

# 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 3758-D27R74  
Risk Assessment number 8456-CF2R7F

**Owner:** HIROSE (REBECCA) INC.,  
for itself and as General Partner for and on behalf of

HIROSE REBECCA LIMITED PARTNERSHIP

145 Reynolds Street, Suite 500  
Oakville, Ontario L8J 0A7

**Site:** 71 REBECCA STREET, HAMILTON, ONTARIO

with a legal description described below or in Schedule C:

LOT 1 NATHANIEL HUGHSON SURVEY (UNREGISTERED) N/S REBECCA ST, PT LT 1  
NATHANIEL HUGHSON SURVEY (UNREGISTERED) N/W ANGLE OF CATHARINE &  
REBECCA ST; LT 2 NATHANIEL HUGHSON SURVEY (UNREGISTERED) W/S  
CATHARINE ST, BTN REBECCA ST & WILSON ST; PT LT 17 NATHANIEL HUGHSON  
SURVEY (UNREGISTERED) NE ANGLE OF REBECCA ST & JOHN ST PART 3, 62R22233  
CITY OF HAMILTON

being ALL of PIN 17165-0302 (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.

## Part 1: Interpretation

In this CPU, the following capitalized terms have the meanings described below.

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

“Adverse Effect” has the same meaning as in the Act; namely, one or more of

- 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.

“Applicable Site Condition Standards” and “ASCS” means soil and groundwater that meets the soil or groundwater criteria identified in Table 3: Full Depth Generic Site Condition Standards 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 Environmental *Protection Act* published by the Ministry and dated April 15, 2011;

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

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

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

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

“Capping Soil” means,

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

“Certificate of Property Use” or “CPU” means this certificate of property use bearing the number **3758-D27R74** issued for the Property by the Director under section 168.6 of the Act, as it may be amended from time to time.

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

“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;

“Contaminants of Concern” and “COC” has the same meaning as in O. Reg. 153/04, which, for the Property, means one or more contaminants found on, in or under the Property at a

concentration that exceeds the applicable site condition standards for the Property, as specified in Section 3 of the Risk Assessment report and in Table 1 of Schedule A of the CPU.

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

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

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

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

“Garden Soil” means soil that meets the soil criteria identified in **Table 1: Full Depth Background Site Condition Standards** 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;

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

“Minister” means the minister of the Ministry.

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

“OHSA” means the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1;

“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.

“Property” means the property that is the subject of the Risk Assessment and is described in the property “Site” section on page 1 of this CPU above.

“Property Specific Contaminants of Concern” means one or more contaminants found on, in or under the Property at a concentration that exceeds the applicable site condition standards for the Property and any higher standards for the contaminant or contaminants, and as specified in the Risk Assessment.

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

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

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

“Risk Assessment” means the risk assessment number **8456-CF2R7F** submitted with respect to the Property and accepted by the Director on **February 5, 2024** and set out in the following documents:

- **“Pre-submission Form for 71 Rebecca Street, Hamilton, Ontario”, report prepared by Terraprobe Inc., dated June 2, 2022**
- **“Risk Assessment Submission for Hirose (Rebecca) Inc 71 Rebecca Street, Hamilton, Ontario”, report prepared by Terraprobe Inc., dated December 30, 2022**
- **“Revised Risk Assessment Submission for Hirose (Rebecca) Inc 71 Rebecca Street, Hamilton, Ontario”, report prepared by Terraprobe Inc., dated June 21, 2023**
- **“Revised Risk Assessment Submission for Hirose (Rebecca) Inc 71 Rebecca Street, Hamilton, Ontario”, report prepared by Terraprobe Inc., dated October 11, 2023**

“Risk Management Measures” and “RMM” 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 along with Appendix J: Risk Management Plan of the Risk Assessment dated June 21, 2023;

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

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

## **Part 2: Legal Authority**

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

the person to whom it was directed.

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

with the provision.

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

### **Part 3: Background**

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **MIXED COMMERCIAL AND RESIDENTIAL**, as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in or under the Property that are present above **Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act** published by the Ministry and dated April 15, 2011 for **coarse textured soils** are set out in the Risk Assessment and in Schedule A (Contaminants of Concern). The Standards for these Contaminants of Concern are also set out in Schedule A which is attached to and forms part of the CPU. Also attached to and forming part of the CPU is a copy of a current plan of survey of the Property and/or a site plan of the Property.
- 3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and in Part 4 of the CPU are necessary to

prevent, eliminate or ameliorate an Adverse Effect on the Property that has been identified in the Risk Assessment.

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

## **Part 4: Director Requirements**

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

### **Risk Management Measures**

- 4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.
- 4.2 Without restricting the generality of the foregoing in Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures outlined in Part 4 below.
- 4.3 **Hard Cap or Fill Cap Barriers**
  - a) The Property shall be covered by a barrier to site soils designed, installed, and maintained in accordance with the Risk Assessment so as to prevent exposure to the Contaminants of Concern. The barrier to site soils shall consist of a hard cap, fill/soil cap and/or fence as specified below at minimum:
    - i. Hard cap on the property shall consist of a geotextile material overlain by at least 225 mm of Ontario Provincial Standard Specification (OPSS) Granular 'A' or equivalent material overlain by a minimum of 75 mm cover of hot mix asphaltic concrete or concrete that has a total combined minimum thickness of 300 millimeters (mm); (as illustrated in Figure 1 of the CPU)
    - ii. Fill cap on the Property shall be a minimum thickness of 1.0 m consisting of a geotextile material overlain by capping soil and 150mm of Ontario Provincial Standard Specification (OPSS) Granular 'A' or equivalent material (as illustrated in Figure 2 of the CPU).

