

Minister of Transport,  
Infrastructure and Communities



Ministre des Transports,  
de l'Infrastructure et des Collectivités

Ottawa, Canada K1A 0N5

JAN 26 2011

Mr. John O'Toole, M.P.P.  
Legislative Assembly of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A2

Dear Mr. O'Toole:

I am writing in reference to fill activities by 2241980 Ontario Incorporated at an aerodrome in the Township of Scugog.

Transport Canada regulates aviation safety in Canada through the *Aeronautics Act* and the Canadian Aviation Regulations. Transport Canada, through the Act, has sole jurisdiction over aeronautics, including aerodromes and all related buildings or services used for aviation purposes.

I would note that no licence, permit, certificate or approval is required from Transport Canada to construct an aerodrome that is not in a built-up area. Once established, all aerodromes must comply with the relevant Canadian Aviation Regulations.

The *Aeronautics Act* relates to safety, security and land-use zoning. Neither the Governor in Council nor the Minister of Transport has authority under the Act to regulate an aerodrome operator with respect to the use or movement of soil/fill unless the soil/fill has an impact on the safety or security of aeronautics.

I should clarify that the fact that the alleged contaminated soil is on an aerodrome property does not authorize the Minister of Transport to take action under the authority of the *Aeronautics Act*. In order for the Minister to intervene, there would need to be some connection to the safety or security of aeronautics.

It is Transport Canada's view that the fill being brought onto the Scugog aerodrome site is not integral to aviation, and therefore the *Aeronautics Act* does not apply with respect to the fill. This being the case, my position is that the provincial Ministry of the Environment would have jurisdiction over the fill being used at this particular site.

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Transport Canada encourages aerodrome/airport operators to be aware of other jurisdictions, including other federal, provincial or municipal bylaws, where the elements in question are not integral to the operation of the aerodrome/airport. When there is a question or concern, the Department recommends to all parties to seek legal counsel.

I trust the foregoing has clarified this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chuck Strahl". The signature is written in dark ink on a white background.

Chuck Strahl

c.c. The Honourable Bev Oda, P.C., M.P.