

# Certificate of Property Use

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

Certificate of property use number **1475-CTPJHE**  
Risk assessment number **5060-BPBR3K**

**Owner:** Bay Moorings Marina Holdings GP Inc.,  
as general partner for and on behalf of Bay Moorings Marina Holdings  
Limited Partnership  
3282 Ogden's Beach Road  
Midland, Ontario  
L4R 4K6

The registered and beneficial owners of Blocks 13 and 17 from time to time,  
being lands contained within Simcoe Common Elements Condominium  
Plan No. 495, such owners being the owners of the Parcels of Tied Land set  
out in Schedule "D" to the Declaration registered as Instrument No.  
SC1968350.

**Site:** 2 Hope Street (formerly part of 200 Fox Street)  
Penetanguishene, Ontario

with a legal description as follows:

- a) BLOCK 9 ON PLAN 51M-1234: ALL OF PIN 58435-0186 (LT) – BLOCK 9,  
PLAN 51M1234 SUBJECT TO AN EASEMENT AS IN SC1908654;  
SUBJECT TO AN EASEMENT AS IN SC1861440; SUBJECT TO AN  
EASEMENT AS IN SC1817940; TOWN OF PENETANGUISHENE;
- b) BLOCK 10 ON PLAN 51M-1234; ALL OF PIN 58435-0187 (LT) – BLOCK  
10, PLAN 51M1234; SUBJECT TO AN EASEMENT AS IN SC1908654;  
SUBJECT TO AN EASEMENT AS IN SC1861440; SUBJECT TO AN  
EASEMENT AS IN SC1817940; TOWN OF PENETANGUISHENE; AND
- c) BLOCKS 13 AND 17 ON PLAN 51M-1234; PART OF PIN 59495-0001 (LT)  
– SIMCOE COMMON ELEMENTS CONDOMINIUM PLAN NO. 495 AND ITS  
APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH  
EASEMENTS AS SET OUT IN SCHEDULE A AS IN SC1968350; TOWN OF  
PENETANGUISHENE.

All as outlined on the following plans:

- a. Plan of Subdivision 51M-1234 prepared by Rudy Mak, Ontario Land  
Surveyor dated June 29, 2022; and
- b. Simcoe Common Elements Condominium Plan No. 495 prepared by  
Rudy Mak, Ontario Land Surveyor dated March 8, 2023

copies of which are attached hereto in Schedule "B".

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

**Summary:**

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

- i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:
  - a. Installing/maintaining any equipment Yes
  - b. Monitoring any contaminant No
  - c. Refraining from constructing any building specified Yes
  - d. Refraining from using the Property for any use specified Yes
  - e. Other: Preparing and implementing a soil and ground water management plan and health and safety plan for the Property. Yes
  
- ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:
  - a. The soil management plan and the health and safety plan shall be required for the Property during any activities potentially in contact with or exposing Impacted Soils for as long as the Contaminants of Concern are present on the Property.
  - b. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

## Part 1: Interpretation

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

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

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

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

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;

- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; and,
- (h) interference with the normal conduct of business.

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

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

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

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

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

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

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number [1475-CTPJHE](#).

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

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

“Impacted Soil” means soil in which one or more Contaminants are present at concentrations greater than the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 9 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil.

“Impacted Ground Water” means ground water in which one or more Contaminants are present at concentrations greater than the Ground Water Standards for All Types of Property Uses within **Table 9 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Ground Water Condition”** or the GW2 component value used to determine the **Table 7 “Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for All Types of Property Use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Risk Assessment” means the Risk Assessment number **5060-BPBR3K** accepted by the Director on June 7, 2023 and set out in the following documents and information/correspondence:

- The document entitled “200 Fox Street, Penetanguishene, Ontario, Risk Assessment Pre-Submission Form” by MTE Consultants Inc. (“MTE”) dated May 4, 2020;
- The report entitled “200 Fox Street, Penetanguishene, Ontario, Risk Assessment” by MTE dated April 27, 2022;
- The report entitled “200 Fox Street, Penetanguishene, Ontario, Revised Risk Assessment” by MTE dated April 27, 2022, revised November 2, 2022; and
- The report entitled “200 Fox Street, Penetanguishene, Ontario, Second Revised Risk Assessment” by MTE dated April 27, 2022, revised November 2, 2022, revised March 3, 2022.

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

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

“SVIMS” means soil vapour intrusion mitigation system.

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

“Unimpacted Soil” means soil in which Contaminants are present at concentrations less than the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 9 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil.

