

Response to MM11.39 - Protecting the Process for Tree Removal at Ontario Place

Date: November 1, 2023

To: City Council

From: Acting General Manager Parks, Forestry and Recreation; Chief Planner and Executive Director, City Planning

Wards: Spadina-Fort York - 10

SUMMARY

The purpose of this report is to outline the requirements applicable to the removal of trees within Ontario Place, in particular as they relate to Heritage Impact Assessments and Environmental Assessments for Ontario Place, in advance of City Council making a decision in respect of development applications filed by Infrastructure Ontario for the Ontario Place redevelopment.

Infrastructure Ontario, a crown agency of the Province of Ontario, acting on behalf of the Ministry of Infrastructure, has submitted Official Plan Amendment and Zoning By-law Amendment applications for the redevelopment of the predominantly Provincially-owned lands at Ontario Place at 955 Lake Shore Boulevard West. The Official Plan Amendment is for the entirety of Ontario Place. The Zoning By-law Amendment is for the whole site but proposes specific permissions for the Therme tourism, entertainment and waterpark facilities on the mainland and West Island, as well as the mainland parking structure serving multiple tenants and uses, including LiveNation, science programming at the Cinesphere and Pods and visitors to the public realm across the Island. These applications were initially submitted on November 25, 2022; revised applications were submitted on September 18, 2023.

The applications envision a large scale redevelopment of the public lands and attractions at Ontario Place. The site is a Provincially-significant heritage and tourism attraction used by visitors from across Ontario, Canada and internationally. Ontario Place closed as a fully operating attraction in 2012, and the existing buildings, bridges, servicing infrastructure and shoreline are understood to require reinvestment to ensure the future viability of the site. Ontario Place today also serves as a waterfront public amenity and a cultural heritage landscape of international significance.

The tree removals currently being contemplated (including tree removal on lands that are owned by the City of Toronto) are related to the Provincial-led servicing works, which excludes the West Island. The current scope of tree removal includes the removal of trees from the East Island, including within the Live Nation leased area, and the mainland. Infrastructure Ontario has communicated that these servicing upgrades need to be done regardless of future use as the existing services are beyond their design life. This work is being undertaken in accordance with the completed Category B Public Works Class Environmental Assessment for Ontario Place Site Servicing.

The development applications filed by Infrastructure Ontario indicate that the proposed redevelopment will also require the future removal of trees throughout the Ontario Place site, including tree removal on the West Island and lands that are owned by the City of Toronto.

On October 6, 2023, staff of the Ministry of Infrastructure informed City staff in writing that, per Provincial authorities, the Province will not be formally seeking municipal permits for the removal of trees located on Provincially-owned lands. However, the Province confirmed that it will follow the municipal process with regard to due diligence, tree protection and replacement standards.

Infrastructure Ontario subsequently confirmed that the Province will seek tree removal permits for bylaw protected trees located on City-owned lands in connection with its site servicing works for the proposed development provided in the License, Permission to Enter and Construct Agreement executed between the City of Toronto and Infrastructure Ontario in April of 2023.

RECOMMENDATIONS

The Acting General Manager Parks, Forestry and Recreation, and the Chief Planner and Executive Director, recommend that:

1. City Council receive this report for information.

FINANCIAL IMPACT

There are no financial implications arising from receiving this report.

The Interim Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council Decisions

On October 11, 2023, City Council directed the Acting General Manager, Parks Forestry & Recreation and the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning, the Director, Waterfront Secretariat, and the City Solicitor, as necessary, to report to the November 8-10, 2023 meeting of City Council regarding requirements applicable to the removal of trees within Ontario Place, in particular as it relates to Heritage Impact Assessments and Environmental Assessments for Ontario Place, in advance of City Council making a decision in respect of development applications filed by Infrastructure Ontario (Application No.: 22 233864 STE 10 OZ). Further City Council directed the City Solicitor report to the same meeting of Council evaluating the City's legal options in light of the report from the Chief Planner and Executive Director, City Planning.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.MM11.39>

On April 20, 2023 General Government Committee deferred consideration of the item [GG. 3.20 – Ontario Place Redevelopment – Declaration of Surplus](#), deferring the item until such time as:

