



**VIA E-MAIL:** [brianscroggs@shaw.ca](mailto:brianscroggs@shaw.ca)

Victoria File: 26250-20/21366  
Site ID: 21366

October 6, 2022

1101501 B.C. Ltd., Inc No 1101501  
Brian Scroggs  
200-3271 Maple Street  
Victoria, BC V8X 4Y9

Dear Brian Scroggs:

**Re: Certificate of Compliance – 1628 Store Street, Victoria, BC**

Please find enclosed a Certificate of Compliance respecting the site referenced above.

In addition to the conditions set out in Schedule B of the Certificate of Compliance, please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. The provisions of this Certificate of Compliance are without prejudice to the right of the Director to make orders or impose requirements as the Director may deem necessary in accordance with applicable laws. Nothing in this Certificate of Compliance will in any way restrict or impair the Director's power in this regard.
3. A qualified environmental consultant should be available to identify, characterize and appropriately manage:
  - (a) any environmental media that may be contaminated, or
  - (b) soil which may exceed the standards triggering a Contaminated Soil Relocation Agreement set out in Part 8 of the Contaminated Sites Regulation and may be encountered during any future subsurface work at the site.
4. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Sustainability Act's* Groundwater Protection Regulation.

5. Please note that future site development may create preferential pathways for vapour. In this event, further assessment and remediation of vapour may be warranted.
6. Please note that the attached Certificate of Compliance does not address obligations of employers regarding worker health and safety under the *Workers Compensation Act* and Occupational Health and Safety Regulation. Development of site-specific work procedures in accordance with Workers' Compensation Board regulations may be warranted. Please direct related questions to Worksafe BC.

Issuance of this Certificate of Compliance is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Certificate of Compliance, please contact the undersigned at [George.Szefer@gov.bc.ca](mailto:George.Szefer@gov.bc.ca).

Yours truly,



George Szefer, M.Eng., P.Eng.  
For Director, *Environmental Management Act*

Enclosure

cc: Sam Reimer, SLR Consulting (Canada) Ltd. (BY EMAIL) [sreimer@slrconsulting.com](mailto:sreimer@slrconsulting.com)

Michelle Anderson, SLR Consulting (Canada) Ltd. (BY EMAIL)  
[manderson@slrconsulting.com](mailto:manderson@slrconsulting.com)

Anna Popova, CSAP Society (BY EMAIL) [apopova@csapsociety.bc.ca](mailto:apopova@csapsociety.bc.ca)

Client Information Officer, ENV, Victoria (BY EMAIL) [csp\\_cio@Victoria1.gov.bc.ca](mailto:csp_cio@Victoria1.gov.bc.ca)

Jake McFadden, City of Victoria (BY EMAIL) [jmcfadden@victoria.ca](mailto:jmcfadden@victoria.ca)

Greg Stephanson, Director - Commercial Banking and Real Estate Financing,  
National Bank of Canada (BY EMAIL) [greg.stephanson@nbc.ca](mailto:greg.stephanson@nbc.ca)

Taina Phelan – National Underwriting Director, Residential Surety,  
Traveler's Insurance Company of Canada (BY EMAIL) [tphelan@travelers.com](mailto:tphelan@travelers.com)



**CERTIFICATE OF COMPLIANCE**  
(Pursuant to Section 53 of the *Environmental Management Act*)

**THIS IS TO CERTIFY** that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards and criteria.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.

The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

October 6, 2022  
Date Issued

\_\_\_\_\_  
Signing Authority  
For Director, *Environmental Management Act*

## Schedule A

The site covered by this Certificate of Compliance is located at 1628 Store Street, Victoria, British Columbia which is more particularly known and described as:

Lot A of Lots 127 and 128 Victoria City and part of the bed of the Victoria Harbour Victoria District Plan EPP70042

PID: 030-086-556

The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

Latitude: 48° 25' 44.30"  
Longitude: 123° 22' 11.21"

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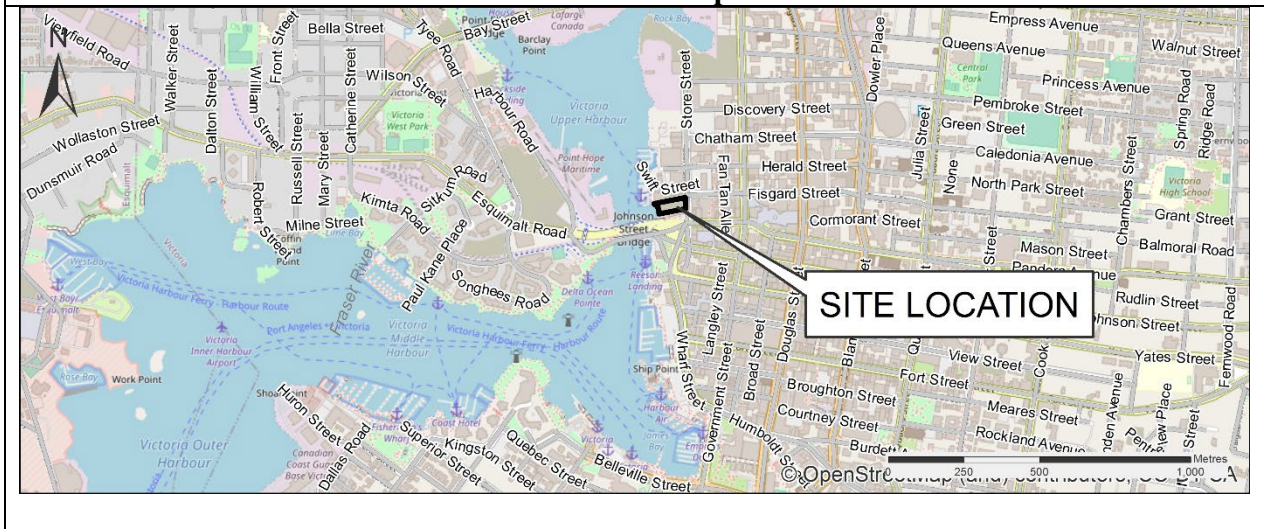


