



September 17, 2023

Sent via email to: ministre-minister@ec.gc.ca;

**Minister Steven Guilbeault
Ministry of Environment and Climate Change House of Commons Ottawa,
ON K1A 0A6**

Dear Minister Guilbeault,

**Re: Request for Designation of Ontario Place Redevelopment Project
under s. 9(1) of the IAA**

We are writing on behalf of Ontario Place for All Inc., a non-partisan grassroots organization with over 30,000 active supporters, to request the designation of the Ontario Place Redevelopment Project under subsection 9(1) of the *Impact Assessment Act* (IAA).

There is an urgent need for a federal impact assessment because the physical activities proposed in this development will have significant impacts in several areas of Federal jurisdiction that will not otherwise be appropriately assessed.

The need for an expedited federal response has arisen as the Province of Ontario announced on September 14th, that it intends to proceed this fall with site preparation, including “the removal of a significant amount of trees and vegetation” across the Ontario Place site.” We are respectfully asking for Federal intervention to prevent irreversible environmental damage from occurring without appropriate government study and public consultation, by all three levels of government.

Requesters Details:

Ontario Place for All Inc. [Ontario non-profit corporation]

<https://ontarioplaceforall.com/>

525 Richmond Street West #604, Toronto, ON M5V 1Y5

Norm Di Pasquale - info@ontarioplac.com <personal information removed>

Ann-Elisabeth Samson - <Email address removed> <personal information removed>

Project Description:

Project Name: Ontario Place Redevelopment Project - West Island and Underground Parking Garage

Proponents:

1. Infrastructure Ontario on behalf of the Ontario Ministry of Infrastructure

Contact: Ross Burnett, Director, Vice-president Landmark Projects, Infrastructure Ontario

<personal information removed> - <Email address removed>

1 Dundas St. W., 20th Floor, Toronto ON M5G 1Z3

2. Therme Canada OP Inc. (“Therme”)

Contacts: Mark Lawson, Vice President, Communications & External Relations, Therme Group Canada

<personal information removed> - <Email address removed>

Robert Hanea, Chairman and CEO of Therme Group

<personal information removed> - <Email address removed>

79 Wellington St W Suite 2403, Toronto, ON M5K 1K2

Project location:

Ontario Place - 955 Lakeshore Blvd. W. Toronto Ontario

Timeline for commencement of construction and operations:

1. Therme Spa construction is expected to start in 2025. Site preparation which involves clear cutting trees, removal of established vegetation and regrading of landscaped contours is likely to begin this fall. The Therme Spa is planned to be operational later this decade.
2. A start date for start of the underground parking garage construction is not publicly known but Infrastructure Ontario has issued an RFP for a constructor. That RFP closes on September 28, 2023.

Project Description:

Ontario Place Background Information

Ontario Place, opened in 1971, was created by the Ontario Government to celebrate Ontario and to democratize access to Toronto's waterfront, which, at that time, was largely industrial and inaccessible. Designed by Eberhard Zeidler and Michael Hough, two visionary Canadian architects, the 155 acres of land (69 acres) and water (86 acres) quickly gained national and international recognition for its innovative integration of architecture, engineering and landscape that honours its location on the shore of Lake Ontario.

In 1994, Ontario Place was listed by the International Committee for Documentation and Conservation of Buildings of the Modern Movement (DOCOMOMO International) on its inventory of significant international works of the Modern Movement. In 2014 Ontario Place was designated a Provincial Heritage Property of Provincial significance. In 2020, Ontario Place was added to the World Monument Fund Watch list for endangered cultural heritage sites.

Located in the City of Toronto, south of Toronto's Exhibition Place, the physical structure of Ontario Place consists of three artificial islands connected by pedestrian bridges and roadways through which Michael Hough was able to pioneer an ecological approach to landscape design that has resulted in an ecosystem in which public programming and attractions have coexisted with the evolution of an important locus of biodiversity.

