

## Certificate of Property Use - DRAFT

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: 0432-D6SKDJ  
Risk assessment number: 4710-C3TKF2

Owner:

1000608170 Ontario Inc.  
500 Hanlon Creek Boulevard  
Guelph, ON, N1C 0A1

(Registered Owner)

Property:

171 Guelph Avenue, Cambridge, Ontario

(Property)

With a Legal Description of:

**PART LOTS 28, 30 PLAN 803 CAMBRIDGE, BEING PARTS 2, 3, 4, 5, 6 AND 7 ON PLAN  
58R22030; CITY OF CAMBRIDGE**

**Being PART of PIN: 03758-1452(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:

- Prohibiting the construction of any new Building (s) on the Property as specified in Section 4.2 (a) of this CPU;
- Installing, inspecting and maintaining hard cap, fill cap barriers and or raised boardwalks for the purposes of recreational trails and footpaths on the Property as per Sections 4.2 (b) to 4.2 (f) of this CPU;

- Implementing a soil and groundwater management plan during any intrusive activities on the Property or portions of the Property potentially in contact with COCs identified in soil and groundwater as specified in Section 4.2 (g) 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 groundwater that exceed the Applicable Site Condition Standards (ASCS) as detailed in as per Section 4.2 (h) of this CPU;
- Prohibiting the planting of fruit and vegetables for consumption, other than those planted in above ground containers such that they are isolated from the subsurface conditions as per Section 4.2 (i) of this CPU;
- Prohibiting the use of groundwater in, on or under the Property as per Section 4.2 (k) of this CPU;
- Implementation of a creek bank monitoring program as per Section 4.2 (l) 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;

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified in **Table 1: Full Depth Background Condition Standards (residential, parkland, institutional, industrial, commercial and community 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;

“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 ASCS;

“Competent Person” has the same meaning as set out 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 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. **0432-D6SKDJ** 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 Material” means loose, granular material from an Ontario Ministry of Natural Resources (MNR)-licensed quarry or other non-soil material or commercial products such as compost bark chips, concrete, unshrinkable fill, crushed concrete, concrete-based materials or equivalent;

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

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

“Guelph District Engineer” means the district engineer for the Ministry’s Guelph District Office.

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or groundwater, 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 – Site Plan and Plan of Survey in 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. 4710-C3TKF2** accepted by the Director on, **February 12, 2024** and set out in the following final documents:

- **Risk Assessment Pre-Submission Form for Part of 155 & 171 Guelph Avenue, Cambridge, Ontario. Prepared by MTE Consultants Inc. and Chung & Vander Doelen Engineering Ltd., dated June 8, 2021;**
- **Risk Assessment for 171 Guelph Avenue, Cambridge, ON. Prepared by MTE Consultants Inc. and Chung & Vander Doelen Engineering Ltd., dated October 7, 2022; and,**
- **Revised Risk Assessment for Part of 155 & 171 Guelph Avenue, Cambridge, ON. Prepared by MTE Consultants Inc. and Chung & Vander Doelen Engineering Ltd., dated July 27, 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;

“Risk Management Plan” and “RMP” means the risk management plan detailed in Section 7.0 and Appendix H of the RA; and,

“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: **parkland use** as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in, or under the Property that are present either above **Table 1: Full Depth Background Site Condition Standards (residential, parkland, institutional, industrial, commercial and community use)** 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, Table B and Table C 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, groundwater and sediment 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:

#### **Restriction on Enclosed Buildings (Building (s)):**

- a) The Owner shall refrain from constructing any **Building (s)** or portions thereof on, in or under the Property. The construction of any Buildings (s) on the property is prohibited for as long as the Contaminants of Concern (COCs) are present on, in or under the Property at concentrations that exceed the ASCS.

#### **Hard Cap/Fill Cap Barriers and Raised Boardwalk – Recreational Trails:**

- b) Hard cap barriers, fill cap barriers, and or raised boardwalks for the purposes of recreational trails are required to be installed over the entirety of the Property to prevent exposures to the COCs identified on the Property and shall be inspected and maintained for as long as the COCs are present at concentrations that exceed the ASCS. The hard cap barriers, fill cap barriers and or raised boardwalks shall be installed on the Property in accordance with Section 7.9 of the RMP along with Schedule 'A': Figure 2 – Hard Cap, Fill Cap Barrier, and Raised Boardwalk Specifications (**Figure 2**), which is attached to and forms part of this CPU.

