Record of Site Condition

For Part XV.1 of the *Environmental Protection Act*

Summary

Registration Number	69148
Status	Filed
Filing Date	2010/01/15
Certification Date	2007/05/15
Current Property Use	Commercial
Intended Property Use	Commercial
Certificate of Property Use Number	No CPU
Applicable Standards	Background Site Conditions Standard, with Potable Ground Water, Medium/Fine Textured Soil, for Industrial/Commercial/Community property use
Property Municipal Address	3011 APPLEBY LINE, BURLINGTON, ON, L7R 3X4

Notice to Readers Concerning Due Diligence

This record of site condition has been filed on the Environment Site Registry to which the public has access and which contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.

Contents of this Record of Site Condition

This record of site condition consists of this document which is available to be printed directly from the Environmental Site Registry as well as all documentation indicated in this document to have been submitted in paper format to the Ministry of the Environment.

Definitions

The following definitions are taken from the *Environmental Protection Act* or Regulation 153/04 under that Act and are included for ease of reference. The Act and Regulation should be referenced for other applicable definitions.

In this Record of Site Condition,

"Act" means the *Environmental Protection Act*, as amended;

"Cleanup Guideline 1996" means the Ministry publication entitled "Guideline for Use at Contaminated Sites in Ontario" originally dated June 1996 and later revised;

"Intended property use", in relation to a record of site condition, means the type of property use in respect of which the record of site condition is filed;

"phase one environmental site assessment" has the same meaning as defined in the Act at s. 168.1;

"phase two environmental site assessment" has the same meaning as defined in the Act at s. 168.1;

"Regulation" means Ontario Regulation 153/04, Records of Site Condition Part XV.1 of the Act, as amended;

"risk assessment" has the same meaning as defined in the Act at s. 168.1;

"RSC" means a record of site condition under Part XV.1 of the Act;

"RSC property", in relation to a record of site condition, means the property in respect of which the record of site condition is filed;

"SSRA" means a site specific risk assessment conducted in accordance with the Cleanup Guideline 1996.

Part 1: Property Ownership, Property Information and Owner's Certifications

Information about the owner who is filing or authorizing the filing of the RSC

Owner Name	Calloway REIT (Burlington Appleby) Inc.
Corporate Contact (Authorized Officer)	Rudy Gobin
Mailing Address	Suite 100700 APPLEWOOD CRESVAUGHAN, ON, L4K 5X3
Phone	905-7606200
Fax	905-7606202
Email	

RSC Property Location Information

Municipal Address	3011 APPLEBY LINE BURLINGTON, ON, L7R 3X4
Municipality	BURLINGTON
Legal Description	Firstly: Part of PIN No. 07201-0131(LT): Part of Lot 1, Plan 20M-446, designated as Part 10 on Plan 20R-16602, City of Burlington, Regional Municipality of Halton; Secondly: Part of PIN No. 07201-0135(LT), Part of Harrison Court, Plan 20M-446, designated as Parts 18 & 19 on Plan 20R-16602 and Parts 2 and 3 on Plan 20R-17543, closed by HR727067, City of Burlington, Regional Municipality of Halton, SUBJECT TO an Easement in gross over Part 3 on Plan 20R-17543 as in HR766837; Thirdly: Part of PIN No. 07201-0040(LT): Parcel 6-1, Section 20M-446, being Lot 6 on Plan 20M-446City of Burlington, Regional Municipality of Halton*****RSC Property is: Parts 1, 3 & 4 on Plan 20R-18393, City of Burlington, Regional Municipality of Halton
Assessment Roll Number	2402030309108100000, 2402030309108900000, 2402030309108200000
Property Identification Number (PIN)	07201-0131(LT), 07201-0135(LT), 07201-0040(LT)
RSC applies to entire legal property	NO

RSC Property Geo Reference

UTM Coordinates	NAD83 17-596435-4806824
Latitude & Longitude	43.40809940N 79.80896180W (converted from UTM)
Accuracy Estimate	6 to 10 meters
Measurement Method	Digitized from a satellite image

RSC Property Use Information

The following types of property uses are defined by the Regulation: Agricultural or other use, Commercial use, Community use, Industrial use, Institutional use, Parkland use, and Residential use.

Current Property Use	Commercial
Intended Property Use	Commercial
Certificate of Property Use has been issued under section 168.6 of the Act	NO

Additional Documentation Provided by Property Owner or Agent

The following documents have been submitted to the Ministry of the Environment as part of the record of site condition:

1	Deed or Transfer for the property

2	Certificate of Status
3	Survey of the property

Signature and Statements of Property Owner or Agent

As an authorized officer acting on behalf of the owner of the RSC property:

1. I acknowledge that the RSC will be filed in the Environmental Site Registry, that records of site condition that are filed in the Registry are available for examination by the public and that the Registry contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.