## Part 2: Legal Authority

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee

of the person to whom it was directed.

- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
- a. the performance of any action specified in the certificate of property use;
  - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
  - c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Section 168.6(1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5(1)(a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
1. Take any action that is specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the risk assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
  2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.
- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- a. alter any terms and conditions in the certificate or impose new terms and conditions;
  - or
  - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
  - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
  - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person

who will acquire an interest in the property as a result of the dealing.

- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

### Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use of “Residential” property use, as defined in O. Reg. 153/04. The Property was historically used for commercial and industrial purposes including a marina and a tannery. At the time of acceptance of the Risk Assessment, the Site was vacant and all previous Site use infrastructure had been removed. The proposed redevelopment plans for the Site are to include a four-storey residential apartment style condominium building with associated parking and landscaped areas.
- 3.2 The Contaminants on, in or under the Property that are present above the Residential/Parkland/Institutional/Industrial/Commercial/Community Property Use Standards for soils within **Table 9 “Generic Site Condition Standards for Use within 30 m of a Water Body in a Non-Potable Ground Water Condition”** of the *Soil, Ground water and Sediment Standards for Use under Part XV.1 of the Act* published by the Ministry and dated April 15, 2011 for coarse textured soil or for which there are no such standards are defined as the Contaminants of Concern. No Contaminants of Concern were identified for ground water or sediment at the Site. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU.
- 3.3 The following Schedules form part of this CPU:  
  
Schedule A – Property Specific Standards
  - Table 1 - “Recommended Property Specific Standards”

## Schedule B – Figures

- Plan of Subdivision 51M-1234 prepared by Rudy Mak, Ontario Land Surveyor dated June 29, 2022
- Simcoe Common Elements Condominium Plan No. 495 prepared by Rudy Mak, Ontario Land Surveyor dated March 8, 2023
- Figure I2 “Hard Cap and Soil Caps Conceptual Design” by MTE dated April 2020
- Drawing No. A100 “Site Plan” by ISM Architects Inc. dated December 22, 2022

## Schedule C – Certificates of Requirement

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

## Part 4: Director Requirements

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

### Risk Management Measures

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



#### 4.2.1 CAPPING (“Cap”)

The Property shall be covered by a physical barrier where there is less than 1.0 m of Unimpacted Soils between the final developed grade and Impacted Soils.

The barrier shall be designed, installed and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to Impacted Soils shall consist of a clean soil cap (fill cap), hard cap and/or fence as specified below:

4.2.1.1 Fill Cap - A clean soil cap shall consist of a minimum of 0.5 m of Unimpacted Soils. The material above the Impacted Soil may also include up to 0.5 m of non-soil surface treatment such as asphalt, concrete, concrete pavers, stone pavers, brick, aggregate or other suitable material, all as illustrated in Figure I2 “Hard Cap and Soil Caps Conceptual Design” dated April 2020 in Schedule “B”.

For any plants that are to be planted within, or near, Impacted Soils with root structures that would typically extend to depths greater than 1.0 m, the minimum Fill Cap thickness shall be 1.5 m with consideration for a thicker cap being dependent upon plant type (i.e. specific root system) and landscape specifications. The final thickness of the cap surrounding the root system for deeper rooted vegetation shall be determined by an arborist in consultation with the Qualified Person and shall consist of Unimpacted Soils overlaying a geotextile marker layer as illustrated in Figure I2 “Hard Cap and Soil Caps Conceptual Design” dated April 2020 in Schedule “B”.

Alternatively, landscaping can be planted in concrete boxes or similar planting container containing growth media or Unimpacted Soils on top of the Cap.

4.2.1.2 Hard Cap - For areas that are not under structures, a hard cap shall consist of at least 75 mm of hard surface consisting of hot mix asphalt, concrete or other surface treatment not required to support vegetative growth underlain by at least 150 mm of Granular “A” or other suitable material, all as illustrated in Figure I2 “Hard Cap and Soil Caps Conceptual Design” dated April 2020 in Schedule “B”

4.2.1.3 Upon issuance of the CPU, for portion(s) of the Property, under re-development or not in use and not capped, these areas shall have a temporary physical barrier consisting of either a temporary hard cap of a minimum 75 mm of hard surface consisting of hot mix asphalt, concrete or other surface treatment not required to support vegetative growth and/or a 0.5m Fill Cap or a fence barrier that will prevent the general public from accessing that part of the Property. The use of fencing shall also include a dust control plan to prevent any Impacted Soil from impacting the adjacent properties. In addition, erosion

control barriers such as silt fencing or retaining walls shall be installed adjacent to the Georgian Bay shoreline until such time that the final Cap has been installed.

