
Tax Sale For (Please insert short description or municipal address of property sufficient to permit the Treasurer to identify the parcel of land to which it relates.)

Date and time received by
The Corporation of the City of Welland

To: Melanie Steele, CPA CA, City Treasurer, Finance Division
The Corporation of the City of Welland
City of Welland Civic Square
60 East Main Street
Welland ON L3B 3X4

Note to The Corporation of the City of Welland:

This envelope must already be sealed when it is received.

This envelope must not be accepted if it is received after 3:00 pm on September 3, 2026.



FORM 6
SALE OF LAND BY PUBLIC TENDER
Municipal Act, 2001
Ontario Regulation 181/03, Municipal Tax Sale Rules

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE CITY OF WELLAND

Take Notice that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on September 3, 2026, at the City of Welland Civic Square, 60 East Main Street, Welland, Ontario, First Floor – Finance.

The tenders will then be opened in public on the same day as soon as possible after 3:00 p.m. in rooms 108, 109 at the City of Welland Civic Square, 60 East Main Street, Welland.

Description of Lands:

1. Roll No. 27 19 040 012 11900 0000; 201 MAJOR ST., WELLAND; PIN 64115-0002 (LT); LT 22, PL 579; LTS 32-37, PL 579; PT LANEWAY, PL 579, (AS CLOSED BY BB80171, RO281476 & BL37), AS IN RO681645; S/T BB44078, BB80172, RO702424 WELLAND; File No. 24-01

According to the last returned assessment roll, the assessed value of the land is \$ 595,000

Minimum tender amount: \$ 1,219,569.41

Please Note: A "Certificate of Requirement" has been registered on title to the land in File 24-01, PIN 64115-0002 (LT); Copies of the Provincial Officer's Order are available in the Tender Package and at the Municipal Office

2. Roll No. 27 19 030 015 02802 0000; KING ST., WELLAND; PIN 64122-0020 (LT); PT LT 49 PL 565 PT 2 59R5065; S/T RO683141 & T/W AA85965; WELLAND; File No. 24-02

According to the last returned assessment roll, the assessed value of the land is \$ 14,300

Minimum tender amount: \$ 14,192.38

3. Roll No. 27 19 030 016 18400 0000; 23 JUSTINA CRT., WELLAND; PIN 64124-0040 (LT); PCL 24-2 SEC 59M199; PT LT 24 PL 59M199 PT 3 59R8317; WELLAND; File No. 24-06

According to the last returned assessment roll, the assessed value of the land is \$ 193,000

Minimum tender amount: \$ 69,673.26

4. Roll No. 27 19 060 006 13101 0000; 850 SOUTHWORTH ST. S, WELLAND; PIN 64408-0061 (LT); LT 730 PL 939; WELLAND; File No. 25-06

According to the last returned assessment roll, the assessed value of the land is \$ 185,000

Minimum tender amount: \$ 56,157.12

Tenders must be submitted in the prescribed form and must be accompanied by a deposit of at least 20 per cent of the tender amount, which deposit shall be made by way of a certified cheque/bank draft/ money order payable to the municipality.

Except as follows, the municipality makes no representation regarding the title to, crown interests or any other matters, including any environmental concerns, relating to the lands to be sold. Responsibility for ascertaining these matters rests with the potential purchasers. Any interests of the Crown encumbering the land at the time of the tax sale will continue to encumber the land after the registration of the tax deed. The assessed value according to the last returned assessment roll may or may not be representative of the current market value of the property.

Pursuant to the Prohibition on the Purchase of Residential Property by Non-Canadians Act, S.C. 2022, c. 10, s. 235 (the "Act"), effective January 1, 2023, it is prohibited for a non-Canadian to purchase, directly or indirectly, any residential property, as those terms are defined in the legislation. Contraventions of the Act are punishable by a fine, and offending purchasers may be ordered to sell the residential property.

The municipality assumes no responsibility whatsoever for ensuring bidders/tenderers comply with the Act, and makes no representations regarding same. Prospective bidders/tenderers are solely responsible for ensuring compliance with the Act and are advised to seek legal advice before participating in this sale.

Transfers of properties that contain at least one and not more than six single family residences and are transferred to non-residents of Canada or foreign entities, are subject to the Province's Non-Resident Speculation Tax (NRST).

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and any taxes that may be applicable, such as a land transfer tax and HST.

TAKE NOTICE: Where a refund is claimed by a qualifying first-time Homebuyer under the Land Transfer Tax Act, the Municipality requires the purchaser to retain legal counsel to complete the transfer.

The municipality has no obligation to provide vacant possession to the successful purchaser.

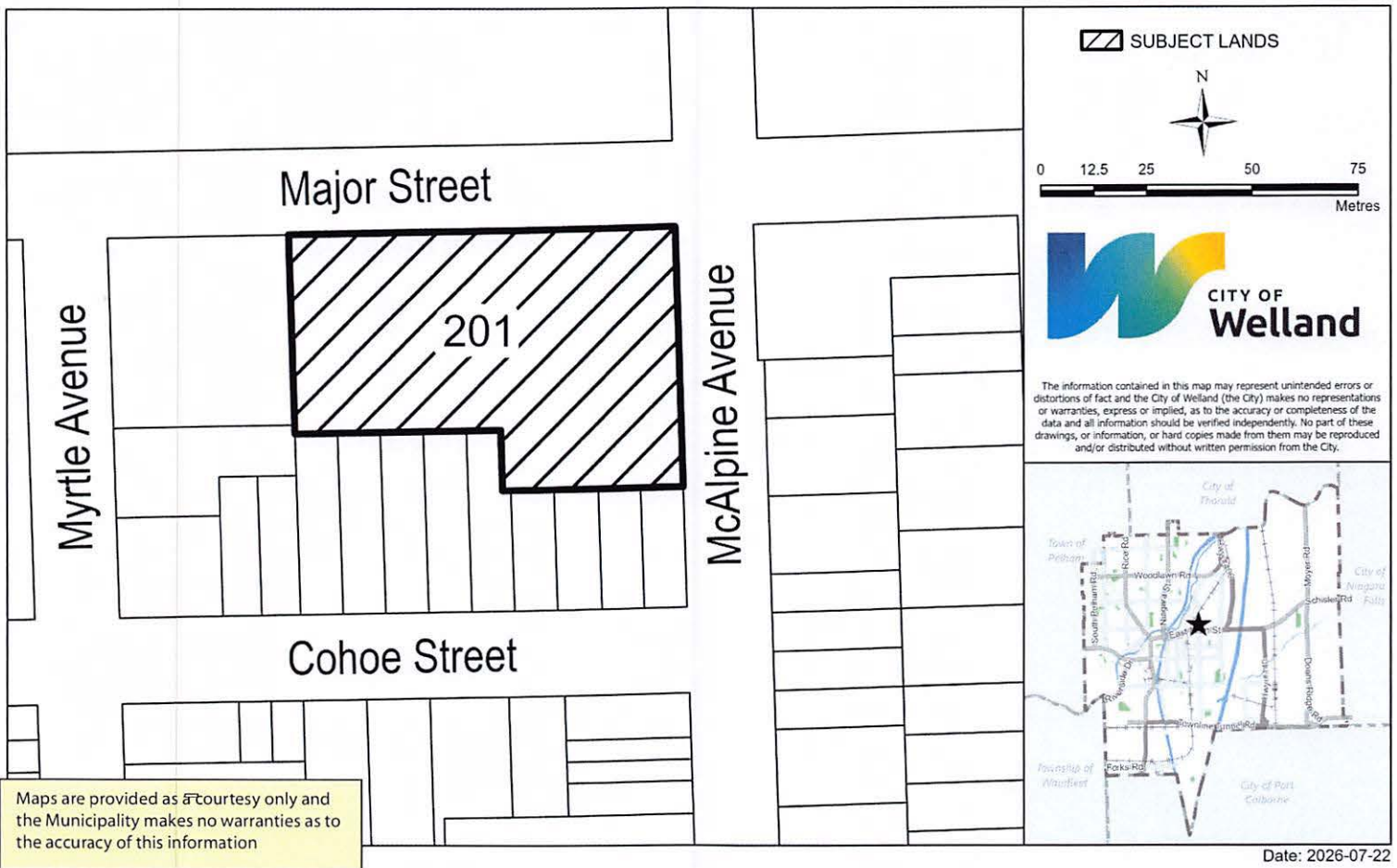
A copy of the prescribed form of tender is available on the website of the Government of Ontario Central Forms Repository under the listing for the Ministry of Municipal Affairs.