2. I have conducted reasonable inquiries to obtain all information relevant to this RSC, including information from the other current owners of the RSC property named in this part of the RSC.

3. I have disclosed all information referred to in paragraph 2 to any qualified person named in this RSC.

4. To my knowledge, the statements made in this part of the RSC are true as of _____.

As an authorized officer making the certifications on behalf of the owner:

1. I certify that I have been authorized by the owner of the RSC property to make the statements prescribed by this section on their behalf and that the owner of the RSC property has read and understands the statements being made on their behalf.

Name of Authorized Officer_____ Signature _____ Date _____

A signed and dated copy of this Part of the record of site condition has been received by the Ministry of the Environment prior to the filing of this record of site condition in the Environmental Site Registry.

Part 2 List of Reports, Summary of Site Conditions, Qualified Person's Certifications

Qualified Person Information

Name	Jim P Phimister
Company	Barenco Inc.
Job Title	
Business Address	2561 STOUFFVILLE RDGORMLEY, ON, L0H 1G0
Phone	905-8876661
Fax	905-8871999
Email	jphimister@barenco.ca

Additional Documentation Provided by the Qualified Person

The following documents have been submitted to the Ministry of the Environment as part of the record of site condition:

1	Certificate of Status in relation to the employer of the qualified person

Municipal Information

Local or Single-Tier Municipality

Municipality	BURLINGTON
Municipal Clerk	Deb Caughlin
Address	426 BRANT STBURLINGTON, ON, L7R 3Z6
Phone	905-3357698
Fax	905-3357881
Email	

Upper Tier Municipality

Municipality	HALTON
Municipal Clerk	Susan Lathan
Address	1151 BRONTE RDOAKVILLE, ON, L6M 3L1
Phone	905-8256000
Fax	905-8259010
Email	

Ministry of the Environment District Office

District Office	HALTON-PEEL
District Office Address	Suite 300, 4145 North Service RD, Burlington, ON, L7L 6A3

Reports Supporting Record of Site Condition

The following types of assessments have been conducted in support of this record of site condition:

- A phase one environmental site assessment
- A phase two environmental site assessment

Previous RSCs applying to any part of the RSC property

Previous risk assessments or SSRA applying to any part of the RSC property

Assessments or other reports have been relied upon in certifying the information set out in this Part

Date	Report Title	Report Type	Author	Affiliation
2009/06/10	Phase I Environmental Site Assessment, Three Vacant Properties, 3071, 3074 and 3081 Harrison Court, Burlington, Ontario	Phase 1 ESA	Jim Phimister and Bernard Chan	Barenco Inc.
2007/05/23	Environmental Soil Investigation, Harrison Court, Burlington, Ontario	Phase 2 ESA	Douglas M. Fisher and David J. Baigent	Shaheen & Peaker Limited
2006/02/07	Phase II Environmental Site Assessment, Three Vacant Properties, 3071, 3074 and 3081 Harrison Court, Burlington, Ontario	Phase 2 ESA	Jeff Carson and Jonathan Wakani	AMEC Earth & Environmental
2006/01/27	Phase I Environmental Site Assessment, Three Vacant Properties, 3071, 3074 and 3081 Harrison Court, Burlington, Ontario	Phase 1 ESA	Jeff Carson and Jonathan Wakani	AMEC Earth & Environmental

Site Condition Information

Total area of the RSC property (in hectares)	0.4697
Phase Two Environmental Site Assessment applies to the entire RSC property	YES
Risk assessment has been prepared and accepted	NO
Environmentally Sensitive Area	Yes
Sediment Present	N
Soil Texture	Medium/Fine
Assessment/Restoration Approach	Background
Property Use for Site Condition Standards Determination	Industrial/Commercial/Community
Ground Water Condition	Potable
Contaminant testing on the Ground Water	Y
Certification Date	2007/05/15

The applicable site condition standards applied for the purpose of this record of site condition are: Background Site Conditions Standard, with Potable Ground Water, Medium/Fine Textured Soil, for Industrial/Commercial/Community property use.