During its 52 years, Ontario Place has been the [much loved](#) source of unique water's edge natural, cultural and entertainment [experiences shared by millions](#) of Ontarians and visitors. In 2015, the then provincial government began a long overdue process of reinvestment and revitalization of the Ontario Place grounds and facilities which included the creation of the spectacular 7.4-acre Trillium Park and refurbishment of the iconic Cinesphere.

The Ontario Place Redevelopment Project

In January 2019, a new Ontario government announced its intention to seek redevelopment proposals for Ontario Place. On July 30th 2021, after leading a two-year long procurement process behind closed doors, the Ontario government announced its plan for a comprehensive redevelopment of Ontario Place.

In addition to landscape redesign, floodproofing work, heritage building repair and shoreline reinforcement, the Provincial redevelopment program includes two components that it intends to provide jointly with the private sector: enlargement of the Budweiser Stage, an established music entertainment venue, and

redevelopment of the entire West Island as a commercial spa franchise by the Austrian Therme Group.¹ More recently the Province has also announced a plan to relocate the Ontario Science Centre to Ontario Place.



It is the physical activity related to the Therme Spa and the added on underground parking structure components that are the basis of this request. In November 2022, Infrastructure Ontario filed a [development application](#) with the City of Toronto seeking zoning approval for the Therme Spa and related Official Plan Amendments.

The West Island

The West Island at Ontario Place is approximately 14+ acres in size and was carefully designed and contoured to provide a resilient naturalized environment that could address the exposed lake condition. The West Island contains over 800 trees, established vegetation and shoreline that provides both aquatic and terrestrial habitat for a diverse range of species. The Natural Heritage Impact Assessment Impact Study² filed as part of the Province's development application

¹ A third component that would have had Quebec-based EcoRecreo operate a family adventure play area has since been withdrawn.

² Natural Heritage Impact Study, p19, 47 [Ontario Place Redevelopment Project OPA/ZBA Application](#)

notes that Ontario Place is designated a Confirmed Landbird Migratory Stopover Area (sites with a high diversity of species as well as high numbers) and multiple areas are flagged with protected nests including species at risk (discussed below).

The Therme Spa Component: The Spa & Parking lot

The Therme Spa component of the redevelopment project has two distinct components:

- The Therme Spa facility which will occupy the entire West Island (plus several acres of the mainland for an entry facility); and
- A proposed underground parking garage to service the Therme Spa customers.

The Therme Spa Facility

The Therme Spa facility and grounds are being developed jointly by the Province and Therme Group RHTG AG (“Therme Group”).

The Province is responsible for preliminary site preparation and servicing and obtaining the required development approvals, including the Official Plan Amendment and Zoning Bylaw Amendment applications currently before the City of Toronto. Once approvals are in place site preparation is complete, Therme Group will be responsible for constructing and operating the spa facility under a 95-year lease, the terms of which have not been shared with the public.

According to announced revisions to the development application currently before the City of Toronto³, the Therme Spa will consist of

- Construction of a 61,000+ square metre spa building reaching heights of 36-41 metres (equivalent of up to 12 storeys);
- Private outdoor space including pools and landscape around the outside of the spa building that will extend to the current shoreline of the West Island;
- A large multipurpose bridge connecting the island to a spa reception area on the mainland;
- A 22,000 square meter mainland reception and administration building with direct connection to the proposed underground parking lot; and

³ Revised information based on presentations at the September 7th public consultation hosted by the City of Toronto.

- A 12+ acre extension of the footprint of the West Island through lake filling.

A portion of the leased site will consist of a publicly-accessible path created on the new lakefill around the perimeter of the West Island and, according to the recent revision, there will also be publicly accessible landscaped paths over the roof of the spa facility. Precise allocation of responsibility for maintaining and operating the publicly accessible paths on the lands leased to Therme is unclear but appears to be shared between Therme and the Province or a provincial agency.

