

UPDATED: Burlington Airpark will file site permit before deadline, owner says

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Burlington Airpark

The City of Burlington has won a court battle against Burlington Airpark Inc. and will now try and “compel” it to submit a site alteration permit for fill deposited on its north-Burlington property between 2008-13.

Burlington had asked the Ontario Superior Court for an injunction to force the airpark to remove all fill deposited at Burlington Executive Airpark — located between Bell School Line and Appleby Line, north of Sideroad 2 and south of Britannia Road — between Jan. 1, 2008, and Aug. 2, 2013.

The fill, estimated to be around 50,000 truckloads, was found to be in contravention of the city’s site alteration bylaw, regulating the placing, dumping, cutting and removal of fill or the alteration of grades or draining on a piece of land.

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“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 city’s application regarding the airpark was heard by the Ontario Superior Court of Justice in Milton last November and a decision was handed down last Thursday (June 30).

Shea-Nicol said the court has ordered the airpark to submit the required site alteration permit before Aug. 31, 2016.

“The court has also ordered the airpark to pay the city’s court costs,” she added.

Those costs were not made public by the city.

Meet with city to ‘get things moving forward’

Vince Rossi, who acquired the airpark in 2006, told the Post he plans to submit the necessary paperwork before next month’s deadline.

“We plan to file a site alteration permit ASAP,” he said. “We will meet with the city and try and get things moving forward.”

In mid-March 2015, the airpark was given 30 days, to comply with the site alteration bylaw after months of discussions between local officials and the airpark.

Burlington also won an Ontario Court of Appeal ruling in June 2014, which upheld a lower court’s decision that a site alteration bylaw applies to the airpark.

Both sides have held differing opinions on whether the expansion of the airpark falls under federal or municipal jurisdiction.

Airport expansion always intended

Rossi said his plans all along have been to expand the airpark to accommodate smaller jets, similar to those that fly in and out of Buttonville Municipal Airport.

“Hopefully this sets a clear path and a clear way for us so that after two years we can resume and build a nice airport for the community,” Rossi said. “We’re perfectly located to accommodate the local business community. That’s all we want to do.”

The fill previously deposited already allowed the airpark to expand its runway from 40 up to 100 feet.

Ward 6 Councillor Blair Lancaster said it remains to be seen if the city can work with the airpark to fulfill its obligation under the decision.

“That is going to require the city and the airpark to work collaboratively and repair the damage to the relationship to move forward,” she said.

“I do believe that it’s possible but they’re (the airpark) going to have to find ways to bridge trust but I think the work is just beginning.”

Residents have expressed concern about possible soil contamination, run-off and possible adverse effects on well water.

Lancaster said, based on discussions with staff, it was never the city’s intent to have the entire fill removed, but work to “lessen the impact.”

‘Enough is enough’: airpark neighbour

“I know the most important thing is the drainage issue,” she said, also noting that stepping back the berm of soil abutting neighbouring residents also topped the list of concerns.

Barbara Sheldon’s rural property is next to the airpark and she watched years ago as her views of rural Burlington disappeared behind mounds of fill and parts of her property flooded.

She said after three judicial rulings “enough is enough” and it was time for Rossi to comply with the city’s bylaws.

“In effect, the court has now thrice ordered Mr. Rossi to be a good neighbour, a good corporate citizen and a responsible steward of our vulnerable and protected greenbelt lands,” she said.

Asked if he plans to remove any of the fill already deposited on the property, Rossi only said he will work with the city to possibly correct any drainage problems.

“If the city feels that we’ve got to do something else in terms of drainage we will try and address that issue,” he said, adding that as “part of the site alteration permit, we’ll have to comply with the bylaw. Removing the fill? I don’t know.”