Record of Site Condition
Under Part XV.1 of the Environment Protection Act

Summary

<table>
<thead>
<tr>
<th>Record of Site Condition Number</th>
<th>214887</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Filed to Environmental Site Registry</td>
<td>2014/09/19</td>
</tr>
<tr>
<td>Certification Date</td>
<td>2014/08/08</td>
</tr>
<tr>
<td>Current Property Use</td>
<td>Community</td>
</tr>
<tr>
<td>Intended Property Use</td>
<td>Residential</td>
</tr>
<tr>
<td>Certificate of Property Use Number</td>
<td>No CPU</td>
</tr>
<tr>
<td>Applicable Site Condition Standards**</td>
<td>Background Site Conditions Standard, with Potable Ground Water, for Residential property use</td>
</tr>
<tr>
<td>Property Municipal Address</td>
<td>6854 GARNER ROAD, NIAGARA FALLS, ON, L2E 6S8</td>
</tr>
</tbody>
</table>

Notice to Readers Concerning Due Diligence

This record of site condition has been filed in the Environmental Site Registry to which the public has access and which contains a notice advising users of the Environmental Site 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 Environmental Site Registry.

Contents of this Record of Site Condition

This record of site condition consists (RSC) of this document which is available to be printed directly from the Environmental Site Registry as well as all supporting documentation indicated in this RSC to have been submitted in electronic format to the Ministry of the Environment.
### Part 1: Property Ownership, Property Information and Owner's Certifications

Information about the owner who is submitting or authorizing the submission of the RSC

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>800460 ONTARIO LTD.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized Person</td>
<td>DIANNE HYNES</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>1701 THOROLD TOWNLINE ROAD, NIAGARA FALLS ONTARIO, CANADA</td>
</tr>
<tr>
<td>Postal Code</td>
<td>L2E 6S5</td>
</tr>
<tr>
<td>Phone</td>
<td>(905) 371-3717</td>
</tr>
<tr>
<td>Fax</td>
<td></td>
</tr>
<tr>
<td>Email Address</td>
<td></td>
</tr>
</tbody>
</table>

Information about the agent

<table>
<thead>
<tr>
<th>Agent Name</th>
<th>ROSS WILLIAMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address</td>
<td>7516 INDUSTRAIL STREET, NIAGARA FALLS ONTARIO, CANADA</td>
</tr>
<tr>
<td>Postal Code</td>
<td>L2E 1B1</td>
</tr>
<tr>
<td>Phone</td>
<td>(905) 358-5401</td>
</tr>
<tr>
<td>Fax</td>
<td>(905) 358-3652</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:dan@dmlenvironmental.com">dan@dmlenvironmental.com</a></td>
</tr>
</tbody>
</table>
### RSC Property Location Information

<table>
<thead>
<tr>
<th><strong>Municipal Address(es)</strong></th>
<th>6854 GARNER ROAD, NIAGARA FALLS, ON L2E 6S8</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Municipality</strong></td>
<td>Niagara Falls</td>
</tr>
<tr>
<td><strong>Legal Description</strong></td>
<td>See Attached Lawyer’s Letter</td>
</tr>
<tr>
<td><strong>Assessment Roll Number(s)</strong></td>
<td>27-25-100-006-070-00</td>
</tr>
<tr>
<td><strong>Property Identifier Number(s)</strong></td>
<td>64264-0089 (LT)</td>
</tr>
</tbody>
</table>

### RSC Property Geographical References

<table>
<thead>
<tr>
<th><strong>Coordinate System</strong></th>
<th>UTM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Datum</strong></td>
<td>NAD 83</td>
</tr>
<tr>
<td><strong>Zone</strong></td>
<td>17</td>
</tr>
<tr>
<td><strong>Easting</strong></td>
<td>650,857.26</td>
</tr>
<tr>
<td><strong>Northing</strong></td>
<td>4,770,803.24</td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th><strong>Current Property Use</strong></th>
<th>Community</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intended Property Use</strong></td>
<td>Residential</td>
</tr>
<tr>
<td><strong>Certificate of Property Use has been issued under section 168.6 of the EPA</strong></td>
<td>No</td>
</tr>
</tbody>
</table>
Please See the Signed Statements of Property Owner, or Agent, or Receiver at the End of this RSC

The rest of this page has been left intentionally blank
**Qualified Person’s Information**