#### 4.2.2 INSPECTION AND MAINTENANCE PROGRAM

4.2.2.1 Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:

- i. procedures and timing for implementing the program;
- ii. semi-annual inspections (spring and fall) of the Cap;
- 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; and
- vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

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

4.2.2.2 Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each barrier at the Property, including cross-sectional drawings of the

barrier showing its design and vertical and lateral extent;

and which are,

- i. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
- ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the barrier, or other relevant feature shown on the site plan; and

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

and which are,

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

#### 4.2.3 BUILDING RESTRICTIONS

No enclosed structures shall be constructed on the Property unless the building is equipped with a ventilated garage as per Item Nos. 4.2.6 “BUILDING WITH STORAGE GARAGE” and/or 4.2.7 “Open-Air Parking Garage” and/or 4.2.8 “No Ground Floor/Below Grade Residential or Commercial Use” of the CPU that covers the entire footprint of the Building.

#### 4.2.4 SOIL MANAGEMENT PLAN

Upon issuance of the CPU, prior to initiating any Intrusive Activities, prepare and implement 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 (including sediment, if required) or soil brought to the Property, and, if any, ground water from dewatering during Intrusive Activities at the Property, so as to prevent exposure to or uncontrolled movement or discharge of the Contaminants of Concern at the Property, including, at a minimum:

- a. procedures and timing for implementing the plan, including the supervision of persons implementing the plan; and
- b. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles; and
- c. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
  - i. characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
    1. is to be used as capping soil,
    2. meets the standards; or
    3. exceeds the standards;
  - ii. managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
    1. used as capping soil at the Property;
    2. otherwise used as fill at the Property;
    3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
    4. removed from the Property for off-site use as fill or disposal; and
  - iii. stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
    1. reflect the distinctions described in parts (c) i and ii; and
    2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Contaminants of Concern; and
    3. have been bermed or fenced, as appropriate, to restrict access by persons; and
    4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed; and
- d. measures to manage storm water and any ground water from dewatering at the Property to prevent the movement of entrained soil and Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments including sewer use by-laws, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for pre-treatment of discharges, if needed; and
- e. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:

- i. dates and duration of the Intrusive Activities being undertaken;
- ii. weather and site conditions during the Intrusive Activities;
- iii. the location and depth of excavation activities, and dewatering activities, if any;
- iv. dust control and soil tracking control measures;
- v. characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;
- vi. soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
- vii. management activities for any ground water from dewatering;
- viii. names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
- ix. names and contact information for any haulers and receiving sites for soil and any ground water removed from the Property, and for haulers and source sites of any soil brought to the Property; and
- x. any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

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

#### 4.2.5 HEALTH AND SAFETY PLAN

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

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

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

and which is,

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

#### 4.2.6 BUILDING WITH STORAGE GARAGE (INTERMITTENT 3.9 LITRES/SECOND OF VENTILATION) RISK MANAGEMENT MEASURE.

In accordance with Item 4.2.3 of the CPU, if the Building with Storage Garage RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a Building with Storage Garage (intermittent 3.9 Litres/second ventilation) designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings.

- a. The Storage Garage is constructed at or below grade of the Building; and
- b. The Storage Garage area covers the entire Building Area at grade; and
- c. A minimum of one complete Storage Garage level shall be constructed below all residential units.
- d. 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; and
  - ii. interconnection of air duct systems as set out in Division B, Sentence (2) of Article 6.2.3.9. (Interconnection of Systems) of the Building Code; and

- iii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
- e. 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.

#### 4.2.7 OPEN-AIR PARKING GARAGE

In accordance with Item 4.2.3 of the CPU, if the Open-Air Parking Garage RMM is to be utilized at the Property, the Owner shall ensure that no enclosed structures are constructed on the Property unless the building is equipped with a Open-Air Parking Garage designed by a Licensed Professional Engineer and signed off confirming that the design is suitable for its intended purpose. A copy of the final design including drawings and specifications, as well as, the sign-off by the professional engineer shall be provided to the Director prior to implementation, including as-built drawings.

- a. The Open-Air Parking Garage is to be constructed as an open air structure as per the definition of an “open-air storey” under O.Reg. 350/06 of the *Building Code Act, 1992* in which at least 25 percent of the total area of the perimeter walls is open to the outdoors in a manner that will provide cross ventilation to the entire storey; and
- b. The Open-Air Parking Garage area covers the entire Building at grade; and
- c. A minimum of one complete open-air storey shall be constructed below all residential units; and
- d. The Open-Air Parking Garage complies with all applicable requirements of the Building Code.

