
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: 1177-CRMQAB
Risk assessment number: 4752-CCCP99

Owner:

HIP Abstract GP Inc. (Registered Owner)

74 Grand Avenue South
Cambridge, ON, N1S 0B7

HIP Abstract LP (Beneficial Owner0)
by its general partner
HIP Abstract GP Inc.

700 Rupert Street
Waterloo, ON, N2V 2B5

Property:

659 & 667 King St. W., Kitchener (Property)

With a Legal Description of:

**FIRSTLY: PT LT 34-35 PL 377 KITCHENER; PT LT 31 STREETS & LANES
KITCHENER PART 1 PLAN 58R2733; KITCHENER; SECONDLY: PT LT 33, 76 PL 377
KITCHENER; PT LT 31 STREETS & LANES KITCHENER PARTS 4, 5 & 6 PLAN
58R3397; CITY OF KITCHENER**

Being All of PIN: 22425-0288 (LT)

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.

Risk Management Measures (RMMs) that are required to be implemented are found in Part 4 of the CPU, Director Requirements. Key RMMs specified in Part 4 include, but are not limited to:

- Maintaining the existing hard cap barriers and soil cap barriers on the Property and installing, inspecting and maintaining any new hard cap or shallow soil cap barriers on the Property or portions of the Property as specified Section 4.2 (a), 4.2 (b), 4.2 (c) and 4.2 (d) of this CPU;
- Prohibiting the construction of any new Building (s) on the Property unless the new Building (s) is constructed as specified in Section 4.2 (e) of this CPU;
- Prohibiting the use of ground water in on or under the Property as per Section 4.2 (h) of this CPU;
- Implementing a soil and ground water management plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil and ground water that have been identified in the RA at concentrations that exceed the Applicable Site Condition standards as per Section 4.2 (i) of this CPU;
- Implementing a health and safety plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil and ground water that have been identified in the RA at concentrations that exceed the applicable site condition standards as specified in Section 4.2 (j) of this CPU;
- The preparation of an annual report documenting activities related to the Risk Management Measures undertaken during the previous calendar year as specified in Section 4.2 (k) of this CPU; and,
- Registering a certificate on the Property title in accordance with Section 197 of the Environmental Protection Act and that before dealing with the Property in any way, a copy of the CPU is to be given to any person who will acquire an interest in the Property as per Section 4.5, 4.6 and 4.7 of this CPU.

Part 1: Interpretation

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

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

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

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

“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.

“Applicable Site Condition Standards” and “ASCS” means soil and ground water that meets the soil or ground water criteria identified in **Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition (coarse textured soils) (residential/institutional and parkland use)** 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;

“Approved Model” has the same meaning as in subsection 1 (1) of Schedule C of O. Reg. 153/04, namely, the data file entitled “Modified Generic Risk Assessment Model” and dated October 19, 2009 as amended from time to time, that is maintained by the Ministry as part of its Brownfield initiative and is available on the Internet and may be available in such other manner as the Minister considers appropriate;

“Barrier” means a Fill Cap Barrier or Hard Cap Barrier;

“Building” and “Building (s)” means an enclosed structure or structures 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 soil that meets the Applicable Site Condition Standards (ASCS);

“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 may cause an Adverse Effect;

“Contaminant of Concern” and “COC” has the meaning as set out in Section 3.2 of the CPU;

“CPU” means this Certificate of Property Use Number No. **1177-CRMQAB** as may be amended from time to time;

"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;

“Environmental Compliance Approval” has the same meaning as set out in the Act;

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

- a) is at least 1.5 metres thick, where the option to modify the S3 component value in the Approved Model for protection of subsurface workers from direct soil contact has been used in the Risk Assessment, as specified in section 7 of the Risk Assessment report, and,
- b) consists of at least 0.5 metres thickness of Capping Soil, and above this, cover consisting of additional Capping Soil or non-soil surface treatment such as asphalt, concrete or concrete pavers, stone pavers, brick or aggregate.