For further information regarding this sale contact:

Dawn Daly
Tax Specialist
The Corporation of the City of Welland
60 East Main Street
Welland ON L3B 3X4
905 735 1700 Ext. 2184
dawn.daly@welland.ca
www.welland.ca

TAX SALE MAP : 201 MAJOR STREET
ROLL NUMBER : 271904001211900
OFFICIAL PLAN DESIGNATION : LIGHT INDUSTRIAL
ZONING: L1- LIGHT INDUSTRIAL

FILE 24-01



Maps are provided as a courtesy only and the Municipality makes no warranties as to the accuracy of this information

Date: 2026-07-22

Director's Order

Environmental Protection Act, R.S.O. 1990, c. E 19 (EPA)
Ontario Water Resources Act, R.S.O. 1990, c. O. 40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P11 (PA)
Safe Drinking Water Act, S.O. 2002, c.32 (SDWA)
Nutrient Management Act, 2002, S.O. 2002, c.4 (NMA)

Order Number
0268-8Y8HS7

Incident Report No.
5037-7QGHN3

To:

[REDACTED]
201 Major Street
Welland, Ontario L3B 6A9

[REDACTED]
201 Major Street
Welland, Ontario L3B 6A9

[REDACTED]
11 Wexford Ct., R.R. #4
Belleville, Ontario K8N 4Z4

[REDACTED]
73 Woodside Square
Pelham, Ontario L0S 1E4

[REDACTED]
38-10 Place du Commerce Bureau 116
Ile-des-Soeurs, Quebec H3E 1T8

[REDACTED]
1183 Boulevard Brassard
Chambly, Quebec J3L 5R9

Site: 201 Major Street, Welland (as described in Land Registry Office #59, Property Identification Number (PIN) 64115-0002 (LT)
LT 22, PL 579; LTS 32-37, PL 579; PT LANEWAY, PL 579, (AS CLOSED BY BB80171, RO281476 & BL37), AS IN RO681645; S/T BB44078, BB80172, RO702424 WELLAND

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Part 1: Legal authority and reasons

Relevant provisions of the *Environmental Protection Act*, R.S.O. 1990, c. E.19 ("EPA") regarding this order

Interpretation

1.1 Subsection 1(1) of the *Environmental Protection Act*, R.S.O. 1990, c. E.19 ("EPA") defines "contaminant" to mean "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" and "source of contaminant" means "anything that discharges into the natural environment any contaminant" and also defines "adverse effect" to mean 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.

Remedial orders

1.2 Section 17 of the EPA provides that where any person causes or permits the discharge of a contaminant into the natural environment, so that land, water, property, animal life, plant life, or human health or safety is injured, damaged or endangered, or is likely to be injured, damaged or endangered, the Director may order the person to,

- (a) repair the injury or damage;
- (b) prevent the injury or damage; or
- (c) where the discharge has damaged or endangered or is likely to damage or endanger existing water supplies, provide temporary or permanent alternate water supplies.

Preventive measures orders

1.3 Subsection 18(1) of the EPA provides that the Director may, by written order, require a person who owns or owned or who has or had management or control of an undertaking or property to do any one or more of the following:

- (a) To have available at all times, or during such periods of time as are specified in the order, the equipment, material and personnel specified in the order at the locations specified in the order.
- (b) To obtain, construct and install or modify the devices, equipment and facilities specified in the order at the locations and in the manner specified in the order.
- (c) To implement procedures specified in the order.
- (d) To take all steps necessary so that procedures specified in the order will be implemented in the event that a contaminant is discharged into the natural environment from the undertaking or property.
- (e) To monitor and record the presence or discharge of a contaminant specified in the order and to report thereon to the Director.
- (f) To study and to report to the Director on,
 - i. the presence or discharge of a contaminant specified in the order,
 - ii. the effects of the presence or discharge of a contaminant specified in the order,
 - iii. measures to control the presence or discharge of a contaminant specified in the order,
 - iv. the natural environment into which a contaminant specified in the order may be discharged.

- (g) To develop and implement plans to,
 - i. reduce the amount of a contaminant that is discharged into the natural environment,
 - ii. prevent or reduce the risk of a spill of a pollutant within the meaning of Part X, or
 - iii. prevent, decrease or eliminate any adverse effects that result or may result from a spill of a pollutant within the meaning of Part X or from any other discharge of a contaminant into the natural environment, including,
 - 1. plans to notify the Ministry, other public authorities and members of the public who may be affected by a discharge, and
 - 2. plans to ensure that appropriate equipment, material and personnel are available to respond to a discharge.
- (h) To amend a plan developed under paragraph 7 or section 91.1 in the manner specified in the order.

1.4 Subsection 18(2) of the EPA provides that the Director may make an order under subsection 18(1) if the Director is of the opinion, on reasonable and probable grounds, that the requirements specified in the order are necessary or advisable so as,

- (a) to prevent or reduce the risk of a discharge of a contaminant into the natural environment from the undertaking or property; or
- (b) to prevent, decrease or eliminate an adverse effect that may result from,
 - i. the discharge of a contaminant from the undertaking, or
 - ii. the presence or discharge of a contaminant in, on or under the property.

Financial assurance

1.5 Subsection 132(1) of the EPA provides that the Director may include in an approval or order in respect of a works a requirement that the person to whom the approval is issued or the order is directed 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 approval or order;
- (b) the provision of temporary or permanent 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 the works to which the approval or order is related; and
- (c) measures appropriate to prevent adverse effects upon and following the cessation or closing of the works.

1.6 Pursuant to subsection 136(1) of the EPA, the Director may require the performance of environmental measures for which the Crown holds financial assurance and may require the use of the financial assurance for the performance of the environmental measures.

Orders, consequential authority

1.7 Subsection 196(1) of the EPA provides that the authority to make an order under this Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.

1.8 Subsection 196(2) of the EPA provides that a person who has authority to order that a thing be done on or in any place also has authority to order any person who owns, occupies or has the charge, management and control of the place to permit access to the place for the purpose of doing the thing.

Disclosure of orders and registration of requirement

1.9 Subsection 197(1) of the EPA provides 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.

1.10 Sub-section 197(2) of the EPA provides that a certificate setting out a requirement imposed under subsection (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 (1) and is accompanied by a registrable description of the property.

Part 2: Events leading up to the order

2.1 [REDACTED] previously owned the Property from December 23, 1994 until December 23, 2005.

2.2 [REDACTED] is the previous occupant of the Property.

2.3 [REDACTED] is a director of [REDACTED] and is a director and officer of [REDACTED]

2.4 [REDACTED] is a director of [REDACTED] and is a director and officer of [REDACTED]

2.5 As such, [REDACTED] are persons who owned or had management and control of the Property.

2.6 [REDACTED] is the current owner of the Property.

2.7 [REDACTED] was a director of [REDACTED] when it acquired the Property.

2.8 As such, [REDACTED] are persons who own or have or had management and control of the Property.

2.9 Significant, elevated concentrations of trichloroethylene (TCE) and its breakdown products, including vinyl chloride (VC) were found in soil and groundwater on the Property during a subsurface investigation which was conducted in 1999 on behalf of the previous owners [REDACTED]. Vinyl chloride and TCE are known carcinogens. In 2003, [REDACTED] were issued a Provincial Officer's Order which ordered them to delineate the extent of volatile organic compounds (VOC) contamination on the Property and to submit a report, including complete analytical data of soil and groundwater samples, an interpretation of the data and conclusions and recommendations for follow-up work, preferred remediation technology and design to the Ministry of Environment and Climate Change for review, comment and approval.

2.10 Vapour inhalation risks from TCE and its breakdown products, including vinyl chloride pose a health risk primarily from long-term exposure. Residential dwellings exist within 20 m of the Property boundary locations where TCE and vinyl chloride ground water concentrations on-Site have been found to exceed the Ministry's Table 3 Standards. The Ministry's groundwater standards for TCE and its breakdown products are based on an acceptable indoor air concentration for the protection of human health.

2.11 In the spring of 2005, indoor air quality tests were conducted by the Ministry in the basements of adjacent homes to the Property. It was found that in two homes located near the Site, VOC vapour concentrations were detected which were above Ministry indoor ambient air quality criteria. Additional indoor air monitoring was conducted in 2006 and 2008 and found detectable levels of VOCs but not at levels that would necessitate additional abatement actions.

2.12 A Director's Order was issued to the Parties listed above, on December 1, 2006, which required the Parties to develop and implement an action plan to prevent the migration of contaminants off-Property and prevent any off-Property adverse effects.

2.13 [REDACTED] appealed the Director's Order and subsequently withdrew their appeal in May 2007. An amended Director's Order was issued by the Environmental Review Tribunal on July 6, 2007.

2.14 In August 2007, [REDACTED] submitted a Work plan to the Ministry, which detailed the installation of an alternate containment system, using phytoremediation, specifically the planting of hybrid poplar and willow trees along the Property boundary in an effort to create a hydraulic containment system for contaminants located on the Property and to prevent the migration of VOC contaminated groundwater and vapours off-Property.

2.15 On November 19, 2007, the Director accepted the Work plan with amendments, which were detailed in written correspondence to the Parties. In this approval, the Director stipulated that *"if after two (2) years of monitoring [...] it is determined that the requirements of the amended Director's Order are not being met with the prevention of the migration of VOC impacted groundwater, vapour and free-phase product off-Property, additional remedial actions shall be implemented by the company to achieve the requirements of the Order. These additional actions shall include, but are not limited to, the removal of the soil in the "contingency soil removal areas" as outlined in Figure 5 of the Work plan and in any other areas as necessary, to achieve the requirements of the Order"*.

2.16 By Spring 2008, the phytoremediation containment system was installed on the Property and the Parties were required to implement a monitoring program, consistent with the requirements of the Work plan to monitor the VOC contamination on the Property and to assess

the effectiveness of the alternative containment system in preventing the migration of VOC impacted groundwater, vapour and free-phase product off-Property. The Parties are also required to submit semi-annual reports to the Director.