- a. City Council approves the Official Plan and Zoning By-law Amendment application for Ontario Place;
- b. The Province of Ontario has provided Toronto City Council with a copy of the lease with the private tenant on the West Island site of Ontario Place; and
- c. Once the Federal Government has expressed its interest or disinterest in the lands at Ontario Place.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.GG3.20>

On April 12, 2023, City Council adopted [TE4.36 Ontario Place - Official Plan Amendment and Zoning By-law Amendment - Status Report](#) which directed staff to continue to use the Guiding Principles for the Revitalization of Ontario Place, intended to be read and interpreted in the context of the Central Waterfront Secondary Plan, in the review of the Official Plan Amendment and Zoning By-law Amendment applications for the Ontario Place redevelopment.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE4.36>

On February 2, 2022, City Council adopted EX29.5 Ontario Place Redevelopment - Priority Areas for Collaboration and Development Approvals Process, which among other things directed staff to report back on:

- A status update on the review of the development applications, which were submitted to the City on November 25, 2022;
- A general update on the Ontario Place Redevelopment; and
- Continuing outreach to City Divisions and Exhibition Place, as well as a robust public consultation and stakeholder engagement process to inform the City's review of the Ontario Place redevelopment.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EX29.5>

On June 8, 2021, City Council adopted EX24.3 Ontario Place Redevelopment Update, which directed staff to report back on:

- A formal Toronto-Ontario agreement on priority areas for collaboration on the Ontario Place redevelopment; and
- The process that will be utilized for Planning Act and Ontario Heritage Act approvals for the Ontario Place redevelopment.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX24.3>

On September 30, 2020, City Council adopted TE18.42 Exhibition Place Master Plan - Phase 1 Proposals Report which directed the City Council to rely on the findings of the Phase 1 Proposals Report to: a) inform future conversations with the Province regarding the joint revitalization of Ontario Place and Exhibition Place, and b) inform future consultations with Metrolinx regarding the Ontario Line.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.42>

On May 14, 2019, City Council adopted EX5.1 Ontario Place/Exhibition Place Revitalization which directed City staff to engage the Province in developing a joint strategy to plan the future of Ontario Place and Exhibition Place in a collaborative, cooperative, and consultative manner with all stakeholders, and adopted five Guiding Principles for the revitalization of Ontario Place.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX5.1>

On May 14, 2019, City Council received information TE5.27 Ontario Place Revitalization - Results of Subcommittee Consultation, Guiding Principles and Next Steps which considered feedback from the public that came through the Subcommittee on Ontario Place established by the Toronto and East York Community Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE5.27.6>

On May 14, 2019, City Council adopted EX5.1 (supposed by PB5.4) Inclusion on the City of Toronto's Heritage Register - 955 Lake Shore Boulevard West - Ontario Place, which added Ontario Place to the City's Heritage Register in accordance with a Statement of Significance outlining the reasons for inclusion.

<https://secure.toronto.ca/council/agenda-item.do?item=2019.EX5.1>

Province of Ontario, Ontario Place Information

Documents and information pertaining to the Ontario Place revitalization are found here: <https://engageontarioplace.ca/documents/>

On July 4, 2023, Infrastructure Ontario issued a Notice of Completion for the Category C Public Work Class Environmental Assessment completed for Ontario Place, which excludes the "shaded areas" identified on the figure on page 1 of the Notice being the West Island where the Therme Project is proposed and the Live Nation portions of the site. The Notice of Completion may be found here: https://engageontarioplace.ca/wp-content/uploads/2023/06/OP-Notice-of-Completion-Newspaper-Ad_Final_EN-1.pdf A Final Environmental Study Report has not been posted at the time of preparing this report.

On November 25, 2022, the Minister of Citizenship and Multiculturalism approved the Strategic Conservation Plan for Ontario Place under the Province's Standards and Guidelines for Conservation of Provincial Heritage Properties pursuant to the Ontario Heritage Act - Part III.1. The approved Strategic Conservation Plan may be found here: https://engageontarioplace.ca/wp-content/uploads/2022/12/Ontario-Place_Strategic-Conservation-Plan_2022.11.24-1.pdf