#### 4.2.8 NO GROUND FLOOR/BELOW GRADE RESIDENTIAL OR COMMERCIAL USE

In accordance with Item 4.2.3 of the CPU, if the No Ground Floor/Below Grade Residential or Commercial Use RMM is to be utilized at the Property for part(s) of the on-site Building that are not equipped with a Building with Storage Garage RMM or Open-Air Parking Garage RMM as per Items 4.2.6 and 4.2.7 of the CPU, respectively, the Owner shall ensure that the enclosed space(s) (“Enclosed Space”) be constructed such that:

- a. The Enclosed Space is not used for residential or commercial uses as defined under O.Reg. 153/04; and
- b. The Enclosed Space is not serviced by an on-duty concierge, doorman or porter; and
- c. The ventilation and air duct systems serving the Enclosed Space is a separate system from the one serving all stories above; and

- d. The Enclosed Space complies with all applicable requirements of the Building Code, such as the provisions governing:
  - i. 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
  - ii. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and
- e. The mechanical ventilation system for the Enclosed Space is designed to provide, and provide at all times, 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.
- f. The No Ground Floor/Below Grade Residential or Commercial Use RMM is not to be utilized as a stand-alone risk management measure but is to be used in conjunction with the Building with Storage Garage RMM and/or the Open-Air Parking Garage RMM as per Items 4.2.6 and 4.2.7 of the CPU to allow for the use of the Enclosed Space(s) for lobbies, vestibules, utility rooms, etc., as shown on Drawing No. A100 "Site Plan" by ISM Architects Inc. dated December 22, 2022.

#### 4.2.9 FUTURE SITE DEVELOPMENT

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

- 4.2.9.1 The dates and duration of work completed;
- 4.2.9.2 A summary of the work completed;
- 4.2.9.3 A site plan showing the location of the work;
- 4.2.9.4 Material characterization results and confirmatory sampling results, including copies of the laboratory certificates of analysis.

#### 4.2.10 SITE PLAN

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



#### 4.2.11 ANNUAL REPORT

Upon issuance of the CPU, the Owner shall prepare by March 31<sup>st</sup> of each year, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available for review by a Provincial Officer upon request. The report shall be signed by a Qualified Person and shall include, but not be limited to, the following minimum information requirements:

- 4.2.11.1 A copy of all records relating to the Capping Inspection and Maintenance Program.
  - 4.2.11.2 A copy of all records relating to the soil management plan.
  - 4.2.11.3 A copy of all records relating to the health and safety plan.
  - 4.2.11.4 A copy of any signed as constructed plans for the Building with Storage Garage and/or Open-Air Parking Garage risk management measures for any Building, including a copy of the sign-off by the professional engineer confirming the suitability of the design.
  - 4.2.11.5 A copy of signed site plans as required under Item 4.2.9 of the CPU, including any alterations.
  - 4.2.11.6 Any recommendations on changes to the risk management measures.
- 4.3 Refrain from using the Property for any of the following use(s): "Agriculture or Other" Property Uses as defined in O.Reg. 153/04.
- 4.4 Refrain from constructing the following building(s): No new enclosed structures on the Property unless the building is equipped with a ventilated garage as per Item Nos. 4.2.6 "BUILDING WITH STORAGE GARAGE" and/or 4.2.7 "Open-Air Parking Garage" of the CPU that covers the entire footprint of the Building.
- 4.5 Pursuant to the requirements of subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 4.3 and 4.4. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

#### Site Changes

- 4.6 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that

will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

## Reports

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

## Property Requirement

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

## Certificate of Requirement

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

## Verification

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

## Owner Change

- 4.11 While the CPU is in effect, the Owner shall forthwith report in writing by email, to the Director at [Environment.Barrie@Ontario.ca](mailto:Environment.Barrie@Ontario.ca) any changes of ownership of the Property, except that while the Property is registered under the *Condominium Act, 1998*, S.O.1998 c.19, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

## Financial Assurance

- 4.12 The Director has not included in the CPU a requirement that the Owner provide financial assurance at this time.