<table>
<thead>
<tr>
<th>Name</th>
<th>ROSS WILLIAMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Licence Under Professional Engineers Act</td>
<td>Licence</td>
</tr>
<tr>
<td>Licence Number</td>
<td>50226018</td>
</tr>
<tr>
<td>QP Employer Name</td>
<td>DML ENVIRONMENTAL SERVICE LTD.</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>7516 INDUSTRIAL STREET, NIAGARA FALLS ONTARIO, L2E 1B1 CANADA</td>
</tr>
<tr>
<td>Phone</td>
<td>(905) 358-5401</td>
</tr>
<tr>
<td>Fax</td>
<td>(905) 358-3652</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:info@dmlenvironmental.com">info@dmlenvironmental.com</a></td>
</tr>
</tbody>
</table>

**Municipal Information**

<table>
<thead>
<tr>
<th>Local or Single-Tier Municipality</th>
<th>Niagara Falls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper-Tier Municipality</td>
<td>Niagara</td>
</tr>
</tbody>
</table>

**Ministry of the Environment District Office**

<table>
<thead>
<tr>
<th>District Office</th>
<th>Niagara District Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Office Address</td>
<td>9th floor, 301 St. Paul St., St. Catharines ON L2R 3M8</td>
</tr>
</tbody>
</table>
**Phase One Environmental Site Assessment Report**

Document used as the phase one environmental site assessment report and updates in submitting the RSC for filing

<table>
<thead>
<tr>
<th>Type of Report</th>
<th>Report Title</th>
<th>Date of Report (YYYY/MM/DD)</th>
<th>Author of Report</th>
<th>Name of Consulting Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 ESA</td>
<td>Phase I Environmental Site Assessment 6854 Garner Road, Niagara Falls, Ontario</td>
<td>2013/12/02</td>
<td>Bruce Gall</td>
<td>URBAN &amp; ENVIRONMENTAL MANAGEMENT INC.A</td>
</tr>
</tbody>
</table>

Reports and Other Documents Related to the Phase One Environmental Site Assessment

Reports and other documents relied upon in certifying the information set out in section 10 of Schedule A or otherwise used in conducting the phase one environmental site assessment

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Date of Report (YYYY/MM/DD)</th>
<th>Author of Report</th>
<th>Name of Consulting Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Phase Two Environmental Site Assessment Report

Document used as the phase two environmental site assessment report and updates in submitting the RSC for filing

The date the last work on all of the planning of the site investigation and conducting the site investigation components of the phase two environmental site assessment was done (refer to clause 33.5(1)(a) of O. Reg. 153/04) (YYYY/MM/DD) 2014/08/08

<table>
<thead>
<tr>
<th>Type of Report</th>
<th>Report Title</th>
<th>Date of Report (YYYY/MM/DD)</th>
<th>Author of Report</th>
<th>Name of Consulting Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2 ESA</td>
<td>Phase II Environmental Site Assessment at 6854 Garner Road</td>
<td>2014/08/18</td>
<td>Ross Williams</td>
<td>DML ENVIRONMENTAL SERVICE LTD.</td>
</tr>
</tbody>
</table>

Reports and Other Documents Related to the Phase Two Environmental Site Assessment

Reports and other documents relied upon in making any certifications in the RSC for the purposes of Part IV of Schedule A or otherwise used in conducting the phase two environmental site assessment

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Date of Report (YYYY/MM/DD)</th>
<th>Author of Report</th>
<th>Name of Consulting Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Penetrating Radar Survey at 6854 Garner Road</td>
<td>2013/12/10</td>
<td>Ross Williams</td>
<td>DML Environmental Service Ltd.</td>
</tr>
</tbody>
</table>
### Site Condition Information

