

Court rules in favour of City of Burlington, airpark ordered to apply for permit for fill deposited

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The Ontario Superior Court of Justice ruled last week in favour of the City of Burlington's application to compel Burlington Airpark Inc. to submit an application for a site alteration permit for fill deposited between 2008-2013.

The city had asked the court to force Burlington Airpark to remove all fill deposited at Burlington Executive Airpark between Jan. 1, 2008, and Aug. 2, 2013, in contravention of the city's site alteration bylaw, or submit an application for a site alteration permit to comply with the site alteration bylaw. The bylaw regulates the placing, dumping, cutting and removal of fill or the alteration of grades or drainage on a piece of land.

The Burlington Executive Airpark was given 30 days from March 20, 2015, to comply with the city's site alteration bylaw after months of discussion between officials at the city and the airpark failed to provide the required application. The city's application regarding the airpark was heard by the Ontario Superior Court of Justice in Milton last November.

“The City of Burlington is delighted in the decision of the court,” said Nancy Shea-Nicol, the city’s director of legal services and city solicitor. “Staff will be meeting with council to provide them the next steps going forward to address the site alteration issues. The court has ordered the airpark has until Aug. 31, 2016, to file its application with the city for site alteration permit. The court has also ordered the airpark to pay the city’s court costs.”

Burlington Airpark Inc. has not submitted an application for a site alteration permit for the entire area of the airpark property where substantial quantities of fill were deposited during the five years, according to a news release issued by the city.