



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

Norm Di Pasquale and Ann-Elisabeth Samson
Ontario Place for All Inc.
525 Richmond Street West #604
Toronto ON M5V 1Y5
info@ontarioplaceforall.com

Dear Norm Di Pasquale and Ann-Elisabeth Samson:

Subject: Acknowledgement of receipt of a request for designation of the Ontario Place Spa Complex and Underground Parking Garage Projects

Thank you for your letter, dated September 17, 2023, concerning the Ontario Place Spa Complex (the physical activity / activities referred to as the Spa Project) proposed by Therme Canada, and the Underground Parking Garage (the physical activity / activities referred to as the Garage Project) proposed by Infrastructure Ontario. You have requested that the Minister of Environment and Climate Change (the Minister) designate these physical activities under the *Impact Assessment Act* (IAA).

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.

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 begun; 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.

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The Impact Assessment Agency of Canada (the Agency) will review information to determine whether substantial physical works have begun for either the Spa Project or the Garage Project, or if a federal authority has exercised a power or performed a duty or function under an Act of Parliament other than the IAA that would permit either project to be carried out.

Upon reviewing your request, the Agency considers the Spa Project and the Garage Project to be distinct proposals with distinct proponents. The Agency is of the understanding that, while there would be a pedestrian link between the Garage Project and the Spa Project, the Garage Project is expected to service the larger Ontario Place complex and is not for the exclusive use of the Spa Project. Further, the Garage Project does not appear to be within the care and control of the proponent of the Spa Project. The Agency will confirm this understanding with the proponent of the Garage Project and responses will be made public. As such, the Agency will consider the Spa Project and the Garage Project as separate projects.

For each project, the Agency will review information; any concerns expressed by the public (that the Agency is aware of) and Indigenous communities; expert advice from federal authorities and input from provincial ministries to inform the Minister on whether the Project should be designated.

If either the Spa Project or the Garage Project were to be designated, in order to proceed with either project, the respective proponent would be required to submit an Initial Project Description, thereby commencing the planning phase of the IAA. In this case, the planning phase would include the Agency determining whether a federal impact assessment is required.

In the coming days, a Registry page for the Projects (Reference 85951) will be available on the Canadian Impact Assessment Registry Internet site. If you wish to provide further information to the Agency regarding either project, please write to *DesignationOntario@iaac-aeic.gc.ca*, and identify which project the information pertains to. Please note that this email address will also be posted on the Registry page noted above.

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>

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* – are considered public and may be released. If you have provided 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 as soon as possible. The Agency does not accept information marked as confidential without prior contact.

Any questions you may have regarding these projects and this process can be directed to Ella Myette, A/Project Manager, at 416-559-3960 or the above noted email address.

Sincerely,

<Original signed by>

Anjala Puvananathan
Director, Ontario Region