Hard cap barriers, fill cap barriers and raised boardwalks for use as recreational trails shall consist of the following, at minimum:

- i. The hard cap barrier (s) shall consist of: Granular 'A' or equivalent material overlain by a cover of asphalt, concrete (including Building foundation/floor slab, driveways and sidewalks etc.), pavers or stone with a combined minimum thickness of 225 millimeters (mm) as specified in **Figure 2**;
- ii. The fill cap barrier (s) shall consist of a minimum 1.0 m thick layer of Capping Soil or Fill Material immediately above the impacted soil as specified in **Figure 2**; and or
- iii. The raised boardwalk (s) shall be designed by a qualified Licensed Professional Engineer in consultation with the Ministry's Guelph District Engineer and as specified in **Figure 2**.

In accordance with Section 7.7 of the RMP, if recreational trails are installed on the Property, access to areas of the Property not covered by recreational trails shall be restricted, at all times, through the use of fencing and clear visible signage posted at regular intervals along the recreational trails.

- c) Within 90 days of completion of the installation of any new hard cap barriers, fill cap barriers and or raised boardwalks on the Property, the Owner shall submit to the Director written confirmation signed by a qualified Licensed Professional Engineer that the barriers and or raised boardwalks have been installed in accordance with the requirements of Section 7.9 of the RMP and Section 4.2(b) and **Figure 2** of this CPU along with final design specifications/drawings and or as built drawings.

- d) Within 90 days of completion of the installation of any new hard cap barriers, fill cap barriers and or raised boardwalks on the Property, the Owner shall submit to the Director a site plan that clearly identifies the final location of each of the different barriers.
- e) In relation to Section 4.2 (b) of this CPU, areas of the Property that are not in use or under development or where hard cap barriers, fill cap barriers and or raised boardwalks are not present at the time the CPU has been issued, new hard cap barriers, fill cap barriers and or raised boardwalks are not required as long as exposure to the COCs at concentrations that exceed the ASCS Concentrations (as determined by a Qualified Person) is prevented by a fence barrier that restricts access to those areas of the Property and a dust control plan is implemented as may be necessary as specified in Section 7.7 of the RMP. Any fence barriers shall be inspected semi-annually (spring and fall) and maintained to ensure the continued integrity of any fence barrier (s) until such time as appropriate hard cap, fill cap barriers and or raised boardwalks are installed on the Property. Any deficiencies identified during the inspection shall be repaired in a timely manner and any gates shall be locked at all times to prevent unauthorized access. The Owner shall keep records of the fence inspections and maintenance and make them available for review by the Ministry upon request.
- f) An inspection and maintenance program shall be implemented to ensure the continuing integrity of the installed hard cap barriers, fill cap barriers, raised boardwalks and fencing as long as the COCs are present on the Property identified in **Figure 2** at concentrations that exceed the ASCS. The inspection program shall include semi-annual (spring and fall) inspections of the integrity of the barriers, raised boardwalks and or fencing in accordance with the inspection and maintenance program as detailed in Section 7.9 of the RMP. Any deficiencies shall be repaired within a reasonable period of time in accordance with Section 7.9 of the RMP. If cracks, breaches or any loss of integrity of the barriers, raised boardwalks or fencing cannot be repaired or addressed in a timely manner, contingency measures in accordance with Section 7.9 of the RMP shall be implemented to ensure that no exposure to the COCs that have been observed on the Property at concentrations that exceed the ASCS occurs. For the restoration of any damaged portions of the barriers, raised boardwalks and or fencing, restoration shall meet the original design specifications, at minimum, as detailed in Section 7.9 of the RMP and Section 4.2(b) and **Figure 2** of this CPU. For significant breaches that are identified to potentially expose the COCs that are present on the Property at concentrations that exceed the ASCS the Owner shall submit to the Director written confirmation prepared and signed by a qualified Licensed Professional Engineer, in consultation with a Qualified Person, that the barriers, raised boardwalks and or fencing have been repaired in accordance with the applicable requirements of this CPU. The written confirmation shall also include a description of any contingency measures put in place and shall be submitted to the Director within 30 days of the completion of any barrier repairs and/or restorations. The Owner shall keep records of the inspections and maintenance and make them available for review by the Ministry upon request.