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

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

“Hard Cap Barrier” means an asphalt or concrete cover layer, above the Contaminants of Concern, 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 holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.R.O. 1990, c. P.28;

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

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

“Owner” means the owner(s) of the Property, 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;

“Property” means the property that is the subject of the CPU and described in the “Property” section on page 1 above, and illustrated in Figure 1 of Schedule A which is attached to and forms part of this CPU;

“Property Specific Standards” and “PSS” means the property specific standards established for the Contaminants of Concern set out in the Risk Assessment and in Section 3.2 of the CPU;

"Provincial Officer" 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 O. Reg. 153/04;

"Risk Assessment" and “RA” means the Risk Assessment No. 4752-CCCP99 accepted by the Director on **MARCH 13, 2023** and set out in the following final documents:

- **Pre-Submission Form for 659-667 King St. W, Kitchener, Ontario. Prepared by MTE Consultants Inc. and Chung & Vander Doelen Engineering Ltd., dated March 8, 2022;**
- **Risk Assessment for 659-667 King St. W, Kitchener, Ontario. Prepared by MTE Consultants Inc. and Chung & Vander Doelen Engineering Ltd., dated October 17, 2022; and,**
- **Revised Risk Assessment for 659-667 King St. W, Kitchener, Ontario. Prepared by MTE Consultants Inc. and Chung & Vander Doelen Engineering Ltd., dated January 24, 2023.**

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

“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 the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), 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 that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, 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 the 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 the 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 (RA) was undertaken for the Property to establish the risks that the Contaminants identified in the RA may pose to future users and to identify appropriate Risk Management Measures (RMMs) to be implemented to ensure that the Property is suitable for the intended use: **commercial, community, residential and institutional use** as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in, or under the Property that are present either above **Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition (coarse textured soils)** for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011 or for which there are no such

standards, are set out in the RA (Contaminants of Concern). The Property Specific Standards for these Contaminants of Concern are set out in **Table A and Table B of Schedule 'A'** which is attached to and forms part of the CPU.

- 3.3 I am of the opinion, for the reasons set out in the RA that the RMMs described therein and outlined 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 RA.
- 3.4 The RA indicates the presence of Contaminants of Concern in soil and ground water which requires on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property and impose Building restrictions and implement RMMs as set out in the RA and in Part 4 of the CPU.
- 3.5 I believe for the reasons set out in the RA 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 section 197 order requirements in Section 4.5, Section 4.6 and Section 4.7 of this CPU.

Part 4: Director Requirements

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

Risk Management Measures

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Section 4.1, carry out or cause to be carried out the following key elements of the RMMs:

Hard Cap Barrier or Fill Cap Barrier (modified S3 soil component value) Risk Management Measure:

- a) Cover all areas of the Property where Contaminants of Concern are present at or within 1.5 metres below the soil surface such that a Hard Cap Barrier or Fill Cap Barrier is in place in these areas, so as to prevent exposure to the Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Contaminants of Concern are present below the soil surface; and,
- b) Before commencing development of all or any part of the Property, install fencing and implement dust control measures for any part of the Property requiring covering but which has not been covered, so as to prevent exposure to the Contaminants of Concern at the Property. Fencing and dust control measures shall be maintained until such time as the Hard Cap Barrier or Fill Cap Barrier (s) are installed.

Inspection, Maintenance and Reporting Requirements for all Barriers:

- c) Prepare and implement a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each Barrier at the Property so long as the Contaminants of Concern are present at the Property, including, at a minimum:
- i. procedures and timing for implementing the program;
 - ii. semi-annual inspections, in spring and fall, of the Barrier;
 - iii. noting any deficiencies in the Barrier observed during the inspections, or at any other time;

- iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation that the Barrier has been properly repaired;
- v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the Barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Contaminants of Concern in that area of the Property; 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 are

- vii. 1. 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. 2. updated and delivered to the Owner within 30 days following making any alteration to the program; and,
- d) 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 is ,

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

New Enclosed Building (s):

- e) Refrain from constructing any **new Building(s)** on, in or under the Property unless the use of the First Storey of the **Building (s)** is restricted to commercial and or community use and the new Building (s) includes, a storage garage (**continuous ventilation not less than 3.9 liters per second**) or an Active SVIMS specified in Table 7-1: Risk Management Measures of the RA along with Section 4.2 (f) and or 4.2 (g) of this CPU.
- f) The construction of any **new Building(s)** on the Property, other than that specified in 4.2 (g), shall include, and be constructed with, a Storage Garage, as defined in the Building Code, shall meet the following requirements:
 - i. The storage garage is constructed at or below the Grade of the Building (s);
 - ii. The storage garage complies with all applicable requirements of the Building Code, such as provisions governing:
 - a. 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;
 - b. 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
 - c. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code; and,

