
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: 4284-D7VNXXN
Risk assessment number: 3553-CTEFFY

Owner: (Owner)

Timestone Corporation

1730 Regent Street South, Unit 5, Sudbury, ON P3E 3Z8

Property: (Property)

319 Lasalle Blvd., Sudbury, ON

With a Legal Description of:

FIRSTLY: PART LOT 4 CON 5 TOWNSHIP OF MCKIM DESIGNATED AS PARTS 3, 4, 5 AND 6 ON PLAN 53R11472; *** SECONDLY: PART OF LOT 4 CON 5, TOWNSHIP OF MCKIM DESIGNATED AS PARTS 1, 2, 3 AND 4 ON PLAN 53R16114; *** ** SUBJECT TO EASEMENT LT346793 OVER PART 1 ON 53R14236; *** SUBJECT TO EASEMENT LT750944 OVER PARTS 1, 2 AND 3 ON PLAN 53R14236 AND PART 4 PLAN 53R16114; *** SUBJECT TO EASEMENT LT843871 OVER PARTS 1, 2 AND 3 ON PLAN 53R14859; CITY OF SUDBURY.

PIN: 02123 – 0415 (LT)

AND

PT LT 4 CON 5 TWP MCKIM PTS 1, 2, 3 & 4 53R20608; S/T EASEMENT OVER PT 2 53R20608 AS IN LT39704; S/T EASEMENT OVER PT 4 53R20608 AS IN LT925803; CITY OF GREATER SUDBURY

PIN: 02123-0431 (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 in Sections 4.2 (a), 4.2(b), and 4.2(c);
- Inspecting and monitoring the drainage culvert that runs under the Property as specified in Section 4.2(d);
- Implementing a health and safety plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil that have been identified in the RA at concentrations that exceed the applicable site condition standards as specified in Section 4.2(e) of this CPU;
- Implementing a soil management plan during any intrusive activities undertaken on the Property potentially in contact with COCs in soil that have been identified in the RA at concentrations that exceed the applicable site condition standards as per Section 4.2 (f) of this CPU;
- Prohibition on certain landscaping activities and on the planting of fruit and vegetables for consumption as per Section 4.2 (g) of this CPU;
- 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 Sections 4.7, 4.8, and 4.9 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 9: Generic Site Condition Standards for use within 30 m of a Water Body in a Non-Potable Ground Water Condition (coarse textured soils)** 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 (s)” means an enclosed structure (s) occupying an area greater than ten square meters consisting of a wall or walls, roof and floor;

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

“Capping Soil” means soil that meets the Applicable Site Condition Standards for soil;

“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. 4284-D7VNXN 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;

“Licensed Professional Engineer” means a person who holds a license, limited license or temporary license 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 **Timestone Corporation**, the current owners of the Property, and any subsequent Property Owner (s);

"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. **3553-CTEFFY** accepted by the Director on **June 20, 2024** and set out in the following final documents:

- **“Risk Assessment, 319 Lasalle Boulevard, Sudbury, Ontario”, report prepared by Englobe Corp.; dated November 10, 2023, and**
- **“Risk Assessment, 319 Lasalle Boulevard, Sudbury, Ontario”, report prepared by Englobe Corp., dated May 9, 2024**

“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 of the Risk Assessment along with Appendix J: Risk Management Plan which are attached to the Risk Assessment; and,

“Tribunal” has the same meaning as in the Act; namely, the Environmental Review 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: **residential use** as defined in O. Reg. 153/04.
- 3.2 The Contaminants on, in, or under the Property that are present either above **Table 9: Generic Site Condition Standards for use within 30 m of a Water Body in a Non-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 1A 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 groundwater 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 4.8 and Section 4.9 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:

Existing Barriers and New Hard Cap and Shallow Soil Cap Barriers:

- a) The existing barriers, and new hard cap or shallow soil cap barriers that are to be installed, are required over the entire Property and are required to be inspected and maintained on the Property so as to prevent exposure to the COCs on the Property and shall be maintained for as long as the COCs are present on the Property at concentrations that exceed the Applicable Site Condition Standards for soil. In the event that any new hard cap and or shallow soil cap barriers are required to be installed on the Property, the new hard cap and shallow soil cap barriers shall be installed in accordance with Section 7.2 and Appendix J of the RMP.