**Soil and Groundwater Management Plan:**

- g) Within 30 days of the issuance of this CPU, a property specific soil and groundwater management Plan (Plan) shall be developed for the Property by a Qualified Person that has been retained by the Owner and made available for inspection upon request by the Ministry. The Plan shall be implemented during all intrusive activities potentially in contact with or exposing COCs in soil and or groundwater that exceed the ASCS on the Property as detailed in Section 7.3.1 of the RMP. Before starting any planned intrusive activities on the Property, the existing Plan must be reviewed and updated, where necessary, by a Qualified Person. A copy of the Plan must be kept on the Property for the entire duration of the intrusive activities.

The Plan shall be submitted to the Director by the Owner at least 14 calendar days prior to any such planned intrusive activities being undertaken and shall be consistent with the measures specified in Section 7.3.1 of the RA.

Any short-term intrusive activities required for the purposes of emergency repairs (i.e., for repairs to underground utilities etc.) will not require the submission of the Plan prior to undertaking the short-term emergency repairs.

The Plan shall include, but not be limited to, the following key components as deemed necessary by a Qualified Person:

- (i) oversight by a Qualified Person;
- (ii) storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include, but to not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary;
- (iii) decontamination procedures for all equipment used to pump or transfer waters collected from the excavation. Wash water used for decontamination of equipment shall be collected, containerized, characterized and disposed of in accordance with all applicable acts, regulations, permits and approvals;
- (vi) characterization and management of groundwater due to dewatering activities. This shall include the management and proper characterization of groundwater prior to and during any dewatering activities to ensure proper disposal of the groundwater in accordance with all applicable acts, regulations, permits and approvals;
- (vii) include record keeping. Record keeping is to include, but not to be limited to, dates and duration of work, weather and site conditions, location and depth of excavation activities/dewatering activities, storm water management measures, decontamination activities along with all wash water and groundwater characterization results obtained as part of the groundwater management plan, names of the Qualified Persons, contractors, haulers and receiving sites for groundwater, as a result of dewatering activities, in addition to wash water removed from the property and any complaints received relating to site activities; and,
- (viii) a copy of the Plan and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

**Health and Safety Plan:**

- h) A property specific health and safety plan (Plan) shall be developed for the Property implemented during all planned intrusive activities undertaken potentially in contact with COCs in soil and or groundwater that have been identified in the RA at concentrations that exceed the ASCS as detailed in Section 7.4 of the RMP. A copy of the Plan shall be maintained on the Property for the duration of all intrusive activities. The Owner shall ensure that the Plan takes into account the presence of the COCs and is implemented prior to any intrusive activities being undertaken on the Property in order to protect workers from exposure to the COCs. The Plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans, and contact information. Prior to initiation of any Project (on the Property or portion (s) of the Property), the local Ministry of Labour office shall be notified, where so prescribed under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, of the proposed activities and that COCs have been identified in soils and or groundwater on the Property. The Plan shall be overseen by a Competent Person to review the provisions of the Plan with respect to the proposed site work and conduct daily inspections. The Owner shall retain a copy of the Plan to be available for review by the Ministry upon request.

**Prohibition of planting of fruit and vegetables for consumption:**



- i) The Owner shall refrain from planting fruit and vegetables for consumption on the Property unless planted in above ground containers such that the plants are isolated from the subsurface conditions. The planting of fruit and vegetables for consumption on the Property is prohibited for as long as the COCs in soil and groundwater remain present.
- j) Notwithstanding Section 4.2 (i) of this CPU, if the Owner intends to plant fruit or vegetables for consumption on the Property that are not isolated from the subsurface conditions, the Owner shall submit a written request to the Director for review and approval. The written request shall be prepared by a Qualified Person and include appropriate supporting documentation that confirms no COCs in soil or groundwater are present above the ASCS at ground surface and to a depth of at least 1.0 m below ground surface in the area where fruit or vegetables for consumption are to be planted. The Owner shall not plant any fruit or vegetables on the Property until the Owner has received written approval from the Director.

**Prohibition of Groundwater Use:**

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

The Owner shall,

- i. Refrain from using groundwater 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):
  - a. 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,
  - b. refrain from constructing on the Property any wells as described or defined in the OWRA.

