

Airports in Durham Region ..(read time 9 min.)

About This Submission

Durham Council, over an extended period of time, has been given false and misleading information regarding airports. The information has been provided by the GTAA, Transport Canada, and various encumbered “experts.” (Appendix various 13-4 of this submission)

Pickering Airport an Economic Driver?

Durham Regional Council has repeatedly confirmed a need for a Pickering airport in Durham as an acceptable driver for growth. Durham believes and declares that airports are substantial growth generators with positive cost-benefit potential.

Transport Canada owns the Pickering Lands and holds them in case of need for a future airport project. But Transport Canada is contractually constrained within Article 44 of its Ground Lease with the Greater Toronto Airports Authority (GTAA). A Pickering Airport cannot proceed until Toronto Pearson International Airport is no longer “**meeting any capacity and demand requirements.**” (Appendix 1)

The GTAA’s current Master Plan (2017-2037) foresees no existing or projected capacity issues within the Plan’s timeframe. (Appendix 2)

The Minister of Transport has agreed with this assessment. (Appendix 3)

The practical and absolute capacity limits declared for a 5-runway or a planned 6-runway system in the GTAA’s 2008 Master Plan were expected to be reached between 2013 and 2023, but such references were not included in the 2017 Master Plan. (Appendix 4) **The two master plans clearly define the term “capacity” as used in the Ground Lease contract, quoted above.** The GTAA has stated in its 2017 Master Plan that these limits will not be reached before that Plan’s termination date of 2037. (Appendix 2)

Two major reports commissioned by Transport Canada to analyze Southern Ontario airport capacity – the Needs Assessment Study: Pickering Lands, dated 2010 and released in 2011 (Appendix 5) and the KPMG Supply and Demand Report, dated 2016 and released in 2020 (Appendix 6) – do not contradict either of the related GTAA Master Plans. “Capacity” definitions are clearly outlined in both the 2008 Master Plan and in the Needs Assessment Study.

Nowhere in the KPMG Supply and Demand Report (or anywhere else in the study’s four reports) does KPMG state or even imply that a Pickering airport will be needed by 2036. The report does say, multiple times, that it WON’T be needed. And nowhere does GTAA say or even imply that the airport will be needed in 2037 or at any known date after that.

A review of the calculations provided by all these Transport Canada reports suggests that it is unreasonable to conclude that a Pickering airport would be viable before the year 2100. (Appendix 7)

This view is supported by the current GTAA Master Plan gate build projections and airline passenger-load-factor increases per movement, as presented in their annual reports. (Appendix 7-D)

Conclusion: A Pickering airport may never be contractually or financially viable. (Appendix 7-G)

Oshawa Airport an Economic Driver?

On March 28, 2022, Oshawa Council considered its airport's future in two reports: From the Development Service Committee (DSC) meeting of Mar. 7, 2022, the report **DS-22-64** (pp. 83-91) — Re amending 1997 Operating and Option Agreement for the Oshawa Executive Airport (Appendix 8) and the report **DS-22-67** — Proposed Noise Abatement Procedures for the Oshawa Executive Airport. (Appendices 8 and 10)

Oshawa forwarded both reports to the Minister of Transport with requests for changes to the 1997 Oshawa Operating and Options Agreement (the Transport Canada—Oshawa legal agreement). Both reports reference an impending Pickering Airport build, as does the 1997 Oshawa Operating and Options Agreement itself. Both Oshawa and Durham have stated, without providing supporting evidence, that Toronto International will be at capacity in 2036.

Report DS-22-64 advised on a continuing and increasing – and previously undisclosed – airport debt of about **\$10 million**, and seeks to (1) open the agreement, (2) amend the agreement by 14 years to obtain an earlier termination date, and (3) enable the sale of some airport lands now. (Once permitted, the selling of land will likely continue, as the proceeds from the sales will help to pay down operating deficits that are a product of mismanagement.) (Appendix 9)

Report DS-22-67 engages in and details a process, required by Transport Canada, to attempt to legalize and enforce Oshawa Council's wishes for new (and unprecedented) restricted hours of operation at Oshawa Airport to reduce noise although there is video evidence that the community had been aware ahead of time that 100,000 training movements would be part of Oshawa airport's decision to be a base for a flying school. (Appendices 9 and 14)

This is an extensive arbitration process, which has been undertaken by an approved aviation specialist who in this case is young and clearly inexperienced, per his resume, which demonstrates to me that he will be overwhelmed by Oshawa senior staff.

