



**VIA EMAIL**

Victoria File: 26250-20/ 1359 & 26065  
Site ID: 1359 & 26065

April 3, 2024

Mr. Matthew Kingston  
3791 Kingsway Portfolio Inc., Inc.No. A0110571  
3625 Dufferin Street, Suite 500  
Toronto, Ontario, M3K 1N4  
mkingston@hr-reit.com

Dear Mr. Kingston:

**Re: Approval in Principle – 3791 Kingsway and affected parcel near Smith Avenue and Kingsway, Burnaby, BC**

Please find enclosed an Approval in Principle respecting the contaminated site referenced above.

In addition to the conditions set out in Schedule B of the Approval in Principle, 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 Approval in Principle 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 Approval in Principle will restrict or impair the Director's powers 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) removal of soil under the provisions of Part 8 of the Contaminated Sites Regulation and may be encountered during any future work at the site.
4. This Approval in Principle does not authorize entry upon, crossing over, or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of

such lands or works. The responsibility for obtaining such authority rests with the persons undertaking remediation. It is also the responsibility of those persons to ensure that all activities conducted under this Approval in Principle are carried out with due regard to the rights of third parties, and comply with other applicable legislation that may be in force.

5. Additional permits and approvals may be required before remediation begins.
6. All site materials (e.g., excavated soil, replaced soil, groundwater from dewatering, pumping, well development etc.) must be characterized and managed in accordance with applicable legislation and ministry guidance.
7. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Sustainability Act's* Groundwater Protection Regulation.
8. Please be advised that there are inherent health and safety risks associated with remediation activities at contaminated sites. Development of site-specific work procedures in accordance with WorkSafeBC regulations is warranted. Please direct related questions to the WorkSafeBC office at 604-276-3100 (Lower Mainland only) or 1-888-621-7233 (toll free in B.C.).
9. Any substantial modifications to the approved remediation plan, including substantial changes to the remediation schedule, conditions or circumstances described in the risk assessment upon which the remediation plan is based, or changes in land use, must be promptly identified by written submission to the Director.
10. If an application for a Certificate of Compliance is to be submitted for the site, the confirmation of remediation report accompanying the application must demonstrate compliance with the remediation standards and criteria in force at the time the application for the Certificate is made, which may differ from the remediation standards and criteria in force at the time of issuance of this Approval in Principle.

Issuance of this Approval in Principle is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Approval in Principle, please contact the undersigned at [site@gov.bc.ca](mailto:site@gov.bc.ca).

Yours truly,



Annette Mortensen, Ph.D., P.Eng  
Senior Contaminated Sites Officer

Enclosure

cc: Darseen Pooni, City of Burnaby  
[Darseen.pooni@burnaby.ca](mailto:Darseen.pooni@burnaby.ca)

Mr. Kirk Robinson, 3791 Kingsway c/o PC Urban Properties Corp.  
[krobinson@pcurban.ca](mailto:krobinson@pcurban.ca)

Brenda Hatch, British Columbia Hydro and Power Authority  
[brenda.hatch@bchydro.com](mailto:brenda.hatch@bchydro.com)

Bill Tyler, Telus Communications Inc.  
[bt Tyler@telus.com](mailto:bt Tyler@telus.com)

Imperial Oil Limited  
[Contact.imperial@esso.ca](mailto:Contact.imperial@esso.ca)

CSAP Society  
[apopova@csapsociety.bc.ca](mailto:apopova@csapsociety.bc.ca)

Michael Geraghty, Approved Professional, Keystone Environmental Ltd.  
[mgeraghty@keystoneenvironmental.ca](mailto:mgeraghty@keystoneenvironmental.ca)

Scott Steer, Approved Professional, Steer Environmental Associates Ltd.  
[Scott.steer@steerenvironmental.com](mailto:Scott.steer@steerenvironmental.com)

Client Information Officer, BC Ministry of Environment and Climate Change Strategy,  
Site Remediation Program  
[esp\\_cio@victoria1.gov.bc.ca](mailto:esp_cio@victoria1.gov.bc.ca)



## APPROVAL IN PRINCIPLE

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

**THIS IS TO CERTIFY** that the remediation plan described herein submitted by 3791 Kingsway Portfolio Inc., Inc.No. A0110571 for the contaminated site identified in Schedule A of this document has been approved.

When implemented, the remediation plan must be implemented in accordance with the requirements and conditions specified in Schedule B.


The substances for which remediation will be conducted and for which this Approval in Principle is valid are specified in Schedule C.

I have issued this Approval in Principle based on a review of 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 Approval in Principle if conditions imposed in the Approval in Principle are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Approval in Principle should not be construed as an assurance that there are no hazards present at the site.