<table>
<thead>
<tr>
<th>Environmental Condition</th>
<th>Site Condition Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 41 applies?</td>
<td>Yes</td>
</tr>
<tr>
<td>Section 43.1 applies?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Certification date (YYYY/MM/DD) | 2014/08/08
Total area of RSC property (in hectares) | 2.21600
Number of any previously filed RSC that applies to any part of the RSC property
Number of any previously filed Transition Notice that applies to any part of the RSC property
Soil Texture
Assessment/Restoration Approach
Site investigation includes the investigation, sampling and analysis of ground water? | No
Is there soil present that is sufficient to investigate, sample and analyze soil on, in or under the property in accordance with s. 6, Schedule E of O.Reg. 153/04? | Yes
Site investigation includes the investigation, sampling and analysis of soil on, in or under the property which is used in the RSC? | Yes
Name of the laboratory used to analyze any samples collected of soil, ground water or sediment | PARACEL LABORATORIES LTD.
Ground water condition (potable, non-potable) | Potable
Applicable Site Condition Standard | TABLE 1
<table>
<thead>
<tr>
<th>Contaminant Name</th>
<th>Maximum Concentration</th>
<th>Applicable Site Condition Standard</th>
<th>Unit of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzene</td>
<td>&lt; 0.02</td>
<td>0.02</td>
<td>µg/g</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>&lt; 0.05</td>
<td>0.05</td>
<td>µg/g</td>
</tr>
<tr>
<td>Toluene</td>
<td>&lt; 0.05</td>
<td>0.2</td>
<td>µg/g</td>
</tr>
<tr>
<td>Xylene Mixture</td>
<td>&lt; 0.05</td>
<td>0.05</td>
<td>µg/g</td>
</tr>
<tr>
<td>Petroleum Hydrocarbons F1****</td>
<td>&lt; 7</td>
<td>25</td>
<td>µg/g</td>
</tr>
<tr>
<td>Petroleum Hydrocarbons F2</td>
<td>&lt; 4</td>
<td>10</td>
<td>µg/g</td>
</tr>
<tr>
<td>Petroleum Hydrocarbons F3</td>
<td>&lt; 8</td>
<td>240</td>
<td>µg/g</td>
</tr>
<tr>
<td>Petroleum Hydrocarbons F4</td>
<td>&lt; 6</td>
<td>120</td>
<td>µg/g</td>
</tr>
</tbody>
</table>
## Remedial Action and Mitigation

### Remediated Soils

Estimated quantities of the soil, if any, originating at and remaining on the RSC property that have been remediated, at a location either on or off the property, to reduce the concentration of contaminants in the soil. Indicate the remediation process or processes used and the estimated amount of soil remediated by each identified process.

<table>
<thead>
<tr>
<th>Soil Remediation Process</th>
<th>Estimated Quantity of Soil (in-ground volume in m³)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal at the landfill</td>
<td>20.0</td>
</tr>
</tbody>
</table>

### Description of Remediation

Description of any action taken to reduce the concentration of contaminants (including soil removals) on, in or under the RSC property.

Excavation and off-site disposal of petroleum impacted material.

### Soil or Sediment Removed and Not Returned

Estimated quantities of soil or sediment, if any, removed from and not returned to the RSC property.

<table>
<thead>
<tr>
<th>Estimated Quantity of Soil (in-ground volume in m³)</th>
<th>20.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Quantity of Sediment (in-ground volume in m³)</td>
<td>0.0</td>
</tr>
</tbody>
</table>

### Soil Brought to the Property

Estimated quantity of the soil, if any, being brought from another property to and deposited at the RSC property, not including any soil that may have originated at but been remediated off the RSC property and that is identified in section 28 of Schedule A.

<table>
<thead>
<tr>
<th>Estimated Quantity of Soil Brought to the Property (in-ground volume in m³)</th>
<th>0.0</th>
</tr>
</thead>
</table>
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 submitting the RSC for filing.**

3 groundwater monitoring wells were installed on the site to assess groundwater quality and flow direction but no groundwater was encountered.

**Ground water control or treatment measures that are required for the RSC property after the certification date.**

Estimated volume of ground water, if any, removed from and not returned to the RSC property.

**Estimated Volume of Ground Water (in litres)**
**Other Activities Including Risk Management Measures**

<table>
<thead>
<tr>
<th>Constructed works that prior to the certification date for the purpose of submitting the RSC for filing, were required to control or otherwise mitigate the release or movement of known existing contaminants at the RSC property.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of underground heating oil storage tank.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Constructed works that after the certification date, are required to control or otherwise mitigate the release or movement of known existing contaminants at the RSC property.</th>
</tr>
</thead>
</table>

**Monitoring or Maintenance**

**Soil Management Measures**

<table>
<thead>
<tr>
<th>Soil monitoring requirements or any requirements for care, maintenance or replacement or any monitoring or control works for known existing contaminants, if any, on the RSC property, after the certification date.</th>
</tr>
</thead>
</table>

**Ground Water Management Measures**

<table>
<thead>
<tr>
<th>Ground water monitoring requirements or requirements for care, maintenance or replacement of any monitoring or control works or known existing contaminants, if any, on the RSC property, after the certification date.</th>
</tr>
</thead>
</table>

**Remediated or Removed Soil, Sediment or Ground Water From Near Property Boundary**

<table>
<thead>
<tr>
<th>Has any soil, sediment or ground water at the RSC property that is or was located within 3 metres of the RSC property boundary been remediated or removed for the purpose of remediation?</th>
<th>No</th>
</tr>
</thead>
</table>

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Filed Record of Site Condition # 214887 on 2014/09/19
Qualified Person’s Statements and Certifications

As the qualified person, I certify that:

