

Enclosure: Provincial Authority Advice Record – Designation Request under the IAA  
 Response requested by October 18, 2023  
 Ontario Place Redevelopment: Spa Complex Project

Ministry	Ministry of Citizenship and Multiculturalism (MCM)
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1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Project.

The Ministry of Citizenship and Multiculturalism (MCM) has an interest in undertakings such as this under its mandate to develop policies and programs for the conservation of Ontario's cultural heritage.

MCM is responsible for the administration of the *Ontario Heritage Act* (OHA) including its regulations. The OHA provides the primary statutory framework for the conservation of cultural heritage resources in Ontario, including their identification, protection and wise management. The conservation of cultural heritage resources is also a matter of provincial interest and importance as reflected in legislation such as the *Planning Act* and the *Environmental Assessment Act*, among others.

All ministries and public bodies prescribed under Ontario Regulation 157/10, including Ministry of Infrastructure (MOI) and Infrastructure Ontario (IO), are required to follow the *Standards and Guidelines for Conservation of Provincial Heritage Properties* (Standards & Guidelines), prepared under section 25.2 of the OHA, when making any decisions affecting cultural heritage resources on lands under their control.

MCM, ministries and prescribed public bodies have specific roles and responsibilities under those Standards & Guidelines.

As a member of the Government Review Team, MCM reviews various applications and associated technical studies, including those under an Environmental Assessment process to ensure compliance with the OHA, including the Standards & Guidelines.

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2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Project (if different from lead contact above).

N/A

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3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Project. For each mechanism or approval, please provide information regarding the following:
- Name of the process or authorization (e.g., certificate, licence, permit or approval) and the associated legislative framework;
  - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
  - Whether (for each) the authorization would require public and/or Indigenous consultation;
  - Whether (for each) your ministry has guidance material that would be helpful to the Proponent or the Agency (please provide these as attachment or hyperlinks in your response).

Under its mandate to conserve Ontario's cultural heritage, MCM applies the following process and approvals to address potential adverse effects on cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes.

- Standards and Guidelines for Conservation of Provincial Heritage Properties ('S&Gs', *Ontario Heritage Act*, s.25.2)

<https://www.ontario.ca/page/standards-and-guidelines-conservation-provincial-heritage-properties>

Consent of the Minister of Citizenship and Multiculturalism is required for the demolition or removal of any buildings or structures on a provincial heritage property of provincial significance or for transfer of the property, in whole or in part, out of provincial control. The Minister may grant consent, with or without conditions, where the Minister is of the opinion that the removal, demolition or transfer is the best option after all alternatives have considered by the ministry or prescribed public body requesting consent.

Under provision C.1 of the S&Gs, ministries and public bodies are required to prepare a Strategic Conservation Plan for identified provincial heritage

properties under their ownership or control, to provide guidance on conserving, maintaining, using and disposing of them.

Impact assessment is among the guiding principles of the S&Gs, requiring ministries and prescribed public bodies to assess the impact of proposed activities that may affect the cultural heritage value or interest and the heritage attributes of a provincial heritage property to inform decisions that may affect them.

Provision F.4 of the S&Gs requires that the removal or demolition of any building or structure on a provincial heritage property be considered as a last resort, after all other alternatives have been considered, subject to heritage impact assessment and public engagement. Ministries and prescribed public bodies are required to use best efforts to mitigate loss of cultural heritage value or interest.

The ministry or prescribed public body requesting the Consent of the Minister of MCM is responsible for engagement with the public and Indigenous consultation and provides a record of such activity as part of its submission to MCM seeking the Minister's consent.

- *Ontario Heritage Act, Part VI*

<https://www.ontario.ca/page/archaeology>

Under the *Ontario Heritage Act* (OHA), MCM also regulates archaeology undertaken by licensed archaeologists. The ministry reviews archaeological reports as a condition of licensing in accordance with Part VI of the OHA. This review is to ensure that the archaeologist has met the terms and conditions of their licence, that the archaeological sites have been identified and documented according to the standards set by MCM and that the archaeological fieldwork and report recommendations ensure the conservation of archaeological resources.

Once they have reviewed an archaeological report, MCM staff provides the archaeologist with comments in a letter. If the report complies with the *Standards and Guidelines for Consultant Archaeologists* (2011), the letter informs the licensee that the report has been entered into the Ontario Public Register of Archaeological Reports. The letter is copied to the proponent (e.g., ministry or prescribed public body) and the approval authority (e.g., Ministry of the Environment, Conservation and Parks) as provided by the licensed archaeologist. Approval authorities often use the letter to address legislative requirements, and more broadly, to address concerns for due diligence.

To meet its obligations related to the conservation of cultural heritage resources, including their identification, protection and wise management, MOI/IO has retained qualified persons to prepare archaeological assessments and cultural heritage resources assessments. The following has been completed or is underway:

- The Ontario Place property was identified as a provincial heritage property of provincial significance by the then Ministry of Tourism, Culture and Sport in November 2013.
- Consent to the transfer out of provincial control of one parcel of land under a long-term lease agreement with Therme Group was granted with conditions by the then Minister of Heritage, Sport, Tourism and Culture Industries on April 20, 2022.
- A Strategic Conservation Plan was prepared by MOI/IO and approved by the Deputy Minister of MCM on November 25, 2022.
- A site-wide Heritage Impact Assessment is being prepared to assess the potential impacts of the proposed removal and demolition of buildings and structures and to recommend options and mitigation measures. The Heritage Impact Assessment will support the required request for Minister's consent for demolition or removal of buildings or structures on the provincial heritage property of provincial significance.
- Stage 1 and Stage 2 archaeological assessment reports (under Project Information Form numbers P349-044-2012 and P349-103-2013, respectively) have been entered into the Ontario Public Register of Archaeological Reports. No further archaeological assessment is recommended.
- A Marine Archaeological Assessment was completed for all Ontario Place water lots. The report recommended no further archaeological assessment work is required for all internal waterways and areas within 100m of the south edges of the islands up to the property line. Should any in-water works extend beyond this, additional marine documentation is recommended. The report has been entered into the Ontario Public Register of Archaeological Reports.

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4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
- fish and fish habitat, including matters related to surface and groundwater,
  - migratory birds, including matters related to vegetation and habitat,
  - federally listed species at risk, including matters related to vegetation and habitat,
  - effects on Indigenous people of Canada, including on physical and cultural heritage, the current use of lands and resources for traditional purposes, or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or on communities' health, social or economic conditions,
  - 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 as well as air emissions.

See response to question 3. The authorizations above consider impacts to built heritage resources, cultural heritage landscapes and archaeological resources that are of importance to communities, including Indigenous communities. This being the case, they will also consider potential impacts to Indigenous peoples of Canada related to physical and cultural heritage, or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance as well as the social conditions as per section 22 of the Impact Assessment Act (including locations of cultural importance).

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5. Have you received public comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally range) these matters.

No, we have not received public comments in relation to the Project.

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6. Have you received Indigenous community comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage these matters).

No, we have not received Indigenous community comments/concerns in relation to the Project.

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7. Do you have any other information about the Project in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*?

MOI, as the Project Lead, is the entity primarily responsible for assessing and fulfilling the Duty to Consult, and is best positioned to advise on this aspect.

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Gavin Downing  
Name of responder

Director, Heritage Branch  
Title of responder

October 18, 2023  
Date