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Date Issued

  
A. Mortensen  
For Director, *Environmental Management Act*

## Schedule A

The site covered by this Approval in Principle is located at 3791 Kingsway, Burnaby, British Columbia and includes a portion of the off-site affected parcel owned by BC Hydro and located near the intersection of Smith Avenue and Kingsway. These are more particularly known and described as:

Part A: Lot 199 District Lots 35 and 151 Group 1 New Westminster District Plan 47944  
PID: 002-509-172, Civic address: 3791 Kingsway, Burnaby, BC

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

Latitude: 49° 13' 58.20"  
Longitude: 123° 1' 13.20"

Part B: Parcel "C" (472126E) District Lot 35 Group 1 New Westminster District  
PID: 000-749-168, Civic address: Smith Avenue and Kingsway, Burnaby, BC

A portion of the BC Hydro Right of Way starting at the Northeast Corner of Lot 199 District Lots 35 and 151 Group 1 New Westminster District Plan 47944: thence 304° 53' 36" For 14.199 metres: The Point of Commencement.

- thence 00° 00' 00" for 6.779 metres;
- thence 328° 14' 22" for 6.232 metres;
- thence 294° 10' 49" for 5.075 metres;
- thence 273° 46' 38" for 3.896 metres;
- thence 248° 55' 22" for 3.131 metres;
- thence 222° 11' 40" for 2.499 metres;
- thence 124° 53' 36" for 19.991 metres;


Returning to the Point of Commencement.

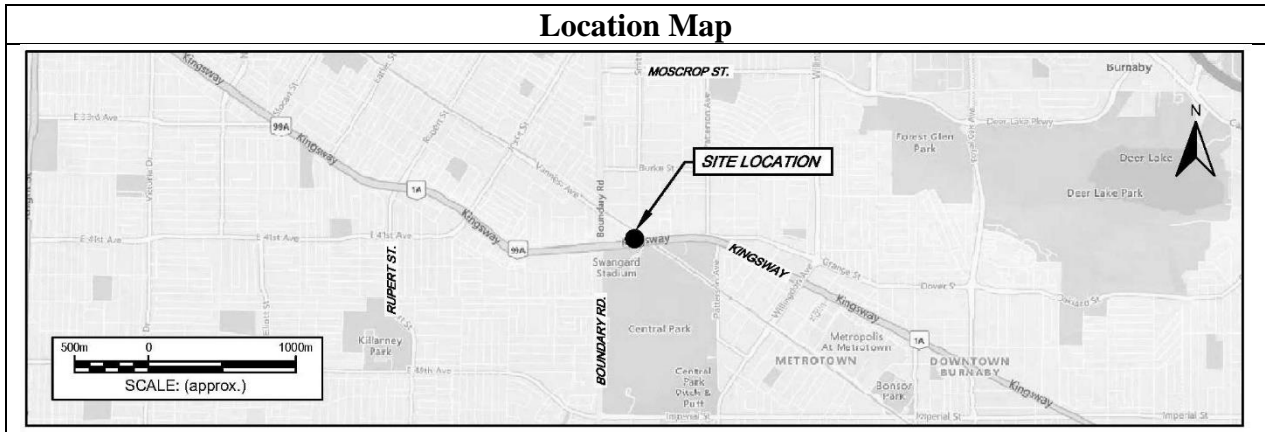
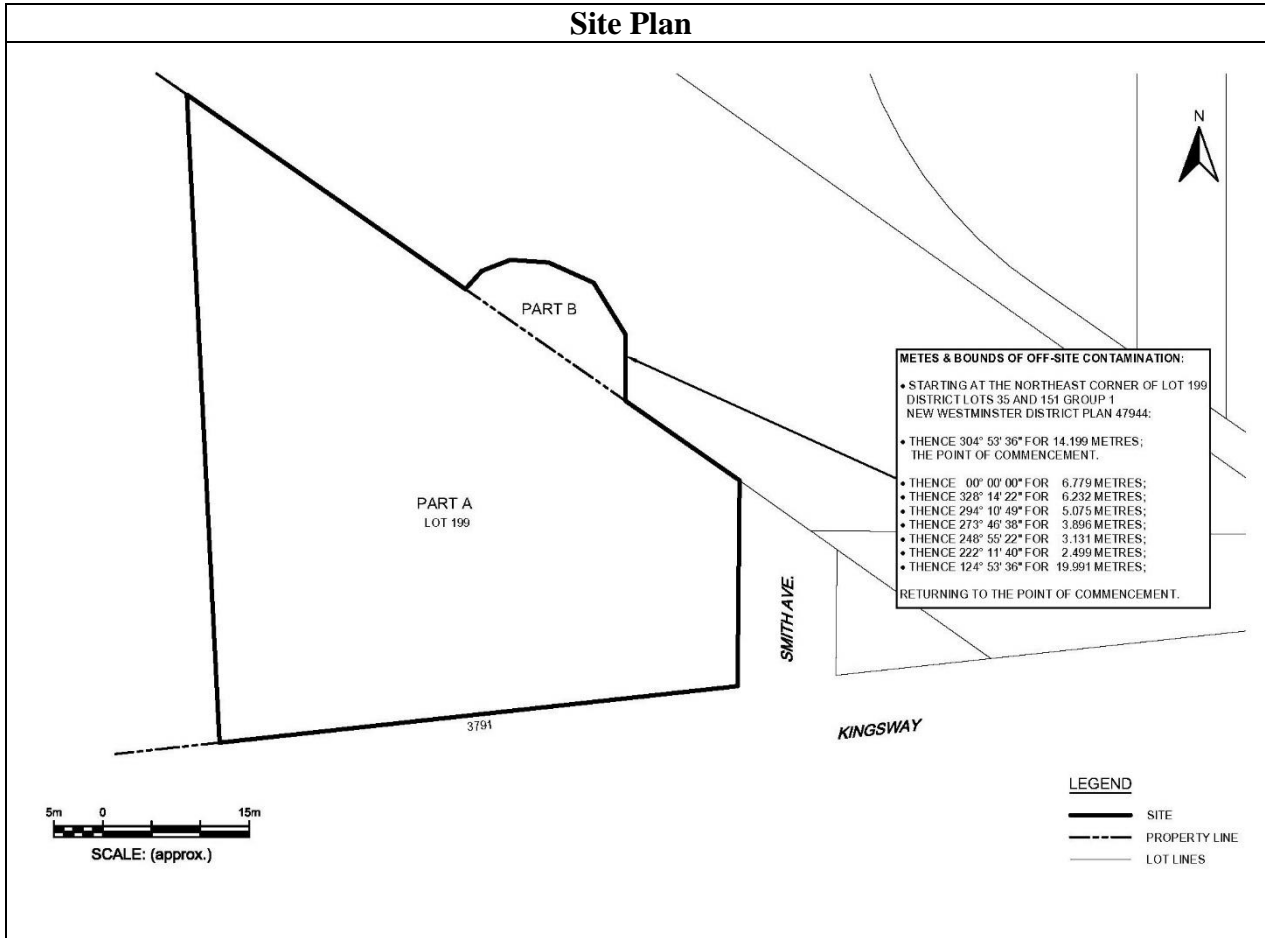
The site contains part of a legal parcel depicted in an engineering drawing prepared by Keystone Environmental Ltd/ on May 30, 2023.

