

Re: Our review of your concerns brought forward to our Office

From: Fabio Ovettini [REDACTED]

To: [REDACTED]@ombudsman.on.ca; info@ombudsman.on.ca

Cc: info@pearsonaccountabilityalliance.org; councillor_perruzza@toronto.ca; trakocevic-co@ndp.on.ca; info@matiasdedovitiis.ca

Date: Monday, January 12, 2026 at 03:16 p.m. EST

Subject: Formal Request for Reconsideration – Procedural Errors, Material Omissions, and Mischaracterization of MECP Responsibilities

Dear Ms. Bowden,

I am writing to formally contest the Ombudsman's decision to discontinue its review of my complaint regarding the Ministry of the Environment, Conservation and Parks (MECP). The decision rests on **material omissions, incorrect factual premises, and a mischaracterization of my complaint**, resulting in a conclusion that is not administratively supportable.

Your January 12, 2026 letter asserts that MECP "addressed my concerns" and that no further investigation is necessary. With respect, this is incorrect as a matter of record. MECP has **never** answered the core jurisdictional questions I raised. Your Office's assessment instead relies exclusively on MECP's incomplete and misleading assertion that "activities associated with Toronto Pearson...fall under federal jurisdiction" — a claim that is factually contradicted by the Government of Ontario itself.

The Ombudsman's decision contains three foundational errors:

1. The Ombudsman relied on MECP's *initial* assertions without conducting verification, contrary to the principles of procedural fairness

During our November 21 conversation, you confirmed that your Office **did not contact MECP** regarding the specific jurisdictional questions raised in my complaint.

Despite this, the Ombudsman relied exclusively on MECP's unverified statements to terminate the review. This constitutes a **procedural defect**:

- The Ombudsman Act mandates **evidence-based** review of administrative conduct.
- An **evidence-based** review cannot rely solely on the respondent ministry's unilateral assertion, especially where that assertion is contradicted by other governmental records.

Your Office accepted MECP's statement that Pearson is "federal jurisdiction" **without examining whether the statement was true, complete, or reasonable** in light of MECP's statutory mandate.

This is not an impartial investigation. It is a deferral to the ministry under investigation.

2. MECP's claim to have "no role" is directly contradicted by the Government of Ontario — a contradiction your decision does not address

On October 21, 2025, ServiceOntario (Ministry of Public and Business Service Delivery and Procurement), providing information on behalf of the Government of Ontario, issued a written statement:

"Aircraft noise compliance in Ontario is governed by Transport Canada and the Ontario Ministry of the Environment, Conservation and Parks (MECP), which sets noise limits for stationary and transportation sources."

This statement is not ambiguous. It confirms:

1. MECP has responsibilities in aircraft noise compliance.
2. MECP sets enforceable limits for *stationary and transportation* noise sources.
3. MECP plays a role that MECP itself is now denying.

Your Office's decision fails to address this contradiction entirely.

The Ombudsman accepted MECP's legal position at face value even though another Ontario ministry contradicts MECP in writing. This omission is not minor — it goes to the heart of whether MECP's response was reasonable.

An oversight body cannot rely on demonstrably false or contradictory information from a ministry to justify closing a file.

3. The Ombudsman mischaracterized my complaint by reducing it to "aircraft noise is federal"

My complaint — repeatedly stated — concerned:

- **Ground-based environmental sources at Pearson,**
- **Ontario's environmental statutes,**
- **GTAA's obligations under its federally approved Ground Lease,**
- **Provincial noise and air regulations, and**
- **MECP's refusal to distinguish between federal aeronautics jurisdiction and provincial environmental jurisdiction.**

MECP never answered these questions. Instead, MECP supplied a generic statement that it "does not regulate aircraft," which I never asked it to do.

The Ombudsman's decision repeats MECP's irrelevant point and ignores the actual subject of the complaint — an error of framing that renders the resulting conclusion unreasonable.

This mischaracterization contradicts the principles of administrative fairness and the Ombudsman's mandate to review whether an organization properly understood and applied its responsibilities.

4. Transport Canada confirms that provincial laws *do* apply at airports — contradicting MECP's blanket "federal" denial

Transport Canada's Advisory Circular AC 300-009, which I provided to your Office, states:

- Provincial, territorial, and municipal laws **may validly apply at aerodromes.**
- Airports are *not* automatically immune from provincial non-aeronautics legislation.
- Overlapping jurisdiction exists, and provincial laws can be enforced.

Your decision does not reference or address this federal confirmation.

In fact, your reasoning accepts a position (that Pearson's impacts are exclusively federal) that Transport Canada itself rejects in its own directive.

This is a **material error**.

5. The Ombudsman did not consider the Ground Lease obligations that MECP is indirectly responsible for overseeing

The Pearson Ground Lease — a federal instrument that binds GTAA — requires compliance with:

- Provincial environmental laws,
- Municipal codes,
- Noise and nuisance protections,
- As if the property were not federal public property.