2.17 Since 2008, the Ministry has completed a review of the semi-annual reports, as required by the amended Director's Order dated July 6, 2007. These reports included the following;

- (a) Alternate Containment System Monitoring Report, 201 Major Street, Jagger Hims Limited, October 2008
- (b) Alternate Containment System Addendum Report, 201 Major Street, Jagger Hims Limited, February 2009
- (c) Alternate Containment System 2009 Initial Semi-Annual Monitoring Report, 201 Major Street, Welland ON, Jagger Hims Limited, June 2009
- (d) 201 Major Street, Welland, Ontario, Alternate Groundwater Containment System Semi-Annual Monitoring Report June 2009 to November 2009, GENIVAR Consultants LP, January 2010
- (e) 201 Major Street, Welland, Ontario, Alternate Groundwater Containment System Semi-Annual Monitoring Report – December 2009 to March 2010, GENIVAR Consultants LP, October 2010
- (f) 201 Major Street, Welland, Ontario, Alternate Groundwater Containment System Semi-Annual Monitoring Report – April 2010 to December 2010, GENIVAR Inc., January 2011
- (g) 201 Major Street, Welland, Ontario, Alternate Groundwater Containment System Semi-Annual Monitoring Report – January 2011 to March 2011, GENIVAR Inc., June 2011
- (h) 201 Major Street, Welland, Ontario, Alternate Groundwater Containment System Semi-Annual Monitoring Report – April 2011 to October 2011, GENIVAR Inc., December 2011

2.18 The analysis of groundwater samples taken during the last sampling event on September 22, 2011 from wells located along the southern perimeter of the Site indicated that concentrations of cis-1,2-Dichloroethylene, 1,1-Dichloroethane, 1,1,1-Trichloroethane, 1,1-Dichloroethylene, Vinyl chloride, trichloroethylene, 1,2-Dichloroethane, Chloroform, tetrachloroethylene and 1,1,2-Trichloroethane exceeded the Ministry's Table 3 Standards.

2.19 The Ministry's review of these semi-annual monitoring reports concluded that the phytoremediation system had not demonstrated effective prevention of off-Site migration of contaminants from the Property. The most recent Ministry semi-annual report review dated March 29, 2012 concluded that *"as hydraulic containment has not been proven [at the Site], there is potential for off-Site migration of contaminants from the Site"*.

2.20 The Ministry received a letter dated January 10, 2012 from legal counsel for [REDACTED] [REDACTED] advising that *"they can no longer maintain compliance with the revised Order of the Environmental Review Tribunal"*. The letter further stated that *"none of [REDACTED] will any longer be able to ensure that the monitoring of the Property continues"*.

2.21 The Ministry's conclusions with respect to the on-going on-Site contamination and resultant potential for off-Site impacts, including Director's Order status and obligations to fulfill the requirements of the amended Director's Order dated July 6, 2007 were conveyed to the Parties in letters dated November 28, 2011, January 30, 2012 and March 30, 2012 and included a request to implement additional remedial measures through the submission of a detailed contingency plan to ensure remediation and restoration of the natural environment. No responses were received to these letters and additional remedial measures have not been undertaken on the Site to address on-Site contamination.

2.22 E-mail correspondences were sent to [REDACTED] and [REDACTED] on May 14, 2012, July 12, 2012 and August 22, 2012 inquiring as to the status of their response to the correspondences sent and to the semi-annual report submission which was due on June 30, 2012, which had not been received by the Ministry. A response was received on August 23, 2012 from [REDACTED] stating that *"the company is no longer operating and has not used the building since the early part of December, 2011 [and that] "neither [REDACTED] nor I have care and control of the Property"*. It was also confirmed with the consultant GENIVAR on July 11, 2012 that no work had been undertaken in 2012 pertaining to monitoring activities at the Site for the semi-annual report submissions which were due on June 30, 2012 and November 30, 2012. There have also been no further semi-annual report submissions to the Ministry.

2.23 On August 24, 2012, staff from the Niagara District Office and the Environmental Monitoring & Reporting Branch Terrestrial Assessment Unit inspected the Property to assess the growth and health of the hybrid poplar and willow saplings that comprised the alternative containment system. It was concluded that *"Pathogen injury caused by Oystershell scale and willow blight at Site 1 is of concern and efforts must be made to control these diseases before the health of the entire stand is negatively impacted. Proper sanitation practices coupled with insecticidal sprays at the proper times should effectively control the scale, which poses the greatest threat."* This information was detailed in an e-mail by Provincial Officer Sylvie Chartrand and sent to [REDACTED] on August 28, 2012 and August 29, 2012. The Property was also re-inspected on August 21, 2013.

2.24 On August 12, 2014, the Ministry inspected 201 Major Street, Welland to assess the growth and health of the hybrid poplar and willow saplings that comprised the alternative containment system. A Technical Memorandum entitled **"Assessment of the Health and Growth of a Hybrid Poplar and Willow Groundwater Containment System, 201 Major Street, Welland, Ontario, 2014"** dated January 2015 was prepared by the Ministry. It was concluded that *"the plantation at both sites were in better condition than 2012, but pathogen injury caused by Oystershell scale and willow blight at Site 1 is still of concern. Proper sanitation practices, including the removal of infected stems and branches and the removal of leaves are still needed to control the pathogens in these plantations"*. This information was detailed in an e-mail by Provincial Officer Sylvie Chartrand and sent to [REDACTED] and [REDACTED] on February 10, 2015 along with a copy of a Compliance Summary Inspection Report conducted at 201 Major Street, Welland. Hard copies of the documents were also sent to all Parties at their last known municipal addresses. The report outlined action items to be completed by May 31, 2015. The Ministry did not receive any response from the Parties.

2.25 [REDACTED] were prosecuted under the EPA for failure to comply with the amended Director's Order dated July 6, 2007.

2.26 On June 15, 2015, [REDACTED] and [REDACTED] were convicted of one offence under the EPA and each received a

suspended sentence. On the same day [REDACTED] and [REDACTED] were convicted of one offence under the EPA and were each fined \$7,500 for a total of \$15,000. On June 26, 2015, [REDACTED] was convicted of one offence under the EPA and was fined \$5,000 and was given two years to pay the fine. On the same day, [REDACTED] was convicted of one offence under the EPA and received a suspended sentence.

2.27 Between November 16, 2015 and November 18, 2015, the Ministry took off-Property soil samples from two properties located in the Vicinity of the Property. Laboratory analysis results indicate that the following chemicals were above the Ministry's Table 3 Standards at one of the off-Property sample locations: trichloroethylene, 1,1,2-trichloroethane, toluene and total xylenes. These concentrations were compared to historical samples taken from on-Property soil samples at 201 Major Street, Welland between 2009 and 2011. The concentrations were found to be within or higher than the historical range of on-Property values.

2.28 Between November 17, 2015 and March 7, 2016, the Ministry took indoor air quality samples from six properties located in the Vicinity of the Property. Ministry technical experts concluded that *"The sampling results conducted in the fall of 2015 and winter of 2016 show majority of the contaminants analyzed are below their respective health-based indoor air criteria, with the exception of 1,2-dichloroethane, 1,4-dichlorobenzene, benzene, naphthalene, chloroform and carbon tetrachloride which show exceedances of indoor air criteria. 1,2-dichloroethane is a contaminant of concern and was found at elevated concentrations in the groundwater at the [REDACTED] site"*.

2.29 While the Parties have undertaken various limited actions to assess the extent of the contamination on-Site and to initiate on-Property remediation measures, the evidence at this time indicates that the existing alternate containment system is not being maintained as required by the amended Director's Order dated July 6, 2007. Furthermore, Ministry technical experts have concluded that *"based on the soil and soil vapour data collected as part of the Ministry's investigation, it was confirmed that contamination from the [REDACTED] property has migrated off-site [and that] an off-site delineation investigation should be completed [including] a comprehensive groundwater and soil sampling program should be established to confirm whether off-site migration has taken place across all property boundaries and what lateral and vertical extent"*. It is also the Ministry's expert's opinion that *"there is a potential for vapour intrusion and that the [REDACTED] property may pose a public health and safety risk"*. Therefore, there is the potential to cause an adverse effect to the natural environment and human health and additional mitigative measures need to be undertaken by the Parties to protect the health of the adjacent property owners/occupants due to potential vapour intrusion from VOCs in groundwater.

2.30 I am of the opinion, based on reasonable and probable grounds, that the requirements specified in the order are necessary or advisable so as,

- (a) to prevent or reduce the risk of a discharge of a contaminant into the natural environment from the undertaking or Property; or
- (b) to prevent, decrease or eliminate an adverse effect that may result from,
 - i. the discharge of a contaminant from the undertaking, or
 - ii. the presence or discharge of a contaminant in, on or under the Property.

2.31 I am further of the opinion based upon the foregoing that the requirements of this Order are necessary and advisable to prevent or reduce the discharge of contaminants into the natural environment and to assess the extent of the contamination within the Vicinity of the Property and to remediate the Vicinity of the Property to a satisfactory condition.

2.32 I am further of the opinion based on the foregoing that the requirements of this Order are necessary and advisable to repair the injury or damage or prevent the injury or damage which has resulted or is likely to result by the discharge of contaminants into the natural environment from the Property.

2.33 I am further of the opinion based on the foregoing that the Parties are responsible for the work and the costs involved in remediating on-Site and off-Site environmental impacts resulting from and caused by the aforementioned contamination of groundwater from the Property and are responsible for the costs of restoring the natural environment in the Vicinity of the Property, in accordance with the requirements set forth in this Order.

2.34 Further, I am of the opinion that as a result of non-compliance with the amended Director's Order dated July 6, 2007, the company vacating the Property and the lack of necessary maintenance of the alternate containment system, including lack of monitoring and reporting to assess potential off-Property impacts from VOCs identified on-Property, this Order is also necessary to ensure that financial assurance is available to carry out the work specified in the amended Director's Order dated July 6, 2007 and additional remediation work outlined in this Director's Order.

Part 3: Work Parties ordered to perform

Pursuant to Sections 17, 18 and 196 of the EPA, I hereby Order the Parties to take all steps necessary and to do the following:

3.1 Retain a Competent Person(s), Qualified Person(s) and Laboratory(ies)

3.1.1 By August 18th, 2017, retain Competent Person(s), Qualified Person(s) and certified Laboratory(ies) to prepare and complete, or supervise, the work specified in this Order.

