

Ontario Place Redevelopment: Spa Complex Project

Provincial Advice Record – Designation Request under the IAA
Ministry of Infrastructure Response
Response requested by October 18, 2023

Ministry	Ministry of the Environment, Conservation and Parks
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On October 13, 2023, the Supreme Court of Canada found the designated project provisions of the federal *Impact Assessment Act* to be unconstitutional. Accordingly, there is no constitutional basis for the Minister to designate the Spa Complex Project (Project). Even if there were, the Project should not be designated because of the reasons outlined in this submission.

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

The Ministry of the Environment, Conservation and Parks (MECP) is responsible for the administration and enforcement of the *Environmental Assessment Act* (EAA) and provides guidance to proponents regarding both individual and class environmental

assessment (EA) requirements. MECP is also responsible for the administration and enforcement of a comprehensive suite of legislation and regulations that regulate a broad range of activities in Ontario in order to protect the natural environment and human health, including the *Environmental Protection Act* (EPA), *Ontario Water Resources Act* (OWRA), and *Endangered Species Act* (ESA).

MECP has been regularly engaged with the Ministry of Infrastructure (MOI) as the Ontario Place redevelopment project has evolved.

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

- 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 and if yes, provide information on the approach to be taken; and**
 - **Whether (for each) your ministry has guidance material that would be helpful to the Proponent or the Agency (please provide these as attachments or hyperlinks in your response).**

The Project would be subject to all applicable MECP approvals, permits and authorizations.

The authorization(s) required is dependent on factors such as the type of activities being proposed, potential environmental impacts and the previous zoning/designated land use of the site. As the Project advances, MECP will be able to identify what authorization(s) will be required for the Project.

For commercial buildings, environmental authorizations under the *Environmental Protection Act* (EPA), *Ontario Water Resources Act* (OWRA), and *Endangered Species Act* (ESA) may be required.

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,**
- **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,**
- **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 as well as air emissions.**

For commercial buildings, environmental permissions under the EPA and OWRA are as follows:

Environmental compliance approvals for sewage works such as stormwater management infrastructure and subsurface sewage disposal works.

Depending on the volume of water taking per day, Permit to Take Water or Registrations would be required for any water takings from surface and groundwater, including for construction dewatering and/or domestic use.

Please note: if the Project will be municipally serviced (e.g., wastewater and water), the municipality would need to ensure they have the appropriate permissions in place (e.g., amendment to current permit to take water, if applicable).

A Record of Site Condition may need to be filed with Ontario to demonstrate the soils and lands are safe for the intended use of the property, this may include a Risk Assessment for any contaminated soils.

In light of the nature of the activities outlined above (potential environmental impacts are known and mitigatable) and the detailed design controls imposed by approvals issued under the EPA and OWRA, designating the Project to an additional environmental regulatory process at the federal level is unnecessary.

Furthermore, the requestor has not identified any clear area of federal jurisdiction in relation to the Project that is in the planning stages and at this point is comprised primarily of buildings and related infrastructure and that is wholly within Ontario.

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 manage) these matters.

See submission from IO.

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.

See submission from IO.

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?

N/A