The new hard cap barrier and the shallow soil cap barriers shall consist of the following, at minimum:

- i. Hard Cap
The hard cap barrier (s) shall consist of: a minimum 50 mm hardscape barrier such as asphalt, concrete, unit pavers or equivalent underlain by unimpacted fill (e.g. MECP Table 9 SCS soil

or better), or virgin granular material, and a marker layer to bring total thickness of barrier and granular to no less than 300 mm. Figure 3a of Appendix J of the RMP provides details of Typical Hard Cap Barrier Design for any future reinstatement of the hard cap barrier at the Property; and,

ii. Shallow Soil Cap

The shallow soil cap barrier (s) shall consist of: a combination of 150 mm landscape barrier such as rip-rap, granular, topsoil or landscape material underlain by a layer of unimpacted soil fill (e.g. MECP Table 9 SCS soil or better) and a marker layer to bring total thickness of the fill cap barrier to no less than 500 mm. The location where a fill cap barrier is proposed is shown on Figure 2; the actual location will depend on post-development site conditions, but will encompass areas of the Property where there is no hard cap barrier. Figure 3b of Appendix J of the RMP provides details of Typical Fill Cap Barrier Design for on-site development lands.

- i. New Deep-Rooted Trees: When new deep-rooted trees (i.e. rooting depth 500 mm) are proposed to be planted, they may be planted within raised planters that contain growth media meeting the MECP Table 9 SCS. The height of the planter will depend on the species of tree to be planted, and the planting configuration should be reviewed and accepted by a QP.
- ii. Existing Deep-Rooted Trees and Shrubs: There are some more mature trees present in the northern part of the Property adjacent to the property boundary and there are some existing shrubs and shallow-rooted vegetation onsite along the eastern property line, though this vegetation is expected to be removed as part of site redevelopment. Regardless of if these plants are to remain or are to be removed as part of the current or future site redevelopment, the fill cap barrier, as shown in Figure 3b will be maintained in areas where there is no hard cap barrier. The fill cap may be installed by excavating 500 mm and backfilling with clean material, raising the grade to ensure there is 500 mm of clean material at surface, or a combination of the cut and fill to ensure the 500 mm cap as shown on Figure 3b.

iii. Culvert

There is a culvert present under the eastern portion of the Property that conveys a small creek from the north side of Lasalle Boulevard to an area south of the Property. The culvert is located within an easement owned by the City of Greater Sudbury (CGS) and is considered part of the municipal storm sewer / drainage network. The CGS are responsible for the condition and operability of the culvert. The culvert, along with the surface cap systems described above, is the barrier system relied upon to prevent contaminated soil from the Property from migrating into the creek and impacting the sediment quality. Only the portion of the culvert that runs under the Property is subject to this CPU. To be clear, the portions of the culvert that are off Property are not subject to the requirements within this CPU.

- b) Within 90 days of completion of the installation of any new or replacement hard cap and/or shallow soil cap barriers on the Property, the Owner shall have the RMM Site Plan described in section 3.4 and 4.6 of the RMP in Section J of the RA prepared and signed by a qualified Licensed Professional Engineer that the barriers have been installed in accordance with the requirements of Section 3.1 of Appendix J of the RA and Section 4.2(a)(i) and 4.2 (a)(ii) of this CPU along with a RMM Site Plan Report as described in Section 4.6 of Appendix J of the RA. The owner shall retain site plan reports and have them available for inspection upon request by a Provincial Officer as noted in section 4.5.
- c) An inspection and maintenance program shall be implemented to ensure the continuing integrity of the existing barriers and new hard cap and shallow soil cap barriers, as long as the COCs are present on the Property at concentrations that exceed the Applicable Site Condition Standards. The inspection program shall include semi-annual inspections of the barrier's integrity in accordance with the inspection and maintenance program as detailed in Section 4.2 of Appendix J of the RA. Any barrier deficiencies shall be repaired within a reasonable period of time in accordance with Section 4.5 of Appendix J of the RA. If