Final RSC Property Profile - Site Condition Standards

Soil

Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
ANTIMONY	<	1	1	Âµg/g
ARSENIC		4.4	17	Âµg/g
BARIUM		92.4	210	Âµg/g
BERYLLIUM		0.78	1.2	Âµg/g
CADMIUM	<	1	1	Âµg/g
CHROMIUM (TOTAL)		22	71	Âµg/g
CHROMIUM (VI)	<	1	2.5	Âµg/g

Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
COBALT		11.5	21	Âµg/g
COPPER		32.6	85	Âµg/g
CYANIDE (FREE)	<	0.1	0.12	Âµg/g
ELECTRICAL CONDUCTIVITY		0.15	0.57	mS/cm
LEAD		9.2	120	Âµg/g
MERCURY	<	0.05	0.23	Âµg/g
MOLYBDENUM	<	2	2.5	Âµg/g
NICKEL		20.7	43	Âµg/g
SELENIUM	<	1	1.9	Âµg/g
SILVER	<	0.3	0.42	Âµg/g
SODIUM ADSORPTION RATIO (SAR)		1.94	2.4	Âµg/g
THALLIUM	<	1	2.5	Âµg/g
VANADIUM		34	91	Âµg/g
ZINC		81	160	Âµg/g

Sediment

Contaminant Name	Maximum Concentration	Applicable Standard	Unit of Measure
No Measurements Provided			

Ground Water

Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
BENZENE	<	0.5	5	Âµg/l
BROMODICHLOROMETHANE	<	0.5	5	Âµg/l
BROMOFORM	<	0.5	5	Âµg/l
BROMOMETHANE	<	0.5	0.9	Âµg/l
CARBON TETRACHLORIDE	<	0.5	0.5	Âµg/l
CHLOROBENZENE	<	0.5	15	Âµg/l
CHLOROFORM	<	0.5	0.5	Âµg/l
DIBROMOCHLOROMETHANE	<	0.5	0.5	Âµg/l
DICHLOROBENZENE, 1,2- (O-DCB)	<	0.5	2.5	Âµg/l
DICHLOROBENZENE, 1,3- (M-DCB)	<	0.5	2.5	Âµg/l
DICHLOROBENZENE, 1,4- (P-DCB)	<	0.5	1	Âµg/l
DICHLOROETHANE, 1,1-	<	0.5	70	Âµg/l
DICHLOROETHANE, 1,2-	<	0.5	5	Âµg/l
DICHLOROETHYLENE, 1,1-	<	0.5	0.66	Âµg/l
DICHLOROETHYLENE, TRANS-1,2-	<	0.5	100	Âµg/l
DICHLOROPROPANE, 1,2-	<	0.5	0.7	Âµg/l
DICHLOROPROPENE, 1,3-	<	0.5	1.4	Âµg/l
ETHYLBENZENE	<	0.5	2.4	Âµg/l
ETHYLENE DIBROMIDE	<	0.5	1	Âµg/l
METHYL ETHYL KETONE	<	20	350	Âµg/l

Contaminant Name	Maximum Concentration		Applicable Standard	Unit of Measure
METHYL TERT BUTYL ETHER	<	0.5	200	Âµg/l
METHYLENE CHLORIDE	<	0.5	50	Âµg/l
STYRENE	<	0.5	4	Âµg/l
TETRACHLOROETHANE, 1,1,1,2-	<	0.5	5	Âµg/l
TETRACHLOROETHANE, 1,1,2,2-	<	0.5	1	Âµg/l
TETRACHLOROETHYLENE	<	0.5	5	Âµg/l
TOLUENE	<	0.5	0.8	Âµg/l
TRICHLOROETHANE, 1,1,1-	<	0.5	10	Âµg/l
TRICHLOROETHANE, 1,1,2-	<	0.5	5	Âµg/l
TRICHLOROETHYLENE	<	0.5	20	Âµg/l
VINYL CHLORIDE	<	0.5	0.5	Âµg/l
XYLENES	<	1.5	72	Âµg/l

Remedial Action and Mitigation

Remediated Soils

Estimate of quantities of soil, if any, originating and remaining on the RSC property that have been remediated, at a location either on or off the RSC property, to reduce the concentration of contaminants in the soil.

Soil Remediation Process	Estimated Quantity of Soil (in-situ cubic meters)
No Remediation Provided	

Removed Soils

Estimated quantity of soil or sediment, if any, removed from and not returned to the RSC property (in-situ cubic meters): 0

Deposited Soils

Estimated quantity of soil or sediment, if any, being brought to and deposited at the RSC property not including any soil that has been remediated off the RSC property (identified in the Soil Remediation Process above) (in-situ cubic meters): 0

Remediated or Removed Soil From Near Property Boundary

Has any soil, sediment or ground water at the RSC property that is or was located within 3 meters of the RSC property boundary been remediated or removed for the purpose of remediation: NO

Ground Water Control or Treatment Measures

Ground Water Control or treatment measures that were required for the RSC property prior to the certification date for the purpose of filing the RSC:

No comments entered

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known existing contaminants that are required for the RSC property after the certification date:

No comments entered

Other Activities Including Risk Management Measures

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known

existing contaminants that were required for the RSC property prior to the certification date for the purpose of filing the RSC:

No comments entered

Other than the activities identified above, constructed works to control or otherwise mitigate release or movement of known existing contaminants that are required for the RSC property after the certification date:

No comments entered

Monitoring or Maintenance

Soil monitoring requirements, or any requirements for care, maintenance, or replacement of any monitoring control works, for known existing contaminants, if any, on the RSC property, after the certification date:

No comments entered

Ground Water monitoring requirements, or any requirements for care, maintenance, or replacement of any monitoring control works, for known existing contaminants, if any, on the RSC property, after the certification date:

No comments entered

Certifications

As the qualified person, and in relation to this Part of the RSC, I certify that:

1. A phase one environmental site assessment of the RSC property, which includes the evaluation of the information gathered from a records review, site visit and interviews, has been conducted in accordance with the Regulation by or under the supervision of a qualified person as required by the Regulation.

2. I have conducted or supervised a phase two environmental site assessment, which includes the evaluation of information gathered through the sampling and analysis of soil and other site investigation or assessment activities, of all or part of the RSC property with respect to one or more contaminants, in accordance with the Regulation.

3. The information represents the site conditions at the sampling points at the time of sampling only and the conditions between and beyond the sampling points may vary.

4. As of 2007/05/15, in my opinion, based on the phase one environmental site assessment and the phase two environmental site assessment, and any confirmatory sampling, there is no evidence of any contaminants in the soil, ground water or sediment on, in or under the RSC property that would interfere with the type of property use to which the RSC property will be put, as specified in the RSC.

5. As of 2007/05/15, in my opinion, based on the phase one and phase two environmental site assessments and any confirmatory sampling, the RSC property meets the applicable Background site condition standards prescribed by section 34 of the Regulation for all contaminants prescribed by the Regulation in relation to the type of property use for which this RSC is filed, except for those contaminants (if any) specified in this RSC at Part 2, Final RSC Property Profile - Risk Assessment Standards.

6. As of 2007/05/15, the maximum known concentration of each contaminant in soil, sediment and ground water at the RSC property for which sampling and analysis has been performed is specified in this RSC at Final RSC Property Profile.

7. In relation to any contaminant excepted from the certification mentioned above and as specified in this RSC at Part 2, Final RSC Property Profile - Risk Assessment Standards, or in relation to any other contaminant that in my opinion is likely to cause an adverse effect:

    a. A risk assessment was prepared for the contaminant with respect to the property for which the phase two environmental site assessment was conducted.

    b. The Director has accepted the risk assessment under clause 168.5 (1) (a) of the Act.

c. As of 2007/05/15, the property for which the phase two environmental site assessment was conducted meets the standards specified in the risk assessment for the contaminant.

As the qualified person, and in relation to this Part of the RSC, I also certify that:

1. I am a qualified person and have the qualifications required by section 5 of the Regulation.

2. I have in place an insurance policy that satisfies the requirements of section 7 of the Regulation.

3. I acknowledge that the RSC will be filed in the Environmental Site Registry, that records of site condition that are filed in the Registry are available for examination by the public and that the Registry contains a notice advising users of the Registry who have dealings with any property to consider conducting their own due diligence with respect to the environmental condition of the property, in addition to reviewing information in the Registry.

4. The opinions expressed in this RSC are engineering or scientific opinions made in accordance with generally accepted principles and practices as recognized by members of the environmental engineering or science profession or discipline practising at the same time and in the same or similar location.

5. To the best of my knowledge, the certifications and statements in this part of the RSC are true as of 2007/05/15.

6. By signing this RSC, I make no express or implied warranties or guarantees.

I, the qualified person named below, on the date stated below, make all of the stated certifications applicable to the qualified person in this Part of the record of site condition.

Name of Qualified Person _____ Signature _____ Date _____

A signed and dated copy of this Part of the record of site condition has been received by the Ministry of the Environment prior to the filing of this record of site condition in the Environmental Site Registry.

Record of Site Condition Filing Form

IMPORTANT notes for submission of Record of Site Condition (RSC) to Ministry of the Environment (MOE):

After completing RSC on Brownfields website, ensure that a signed copy of RSC is submitted to MOE.

Print the downloaded version of RSC in PDF.

Ensure that footer of each page of RSC detail indicates that the RSC is on "Submitted" status.

Forward the signed copy of PDF file together with the additional documentation listed under sections:

- Additional Documentation Provided by Property Owner or Agent
- Additional Documentation Provided by Qualified Person

The forwarding address and fax information for MOE office is:

Ministry of the Environment
Environmental Assessment and Approval Branch
2 St. Clair Avenue West, Floor 12 A
Toronto, Ontario M4V 1L5

Fax Number: 416-314-6810