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### Site Plan



### Location Map



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## Schedule B

### Requirements and Conditions

1. Any changes in land, vapour or water uses must be promptly identified by the responsible person in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The use to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.

The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet a Contaminated Sites Regulation numerical standard at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings expected at and adjacent to the site. These assumptions include the following:

*(a) Future buildings will have a concrete floor slab and underground parking*

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at or adjacent to the site and the range of structures, locations and depths of buildings assumed in the selection of vapour attenuation factors in the documents listed in Schedule D must be promptly identified by the responsible person in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

2. The principal risk controls which must be present or implemented and must be maintained at the site include the following:
  - (a) Backfill and/or concrete was placed above the residual impacts for the purpose of site development per the architectural design. Based on this, the construction-related fill and foundations/walkway are acting as intrinsic controls, rather than engineered controls, since they were not placed for the purpose of controlling exposure to the underlying residual impacts. The newly constructed building, walkway, and landscaped area elevations are not expected to change in the foreseeable future.*
3. If requested by the Director, the responsible persons must provide a signed statement indicating whether the principal risk controls listed in clause 2 of this Schedule have been and continue to be met. This may include providing a signed statement by an Approved Professional.

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## Schedule C

### Substances and Uses

#### *Substances remediated in soil for high density residential land soil use:*

##### To meet numerical remediation standards:

- antimony 7440-36-0
- benz(a)anthracene 56-55-3
- benzo(b+j)fluoranthene 205-99-2 & 205-82-3
- benz(k)fluoranthene 207-08-9
- benz(a)pyrene 50-32-8
- cadmium 7440-43-9
- chromium 7440-47-3
- indeno(1,2,3)pyrene 193-39-5
- iron 7439-89-6
- phenanthrene 85-01-8
- tin 7440-31-5

##### To meet risk-based remediation standards:

- arsenic 7440-38-2
- copper 7440-50-8
- lead 7439-92-1
- zinc 7440-66-6

#### *Substances remediated in vapour for residential land vapour use:*

##### To meet numerical remediation standards:

- naphthalene 91-20-3

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## Schedule D

### Documents

- *Summary of Site Condition, 1628 Store Street, Victoria, BC*, SLR Consulting (Canada) Ltd., July 2022.
- *Human Health and Ecological Risk Assessment, 1628 Store Street, Victoria, BC*, SLR Consulting (Canada) Ltd., July 2022.
- *Stage 1 Preliminary Site Investigation Update, Detailed Site Investigation, and Confirmation of Remediation, 1628 Store Street. Victoria, BC*, SLR Consulting (Canada) Ltd., July 2022.
- *Preapproval under Protocol 6 Application for Area Wide Determination of Contaminated Fill. 1628 Store Street, Victoria, BC (PID:030-086-556)*. Prepared by Ministry of Environment and Climate Change Strategy, dated December 8, 2021.
- *Victoria & Esquimalt Harbours Environmental Remediation Report, Transport Canada Property Lot 5A, Parcel J5 – DRAFT*. SEACOR Environmental Inc., March 18, 2005.
- *Victoria & Esquimalt Harbours Ecological & Human Health Risk Assessment, Johnson Street Fill Sites and Upper Harbour Fill Sites, Lots 5A & 6*. Hemmera Envirochem Inc., Azimuth Consulting Group Inc., Wilson Scientific Consulting Ltd., January 2001.
- *Victoria & Esquimalt Harbours Environmental Baseline Study, Volume 20 (Addendum 1), Johnson Street (Parcels D1 & J5) (Lot 5A)* Hemmera Envirochem Inc., March 28, 2003.
- *Victoria & Esquimalt Harbours Environmental Baseline Study, Volume 20 (Revised), Johnson Street Fill Areas (Parcels D1, J4 & J5) (Lot 5A).* Hemmera Envirochem Inc., March 21, 2003.
- *Problem Formulation and Sampling and Analysis Plan for an Ecological and Human Health Risk Assessment of Lots 5A and 6, Victoria Harbour, BC*. EVS Environmental Consultants and Morrow Consultants Inc., October 2, 2002.
- *Final Report, Victoria & Esquimalt Divestiture Project, Environmental Baseline Studies, Lot 5A*. Hemmera Resource Consultants Ltd. (Hemmera), September 9, 1998.

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