cracks, breaches or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure no exposure to the COCs that have been observed on the Property. The restoration of any damaged portions of the *existing barriers* shall meet the original conditions, at minimum, or for *newly installed barriers*, restoration shall meet the design specifications, at minimum, as detailed in Appendix J of the RA along with Section 4.2 (a)(i) and (a)(ii) of this CPU. The Owner shall have prepared written confirmation signed by a qualified Licensed Professional Engineer that the barriers 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 prepared and given to the owner within 90 days of the completion of any barrier repairs and/or restorations. The Owner shall keep records of the inspections, maintenance and written confirmation and make them available for review by the Ministry upon request.

- d) An inspection, monitoring and maintenance program shall be implemented to ensure the continuing integrity of the drainage culvert and reliably ensure operation of this RMM. The owner shall complete inspections of the portion of the culvert under the Property at least every five years beginning in 2024. At minimum, the inspection program will include inspection by an experienced sewer inspection company using cameras, review by a Professional Engineer, an engineering assessment of the condition of the culvert with respect to its ability to stop soil from the Property from entering the creek, and the need for more frequent inspections for conditions that may change more rapidly than a five year period. If any potential concerns are identified, the owner shall contact the City of Greater Sudbury and will request a scope and schedule for repair work. Within 30 days of the engineering assessment report being completed the Owner shall submit a copy of the report to the Director.

Health and Safety Plan (HASP):

- e) A health and safety plan (HASP) shall be developed for the Property and implemented during all intrusive, below-grade construction or maintenance activities where there is a potential for contact with exposing impacted soil. A copy of the HASP shall be maintained on the Property for the duration of all planned intrusive activities and included in the annual report. The HASP shall be prepared by a QP and shall be consistent with the measures specified in Section 3.3 of the RMP in Appendix J of the RA. A copy of the HASP and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

Soil Management Plan:

- f) The property specific soil management Plan (Plan) shall be developed for the Property and implemented during all intrusive activities potentially in contact with or exposing COCs in soil on the Property as detailed in Section 3.4 of the RMP in Appendix J of the RA. A copy of the Plan shall be maintained on the Property for the duration of all planned intrusive activities and included in the annual report. The Plan shall be prepared by a QP and shall be consistent with the measures specified in Section 3.4 of the RMP in Appendix J of the RA. A copy of the Plan and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

Prohibition on Certain Landscaping Activities and on the Planting of Fruit and Vegetables for Consumption:

- g) 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 remain present. Maintenance, grading and landscaping activities extending below the unimpacted surface barrier material is prohibited without first implementing the Soil Management Plan and the Health and Safety Plan.

Site Changes

4.4 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

- 4.5 The owner shall retain a copy of the updated RMM Site Plan and RMM Site Plan Report referred to in Section 4.2 (b) prepared and signed by a QP which will describe the placement and quality of all of the hard cap and fill cap barriers and include information regarding changes and existing soil quality conditions. This RMM Site Plan and RMM Site Plan Report shall be retained by the owner for inspection upon request by a Provincial Officer. The RMM Site Plan shall be revised following the completion of any alteration to the surface barriers or excavation and movement of soil at the Site.
- 4.6 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

- 4.7 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

- 4.8 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.
- 4.9 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

- 4.10 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.

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 4.7 and 4.8 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act*, 1998, S.O. 1998, c.19, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU may be carried out and satisfied by the condominium corporation by and on behalf of the new Owners of the Property.

