

## MECP Formal and Final Response - Follow-Up: Ontario Jurisdiction Over Pearson Environmental Impacts

From: xxx (MECP) (xxx@ontario.ca)

To: xxx

Cc: xxx

Date: Thursday, November 13, 2025 at 05:57 p.m. EST

Messrs.zzz

As mentioned, your email below dated October 29, 2025, has come to my attention, and I am providing a response on behalf of the ministry.

The ministry will not be coordinating any actions or compelling federal, provincial, or municipal agencies to perform work or studies as the concerns raised and actions requested of the ministry have already been addressed and answered by Officer xxx. Activities associated with Toronto Pearson International Airport under the Greater Toronto Airport Authority fall under federal jurisdiction.

By copy of this to the GTAA's xxx, they are now aware of your concerns. You are asked to follow-up with them. Any further inquiries can be directed to [tc.ministeroftransport-ministredetransports.tc@tc.gc.ca](mailto:tc.ministeroftransport-ministredetransports.tc@tc.gc.ca)

Sincerely,

xxx

District Supervisor, Toronto District Office  
Central Region, Drinking Water and Environmental Compliance Division  
Ministry of the Environment, Conservation and Parks

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**From:** xxx(MECP)  
**Sent:** November 4, 2025 7:06 PM  
**To:** xxx  
**Cc:** [xxx@ontario.ca](mailto:xxx@ontario.ca)>  
**Subject:** MECP Acknowledgement - Follow-Up: Ontario Jurisdiction Over Pearson Environmental Impacts

Good Evening Messrs. xxx

This is to acknowledge receipt of the email below.

As the ministry works to provide a response, respectfully, we will not be meeting your imposed deadline for November 7<sup>th</sup>. A response will follow shortly.

The response will be provided the week of November 10<sup>th</sup>.

Sincerely,

xxx

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District Supervisor, Toronto District Office  
Central Region, Drinking Water and Environmental Compliance Division  
Ministry of the Environment, Conservation and Parks

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**From:** xxx  
**Sent:** October 29, 2025 11:05 PM  
**To:** [xxx@ontario.ca](mailto:xxx@ontario.ca)>  
**Cc:** xxx Public Health <[publichealth@toronto.ca](mailto:publichealth@toronto.ca)>  
**Subject:** Re: Follow-Up: Ontario Jurisdiction Over Pearson Environmental Impacts

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

**Subject:** Re: Ontario Jurisdiction Over Pearson Environmental Impacts – Provincial Duties, Monitoring Under Flight Paths, and NEF/NEP Update

Dear Ms. xxx,

Thank you for your response on behalf of the ministry.

I appreciate your clarification regarding federal jurisdiction over aircraft operations. However, my inquiry concerns the GTAA's obligations under its Ground Lease — not the regulation of aircraft per se, but the Tenant's duty to comply with **all applicable provincial environmental laws**, including **Ontario Regulation 419/05** and **NPC-300**, as they relate to impacts on adjacent communities.

The Ground Lease explicitly defines "Applicable Environmental Laws" to include **provincial** legislation and requires the Tenant to **prevent nuisance and disturbance to surrounding lands**. These provisions are not contingent on federal jurisdiction over aeronautics — they are binding lease obligations that presuppose the continued application of Ontario law.

To that end, I respectfully reiterate the following:

**1. Scope of the request**

The ministry is **not** being asked to regulate aircraft in flight or aerial routes. It is being asked to confirm the application of Ontario environmental law to **ground-based sources and operations at Pearson** (APUs, ground support equipment, utilities/boilers, fueling and de-icing operations, stationary generators, construction, etc.).

**2. Application of O. Reg. 419/05 and NPC-300**

Please confirm whether the ministry considers **O. Reg. 419/05 (Air Pollution – Local Air Quality)** and **NPC-300 (for stationary sources/land-use compatibility)** to be "Applicable Environmental Laws" for GTAA activities occurring on the airport lands and affecting neighbouring residents. If the answer is **no**, please provide the statutory basis for excluding Pearson from those provincial requirements.

**3. Referral to MECP Legal Branch**

Since the ministry has indicated it "is not a party to the Pearson Ground Lease," please refer this question — specifically, whether provincial environmental laws incorporated by reference into the Lease remain applicable to the Tenant — to **MECP's Legal Branch** and share their written view.

**4. Residents under the approach/departure paths**

Residents directly under the flight paths experience the highest combined noise and air exposures. Even if ultrafine particles (UFP) are not part of the routine provincial indicator set, MECP can still **coordinate a targeted, time-limited monitoring exercise** with Toronto Public Health, Health Canada/ECCC, and the GTAA (UFP counter + PM<sub>2.5</sub>/NO<sub>2</sub> + wind + flight-track data). Please advise whether MECP is prepared to do so.