- iii. The mechanical ventilation system for the Storage Garage is designed to provide, and provides 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, as set out in Table 7.1 of the Risk Assessment.
- g) The construction of any new **Building (s)** on the Property, other than that specified in 4.2 (f) of this CPU, shall include, and be constructed with an Active SVIMS, and the Active SVIMS meets the following requirements:

DESIGN, INSTALLATION AND OPERATION

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

SYSTEM REQUIREMENTS

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

SUB-SLAB FOUNDATION LAYER

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

SOIL VAPOUR VENTING LAYER

- c. throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer designed for collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:
 - i. perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth;or,

other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency; and

- ii. for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; and
- iii. clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers, and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table; and

SOIL VAPOUR BARRIER MEMBRANE

- d. throughout the Building Area, a continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, below the foundation floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:
 - i. is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable; and
 - ii. has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licensed Professional Engineer; and

VENT RISERS

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

- iv. a wind turbine or solar powered wind turbine on each vent risers for a Passive SVIMS, as applicable, and an electrical powered fan on each vent risers, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions; and

MONITORING DEVICES

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

LABELING OF EQUIPMENT

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

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; and

QUALITY ASSURANCE / QUALITY CONTROL

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

- i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licensed Professional Engineer; and

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

and which are,

 - vii. 1 delivered to the Owner before installation of the SVIMS begins; and
 - viii. 2 updated and delivered to the Owner within 30 days of making any alteration to the program; and

AS CONSTRUCTED PLANS

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

and which are:

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

INSPECTION AND MAINTENANCE

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

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate; and
- iii. inspections of the SVIMS including:
 1. semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building; and
 2. semi-annual inspections, in spring and fall, the visible components of the SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building; and
 3. additional inspections, on a more frequent basis as appropriate, of the wind turbine(s) or solar powered wind turbine(s) to determine whether they turn frequently and/or of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and
 4. additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal; and
- iv. noting any deficiencies with the floor slab and SVIMS identified during any inspection, or at any other time; and
- v. repairing promptly any deficiencies, including under the supervision of a Licensed Professional Engineer for a deficiency referred to in part iii above; and
- vi. factors and considerations for determining if additional inspections or monitoring should be undertaken; and
- vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry 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; and
- viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licensed Professional

Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which are,

1. 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
2. updated and delivered to the Owner within 30 days following making any alteration to the program; and

OPERATIONAL MONITORING

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

- i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program; and
- ii. locations and description of the devices and equipment used, or tested, for each monitoring event; and
- iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate; and
- iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:
 1. at least once before occupancy and as considered appropriate by a Licensed Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using temporary or permanently installed electrically powered fan(s), including with respect to the soil vapour venting layer being able to achieve a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and
 2. at least once before occupancy, quarterly during the first two years after occupancy has commenced and semi-annually thereafter measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in part vi. of section g. above; and
- v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licensed Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity

and effectiveness of the installed SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken,

such as:

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

and which are,

1. 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
2. updated and delivered to the Owner within 30 days of following making any alteration to the program; and

INTRUSIVE ACTIVITIES CAUTION

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

and which are,

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

Prohibition of Ground Water Use:

- h) 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,

- i. Refrain from using ground water in or under the Property as a potable source of water; and

- ii. 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):
 - 1. properly abandon on the Property any wells, as described or defined in the OWRA, according to the requirements set out in Regulation 903 of the Revised Regulations of Ontario 1990: (Wells), made under the OWRA; and,
 - 2. refrain from constructing on the Property any wells as described or defined in the OWRA.