## Part 5: General

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of the CPU.
- 5.2 An application under sub section 168.6(3) of the Act to,  
a. alter any terms and conditions in the CPU or impose new terms and conditions; or  
b. revoke the CPU;  
shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.
- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from,  
a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or  
b. obtaining any approvals or consents not specified in the CPU.
- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.
- 5.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,  
a. natural phenomena of an inevitable or irresistible nature, or insurrections,  
b. strikes, lockouts or other labour disturbances,  
c. inability to obtain materials or equipment for reasons beyond your control, or  
d. any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above

occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

- 5.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the provisions of Items 4.9 and 4.10 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, and then transfers the ownership of the Property to various condominium owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.
- 5.10 Where there is more than one Owner of the Property or part of the Property each person is jointly and severally liable to comply with any requirements of the CPU relating to that owned Property unless otherwise indicated.

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

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

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

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

and

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

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

- 6.4 Unless stayed by the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 6.5 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights, 1993* (the “EBR”), you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds of appeal.
- The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the Environmental Registry of Ontario. The notice must be delivered to the Minister of the Environment, Conservation and Parks at College Park, 5<sup>th</sup> Floor, 777 Bay Street, Toronto, Ontario M7A 2J3 by the earlier of:
- 6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and
- 6.5.2 fifteen (15) days after service on you of a copy of the CPU.
- 6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 6.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- 6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the Environmental Registry of Ontario; and

- 6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.
- 6.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws).

Issued this xx<sup>th</sup> day of xxxxx 2024.

***Draft***

Chris Hyde  
Director, section 168.6 of the Act

## Schedule 'A' Property Specific Standards

**Table 1 - Recommended Property Specific Standards**

Chemical of Concern	Maximum Concentration	Applicable Site Condition Standard <sup>1</sup>	Recommended Property Specific Standard	Basis of Property Specific Standard	Dominant Exposure Pathway(s)	Risk Management Requirement(s)	Potential for Off-Site Exceedance of Applicable SCS
<b>Soil (µg/g)</b>							
Antimony	9,1	1,3	11	Maximum + 20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Arsenic	35	18	42	Maximum +20%	Direct Contact and Ingestion – Resident (Composite)	Yes	<del>No</del> <b>Yes</b>
Barium	730	220	750	Table 9 Plants & Soil Organisms Component Value	Ingestion of Soil, Vegetation, and Prey – Terrestrial Mammals and Birds	Yes	<del>No</del> <b>Yes</b>
Boron	<50	36	60	Maximum +20%	Dermal/Root Contact – Terrestrial Plants and Soil Organisms	Yes	<del>No</del> <b>Yes</b>
Cadmium	5	1,2	6	Maximum +20%	Direct Contact and Ingestion / Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Chromium	8,500	70	10,200	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Chromium VI	1,4	0,66	1,7	Maximum +20%	Dermal/Root Contact – Terrestrial Plants and Soil Organisms	Yes	<del>No</del> <b>Yes</b>
Copper	890	92	1,068	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Lead	150	120	180	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Molybdenum	<5	2	6	Maximum +20%	Ingestion of Soil, Vegetation, and Prey – Terrestrial Mammals and Birds	Yes	<del>No</del> <b>Yes</b>
Selenium	<5	1,5	6	Maximum +20%	Ingestion of Soil, Vegetation, and Prey – Terrestrial Mammals and Birds	Yes	<del>No</del> <b>Yes</b>
Silver	<2	0,5	2,4	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Uranium	5	2,5	6	Maximum +20%	Direct Contact and Ingestion – Resident	Yes	<del>No</del> <b>Yes</b>
Zinc	880	290	1,056	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
2-Chlorophenol	<0,5	0,1	0,6	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
2,4-Chlorophenol	<0,5	0,1	0,6	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Pentachlorophenol	<0,5	0,1	0,6	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
2,4,5-Trichlorophenol	<0,5	0,1	0,6	Maximum +20%	Dermal/Root Contact – Terrestrial Plants and Soil Organisms	Yes	<del>No</del> <b>Yes</b>
2,4,6-Trichlorophenol	<0,5	0,1	0,6	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Acenaphthene	6,5	0,072	7,8	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct Contact – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Acenaphthylene	0,52	0,093	0,62	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Anthracene	16	0,22	19	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>
Benz(a)anthracene	22	0,36	26	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> <b>Yes</b>