In July of 2022, Infrastructure Ontario posted a Final Notice of Completion for the Category B Public Works Class Environmental Assessment for the site servicing undertaking at Ontario Place (to reconfigure and facilitate water, wastewater, stormwater, electrical, telecom, gas and other similar connections) following a 60-day formal consultation on the draft documents from April 28, 2022 to June 30, 2022: <https://engageontarioplace.ca/wp-content/uploads/2022/05/OP-Cat-B-EA-Site-Servicing-Notice-of-Completion-26May2022-en.pdf>. The Final Notice of Completion was required to also be in compliance with the approved Consultation and Document Report dated July 15, 2022: <https://engageontarioplace.ca/wp-content/uploads/2022/07/OP-Cat-B-EA-Site-Servicing-CD-Report-July-8EN.pdf>

COMMENTS

Municipal By-laws Governing Tree Removal at Ontario Place

In December of 2021, City Council reaffirmed Toronto's target of achieving 40 percent tree canopy cover by 2050. Toronto's urban forest is a vital part of the City's green infrastructure that provides \$55 million in ecosystem services and benefits annually, including air pollution removal, reducing storm water runoff and carbon sequestration. Protecting and enhancing the urban canopy is critical to building climate resilience and improving quality of life in the city. The following municipal bylaws support these goals by protecting trees on City streets, private property, in ravines and in parks:

- Toronto [Municipal Code Chapter 813 Article II \(Trees on City Streets\)](#) regulates the injury, destruction and removal of all trees located on City streets.
- Toronto [Municipal Code Chapter 813 Article III \(Private Tree Protection\)](#) regulates the injury, destruction and removal of all trees located on private property with a trunk diameter measuring 30cm or greater at 1.4 metres above ground level.
- Toronto [Municipal Code Chapter 658 \(Ravine and Natural Feature Protection\)](#) regulates the injury, destruction and removal of all trees located within designated ravine protected areas, as well as grade changes and dumping of fill or refuse within designated ravine protected areas.
- Toronto [Municipal Code Chapter 608 Article VII \(Parks\)](#) regulates the injury, destruction and removal of all trees located in City owned parks.

Trees protected under the City of Toronto's municipal bylaws require authority in order to permit injury, destruction or removal. City staff review complete tree permit applications and provide comments on tree protection, removal and replacement proposals in an interest to prioritize retention and protection, of healthy trees, and secure replacement tree planting as a condition of permit issuance so that sites will be restored with native trees when construction is complete.

Ontario Place consists of property owned by the Province of Ontario and property owned by the City of Toronto (refer to Attachment 1 for a map showing land ownership). The Provincially-owned property is shown in Attachment 1 within the hatched red lines, and the City owned portion is shown within the hatched yellow lines.

The Provincially-owned lands are regulated under Toronto Municipal Code Chapter 813 Article III (Private Tree Protection). The City owned lands at Ontario Place are also regulated under Toronto Municipal Code Chapter 813 Article III (Private Tree Protection). This is because the trees on the City owned property within Ontario Place do not consist of City owned streets, ravine protected areas or City owned parkland. The Private Tree bylaw regulates injury, destruction and removal of trees that are 30cm or greater in trunk diameter as measured at 1.4m above ground level, or diameter at breast height (dbh).

On October 6, 2023, the Ministry of Infrastructure informed the City of Toronto in writing that the Province will not be formally seeking municipal permits for the removal of trees located on Provincially-owned lands. Further, the Province will follow the municipal process with regard to due diligence, tree protection and replacement standards.

Infrastructure Ontario subsequently confirmed that the Province will seek tree removal permits for bylaw protected trees located on City owned lands required in connection with its site servicing works for the proposed development as provided in the Licence, Permission to Enter and Construct Agreement which was executed between the City of Toronto and Infrastructure Ontario in April of 2023, discussed below.

Site Servicing Licence Agreement

The City and Infrastructure Ontario entered into a Licence, Permission to Enter and Construct Agreement dated April 3, 2023 (the "**Licence**"). The Licence was authorized by Item EX29.5, adopted by Council on February 2, 2022.

Under the Licence, Infrastructure Ontario and its employees, contractors, consultants, etc. are permitted to access, use and occupy the City-owned lands at Ontario Place to conduct Site Servicing Works. These works are defined under the Licence as follows:

- New servicing and utility works to position and ready the Ontario Place site for the planned redevelopment, such works to be the abandonment and removal of existing infrastructure that is private to the existing Ontario Place site, as well as construction of new watermains, sanitary sewers, hydro cables and ducts, gas mains, telecommunications services and all maintenance holes, chambers, appurtenances and restoration, to the extent such works are located on the City-owned lands at Ontario Place Lands.