Soil and Ground Water Management Plan:

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

- e. characterization and management of ground water because of dewatering activities. This shall include the management of and proper characterization of ground water prior to and during any dewatering activities to ensure proper disposal of the ground water in accordance with all applicable acts, regulations, permits and approvals.
- f. 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 are,

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

Health and Safety Plan Requirement:

- j) 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 are,

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

Annual Reports Requirement:

- k) The Owner shall prepare by March 31 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 upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements as applicable:
 - a. a copy of all records relating to the inspection and maintenance program for the Barrier to site soils and SVIMS;
 - b. a copy of all records related to pressure monitoring of the SVIMS;
 - c. a copy of all records relating to the soil and ground water management plan;
 - d. a copy of all records relating to the health and safety plan;
 - e. a copy of any signed as constructed plans for the SVIMS for any Building; and
 - f. a copy of signed site plans including any alterations; and
 - g. confirmation that the Building with Storage Garage covers the entire Building footprint and is ventilated in accordance with Section 4.2 (f).

Site Changes

- 4.3 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the RMMs and/or any underlying basis for the RMMs, forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further RMMs 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

- 4.4 The Owner shall retain a copy of any reports required under the CPU, the Risk Assessment and any reports referred to in the Risk Assessment (until otherwise notified by the Director) 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

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

Certificate of Requirement

- 4.6 Within fifteen (15) calendar days from the date of receipt of a certificate of requirement, issued under subsection 197(2) of the Act, completed as outlined in Schedule 'B', register the certificate of requirement on title to the Property in the appropriate land registry office.
- 4.7 Within five (5) calendar days after registering 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 the certificate of requirement has been registered on title to the Property.

Owner Change

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

Financial Assurance

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

Part 5: General

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

- b) strikes, lockouts or other labour disturbances,
- c) inability to obtain materials or equipment for reasons beyond your control, or
- d) any other cause whether similar to or different from the foregoing beyond your control,

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

- 5.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with provisions of Sections 4.8 and 4.9 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.
- 5.10 Where the CPU requires that the Director must be notified or receive a report this should be done by email at environment.guelph@ontario.ca
- 5.11 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 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. 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

Director

Ministry of the Environment, Conservation and Parks
1 Stone Rd. West, 4th Floor
Guelph, ON
N1G 4Y2

Fax: 519-826-4286
Email: environment.guelph@ontario.ca

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

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

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

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

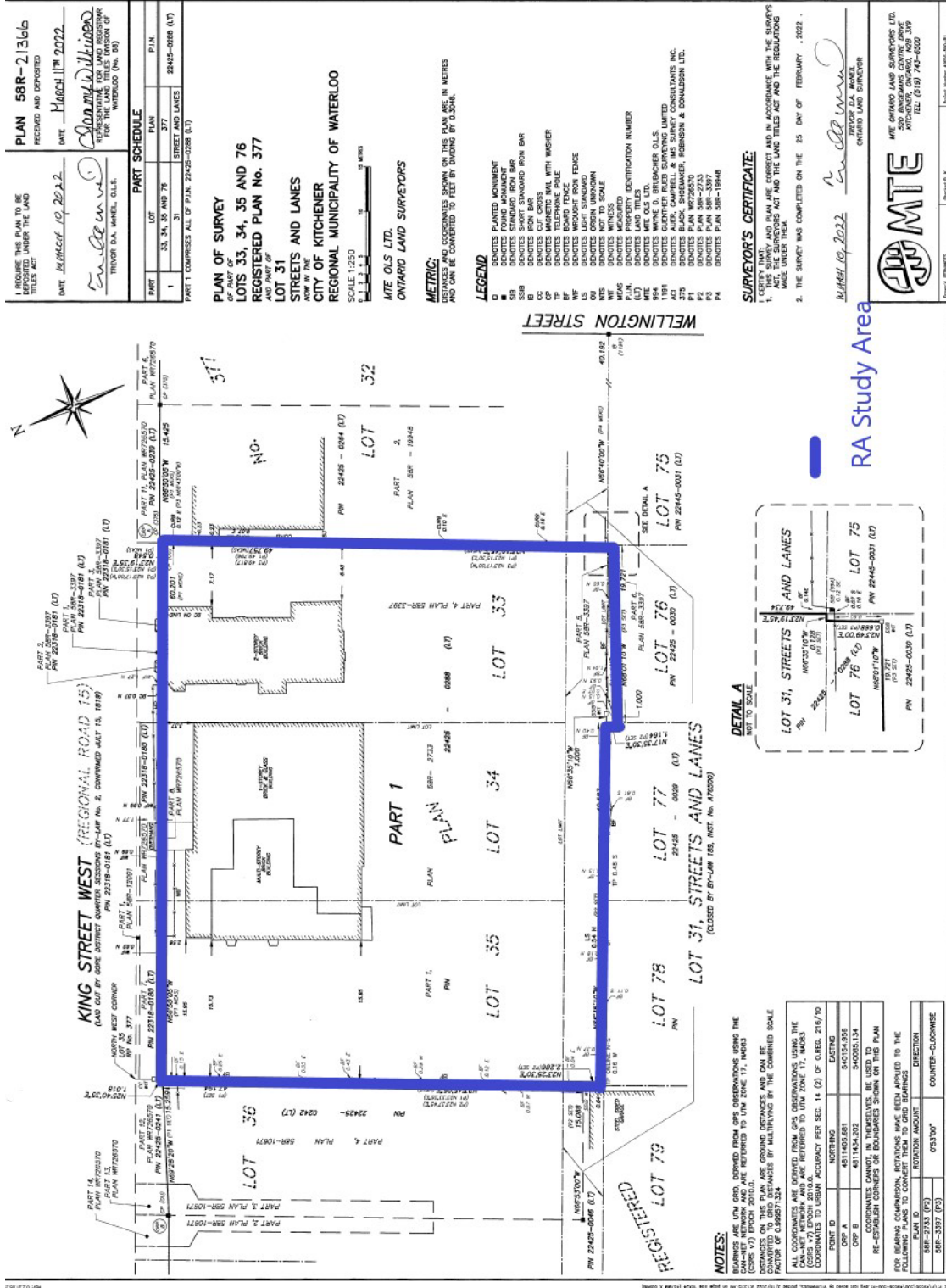
- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
 - (b) fifteen (15) days after service on you of a copy of the CPU.
- 6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order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