**5. Ground Lease & Applicability of Provincial Law**

The GTAA Ground Lease requires compliance with **all applicable laws**, with explicit language that provincial/municipal codes and by-laws apply "as if the property were not federal public property." Please confirm — after consulting MECP Legal Branch — that Ontario's environmental statutes and regulations **do apply** to GTAA and on-airport ground activities, consistent with the Lease.

**6. File opening & point of contact**

Please open/confirm an **MECP file or occurrence number**, identify a **case officer**, and propose dates for

a meeting with **GTAA, Toronto Public Health, Peel Public Health, NAV CANADA, and MECP** focused on: (a) compliance posture under **EPA/O. Reg. 419/05**, (b) application of **NPC-300** to stationary sources, and (c) the **targeted monitoring plan under the flight paths**.

#### 7. Outdated NEF/NEP – provincial response and municipal notification

Land-use compatibility under **NPC-300** and any cumulative-effects or health assessments depend on a **current NEF/NEP**. The Pearson NEF in use is roughly 25 years old, which undermines provincial, municipal, and public-health decision-making.

- **Request:** Please **formally request** that **Transport Canada, NAV CANADA, and the GTAA** initiate an **immediate NEF/NEP update** with a transparent scope (current and forecast years; day/evening/night splits; runway/use assumptions; fleet mix; procedure sets), public technical documentation, and open GIS data.
- **Advisory group:** Please confirm that MECP will participate in a **technical advisory group** with **Toronto Public Health, Peel Public Health, and affected municipalities** to review the updated contours.
- **Municipal notification (new):** Pending delivery of an updated NEF/NEP, please **formally notify all affected municipalities and boards of health** (City of Toronto, Region of Peel, York Region, Mississauga, Brampton, Vaughan, Markham, Richmond Hill, etc.) that current NEF/NEP contours are **outdated** and should be treated as **minimum influence zones** for planning, noise, and health purposes, with **precautionary setbacks/mitigations** for sensitive uses in known under-path areas.
- **Follow-through:** Please circulate to us the federal/GTAA response once received.

If the ministry declines to open a compliance file at this time, I would still appreciate a **formal statement** on Item 2 above — i.e. whether O. Reg. 419/05 and NPC-300 are considered “Applicable Environmental Laws” for Pearson operations as contemplated in the Ground Lease, and, if not, which authority MECP believes is responsible for enforcing those laws against the Tenant.

I remain available to provide supporting documentation (lease excerpts, noise-monitor data, and community exposure records) and to speak further with your team.

For planning purposes, I would appreciate your confirmations—or a timeline for each item—by **Friday, November 7, 2025**.

Thank you again for your time and attention to this matter.

Sincerely,

XXX

XXX

On behalf of affected residents and community members surrounding Toronto Pearson Airport

On Wednesday, October 29, 2025 at 11:25:52 a.m. EDT, [xxx@ontario.ca](mailto:xxx@ontario.ca) wrote:

Dear xxx

Thank you for your inquiry. I am providing this response on behalf of the ministry.

The Ministry of the Environment, Conservation and Parks (ministry) does not regulate noise emanating from aircraft or aerial routes. These matters are regulated federally by Transport Canada. Given the role of the federal government as it relates to aeronautics, the ministry does not conduct compliance or enforcement activities related to noise or air emissions from aircraft or issue environmental permissions for these activities. Ontario Regulation 419/05 (Air Pollution – Local Air Quality) made under the Environmental Protection Act, R.S.O., c.E.19, and the NPC-300 Environmental Noise Guideline, do not apply to aircraft operations.

The ministry is not a party to the Pearson Ground Lease and does not have a role in interpreting the provisions. Where the ministry is not the appropriate authority to respond to an incident, the ministry will refer a person to the appropriate regulatory authority. As such, if you have concerns about cumulative health impacts associated with aircraft noise, we encourage you to contact Toronto Public Health by phone at 416-338-7600 or by email at [publichealth@toronto.ca](mailto:publichealth@toronto.ca) for further guidance and support. In addition, it is recommended that you continue to contact the GTAA regarding your concerns about aircraft noise.

I trust this is responsive to your inquiry.

Regards,

xxx

Environmental Compliance Officer  
Toronto District

xxx

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**From:** xxx  
**Sent:** October 8, 2025 10:03 AM  
**To:** [xxx@ontario.ca](mailto:xxx@ontario.ca)>  
**Cc:** xxx  
**Subject:** Follow-Up: Ontario Jurisdiction Over Pearson Environmental Impacts

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Dear xxx,

I hope you are doing well. I'm following up on my earlier message of September 19 regarding Ontario's jurisdiction over environmental impacts from Toronto Pearson Airport and the GTAA's obligations under its Ground Lease to comply with all applicable provincial and municipal environmental laws.

I wanted to confirm whether your office has had a chance to review the materials and whether any additional information or documentation would be helpful to assist MECP in assessing the matter. I remain available to provide supporting evidence—including environmental data, noise quality records, and lease references—and to speak with your team at any time.

