

**Enclosure: Municipal Comment Form – Designation Request under IAA**  
**Response requested by October 18, 2023**

Ontario Place Redevelopment: Waterpark and Wellness Centre + Underground Parking  
Garage Project

Lead Contact: Colin Wolfe, City of Toronto  
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Alternate Ministry Contact:

Infrastructure Ontario is the province's chosen delivery agent and acts as the applicant in this case. The Ministry of Infrastructure is the client ministry with the Province.

Infrastructure Ontario: Ross Burnett  
Ministry of Infrastructure: Elaine Shin

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

The City of Toronto (the "City") entered an agreement with the Government of Ontario that enables the City to assume its usual role in considering land use planning applications, recognizing that the lands are predominantly owned by the Province. Infrastructure Ontario is the province's chosen delivery agent and acts as the applicant in this case.

The City of Toronto City Planning Division is reviewing the planning applications for an Official Plan Amendment for the entirety of Ontario Place and Zoning By-law amendments for Phase 1 for the West Island (which includes the Therme Spa and Underground Parking Structure). City Planning provides comments to the applicant, reviews designs (including any revisions to the applications), convenes stakeholder groups and hosts community consultations. City staff will prepare a report with recommendations to City Council for a final decision under the Ontario *Planning Act*.

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

Carly Bowman, Director, Community Planning, [Carly.Bowman@toronto.ca](mailto:Carly.Bowman@toronto.ca)  
Dan Nicholson: Manager, Community Planning, [Dan.Nicholson@toronto.ca](mailto:Dan.Nicholson@toronto.ca)  
David Stonehouse: Director, Waterfront Secretariat, [David.Stonehouse@toronto.ca](mailto:David.Stonehouse@toronto.ca)  
Meg St John: Project Manager, Waterfront Secretariat, [Meg.Stjohn@toronto.ca](mailto:Meg.Stjohn@toronto.ca)

3. Describe the by-laws, programs or additional authority that may be relevant and could serve as a means to address concerns expressed about 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).

Key Policies:

**Provincial Policy Statement**

*1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.*

*Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are: a) financially viable over their life cycle, which may be demonstrated through asset management planning; and b) available to meet current and projected needs*

The City has raised issues with the proposed transportation strategy as it relates to the efficiency of building a large parking structure in close proximity to a planned expanded transit station. Additionally, the City has concerns with the financial and structural viability of building a subsurface parking garage adjacent to Lake Ontario and its shoreline. The transportation aspects of the proposal do not align with the policy intent of preparing for the impacts of a changing climate.

### **Official Plan**

*3.4.17. Lakefilling projects in Lake Ontario will be supported only where: a) the land created will be used for natural habitat, public recreation or essential public works; b) the project has been the subject of an Environmental Assessment which ensures that water quality and quantity and terrestrial and aquatic habitat will be protected or enhanced; and c) the project does not create new or aggravate existing natural hazards.*

The application proposes significant lakefilling activities to enlarge The West Island to accommodate the proposed Therme waterpark and wellness facility. An Environmental Assessment has not yet been completed to comply with Official Plan requirements.

*3.4.1 To support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on: (b) sustaining, restoring and enhancing the health and integrity of the natural ecosystem, supporting biodiversity in the City and targeting ecological improvements, paying particular attention to: i. locations of habitat for native flora and fauna, both terrestrial and aquatic; ii. water and sediment quality; iii. ground and surface water contributions to natural features; iv. landforms, ravines, watercourses, wetlands and the shoreline and associated biophysical processes; v. natural linkages between the natural heritage system and other green spaces; vi. seasonal movements of migration species; vii. opportunities for additional habitat provided by the built environment; and viii. the potential impacts of a changing climate on biodiversity and ecosystem health;*

The Province's materials submitted in support of Ontario Place contemplate activities that may be subject to federal legislative or regulatory requirements: permanent destruction of fish habitat; alteration of fish habitat; destruction of open aquatic, trees and mixed woodlands which also contain habitats of nesting bird species, some of which are migratory bird species; impacts to federally-protected fish and other aquatic species; and bridges proposed over certain navigable waters connecting Ontario Place to the mainland.

### **Central Waterfront Secondary Plan**

A secondary plan is a more detailed policy document that outlines the planning expectations of how a given geography will build out and develop over time. The Central Waterfront Secondary Plan implements the parent Official Plan.

*(P20) New traffic management approaches will be pursued to accommodate non-auto modes of transportation, make more efficient use of existing roads (i.e., "smart" technology) and discourage the use of single-occupant vehicles.*

The application proposes ~2,500 parking spaces in surface parking and a 5 level below-grade parking structure. This transportation approach, taken together with the planned expanded high-order transit station within a 10 minute walk does not adequately prioritize transit and active transportation and does not discourage the use of single-occupant vehicles.

