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April 26, 2017

File: D11-TE-040 (Leg/Gen)

VIA FAX #416-447-9798 & Email: john@baileyca.ca

Tottenham Airfield Corporation
c/o Mr. John Bailey
220 Duncan Mill Road
Toronto, Ontario
M3B 3J5

Dear Mr. Bailey:

***Re: Tottenham Airfield Corporation (TAC);
Town of New Tecumseth/
Fill and Site Alteration Permit #1-2016***

The purpose of this letter is to provide you with notice that Council for the Town of New Tecumseth has revoked the above-noted permit pursuant to its motion passed at the Council Meeting of April 24th, 2017. In accordance with the motion, a copy of which is attached, Staff has been directed to revoke the permit until bore hole testing has been undertaken to the satisfaction of the Town.

There have been a number of underlying concerns that have resulted in the Council motion including the following:

1. The failure to provide sufficient and proper drainage and sediment control of the property which has resulted in at least two (2) events where there have been substantial sediment breaches from the TAC property to neighbouring properties to the north. The breaches to neighbouring properties has been serious, resulting in significant soil being deposited on the neighbouring properties and causing damage to the property of the neighbours. This is contrary to Section 13 of the Site Plan Agreement dated April 21, 2016, and in particular, fails to meet the best management practices required under Section 2.5 of the Development Plan attached as Schedule 4 to the Site Plan Agreement.

2. The ongoing failure to provide timely reports identifying compliance issues with the BMPP and supporting development documents.
3. The recent decision to continue with runway filling without completing the Phase 1B berm along the adjoining residential property.
4. The importing of material containing PCB's from Commercial Soil Treatment Facilities that permits the acceptance of PCB's in any amount, contrary to the Site-Specific Parameters Protocol set out in Schedule "A" of Schedule 1 of the Site Plan Agreement (page 21).

These deficiencies and breaches of the Agreement have undermined the confidence of Council in the ability of TAC to meet its obligations under the Site Plan Agreement. As a result, the revocation of the permit has been made in conjunction with conducting bore hole tests in order to ensure that the quality of the soil meets the standards of the Site Plan Agreement.

In revoking the permit, Council has not terminated the Site Plan Agreement. It is the position of the Town that the Site Plan Agreement continues to be a binding Agreement between the parties. As a result, the Town acknowledges the continuing applicability of Section 17 of the Site Plan Agreement relating to either technical disputes or interpretive issues. The Town continues to be willing to meet and also to consider mediation or arbitration as a solution to the outstanding concerns.

Regards,



Rick Vatri, C.E.T.
Director of Engineering

cc: Via email
John Tidball, Miller Thomson LLP
James Feehely, Feehely Gastaldi Barristers and Solicitors
Brad Allen, MOECC Barrie
Blaine Parkin, Town of New Tecumseth

Encl: Council Resolution 2017-066