- A phase one environmental site assessment of the RSC property, which includes the evaluation of the information gathered from a records review, site reconnaissance, interviews, a report and any updates required, has been conducted in accordance with the regulation by or under the supervision of a qualified person as required by the regulation.
- A phase two environmental site assessment of the RSC property, which includes the evaluation of the information gathered from planning and conducting a site investigation, a report, and any updates required, has been conducted in accordance with the regulation by or under the supervision of a qualified person as required by the regulation.
- 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.
  - As of 2014/08/08, 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.
  - As of 2014/08/08, in my opinion, based on the phase one and phase two environmental site assessments, and any confirmatory sampling, which included the sampling and analysis of soil, it is not necessary to conduct sampling and analysis of ground water quality for the RSC property to make the certified statement set out in paragraph 3 of section 17 of Schedule A.
  - As of 2014/08/08, in my opinion, based on the phase one and phase two environmental site assessments and any confirmatory sampling, the RSC property meets the applicable full depth 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 Table 2, Maximum Contaminant Concentrations Compared to Standards Specified in a Risk Assessment.
  - As of 2014/08/08, 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 Table 1, Maximum Contaminant Concentrations Compared to Applicable Site Condition Standards.
- I am a qualified person and have the qualifications required by section 5 of the regulation.
- I have in place an insurance policy that satisfies the requirements of section 7 of the regulation.
- I acknowledge that the RSC will be submitted for filing 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.
- 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.
- I do not hold and have not held and my employer DML ENVIRONMENTAL SERVICE LTD. does not hold and has not held a direct or indirect interest in the RSC property or any property which includes the RSC property and was the subject of a phase one or two environmental site assessment or risk assessment upon which this record of site condition is based.
- To the best of my knowledge, the certifications and statements in this part of the RSC are true as of 2014/08/08.
- By signing this RSC, I make no express or implied warranties or guarantees.

By checking the boxes above, and entering my membership/licence number in this submission, I, ROSS WILLIAMS, a qualified person as defined in section 5 of O. Reg. 153/04 am, on 2014/09/08:

- signing this record of site condition submission as a qualified person; and
- making all certifications required as a qualified person for this record of site condition.

I Agree
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:

- Certificate of Status or equivalent for the owner
- Authorization for Agent to submit RSC for filing
- Lawyer’s letter consisting of a legal description of the property
- Copy of any deed(s), transfer(s) or other document(s) by which the RSC property was acquired
- A Current plan of Survey
- Area(s) of Potential Environmental Concern
- Table of Current and Past Uses of the Phase One Property
- Phase 2 Conceptual Site Model
- Owner or agent certification statements
As an agent acting on behalf of the owner of the RSC property:

1. I acknowledge that the RSC will be submitted for filing 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 and I have obtained all information relevant to this RSC of which I am aware.

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 September 8, 2014.

5. I have ensured that access to the entire property, including the phase one property, any phase two property and the RSC property, has been afforded to the qualified person and to persons supervised by the qualified person, for purposes of conducting the site reconnaissance.

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 the Agent: Ross Williams

Signature : [Signature]
Date Signed: September 8, 2014
CERTIFICATE OF STATUS
ATTESTATION DU STATUT JURIDIQUE

This is to certify that according to the records of the Ministry of Government Services

800460 ONTARIO LIMITED

Ontario Corporation Number 000800460

is a corporation incorporated, amalgamated or continued under the laws of the Province of Ontario.

The corporation came into existence on NOVEMBER 24 NOVEMBRE, 1988

and has not been dissolved.

Dated SEPTEMBER 08 SEPTEMBRE, 2014

Fait le 08 SEPTEMBRE, 2014

Director Directeur

The issuance of this certificate in electronic form is authorized by the Ministry of Government Services.

La délivrance du présent certificat sous forme électronique est autorisée par le Ministère des Services gouvernementaux.
July 8th, 2014

Brownfields Filing and Review  
Environmental Assessment and Approvals Branch  
Ontario Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, ON M4V 1L5

Attention: Record of Site Condition Officer

Dear Sir/Madam:

Re: Authorization of an Agent by Owner of RSC Property – 6854 Garner Road, Niagara Falls, Ontario. Legally described as PT TWP LT 164 Stamford as in R076128; Niagara Falls

I am the owner of the above-noted property. I hereby authorize Ross Williams to make the statements required under subsection 6(1), Schedule A of O.Reg. 153/04 and sign the record of site condition on my behalf.

