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Greenbank Airways sues Scugog for \$10 million: Township

Airport launches legal action after being denied new fill permit, claims Scugog



Greenbank Airways site

Benjamin Priebe / Metroland

SCUGOG -- Councillors are pondering their next move after the Township received a report of contaminated soil at the Greenbank Airways site, located on Regional Road 47 near Greenbank. May 5, 2015

Port Perry Star

By [Chris Hall](#)

SCUGOG -- Greenbank Airways is suing Scugog for \$10 million, claiming the Township has breached a contract for refusing to grant a new fill permit to continue soil shipments to the Regional Road 47 airbase, according to the municipality.

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Scugog sent out a press release announcing the lawsuit late in the afternoon on June 30 and provided an updated release on July 4.

Robert Munshaw, owner of the Greenbank airport, did not respond to multiple attempts to comment on the legal action.

The Township was officially served with the documents on June 30, around 1 p.m., said Scugog Mayor Tom Rowett.

As well, Greenbank Airways has also filed a jurisdictional court challenge, claiming the Township's site-alteration bylaw does not apply to a federally-regulated aerodrome, said Scugog in its release.

In May, Scugog launched its own legal action in a bid to force clean-up work to begin at the Greenbank airport and to recover thousands owed to the Township. Councillors voted May 16 to force, under the Municipal Act, remediation work to begin at the Regional Road 47 airbase and be completed within 60 days.

Soil samples that exceeded acceptable levels were discovered at the airport site last spring after the Township carried out borehole tests. That prompted the Township to halt all soil shipments to the site and while the two sides agreed to a remediation plan last year, no work has been done to clean up the site.

In its release, Scugog alleged airport officials have "brought in excess of 1 million cubic metres of soil to the Greenbank airport site, mostly consisting of 'remediated soils'."

Random sampling, continued the Scugog release, "discovered that a considerable amount of contaminated soils and prohibited materials had been imported to the Greenbank site in contravention of the site alteration agreement it entered into with the Township."

Last year, airport officials scoffed at the notion the contaminated sites were found by random sampling. Instead, they stressed the Township had already been informed of the locations of the exceedances.

Scugog also alleged in its release that airport officials would only agree to remediate the site "if permission for additional fill is granted."

In response to texted questions, Scugog's mayor said he wasn't surprised by the lawsuit.

"No. They have been threatening a lawsuit and when the Township decided to launch a legal action against Greenbank (Airways), (Green For Life Environmental) and DLS (which was hired to police the soil shipments), they took the offensive," wrote the mayor.

The Township plans to defend these claims and countersue for remediation, outstanding tipping fees and costs incurred by the Township, said the release. Mayor Rowett said the countersuit will be filed “over the next few weeks for a mandatory remediation order and costs.”

He did not say how much the Township would be seeking.

“The Township denies that it has breached any of its contractual obligations,” wrote Mayor Rowett.

“The jurisdictional issues are for the court to decide. The Township has precedent on its side,” he added, citing the court injunction Scugog secured to shutter the Earthworx site on Lakeridge Road.

“The Township is taking every action possible to protect the interest of residents, especially those living in the Greenbank area. Our top priority is the health and safety of the public and the minimization of the environmental impacts resulting from Greenbank’s actions,” continued the mayor. “We feel strongly that it is in the best interests of the public to defend the claims brought forward by Greenbank Airways and countersue for remediation, outstanding tipping fees and to try and recover our costs. I think we all agree that to ‘do nothing’ would be unacceptable to the taxpaying residents of Scugog.”

Earlier this year, Mr. Munshaw, the airport owner, said that remediation work at the airbase has yet to begin because Scugog has balked at discussing clean-up plans.

He confirmed the two sides came to an agreement on the remediation work, but says there’s been no further dialogue with the Township to discuss finer details, which has resulted in the airport site remaining at a standstill.

“We have never heard back from them. We provided them with a clean-up plan and they never got back to us,” said Mr. Munshaw. “If we don’t hear back from them, we don’t know what to do. We’re not doing anything because we don’t know what to do.”

Township officials denied that claim.