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


Latitude: 49° 13' 59.50"  
Longitude: 123° 1' 13.10"

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## Schedule B


### Requirements and Conditions

1. Remediation, including monitoring, inspections and maintenance of any works, must be undertaken by the responsible person in the manner and schedule specified in the plan listed in Schedule D or as specified in a modification of the plan approved by the Director.
2. Any substantial modifications to the approved remediation plan, including substantial changes to the remediation schedule, conditions or circumstances described in the risk assessment upon which the remediation plan is based, or changes in land, vapour, or water use, must be promptly identified in a written submission by the responsible person to the Director. An application for an amendment or new Approval in Principle may be necessary.
3. Up-to-date records of monitoring, inspections and maintenance of any works must be maintained by the responsible person or their agent. The records must be available for inspection by the Director.
4. Remediation must be completed within five years of the date of issuance of this Approval in Principle.
5. Remediation must be confirmed in accordance with applicable legislation and ministry guidance. Within 90 days of completing remediation, a report summarizing confirmation of remediation must be prepared in accordance with section 49 (2) of the Contaminated Sites Regulation and submitted to the Director.
6. A statement signed by an Approved Professional must be submitted to the Director annually within 90 days of the anniversary of the date of issuance of this Approval in Principle. The statement must include the following:
  - (a) A summary of remedial activities undertaken during the reporting period; and
  - (b) An assessment comparing remediation progress to the actions and schedule set out in the plans referenced above. Refer to Condition 3 above if remedial progress differs substantially from the schedule set out in the approved plan.