3.1.2 By September 1st, 2017, provide written confirmation to the Niagara District Manager that the Competent Person(s), Qualified Person(s) and Laboratory(ies) have been retained. The written confirmation shall include the names of the Competent Person(s), Qualified Person(s) and Laboratory(ies) and proof that they meet the criteria outlined in this Order under Part 3E.

3.2 Continuation of Phytoremediation Work Program

3.2.1 The Parties shall continue to implement the Approved Work Plan on the Property and the approved revised monitoring program prepared by GENIVAR Inc. dated December 16, 2010 entitled *"Revised Monitoring Program, Alternate Groundwater Containment System at 201 Major Street, Welland, Ontario"*. The Approved Work Plan shall continue to be completed by the Competent Person(s) and the Qualified Person(s).

- 3.2.2** By **October 20th, 2017**, the Parties shall submit to the Niagara District Manager an updated phytoremediation monitoring and maintenance program for the Property referred to in Item No. 3.2.1 of this Order for review and approval. This updated monitoring program shall be prepared by the Qualified Person(s) and shall incorporate actions to address both the Ministry's comments detailed in the letter and technical memoranda provided to the Parties by the former Niagara District Manager, Mr. Rich Vickers dated March 30, 2012 and the technical comments from the Ministry's Technical Memorandum entitled "**Assessment of the Health and Growth of a Hybrid Poplar and Willow Groundwater Containment System , 201 Major Street, Welland, Ontario, 2015**", dated November, 2016 as included in Schedule A.
- 3.2.3** Within 14 days of the Parties receiving written acceptance of the updated phytoremediation monitoring and maintenance program by the Niagara District Manager and subject to any revisions which the Niagara District Manager may make, the Parties shall implement the updated phytoremediation monitoring and maintenance program on the Property. The updated phytoremediation monitoring and maintenance program shall be undertaken by the Competent Person(s) and the Qualified Person(s).
- 3.2.4** Upon implementation of the updated phytoremediation monitoring and maintenance program on the Property as required by Item No. 3.2.3 of this Order, the Parties shall submit to the Niagara District Manager semi-annual progress reports prepared by the Competent Person(s) under the supervision of a Qualified Person(s). These semi-annual monitoring reports shall be submitted by June 30th and November 30th of the corresponding reporting year, covering spring and fall sampling periods as outlined in the Approved Work Plan.

3.3 Implementation of Contingency Measures

- 3.3.1** On or before **November 20th, 2017**, the Parties shall submit to the Niagara District Manager for review and approval a detailed work plan and associated timelines for the implementation of the contingency measures on the Property in accordance with the Approved Work Plan. The contingency measures to be included in the detailed work plan shall include, but not be limited to the removal of impacted soil in heavily contaminated "hot spot" areas outlined in Section 8.0 and Figure 5.0 of the Approved Work Plan. Specifically, the detailed work plan and associated timelines for the implementation of contingency measures on the Property shall be prepared by the Qualified Person(s) and shall at a minimum include or satisfy the following key components:
- (a) the delineation of soils at surface and at depth on the Property which may include soil that is underneath the building and which is impacted by the Contaminants of Concern
 - (b) a description of sampling protocols, field screening techniques to monitor the Contaminants of Concern and to select any necessary soil samples for analysis and a comprehensive quality assurance and quality control program for all aspects of the field program;
 - (c) a re-evaluation of the proposed volumes and extent of impacted soil to be removed as identified in Figure 5.0 of the Approved Work Plan using the results of the delineation of impacted soils as required by Item 3.3.1(a) of this Order, in accordance with Table 3 Standards, as amended from time to time;

- (d) proposed soil excavation details, including utility locates, procedures for appropriate confirmatory soil sampling of excavated floor and sidewalls, sampling protocols to be used, procedures for sampling quality assurance and quality control, contractor information, name(s) of Ministry approved hauler(s) to be used, identification of the approved waste disposal site(s) for the impacted soil and the quality and quantity of backfill material required ensuring appropriate soil compaction up to existing ground surface levels;
 - (e) plans for additional hybrid plantings in areas where impacted soil has been removed; and,
 - (f) any other details required to be done as determined to be necessary by the Qualified Person(s) and
 - (g) the detailed work plan shall follow the guidelines set forth in the Ministry's publication entitled "A Guide for Completing Phase Two Environmental Site Assessments under Ontario Regulation 153/04", dated June, 2011
- 3.3.2** Within 14 days of the Parties receiving written acceptance of the detailed work plan as required by Item No. 3.3.1 of this Order by the Niagara District Manager, and subject to any revisions which the Niagara District Manager may make, the Parties shall implement the contingency measures on the Property outlined in the detailed work plan. This work shall be completed by the Competent Person(s) and the Qualified Person(s).
- 3.3.3** Upon implementation of the work plan for the contingency measures as required by Item No. 3.3.2 of this Order, the Parties shall submit to the Niagara District Manager bi-weekly progress reports prepared by the Competent Person(s) and the Qualified Person(s). The progress reports shall itemize the work performed over the course of the reporting 2-week period and confirm completion of each identified contingency measure(s). The reports shall continue to be submitted on a bi-weekly basis unless otherwise modified in writing by the Niagara District Manager until such time that all work deemed necessary to fulfill the requirements outlined in this Order have been completed and confirmed in writing by the Qualified Person(s).
- 3.3.4** Within 60 days of completion of the contingency measures, the Parties shall submit a final report which shall include:
- (a) a quantification of the final volume of impacted soil removed from the Site and a written confirmation of final disposal by means of scale tickets and/or waste manifests from the Ministry approved hauler(s) and/or waste disposal site(s);
 - (b) a proposal to assess the various remedial options available to address and/or manage any remaining impacted soils, groundwater and soil vapour on the Property including any remaining Contaminant of Concern impacted source areas and to determine an appropriate remedial approach;
 - (c) a proposal to determine an appropriate on-going monitoring program for the Contaminants of Concern in soil, groundwater and soil vapour on the Property.

3.4 Off-Site Delineation of Soil, Groundwater and Soil Vapour Contamination in the Vicinity of the Property

3.4.1 On or before December 29th, 2017, the Parties shall prepare and submit to the Niagara District Manager a detailed written work plan with associated timelines for the completion of the delineation of the Contaminants of Concern in soil, groundwater and soil vapour in the Vicinity of the Property for review and approval. The plan shall be prepared by the Qualified Person(s) and shall, as a minimum, include or satisfy the following requirements:

- (a) a proposal to determine the nature and extent of off Property impacts from the Contaminants of Concern in the Vicinity of the Property as a result of the impacted soil, groundwater and soil vapour migrating off the Property;
- (b) a proposal to assess any existing or potential adverse effect(s) that the Contaminants of Concern migrating off the Property are having in the Vicinity of the Property;
- (c) a proposal to assess the various remedial options available to address and/or manage the impacted soils, groundwater and soil vapour in the Vicinity of the Property and to determine an appropriate remedial approach;
- (d) a proposal to determine an appropriate on-going monitoring program for the Contaminants of Concern in soil, groundwater and soil vapour in the Vicinity of the Property;
- (e) a proposal to complete any other works deemed necessary in order to satisfy reporting requirements outlined in Section 3.5.1 as determined by the Qualified Person(s); and
- (f) a proposal to provide communication of the work plan actions for the delineation of the Contaminants of Concern in the Vicinity of the Property to the surrounding community;
- (g) the plan shall follow the guidelines set forth in the Ministry's publication entitled "A Guide to Phase Two Environmental Site Assessments under Ontario Regulation 153/04", dated June 2011;
- (h) the plan shall include a conceptual site model; and
- (i) the plan shall include horizontal and vertical ground water gradients.

3.4.2 Within 30 days of the Parties receiving the Niagara District Manager's written acceptance of the plan as detailed in Item No. 3.4.1 of this Order and subject to any revisions the Niagara District Manager may make, the Parties shall implement the plan. This work required by the plan shall be completed by the Competent Person(s) and the Qualified Person(s).

3.4.3 Starting 30 days after the implementation of the plan as approved by the Niagara District Manager, the Parties shall submit to the Niagara District Manager monthly progress reports prepared by the Competent Person(s) and the Qualified Person(s). The progress reports shall itemize the work performed over the course of the reporting month and confirm completion of each identified work plan item. The reports shall continue to be submitted on a monthly basis unless otherwise modified in writing by the Niagara District Manager until such time that all work deemed necessary to fulfill the

requirements outlined in this Order have been completed and confirmed in writing by the Qualified Person(s).