**Creek Bank Monitoring Program:**

- l) Upon issuance of this CPU, the Owner shall implement the creek bank monitoring program on the Property as specified in Section 7.10 of the RMP for as long as COCs are present in on-site soils above the ASCS to ensure that these natural features remain in place and to confirm there are no signs of soil erosion. The creek bank monitoring program shall be implemented until the Owner received written approval from the Director to discontinue the creek bank monitoring program.

The creek bank monitoring program shall include the following key components:

- i. be overseen by a Qualified Person;
- ii. consist of semi-annual (spring and fall) inspections of vegetation present along the bank of the portion of Forbes Creek on the Property;
- iii. include photo logs and the taking of detailed field notes;
- iv. any identified areas of erosion must be repaired or addressed in a timely manner as detailed in Section 7.10.3 of the RMP by a Licensed Professional Engineer. In the event that compromised areas cannot be repaired or addressed in a timely manner, temporary erosion control barriers must be installed along the impacted areas of the creek in consultation with a Licensed Professional Engineer, until such time as they can be appropriately addressed;
- v. an annual monitoring report detailing the inspection program, including photo logs, the taking of detailed field notes and detailed documentation of the implementation of any erosion control measures, temporary or otherwise, shall be prepared by a Qualified Person, and a Licensed Professional Engineer as it relates to the implementation of temporary or long term erosion control measures, that is to be kept by the Owner and made available for review by the Ministry upon request; and,

- vi. any changes to the creek bank monitoring program must be requested in writing by the Qualified Person and these changes shall only be implemented by the Owner upon receiving approval from the Director.

#### 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](mailto:environment.guelph@ontario.ca)
- 5.11.1 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](mailto: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](mailto: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](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 Ministry of the

Environment, Conservation and Parks, College Park 5th Flr, 777 Bay St, Toronto, ON M7A 2J3 by the earlier of:

- (a) two (2) days after the day on which the appeal before the Tribunal was commenced; and
- (b) fifteen (15) days after service on you of a copy of the CPU.

6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

6.7 Pursuant to section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Pursuant to section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

- (a) fifteen (15) days after the day on which notice of the decision to issue the CPU is given in the Environmental Registry of Ontario; and
- (b) if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the Environmental Registry of Ontario.

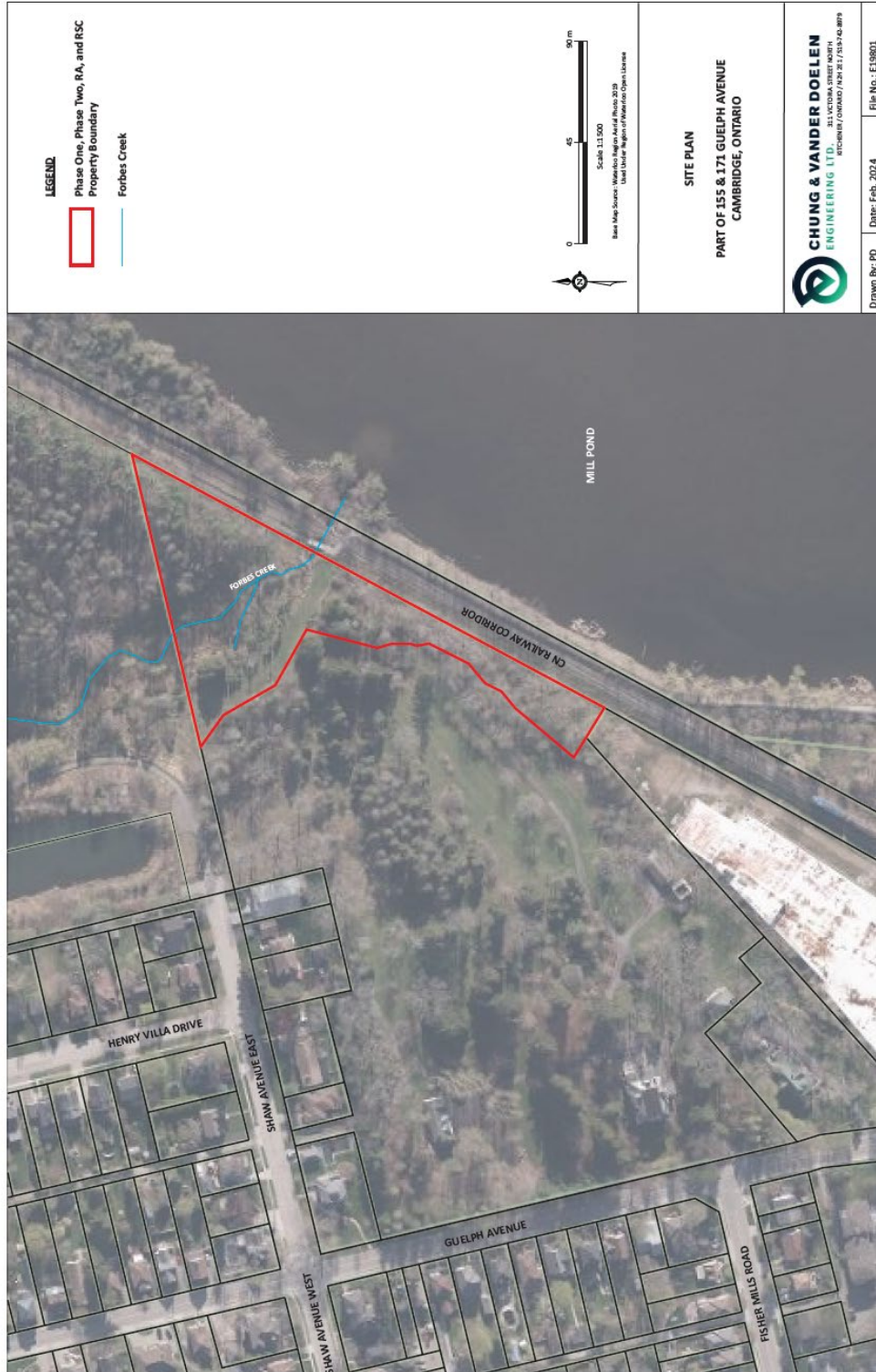
6.8 The procedures and other information provided in this Part 6 are intended as a guide. The legislation should be consultant for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws)