Construction of the Spa will require complete obliteration of the naturalized ecosystem on the West Island that has evolved over the past 50 years. This will include the removal of every tree (840+) and all vegetation, levelling of the internationally recognized Michael Hough landscape contouring, filling in of the lagoons and small waterways on the West Island. It will also include destruction of the existing aquatic habitat due to lake filling to add approximately 12 acres to the size of the West Island.

The Underground Parking Garage

The underground parking garage will be developed exclusively by the Province of Ontario to meet the requirements of Therme customers. The transportation study filed with the City of Toronto as part of the development application estimates that 70% of Therme Spa users will drive.

The Province proposes to provide 2118 parking spaces in a five-level underground parking garage that will be constructed largely below lake level. The underground garage will increase the current private vehicle parking capacity from 1300 spaces to over 2700. The parking garage is also designed to provide direct underground access to the Therme Spa entrance pavilion.

The province has declined to disclose the cost of constructing the garage, but industry experts estimate the cost at more than \$400 million. It is notable that the province is also in the middle of developing the \$6 billion South Central portion of the Ontario Line subway, which will terminate at a stop intending to serve Exhibition Place and Ontario Place.

More recently, the public has also learned that the parking garage will sit underneath a controversial, relocated version of the Ontario Science Centre. As

noted above, the Province has issued an RFP for construction of the parking garage. That RFP will also include the new Ontario Science Centre building.

IAA criteria

- The Redevelopment of Ontario place is not a type of activity described on the Project list or near any threshold set therein.
- The project is located on provincially- and municipally-owned lands in federally-regulated waters of Lake Ontario.
- To the best of our knowledge, the project does not involve any new technology.

Provincial and Municipal reviews

1) Province of Ontario Category B, Public Works Class EA (Site Servicing) completed in May 2022

- applied to the whole of Ontario Place, including the West Island;
- limited to site servicing, replacement and upgrades;
- did not address the proposed redevelopment activities;
- technical consultation only, no public consultation activities; and
- [C&D Report](#) and [Notice of Completion](#) available to the public.

2) Province of Ontario Category A, Public Works Class EA (Public Realm)

- EA only applied only to the lands that will continue to be operated wholly by the province (see highlighted areas in the image below).
- Lands that will ultimately be leased to the Therme Group for the spa facility, entrance and related publicly accessible space were excluded from the EA (see greyed-out area below).
- The proposed lake filling to expand the footprint of the West Island was excluded from the EA (essentially the water's edge outside of the orange line indicated on the West Island below).
- The proposed underground/underwater parking garage was added too late in the EA process and with too little detail for any meaningful public input.
- Public comment period for the [Draft ESR](#) closed Sept 2, 2023.



Ontario Place for All and others including the City of Toronto have objected to the exclusion of the proposed spa project from the EA process. The Province has justified the exemption on the grounds that the Therme Spa is a private sector project and, in its view, not subject to the Ontario Environmental Assessment Act. Objectors believe the facts clearly establish that this exclusion is not supportable. The Therme Spa is part of an undertaking initiated, planned and advanced by the Province with an understanding that, ultimately, the Province will continue to share in management of the land leased to Therme.

As a result of this improper exclusion, the significant environmental impacts of the Spa component, including destruction of the West Island terrestrial ecosystem, destruction of aquatic habitat through massive lake filling, construction and operation of a massive tropical spa, and the related requirement for an equally massive underground parking garage, will not be brought to the public for assessment at all.

3) Municipal Development Application:

- The Province through Infrastructure Ontario has submitted a development application including application for an Official Plan Amendment and Zoning Bylaw Amendment for the Ontario Place Redevelopment, including the Therme Spa component.
- The Province had agreed in principle to an application review process that would be finalized within the 2023 calendar year.
- That review has been in progress since the end of 2022.
- The City Staff have identified multiple ways in which the Therme Spa component is incompatible with the City Official Plan and other Council

policies. However, the City does not have the authority or resources to carry out an environmental assessment.

