

CHRC,

I appreciate your response and the attention you have given to my concerns. However, I must express my deep disappointment with the position you have taken. By declining to address the issue of chronic sleep deprivation and its harmful consequences on communities surrounding the airport, I see this as indirectly availing the infliction of what amounts to torture on these communities. The GTAA's practices of allowing constant noise pollution with little to no mitigation measures are causing severe harm, not only to individuals like myself and my neighbour but also to entire neighbourhoods.

The line in your response, "Unfortunately, it appears that anyone who lives within a certain distance of the airport may be having a similar experience", essentially acknowledges that there is systemic discrimination against those who live near the airport. By implying that this widespread harm is somehow less important, you are recognizing that people living in proximity to the airport are not afforded the same protection under the law as those in other communities.

Section 15 of the Canadian Charter of Rights and Freedoms guarantees equal protection and benefit of the law without discrimination, including based on characteristics such as race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. While the CHRC's position indicates that it does not see an individual discrimination claim, the fact that a specific group of people—those living near the airport—suffer disproportionate harm without recourse is a clear violation of our equal rights. We are entitled to the same protection under law as any other citizens, regardless of where we live.

Your stance, in essence, could be interpreted as encouraging other organizations to prioritize their objectives, even at the cost of human health and well-being. In Canada, if an activity is profitable, it seems the objective becomes more important than the consequences it has on the people it affects. This mirrors the logic of criminal or terrorist behavior—where harm is inflicted to achieve a specific end, without regard for the suffering caused.

In my community, over 80 airplanes fly overhead during the hours when we should be sleeping, contributing to a total of 500 to 600 planes a day. These flights generate noise levels up to 1200% above the values recommended by Health Canada and the World Health Organization. This isn't just a matter of

inconvenience—this constant disruption during critical sleep hours has severe consequences on our physical and mental health, causing chronic sleep deprivation and exacerbating other health issues. The noise pollution we endure, especially at night, is outrageous, is real torture and entirely unacceptable. It is a public health crisis that must be addressed.

I want to emphasize that my concerns are rooted in Section 15 (Equality Rights) and Section 7 (Life, Liberty, and Security of the Person) of the Canadian Charter of Rights and Freedoms. These rights are essential for ensuring that all individuals can enjoy a healthy living environment free from excessive noise pollution, which has been shown to have significant adverse effects on both physical and mental health.

Furthermore, the current complaint system established by the GTAA a week ago is not only cumbersome but also discriminatory. It is designed in such a way that it discourages residents from filing complaints, creating barriers that disproportionately affect those who are already vulnerable. If residents wish to report every aircraft that flies overhead, they would need to dedicate an unreasonable amount of time each day to do so (15 hours/day). This discouragement leads to a lack of reported complaints—not because residents are unaffected, but because the system is practically unmanageable. The design of this system effectively silences the voices of those most impacted, which raises serious concerns about equality and fairness in addressing their grievances.

My community has successfully organized and developed an efficient system for submitting complaints about the excessive noise from Pearson Airport. In our riding, Humber River—Black Creek, we experienced a remarkable increase in complainants: from just 7 in July to 77, representing an astounding 1000% increase. This momentum continued into August, when we grew from 77 to 106 complainants, a further increase of 37.66%.

This progress was largely due to the fact that many community members were previously unaware of the complaint system's existence. Additionally, we significantly increased the number of complaints submitted, rising from 186 to 106,537—a staggering 57,178% increase. We then further escalated this number to 338,637 complaints—an impressive 217.86% rise.

However, following this substantial uptick in complaints, the GTAA took action to modify the complaint system, making it more cumbersome and clearly designed to discourage further participation. This discriminatory change clearly appears aimed at suppressing our ability to voice our concerns effectively. By making the complaint process more cumbersome, the GTAA is effectively stifling community input and undermining the legitimate grievances of those affected by noise pollution. This discriminatory change clearly appears aimed at suppressing our ability to voice our concerns effectively. By making the complaint process more cumbersome, the GTAA is effectively stifling community input and undermining the legitimate grievances of those affected by noise pollution.

Additionally, the lack of response from Transport Canada and Health Canada to our ongoing concerns raises questions about systemic discrimination. If certain communities consistently raise valid health concerns related to noise pollution yet receive inadequate responses or are ignored entirely, it suggests a failure to provide equal protection and benefit under the law. This indifference is particularly concerning as it disproportionately affects vulnerable populations, including children, the elderly, and those with pre-existing health conditions. Such disregard for these communities' health and well-being is not just an oversight; it constitutes a potential violation of their Charter rights.

In light of these concerns, I would also like to reference the Supreme Court of Canada's ruling in *Khadr v. Canada*. The Court found that the Canadian government violated Omar Khadr's Section 7 rights by being complicit in his detention at Guantanamo Bay, where he endured sleep deprivation as part of his interrogation. This practice, known as the "frequent flyer program," involved moving detainees between cells to prevent sleep. This treatment contributed to Khadr's deteriorating mental and physical state, and the Supreme Court recognized it as a violation of his fundamental rights under the Charter. Sleep deprivation, whether deliberate or environmental, has been recognized as a form of torture.

The situation my community faces is no less severe. Chronic sleep deprivation caused by continuous noise pollution has similarly detrimental effects on both physical and mental health, and the prolonged exposure is nothing short of torturous. I have a documented medical condition that is aggravated by chronic sleep disruption, and my doctors have advised that aircraft noise is a contributing factor. Furthermore another resident in the community has a documented seizure-related condition for which sleep deprivation is a known trigger.

Do affected residents not have the right to an environment that supports medical recovery, or at minimum does not actively undermine the management of documented illnesses?

When government-enabled conditions foreseeably aggravate medical vulnerabilities without accommodation or remedy, the result is discriminatory treatment on the basis of disability.

Isn't it a basic human right, as declared in our constitution, to have government protection from harmful environments like noise pollution, especially for those who need a peaceful space to recover from illness?

I have also been advised by international human rights courts to exhaust all available remedies within Canada before seeking further recourse. This directive underlines the importance of addressing grievances through domestic channels, particularly when they involve fundamental rights and health impacts that affect entire communities.

Given these considerations, I urge the Commission to reassess its position on this matter. You have implicitly acknowledged that communities living within a certain distance from the airport face differential treatment, which is likely based on socioeconomic factors. This should be recognized as a violation of the fundamental rights guaranteed under the Charter.

Discrimination against these communities not only exacerbates existing inequalities but also undermines their right to a healthy environment and quality of life. It is essential for the Commission to address these disparities and uphold the rights of all Canadians, regardless of their geographic location or socioeconomic status.

Thank you for your time and consideration.

Sincerely,  
Fabio Ovettoni