



Impact Assessment
Agency of Canada
Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada
Région de l'Ontario
600-55, rue York
Toronto (Ontario) M5J 1R7

October 5, 2023

Sent by email

Mark LaForme
Mississaugas of the Credit First Nation
2789 Mississauga Road R.R. #6
Hagersville ON N0A 1H0
<email address removed>

Dear Mark LaForme:

**Subject: Designation Request for the Proposed Ontario Place
Redevelopment Spa Complex and Underground Parking
Garage under the *Impact Assessment Act***

On September 18, 2023, the Minister of Environment and Climate Change (the Minister) received a designation request for projects in Toronto, Ontario, under subsection 9(1) of the *Impact Assessment Act* (IAA):

- the proposed Ontario Place Spa Complex (the Spa Project); and
- the proposed Ontario Place Underground Parking Garage (the Garage Project).

The Proposed Project

Therme Canada and the Ontario Ministry of Infrastructure are each proposing a project as part of the overall Ontario Place Redevelopment in Toronto, Ontario. Therme Canada¹ is proposing to construct and operate the Ontario Place Spa Complex Project, a large commercial spa facility located on West Island, as well as a reception building on the mainland. The spa complex would extend the footprint of West Island by 12 acres as a result of near-shore lake infilling and include a multipurpose bridge connecting the island to the mainland. The Ontario Ministry of Infrastructure² is proposing to construct and operate the Ontario Place Underground Parking Garage Project. As proposed, the underground parking garage would provide 2118 parking spaces, primarily below lake level, and would be connected to the spa complex via a footpath.

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¹ <https://thermecanada.com/>

² <https://www.infrastructureontario.ca/en/what-we-do/projectssearch/ontario-place-revitalization/>

Designation Request Process

Neither project, as proposed, is a designated project, as described in the *Physical Activities Regulations*. The impact assessment process under the IAA only applies to designated projects. Under subsection 9(1) of the IAA, the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions, including funding), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of the IAA, it is expected that the Minister will respond, with reasons, to the request by December 27, 2023.

However, as per the limitation of subsection 9(7) of the IAA, the Minister must not make the designation if (a) the carrying out of the physical activity has substantially begun; or (b) a federal authority has exercised a power or performed a duty or function conferred on it under any Act of Parliament, other than the IAA, that could permit the physical activity to be carried out, in whole or in part.

The Agency will review information to determine whether substantial physical works have begun for either Project, or if a federal authority has exercised a power or performed a duty or function under an Act of Parliament other than the IAA for either Project.

The Agency will review information about the Projects; any concerns expressed from the public (that the Agency is aware of) and Indigenous communities; expert advice from federal authorities and input from provincial ministries in order to inform the Minister on whether the Projects should be designated.

If either project were to be designated, in order to proceed with the project, the respective proponent (Therme Canada for the Spa Project or the Ontario Ministry of Infrastructure for the Garage Project), would be required to submit an Initial Project Description to the Agency, thereby commencing the planning phase under the IAA. In this case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>

Ontario Place Redevelopment Project: Provincial Process

The Agency notes that the overall redevelopment of Ontario Place is subject to a Category C Public Work Class Environmental Assessment under the *Environmental Assessment Act, R.S.O. 1990*. More information regarding the applicable regulations is available at: <https://ero.ontario.ca/index.php/notice/019-7311>

This provincial assessment includes the Garage Project, however, the Spa Project is not included within the scope of the provincial assessment. For further information on the ongoing provincial process, please contact the Province of Ontario through the information provided on this website: <https://engageontarioplace.ca/>

Seeking your views

To support the Agency's analysis of the designation request, we wish to seek your views on the following topics:

1. Provide input on potential adverse effects of either project that could result in changes to your community's physical and cultural heritage, current use of lands and resources for traditional purposes, or structures, sites or things of historical, archaeological, paleontological or architectural significance.
2. Describe whether and how either project may result in changes to your community's health, social or economic conditions.
3. Describe whether and how either project may impact your community's Aboriginal and treaty rights as recognized and affirmed under section 35 of the *Constitution Act, 1982*.

The Agency asks that you indicate in your responses whether your comments apply to the Spa Project, the Garage Project, or both.

4. Please additionally confirm whether your community provided comments about the Garage Project through the Category C Public Work Class Environmental Assessment under the *Environmental Assessment Act, R.S.O. 1990*, or whether your community has provided comments to Therme Canada regarding the Spa Project.

Section 9(4) of the IAA requires the Minister to respond, with reasons, within 90 days. Given this, your response is requested by **October 24, 2023**.

Yesterday, a Registry page for the Project (Reference 85951) was made available on the Canadian Impact Assessment Registry Internet site (<https://iaac-aeic.gc.ca/050/evaluations/proj/85951>). Please use the email address designationontario@iaac-aeic.gc.ca, which is also posted on the Project's Registry page, to provide the Agency with information regarding this file.

Important Note: Information submitted to the Agency to inform this project assessment may be posted online to the Canadian Impact Assessment Registry (Reference 85951) subject to certain exceptions related to privacy, security or confidentiality. The Agency's Submission Policy (<https://iaac-aeic.gc.ca/050/evaluations/participation/conditions>) describes what submitted information can be shared publicly, and what should remain private. For more information on how we protect your privacy, please refer to the Privacy Notice (<https://www.iaac-aeic.gc.ca/050/evaluations/protection?culture=en-CA>).

Indigenous Knowledge shared in confidence is protected from disclosure under section 119 of the *Impact Assessment Act* (the IAA), except if written consent is provided, or if the information is publicly available. In addition, Indigenous Knowledge shared in confidence could be shared with certain parties if disclosure is necessary for procedural fairness and natural justice or for use in legal proceedings. This ensures that interested persons have a fair opportunity to participate in processes that would likely affect their interests, and that they have access to all necessary information and evidence relied on by the decision-maker.

Should you wish to provide any comments or documents that contain confidential or sensitive information that should be protected from release to the public, please contact Ella Myette at 416-559-3960, or at *designationontario@iaac-aeic.gc.ca* **before** submitting the information. This will ensure that your submission is handled appropriately. Note, the Agency will consult with you prior to disclosing Indigenous Knowledge shared in confidence under an exception.

If you have any questions regarding the designation process, please do not hesitate to contact Ella Myette, A/ Project Manager at 416-559-3960 or the above-noted email address.

Sincerely,

<Original signed by>

Anjala Puvananathan
Director

c.c.: Fawn Sault, Mississaugas of the Credit First Nation