Part 6: Hearing before the Environmental Review Tribunal

- 6.1 Pursuant to section 139 of the Act, you may require a hearing before the Environmental Review 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 O. Reg. 227/07: Service of Documents, made under the Act as they may be amended from time to time. The address, email address and fax numbers of the Director and the Tribunal are:

The Secretary

Environmental Review Tribunal

655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5

Fax: (416) 326-5370
Fax Toll Free: 1(844) 213-3474
Email: ERTTribunalSecretary@ontario.ca

and

Jason Scott, Director

Ministry of the Environment, Conservation and Parks
Suite 110, 70 Foster Dr,
Sault Ste Marie, ON P6A 6V4

Email: jason.scott@ontario.ca

- 6.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 6.5 If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (the “EBR”), you must give notice to the public in the Environmental Registry of Ontario (“ERO”). 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 (Ministry) who will place it on the ERO. The notice must be delivered to the Minister at 777 Bay Street, 5th Floor, Toronto, Ontario M7A 2J3 by the earlier of:

- 6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and
- 6.5.2 fifteen (15) days after service on you of a copy of the CPU.
- 6.6 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 6.7 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:

- 6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the ERO;
- and
- 6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the ERO.

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

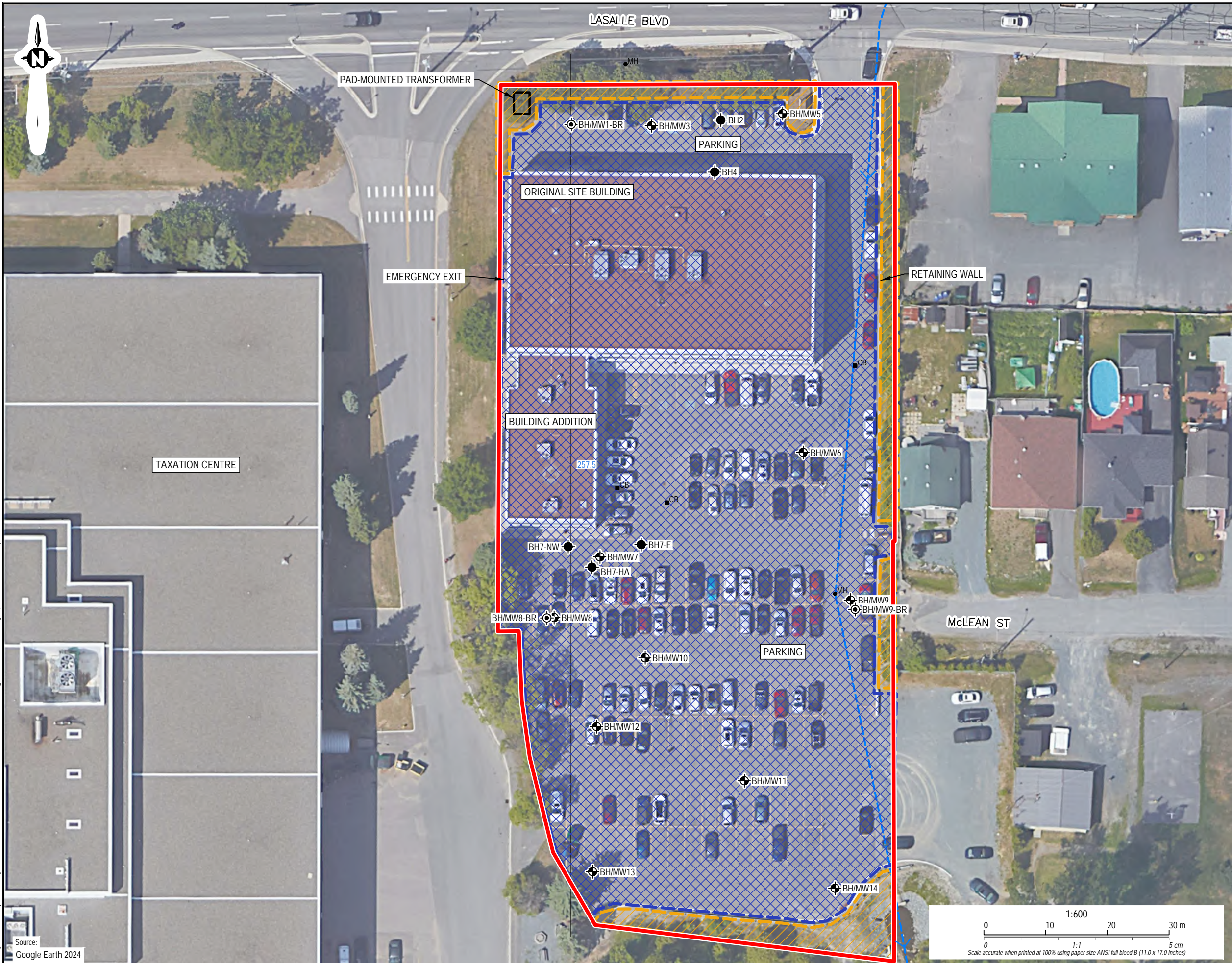
Tel: (416) 212-6349, Fax: (416) 326-5371, www.elto.gov.on.ca

