

**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

The Honourable Peter MacKay
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario, Canada
K1A 0K2

Dear Minister:

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 the result of a “U.S. military flight”.

As highlighted in our letter of August 2009 regarding Airbus 310 training flights over Toronto’s harbor and the BBTCA, the Toronto Port Authority (“TPA”) would never question the operational needs of Canada’s Armed Forces. If there is a particular operational or training requirement involved in this particular CF-18 exercise, then that position would apply to this incident as well.

As per our August 2009 letter, 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 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, complete with afterburners according to an eyewitness, is in violation of the Tripartite Agreement, with or without the “permission” of NAV CANADA; 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.

I appreciate the opportunity to raise this new incident with you as it is part of 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 per above, if there was an operational requirement, we would welcome being advised of same. In the alternative, we would appreciate any effort to ensure that DND pilots are made aware of the specifics of the Canadian Flight Supplement as it relates to the BBTCA and jet aircraft.

Best wishes to you and our Armed Forces, who put themselves in harms’ way each and every day on our collective behalf.

Respectfully,



Mark McQueen
Chairman
Toronto Port Authority

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

Nick Geer, FCA, Chairman of the Board, NAV CANADA

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