

**Attachment 2:**

Atura Power Party Status Request Letter and Form, February 27, 2026

February 27, 2026

File No.: 575936-89

**Sent Via E-mail: [tamara.zwarycz@ontario.ca](mailto:tamara.zwarycz@ontario.ca)**

Ms. Tamara Zwarycz  
Case Coordinator  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

Dear Ms. Zwarycz:

**Re: Atura Power  
Party Status Request  
402 and 440 Unwin Avenue, Toronto (the "Subject Lands")  
Appeal of the Application to Amend the City of Toronto Official Plan  
OLT Case No.: OLT-25-000876 (the "Appeal")**

We are counsel for Atura Power ("**Atura**") with respect to the above noted matter. We write to request party status on behalf of Atura. This request will be further described at the first appearance before the Ontario Land Tribunal (the "**Tribunal**") on March 10, 2026. We ask that our office be included on all matters pertaining to this appeal.

Atura is a "specified person" as defined in s. 1(1) of the *Planning Act*, including because it is a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply.

Atura owns and operates the Portlands Energy Centre ("**PEC**"),<sup>1</sup> a 550MW natural gas-fired combined cycle power generating station located on 12 hectares of land at 470 Unwin Avenue in the Ports Land industrial area of east downtown Toronto. The ongoing and uninterrupted operation of the PEC is integral to delivering power to the City of Toronto.

The Subject Lands are known as the former Hearn Power Generating Station, and immediately abut the PEC. The Subject Lands are proposed for an Official Plan Amendment application to permit adaptive reuse of the existing Hearn station building and development of seven new buildings with tower elements across the site. A mix of retail, commercial and other non-residential uses are proposed, together with 8,400 residential units (the "**Proposed Development**"). Due to the proximity of the Subject Lands to the PEC and proposed sensitive uses, Atura has a direct interest in this Appeal. On February 24, 2025, MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC), on behalf of Atura, submitted an initial response letter

---

<sup>1</sup> Atura Power owns and operates the PEC. Atura Power is the registered name of the limited partnership, Portlands Energy Centre L.P.. The general partner of this partnership is the corporation of Portlands Energy Centre Inc..

to Mr. Steven Barber, the municipal planner assigned to the Official Plan Amendment application, to formally advise of Atura's interest in the Proposed Development. A copy of this letter is enclosed as **Appendix A**.

The coordination and compatibility of land uses in proximity to industrial operations poses a unique set of challenges. The Official Plan Amendment application on the Subject Lands is proposed to set out development permissions for sensitive uses in proximity to the PEC, which produces air emission in accordance with applicable emissions standards, and will lead to increased potential for conflict between ongoing industrial operations and adjacent land uses. Atura has direct interest with sensitive use development in proximity to the PEC that introduces new elevated emission receptors through the proposed tall building heights, massing and location. In particular, new developments with studies that identify impacts to air quality as a result of new elevated receptors, in which puts the PEC outside of applicable emission standards. It is Atura's position that developments with sensitive uses bear the onus of avoiding conflicts with existing industrial land uses when proposing the sensitive change in use.

The PEC is a "major facility" as defined by the Provincial Planning Statement, 2024 ("**PPS**"), and therefore requires land use compatibility to be addressed in relation to sensitive land uses. Policy 3.5.1 states that "major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures". The policies go on to state in Policy 3.5.2 "Where avoidance is not possible in accordance with policy planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures". Planning approvals for the Subject Lands, including the Official Plan Amendment application, must be consistent with the PPS.

Ontario's D-series environmental land use planning guides (the "**D-series Guidelines**") further recommends that municipalities not approve sensitive land uses that may experience adverse effects from the operation of existing industrial facilities if sufficient distance between the properties or mitigation efforts will not reduce the adverse effects to a trivial level. The D-series Guidelines also suggest that the cost of mitigation be borne by the proponents of a sensitive development.

