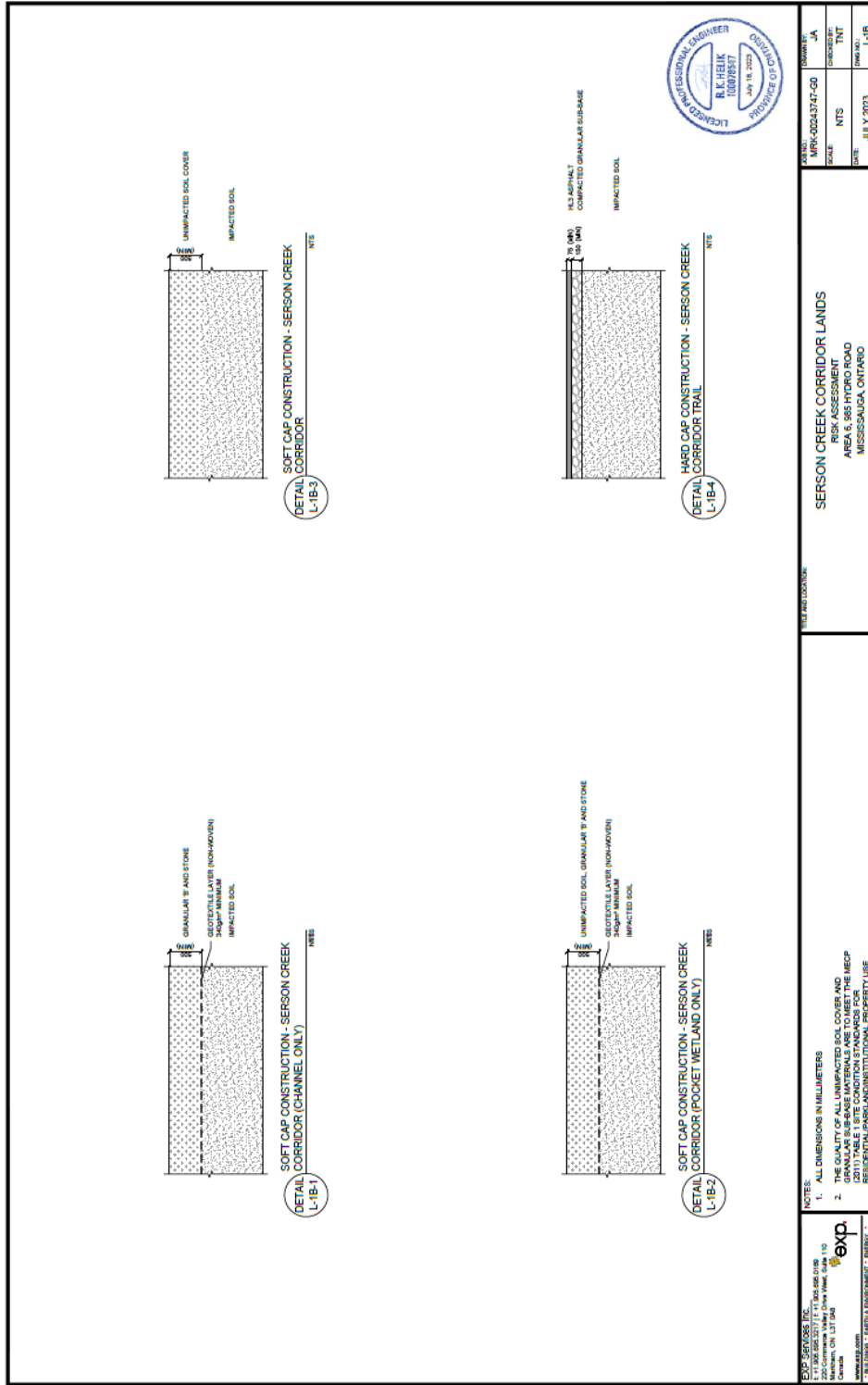
PART OF LOT 7, CONCESSION 3, SOUTH OF DUNDAS STREET, PART OF WATER LOT IN FRONT OF LOT 7, GEOGRAPHIC TOWNSHIP OF TORONTO, NOW IN THE CITY OF MISSISSAUGA, REGIONAL MUNICIPALITY OF PEEL, DESIGNATED BY PART OF PIN 13485-0776 (LT), BEING BLOCK 46 ON THE DRAFT M-PLAN PREPARED BY J. D. BARNES LIMITED DATED APRIL 24, 2023, REFERENCE NO.16-30-917-05-MP-SH-1 AND BEING PARTS 1 TO 11 on DRAFT PLAN OF SURVEY PREPARED BY J. D. BARNES LIMITED DATED JULY 15, 2022, REFERENCE NO. 16-30-917-03-EROSION, SUBJECT TO AN EASEMENT IN GROSS AS IN INSTRUMENT NO. PR2974060 AND PART 4 BEING SUBJECT TO AN EASEMENT AS IN INSTRUMENT NO. PR60406091; BLOCK 46 AND PARTS 1 TO 11 BEING REGULATED BY THE CREDIT VALLEY CONSERVATION AUTHORITY.