3.5 Final Report to the Ministry

3.5.1 Within 120 days of completion of the plan approved by the Niagara District Manager pursuant to Item No. 3.4.2 of this Order, the Parties shall submit a detailed final report to the Niagara District Manager prepared by a Qualified Person(s) and at a minimum include or satisfy the following key components:

- (a) a complete summary of all work completed to meet this requirement of the Order;
- (b) a detailed interpretation of the geology and hydrogeology of the area, an assessment of the fate and transport of the Contaminants of Concern in soil, groundwater and soil vapour in the Vicinity of the Property resulting from the Contaminants of Concern migrating off the Property, and an assessment of the likelihood of an adverse effect, as defined in the EPA, arising from the Contaminants of Concern;
- (c) the delineation of the lateral and vertical extent of the Contaminants of Concern in soil, groundwater and soil vapour in the Vicinity of the Property ;
- (d) the results of representative sampling and analysis of the Contaminants of Concern in soil, groundwater and soil vapour collected on the Property and in the Vicinity of the Property as part of the approved plan;
- (e) all field observations, analytical data, sampling protocols and certificates of analysis, including a summary and interpretation of all field observations, analytical data, and certificates of analysis sufficient for the Qualified Person(s) to evaluate and interpret the distribution of the Contaminants of Concern in soil, groundwater and soil vapour in the Vicinity of the Property;
- (f) plan view maps showing the Property boundaries, all monitoring well/test hole/test pits utilized, the location of any groundwater wells existing or newly installed on the Property and in the Vicinity of the Property along with any surface water features, storm and sanitary sewers, and water mains. All maps shall contain an appropriate scale, legend and north arrow;
- (g) groundwater Contaminant delineation map(s) showing isopleths for each Contaminant of Concern in the Vicinity of the Property based upon the findings obtained in accordance with this Order and delineated to the applicable criterion as per the Ministry's Table 3 Standards, or other applicable Table as deemed appropriate by the Qualified Person(s) which show the groundwater analytical results with all exceedances for the Contaminants of Concern of the applicable Standard being highlighted;
- (h) soil Contaminant delineation map(s) showing isopleths for each Contaminant of Concern in the Vicinity of the Property based upon the findings obtained in accordance with this Order and delineated to the applicable criterion as per the Ministry's Table 3 Standards , or other applicable Table as deemed appropriate by the Qualified Person(s) which show the soil analytical results with all exceedances for the Contaminants of Concern of the applicable Standard being highlighted;

- (i) plan view map(s), based upon the findings obtained in accordance with the approved plan, showing the shallow groundwater elevation contours and groundwater flow directions;
- (j) representative cross-sectional drawings in both the direction of groundwater flow and transverse to the direction of groundwater flow. The cross-sectional drawings are to show the stratigraphy; the location and construction details of all monitoring wells that are located along or near the cross-section with exceedances of the applicable standard being highlighted; groundwater elevations from locations that are along or near the cross-section; and the location of buried services, storm and sanitary sewers, catch basins, manholes and any surface water features along or near the cross-section;
- (k) monitoring well/borehole logs, water well records as per Ontario Regulation 903, and laboratory certificates of analysis;
- (l) a conceptual site model;
- (m) a determination of the direction and rate of ground water flow in all hydrostratigraphic units including horizontal and vertical ground water gradient;
- (n) quality assurance/quality control assessment and interpretation of all sampling results;
- (o) an assessment of any adverse effect or potential adverse effect, as defined by the EPA as a result of the Contaminants of Concern that have been identified to have migrated off the Property in the Vicinity of the Property and an assessment and interpretation of all the information listed from (a) to (n) above;
- (p) a recommended on-going groundwater and soil vapour monitoring program to be implemented in the Vicinity of the Property, including, but not limited to, the appropriateness of the installed groundwater monitoring network, sampling frequencies, sampling protocols, parameters to be analyzed and key sampling locations recommended to be sampled;
- (q) a remedial options analysis that includes, but is not limited to, the following:
 - i. a description of each remedial option;
 - ii. the advantages/disadvantages of each remedial option for use in the Vicinity of the Property relative to effectiveness, estimated time for remediation, and existing level of contamination of the Contaminants of Concern;
 - iii. a recommendation for a preferred remedial option; and
 - iv. a detailed work plan and anticipated timelines for the implementation of the preferred remedial option; and
- (r) any recommendations for additional work as deemed necessary for the protection of human health or the environment by the Qualified Person(s).

3.5.2 Within 30 days of receipt of written acceptance by the Niagara District Manager and subject to any revisions which the Niagara District Manager may make, the Parties shall implement the recommendations made by the Qualified Person(s) within the final report submitted in accordance with Item 3.5.1 of this Order. This work shall be completed by the Competent Person(s) and Qualified Person(s).

- 3.5.3** Upon implementation of the recommendations within the final report as required by Item No. 3.5.2 of this Order, the Parties shall submit to the Niagara District Manager bi-weekly progress reports prepared by the Competent Person(s) and Qualified Person(s). The progress reports shall itemize the work performed over the course of the reporting 2-week period and confirm completion of each identified recommendation(s). The reports shall continue to be submitted on a bi-weekly basis unless otherwise modified in writing by the Niagara District Manager until such time that all work deemed necessary to fulfill the requirements outlined in this Order have been completed and confirmed in writing by the Qualified Person(s).

Part 3B: Financial Assurance

3.6 Financial Assurance

Pursuant to the authority vested in me under sections 132 and 196 of the EPA, I hereby order the Parties as follows:

- 3.6.1** On or before the dates outlined in Item No. 3.6.2 (d) below, the Parties shall prepare and submit to the Niagara District Manager cost estimates with respect to compliance with the work requirements under this Order.
- 3.6.2** The cost estimates shall include the following:
- (a) capital and other one-time costs;
 - (b) recurring or annual costs;
 - (c) administrative or other costs related to compliance with this Order;
 - (d) a breakdown of the costs of compliance for each section of the Order; namely Items:
 - i. 3.2 (cost estimates to be submitted with plan by October 20, 2017);
 - ii. 3.3 (cost estimates to be submitted with plan by November 20, 2017);
 - iii. 3.4 (cost estimates to be submitted with plan by December 29, 2017);
 - iv. 3.5 of this Order (cost estimates to be submitted by January 29, 2019);
 - (e) an explanation of all sources of data and assumptions used in making such estimates;
 - (f) all supporting documentation or information used in making such estimates; and
 - (g) any other documentation or information of any kind in your possession or control that is relevant to estimating the cost of compliance with this Order.
- 3.6.3** The Parties shall provide financial assurance to the Crown in Right of Ontario in the amounts specified below and according to the following schedule:
- (a) For implementation of the updated phytoremediation work (Item 3.2.3), provide financial assurance in the amount submitted under Item 3.6.2 (d) (i) within 30 days of receipt of written approval by the Niagara District Manager of the amount submitted under Item 3.6.2 (d) (i);
 - (b) For implementation of contingency measures (Item 3.3.2), provide financial assurance in the amount submitted under Item 3.6.2 (d) (ii) within 30 days of receipt of written approval by the Niagara District Manager of the amount submitted under Item 3.6.2 (d) (ii);

- (c) For implementation of off-site delineation of soil, groundwater and soil vapour contamination in the Vicinity of the Property (Item 3.4.2), provide financial assurance in the amount submitted under Item 3.6.2 (d) (iii) within 30 days of receipt of written approval by the Niagara District Manager of the amount submitted under Item 3.6.2 (d) (iii);
- (d) For implementation of recommendations in the final report (Item 3.5.2), provide financial assurance in the amount submitted under Item 3.6.2 (d) (iv) within 30 days of receipt of written approval by the Niagara District Manager of the amount submitted under Item 3.6.2 (d) (iv).

The financial assurance shall be in a form satisfactory to the Niagara District Manager as outlined in the Ministry's *F-15: Financial Assurance Guideline revised June, 2011*. In the case of an irrevocable letter of credit, a template is attached as Schedule B.

- 3.6.4 In the event that financial assurance is in the form of an irrevocable letter of credit and notice is received by the Ministry or the Crown that the financial assurance will not be renewed or otherwise expire, the Parties shall at least sixty (60) days prior to the expiration date, replace such financial assurance with cash in the same amount as the irrevocable letter of credit.
- 3.6.5 The amount of financial assurance may be modified or reduced from time to time by the Niagara District Manager upon application and submission of such supporting documentation as required by the Niagara District Manager.

Part 3C: Registration on title

3. 7 Certificate of Requirement

- 3.7.1 Effective immediately, pursuant to the authority vested to me under subsection 197 (1) of the EPA, 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 this Order, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing.
- 3.7.2 Within fifteen (15) days from the date of receipt of a Certificate of Requirement, issued under subsection 197 (2) of the Act, register the Certificate of Requirement on title to the Property in the appropriate Land Registry Office.
- 3.7.3 Immediately after registration of the Certificate of Requirement, provide to the Niagara District Manager written verification that the Certificate of Requirement has been registered on title to the Property.

Part 3D: Other Requirements

3.8 Other Requirements

- 3.8.1** The Parties to this Order shall in a timely manner share all relevant information within their possession or control with the other named Parties to this Order, where the information is relevant to the other named Party doing the things required by this Order.
- 3.8.2** The Parties to this Order shall in a timely manner share with the other named Parties to this Order any submissions made to the Ministry in accordance with this Order.
- 3.8.3** A Party to this Order shall immediately notify the Niagara District Manager verbally and by written follow-up if the Party believes that another Party to this Order is not complying with any of the Items of this Order. The written follow-up shall state what information or submissions have not been shared and the reason why the information or submission should be shared.
- 3.8.4** Pursuant to subsection 196(2) of the Environmental Protection Act (EPA), immediately upon issuance of this Order, the Parties to this Order, where they have ownership or exercise management or control of Property, or have ownership or exercise management or control of environmental monitoring equipment or facilities shall permit the other named Parties to this Order, or their agents, access to the Property or the environmental monitoring equipment or facilities where access to the Property, equipment or facilities is required for doing the things required by this Order. All of the Parties to this Order shall be responsible for the proper maintenance of the environmental monitoring equipment, including all monitoring wells, on their Property. In the event of any damage to the monitoring equipment required for doing the things required by this Order, the Party who owns the Property on which the monitoring equipment is located shall ensure that any damage is repaired in accordance with Ontario Regulation 903 and the well casing resurveyed such that the requirements of this Order can be met.
- 3.8.5** A Party to this Order shall immediately notify the Niagara District Manager verbally and by written follow-up if access to any Property, or monitoring equipment or facility, where access to the Property, equipment or facility is required for doing the things required by this Order, is prevented or is otherwise inaccessible. The written follow-up shall state why the access is required, and the details and reason why access has been prevented or is otherwise inaccessible.
- 3.8.6** Failure to comply with a term of this Order by the date specified does not absolve you from compliance with that requirement. The obligation to complete the requirement shall continue each day thereafter.
- 3.8.7** All written reports and submissions required to be submitted to the Ministry pursuant to this Order shall be final and not be labelled as draft nor include any reference to being draft information. All written reports are to be signed by either a Professional Engineer (P.Eng.) or a Professional Geoscientist (P.Geo.) licensed to practice in the Province of Ontario.
- 3.8.8** All written reports submitted to the Ministry pursuant to this Order shall contain a signed declaration made by the Engineer or Geoscientist responsible for the written report, as follows:

"I have read the Order and I have been retained in relation to the work specified in the following sections of the Order:

[insert section numbers]

I have not been retained in relation to the work specified in the following sections of the Order:

[insert section numbers or "not applicable"]

I have the appropriate expertise and skill to do the work for which I have been retained."