As an owner and operator of industrial lands in the Toronto Port Lands, Atura's interests are to ensure adequate mitigation measures are in place and appropriate land use compatibility is achieved between existing and proposed land uses. Atura's participation in the Hearing of these appeals will assist the Tribunal in effectively and completely adjudicating these issues, specifically those relating to tall buildings and adverse impacts on industrial uses.

Please find the Tribunal Party Status Request Form enclosed as **Appendix B**.

We welcome the opportunity for further discussions with Staff and the appellant. Please do not hesitate to contact the undersigned if you have any questions or require anything further.

Yours truly,

Dentons Canada LLP



Alice Mihailescu  
Senior Associate

Attachments: Appendix A – Email and letter to Steven Barber dated February 24, 2025  
Appendix B – Party Status Request Form

Copy: Quinto M. Annibale and Brendan P. Ruddick, Loopstra Nixon LLP, Counsel for the Appellant  
Daniel Elmadany and Horatio Waller, Counsel for the City of Toronto  
Roberto Aburto, Dentons Canada LLP, Counsel for Atura Power Client

## Mihailescu, Alice

---

**From:** Kaitlin Webber <kwebber@mhbcplan.com>  
**Sent:** Monday, February 24, 2025 9:23 AM  
**To:** steven.barber@toronto.ca  
**Cc:** Christopher Penny  
**Subject:** 440 Unwin Avenue, City of Toronto 24253487STE14OZ  
**Attachments:** 23276B - Atura Initial Application Response - 440 Unwin Ave - Feb-24-2025.pdf

Hi Steven,

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) are the planning consultants on behalf of Portlands Energy Centre L.P. (doing business as Atura Power), a subsidiary of Ontario Power Generation Inc. (OPG), with respect to the Portlands Energy Centre (PEC) located at 470 Unwin Avenue in the City of Toronto.

This email is in response to the OPA for 440 Unwin Ave. Based on our initial review of the proposed development and supporting materials, impacts to the PEC are anticipated. We are now undertaking a more detailed review in accordance with Atura's modeling and the TOR for Air Quality Studies in the Central Waterfront Secondary Plan, and will provide a subsequent letter with detailed comments as soon as they are available.

We request that you please kindly provide an update as to the status of the application(s) for this site, and add [law@aturapower.com](mailto:law@aturapower.com) to your circulation list for properties within the Central Waterfront Secondary Plan area.

Kind regards,

### KAITLIN WEBBER, MA | Intermediate Planner



PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

12 James Street North, Suite 301, Hamilton ON, L8R 2J9

T: 905-639-8686 x 228

C: 905-442-3772



This communication is intended solely for the named addressee(s) and may contain information that is privileged, confidential, protected or otherwise exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, please advise us immediately and delete this email without reading, copying, or forwarding it to anyone.





February 24, 2025

Steven Barber, Planner

City of Toronto  
100 Queen St W  
Toronto, ON M5H 2N2

Via email: [steven.barber@toronto.ca](mailto:steven.barber@toronto.ca)

Dear Steven Barber:

**RE: Official Plan Amendment Application  
440 Unwin Avenue, City of Toronto  
City File: 24253487STE14OZ  
OUR FILE 23276B**

---

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) are the planning consultants on behalf of Portlands Energy Centre L.P. (doing business as Atura Power), a subsidiary of Ontario Power Generation Inc. (OPG), with respect to the Portlands Energy Centre (PEC) located at 470 Unwin Avenue in the City of Toronto. This letter is in response to the Official Plan Amendment application to facilitate the redevelopment of the Hearn Power Generating Station and development of 7 new buildings with an estimated 8,400 residential units and up to 37,400 square metres of non-residential floor area on the lands municipally addressed as 440 Unwin Avenue in the City of Toronto (the "Subject Lands"). The Subject Lands are located approximately 269 metres from PEC.