Drawing L-1A, Non-Serson Creek Corridor Lands, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.



Drawing L-1B, Serson Creek Corridor Lands, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated July 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.



NOTES:  
1. ALL DIMENSIONS IN MILLIMETERS  
2. THE QUANTITY OF ALL UNIMPACTED SOIL COVER AND IMPACTED SOIL SHALL BE DETERMINED BY THE IBCP (2011) TABLE 1.8.7E CONDITION STANDARD FOR RESIDENTIAL/PAVEMENT/INSTITUTIONAL PROPERTY USE

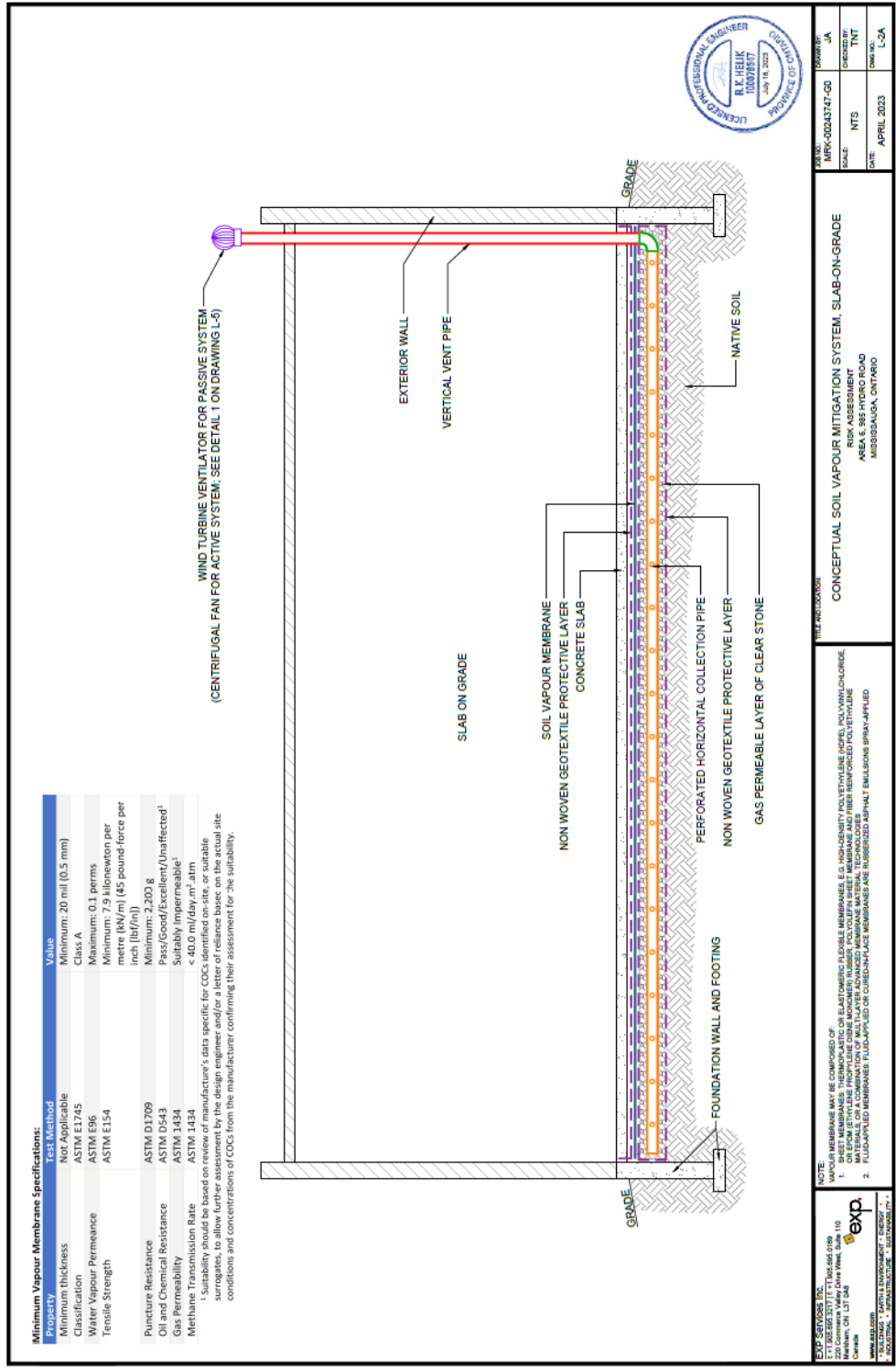
EXP SERVICES INC.  
11700 SHEPPARD AVENUE EAST, SUITE 110  
SCARBOROUGH, ONTARIO M1S 4T6  
CANADA  
WWW.EXP-SERVICES.COM  
TEL: (416) 291-1111  
FAX: (416) 291-1112  
E: SALES@EXP-SERVICES.COM