Sincerely,

Dianne Hynes  
Controller

800460 Ontario Limited  
O/A Fruitbelt Development  
1701 Thorold Townline Road  
Niagara Falls, ON  
L2E 6S5
June 19, 2014

Ministry of the Environment
Brownfields, Environmental Clean-up & Financial Assurance Services
Environmental Approvals Access and Service Integration Branch
Floor 12A
2 St. Clair Ave W
Toronto, ON
M4V 1L5

Re: Record of Site Condition
6854 Garner Road, Niagara Falls, Ontario

In accordance with the requirements of Ontario Regulation 153/04 of the
Environmental Protection Act as required by the Ministry of the Environment for the
above referenced property we have reviewed the legal survey, transfer of deed, and
title search and confirm the legal description of the property is:

Part of Township Lot 164 Stamford, designated as Part 1,
Plan 59R15048, City of Niagara Falls

The registered owner of the property is 800460 Ontario Limited having acquired
title thereto on October 30th, 2013 by instrument SN389532. The registered
owner of the property applied to have title converted to Land Titles Absolute on
February 11, 2014 by instrument SN397247. The municipal address for service of
800460 Ontario Limited is 1701 Thorold Townline Road, Niagara Falls, ON, L2E
6S5.

The Property Identification Number for 6854 Garner Road, Niagara Falls, Ontario
is 64264-0089 (LT).

We have reviewed a copy of Reference Plan 59R-15408 prepared by Matthews,
Cameron, Heywood – Kerry T. Howe Surveying Ltd. (Allan J. Heywood) dated
November 29, 2013 and the legal description and PIN (all of PIN 64264-0089 LT)
referenced therein is consistent with the property title records.

The municipal property tax assessment roll number for the property is 27-25-100-
006-070-00.
We enclose the following documents:

1. Copy of Certificate of Status confirming that 800460 Ontario Limited is a good and valid corporation in the Province of Ontario
2. Copy of PIN 64264-0089 (LT)
3. Copy of Transfer SN389532
4. Copy of Document General SN397247 converting title to “absolute”
5. Copy of Reference Plan 59R-15048

Yours very truly,

BRODERICK & PARTNERS LLP

JOHN J. BRODERICK, Q.C.

JJB/ls
Encls.
<table>
<thead>
<tr>
<th>REG. NUM.</th>
<th>DATE</th>
<th>INSTRUMENT TYPE</th>
<th>AMOUNT</th>
<th>PARTIES FROM</th>
<th>PARTIES TO</th>
<th>CRED/CHK</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRINTED</strong></td>
<td>**INCLUDED ALL DOCUMENTS AND **DELETED INSTRUMENTS SINCE: 2014/02/21 **</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>**SUBJECT TO SUBSECTION 44(1) OF THE LAND TITLES ACT. EXCEPT PARAGRAPHS 3 AND 14 AND **</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>**PROVINCIAL SUCCESSION DUTIES AND **EXCEPT PARAGRAPHS 11 AND ESCHATS OR FORFEITURE **</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>**TO THE CROWN UP TO THE DATE OF REGISTRATION WITH AN ABSOLUTE TITLE. **</td>
<td></td>
<td></td>
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<td>A439257</td>
<td>1961/10/23</td>
<td>BYLAM</td>
<td></td>
<td></td>
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<tr>
<td>SN385532</td>
<td>2013/10/30</td>
<td>TRANSFER ACT STATEMENTS</td>
<td>$1,050,000</td>
<td>1863438 ONTARIO LIMITED</td>
<td>800460 ONTARIO LIMITED</td>
<td>C</td>
</tr>
<tr>
<td>SN385533</td>
<td>2013/10/30</td>
<td>CHARGE</td>
<td>$550,000</td>
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<td>1863438 ONTARIO LIMITED</td>
<td>C</td>
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<tr>
<td>SDR15048</td>
<td>2014/02/11</td>
<td>PLAN REFERENCE</td>
<td></td>
<td></td>
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<td>SN397247</td>
<td>2014/02/11</td>
<td>APL ABSOLUTE TITLE</td>
<td></td>
<td>800460 ONTARIO LIMITED</td>
<td>800460 ONTARIO LIMITED</td>
<td>C</td>
</tr>
</tbody>
</table>

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES. IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY. NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.
Transfer

The applicant(s) hereby applies to the Land Registrar.