- Public engagement has revealed that the spa is overwhelmingly opposed by the public.
- In spite of the agreed upon process, the Province, as noted above, has recently thrown its commitment to that process into question by announcing an intention to start the irreversible step of removing trees this fall and before the City approval process has been completed.

Adverse Effects Within Areas of Federal Concern: Species at Risk & Migratory birds

The development plan for the Therme Spa requires the removal of all trees (~840 of which over 600 are mature trees) and all vegetation. In the absence of a provincial environmental assessment, a thorough species at risk assessment needs to be completed for the West Island in order to document which species are present, evaluate the impact that the destruction of the West Island aquatic and terrestrial habitats will have and how best to mitigate danger to such species, similar to Highway 413.

Ontario Place, including the West Island, which has the largest number of mature trees, is a Confirmed Landbird Migratory Stopover Area⁴ (sites with a high diversity of species as well as high numbers) and multiple areas are flagged with protected nests including species at risk. It is also identified as a potential waterbird stopover and staging area.

The massive Therme Spa which rises to 41 metres in some locations features tall glass facades which, combined with bright illumination during hours of operation and interior trees and plants, is a serious potential hazard for birds, especially during the migration periods. A recent statement by FLAP Canada⁵ has highlighted this concern.

As a popular year-round birding site, community members have played a significant role in supplementing formal natural heritage reports. The “Natural Heritage Impact Study” filed by the Province with the development application lists a few species at risk (Barn Swallows, Chimney Swifts) but additional species at risk

⁴ Natural Heritage Impact Study, p19, 47 [Ontario Place Redevelopment Project OPA/ZBA Application](#)

⁵ FLAP Canada: There has been A LOT of talk recently about Therme Spa, a proposed massive all-glass structure to be built at Ontario Place. Even though FLAP Canada has been assured that the building will conform to all current CSA (Canadian Standards Association) and TGS (Toronto Green Standard) bird-friendly design standards, this will not be near enough to effectively mitigate the potential for bird deaths at this site. These deaths will include species at risk known to migrate through and/or nest in the area. If these low transparent railings are already killing birds, imagine the horrific toll the sheer volume of the Spa's glazing will take. Dramatically reduce the amount of glass. Don't wait for birds to die – be proactive and responsible.

https://www.instagram.com/p/CtkGAuxvFxZ/?img_index=1

(Bank Swallow, Eastern Meadowlark, Wood Thrush, Canada Warbler) or of special concern (Rusty Blackbird, Eastern Wood Peewee, Grasshopper Sparrow, Chimney Swift) have also been sighted and documented by the birding community at the West Island.

The [e-bird database](#) lists 191 bird species sighted at Ontario Place. Observations are also [presented in graph form](#) on the eBird site. Bird species observed nesting around West Island include:

- American Goldfinch
- American Robin
- Barn Swallow
- Baltimore Oriole
- Black-capped Chickadee
- Canada Goose
- Cedar Waxwing
- Cliff Swallow
- Common Grackle
- Downy Woodpecker
- Eastern Phoebe
- Northern Cardinal
- Orchard Oriole
- Red-breasted Nuthatch
- Red-winged Blackbird
- Song Sparrow
- Tree Swallow
- Yellow Warbler
- Warbling Vireo

The Natural Heritage Impact Study also states that Ontario Place is a confirmed habitat for Special Concern and Rare Wildlife Species⁶. This is supplemented by observations by community members. Please see **Appendix A: Avian Species at Risk around Ontario Place West Island** for additional information and photographs.

One thing is clear: Ontario Place is populated year-round by many avian species in the middle of a highly urbanized (paved over) area. While relatively small, its role is significant in the life of the city and these species trying to peacefully coexist.