Part 3E: Further definitions

"Approved Work Plan" means the report prepared by Jagger Hims Limited (now GENIVAR Inc.) dated November 2007 and entitled "*Phytoremediation work plan 201 Major Street, Welland, Ontario*" with amendments of the Director dated October 11, 2007 and November 19, 2007.

"Competent Person(s)" means a person(s) who has (have) the education, training, or experience to perform the particular tasks and analysis required within this Order that are not performed by the Qualified Person.

"Contaminant" or "Contaminants of Concern" means Trichloroethylene (TCE), 1,1-Trichloroethane (1,1-TCA), Tetrachloroethylene (PCE), Dichloroethylene (DCE), 1,1-Dichloroethylene (1,1-DCE), Cis-1,2-Dichloroethylene (cis-1,2-DCE), trans-1,2-Dichloroethylene (trans-1,2-DCE), 1,2-Dichloroethane (EDC), 1,1,1-Trichloroethane (1,1,1-TCA), Vinyl Chloride (VC), any other known associated breakdown products of TCE and benzene, toluene, ethylbenzene, xylenes, carbon tetrachloride and chloroform.

"Director and Niagara District Manager" means the Manager of the Niagara District Office, Ministry of the Environment and Climate Change, 301 St. Paul St., 9th Floor, Suite 15, St. Catharines, Ontario, L2R 7R4

"EPA" means the *Environmental Protection Act*, R.S.O. 1990, Chapter E.19 as amended;

"Laboratory(ies)" means a Laboratory(ies) that is(are) accredited by a Ministry approved accreditation body and compliant with the International Standard ISO/IEC 17025. The Laboratory's accreditation must include accreditation for the Contaminant of Concern parameters to be assessed under this Order.

"Ministry" means the Ontario Ministry of the Environment and Climate Change.

"Order" means this Director's Order, as may be amended.

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

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

"Parties" means the persons to whom this Order is directed on page 1 above.

"Property" or "Site" means the real property, buildings and associated land located at 201 Major Street, Welland, Ontario, namely the areas labeled "PIN 64115-0002 (LT), described as LT 22, PL 579; LTS 32-37, PL 579; PT LANEWAY, PL 579, (AS CLOSED BY BB80171, RO281476 & BL37), AS IN RO681645; S/T BB44078, BB80172, RO702424 WELLAND

"Qualified Person(s)" means a person(s) who possesses hydrogeological expertise and who has (have) expertise in the assessment and remediation of soil and groundwater contamination, in particular the remediation of volatile organic compounds ("VOCs") and who must be a licensed member of the Professional Engineers of Ontario, as required by the *Professional Engineers Act*, R.S.O. 1990 and its regulations and/or the Association of Professional Geoscientists of Ontario, as required by the *Professional Geoscientists Act*, S.O. 2000, c.13 and its regulations. The Qualified Person(s) must also meet the qualifications set forth in Section 5 of O. Reg. 153/04 for conducting a Phase II environmental site assessment.

"Standards" means the Ministry's "Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, April 15, 2011, PIBS # 7382e01".

"Vicinity of the Property" includes the lands immediately around the Property or Site and which are hydrogeologically or otherwise downgradient from the Site and for which Contaminants are detectable in groundwater, surface water, soil, air or soil vapour above the applicable regulatory limits.

"VOCs" means volatile organic compounds listed in Table 3 of the Standards.

Part 4: General

4.1 All orders are issued in the English language and may be translated into the French language. In the event that there should be a conflict between the English original and the French translation, the English original shall prevail.

4.2 The requirements of this Order are minimum requirements only and do not relieve you from:

- (a) complying with any other applicable order, statute or regulation;
- (b) obtaining any approval(s) or consent(s) not specified in this Order.

4.3 In the event that any party to this Order is, in the opinion of the Director, rendered unable to perform or comply with any obligations herein because of:

- (a) natural phenomena of an exceptional, inevitable or irresistible nature, or insurrections; or
- (b) strikes, lockouts or other labour disturbances; or
- (c) inability to obtain materials or equipment for reasons beyond the control of the company; or
- (d) any other cause whether similar to or different from the foregoing beyond the reasonable control of the parties,

the obligations hereof, as they are affected by the above shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the party must notify the Director immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the compliance dates in question.

4.4 Any request to change a requirement in this Order shall be made in writing to the Director, with reasons for the request, at least 14 days prior to any compliance date for that requirement.

4.5 Notwithstanding the issuance of this Order, further or other orders may be issued in accordance with legislation as circumstances require. In particular, the Director shall issue an order where the approval of the Director is required in respect of a matter under this Order and,

- (a) the Director does not grant approval; or
- (b) the Director does not grant approval because the changes which the Director considers necessary for granting approval have not been agreed to by the persons to whom this Order is issued.

4.6 The requirements set out in this Order are severable. If any requirement of this Order is held to be invalid with regard to a particular circumstance, it will not affect the application of that requirement to other circumstances and will not affect the remainder of this Order.

4.7 Subsection 19 (1) of the EPA provides that an order or approval of a Court, the Minister of the Environment (the "Minister"), or the Director is binding upon the successor or assignee of the person to whom it is directed.

4.8 Subsection 186(2) of the EPA provides that non-compliance with the requirements of this Order constitutes an offence.

4.9 Part XIV of the EPA provides that the Director or the Minister may cause to be done any thing required under an order issued under the EPA, and may, in any manner set out therein, recover the costs of doing any such thing from the person to whom the order has been issued.

4.10 Unless stayed by application under section 143 of the EPA, this Order is effective upon its being served upon you and its terms and conditions shall be in force until such time as they are amended or revoked by the Director.

4.11 While this Order is in effect, a copy or copies of this Order shall be posted in a conspicuous place.

4.12 While this Order is in effect, report in writing, to the Director, any changes in ownership of the Site.

4.13 This Order has no expiry date.

Part 5: Request for hearing

5.1 Pursuant to section 140 of the EPA, the parties may require a hearing before the Environmental Review Tribunal (the "Tribunal"), if within fifteen (15) days from the date of service of this Order, you serve written notice of your appeal on the Director and the Tribunal as set out in paragraph 5.3.

5.2 Pursuant to section 142 of the EPA, the Notice requiring the hearing must include a statement of the portions of the Order for which the hearing is required 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 Order or to rely on any ground of appeal that is not stated in the Notice requiring the hearing. Unless stayed by the Tribunal, the Order remains in effect from the date of service.

5.3 Written Notice requiring a hearing shall be served personally or by mail (or otherwise in accordance with Ontario Regulation 227/07-Service of Documents) on the following:

The Secretary
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

Fax (416) 326-5370 or 1-877-849-2066
Telephone: (416) 212-6349 or 1-866-448-2248
E-mail: ERTTribunalSecretary@ontario.ca

and

Kim Groombridge, Director
Ministry of the Environment
Niagara District Office
301 St. Paul Street, 9th Floor, Suite 15
St. Catharines, Ontario L2R 7R4

Fax: (905) 704-4015
Telephone: (905) 704-3914
E-mail: Kim.Groombridge@ontario.ca

Further information on the Tribunal and requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349 or 1-866-448-2248
Fax: (416) 326-5370 or 1-844-213-3474

Web: Link to the [ERT](#)

5.4 Where service is made by mail, the service shall be deemed to be made on the fifth (5) day after the day of mailing and the time for requiring a hearing is not extended by choosing service by mail.

5.5 Unless stayed by application to the Environmental Review Tribunal under Section 143 of the EPA, this Order is effective from the date of service.

5.6 If you commence an appeal before the Environmental Review Tribunal, under section 47 of the Environmental Bill of Rights (EBR), you must give notice to the public in the EBR registry. The notice must include a brief description of this order (sufficient to identify it) and a brief description of the grounds of appeal. The notice must be delivered to the Environmental Commissioner who will place it on the EBR registry. The notice must be delivered to the

Environmental Commissioner at 1075 Bay Street, Suite 605, Toronto, Ontario M5S 2B1, Tel: 416-325-3377/1-800-701-6454, Fax: 416-325-3370, E-mail: commissioner@eco.on.ca by the earlier of:

- (a) two (2) days of commencing the appeal before the Tribunal; and
- (b) fifteen (15) days after the service of this Order.

5.7 Pursuant to subsection 47(7) of the EBR, the Environmental Review 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.

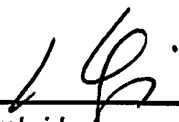
5.8 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in this Order may seek leave to appeal the order. Under section 40 of the EBR, the application for leave to appeal must be made to the Environmental Review Tribunal by the earlier of:

- 1. fifteen (15) days after notice of this Order is given in the EBR registry; and
- 2. if you appeal, fifteen (15) days after your notice of appeal is placed in the EBR registry.

To find out if any person has made application for leave to appeal this Order, you may wish to check the EBR registry a few days after the period mentioned above. The EBR registry is available at the following link to the EBR

The procedures and other information provided above are intended as a guide. The legislation and/or regulations should be consulted for additional details and accurate reference.

ISSUED at St. Catharines, this 29 day of June, 2017.