Given the ongoing and measurable effects on surrounding communities, I would greatly appreciate an update on whether MECP intends to open a compliance review or otherwise clarify its position regarding the applicability of Ontario's Environmental Protection Act, O. Reg. 419/05, and NPC-300 to Pearson operations.

Thank you again for your time, diligence, and commitment to environmental accountability. I look forward to your reply.

Warm regards,

xxx

xxx

----- Forwarded Message -----

**From:**xxx

**To:** [xxx@ontario.ca](mailto:xxx@ontario.ca)>

**Cc:**xxx

**Sent:** Friday, September 19, 2025 at 07:57:53 a.m. EDT

**Subject:** Ontario Jurisdiction Over Pearson Environmental Impacts – Request for MECP Action

**Subject:** Ontario Jurisdiction Over Pearson Environmental Impacts – Request for MECP Action

Dear xxx,

It is a pleasure to be in contact with you once again. Your honesty and your will to do the right thing are qualities I deeply admire, and they give me confidence in reaching out on a matter of real importance to our community.

As you know, a narrative has been cultivated around the GTAA that only the federal government has jurisdiction over environmental issues stemming from Pearson. That narrative has left residents and even institutions believing they are powerless in the face of noise, pollution, and related health impacts.

Not long ago, I reviewed the GTAA Ground Lease closely. It tells a different story. The Lease binds the Tenant to comply with **all applicable laws** (including provincial and municipal), requires compliance with **environmental laws**, and expressly protects **adjacent communities** from nuisance and disturbance. In short: MECP has a rightful role to play. I've included the relevant Lease excerpts in **Annex A** for your ease of reference.

### **Requests to MECP**

1. Open a compliance file reviewing Pearson's environmental effects (noise and air).
2. Confirm in writing that Ontario environmental laws (EPA, O. Reg. 419/05, and NPC-300) are "Applicable Environmental Laws" for Pearson activities as they apply to the Tenant (see §37.02 definitions and §37.08 compliance).
3. Require GTAA disclosure of current ECAs, NPC-300 noise assessments, O. Reg. 419/05 air dispersion modelling, exceedance reports, and any abatement plans.
4. Coordinate with municipal planning authorities to assess cumulative impacts in line with NPC-300.

I would be pleased to provide additional documentation (scientific studies, community data, outage logs, report changes) and to speak directly at your convenience. Thank you again for your openness and commitment to doing the right thing.

Respectfully,

xxx

xxx

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## **Annex A – Pearson Ground Lease Excerpts (with**

## citations)

- **8.06 — Observance of Law**

“The Tenant shall observe and comply with **all applicable laws** now or hereafter in force.”

- **14.02.03(e)–(f) — Provincial & Municipal Codes/By-laws (“as if not federal public property”)**

(e) The obligation of the Tenant to comply, and ensure compliance by Occupants and Transferees, with **provincial and municipal** construction and other codes, regulations and by-laws of general application designed to secure health, safety, convenience and welfare of inhabitants or occupiers of buildings and structures **as if** the part of the Demised Premises within such municipality is a property other than a **federal public property**.

(f) The obligation of the municipality to administer and apply those codes, regulations and by-laws as if the property were **not** federal public property.

- **14.03 — Construction of New Facilities / Alteration of Existing Facilities**

“The Tenant shall not alter any Existing Facility or construct any New Facility except ... in **conformity with all applicable laws** and building and construction standards.”

“The Tenant shall ... **make itself fully acquainted with all applicable laws** and construction standards relating to the construction of any New Facility and any alteration of any Existing Facility.”

- **37.02 — Definitions (Applicable Environmental Laws)**

**“Applicable Environmental Laws** means **all applicable laws** from time to time in force respecting environmental matters and the protection of the environment generally.”

**“Applicable Federal Environmental Laws** means all applicable **federal** laws respecting environmental matters and the protection of the environment generally as those laws apply to the Tenant...” (with the carve-out noted).

**“Applicable Provincial Environmental Laws** means all applicable laws of the **Province of Ontario** respecting environmental matters and the protection of the environment generally **as those laws apply to the Tenant.”**

- **37.08 — Compliance with Laws (Environment)**

“Without limiting the generality of any other covenant herein, the Tenant shall, during the Term, at its own cost and expense, **comply with, and shall ensure that all Occupants and Transferees comply with, all Applicable Environmental Laws.**”

The Tenant must **give notice** of any contravention/non-compliance and **perform any Work to rectify** it so as to achieve conformity with Applicable Environmental Laws (plus certification if requested).

- **8.04.01 — Nuisance / Adjacent Lands**

“The Tenant shall not do or permit ... any act ... which constitutes a **nuisance** to any occupant of lands or premises **adjoining** or in the vicinity of the Demised Premises....”

#### **Article 5 — Taxes (explicit federal/provincial/municipal language)**

“Real Property Taxes” include amounts imposed by **any taxing authority**, whether **federal, provincial, municipal, school or otherwise**.

“Business Taxes” include amounts imposed by any **federal, provincial, municipal, school or other** body.