The Licence commenced on April 3, 2023 and will expire on the first to occur of the following: (i) completion of the Site Servicing Works; (ii) completion of the transfer of the City Ontario Place Lands to the Province (if this occurs); or (iii) December 31, 2026.

Though this License does not specifically address tree removals, Infrastructure Ontario has advised that it intends to remove 65 trees from City-owned lands, two of which are protected by the City's tree bylaw (exceed 30 cm diameter at breast height), for site servicing of Ontario Place. However, the License requires Infrastructure Ontario to “obtain all required permits and approvals required from any other governmental authority(ies), federal, provincial or municipal, having jurisdiction in connection with any portion of the Site Servicing Works requiring such permit(s) and approvals”. The Licence also requires Infrastructure Ontario to restore and repair all damage to any lands remaining in the City’s ownership at the completion of the Site Servicing Works.

The Licence further states that Infrastructure Ontario, and its employees, contractors, consultants, etc. shall comply with all laws, including municipal by-laws, regulations and orders, in connection with the Site Servicing Works and entry onto the City-owned lands under the License.

The Licence does not grant Infrastructure Ontario any right to remove trees on the City-owned lands for any reason not connected with the Site Servicing Works.

Site Servicing Tree Removal

Infrastructure Ontario is proposing to remove trees to accommodate site servicing work expected to commence in the fall of 2023.

The Arborist Report submitted by Infrastructure Ontario in September of 2023 in support of the development applications indicated that 625 trees will be removed to accommodate site servicing. Of these: 560 are on provincially-owned land; and 65 are located on City owned lands, with two that are protected by the City's tree bylaw (exceed 30 cm diameter at breast height). In typical circumstances, the City's tree by-law requires an acceptable landscape/replanting plan that must be approved prior to permit issuance specifying the planting of six large growing replacement trees at a 3:1 compensation ratio.

Of these 625 trees being removed as part of the site servicing works, 234 are located within the Live Nation leased area. (The retention or removal of the other trees that are within the Live Nation leased area are not being removed as part of the site servicing and will be assessed by the Infrastructure Ontario when further information about the proposed development within this area is available.)

Future Development on the West Island and Public Realm Area Tree Removal

Based on information contained in the Arborist Report, the future development on the West Island and public realm area will require the removal of 941 trees. Of these: 122 are on Provincially-owned land in the public realm area; 669 are located on Provincially-

owned land related to the Therme development; and 150 are located on City owned lands, with 61 that are protected by the City's tree bylaw (exceed 30 cm diameter at breast height) . In typical circumstances, the City's tree by-law requires an acceptable landscape/replanting plan be approved prior to permit issuance specifying the planting of 183 large growing replacement trees at a 3:1 compensation ratio. As noted above, the Licence between the City and Infrastructure Ontario deals with Site Servicing Works only and does not grant Infrastructure Ontario the right to remove trees with respect to the future development of the West Island and Public Realm Area, unless it could demonstrate that such removals were related to Site Servicing Works.

On Provincially owned lands, the Province advised that it will not seek municipal tree permits. Infrastructure Ontario has proposed the planting of approximately 2,900 trees of various sizes across Ontario Place. The arborist report submitted by Infrastructure Ontario states that this represents an overall replacement ratio of 2:1, with a ratio of up to 6:1 to trees over 30cm in diameter.

Given the number of trees on this property, City staff would note that the above tree numbers are estimates and are subject to change as plans are refined. The arborist report notes that landscape plans that have been submitted are preliminary in nature and will be refined by the proponents as additional project information is obtained.

Staff will continue to review and comment on development applications. Public realm space for soil volume will be secured at the zoning stage, and environmentally sound planting strategies through the Site Plan Control process, all in accordance with the Toronto Green Standard. Infrastructure Ontario has not committed to submit the plans for the non-tenanted portions of the site for site plan review. In the event the Province does not seek to exercise its authority to approve the proposed development outside of Council approval, staff will seek to secure a requirement for site plan review of the non-tenanted portions of the site through the Official Plan Amendment process.