PEC is a combined-cycle natural gas electrical generating station capable of outputting 550-megawatts to the electricity grid. PEC's operations are dictated by the Independent Electricity System Operator (IESO) based on the supply and demand balance, where PEC notably is a critical asset that protects the city from rolling brownouts or blackouts during times of the year with high demand. Today, PEC supplies enough power to serve nearly one-quarter of Toronto's electricity needs and enables the city to continue to grow. Atura Power and OPG are also each a "specified person" for the purposes of the Planning Act, R.S.O. 1990, c. P.13.

PEC is a "major facility" as defined by the *Provincial Planning Statement, 2024* (PPS), and therefore requires land use compatibility to be addressed in relation to sensitive land uses. Policy 3.5.1 of the PPS requires that major facilities and sensitive land uses be planned and developed to avoid, or if avoidance is not possible, minimize any adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance provincial guidelines, standards and procedures. Where

avoidance is not possible, policy 3.5.2 further specifies that planning authorities shall protect the long-term viability of existing major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

In addition to the PPS, the Ministry of the Environment, Conservation and Parks (MECP) Guideline D-6 – *Compatibility between Industrial Facilities and Sensitive Land Uses*, recognizes PEC as a Class 3 industry, with an area of influence of 1000 metres.

Due to the proximity of the proposed development to PEC, this letter is to inform the City that Atura Power is undertaking a review of the application materials and technical studies. Following this review, MHBC, on behalf of Atura Power, will provide formal comments, which may include recommended mitigations to ensure any potential impacts to PEC are minimized and mitigated.

We thank you for the opportunity to provide comments and request that any future updates regarding the subject property, or any other applications within 1000 metres of PEC be circulated to [law@aturapower.com](mailto:law@aturapower.com).

Yours truly,

## MHBC



Dana Anderson, MA, FCIP, RPP  
Partner



Kaitlin Webber, MA  
Intermediate Planner

*cc. Christopher Penny, Atura Power*



## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416 212-6349 | 1 866 448-2248  
Web Site: olt.gov.on.ca

## Party Status Request Form

This form is expected to be provided at least 10 days in advance of the first hearing event to the Tribunal and all parties. Please contact the assigned Tribunal Case Coordinator to verify the relevant contact information for the parties. (A paper copy of this form must also be provided to the Tribunal Member when the event is in person).

**Important:** This form is your written request for party status. The presiding Tribunal Member will consider your request at the hearing event and will provide a determination on whether to grant you party status.

Request Date (yyyy/mm/dd): 2026/02/27

---

### Case Information

Tribunal Case Number: OLT-25-000876

Date of Case Management Conference/Hearing (yyyy/mm/dd): 2026/03/10

---

### Contact Information

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Company Name: Atura Power

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

### Representative Contact Information (if applicable)

Last Name: Aburto

First Name: Roberto

Company Name: Dentons Canada LLP

Telephone Number: (613) 288-2716

Email Address: roberto.aburto@dentons.com

I certify that I have written authorization to act as a representative and I understand that I may be asked to produce this authorization at any time.

## Status Request Details

A person who is authorized to participate in a proceeding as a party may participate fully in the proceeding in accordance with Rule 8 of the OLT's [Rules of Practice and Procedure](#).

In the space below, please provide an outline of your interest and an explanation as to how your involvement will help the Tribunal resolve the issues raised in the appeal. You may also provide documentation or attachments to support your request:

Please see attached letter.

### Notes:

1. Please refer to Rules 8.1 and 8.3 of the OLT's [Rules of Practice and Procedure](#) regarding the Role and Obligations of a Party and how a Non-Appellant Party may participate in a proceeding.
2. The OLT issues all correspondence to parties and participants electronically.
3. Personal information or documentation requested on this form is collected under the authority of the [Ontario Land Tribunal Act](#) and the legislation under which the proceeding is commenced.
4. All information collected is included in the OLT case file and the public record in this proceeding.
5. In accordance with the [Freedom of Information and Protection of Privacy Act](#) and [section 9 of the Statutory Powers Procedure Act](#), all information collected is available to the public subject to limited exceptions.