Adverse Effects Within Areas of Federal Concern: Aquatic Habitat & Navigable Waters

⁶ Natural Heritage Impact Study, p47 [Ontario Place Redevelopment Project OPA/ZBA Application](#)

Ontario Place is located in the waters of Lake Ontario and as such potentially attracts federal jurisdiction relating to both fisheries and navigable waters.

As noted in the Natural Heritage Impact Study⁷, the shoreline of Ontario Place, including the West Island provides aquatic habitat that supports resident and migratory fish species during a range of their lifecycles. The Therme Spa project construction includes significant levels of lake filling around the shoreline of the West Island to Lake Ontario for the purpose of expanding the above waterline size of the West Island by around 12 acres. which will result in the destruction of around 36,000 m²⁸ of fish habitat. This will destroy aquatic habitat that has been established over 50 years since construction of the artificial island.

It will also impact Lake Ontario as a navigable water. Both of these impacts engage Federal areas of jurisdiction and in order to understand their full impact, they need to be studied through a formal Impact Assessment.

Adverse Effects Within Areas of Federal Concern: Climate Change

To reach the Federal government climate change targets of 40-45% emissions reductions below 2005 levels by 2030 and Net Zero by 2050, every order of government needs to take sustained and aggressive action. This should include serious consideration of carbon impacts of all new projects.

Given the current climate change emergency, the Therme Spa component of the Ontario Place Redevelopment Project raises significant carbon impact questions and concerns that a proper Impact Assessment would explore. For example, there has been no consideration of the carbon cost over the 95-year lease of:

- destruction of over 800 mostly mature trees;
- leveling and excavation of the topography of the West Island;
- construction of the 61,000+ square meter spa building, connecting bridge and mainland reception areas;
- resources to maintain a massive tropical spa and waterpark in an exposed lakeside environment year-round;
- construction and maintenance of a 5-storey underground/underwater parking garage; or
- doubling the amount of parking available which will have the effect of supporting and inducing more private vehicle use to reach the spa.

⁷ Natural Heritage Impact Study, p50 [Ontario Place Redevelopment Project OPA/ZBA Application](#)

⁸ Natural Heritage Impact Study, p67 [Ontario Place Redevelopment Project OPA/ZBA Application](#)

The kind of studies that a proper Impact Assessment could require include:

- An overall sustainability and carbon reduction vision that provides a set of guiding principles and goals aimed at reducing the environmental impact of the project and its operations.
- A resiliency strategy to help the site adapt to shocks and stresses such as natural disasters, climate change, and other unexpected events.
- A durability strategy to ensure that the design and construction of the building uses materials, construction details, and systems that are consistent with long-term performance.
- Given the scale, location and proposed lifespan of the Therme spa, a calculation of the total carbon of the spa building and alterations to the public realm, taking into consideration both the embodied carbon emissions from the materials and the construction process, as well as the operational carbon emissions from the building's lifetime energy use. These calculations should also reflect the difference in the loss of carbon sequestration from the removal of existing mature trees and planting of new, smaller trees.
- An iterative LCA Analysis Model for the purpose of ensuring the LEED Platinum, Net Zero and TGS goals are on target and met for the project.
- An envelope performance study to understand how effectively the spa building's outer shell (walls, roof, windows, doors, etc.) will prevent the transfer of heat, cold, air, moisture between the interior and exterior environments - particularly critical considering the use of large expenses of exterior glazing.
- Public Realm heat island effect study - important because of the level of hardscaping planned for the publicly accessible areas.
- Also, given the presumptive, but highly speculative 95-year life span, a decommissioning plan or alternative use strategy should be developed.

The Therme Spa building will replace more than 840 trees and an established natural environment with a massive glass structure requiring year-round maintenance of a tropical environment over many decades, servicing an estimated 4 million customers a year, 70% of whom are expected to arrive by car.⁹ While it is clear that the relative size of this project may not be as significant as a large mine or a major highway, this project and what it says about Canada's commitment to climate responsibilities is significant.