- iii. Fill caps for deep rooting plants (including trees or deep rooting bushes with roots that extend beyond the 1.0 m depth) shall include a minimum radius of 2.4 m surrounding the plant with a minimum thickness of 1.5 m consisting of soil meeting the Applicable Site Condition Standards.
  
- b) Within 90 days of completion of the installation of any hard cap barrier(s), fill or soil cap barrier(s) on the Property, and upon issuance of this CPU, the Owner shall submit to the Director written confirmation signed by a qualified Licensed Professional Engineer that the barriers have been installed in accordance with the requirements of Section 4.3(a) of this CPU along with final design specifications/drawings and or as built drawings.
  
- c) Within 90 days of completion of the installation of any hard cap barrier(s) 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.
  
- d) In relation to Section 4.3(a) of this CPU, areas of the Property that are ***not in use*** or ***not under development***, hard cap barriers or fill cap barriers are not required as long as exposure to the Contaminants of Concern at concentrations that exceed the Applicable Site Condition Standards is prevented by a fence barrier that restricts access to those areas of the Property and a dust control plan is implemented.
  
- e) 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 is,



- A. delivered to the Owner before use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
  - B. updated and delivered to the Owner within 30 days following making any alteration to the program.
- f) Prepare a site plan of the entire Property, prepared by a Licensed Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each Barrier at the Property, including cross-sectional drawings of the Barrier showing its design and vertical and lateral extent;

and which are,

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

#### 4.4 **New Enclosed Building(s)**

- a. The Owner shall refrain from constructing any Building on the Property, unless:
  - i. The intended and actual use of the Property is commercial use, community use, residential use, parkland use or institutional use, as defined in O. Reg. 153/04, or a combination thereof;
  - ii. The intended and actual use of the Building on its First Storey is not residential use, parkland use or institutional use, or a combination thereof;
  - iii. the Building is constructed with a vapour barrier (membrane barrier) with a minimum thickness of 40 mil., as specified in Appendix J, Section 3.1.2 and Appendix A of the RMP, that is installed below the entire foot print of the Building; and,
  - iv. The ventilation and air duct systems serving the four levels of above ground parking garage above the first story are separate systems from the ventilation and air duct systems serving all other stories; and
  - v. The separate ventilation system in subparagraph a(iv) of Item 4.4 continuously operates with a minimum ventilation air exchange rates indicated in the Ontario Building Code as outlined in Table 3 of Schedule A of this CPU.
  - vi. The Building complies with all applicable requirements of the Building Code, such as the provisions governing:

1. 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
  2. air leakage as set out in Division B, Section 5.4. (Air Leakage) of the Building Code.
- b. Within 90 calendar days of the completion of the construction of Building(s) as specified in paragraph a of Item 4.4 of this CPU and prior to first occupancy, the Owner shall submit to the Director as-built drawings and detailed design specifications of the membrane barrier, including any verification and QA/QC reports, prepared by the qualified Licensed Professional Engineer along with a statement from the qualified Licensed Professional Engineer that the membrane barrier has been installed in accordance with the original design specifications and that it has been designed to meet the requirements and objectives specified in Appendix J, Section 3.1.2 and Section 7.2.2 of the RMP along with subparagraph a(iii) of Item 4.4 of this CPU.
- c. The Owner shall ensure that all individuals/contractors intending to undertake work which could potentially come into contact with or interfere with the membrane barrier as specified in Appendix J, Section 3.1.2 and Section 7.2.2 of the RMP along with subparagraph a(iii) of Item 4.4 of this CPU are made aware of the presence of the membrane barrier and the need to take appropriate precautions to ensure the integrity of the membrane barrier at all times. If the membrane barrier is damaged at any time, the Owner shall ensure that it is repaired forthwith by a qualified contractor, under the supervision of a qualified Licensed Professional Engineer as necessary, to the original design specifications, at minimum. If repairs to the membrane barrier cannot be completed in a timely manner, the Owner shall ensure that the contingency measures prepared by a qualified Professional Engineer are implemented. All repairs to the membrane barrier are to be inspected by a qualified Licensed Professional Engineer and signed documentation shall be provided to the Owner that states that the repairs meet the original design specifications, at minimum. The Owner shall submit to the Director the written confirmation, prepared and signed by a qualified Licensed Professional Engineer, that the membrane barrier has been repaired to meet the original design specifications, at minimum. The written confirmation shall also include a description of any contingency measures that were put in place and shall be submitted to the Director within 30 calendar days of the completion of any repairs to the membrane barrier. The Owner shall maintain records of all activities and repairs in relation to the membrane barrier and these records shall be made available by the Owner to the Ministry for review upon request.
- d. Upon completion of the construction of any new Building as specified in paragraph a of Item 4.4 of this CPU, and prior to first occupancy, the Owner shall implement the confirmatory sub-slab monitoring program as specified in Appendix J, Section 6.3 of the

RMP. Specifically, the confirmatory sub-slab monitoring program shall include the following key components:

- i. Be overseen by a qualified Licensed Professional Engineer.
- ii. The collection of sub-slab vapour samples as specified from the proposed locations identified in Figure 4 of Schedule A of this CPU at a minimum or equivalent locations, including an adequate number of QA/QC samples as determined by the qualified Licensed Professional Engineer at the following frequency:
  1. Prior to first occupancy; and,
  2. Four times per year sampling on a quarterly basis (every three months) for a minimum of one year and thereafter, until written approval to discontinue the sub-slab monitoring program by the Director is received by the Owner.
- iii. The sub-slab vapour samples shall be sent to an accredited laboratory and analyzed for COCs listed in Table 2 of Schedule A of this CPU, which is attached to and forms part of this CPU.
- iv. An annual report documenting the sub-slab monitoring program shall be prepared by a qualified Licensed Professional Engineer and submitted to the Director on or before March 31st following each year of monitoring for a minimum of one and until written approval to discontinue the program is received by the Owner from the Director. The annual report shall include, but not be limited to:
  1. Laboratory results and laboratory certificates of analysis;
  2. Field logs, leak testing (as necessary) and documentation of QA/QC;
  3. Discussion and interpretation of the results in comparison to the respective Sub-slab Vapour Target Concentrations as listed in Table 2 of Schedule A of this CPU;
  4. Conclusions and recommendations with respect to the need for additional and or continued monitoring as may be warranted; and,
  5. An updated cost estimate for the financial assurance as required by Item 4.14 of this CPU for the continuation of the sub-slab vapour monitoring program for another year for as long as monitoring is required by the Director.
- e. In the event that the sub-slab vapour monitoring program detailed in paragraph d of Item 4.4 of this CPU identifies one or more of the Target COCs at concentrations above the

