

## **ONTARIO LAND TRIBUNAL**

### **Appeals by ClubLink Corporation ULC of Zoning By-law Amendment and Plan of Subdivision Applications for 7000 Campeau Drive, Ottawa**

**OLT Case No. PL200195**

#### **WITNESS STATEMENT OF MARK D'ARCY**

**November 12, 2021**

##### Qualifications

1. I have 30 years of experience in providing engineering services to both public and private sector clients within the Eastern Ontario region. I have managed Phase I Environmental Site Assessments (ESAs), Phase II ESAs and Soil and Groundwater Remedial Programs, for both due diligence purposes and filing Records of Site Condition in the Ontario Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry, for numerous projects ranging in size and complexity. I have previously been qualified to give expert opinion evidence in environmental engineering by the Ontario Municipal Board.
2. A copy of my *curriculum vitae* is attached to this Witness Statement, together with a signed Acknowledgement of Expert's Duty.

##### Retainer

3. Paterson Group Inc. was initially retained by Minto Communities - Canada on behalf of ClubLink Corporation ULC in April of 2018 to prepare a Phase I ESA and subsequently a Phase II ESA for the lands at 7000 Campeau Drive, Ottawa, to support draft plan of subdivision and zoning applications.
4. The Phase I ESA and Phase II ESA reports were completed in December of 2018 and May of 2019, respectively. The Phase I ESA was subsequently updated in January of 2021, while the Phase II ESA was subsequently updated in May of 2020 and again in January of 2021 with the findings of additional investigations.

## Summary of Evidence and Opinions

In my evidence, I will address the City of Ottawa Issue Numbers 3 and 24 and the Kanata Greenspace Protection Coalition Issue Numbers 27, 39, 40 and 41, as follows:


5. **Issue Number 3: Does the proposed plan of subdivision have regard for matters of provincial interest pursuant to the Planning Act, section 2, particularly clauses ... (o) ...?**
6. See my response to Issue Number 39 below.
7. **Issue Number 24: Does the proposed zoning have regard for matters of provincial interest pursuant to the Planning Act, section 2, particularly clauses ... (o) ...?**
8. See my response to Issue Number 39 below.
9. **Issue Number 27: Does the proposed zoning amendment have appropriate regard to Section 2 with particular reference to Subsections ... (o) ...?**
10. See my response to Issue Number 39 below.
11. **Issue Number 39: Do the Phase 1 and 2 Environmental Site Assessments have sufficient scope in testing and analysis to adequately review and consider the historical land use impacts on the subject lands to have had appropriate regard to Planning Act with particular reference to Section 2 ... (o) [the protection of public health and safety]?**
12. It is my opinion that the scopes in testing and analysis of the Phase I ESA and the Phase II ESA are sufficient to adequately address the historical land use impacts on the subject lands with regard to Section 2 (o) of the Planning Act.
13. The Ministry of the Environment, Conservation and Parks (MECP), through Ontario Regulation (O.Reg.) 153/04: Records of Site Condition, under the Environmental Protection Act (EPA), has established standards that are protective of human and ecological health and the environment. The Phase I and Phase II ESAs prepared for the subject lands are governed by O.Reg.153/04.
14. Based on the findings of the Phase I ESA, potentially contaminating activities resulting in areas of potential environmental concern were identified at the subject property. A Phase II ESA was recommended to address the potential impacts to the soil and groundwater within these areas.