Cultural Heritage Landscape of Ontario Place

In 2014, the Province of Ontario recognized the cultural heritage value of the property by identifying it as a cultural heritage landscape of Provincial significance on the List of Provincial Heritage Properties under Part III, Section 1 of the Ontario Heritage Act. The Province has also added Ontario Place to the list of prescribed public bodies under the Ontario Heritage Act, making it subject to the Standards and Guidelines for the Conservation of Provincial Heritage Properties.

As the property is Provincially-owned, the City does not have authority under the Ontario Heritage Act to approve or refuse changes to the Provincial Heritage Property. However, the Province is required to comply with the "Standards and Guidelines for the Conservation of Provincial Heritage Properties" approved pursuant to Part III.1 of the Ontario Heritage Act. In accordance with the Standards and Guidelines, the consent of the Minister of Citizenship and Multiculturalism is required for the removal or demolition of buildings, structures and heritage attributes of Ontario Place. City staff have not received confirmation that Ministerial approval has been granted for the proposed removal of buildings, structures or heritage attributes from Ontario Place.

Standards and Guidelines for the Conservation of Provincial Heritage Properties

The Standards and Guidelines require the Province to:

- Repair or conserve, rather than replace the components that are part of a Provincial heritage property's heritage attributes;
- Apply a minimum intervention approach that protects the cultural heritage value of the property;
- Retain and maintain the visual settings and other physical relationships that contribute to the cultural heritage value of a Provincial heritage property;
- Ensure that new construction, visual intrusions, or other interventions do not adversely affect the heritage attributes of the property;
- Use best efforts to mitigate loss of cultural heritage value;
- Prepare a Strategic Conservation Plan to provide guidance for conserving, maintaining, using and disposing of Provincial heritage properties; and
- Obtain the consent of the Minister of Heritage, Sport, Tourism and Culture Industries "before removing or demolishing buildings or structures on the property". "The Minister may grant consent, with or without conditions, where the Minister is of the opinion that all alternatives to the removal, demolition or the transfer of the property have been considered by the Ministry or the prescribed public body requesting consent, including alternatives that would not adversely affect the property, and the best alternative in all the circumstances has been adopted. The Minister, as a condition of consent, may require that such reasonable steps as the Minister may specify be taken to minimize or mitigate adverse effects on the property resulting from the removal, demolition or the transfer of the property."

Of note, Ministerial approval was sought and granted for the removal of trees by Metrolinx as part of the Ontario Line project on those parts of the grounds of Osgoode Hall that were owned by Metrolinx. It is the view of City staff that Ministerial approval should be obtained for the proposed removal of the approximate 1156 trees from Ontario Place.

Statement of Cultural Heritage Value for Ontario Place

In November of 2013, the Deputy Minister of the then Ministry of Tourism, Culture and Sport approved a Statement of Cultural Heritage Value for Ontario Place. This Statement of Cultural Heritage Value explained why Ontario Place was important and described its cultural heritage value and heritage attributes. The Statement of Cultural Heritage Value stated that "Ontario Place is a rare surviving example of a designed cultural heritage landscape within the international modernist movement of the late twentieth century." It includes buildings and structures set against an ecological landscape of naturalized landforms, mature trees and native plant species that have a relationship with both the urban landscape to the north and to the water. The trees enhance the pathways that traverse Ontario Place, provide shelter and are fundamental to its identity, character and function.

Based on an analysis of the Statement of Cultural Heritage City staff have concluded that trees at Ontario Place are intrinsically linked to its character, value and function. They form part of the “naturalized landscape” that is integrated with its buildings, structures and waterscape. The key heritage attributes relating to the trees and landscape are described in the Provincially approved Statement of Cultural Heritage Value as follows:

Contextual attributes:

- “The following attributes are expressed throughout the site, and continue to represent the original ideas behind the creation of Ontario Place:
 - Bold redefinition of the relationship between city and lake, with an integrated approach to architecture, engineering, landscape and waterscape...
 - A geometric and technologically innovative series of interconnected structures, including buildings, bridges and pods set against the naturalized surroundings of mature trees and native plant species.