If requested by the Director, a report signed by an Approved Professional must be submitted for review to the Director and must include the following:

- (a) A summary of remedial activities undertaken to date;

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For Director, *Environmental Management Act*

- (b) An assessment comparing remediation progress to the actions and schedule set out in the plans referenced above. Refer to Condition 3 above if remedial progress differs substantially from the schedule set out in the approved plan;
  - (c) Interpretation of current and cumulative monitoring results from the soil, vapour, and groundwater, monitoring program;
  - (d) Evaluation of the performance of the institutional and/or engineering controls; and
  - (e) Supporting documentation (e.g., analytical reports, records of inspection, maintenance of treatment works, etc.).
7. The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation risk-based standards at and adjacent to the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings existing or expected at and adjacent to the site. These assumptions include the following:

*(a) The expected buildings on the site will be mixed residential and commercial at grade with an underground parkade of any depth.*

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 Approval in Principle may be necessary.

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## Schedule C

### Substances and Uses

#### Part A of the site

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

##### To meet numerical remediation standards:

benzene	71-43-2
ethylbenzene	100-41-4
naphthalene	91-20-3
toluene	108-88-3
VPHs	N/A
xylenes	1330-20-7

#### *Substances to be remediated in vapour for parkade vapour use:*

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

benzene	71-43-2
butadiene, 1,3-	106-99-0
chlorophenol, 2-	95-57-8
dibromo-3-chloropropane, 1,2,-	96-12-8
dibromoethane, 1,2-	106-93-4
dibromomethane	74-95-3
dichloropropane, 1,3-	142-28-9
dichloropropene, 1,3(cis + trans)	542-75-6
ethyl acetate	141-78-6
ethylbenzene	100-41-4
hexachlorobutadiene	87-68-3
naphthalene	91-20-3
n-hexane	110-54-3
tetrachloroethane, 1,1,1,2-	630-20-6
trichlorobenzene, 1,2,4-	120-82-1

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trichloroethane, 1,1,2-	79-00-5
trichloropropane, 1,2,3-	96-18-4
trimethylbenzene, 1,2,4-	95-63-6
trimethylbenzene, 1,3,5-	108-67-8
vinyl chloride	75-01-4
VPHv	N/A
xylenes, total	1330-20-7

***Substances to be remediated in water for drinking water use:***

To meet risk-based remediation standards:

benzene	71-43-2
dibromoethane, 1,2-	106-93-4
ethylbenzene	100-41-4
strontium	7440-24-6
tetraethyl lead	78-00-2
toluene	108-88-3
trimethylbenzene, 1,3,5-	108-67-8
xylenes, total	1330-20-7


**Part B of the site**

***Substances to be remediated in water for drinking water use:***

To meet risk-based remediation standards:

benzene	71-43-2
ethylbenzene	100-41-4
strontium	7440-24-6
toluene	108-88-3
trimethylbenzene, 1,3,5-	108-67-8
xylenes, total	1330-20-7

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## Schedule D

### Documents

*Summary of Site Condition, 3791 Kingsway, Burnaby, BC, Keystone Environmental Ltd., November 2023;*

*Report of Findings – Human Health and Ecological Risk Assessment, 3791 Kingsway, Burnaby, BC, Keystone Environmental Ltd. November 2023;*

*Report of Findings – Stage 1 Preliminary Site Investigation, Detailed Site Investigation, and Remediation Plan, 3777 and 3791 Kingsway, Burnaby, BC, Keystone Environmental Ltd. November 2023;*

*Report of Findings – Due Diligence Supplemental Site Investigation, 3791 Kingsway, Burnaby, BC, Keystone Environmental Ltd. May 2019;*

*2018 Groundwater and Soil Vapour Monitoring and Sampling Report, 3791 Kingsway, Burnaby, BC, Parsons Inc., May 2018;*

*Stage 1 Preliminary Site Investigation, 3791 Kingsway, Burnaby, BC, Parsons Inc., May 2018;*

*Stage 1 Preliminary Site Investigation and Supplemental Subsurface Investigation, Former Kingsway & Smith Service Station, 3791 Kingsway, Burnaby, BC, O'Connor Associates Environmental Inc., December 2008;*


*Environmental Investigation Report, 3791 Kingsway, Burnaby, BC, O'Connor Associates Environmental Inc., March 1997;*

*UST Removal Esso Service Station, Kingsway and Smith (3791 Kingsway), Burnaby, BC, O'Connor Associates Environmental Inc., May 1995;*

*UST Removal Kingsway and Smith Esso Service Station, Burnaby, BC, O'Connor Associates Environmental Inc., March 1990; and*

*Site Investigation Kingsway and Smith Esso Service Station, Burnaby, BC, O'Connor Associates Environmental Inc., November 1989.*

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