Issued at Guelph this **XX** day of **XXXX**, **2024**.

**DRAFT**

Aaron Todd,  
Director, section 168.6 of the Act

**Schedule 'A': Figure 1- Site Plan and Plan of Survey  
(not to scale)**



**LEGEND**

- Phase One, Phase Two, RA, and RSC Property Boundary
- Forbes Creek



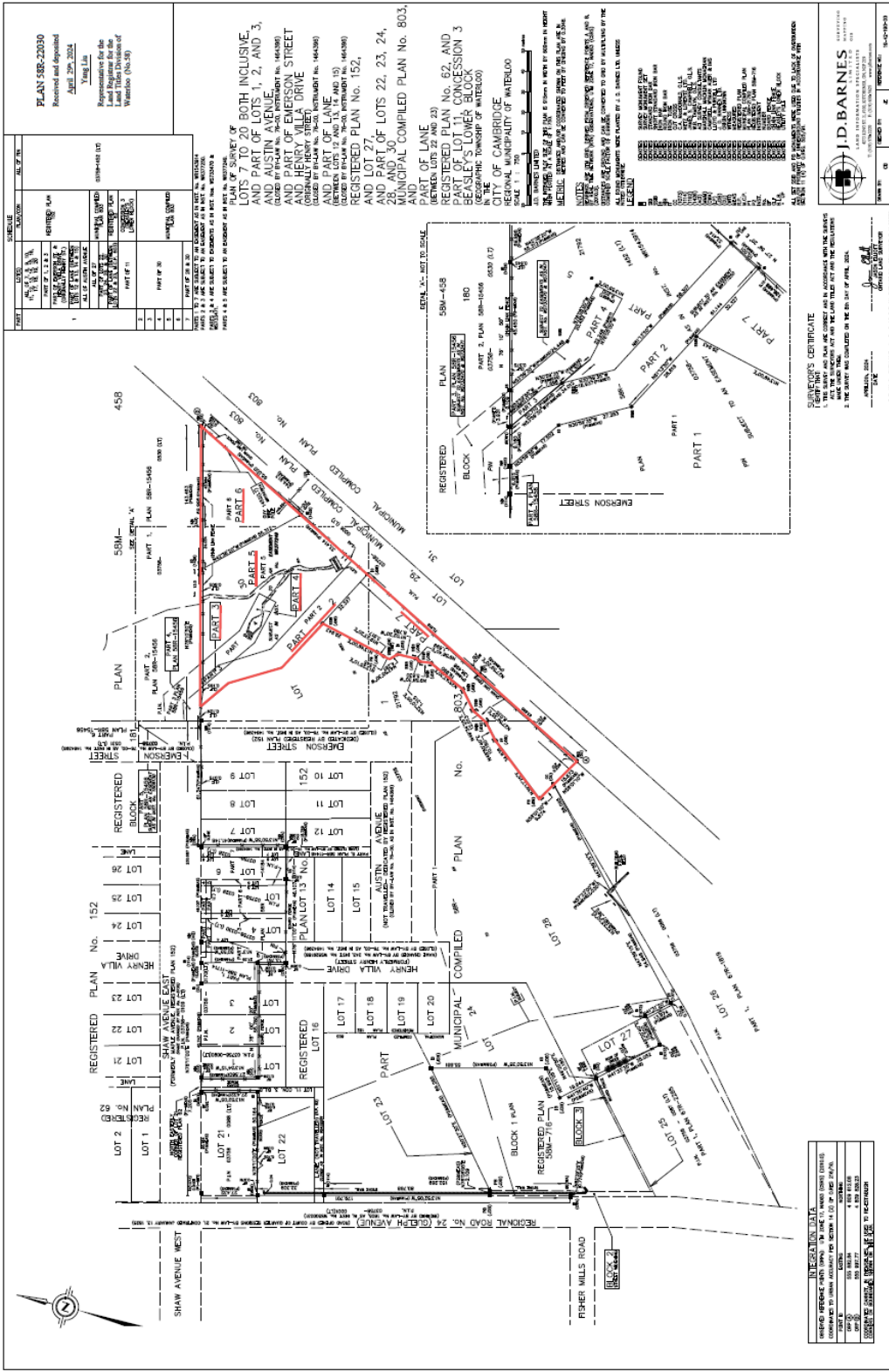
**SITE PLAN**

**PART OF 155 & 171 GUELPH AVENUE  
CAMBRIDGE, ONTARIO**



**CHUNG & VANDER DOELEN  
ENGINEERING LTD.**  
211 VICTORIA STREET NORTH  
KITCHENER / ONTARIO / N2H 2E1 / 519-742-8899

Drawn By: PD      Date: Feb. 2024      File No.: E19801



PLAN 58R-2030  
 Received and Approved  
 April 29th, 2024  
 Yong Liu  
 Representative for the  
 Land Registrar for the  
 Regional Municipality of  
 Waterloo (No.15)

NO.	LEVEL	PLAN NO.	ALY. OF NO.
1	1	58R-2030	
2	2	58R-2030	
3	3	58R-2030	
4	4	58R-2030	
5	5	58R-2030	
6	6	58R-2030	