⁹ Transportation Impact Study, [Ontario Place Redevelopment Project OPA/ZBA Application](#)

Ontario's young people will live with this project as will their children and their children's children. Canada's young people are experiencing incredible stress about the realities of climate change.¹⁰ A recent study noted

“At least 56% of respondents reported feeling afraid, sad, anxious, and powerless. 78% reported that climate change impacts their overall mental health and 37% reported that their feelings about climate change negatively impact daily functioning.”

With this reality, while the total net carbon cost of this project may be smaller in scope than many of those the Impact Assessment Agency reviews, Ontario Place has a very high public profile and Federal intervention has the potential to send a very clear message about the Government of Canada's commitment to addressing climate change in very concrete ways.

Environmental protection and addressing the climate change crisis are both areas of shared provincial and federal jurisdiction. It is of concern that the current Ontario government is taking steps to all but vacate provincial responsibility for both. Recently, investigative journalism has¹¹ brought to light secret 2018 Ministerial mandate letters that directed Ontario Ministers to put business interests ahead of environmental protection. Changes to provincial legislation and policy have followed suit reversing decades of progress towards environmental protection. At this time of global crisis, it is crucial for the Federal government to become involved in filling the gap left by this province.

Respectfully submitted,

<Original signed by>

<Original signed by>

Norm Di Pasquale
Chair

Ann-Elisabeth Samson
Director

Ontario Place for All Inc.

cc. IAA Ontario Regional Office via designationontario@iaac-aeic.gc.ca

¹⁰ <https://www.sciencedirect.com/science/article/pii/S2667278223000032> Climate emotions and anxiety among young people in Canada: A national survey and call to action in the Journal of Climate Change and Health Volume 9, January–February 2023, 100204

¹¹ [Ontario 2018 Mandate Letters told ministers to limit climate law impacts on businesses](#), Global News. Sept 15/23; [In full: Ontario Premier Doug Ford's mandate letters](#), Sept 12/23

Appendix A: Avian Species at Risk around Ontario Place West Island

Reference: Federal document “Birds protected by the Migratory Birds Convention Act and protected under SARA Schedule 1”: <https://species-registry.canada.ca/index-en.html#/migratory-birds>

For citizen observations/sightings:

eBird checklists for Ontario Place: <https://ebird.org/hotspot/L6336022>

iNaturalist targeted area:

https://inaturalist.ca/observations?nelat=43.63056431840772&nelng=-79.41591045536539&place_id=any&subview=map&swlat=43.62562521093084&swlng=-79.42361375965616

Observed around the West Island/FIA scope:

Threatened

Bank Swallow



14 Aug 2022



1 Aug 2022



Barn Swallows



23 Aug 2022



15 July 2023



25 June 2023

(Dead nestling, found near exclusion netting - the exclusion netting applied by the construction team on site is in a manner that appears unsafe for birds)

Canada Warbler



Wood Thrush

Eastern Meadowlark



Eastern Peewee



9 May 2022

Grasshopper Sparrow



20 May 2021

Horned Grebe

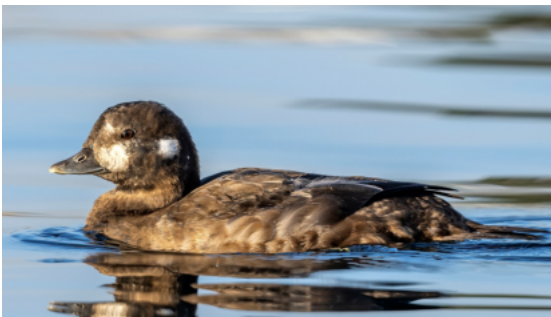


26 April 2022



18 April 2023

Harlequin Duck



6 Nov 2021

Olive Sided Flycatcher

Rusty Blackbird



23 August 2021



24 September 2022