



**Toronto
Port
Authority** **Administration
Portuaire
de Toronto**

60 Harbour Street, Toronto, Ontario, Canada M5J 1B7

Tel/Tél: 416.863.2000 • Fax/Télécopieur: 416.863.4830 • www.torontoport.com

May 27, 2011

Mr. Nick Geer, FCA
Chairman of the Board
NAV CANADA
77 Metcalfe Street
Ottawa, Ontario, Canada
K1P 5L6

Dear Mr. Geer:

I write to you today regarding reports of a CF-18 (designation ALUT46) performing a “touch-and-go” at Billy Bishop Toronto City Airport (“BBTCA”) on May 8, 2011. We understand that this “touch-and-go” was performed with the permission of NAV CANADA, which manages the BBTCA airspace on our behalf. The event was reported by television outlet CP24, referring to a “loud noise” over Scarborough; a military analyst interviewed speculated that it was likely the result of a “U.S. military flight”.

The operation of the BBTCA is governed by the Tripartite Agreement. The Tripartite Agreement was executed by the Federal Government, the City of Toronto and the Toronto Port Authority (“TPA”) in 1983. Under that agreement, the BBTCA is not permitted to receive jet aircraft other than MEDEVAC missions. This includes military aircraft, and is published in the Canadian Flight Supplement.

The BBTCA tries extremely hard to follow the tradition of being a “good neighbour” to the residents who live in the vicinity of the harbour, and to the Torontonians who enjoy the Toronto Waterfront on any given day. All urban environments have a certain ambient noise, and the Toronto Harbour and BBTCA are no different.

However, the use of the BBTCA by a CF-18 is in violation of the Tripartite Agreement. As you can appreciate, NAV CANADA does not have the authority to waive the Tripartite Agreement. Naturally, if this were an emergency situation, the TPA takes the position that the Tripartite Agreement provides for such breaches.

Our board has been advised that your on-site staff mistakenly believed that the Tripartite Agreement does not apply to military aircraft. Part 3 of the *Agreement on Procedural/Operational Arrangements* between NAV Canada and the Toronto Port

Authority, clearly states that “the airport operator will provide to NAV CANADA, verification of aerodrome data for the purposes of publishing such information in the Canadian Air Pilot (CAP) and the Canada Flight Supplement (CFS). A notice of verification will be provided to either the local Nav Canada site manager at the airport or to the aeronautical information service (AIS) officer in Nav Canada regional offices on a per issue publication cycle.” This requirement is provided and entered into the CFS and CAP, and therefore, is clearly published.

I appreciate the opportunity to raise this incident with you as it is an important local issue for the TPA and its work within the community to effectively manage any and all noise-related issues at the BBTCA. As with our outstanding request of NAV CANADA from September 2009 regarding our desire to increase the flight ceiling over all of the Toronto Islands, we are unable to make material progress on our efforts to successfully manage the ambient noise at the BBTCA without NAV CANADA’s support and vigilance.

If I may, I would ask that tower staff be reminded of the requirements of the Tripartite Agreement, and that disciplinary action be taken against any NAV CANADA employees who have not ensured that they are fully-informed of the unique aspects and requirements of the operation of the BBTCA.

Thank you, in advance, for your attention to this matter.

Respectfully,



Mark McQueen
Chairman

cc: Hon. Denis Lebel, P.C., M.P.
Minister of Transport, Infrastructure and Communities

Geoff A. Wilson, Chief Executive Officer, Toronto Port Authority