Target Sub-Slab vapour Concentrations specified in Table 2 of Schedule A of this CPU the Owner shall implement the contingency measures as follows:

- i. Written notice shall be submitted to the Director by the Owner within 10 calendar days of the Owner's receipt of the laboratory analysis. This written notice shall include the sub-slab vapour sampling results, the laboratory certificates of analysis and the anticipated timeline for the implementation of the confirmatory sampling program along with any additional work as may be deemed necessary, including the need for the completion of indoor air sampling, by a qualified Licensed Professional Engineer. Confirmatory sampling shall occur within 30 calendar days from the date of the Owner's receipt of the laboratory analysis and be completed by a qualified Licensed Professional Engineer.
- ii. If the confirmatory sub-slab vapour sampling and or indoor air sampling verifies the exceedances of one or more of the Target COCs at concentrations above the Target Sub-Slab vapour Concentrations specified in Table 2 of Schedule A of this CPU and where the concentrations of the observed Target COCs are determined by the qualified Licensed Professional Engineer to be a result of soil vapour intrusion, the Owner shall:
  1. Submit written notice to the Director within 10 calendar days of the Owner's receipt of the laboratory analysis. This written notice shall include the sub-slab vapour results, along with any indoor air sampling results as may be necessary, the laboratory certificates of analysis and the details of, and the anticipated timeline to implement appropriate contingency measures. The implementation of contingency measures, along with the implementation of a confirmatory sub-slab and indoor air sampling program shall occur within 14 calendar days of the Owner's submission of the written notice of the exceedance to the Director;
  2. Within 30 calendar days of the implementation of the contingency measures, the Owner shall submit to the Director a report prepared by a qualified Licensed Professional Engineer documenting the implementation of contingency measures, results of the implementation of the confirmatory sampling program along with the details and timelines for the implementation of a performance indoor air monitoring program as necessary. The report shall include, but not be limited to:
    - a) Laboratory results and laboratory certificates of analysis;
    - b) Field logs, leak testing (as necessary) and documentation of QA/QC;

- c) Discussion and interpretation of the results in comparison to the respective Target Sub-Slab and Target Indoor Air Concentrations as listed in Table 2 of Schedule A of this CPU; and,
- d) Conclusions and recommendations with respect to the performance of the Building's ventilation system along with the need for additional work and/or continued monitoring as may be deemed warranted.

#### 4.5 **Soil and Groundwater Management Plan**

- a. The property specific soil and groundwater management Plan (Plan) shall be developed for the Property and implemented during all intrusive activities potentially in contact with or exposing COCs in soil or groundwater on the Property as detailed in Section 3.4 of the RMP. A copy of the Plan shall be maintained on the Property for the duration of all planned intrusive activities. 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. For planned intrusive activities, this Plan shall be submitted to the Director by the Owner at least 14 calendar days prior to any such intrusive activities being undertaken and shall be consistent with the measures specified in Section 3.4 of the Risk Management Plan. 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. include dust control measures and prevention of soils tracking by vehicles and personnel from the Property;
  - iii. management of excavated soils including cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment;
  - iv. 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;
  - v. characterization of excavated excess soils to determine if the excavated excess soils exceed the Property Specific Standards listed in Table 1 of Schedule A attached to this CPU and/or the Applicable Site Condition Standards for parameters other than those identified in Table 1 and require off-site disposal in accordance with the provisions of Ontario Regulation 347 made under the Act;
  - vi. characterization and management of groundwater as a result of dewatering activities. Where dewatering is required, dewatering activities will be conducted in a manner

- that will not involve discharges to the natural environment (directly or indirectly via a storm sewer). Excess water obtained as a result of dewatering, shall be temporarily stored on the Property prior to off Property disposal at an approved waste water treatment facility as per Ontario Regulation 347, made under the Act, or treated and discharged to the sanitary sewer through a sanitary sewer use agreement. Alternatively, excess groundwater may be removed directly by an appropriately licensed waste management system (i.e. via pump truck);
- 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, dust control measures, stockpile management and drainage, all soil and groundwater characterization results obtained as part of the soil and groundwater management plan, names of the Qualified Persons, contractors, haulers and receiving sites for any excavated excess soils, and groundwater, as a result of dewatering activities, removed from the property and any complaints received relating to site activities; and,
  - viii. copy of the plan and any amendments and the records kept thereunder shall be made available for review by the Ministry upon request.

#### 4.6 **Health and Safety Plan**

- a. A property specific health and safety plan (plan) shall be developed for the Property and implemented during all planned intrusive activities undertaken potentially in contact with COCs in soil and groundwater that have been identified in the RA as detailed in Section 3.5 of the Risk Management Plan.
- b. 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 or portion(s) of the Property in order to protect workers from exposure to the COCs.
- c. 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.
- d. 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 OHSA, of the proposed activities and that COCs have been identified in soils and or groundwater on the Property.
- e. 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.