Chemical of Concern	Maximum Concentration	Applicable Site Condition Standard <sup>1</sup>	Recommended Property Specific Standard	Basis of Property Specific Standard	Dominant Exposure Pathway(s)	Risk Management Requirement(s)	Potential for Off-Site Exceedance of Applicable SCS
Benzo(a)pyrene	18	0,3	20	Table 9 Plants & Soil Organisms Component Value	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Benzo(b)fluoranthene	22	0,47	26	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Benzo(g,h,i)perylene	8,7	0,68	10,4	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Benzo(k)fluoranthene	8,8	0,48	10,6	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Chrysene	18	2,8	22	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Dibenz(a,h)anthracene	2,9	0,1	3,5	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Fluoranthene	49	0,69	50	Table 9 Plants & Soil Organisms Component Value	Ingestion of Soil, Vegetation, and Prey – Terrestrial Mammals and Birds	Yes	<del>No</del> Yes
Fluorene	11	0,19	13	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Indeno(1,2,3-cd)pyrene	10	0,23	12	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
1+2-Methylnaphthalene	4,8	0,59	5,8	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Naphthalene	4,2	0,09	5,0	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Phenanthrene	55	0,69	66	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Pyrene	42	1	50	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
PHC F1	<30	25	36	Maximum +20%	Dermal/Root Contact – Terrestrial Plants and Soil Organisms	Yes	<del>No</del> Yes
PHC F2	2,700	10	3,100	Table 9 S1 Component Value	Vapour Intrusion – Resident (Toddler)	Yes	<del>No</del> Yes
PHC F3	8,300	240	9,960	Maximum +20%	Dermal/Root Contact – Terrestrial Plants and Soil Organisms	Yes	<del>No</del> Yes
PHC F4	3,200	120	3,840	Maximum +20%	Dermal/Root Contact – Terrestrial Plants and Soil Organisms	Yes	<del>No</del> Yes
Benzene	0,08	0,02	0,10	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Ethylbenzene	<0,06	0,05	0,072	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Toluene	2	0,2	2,4	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes
Xylene Mixture	0,16	0,05	0,19	Maximum +20%	Soil Erosion to Sediment and Subsequent Direct – Aquatic Receptors	Yes	<del>No</del> Yes

<sup>1</sup> 2011 Table 9 SCS from "Soil Standards for Use Under Part XV.1 of the Environmental Protection Act", April, 2011, for Residential/Parkland/Institutional and Industrial/Commercial/Community property use and coarse textured soil.



## **Schedule 'B'**

### **FIGURES**

- Plan of Subdivision 51M-1234 prepared by Rudy Mak, Ontario Land Surveyor dated June 29, 2022
- Simcoe Common Elements Condominium Plan No. 495 prepared by Rudy Mak, Ontario Land Surveyor dated March 8, 2023
- Figure I2 "Hard Cap and Soil Caps Conceptual Design" by MTE dated April 2020
- Drawing No. A100 "Site Plan" by ISM Architects Inc. dated December 22, 2022