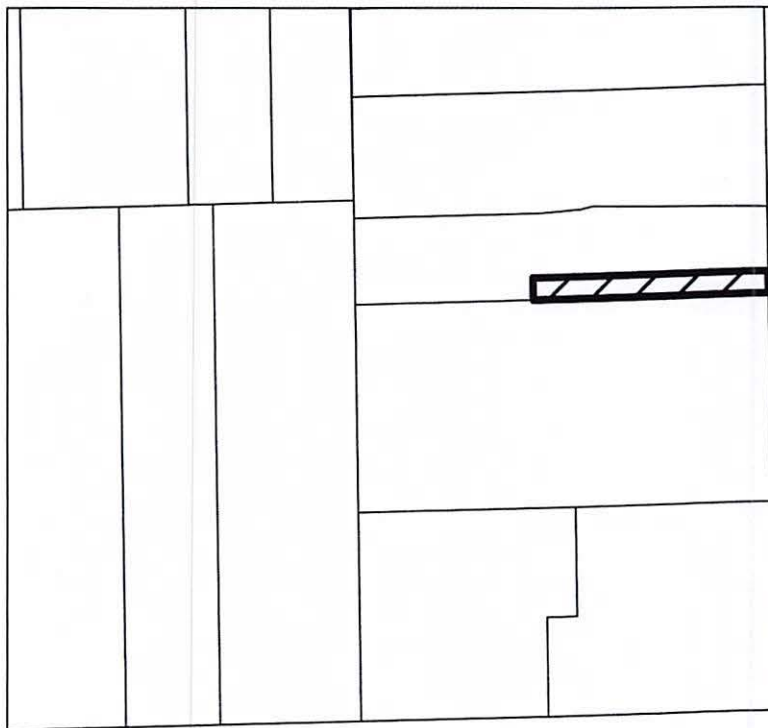


Kim Groombridge
Director, Environmental Protection Act ss.18, 132, 196, 197
Niagara District Office, Ministry of the Environment and Climate Change

Attachments in Schedules A and B.

TAX SALE MAP : KING STREET PROPERTY
ROLL NUMBER : 271903001502802
OFFICIAL PLAN DESIGNATION : HEALTH AND WELLNESS CLUSTER
ZONING: CC2 - COMMUNITY COMMERCIAL CORRIDOR

FILE 24-02



King Street

Sixth Street

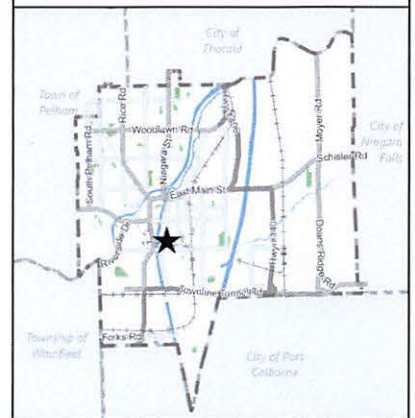
 SUBJECT LANDS



0 5 10 20 30
Metres



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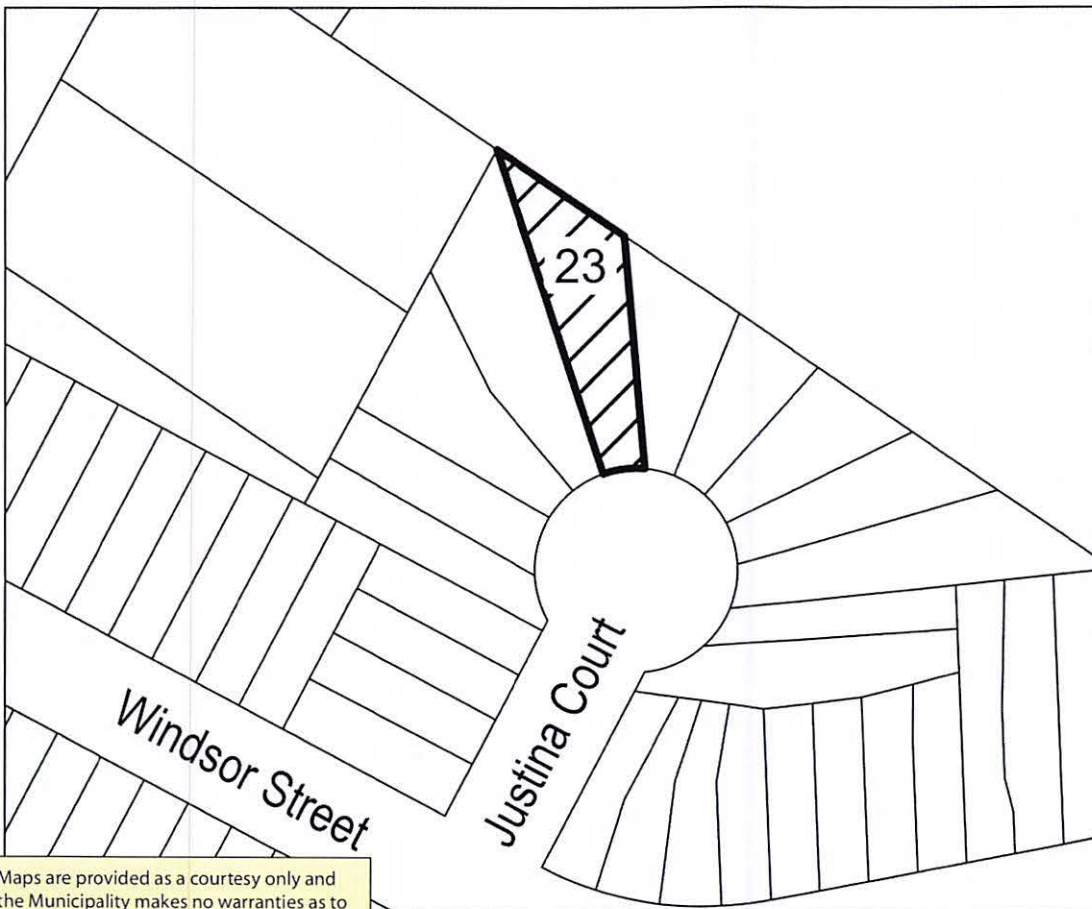


Maps are provided as a courtesy only and the Municipality makes no warranties as to the accuracy of this information

Date: 2026-07-22

TAX SALE MAP : 23 JUSTINA COURT
ROLL NUMBER : 271903001618400
OFFICIAL PLAN DESIGNATION : LOW DENSITY RESIDENTIAL
ZONING: RL2- RESIDENTIAL LOW DENSITY 2

FILE 24-06



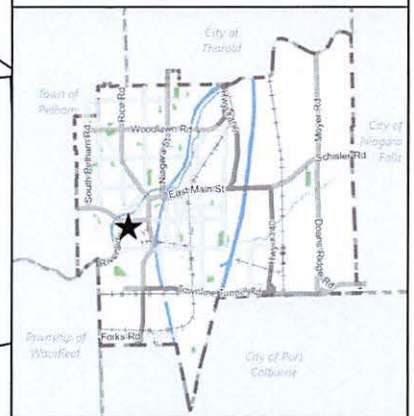
 SUBJECT LANDS



0 10 20 40 60
Metres



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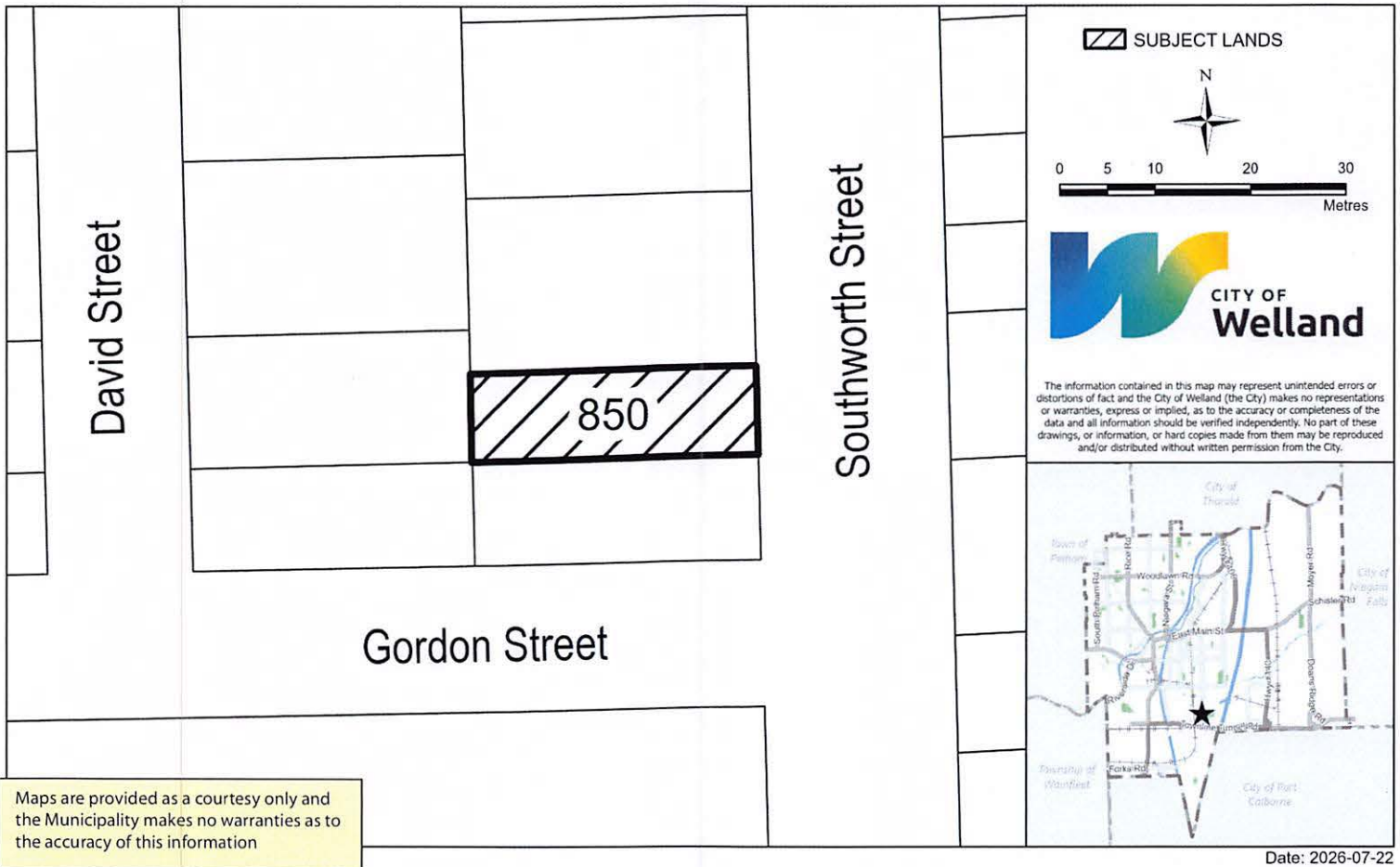