*(P28) Lakefilling will be considered only for stabilizing shorelines, improving open spaces, creating trail connections, preventing siltation and improving natural habitats and is subject to Provincial and Federal Environmental Assessment processes. Consideration will be given to the impact of such lakefilling on recreational uses.*

This policy requires a provincial or federal environmental assessment that supports the lakefilling activities to thoroughly evaluate the environmental impacts of any proposed development before approval. To date, no such Environmental Assessment has been submitted.

**See also: Canada – US Convention Protecting Migratory Birds**

The requirements of this Convention (treaty) have legislated components embedded in the *Migratory Birds Convention Act, 1994*, *Migratory Birds Regulations 2022* and *Migratory Bird Sanctuary Regulations*. [Canada-US convention protecting migratory birds - Canada.ca](https://www.canada.ca/en/nature/conservation/migratory-birds/canada-us-convention-protecting-migratory-birds.html)

Policy Compliance Requirements:

*Official Plan Amendment:*

Ontario's *Planning Act* (Section 17) requires that the City have an Official Plan. The Official Plan sets out the City of Toronto's goals, objectives and policies to manage and direct physical change and its effects on the social, economic, built and natural environment. Amendments are decided upon by Council and granted through a site-specific amendment to the Official Plan. The City's Official Plan is not binding on the Province. Despite this, the Province has engaged the City's development review process, which requires that Zoning By-law Amendments conform to the City's Official Plan. The City's Official Plan is not binding on the Province. Despite this, the Province has engaged the City's development review process, which requires that Zoning By-law Amendments conform to the City's Official Plan.

*Zoning By-law Amendment:*

Ontario's *Planning Act* (Section 34) gives the City authority to implement land use controls through Zoning By-laws. The Zoning By-law is the legal document that implements goals, objectives and policies described in the Official Plan. In this case, Amendments to the Zoning By-law are determined by Council and granted through an amending by-law to the Zoning By-law.

*Site Plan Control:*

The *City of Toronto Act, 2006* (Section 114) authorizes the City to require development to be subject to Site Plan Control. Site Plan Control implements the Official Plan and the Zoning By-law. Approval of Site Plan Control is delegated authority to City Staff with a focus on the technical aspects of a building and site design, resulting in a legal Site Plan Agreement registered on title to the lands and any associated conditions to satisfy for site plan approval.

### *Building Permit*

The *Building Code Act, 1992* is the legislation governing the construction, renovation and change-of-use of a building in the Province of Ontario.

The Ontario Building Code is a regulation under the *Building Code Act, 1992*. It establishes detailed technical and administrative requirements and minimum standards for building construction.

For the City's Toronto Building Division to issue a permit requires an applicant to provide certain documents in compliance with various applicable laws specified in the Ontario Building Code.

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 organization'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,
- 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.

Authorization would be required for one or more of these elements arising from both Federal and Provincial jurisdictions. The City of Toronto does not issue permits related to these matters above.

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 organization intends to address (or would normally manage) these matters.

The City has received high volumes of feedback from community consultations, feedback forms, stakeholder groups. Key themes specific to environmental issues include:

- Non-compliance with the Official Plan requirement for an Environmental Assessment for significant lakefilling on the West Island;
- Impacts of full-scale removal of a provincially designated cultural heritage landscape (see Statement of Significance for Ontario Place);
- Removal of large numbers of mature trees and impacts to migratory bird habitat and flight paths;
- Environmental impacts of transportation and parking strategy; specific issues with the size, extent and location of the parking garage;
- Concerns around the energy and water use impacts of the waterpark and wellness centre;
- Concerns around the building lifecycle of a purpose-built facility and associated challenges around future adaptive reuse.

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 organization intends to address (or would normally manage) these matters.

The Province's duty to consult includes ongoing dialogue with Indigenous rights holders. Please contact Infrastructure Ontario for information on their process and findings.

While the City of Toronto (as a municipal corporation) does not have a statutory requirement to do so, the City typically engages the urban Indigenous population, including retaining a vendor to lead urban Indigenous outreach on the project. This initiative is not yet at the point of being able to summarize comments and concerns.

We encourage the federal government to connect directly with the Mississaugas of the Credit First Nation and any other potentially effected Indigenous population.

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*?

Responsibility of the Province and Federal government.

Name of responder: Colin Wolfe  
Title of responder: Senior Planner  
Date: October18, 2023