Draft



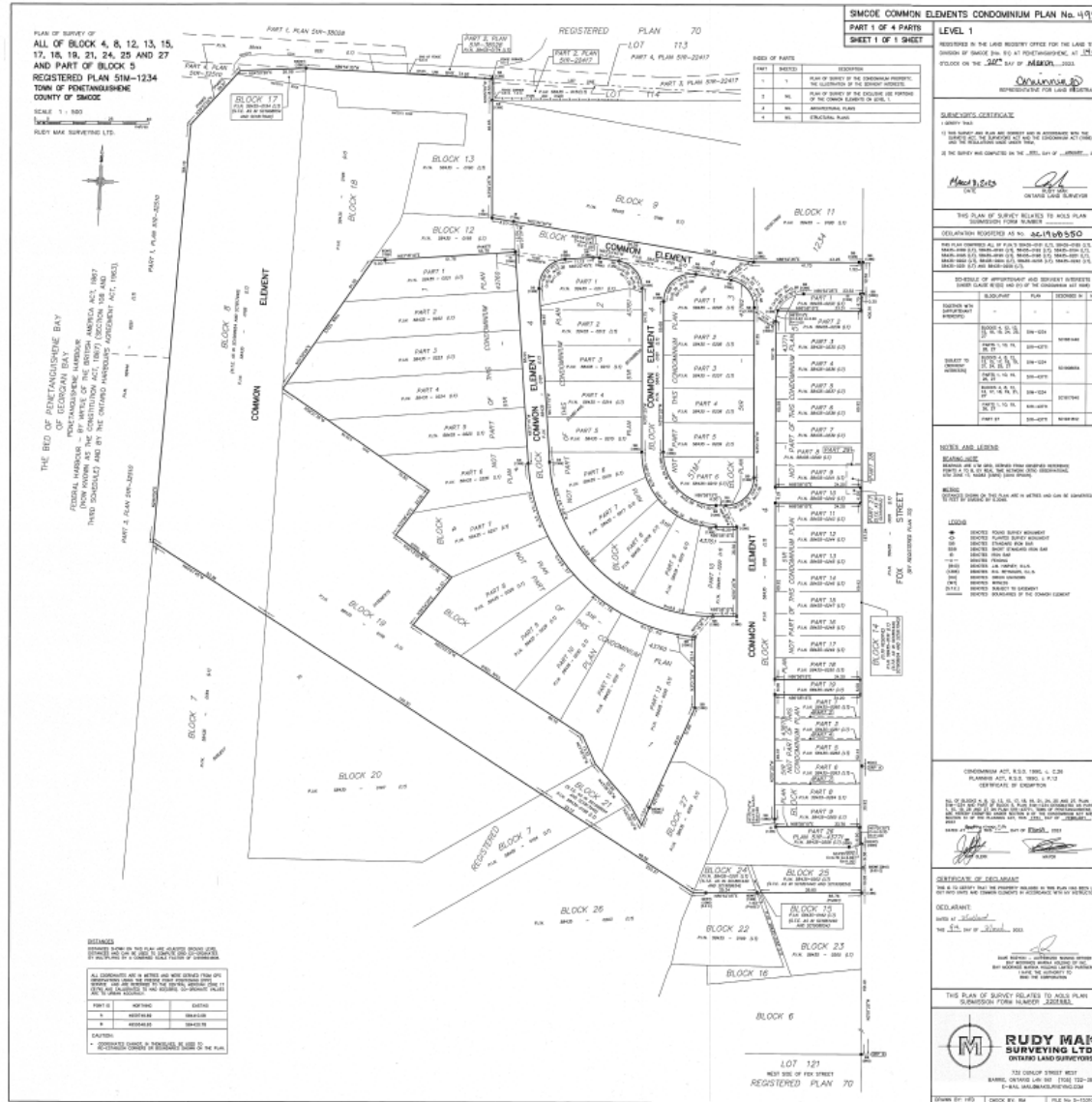
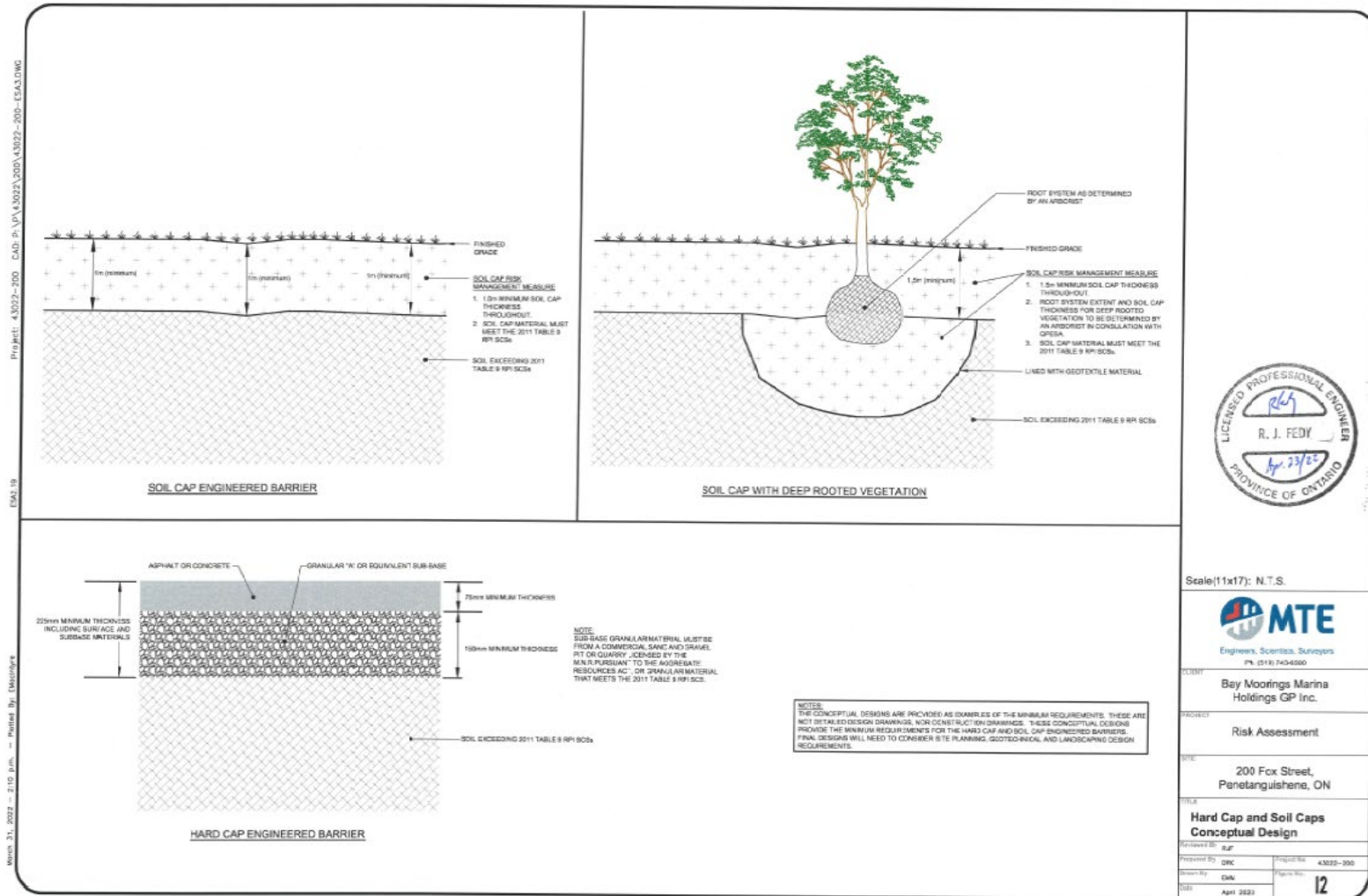


