



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

September 28, 2023

Sent by email

Robert Hanea
Chairman and CEO
Therme Group
79 Wellington Street W, Suite 2403
Toronto ON M5K 1K2
<Email address removed>

Dear Robert Hanea:

Subject: Notification Regarding Potential Designation of the Ontario Place Spa Complex as a Designated Project under the *Impact Assessment Act*

On September 18, 2023, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Ontario Place Spa Complex (the physical activity / activities referred to as the Project), proposed by Therme Canada (the Proponent) under subsection 9(1) of the *Impact Assessment Act* (IAA). The letter requesting designation (enclosed) and a description of the Project will be posted to the Canadian Impact Assessment Registry internet site (reference 85951), publicly available at <https://iaac-aeic.gc.ca/050/evaluations>.

For your information, the letter also requested that the Minister designate the Ontario Place Underground Parking Garage, proposed by Infrastructure Ontario.

Designation Request Process

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, 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.

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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 begun¹; 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 Impact Assessment Agency of Canada (the Agency) will review information to determine whether substantial physical works have begun, or if a federal authority has exercised a power or performed a duty or function under an Act of Parliament other than the IAA.

The Agency will review information about the Project; 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 Project should be designated.

If the Project were to be designated, in order to proceed with the Project, Therme Group 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>.

Information Requested

The Agency understands that Therme Canada is proposing the construction and operation of a commercial spa complex, including the construction and operation of a 61,000 square meter spa facility on West Island, a 22,000 square meter reception building on the mainland, 12-acre extension of the footprint of West Island through near-shore lake infilling, a multipurpose bridge connecting the island to the mainland, private outdoor space, publicly accessible walking paths, and connection to a separate underground parking garage.

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¹ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/guidance-interpreting-substantially-begun-subsection-9-7-and-substantially-begin-subsections-70-1-70-3.html>

The Agency understands that there are several distinct proposed activities related to the redevelopment of Ontario Place and encourages the Proponent to clearly indicate which of the proposed activities are within its care and control. This should include any physical components or activities that are incidental to the Project. In determining such activities, the following criteria shall be taken into account:

- nature of the proposed activities and whether they are subordinate or complementary to the Project;
- whether the activity is within the care and control of the Proponent;
- if the activity is to be undertaken by a third party, the nature of the relationship between the Proponent and the third party and whether the Proponent has the ability to “direct or influence” the carrying out of the activity;
- whether the activity is solely for the benefit of the Proponent or is available for other proponents as well; and
- the federal and/or provincial regulatory requirements for the activity.

For each of the components or activities described above, and in accordance with subsection 9(3) of the IAA, by **October 16, 2023**, please provide available information regarding potential:

- adverse effects to:
 - fish and fish habitat;
 - migratory birds;
 - federally listed species at risk;
- adverse changes to the environment that would occur on federal lands, including federal water-lots, and lands outside Ontario or Canada, including transboundary effects of greenhouse gas emissions;
- adverse impacts, resulting from any change to the environment, on Indigenous peoples, including changes to the environment impacting:
 - physical and cultural heritage;
 - current use of lands and resources for traditional purposes;
 - structures, sites or things of historical, archaeological, paleontological or architectural significance;
- changes to the health, social or economic conditions of Indigenous peoples of Canada.

Please also include available information regarding potential adverse effects (changes to the environment or to health, social or economic conditions) that are directly linked or necessarily incidental to a federal authority's exercise of a power, performance of a duty or function, or provision of financial assistance, that would enable the carrying out of the Project, in whole or in part, including any incidental components or activities that are within the care and control of the Proponent.

In particular, the Agency requests the following available information.

1. Information about key project activities, maps, layouts of the location of project components, land tenure, zoning, estimated timelines for planning, construction, operation, decommissioning and abandonment.
2. A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated project components or activities.
3. a) For each regulatory approval that would be required, provide the following.
 - i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.
 - ii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?
 - iii. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses).
- b) Where applicable, for each licence, permit, authorization or approval listed above, identify the guidance, best practices, benchmarks or standards that you intend to meet (or would be expected to meet).

4. For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result.
5. What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to/ or have addressed these matters.
6. What steps have you taken to consult with Indigenous communities?² What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to this project?³ If yes, provide an overview of the key issues and the way in which (in general terms) you have addressed or will address these matters.
7. Describe any other comments you have received in relation to environmental effects or impacts to the public or Indigenous peoples and describe how you have addressed or will address these them.
8. Explain your views on whether are any effects, including effects in areas of federal jurisdiction as summarized on page 4 above, are anticipated to result in cumulative effects in combination with the effects of other activities that may not be within the Proponent's care and control and describe how you intend to manage those effects.
9. Explain your view on whether the Project should be designated under the IAA.
10. As soon as possible, provide the latitude and longitude of the Project site, using an appropriate location point.

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² The Agency understands that Therme Canada is working in partnership with Mississaugas of the Credit First Nation.

³ The Agency understands that the following Indigenous communities have provided input into the Class Environmental Assessment for Public Works for the Ontario Place Redevelopment: Alderville First Nation, Curve Lake First Nation, the Haudenosaunee Confederacy Chiefs Council / Haudenosaunee Development Institute, Hiawatha First Nation, Kawartha Nishnawbe First Nation, Mississaugas of Scugog Island First Nation, Mississaugas of the Credit First Nation, and Six Nations of the Grand River. The Agency also understands that Métis Nation of Ontario was invited to provide feedback on the design of the Ontario Place Redevelopment.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information. Information marked as confidential will not be accepted without prior contact made with the Agency.

In the coming days, a Registry page for the Project (Reference 85951) will be available on the Canadian Impact Assessment Registry Internet site. Please use the following email address, DesignationOntario@iaac-aeic.gc.ca, which will also be posted on the Project's Registry page, to provide the Agency with information regarding this file.

Further questions regarding this request can be directed Ella Myette, A/ Project Manager, at 416-559-3960 or the above-noted email address.

Sincerely,

<Original signed by>

Anjala Puvananathan
Director, Ontario Region

Enclosure: Request for Designation

c.c.: Mark Lawson, Vice President, Communications and External Relations, Therme Group Canada
Ross Burnett, Director, Vice-president Landmark Projects, Infrastructure Ontario
Roxane D'Onofrio, StrategyCorp