**exp**  
SERVICES  
INC.

PROJECT LOCATION:  
SERSON CREEK CORRIDOR LANDS  
RISK ASSESSMENT  
AREA 6 985 HYDRO ROAD  
MISSISSAUGA, ONTARIO

PROJECT NO.	MRK-0023747-G0	ISSUED BY	JA
SCALE	NTS	CHECKED BY	TNT
DATE	JULY 2023	DRAWN BY	L-1B

Drawing L-2A, Conceptual Soil Vapour Mitigation System, Slab-On-Grade, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.



Property	Test Method	Value
Minimum Thickness	Not Applicable	Minimum: 20 mil (0.5 mm)
Classification	ASTM E1745	Class A
Water Vapour Permeance	ASTM E96	Maximum: 0.1 perms
Tensile Strength	ASTM E154	Minimum: 7.5 lbf/inch width per inch (166N/m)
Puncture Resistance	ASTM D1709	Minimum: 2,200 g
Oil and Chemical Resistance	ASTM D543	Pass (Good/Excellent/Unaffected)
Gas Permeability	ASTM 1434	Suitably impermeable <sup>1</sup>
Methane Transmission Rate	ASTM 1434	< 40.0 ml/day m <sup>2</sup> atm

<sup>1</sup> Suitability should be based on review of manufacturer's data specific for COCs identified on-site, or suitable surrogates, to allow further assessment by the design engineer and/or a letter of reliance based on the actual site conditions and concentrations of COCs from the manufacturer confirming their assessment for the suitability.



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 Canada

NOTE:  
 VAPOUR MEMBRANE MAY BE COMPOSED OF:  
 1. ONE LAYER OF POLYETHYLENE TEREPHTHALATE (PET) OR POLYETHYLENE TEREPHTHALATE (PET) WITH AN ADVANCED MEMBRANE MATERIAL TECHNOLOGY  
 2. A COMBINATION OF MULTILAYER ADVANCED MEMBRANE MATERIAL TECHNOLOGIES

FOOTNOTES:  
 1. POLYMERIZED AMORPHOUS POLYETHYLENE TEREPHTHALATE (PET) WITH AN ADVANCED MEMBRANE MATERIAL TECHNOLOGY  
 2. POLYMERIZED AMORPHOUS POLYETHYLENE TEREPHTHALATE (PET) WITH AN ADVANCED MEMBRANE MATERIAL TECHNOLOGY

PROJECT NO: MIRV-0024747-GD  
 SCALE: NTS  
 DATE: APRIL 2023

DESIGNED BY: JA  
 CHECKED BY: TNT  
 DRAWN BY: L-2A

TITLE: 40178-0000000000  
 CONCEPTUAL SOIL VAPOUR MITIGATION SYSTEM, SLAB-ON-GRADE  
 RISK ASSESSMENT  
 AREA 6, 985 HYDRO ROAD  
 MISSISSAUGA, ONTARIO