Figure I2 "Hard Cap and Soil Caps Conceptual Design" by MTE dated April 2020



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



Engineers, Scientists, Surveyors  
P. # (519) 743-8200

CLIENT: Bay Moorings Marina Holdings GP Inc.

PROJECT: Risk Assessment

200 Fox Street,  
Penetanguishene, ON

TITLE: Hard Cap and Soil Caps  
Conceptual Design

Prepared By: g.jf	Project No: 43033-300
Drawn By: DM	Figure No: 12
Date: April 2020	



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

This is to certify pursuant to Item 4.8 of the Certificate of Property Use number **1475-CTPJHE** issued by Chris Hyde, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act* on **xxxxxx**, 2024 being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as **2 Hope Street (formerly part of 200 Fox Street), Penetanguishene, Ontario**, namely

- a) BLOCK 9 ON PLAN 51M-1234: ALL OF PIN 58435-0186 (LT) – BLOCK 9, PLAN 51M1234 SUBJECT TO AN EASEMENT AS IN SC1908654; SUBJECT TO AN EASEMENT AS IN SC1861440; SUBJECT TO AN EASEMENT AS IN SC1817940; TOWN OF PENETANGUISHENE;
- b) BLOCK 10 ON PLAN 51M-1234; ALL OF PIN 58435-0187 (LT) – BLOCK 10, PLAN 51M1234; SUBJECT TO AN EASEMENT AS IN SC1908654; SUBJECT TO AN EASEMENT AS IN SC1861440; SUBJECT TO AN EASEMENT AS IN SC1817940; TOWN OF PENETANGUISHENE.

All as outlined on the Plan of Subdivision 51M-1234 prepared by Rudy Mak, Ontario Land Surveyor dated June 29, 2022, (the "Property"), with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the Property,

**Bay Moorings Marina Holdings GP Inc.,**  
**as general partner for and on behalf of**  
**Bay Moorings Marina Holdings Limited Partnership**

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

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

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

This is to certify pursuant to Item 4.8 of the Certificate of Property Use number **1475-CTPJHE** issued by Chris Hyde, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act* on **xxxxxx**, 2024 being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property **formerly part of 200 Fox Street, Penetanguishene, Ontario**, namely

BLOCKS 13 AND 17 ON PLAN 51M-1234; PART OF PIN 59495-0001 (LT) – SIMCOE COMMON ELEMENTS CONDOMINIUM PLAN NO. 495 AND ITS APPURTENANT INTEREST; SUBJECT TO AND TOGETHER WITH EASEMENTS AS SET OUT IN SCHEDULE A AS IN SC1968350; TOWN OF PENETANGUISHENE.

All as outlined on the Simcoe Common Elements Condominium Plan No. 495 prepared by Rudy Mak, Ontario Land Surveyor dated March 8, 2023, (the "Property"), with respect to the Risk Assessment and certain Risk Management Measures and other preventative measure requirements on the Property,

**The registered and beneficial owners of Blocks 13 and 17 from time to time, being lands contained within Simcoe Common Elements Condominium Plan No. 495, such owners being the owners of the Parcels of Tied Land set out in Schedule "D" to the Declaration registered as Instrument No. SC1968350.**

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

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