“Noise” is a value legally defined by the Government of Canada and the Government of Ontario. Based on that legal definition, **there is no “noise”** at Oshawa Airport and no sound that exceeds that which Highway 401 delivers 24/7 on a 1-mile swath across Durham.¹

Toronto Pearson receives 363 noise complaints per 1000 movements.² Oshawa gets 3 per 1000,³ and note that the noise contours of the flight school are inside the airport boundary. (Appendix 10)

The bulk of the operational restrictions Oshawa seeks are extraordinary in nature and are unprecedented in the industry. (Appendix 10)

The two Oshawa documents clearly indicate a lack of due diligence by the city. Such failures can result in an airport's loss of viability, a lack of regional growth, loss of ownership of the airport as outlined in the 1997 Operating and Option Agreement for the Oshawa Executive Airport, or Oshawa Airport's premature closure. Oshawa Airport is specifically named in the GTAA's Ground Lease as being outside the GTAA/Transport Canada legal agreement restrictions within Article 44. (Appendix 1) If Oshawa fails to operate its airport according to the 1997 agreement, Transport Canada can resume airport operation. (Appendix 11)

Summary

The Minister of Transport cannot go forward with Pickering, by contract as long as Toronto Pearson is “meeting all capacity and demand requirements.” See Article 44, GTAA/TC Ground Lease. No capacity constraint is anticipated at Toronto International in the foreseeable future; therefore, there is no business case for Pickering.

Durham Council has been misled regarding Toronto International Airport capacity by the GTAA, Transport Canada, and various “experts.”

The Minister of Transport cannot approve noise regulations in Oshawa. There is no airport noise at Oshawa by definition.

Oshawa Airport’s business plan increasingly fails, due to mismanagement and a lack of expertise.

Recommendations

If Durham Regional Council truly believes in the benefits of airports as growth drivers, Council should assume some measure of control and immediately intervene with the Minister of Transport to request that he incorporate the Oshawa Airport into the National Airport System and lease it under a long-term contract to a viable professional entity. Can he do that? Yes, he can. (Appendix 11)

Durham Council should call the GTAA to account. Council has the most expedient means of doing so. (Appendix 15)

Notes:

1. Aercoustics Engineering Ltd.: Durham Live Tourist Destination – City of Pickering Ref. A 03/14, Environmental Noise Feasibility Study, May 29, 2014. https://www.pickering.ca/en/city-hall/resources/A0314_NoiseStudy_May2014.pdf
2. Government of Canada, Honourable Judy A. Sgro, Chair: Assessing the Impact of Aircraft Noise in the Vicinity of Major Canadian Airports: Report of the Standing Committee on Transport, Infrastructure and Communities, March 2019. <https://www.ourcommons.ca/Content/Committee/421/TRAN/Reports/RP10366059/tranrp28/tranrp28-e.pdf>.
3. HM Aero Aviation Consulting: Oshawa Executive Airport: Proposed Noise Abatement Procedures – Public Consultation Materials, Final Report, September 27, 2021 (p. 10) <https://www.oshawa.ca/en/transportation-parking/resources/Documents/CYOO---Public-Consultation-Materials---2021.09.27---Final-Report.pdf>

Ivan Battye
AA 79314
100 Muir Cres Whitby On.
L1P1B6

The author is a retired Bombardier Downsview 10,000 hr. DH 8 production test pilot. During a 40+ year aviation career, I worked for Transport Canada for 7 years planning/flight checking, certifying the Ontario airports/navigation system. I have flown and taught aviation globally in scheduled and unscheduled operations.

From: Ivan Battye

Subject: Re: Aviation in Southern Ontario/Pickering/Oshawa

Date: November 25, 2022 at 10:55 AM

To: OMAR ALGHABRA omar.alghabra@parl.gc.ca, francois-philippe.champagne@parl.gc.ca, marco.mendicino@parl.gc.ca, infomedia@oag-bvg.gc.ca

Cc: Ryan Turnbull, MP Ryan.Turnbull@parl.gc.ca

Dear Sirs and madam

Yesterday I sent two letters to you.

The original email was a single letter with a large attachment.

That document caused failures of transmission. Apparently due to size.

In resurrecting the two letters the covering letter reverted to a draft. My mistake..

Please find below the correct letter.

The second email with the attachments is unchanged.