Design attributes:

- The following attributes are located in the core area of Ontario Place and represent the innovative and iconic elements of the site as reflected in the structures, the integration of the architecture with the landscape and the water features:
 - Designed localized microclimates, using landscaping, trees and indigenous plant materials

Strategic Conservation Plan

On November 25, 2022, the Deputy Minister of Citizenship and Multiculturalism approved a Strategic Conservation Plan for Ontario Place. The Strategic Conservation Plan states that one of the key objectives for Ontario Place is “to manage change while achieving long-term conservation of the cultural heritage value of the property”. The Strategic Conservation Plan was approved by the Ministry despite concerns raised by City staff that it contained limited guidance. As such, both Infrastructure Ontario and its tenants Ontario Place must follow its guidance when considering changes to Ontario Place.

The Strategic Conservation Plan states:

- “The vegetation at Ontario Place was thoughtfully selected and arranged amongst the landforms, shorelines, pathways, and nodes in response to both environmental and aesthetic requirements. The majority of mature trees are on the sheltering landforms of the East and West Islands.”
- “...approximately 40% of the trees surveyed on site are original to Hough’s plans”
- “Both the East and West Islands were designed with curved heights of land on the west to create opportunities for sheltered microclimates. These landforms were designed to shelter the built form from the prevailing southwest winds activities and small marine craft in their lee. These landforms were planted with trees to increase the protection from wind.”

Figure 25 in the Strategic Conservation Plan (see Attachment 2) includes an illustration of the assumed remaining original trees at Ontario Place. Although it is unclear how many of the original trees will remain on the East Island, the submitted material by

Infrastructure Ontario show that all of the mature trees on the mainland and on the West Island are to be removed.

With respect to the trees in Ontario Place, the Strategic Conservation Plan states that the tenants and Infrastructure Ontario should:

- Provide general guidelines for the conservation of the existing vegetation, including trees, shrubs and grassy areas;
- Ensure removal of trees is undertaken in compliance with the City of Toronto's Tree by-law;
- Include advice and guidance on integrating natural species into design proposals to conserve the natural heritage features as an integrated approach to architecture, engineering, landscape and waterscape;
- Prepare an Heritage Impact Assessment to:
 - Identify impacts;
 - Provide recommendations and develop mitigation measures;
 - Implement the approved accepted mitigation measures; and
 - Develop mitigation measures in areas where the integrated approach to conserve the natural heritage features cannot be achieved.

Heritage Impact Assessment

On October 13, 2023, a revised Heritage Impact Assessment for the Ontario Place redevelopment was submitted as part of the development application. This identifies the following impacts with respect to trees:

- Approximately 1156 trees across all areas of Ontario Place will be removed and approximately 2900 trees will be planted but the size or species of the new trees is not specified;
- All the extant tree plantings and vegetation on the West Island will be removed prior to re-grading;
- The proposals will constitute "a direct adverse impact on ...vegetation/hardscaping as described in the Strategic Conservation Plan for Ontario Place.";
- Some trees will be removed but the extent of removals of trees on the East Island is not yet determined as the design for the Live Nation facility is not finalized; and
- The proposals would include the restoration of shrubs that filled in the mid-storey below the tree canopy.

The Heritage Impact Assessment provides the following recommendations and mitigation measures:

- Native planting should be included to address the removal of extant vegetation and trees;
- Tree removals should be done in a manner consistent with the City's tree by-law;
- Given the limited analysis of potential impacts to trees within the Live Nation Project Area the impact of the potential loss of trees here will be provided through a later Heritage Impact Assessment; and
- Opportunities for tree retention should be considered as the designs are further developed and the Arborist report should be updated to recommended protection measures of existing trees, and any tree compensation which may be required.

The Heritage Impact Assessment says that “the overall integrity of Ontario Place is proposed to be conserved through the preservation of the Pods and Cinesphere and the restoration and redevelopment of the landscape...”

It is the responsibility of the Province and with consent of the Minister of Citizenship and Multiculturalism to determine:

- Whether or not the approved Strategic Conservation Plan is being complied with;
- Whether or not the Heritage Impact Assessment appropriately identifies the impacts of the proposed development;
- Whether recommendations and mitigation measures within the Heritage Impact Assessment are acceptable;
- Whether the proposed changes and mitigation measures would achieve the “long-term conservation of the cultural heritage value of the property”; and
- Whether or not the proposed development complies with the Standards and Guidelines for the Conservation of Provincial Heritage Properties.