7	7	58R-2030	
8	8	58R-2030	
9	9	58R-2030	
10	10	58R-2030	
11	11	58R-2030	
12	12	58R-2030	
13	13	58R-2030	
14	14	58R-2030	
15	15	58R-2030	
16	16	58R-2030	
17	17	58R-2030	
18	18	58R-2030	
19	19	58R-2030	
20	20	58R-2030	
21	21	58R-2030	
22	22	58R-2030	
23	23	58R-2030	
24	24	58R-2030	
25	25	58R-2030	
26	26	58R-2030	
27	27	58R-2030	
28	28	58R-2030	
29	29	58R-2030	
30	30	58R-2030	

LOTS 7 TO 20 BOTH INCLUSIVE AND PART OF LOTS 1, 2, AND 3, AND AUSTIN AVENUE, HENRY VILLA DRIVE, AND HENRY VILLA DRIVE (ORIGINALLY HENRY STREET) AND PART OF LANE (BETWEEN LOTS 12 AND 15, 16 AND 19) (BETWEEN LOTS 22, 23, 24, AND LOT 27 AND PART OF LOTS 22, 23, 24, AND 28 AND 30 MUNICIPAL COMPILED PLAN NO. 803, (BETWEEN LOTS 22 AND 23) REGISTERED PLAN NO. 82, AND PART OF LOTS 22 AND 23 IN CONCESSION 3 IN THE MUNICIPAL CORPORATION OF CAMBRIDGE, REGIONAL MUNICIPALITY OF WATERLOO