#### **4.7 Prohibition of Planting of Fruit and Vegetables for Consumption and Deep Rooting Vegetation**

- a. 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, in raised beds on ground surface with a minimum of a 1.0 m thick layer of Garden Soil and/or in roof top gardens.
- b. The Owner shall refrain from planting vegetation with deep rooting systems that may penetrate greater than 1 m.
- c. The planting of fruit and vegetables for consumption on the Property is prohibited unless otherwise specified for as long and the COCs in soil remain present.

#### **4.8 Annual Reports Requirement**

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

- a. a copy of all records relating to the inspection, maintenance and reporting requirements for the Barriers to site soils, as outlined in Item 4.3;
- b. a copy of all records relating to new enclosed building(s) including the sub-slab vapour monitoring program, as outlined in Item 4.4;
- c. a copy of all records relating to the soil and ground water management plan as outlined in Item 4.5;
- d. a copy of all records relating to the health and safety plan as outlined in Item 4.6; if applicable; and
- e. a copy of documentation to justify the financial assurance calculation and to meet the record keeping requirements as outlined in Item 4.14.

#### **4.9 Site Changes**

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

#### **4.10 Reports**

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

#### 4.11 **Property Requirement**

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.

#### 4.12 **Certificate of Requirement**

- a. Within fifteen (15) days from the date of receipt of a certificate of requirement, issued under subsection 197(2) of the Act completed as outlined in Schedule B, register the certificate of requirement on title to the Property in the appropriate land registry office.
- b. Within five (5) days after registering the certificate of requirement, provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

#### 4.13 **Owner Change**

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.

#### 4.14 **Financial Assurance**

- a. Prior to occupancy and prior to the implementation of the performance monitoring program as required by paragraph d of Item 4.4 of this CPU, the Owner shall submit to the Director, a detailed written cost estimate, prepared by a Qualified Person, to complete the approved performance monitoring program as required by paragraph d of Item 4.4 of this CPU for a period of two years.
- b. Within 15 days of the Owner's receipt of written approval from the Director of the acceptance of the cost estimate amount specified in paragraph a of Item 4.14 of this CPU, the Owner shall provide financial assurance to the Crown in the right of Ontario in the same amount that was approved by the Director. The financial assurance shall be in the form of a certified cheque payable to the Ontario Minister of Finance or an irrevocable letter of credit issued by a Canadian Chartered Bank as outlined in the Ministry's *Financial Assurance Guideline F-15*. This amount is to cover the costs associated with the performance monitoring program as detailed in Section 8 of the Risk Management Plan.



- c. The amount of financial assurance required in paragraph a of Item 4.14 of this CPU shall be reviewed every **two years**, for as long as the performance monitoring program is required, by a Qualified Person, for the Owner, and an updated cost estimate shall be included in the annual monitoring report as required by Item 4.8 of this CPU.

## 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 subsection 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 the requirements 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 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 Item 4.12 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.Hamilton@ontario.ca](mailto:Environment.Hamilton@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](mailto:OLT.Registrar@ontario.ca)

and

Director  
Ministry of the Environment, Conservation and Parks  
119 King Street West, 9<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y7  
Fax: (905) 521-7806  
Email: [Environment.Hamilton@ontario.ca](mailto:Environment.Hamilton@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 that 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 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. The notice must include a brief description of the CPU (sufficient to identify it) and a brief description of the grounds for the 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 Hamilton on this [DAY] day of [MONTH], [YEAR]

Stephen Burt  
Director, section 168.6 of the Act

**Schedule A**

**Table 1 - Contaminants of Concern and Property Specific Standards**

<b>Media</b>	<b>Contaminants of Concern (COC)</b>	<b>Units</b>	<b>Property Specific Standards (PSS)</b>	
<b>Soil</b>	<b>Metals</b>			
	Antimony	µg/g	2.26E+01	
	Arsenic	µg/g	2.40E+01	
	Cadmium	µg/g	1.80E+00	
	Copper	µg/g	2.15E+03	
	Lead	µg/g	7.48E+02	
	Mercury	µg/g	1.43E+01	
	Molybdenum	µg/g	1.26E+01	
	Zinc	µg/g	4.94E+02	
	<b>Polycyclic Aromatic Hydrocarbons</b>			
	Acenaphthylene	µg/g	1.73E+00	
	Anthracene	µg/g	2.10E+00	
	Benzo[a]anthracene	µg/g	2.60E+00	
	Benzo[a]pyrene	µg/g	2.40E+00	
	Benzo[a]fluoranthene	µg/g	3.00E+00	
	Benzo[k]fluoranthene	µg/g	1.30E+00	
	Dibenz[a,h]anthracene	µg/g	2.50E-01	
	Fluoranthene	µg/g	5.44E+00	
	Indeno[1,2,3-c,d]pyrene	µg/g	1.20E+00	
	Methylnaphthalene, 2-(1-)	µg/g	9.31E+01	
	Naphthalene	µg/g	2.41E+01	
	Phenanthrene	µg/g	1.70E+01	
	<b>Volatile Organic Compounds</b>			
	Dichloroethane, 1,2-	µg/g	1.68E-01	
	Hexane (n)	µg/g	3.48E+01	
	<b>BTEX</b>			
	Benzene	µg/g	2.76E-01	
	Ethylbenzene	µg/g	1.27E+01	
	Xylene Mixture	µg/g	7.03E+01	
	<b>Petroleum Hydrocarbons</b>			
	PHC F1	µg/g	1.32E+03	
	PHC F2	µg/g	8.90E+03	
PHC F3	µg/g	5.20E+03		
PHC F4	µg/g	3.60E+03		
<b>Ground Water</b>	<b>Volatile Organic Compounds</b>			

	Chloroform	µg/L	3.00E+00
	Dichloroethylene, trans-1,2-	µg/L	2.16E+00
	Tetrachloroethylene	µg/L	1.88E+01
	Trichloroethylene	µg/L	3.82E+00
	Vinyl chloride	µg/L	4.46E+00
	<b>Petroleum Hydrocarbons</b>		
	PHC F2	µg/L	3.77E+02