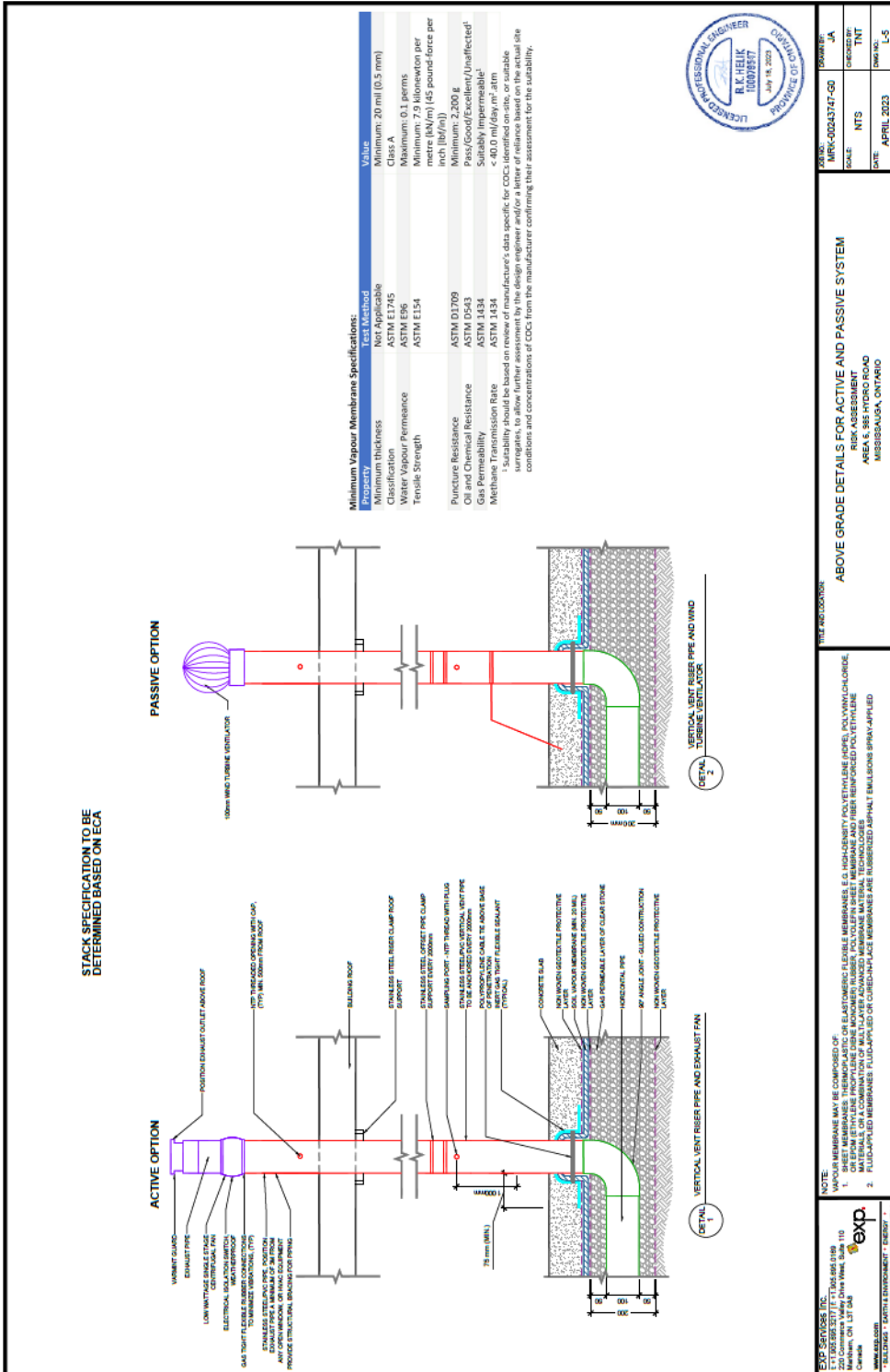








Drawing L-5, Above Grade Details for Active and Passive System, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated April 2023 and sealed on July 18, 2023 by R. K. Helik, P.Eng.



Drawing L-6, Landscape Area Plan, Risk Assessment, Area 6 985 Hydro Road, Mississauga, Ontario, prepared by EXP Services Inc., dated February 2023.