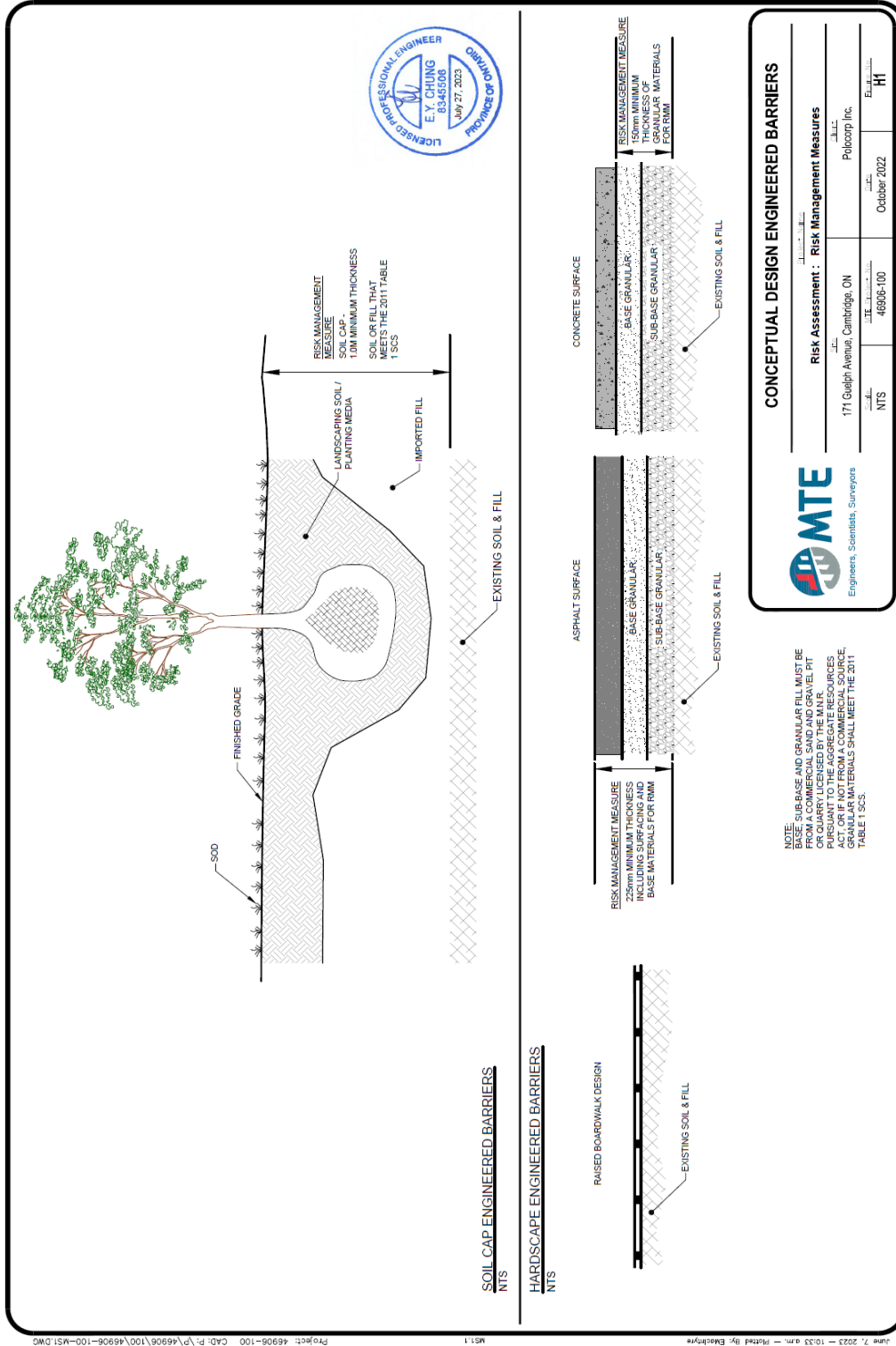
IN HERALD VILLA  
 DEPOSED HEREON WITH TOWN OF ONE (1), PART OF OWNERS INTEREST  
 PART 1 TO SHAW AVENUE WEST  
 PART 2 TO FISHER MILLS ROAD  
 PART 3 TO HENRY VILLA DRIVE  
 PART 4 TO AUSTIN AVENUE  
 PART 5 TO HENRY VILLA DRIVE  
 PART 6 TO HENRY VILLA DRIVE  
 PART 7 TO HENRY VILLA DRIVE  
 PART 8 TO HENRY VILLA DRIVE  
 PART 9 TO HENRY VILLA DRIVE  
 SHAW AVENUE WEST  
 FISHER MILLS ROAD  
 HENRY VILLA DRIVE  
 AUSTIN AVENUE  
 HENRY VILLA DRIVE