Staff are reviewing the impact of the proposed loss of trees as part of a comprehensive review of the development application that has been submitted to the City. If the Minister's consent is obtained, with or without conditions, the City will require this information to ensure any decision of the City is consistent with the Minister's decision (or lack thereof) under the Ontario Heritage Act, pursuant to the Standards and Guidelines.

Environmental Assessments at Ontario Place

Infrastructure Ontario has undertaken two Public Works Class Environmental Assessments for the Ontario Place site: the Category B Public Works Class Environmental Assessment for Ontario Place Site Servicing which included the entire Ontario Place site, and the Ontario Place Redevelopment Project Ministry of Infrastructure Category C Public Work Class Environmental Assessment which included most of the East Island and mainland, but excluded the West Island and Live Nation, area, among others, as described in Table 1 and shown in Figure 1 below.

Table 1. Environmental Assessments for Ontario Place

Environmental Assessment	Area covered	Tree removal and landscape plan contemplated	Notice of Completion issued
Category B Site Servicing	Entire Ontario Place site	Yes	Yes
Category C Public Realm	See Figure 1 Below for areas included and excluded	Yes	Yes

Figure 1 below is extracted from the Notice of Completion issued by the Province for the Category C Public Works Class EA which outlines the areas excluded from the Category C Public Works Class EA (shaded areas).

Figure 1: Areas subject to Category C Public Works Class EA on Ontario Place



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In July 2022, Infrastructure Ontario posted a Final Notice of Completion Category B Public Class Environmental Assessment for the site servicing undertaking at Ontario Place (to reconfigure and facilitate water, wastewater, stormwater, electrical, telecom, gas and other similar connections) following a 60-day formal consultation on the draft documents from April 28, 2022 to June 30, 2022. The Site Servicing Environmental Assessment noted that: 'Tree removal is required to complete the building and structure demolition or building and structure redevelopment activities at OP'.

On July 4, 2023, Infrastructure Ontario posted a draft Notice of Completion for the Category C Public Work Class Environmental Assessment for the public realm undertaking at Ontario Place (to design and construct a new public realm) that included a draft Environmental Study Report and allowed for a 60 day public comment period that ended on September 2, 2023. The Environmental Registry of Ontario posting indicated that a Final Environmental Study Report is anticipated to be posted in fall 2023.

Each of these streamlined Environmental Assessments considers vegetation impacts and recommends landscaping mitigation efforts based in part on the Infrastructure Ontario Arborist report. These plans for future tree planting continue to evolve and may be refined with stakeholders throughout the development application.

The City provided input on the evaluation criteria used in the Category C public realm EA. The City is acting in its role as approval authority in accordance with the Ontario Place Redevelopment Agreement and has provided, and will continue to provide, input on the proposed servicing as it relates to connections to City infrastructure.

CONTACT

Kim Statham, Director Urban Forestry, Parks, Forestry and Recreation; Tel: (416) 392-6478; Email: kim.statham@toronto.ca

David Stonehouse, Director, Waterfront Secretariat, City Planning; Tel: (416) 392-8113; Email: david.stonehouse@toronto.ca

Anne Fisher, Manager, Heritage Planning; Tel: (416) 338-3278; Email: anne.fisher@toronto.ca

Carly Bowman, Director, Community Planning, Toronto and East York; Tel: [\(416\) 338-3788](tel:(416)338-3788); Email: carly.bowman@toronto.ca

SIGNATURE

Howie Dayton
Acting General Manager
Parks, Forestry and Recreation

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: City and Provincially Owned Lands at Ontario Place.

Attachment 2: City and Provincially owned Lands at Ontario Place Showing Trees on City Owned Lands.

Attachment 3: Correspondence from the Ministry of Infrastructure to City Staff Regarding Tree Removals at Ontario Place.

Attachment 1: City and Provincially Owned Lands at Ontario Place. Map Provided by Infrastructure Ontario



Attachment 2: City and Provincially Owned Lands at Ontario Place Showing Trees on City Owned Lands. Map Provided by Infrastructure Ontario.



Figure 25 Extracted from the approved Strategic Conservation Plan, showing the assumed remaining original trees at Ontario Place from the Strategic Conservation Plan.

**Attachment 3: Correspondence from the Ministry of Infrastructure to City Staff
Regarding Tree Removals at Ontario Place.**

Attached separately