I apologize for the inconvenience

Sincerely,

Ivan Battye

November 24, 2022

The Honourable Omar Alghabra Minister of Transport House of Commons

Ottawa, Ontario Canada K1A 0A6 omar.alghabra@parl.gc.ca Telephone: 613-992-1301

The Honourable Francois-Philippe Champagne

Minister of Innovation, Science and Economic Development House of Commons

Ottawa, Ontario Canada K1A 0A6 francois-philippe.champagne@parl.gc.ca Telephone: 613-995-4895

The Honourable Marco Mendicino

Minister of Public Safety House of Commons

Ottawa, Ontario Canada K1A 0A6 marco.mendicino@parl.gc.ca Telephone: 613-992-6361

Karen Hogan, FCPA, FCA Office of Auditor General of Canada

240 Sparks Street Ottawa, Ontario Canada K1A 0G6 infomedia@oag-bvg.gc.ca 613-954-8042

Dear Sirs and Madam:

Re: The ongoing critical issue of GTAA/Pickering. I am including the other Ministers as above. The issues are historical, recurring, and increasing in magnitude.

This is my fourth letter to your office on the subject. The last letter, Feb 20, 2018, included Minister Bains. His department's response from Ms. Francis McRae in Feb. 24, 2018 appears to have precipitated or at the least, coincided with the sudden departure of GTAA's Selma M. Lussenburg, Vice President Governance, Corporate Safety & Security, General Counsel and Corporate Secretary. No reply was received from your office that would suggest otherwise.

Attached are two documents to be sent to Durham Region Council outlining the public misinformation being provided by GTAA and Transport Canada staff on an ongoing basis. I was hopeful that the Lussenburg discipline and your more recent and welcome comments in the attached Appendix# 3, would have persuaded GTAA and TC senior staff to improve upon their past public behaviour. Sadly, this has not been the case as indicated by your "National Summit on the Recovery of the Air Sector" scheduled for Nov. 24, 2022, which I believe signals some recognition of the issues you have before you.

By now, two submissions, as noted in my attachments, with regard to Oshawa Airport may have come to your attention. With respect, I am concerned, as illustrated in these two attachments, with any guidance from your staff that might recommend approval of both Oshawa's requests. I believe this may be unwise and underestimate the significant risks that you may need to address both politically and pragmatically. Additional concern relates to the fact that there was no real public process for either document.

The attached appendices clearly indicate is that Oshawa staff have cleverly "hoisted" the Region, GTAA and Transport "on a long petard" of your own making. These fraudulent failures of oversight appear to have been constructed assiduously by your department's neglect, false and misleading information.

The 50 year old fiction of a requisite Pickering Airport now needs to be relinquished and is long past due. I look to you to bring this to an honourable closure.

Recently, as attached, JOHAN C. VAN 'T HOF, GTAA director, from Pickering, delivered the following comment on June

4, 2019 to Durham Council in their GTAA annual briefing and in response to a direct question:-
"We have no plans for new runways." (See Appendix 13 Sound Byte #3)

The GTAA 2017-37 MasterPlan references this, (See Appendix 2) "... a sixth runway...we will continue to protect the necessary land and zoning,...and we expect that additional airside capacity will be required at some point."

This Code of Conduct issue should require "forthwith removal" (GTAA Ground Lease Article 9, Section .01.02.). Also see [GTAA Code of Business Conduct and Ethics](#) (Section 2.2 and various). The GTAA CEO appears to believe his 2018 remarks,(See Appendix 13 Sound Byte #2) the year previous, were acceptable. I disagree. Both remarks, as demonstrated in the two Sound Bytes, require at a minimum, a very public retraction. I ask for your intervention to restore truth and public trust.

I believe Mr. Van't Hofs' demeanour was most unprofessional and unethical. He would seem to be taking his view from your approved KPMG study that Durham Region has interpreted falsely as "Toronto needs an new airport in 2036". That KPMG Supply and Demand Report should be withdrawn. In the interests of restoring a transparent and honest communication with the public, I ask that you do so and advise Durham Council that their statement regarding 2036 is false and is a non-existent myth. Durham should review and withdraw their statement, accordingly.

This ongoing deception of the truth can no longer be permitted to persist. There appears no indication that your office oversight has any GTAA regulatory effect.

You will see in the attachments that I am asking Durham Region to exercise their privilege of calling the GTAA to a public accounting. I request your support in this matter in order that there be a region based, full and frank discussion. I hope that you attend.

Would you please advise me of you conclusions and recommendations on these matters.

Ivan R.S. Battye
AA 79314 (QMA 955)

100 Muir Cres., Whitby On.
L1P 1B6