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Further to my recent correspondence with the Ministry of the Environment, Conservation and Parks, on which you were copied, I am writing to you directly as the Township holds a defined and central role under the executed Responsibility Agreement governing the water and wastewater systems at Riverbend Estates.

The Ministry has confirmed its position that it does not administer contractual matters. That position is understood and not in dispute.

However, the Responsibility Agreement is a Township-controlled instrument, and the Township retains authority with respect to oversight, enforcement, and the conditions under which these systems may be considered complete and eligible for transfer.

Based on confirmed correspondence from the Ministry:

- the wastewater system has not been fully constructed, with the second membrane bioreactor not installed;
- the system remains subject to a Provincial Officer Order and ongoing Ministry engagement;
- the Environmental Compliance Approval authorizing construction has expired; and
- confirmation of completion and commissioning must be provided by a Licensed Engineering Practitioner upon completion of the works.

It is also understood that completion of the approved works requires an amendment or extension of the Environmental Compliance Approval, and no confirmation has been provided that such approval has been obtained by the Owner, ██████████

Separately, communications to residents confirm that the system has experienced operational failures, including pump failure, and that the water system is operating with only one of the required production wells.

Taken together, these are not indicators of a system that is complete, certified, or operating in accordance with its approved design or applicable approvals.

#### **Default Status (Responsibility Agreement — Section 4)**

Section 4 of the Responsibility Agreement provides that the Owner is in default where, among other things:

- the Owner fails to remedy a defect or deficiency and fails to make arrangements with the Ministry to address it (Section 4(a)(iii));
- the Owner fails to comply with an MECP Order and fails to arrange with the MECP to comply (Section 4(a)(iv)); and
- the Owner otherwise fails to meet its obligations under the Agreement (Section 4(a)(vi)).

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In the present circumstances:

- the systems remain subject to active Ministry orders;
- the systems are not constructed in accordance with the approved design;
- required infrastructure remains incomplete; and
- no confirmation has been provided that the Owner has secured the necessary approvals to complete the works.

On these facts, the conditions described in Section 4(a)(iii), (iv), and (vi) appear to be engaged.

Accordingly, please confirm whether the Township has issued a notice of default to the Owner, [REDACTED] under the Responsibility Agreement.

If no notice of default has been issued, please explain on what basis the Township has determined that the Owner is not in default in light of the above.

### **Completion Standard**

What criteria the Township applies to determine that the water and wastewater systems have been fully constructed and completed in accordance with the approved design and the Environmental Compliance Approval.

### **Engineering Certification**

The Ministry has confirmed that completion and commissioning must be confirmed by a Licensed Engineering Practitioner. In addition, the Responsibility Agreement provides for independent engineering oversight under the authority of the Municipality where deficiencies exist.

In that context, please confirm whether the Township has received engineering confirmation that the systems have been fully constructed and are operating in accordance with the approved design, and provide a copy of any such confirmation relied upon in support of completion or transfer.

### **Regulatory Status**

How the Township considers systems that are subject to ongoing Ministry orders, outstanding deficiencies, or incomplete construction in the context of determining readiness for transfer.

### **ECA Status**

Whether the Township has received confirmation that a valid and current Environmental Compliance Approval (including any required amendments or extensions) is in place to support completion of the approved works.

### **Transfer Basis**

On what basis the Township would consider permitting or supporting the transfer of responsibility for these systems from the Owner, [REDACTED], to the condominium corporations in the absence of confirmed completion, certification, and regulatory compliance.



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This is not a matter of contractual interpretation by the Ministry. It is a matter of the Township's authority and obligations under the Responsibility Agreement.

This request is made to ensure clarity on the Township's role under the Responsibility Agreement and to understand how the Township is applying its oversight and enforcement responsibilities in the current circumstances.

A clear response from the Township on these points is requested.

Regards,  
Daryn Bozek