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**Table 2 – Sub-slab Vapour Target Levels**

<b>Contaminants of Concern (COC)</b>	<b>Commercial Indoor Air Target Levels (µg/m<sup>3</sup>)</b>	<b>Commercial Sub-slab Vapour Target Levels (µg/m<sup>3</sup>)</b>
<b>Metals</b>		
Mercury	6.44E-02	1.61E+01
<b>PAHs</b>		
Acenaphthylene	5.96E-01	1.49E+02
Naphthalene	2.65E+00	6.63E+02
<b>VOCs</b>		
1,2-Dichloroethane	1.38E-01	3.45E+01
Hexane (n)	2.15E+03	5.38E+05
Trichloroethylene	4.01E-01	1.00E+02
Vinyl chloride	4.06E-01	1.02E+02
<b>BTEX</b>		
Benzene	1.63E+00	4.08E+02
Ethylbenzene	1.43E+03	3.58E+05
Xylene Mixture	5.01E+02	1.25E+05
<b>Petroleum Hydrocarbons</b>		
PHC-F1 <sup>a</sup>	1.13E+03	2.83E+05
Aliphatic C6-C8	1.07E+03	2.68E+05
Aliphatic C>8-C10	1.79E+03	4.48E+05
Aromatic C>8-C10	3.58E+02	8.95E+04
PHC-F2 <sup>a</sup>	1.61E+03	4.03E+05
Aliphatic C>10-C12	1.79E+03	4.48E+05
Aliphatic C>12-C16	1.79E+03	4.48E+05
Aromatic C>10-C12	3.58E+02	8.95E+04
Aromatic C>12-C16	3.58E+02	8.95E+04

**Notes:**

a. Some PHC fractions rely on the same inhalation toxicity reference value (TRV), resulting in the same Health Based Indoor Air Concentration (HBIAC - MECP 2016, with updated toxicity data from December 2022) All HBIAC are from MECP (updated Nov 1, 2016) MGRA Model HBIAC; Sub-slab Vapour Target = HBIAC / Generic Commercial Attenuation Factor (0.004). and Sub-slab vapour target levels. Consequently, samples from the same location shall be summed for these fractions and compared to the common Commercial Sub-Slab Vapour Target (i.e., F1 Aliphatic C>8-C10, F2 Aliphatic C>10-C12, and F2 Aliphatic C>12-C16 summed and compared to 4.48E+05 µg/m<sup>3</sup>; and

F1 Aromatic C>8-C10, F2 Aromatic C>10-C12 and F2 Aromatic C>12-C16 summed and compared to 4.03E+05 µg/m3)

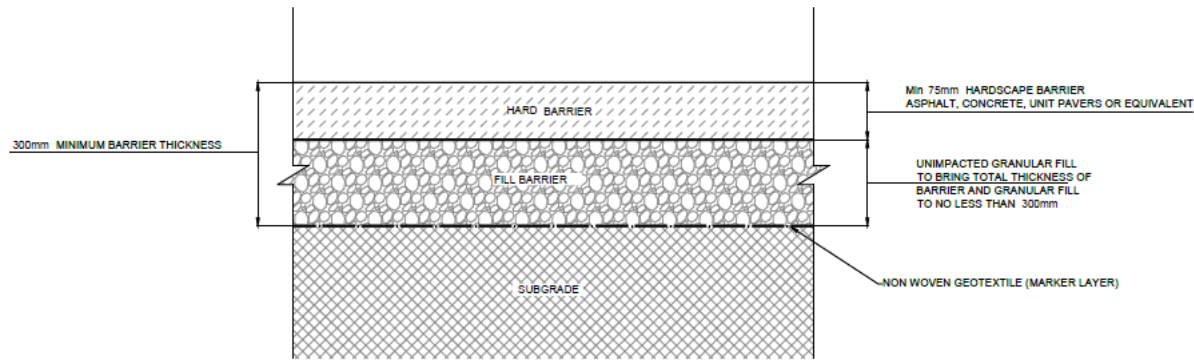
**Table 3 – Parking Garage Ventilation Air Exchange Rates**

<b>Parking Level</b>	<b>Minimum Fan Speed Air Exchange Rate (m<sup>3</sup>/sec)</b>	<b>Minimum Fan Speed Air Exchange Rate (m<sup>3</sup>/sec)</b>
L2 (First Parking Level)	1.98	9.91
L3 (Second Parking Level)	2.17	10.85
L4 (Third Parking Level)	1.98	9.91
L5 (Fourth Parking Level)	2.88	14.39

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Figure 1: Risk Management Measures – Hard Cap Barrier



1 TYPICAL HARD CAP BARRIER - Development Lands

1

NTS

Notes:

- 1) MINIMUM THICKNESS REQUIRED FOR RISK MANAGEMENT PURPOSES ARE SHOWN. FINAL HARD CAP DESIGN REQUIREMENTS SHOULD BE CONFIRMED BY A GEOTECHNICAL ENGINEER BASED ON STRUCTURAL SUPPORT CONSIDERATIONS.
- 2) GRANULAR FILL MUST BE A GRANULAR A OR B MATERIAL OR AS APPROPRIATE FOR REQUIRED STRUCTURAL CAPACITY AND MAY INCLUDE THE USE OF UNIMPACTED SOILS. "UNIMPACTED SOIL" MEANS SOIL IN WHICH ONE OR MORE CONTAMINANTS ARE PRESENT AT CONCENTRATIONS LESS THAN THE RESIDENTIAL/PARKLAND/ INSTITUTIONAL PROPERTY USE STANDARDS WITHIN TABLE 3 "FULL DEPTH GENERIC SITE CONDITION STANDARD IN A NON-POTABLE GROUND WATER CONDITION" OF THE SOIL GROUND WATER AND SEDIMENT STANDARDS FOR USE UNDER PART XV.1 OF THE ACT PUBLISHED BY THE MINISTRY AND DATED APRIL 15, 2011 FOR COARSE TEXTURED SOIL (2011 MECP TABLE 3 STANDARDS)
- 3) ALL IMPORTED MATERIALS BROUGHT TO THE PROPERTY ARE REQUIRED TO MEET THE RESIDENTIAL/PARKLAND/ INSTITUTIONAL PROPERTY USE STANDARDS WITHIN TABLE 3 "FULL DEPTH GENERIC SITE CONDITION STANDARD IN A NON-POTABLE GROUND WATER CONDITION" OF THE SOIL GROUND WATER AND SEDIMENT STANDARDS FOR USE UNDER PART XV.1 OF THE ACT PUBLISHED BY MECP AND DATED APRIL 15, 2011 FOR ALL TEXTURED SOIL (2011 MECP TABLE 3 STANDARDS).

REFERENCE:

NOTES:

LEGEND:



PROJECT TITLE:

Design of Risk Management Measures

SITE LOCATION:

71 REBECCA STREET  
 HAMILTON, ONTARIO

FIGURE TITLE:

Typical Hard Cap Barrier -  
 Design Concept - Development  
 Lands

REVNO:

1

FILENO:

7-20-0009-44

SCALE:

NTS

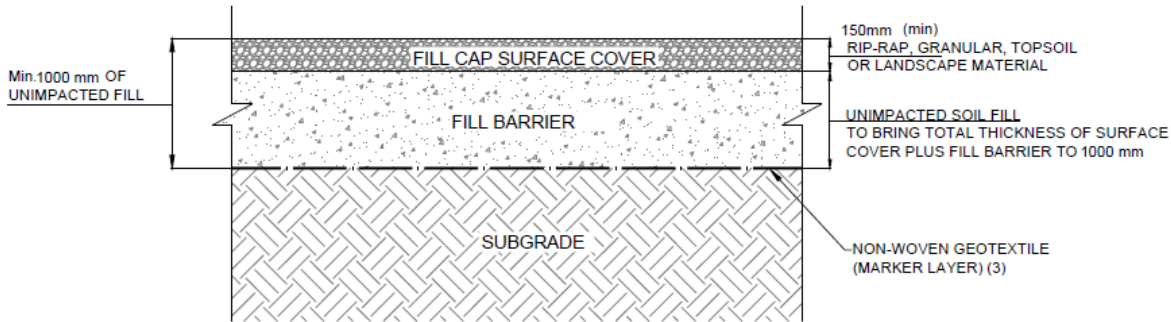
FIGURENO:

2a

DATE:

Dec2022

**Figure 2: Risk Management Measures – Fill Cap Barrier**



**TYPICAL FILL CAP BARRIER (LANDSCAPED AREAS) - DEVELOPMENT LANDS**

1) NTS

**Notes:**

- 1). SOIL FILL IN FILL CAP BARRIER MUST MEET ONE OF THE FOLLOWING STANDARDS:
  - SOIL FILL QUALITY MEETING THE 2011 MECP TABLE 3 RPI STANDARDS.
  - VIRGIN GRANULAR FILL IMPORTED FROM LICENSED PIT OR QUARRY AND/OR
  - MANUFACTURED TOPSOIL OR GROWING MEDIA MEETING THE 2011 MECP TABLE 3 RPI STANDARDS.
- 2). ALL IMPORTED MATERIALS BROUGHT TO THE PROPERTY ARE REQUIRED TO MEET THE 2011 MECP TABLE 3 STANDARDS.
- 3). MARKER LAYER OR GEOTEXTILE IS REQUIRED AT INTERFACE WITH SUBGRADE.



REFERENCE:

NOTES:

LEGEND:

*[Handwritten Signature]*

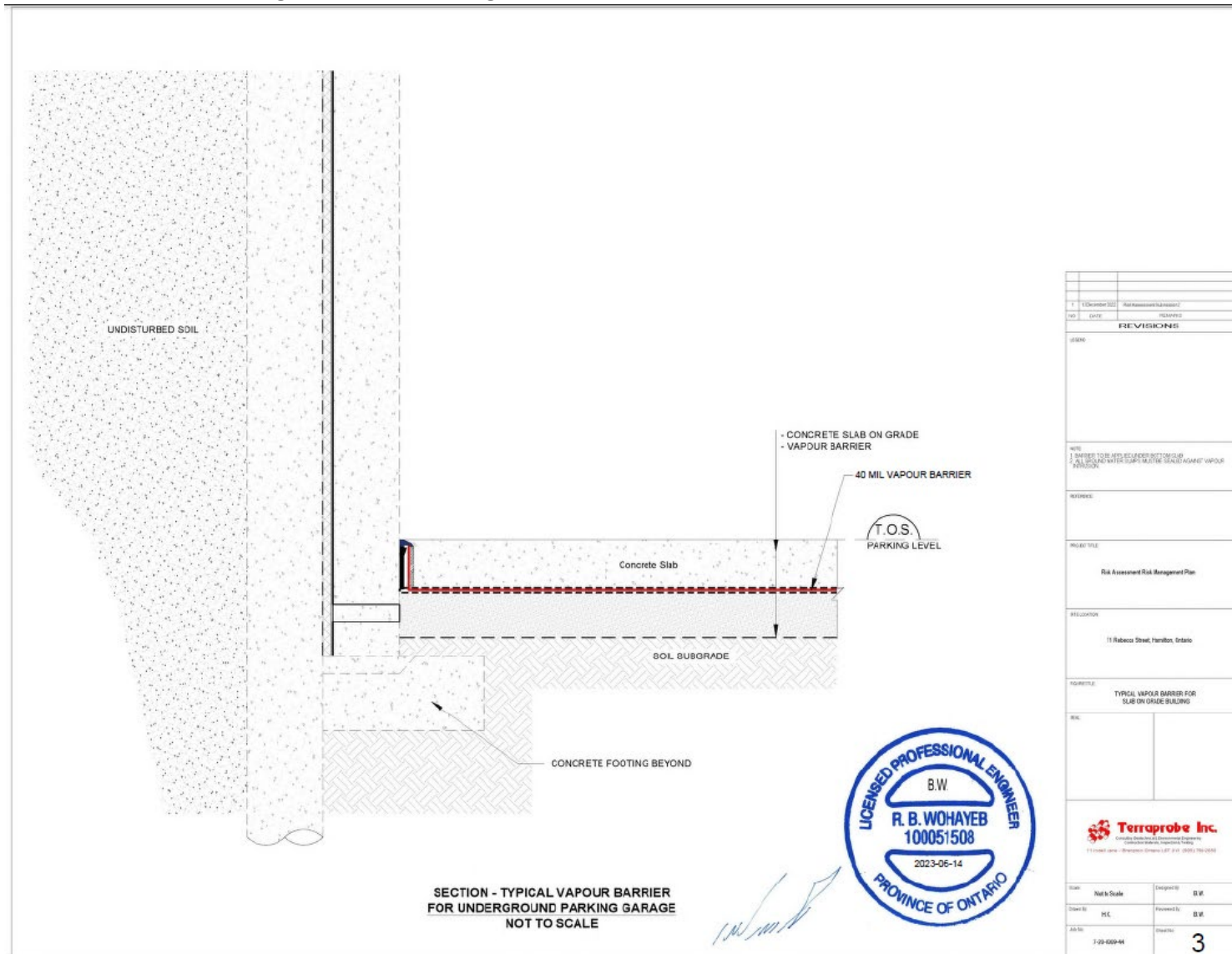
PROJECT TITLE:  
Design of Risk Management Measures

SITE LOCATION:  
71 REBECCA STREET  
HAMILTON, ONTARIO

FIGURE TITLE:  
Typical Fill Cap Barrier - Design  
Concept - Development Lands

REV NO.: 1	FILE NO.: 7-20-0009-44
SCALE: NTS	FIGURE NO.: 2b
DATE: Dec2022	

**Figure 3: Risk Management Measures – Sub-Slab Vapour Barrier**



NO	DATE	REVISIONS
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NOTE:  
 1. REFER TO BE APPLIED TO BOTTOM OF SLAB  
 2. ALL REINFORCING BARS MUST BE SEALED AGAINST VAPOUR PENETRATION

PROJECT TITLE:  
 Risk Assessment Risk Management Plan

LOCATION:  
 11 Rebecca Street, Hamilton, Ontario

DESCRIPTION:  
 TYPICAL VAPOUR BARRIER FOR SLAB ON GRADE BUILDING

SCALE:  
 Not to Scale

DESIGNED BY:  
 B.W.

CHECKED BY:  
 B.W.