LRO # 59  Transfer
Registered as SN389532 on 2013 10 30 at 15:29
yee mm dd Page 1 of 3

Properties

PSN 64264 - 0091 LT Interest/Estate Fee Simple
Description PT TWP LT 164 STAMFORD AS IN RO76120 ; NIAGARA FALLS
Address 6654 GARNER ROAD
NIAGARA FALLS

Consideration

Consideration $1,050,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name 1883438 ONTARIO LIMITED
Address for Service 2753 Beacon Blvd.
Jordan, Ontario
L3R 1S0

I, ISKENDER TOKUC, PRESIDENT, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Transferee(s)

Name 800465 ONTARIO LIMITED
Address for Service 1701 Thornhill Townline Road
RR2
Niagara Falls, Ontario
L2E 6S5

Signed By

Itaska Maria Giberti 4625 Ontario Avenue Box 897
Niagara Falls
L2E 8V8
acting for Transferor(s)
Signed 2013 10 30
Tel 905-356-2821
Fax 905-356-6904

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).

Rocco Vacca 40 Queen St., PO Box 1360
St. Catharines
L2R 6Z2
acting for Transferee(s)
Signed 2013 10 30
Tel 905-688-6555
Fax 905-688-6814

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

Submitted By

SULLIVAN MAHONEY LLP 40 Queen St., PO Box 1360
St. Catharines
L2R 6Z2
Tel 905-688-6555
2013 10 30
The applicant(s) hereby applies to the Land Registrar.

Submitted By
Fax 905-688-5814

Fees/Taxes/Payment
Statutory Registration Fee $60.00
Provincial Land Transfer Tax $14,225.00
Total Paid $14,285.00

File Number
Transferor Client File Number: 130613
LAND TRANSFER TAX STATEMENTS
In the matter of the conveyance of: 94264 - 0089 PT TWP LT 164 STAMFORD A3 IN R075128 : NIAGARA FALLS
BY: 1863438 ONTARIO LIMITED
TO: 800460 ONTARIO LIMITED Registered Owner

1. ALFREDO COSTABLE
   I am
   □ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
   □ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
   □ (c) A transferee named in the above-described conveyance;
   □ (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) ( ) above;
   □ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for 800460 ONTARIO LIMITED described in paragraph(s) ( ) above;
   □ (f) A transferee described in paragraph(s) and am making these statements on my own behalf and or behalf of _____ who is my spouse described in paragraph(s) and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land being conveyed herein:
   does not contain a single family residence or contains more than two single family residences.

3. The total consideration for this transaction is allocated as follows:
   (a) Monies paid or to be paid in cash 1,050,000.00
   (b) Mortgages (i) assumed (show principal and interest to be credited against purchase price) 0.00
      (ii) Given Back toVendor 0.00
   (c) Property transferred in exchange (detail below) 0.00
   (d) Fair market value of the land(s) 0.00
   (e) Liens, legacies, annuities and maintenance charges to which transfer is subject 0.00
   (f) Other valuable consideration subject to land transfer tax (detail below) 0.00
   (g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f)) 1,050,000.00
   (h) VALUE OF ALL CHATTELS - items of tangible personal property 0.00
   (i) Other considerations for transaction not included in (g) or (h) above 0.00
   (j) Total consideration 1,050,000.00

PROPERTY Information Record
A. Nature of Instrument: Transfer
   LRO 59 Registration No. SN369532 Date: 2013/10/30
B. Property(s): PIN 64264 - 0089 Address 6854 GARNER ROAD NAIGARA FALLS Assessment - Ref No
C. Address for Service: 1701 Thorold Townline Rd Niagara Falls, Ontario L2E 8S5
D. (i) Land Conveyance(s): PIN 64264 - 0089 Registration No. SN362649
   (ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes □ No □ Not known □
E. Tax Statement Prepared By: Rocco Vesca
   40 Queen St., PO Box 1360
   St. Catharines L2N 4Z2
Notice of Application SN392737

800460 ONTARIO LIMITED
By its solicitors, SULLIVAN MAHONEY LLP

Rocco Vacca

1701 Thorold Townline Road, R.R.#2, Niagara Falls, Ontario L2E 6S5

Municipal Address of Property
6854 Garner Road
Niagara Falls, Ontario

Document Prepared by:
Rocco Vacca
SULLIVAN MAHONEY LLP
Barristers & Solicitors
40 Queen Street
Post Office Box 1360
St. Catharines, Ontario L2R 6Z2