Issued at Guelph this **27th** day of **MAY 2024**.

A handwritten signature in black ink, appearing to read 'A. Todd', written in a cursive style.

Aaron Todd,
Director, section 168.6 of the Act

Schedule 'A': Figure 1- Site Plan (not to scale)



Schedule 'A': Table A - Property Specific Standards (PSS) - Soil

<i>Soil Contaminant of Concern (COC)</i>	<i>PSS (µg/g)</i>
Acenaphthylene	3
Anthracene	10
Arsenic	150
Benz(a)anthracene	32
Benzo(a)pyrene	25
Benzo(b)fluoranthene	17
Benzo(g,h,i)perylene	10
Benzo(k)fluoranthene	23
Cadmium	2.4
Chrysene	23
Dibenz(a,h)anthracene	3.5
Fluoranthene	69
Indeno(1,2,3-cd)pyrene	14
Lead	200
2-(1-) Methyl naphthalene	26
Naphthalene	11
PHC F3	590
Phenanthrene	87
1,1'-Biphenyl	4
Trichloroethylene	0.58

Schedule 'A': Table B - Property Specific Standards (PSS) – Ground Water

<i>Ground Water Contaminant of Concern (COC)</i>	<i>PSS (µg/L)</i>
1,1-Dichloroethane	140
1,2-Dichloroethane	6.4
1,1-Dichloroethylene	16
cis-1,2-Dichloroethylene	200
trans-1,2-Dichloroethylene	9.8
Trichloroethylene	1400
Vinyl Chloride	170

SCHEDULE 'B'

CERTIFICATE OF REQUIREMENT

s.197(2)

Environmental Protection Act

This is to certify that pursuant to Section 4.7 of Certificate of Property Use number **1177-CRMQAB** issued by **Aaron Todd**, Director of the Ministry of Environment, Conservation and Parks under subsections 168.6(1) and 197(1) of the *Environmental Protection Act*, dated **MAY 27, 2024** being a Certificate of Property Use and order under section 197(1) of the *Environmental Protection Act* relating to the property municipally known as **659 & 669 King Street West, Kitchener and being All of PIN: 22425-0288 (LT) (the "Property")** with respect to a Risk Assessment and Risk Management Measures and other preventive measure requirements,

HIP Abstract GP Inc.

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

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