DATE:  
 2-29-2024

3

Figure 4 – Proposed Sub-Slab Vapour Probe Locations

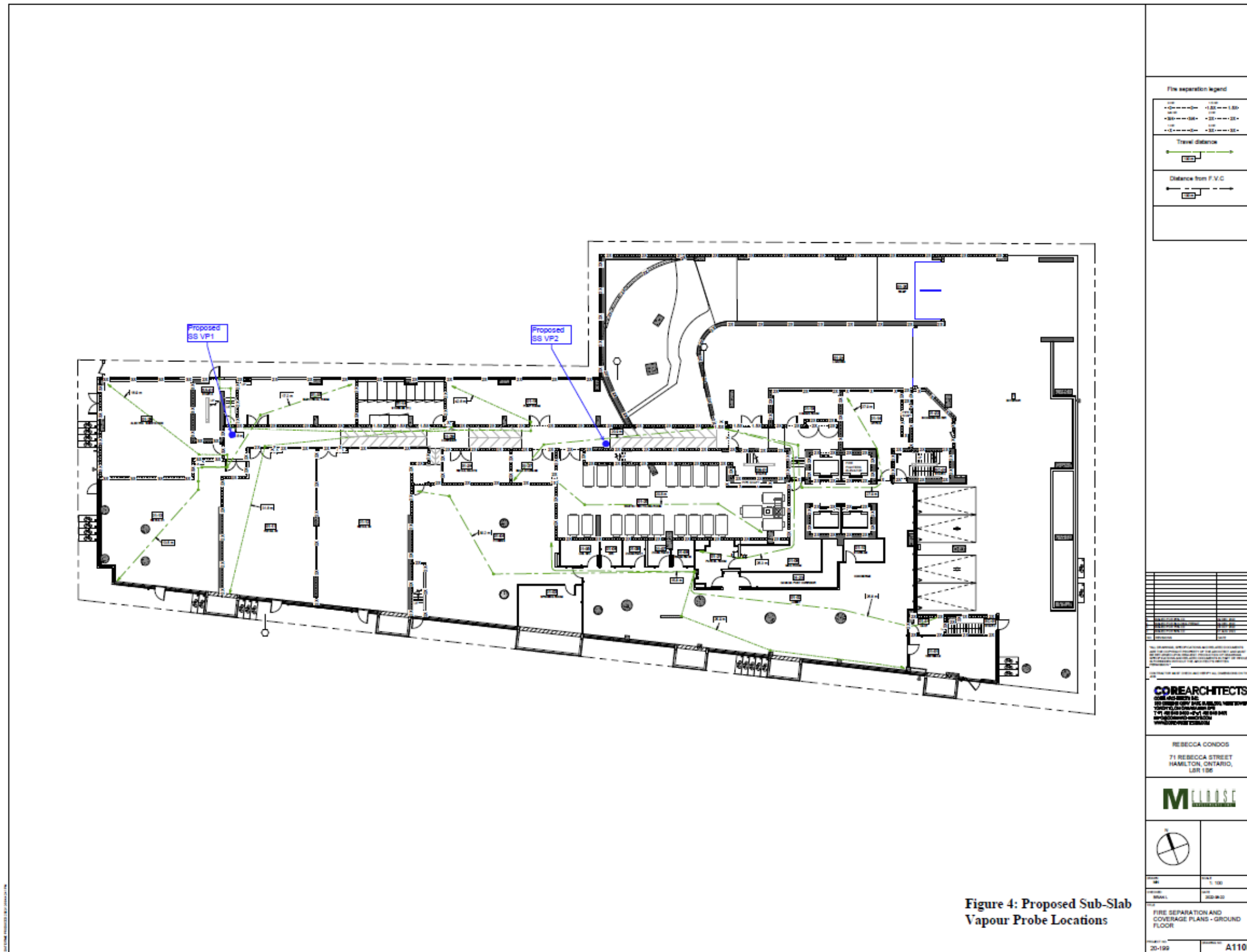
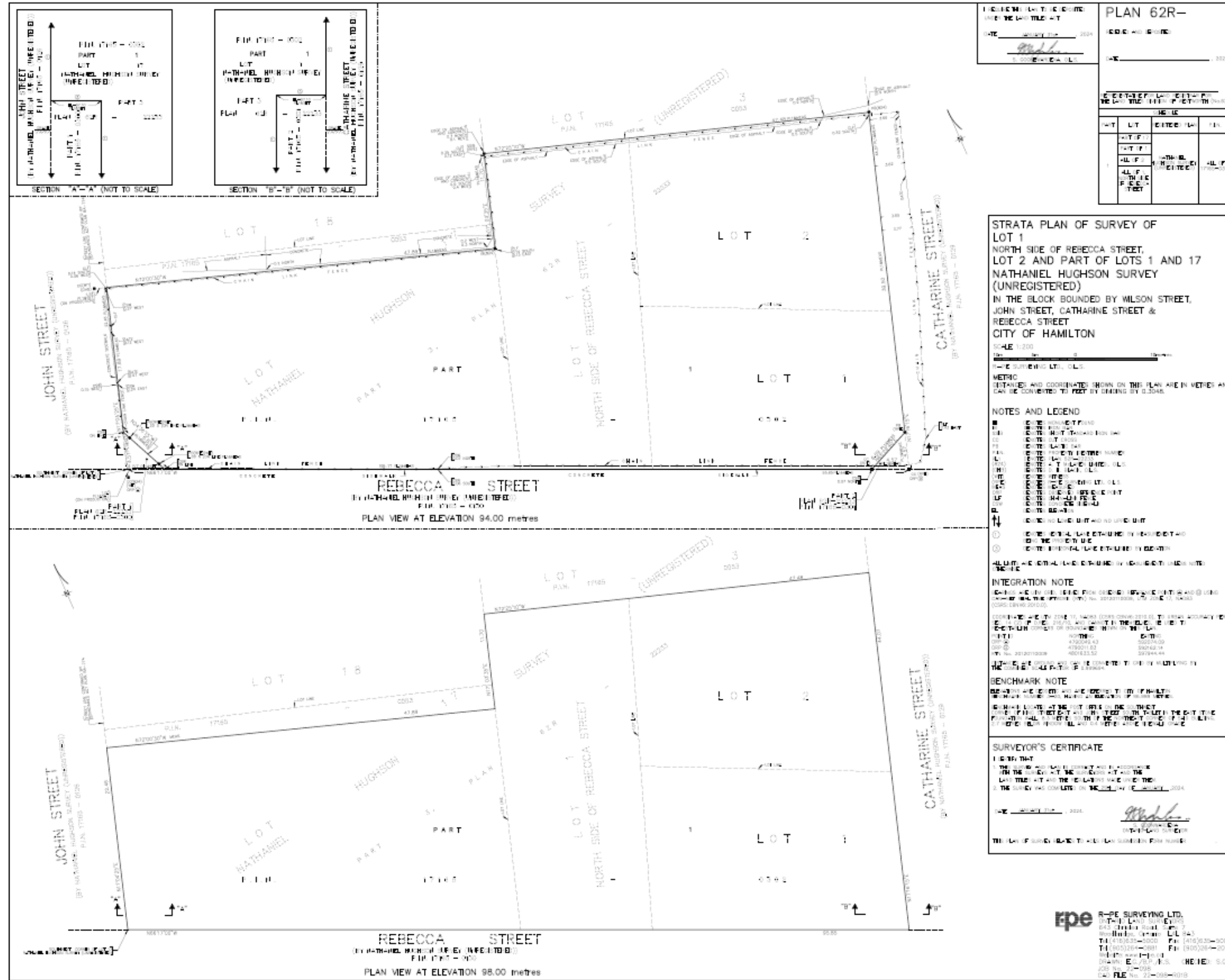


Figure 4: Proposed Sub-Slab Vapour Probe Locations

Figure 5: PLAN OF SURVEY



**SCHEDULE B**

**CERTIFICATE OF REQUIREMENT**

**s.197(2)**

***Environmental Protection Act***

This is to certify that pursuant to Item 7.1 of Certificate of Property Use number **3758-D27R74** issued by **STEPHEN BURT**, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on **[INSERT DATE]**, being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as **71 REBECCA STREET, HAMILTON, ONTARIO**, being **ALL** Property Identifier Number **17165-0302 (LT)** (the “Property”) with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

**HIROSE (REBECCA) INC.,**

**for itself and as  
General Partner for and  
on behalf of**

**HIROSE REBECCA LIMITED PARTNERSHIP**

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

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