Maps are provided as a courtesy only and the Municipality makes no warranties as to the accuracy of this information

Date: 2026-07-22

TAX SALE MAP : 850 SOUTHWORTH ST S
ROLL NUMBER : 271906000613101
OFFICIAL PLAN DESIGNATION : LOW DENSITY RESIDENTIAL
ZONING: RL1- RESIDENTIAL LOW DENSITY 1

FILE 25-06



INSTRUCTIONS FOR SUBMITTING A TENDER

A tender, and the envelope that it is submitted in, must be prepared and submitted in accordance with the *Municipal Tax Sales Rules*. Here are steps to follow to ensure that your tender complies with those rules.

1. Determine your tender amount

The minimum tender amount in the tax sale advertisement is generally the "cancellation price" (taxes, penalty, interest, etc) as of the first day of advertising. Your tender must be this amount or more. If you are the successful tenderer, you will also be required to pay Land Transfer Tax and any applicable HST. As well, you will be required to pay "accumulated taxes", being any further taxes, interest or penalty that have accumulated since the first day of advertising.

2. Prepare Form 7 (TENDER TO PURCHASE)

A tender shall be in Form 7. It must be typewritten or legibly handwritten in ink. There is a Form 7 in your tender package. Please proceed as follows:

- In the section of Form 7 that says "Re: Sale of: (description of land)" Enter in the description of the land, including the roll number, file number and municipal address, if that information is available. You should use the same description that is shown on your TITLE SEARCH SUMMARY, if you purchased one, or on the tax sale ad.

- Fill in the remaining information on Form 7.

NOTE: Double and triple check the information that you enter. Be sure there are no mistakes!

3. Prepare a deposit

a. At least 20%

Your tender must be accompanied by a deposit of at least 20 per cent of the amount you tender.

(Example: If you tender \$5,000.01 – 20% of \$5,000.01 is \$1,000.002 – therefore \$1,000.00 would be less than 20% of the amount you tendered – \$1,000.01 would be the minimum deposit required)

b. Form of Deposit

Deposit is made by way of money order, or by way of bank draft or cheque certified by a bank or authorized foreign bank within the meaning of section 2 of the *Bank Act* (Canada), a trust corporation registered under the *Loan and Trust Corporations Act* or a credit union within the meaning of the *Credit Unions and Caisses Populaires Act, 1994*.

c. Deposit money order, bank draft or certified cheque must be made out in favour of the municipality

d. Warning

If after the tender(s) have been opened, the municipality sends you a notice that your tender has been accepted, you must pay the full amount owing within 14 days of the notice being sent to you. **If you do not pay the balance as required, for any reason, your deposit will be forfeited to the municipality.**

4. Prepare a Tender envelope

Your tender must be submitted in a sealed envelope, addressed to the treasurer, indicating on it that it is a tax sale and provides a short description or municipal address of the land sufficient to permit the treasurer to identify the parcel of land to which the tender relates.

The tender envelope in this tender package is already properly pre-addressed. All you have to do is the following:

- If a municipal address has been given for the property, enter that address under the heading **Tax Sale For**.
- If there is no municipal address given, or if the municipal address will not be sufficient to permit the treasurer to identify the parcel to which the envelope relates, it will be necessary to include a short description of the property. You should use the property description that is shown on your TITLE SEARCH SUMMARY, if you purchased one, or on the tax sale ad.

5. One parcel only

A tender shall relate to only one parcel of land. If there are two or more properties in a sale and you wish to submit tenders for two properties, you must submit two completely separate tenders. You must fill out two separate Form 7s and have two separate deposit cheques or money orders. Each Form 7, along with the deposit for that property, must be submitted in a separate envelope.

6. No additional terms or conditions

The treasurer will reject every tender that includes any term or condition not provided for in the *Municipal Tax Sales Rules*.

7. Submitting your tender

You can submit your tender in person, or by courier, or by mail. Your tender must be received by the treasurer on or before the time and date indicated in the advertisement for tax sale. If your tender is received late it will be rejected. In the event of a postal strike or other work slowdown, mail might not be delivered in a timely manner. **If the mailing address includes a Post Office Box, there is no guarantee the municipality will collect their mail before 3 pm on the day of the sale. It is the tenderer's responsibility to ensure the tender is delivered to the treasurer by 3 pm on sale day.**

8. If you wish to withdraw your tender

A tender is withdrawn if the tenderer's written request to have the tender withdrawn is received by the treasurer before 3 p.m. local time on the last date for receiving tenders. The envelope containing a withdrawn tender will be opened at the time of the opening of the sealed envelopes.

9. Cancellation of sale

A tax sale can be cancelled by the treasurer at any time before a tax deed or notice of vesting is registered on title.

10. Canadian Citizenship or Non-Residency (Non-Canadian)

If you are not a Canadian Citizen or Permanent Resident as defined under the Prohibition on the Purchase of Residential Property by Non-Canadians Act and/or Non-Resident Speculation Tax (NRST) under Land Transfer Tax Act.

You should seek legal advice BEFORE submitting a tender

11. Qualifying First-Time Homebuyer

Where a refund is claimed by a qualifying first-time Homebuyer under the Land Transfer Tax Act, the Municipality requires the purchaser to retain legal counsel to complete the transfer

TENDERER'S CHECKLIST FOR SUBMITTING A VALID TENDER

Have you done your homework?

The municipality makes no representation regarding the title to the property or any other matters relating to the lands to be sold. The property may be worth much more or much less than the minimum tender amount.

The responsibility for researching this property to see if it is a good investment and researching the legislated requirements and provisions of the tax sale procedure is up to you. Have you investigated title and conducted a search for executions to see what will stay on title and become your responsibility after the tax deed is registered? In most cases, if the property is subject to a crown interest at the time the tax deed is registered (such as a mortgage, lien or execution), it will continue to be subject to that crown interest when you become the owner. Is the land subject to easements, restrictions &/or adverse possession of abutting owners? Does the property condition, land use, zoning, etc. fit in with your plans for the property? Is it accessible without trespassing on someone else's property?

If your tender is accepted and you do not pay the balance of the tender amount owing on time for any reason, **your deposit will be forfeited to the municipality** as set out in the *Municipal Tax Sale Rules*.

YES	NO	Requirements for "Submitting a Tender" pursuant to the <i>Municipal Act, 2001</i> and <i>The Municipal Tax Sale Rules</i>
		Envelope is sealed
		Envelope indicates it is for a Tax Sale
		An identifiable description of the land or municipal address is shown on the envelope
		Envelope is addressed to the Treasurer (or Deputy Treasurer) <i>NOTE: Tenders must be addressed to the person who holds the position of Treasurer, or Deputy Treasurer under Section 286(2), even if their Title is different.</i>
		Tender is submitted in Form 7 <i>NOTE: Form 7 must be addressed to the person who holds the position of Treasurer, or Deputy Treasurer under Section 286(2), even if their Title is different.</i>
		Form 7 is typewritten or legibly written in ink
		Form 7 describes/relates to one parcel only (Description on envelope not sufficient on its own. Property must also be described on the Tender Form 7)
		Only one Form 7 per envelope
		Tender includes only the terms and conditions as provided for in the <i>Municipal Tax Sales Rules</i>
		Your Tender Amount is equal to or greater than the Minimum Tender Amount given for the property in the ad
		Deposit is at least 20% of the amount you tender <i>NOTE: Deposit of 20% must always be rounded up to the "HIGHER" cent (ie. Example: If you tender \$5,000.01, 20% of \$5,000.01 is \$1,000.002. and \$1,000.00 would be less than 20%. You must round up. \$1,000.01 would be the minimum deposit required)</i>
		Deposit is made by way of money order, or by way of bank draft or cheque certified by a bank or authorized foreign bank within the meaning of section 2 of the <i>Bank Act</i> (Canada), a trust corporation registered under the <i>Loan and Trust Corporations Act</i> or a credit union within the meaning of the <i>Credit Unions and Caisses Populaires Act, 1994</i>
		Deposit money order, bank draft or certified cheque is made out in favour of the municipality
		Are you a Canadian Citizen or a Permanent Resident of Canada IF YOU ANSWER NO, see paragraph 10 of the instructions for submitting a tender
		If you answered "NO" to any of the above questions, the Tender shall be rejected!
		Are you a qualifying First-time Homebuyer IF YOU ANSWER YES, see paragraph 11 of the instructions for submitting a tender