Registration Fee 70 -

Total
<table>
<thead>
<tr>
<th>Year</th>
<th>Name of Owner</th>
<th>Description of Property Use</th>
<th>Property Use</th>
<th>Other Observations from Aerial Photographs, Fire Insurance Plans, Etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to 1956</td>
<td>Land registration was unclear</td>
<td>Wooded Area</td>
<td>Agricultural or other use</td>
<td>Aerial photography reveals that from 1934 to 1956 the site is an undeveloped wooded area. The aerial photograph from 1934 shows the wooded area consisted of mature trees (40+ years old) so any previous use of the property would be in the late 1800's and would not have generated any PCAs. A city directory search reveals the site address as not listed before 1965.</td>
</tr>
<tr>
<td>1956 - 2012</td>
<td>Niagara German-Canadian Club</td>
<td>First developed use in 1956 when the German Canadian Club constructed a building on-site and installed an underground heating oil storage tank.</td>
<td>Community</td>
<td>The German Canadian Club’s website states the building was constructed in 1956.</td>
</tr>
<tr>
<td>2012 - 2013</td>
<td>1863438 Ontario Limited</td>
<td>German Canadian Club</td>
<td>Community</td>
<td>No changes.</td>
</tr>
<tr>
<td>2013 – present</td>
<td>800460 Ontario Limited</td>
<td>Unoccupied</td>
<td>Community</td>
<td>Buildings have been demolished.</td>
</tr>
</tbody>
</table>
# Table of Areas of Potential Environmental Concern

<table>
<thead>
<tr>
<th>Area of Potential Environmental Concern</th>
<th>Location of Area of Potential Environmental Concern on Property</th>
<th>Potentially Contaminating Activity</th>
<th>Location of PCA (on-site or off-site)</th>
<th>Contaminates of Potential Concern</th>
<th>Media Potentially Impacted (Groundwater, soil and or sediment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandoned underground heating oil storage tank</td>
<td>Outside the furnace room and the southwest corner of the building</td>
<td>Item 28. Gasoline and Associated Products Storage in Fixed Tanks</td>
<td>On-site</td>
<td>PHCs BTEX</td>
<td>Soil and groundwater</td>
</tr>
</tbody>
</table>
Phase II Conceptual Site Model Narrative

i.A The area where potentially contaminating activity has occurred is outside the southwest corner of the main building adjacent to the furnace room.

i.B The area of potential environmental concern is the abandoned underground fuel oil tank (hereafter referred to as 'UST') located outside the southwest corner of the main building.

i.C There are subsurface utilities in the vicinity of the UST on site but they did not affect contaminant distribution and transport. Based on soil conditions adjacent to the tank nest area there was no evidence of any transport of contaminant beyond the tank nest. The underground pathways were in an area outside the completed clean excavation.

ii.A No aquifer was found during site activities. The stratigraphy from ground elevation to bedrock is: 0.076 meters of asphalt, then one (1) meter of silt with clay, then 3 meters of clay with silt then 3 meters of clay, then bedrock.

ii.B There was no groundwater detected to the depth of the excavation. Contaminants were found at the silt with clay and clay with silt gradients.

ii.C Approximate depth to bedrock is seven (7) meters.

ii.D Groundwater was not encountered.

ii.E Section 41 does apply to the subject site. The wooded lots immediately north of the Site are identified as Provincially Significant Wetlands (PSW) in Appendix III-A of the Official Plan, Amendment 96. Section 43.1 does not apply to the subject site.

ii.F No soil was brought in from another property.

ii.G There was no information available on proposed buildings or structures.

iii.A The only area where a contaminant is present is outside the southwest corner of the existing main building where the abandoned underground heating oil tank is located. The contamination started at one 1.2 meters below grade, extending to 2.8 meters below grade. The area of contamination was 3 meters (north-south) by 3.5 meters (east-west). Figures 2 & 3 illustrates the distribution of contaminants.
iii.B The contaminants associated with this area are petroleum hydrocarbons F1 – F4, benzene, toluene, ethyl benzene, and xylene mixture.

iii.C The contaminants were present in the soil.

iii.D The contaminants were located in the underground fuel storage tank nest.

iii.E The distribution of contaminants in the soil is confined to a 1.6 meter layer in an area 3 meters (north-south) by 3.5 meters (east-west) as shown on Figures 2 & 3.

iii.F There was a leaking abandoned steel underground heating oil tank approx. fifty plus (50+) years old.

iii.G There was no migration of contaminants beyond the 3 meter (north-south) x 3.7 meters (east-west) x 3 meters depth.

iii.H There are no known climate or meteorological conditions that may have influenced the distribution of the contaminants.

iii.I There was no evidence of vapour intrusion into the building.

iv.A Soil contamination was found in a 1.6 meter layer in an area 3 meters x 3.5 meters as shown in Figures 2 and 3.

iv.B The water table was not encountered above bedrock in the area.

iv.C The stratigraphy from ground surface to bedrock is: 0.076 meters of asphalt, then one (1) meter of silt with clay, then 3 meters of clay with silt then 3 meters of clay, then bedrock. Groundwater was not encountered.