15. Based on the findings of the Phase II ESA, levels of mercury exceeding the MECP Table 3 and Table 7 Residential/Parkland/Institutional standard of 0.27 µg/g were identified. However, the maximum concentration identified (2.6 µg/g) was in compliance with the MECP Table 3 and Table 7 Industrial/Commercial/Community standard of 3.9 µg/g, applicable to the current use of the subject lands as a golf course. Given the findings of the Phase II ESA, a soil remediation program was recommended to support the filing of a Record of Site Condition as required by O.Reg.153/04 due to the proposed change to a more sensitive residential land use.
16. **Issue Number 40: Do the Phase 1 and 2 Environmental Site Assessments have sufficient scope in testing and analysis to adequately review and consider the potential adverse impacts on the proposed use of the subject lands and on adjacent land uses to be consistent with the Provincial Policy Statement 2020 with particular reference to Section 3.2.2 [Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects]?**
17. It is my opinion that the scope of the Phase I and II ESAs have sufficient scope in testing and analysis to adequately address the potential adverse impacts on the proposed residential use of the subject lands and on the adjacent residential lands, with respect to Section 3.2.2 of the Provincial Policy Statement 2020.
18. Based on the findings of the Phase 2 ESA, limited impacted soil with contaminant concentrations exceeding the applicable MECP Table 3 or Table 7 Residential/Parkland/Institutional standards was identified at 14 test hole locations across the subject lands. It was recommended that a soil remediation plan be prepared and implemented at the subject property prior to redevelopment of the lands. This is a standard approach commonly employed and recognized by the City of Ottawa and the Ministry of the Environment, Parks and Conservations (MECP); impacted lands must be remediated in accordance with O.Reg. 153/04 to support the filing of a Record of Site Condition, required when redeveloping a site for a more sensitive land use.
19. In addition to a soil remediation plan, implementing a Remedial Action Plan and Health and Safety Plan (outlining safe excavation methods and health and safety measures) will ensure that there are no adverse effects in accordance with Section 3.2.2 of the Provincial Policy Statement 2020.
20. **Issue Number 41: Is it appropriate to develop land that has been identified in the Phase 2 ESA as containing levels of mercury that exceed MECP Table 7 and MECP Table 3 levels in shallow pockets in various locations when said development will require significant disturbance of this potentially harmful material through regrading and preparation of the subject lands for development?**

21. In my opinion, the subject lands can be safely remediated to comply with the MECP Table 3 and 7 Residential/Parkland/Institutional standards, prior to the regrading and preparation of the subject lands for redevelopment. A Remedial Action Plan and Health and Safety Plan will be prepared outlining safe excavation methods and health and safety measures to be put in place, as part of the remediation program. The Remedial Action Plan and Health and Safety Plan will be provided to the City of Ottawa for review and implemented together with the General Contractor.
22. It is not uncommon for mercury impacted soils to be present on older properties, including older golf courses; the subject lands are not unique in this regard. I have had experience with a variety of properties where mercury impacted soil has been identified and has been successfully remediated prior to or in conjunction with construction excavation activities. The redevelopment of these sites would not significantly differ from the redevelopment of the subject lands. The Remedial Action Plan would recommend that the subject lands be remediated using a systematic approach to alleviate any unnecessary disturbance of the soil over and above typical excavation works carried out on similarly impacted properties.

List of Documents to be Referred To

1. "Phase I-Environmental Site Assessment, 7000 Campeau, Ottawa, Ontario", dated January 18, 2021, prepared by Paterson Group Inc. (Report: PE4321-1R)
2. "Phase II-Environmental Site assessment, 7000 Campeau Drive, Ottawa, Ontario", dated January 20, 2021, prepared by Paterson Group Inc. (Report: PE4321-2 Rev 2)
3. Ontario Regulation 153/04 made under the Environmental Protection Act; Records of Site Condition – Part XV.1 of the Act



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Mark D'Arcy

## Mark S. D'Arcy, P.Eng., QP<sub>ESA</sub> Senior Environmental/Geotechnical Engineer

After receiving his Bachelors of Applied Science from Queen's University in 1991 in Geological Engineering, Mark joined Paterson Group Inc. During the first 10 years of Mark's career, he was heavily involved in all aspects of field work, including drilling boreholes, excavating test pits, conducting phase I site inspections, environmental sampling and analysis and inspection of environmental remediations. During Mark's field experience, he gained invaluable field and office experience, which would prepare Mark to become the Environmental Division Manager. Mark's field experience ranges from Phase I Environmental Site Assessments (ESAs) to on-site soil and groundwater remediations, as well as, environmental/geotechnical borehole investigations. Mark's field experience has provided extensive knowledge of subsurface conditions, contractor relations and project management. These skills would provide Mark with the ability to understand a variety of situations, which has lead Paterson to an extremely successful Environmental Department. Mark became the Environmental Manager in 2006, which consisted of two engineers and two field technicians. Mark has been an integral part in growing the Environmental Division, which now consists of nine engineers and three field technicians. Mark is the Senior Project Manager for a wide variety of environmental projects within the Eastern Ontario area including Phase I ESAs, Phase II ESAs, remediations for filing Records of Site Condition in the Ontario Ministry of the Environment and Climate Change (MOECC) Environmental Site Registry, Brownfield Applications and Landfill Monitoring Programs. As the Senior Project Manager, Mark is responsible for directing project personnel, final report review and overall project success. Mark has proven leadership and ability to manage small to large scale projects within the allotted time and budget.