Issued at Sudbury this XX day of XXXXXX, 2024.

DRAFT

Jason Scott,
Director, section 168.6 of the Act

Schedule 'A': Figure 1- Site Plan and Location of Surface Cap Areas



Note

- This drawing shall be read in conjunction with the associated technical report.

Legend

- Phase One Property Boundary
- Creek Culvert Centre Line, Showing Flow Direction
- CB Catch Basin
- MH Manhole
- Current Areas with Hard Cap
- Areas to Receive Fill Cap
- Location of Borehole
- Location of Borehole with Overburden Monitoring Well Showing Groundwater Elevation (March 22, 2023)
- Location of Borehole with Bedrock Monitoring Well

1	04/05/2024	R.A. SUBMISSION #2	CS
0	11/09/2023	FINAL	CS
Revision	Date	Issue	Approval

Client	Timestone Corporation
Site	319 Lasalle Boulevard, Sudbury, ON
Report Title	Risk Management Plan
Drawing Title	Surface Cap Areas

Designed By	L.K.	Scale	As shown
Drawn By	K.M.	Date	May 2024
Approved By	C.S.	Project No.	02210522.000

Figure No. **2**

Drawing: 2 surface cap areas.dwg Folder: C:\DST\02210522.000 319 Lasalle\2024 Risk Management\DWGs Friday, April 12, 2024 @ 14:28 by Kris Moir

Schedule 'A': Table 1A: Property Specific Standards (PSS) - Soil

<i>Soil Contaminant of Concern (COC)</i>	<i>PSS (µg/g)</i>
Xylenes, total	0.528
Petroleum Hydrocarbon Fraction (PHC F) 2 (C10-C16)	6.8
PHC F3 (C16-C34)	3480
PHC F4 (C34-C50)	44,400
Electrical Conductivity (EC) (mS/cm)	1.44
Sodium Adsorption Ration (SAR) (unitless)	30
Cadmium	1.92
Chromium	156
Cobalt	960
Copper	3,840
Molybdenum	12
Nickel	7,680
Selenium	7.56
Silver	3
Uranium	3.48
Zinc	492
Benzo(a)anthracene	0.468
Benzo(a)pyrene	0.42
Fluoranthene	1.14
Methylnaphthalene 2-(1-)	2.76
Naphthalene	0.468
Phanthrene	0.852
Acetone	0.624

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 4284-D7VNXN issued by Jason Scott, 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 **319 Lasalle Boulevard, Sudbury, Ontario being part of Property Identifier Number (PIN) 02123 – 0415 (LT) and PIN 02123-0431 (LT) (the “Property”)** with respect to a Risk Assessment and Risk Management Measures and other preventive measure requirements

Timestone Corporation

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.