iv.D There are subsurface utilities in the vicinity of the UST on site but they did not affect contaminant distribution and transport. Based on physical and olfactory senses perception, combustible vapour measurements, and chemical analysis of soil conditions adjacent to the tank nest area, there was no evidence of any transport of contaminant beyond the tank nest. The underground pathways were in an area outside the completed clean excavation.

v.A The contaminants were released from perforations through the steel shell of an abandoned UST.

v.B The contaminants were transported through the coarse textured soil immediately surrounding the UST.
v.C  There were no human receptors because exposure points were below ground surface. The ecological receptors were the invertebrates and microorganisms in the soil immediately surrounding the UST.

v.D  There receptor exposure points were in the subsurface soil immediately surrounding the UST.

v.E  The routes of exposure were through the soil beneath the leaking UST. The removal of the UST and contaminated soil and clean soil samples that met the MOE Table 1 criteria demonstrate the routes of exposure have been eliminated.
RESIDENTIAL PROPERTIES

CHAIN LINKED FENCE

MW-02

MW-03

MW-01

BUILDING

SWIMMING POOL

PROPERTY LINE

PCP & APEC UNDERGROUND FUEL STORAGE TANK NEST AREA OF CONTAMINATION PETROLEUM HYDROCARBONS F1-F4, BENZENE, TOLUENE, ETHYLBENZENE AND XYLENE

GRASS SOD

RESIDENTIAL PROPERTIES

APPROXIMATE LOCATION OF PROVINCIALLY SIGNIFICANT WETLAND ENTERING THE SUBJECT SITE

SOCCER FIELD

RESIDENTIAL PROPERTIES

GARNER ROAD

rchant

DML ENVIRONMENTAL SERVICES LTD.
7516 Industrial Street
Niagara Falls, Ontario L2H 1B1

6854 Garner Road, Niagara Falls ON

PHASE II CONCEPTUAL SITE MODEL

Date: August 14/14

Scale: 1cm = 27m

Figure 1
Figure 1B

LEGEND:
- **Green**: Analytical result that met the MOE Table 1 Criteria
- **Red**: Analytical result that failed to meet the MOE Table 1 Criteria

- **Wall Sample**
- **Floor Sample**
- **Groundwater monitoring well**

**APPROXIMATE PROPERTY LINE**

**ASPHALT**

**U/G GAS LINE**

**U/G HYDRO LINE**

**BUILDING**
NOTE:
The contaminants were released from perforations through the steel shell of an abandoned UST. Contaminant transport pathway was through the soil. There were no human receptors because exposure points were below ground surface. The receptor exposure points were in the soil immediately surrounding the UST. The routes of exposure were through the soil beneath the leaking UST.

CROSS SECTION B - B' Showing the release mechanisms; contaminant transport pathway; the human and ecological receptors located on, in or under the phase two property; receptor exposure points and routes of exposure.

6854 GARNER ROAD, NIAGARA FALLS, ON

DATE: AUGUST 14, 2014
SCALE = AS SHOWN
PROJECT: 1160

LEGEND
MONITORING WELL WITH SCREENED DEPTH LOCATION

DML ENVIRONMENTAL SERVICES LTD.
7516 INDUSTRIAL STREET
NIAGARA FALLS, ON L0H 1B1

FIGURE 2
DML ENVIRONMENTAL SERVICES LTD.
7516 Industrial St., Niagara Falls ON

LOCATION:
6854 GARNER ROAD, NIAGARA FALLS, ON

TITLE:
WALL AND FLOOR SAMPLE SUBMITTAL LOCATIONS

DATE: August 14/14

SCALE: AS SHOWN
Historical Spill to soil from abandoned leaking underground heating oil tank

Infiltration/Absorption

Desorption/Leaching

Infiltration/Migration

Soil

Groundwater: not present

Terrestrial Biota (e.g. earthworms/plants)

Ingestion of Terrestrial Plant and Soil Organisms

Dermal Contact

Ingestion

Vapour and Soil Inhalation

Direct Contact

Stem and Foliar Uptake of ambient Air

Soil Organisms

Mammals

Terrestrial Plants

Terrestrial Plants

Birds and Mammals

Figure 4:
Ecological Contaminant Pathway and Receptor Model
Phase II ESA 6854 Garner Road, Niagara Falls, Ontario
DML Environmental Services Ltd.

Legend:
Arrows: Exposure Pathway
Figure 5:
Human Health Contaminant Pathway and Receptor Model
Phase II ESA 6854 Garner Road
Niagara Falls, Ontario
DML Environmental Services Ltd.