### EDUCATION

B.A.Sc. 1991, Geological Engineering, Queen's University, Kingston, ON

### LICENCE/ PROFESSIONAL AFFILIATIONS

Professional Engineers of Ontario

ESA Qualified Person with MECP

Ottawa Geotechnical Group

Consulting Engineers of Ontario

### YEARS OF EXPERIENCE

With Paterson: 30

### OFFICE LOCATION

154 Colonnade Road South,  
Nepean, Ontario, K2E 7J5

### SELECT LIST OF PROJECTS

- 222 Beechwood Avenue, Ottawa, Ontario ( Senior Project Manager for Phase I ESA, Phase II ESA, Phase III ESA, Environmental Remediation)
- 409 MacKay Street, Ottawa, Ontario ( Senior Project Manager for Phase I ESA, Phase II ESA, Phase III ESA, Environmental Remediation)
- Art's Court Redevelopment, Ottawa, Ontario ( Senior Project Manager for Phase I ESA, Phase II ESA, Phase III ESA, Environmental Remediation)
- Visitor Welcome Centre, Phase II and Phase III, Parliament Hill, Ottawa, Ontario (Senior Project Manager for Environmental Remediation)
- Mattawa Landfill, Mattawa, Ontario ( Senior Project Manager, Annual Water Quality Monitoring report)
- Multi-Phase Redevelopment of the Ottawa Train Yards, Ottawa, Ontario (Senior Project Manager)
- Rideau Centre Expansion, Ottawa, Ontario( Senior Project Manager for Phase I ESA, Phase II ESA, Phase III ESA, Environmental Remediation)
- 26 Stanley Avenue, Ottawa, Ontario, Phase I ESA, Phase II ESA (Senior Project Manager)
- Riverview Development – Kingston, Ontario, Phase I ESA, Phase II ESA, and filing of an RSC in the MOECC Environmental Site Registry (Senior Project Manager)
- Monitoring Landfills for River Valley, Kipling and Lavagine (Senior Project Manager)
- Energy Services Acquisition Program–Modernization Project–Ottawa; Environmental Services (Senior Project Manager)

## **PROFESSIONAL EXPERIENCE**

May 2001 to present, **Manager of Environmental Division, Paterson Group Inc.,**  
Ottawa, Ontario

- Manage all aspects of the environmental division (management of personnel, budgeting, invoicing, scheduling, business development, reporting, marketing, and fieldwork).
- Review day to day operations within the environmental division.
- Design, perform, and lead Phase I, II and Phase III ESAs, Remediation's, Brownfield Applications and Record of Site conditions, fieldwork surveys, excavation, monitoring, laboratory analysis, and interpretation.
- Write, present, and publish reports with methodology and laboratory analysis results, along with recommendations for environmental findings.
- Responsible for ensuring projects meet Ministry of Environment and Climate Change Standards and Guidelines.
- Building and fostering relationships with clients, stakeholders, and Ministry officials.
- Supervise and continuous training of staff in environmental methods (environmental sampling techniques, technical expertise and guidance).
- Applied due diligence in ensuring the health and safety of staff and the public in field locations.

1991 to 2001, **Geotechnical and Environmental Engineer, Paterson Group Inc.,** Ottawa, Ontario

- Provide on-site geotechnical and environmental expertise to various clients.
- Oversee geotechnical and environmental investigations for drilling and test pitting on numerous proposed utility installations, residential and commercial developments.
- Problem solving to help advance or maintain project schedules.
- Complete environmental reports with recommendations to meet environmental standards set by MOE and CCME standards.
- Conduct site inspections, bearing medium evaluations, bearing surface inspections, concrete testing and field density testing.
- Liaising with contractors, consultants and government officials.
- Provide cost estimates for geotechnical and environmental field programs and construction costs.
- Review RFI's, submittals, monthly progress reports and other various construction related work.




Ontario Land Tribunal  
Tribunal ontarien de l'aménagement du territoire

**Acknowledgment Of Expert's Duty**

OLT Case Number	Municipality
PL200195	City of Ottawa

1. My name is Mark Steven D'Arcy  
I live at 4846 Opeongo Road  
in the City of Ottawa  
in the Province of Ontario
2. I have been engaged by or on behalf of ClubLink Corporation ULC to provide evidence in relation to the above-noted Ontario Land Tribunal ('Tribunal') proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise;
  - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
  - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: November 9, 2021

  
Signature