DEVELOPER'S CERTIFICATE  
 I, THE SPLITTER AND SPLIT, HEREBY CERTIFY AND WARRANT THAT THE SPLITTER  
 1. THE SPLIT AND SPLIT ARE CORRECT AND ACCORDANCE WITH THE SEVERALS  
 2. THE SPLIT AND SPLIT ARE CORRECT AND ACCORDANCE WITH THE SEVERALS  
 3. THE SPLIT AND SPLIT ARE CORRECT AND ACCORDANCE WITH THE SEVERALS

YONG LIU  
 REPRESENTATIVE FOR THE  
 LAND REGISTRAR FOR THE  
 REGIONAL MUNICIPALITY OF  
 WATERLOO (No.15)

YONG LIU  
 REPRESENTATIVE FOR THE  
 LAND REGISTRAR FOR THE  
 REGIONAL MUNICIPALITY OF  
 WATERLOO (No.15)

Schedule 'A': Figure 2 - Hard Cap Barriers, Fill Cap Barrier, and Raised Boardwalk Specifications (not to scale)





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

<i>Soil Contaminant of Concern (COC)</i>	<i>PSS (µg/g)</i>
Antimony	23.0
Cadmium	1.6
Lead	557
Zinc	384
Acenaphthene	32.8
Acenaphthylene	0.30
Anthracene	6.59
Benz(a)anthracene	43.6
Benzo(a)pyrene	84
Benzo(b)fluoranthene	94.6
Benzo(g,h,i)perylene	76
Benzo(k)fluoranthene	25.9
Chrysene	49
Dibenz(a,h)anthracene	18.2
Fluoranthene	56.2
Fluorene	3.42
Indeno(1,2,3-cd)pyrene	65.4
1+2-Methylnaphthalene	1.85
Naphthalene	0.83
Phenanthrene	27.8
Pyrene	57.0

**Schedule 'A': Table B - Property Specific Standards (PSS) - Groundwater**

<i>Groundwater Contaminant of Concern (COC)</i>	<i>PSS (µg/L)</i>
Arsenic	36.5

**Schedule 'A': Table C - Property Specific Standards (PSS) - Sediment**

<i>Sediment Contaminant of Concern (COC)</i>	<i>PSS (µg/g)</i>
Antimony	1.2
Barium	46.6
Beryllium	0.6
Boron	7.6
Chromium	33.5
Copper	24
Lead	45.1
Molybdenum	1.2
Selenium	1.2
Thallium	0.6
Uranium	1.2
Vanadium	24.8
Zinc	179
Acenaphthene	0.163
Benz(a)anthracene	1.72
Benzo(a)pyrene	2.00
Benzo(b)fluoranthene	3.0
Benzo(g,h,i)perylene	1.73
Benzo(k)fluoranthene	1.18
Chrysene	2.68
Dibenz(a,h)anthracene	0.370
Fluoranthene	5.86
Indeno(1,2,3-cd)pyrene	1.63
Phenanthrene	2.90
Pyrene	4.52

**SCHEDULE 'B'**

**CERTIFICATE OF REQUIREMENT**

**s.197(2)**

***Environmental Protection Act, R.S.O. 1990, c. E.19.***

This is to certify that pursuant to Section 4.5 of Certificate of Property Use number **0432-D6SKDJ** 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 **XXXX XX, 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 **171 Guelph Avenue, Cambridge**, and legally described as **PART LOTS 28, 30 PLAN 803 CAMBRIDGE, BEING PARTS 2, 3, 4, 5, 6 AND 7 ON 58R22030; CITY OF CAMBRIDGE**, being **PART of PIN: 03758-1452 (LT) (the "Property")** with respect to a Risk Assessment and Risk Management Measures and other preventive measure requirements,

**1000608170 Ontario Inc.**

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

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