MECP refused to interpret the lease.

Your Office refused to consider the lease.

Yet both Transport Canada and the Auditor General regularly rely on lease compliance as part of airport oversight.

A provincial ministry does not become exempt from its statutory duties because it chooses to ignore a federal lease that explicitly incorporates provincial law.

6. The decision to close the file is unreasonable, unsupported by evidence, and fails to address the actual administrative issue

The Ombudsman's conclusion states:

"Given the Ministry provided you with a response... our Office will not be reviewing the matter further."

The issue, however, is not whether a response was provided — but whether MECP's response was:

- Accurate
- Complete
- Consistent with law
- Consistent with government policy
- Reasonable

A ministry cannot evade oversight by providing an answer that is flatly incorrect.

Request for Remedial Action

Given the above deficiencies, I formally request that the Ombudsman:

- 1. Reopen the file on the grounds of procedural error and material omission.**
- 2. Seek MECP's direct answer to the following unresolved questions:**
 - a. Does MECP claim that O. Reg. 419/05 and NPC-300 do *not* apply to stationary sources at Pearson?
 - b. What statutory basis would exempt Pearson from Ontario environmental law?
 - c. Does MECP dispute the Government of Ontario's own statement that it is responsible for aircraft noise compliance?
- 3. Assess whether MECP's blanket denial of jurisdiction is consistent with Transport Canada's AC 300-009 confirming that provincial laws apply at aerodromes.**
- 4. Determine whether MECP's refusal to distinguish between federal aeronautics jurisdiction and provincial environmental jurisdiction constitutes unreasonable administrative conduct.**

Until these questions are addressed, the Ombudsman cannot reasonably conclude that "further investigation is unnecessary."

I look forward to your prompt clarification.

Sincerely,

Fabio Ovettini

Founder, Pearson Accountability Alliance

Toronto, Ontario

From: Rosemary Bowden <rbowden@ombudsman.on.ca>
Sent: January 12, 2026 11:03 AM
To: Fabio Ovettini <fabio217@yahoo.com>
Subject: Our review of your concerns brought forward to our Office

Good morning Fabio.

I am writing in follow up to your complaint to our Office concerning the Ministry of the Environment, Conservation and Parks (MECP).

As outlined during our telephone conversation on November 21st, the Ontario Ombudsman is appointed under the *Ombudsman Act* as an Officer of the Ontario Legislature, independent of political parties and government administrators. Our Office has the authority to conduct impartial reviews and investigations of complaints regarding the administrative conduct of provincial government organizations and other public organizations. We also have the authority to review the administrative conduct of municipal sector entities, publicly funded universities, and school boards, as well as complaints about the services provided by children's aid societies and residential licensees and the provision of French language services under the *French Language Services Act*.

It is important to note that consistent with our role as an independent and impartial Office, we do not advocate for, provide legal advice to or represent individuals against the organizations that we oversee.

The Ombudsman's role with respect to public sector organizations is to carry out evidence-based reviews and investigations about the administration of these organizations, including assessing whether policies and procedures were followed. The Ombudsman's focus is on administrative issues and not matters of broader public policy.

While the Ombudsman can make recommendations to an organization to resolve any problems that he identifies, he cannot enforce his recommendations, and he does not have the authority to direct an organization to take certain actions or respond in a specific manner.

You complained to our Office that the MECP did not address your concerns 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.

You provided our Office with copies of the MECP's responses to you on October 29th and November 10th. On October 29, 2025, an Environmental Compliance Officer advised you that MECP does not regulate noise emanating from aircraft or aerial routes and these are regulated federally by Transport Canada. They also advised you that MECP is not a party to the Pearson Ground Lease and MECP does not have a role in interpreting its provisions. They referred you to escalate your

concerns about cumulative health impacts associated with aircraft noise to Toronto Public Health.

In response, you sent additional information and requests to MECP on October 29th. A MECP District Supervisor responded to you on November 10th again advising you that activities associated with Toronto Pearson International Airport under the Greater Toronto Airport Authority fall under federal jurisdiction. They copied an employee of Greater Toronto Airports Authority (GTAA) so they are aware of your concerns and asked you to follow up with them. The MECP also advised that any further inquiries can be directed to Transport Canada.

The *Ombudsman Act* gives the Ombudsman the discretion to discontinue his review of a complaint based on several factors, including where, having regard to all the circumstances of the case, any further investigation is unnecessary.

Given the Ministry provided you with a response directing you to escalate your concerns to Transport Canada, Public Health and GTAA, our Office will not be reviewing the matter further.

Thank you for contacting the Office of the Ontario Ombudsman.

Rosemary Bowden (she/her | elle)
Early Resolution Officer | Agente de règlement préventif
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Our work takes place on traditional Indigenous territories across the province we now call Ontario, and we are thankful to be able to work and live on this land.

Notre travail s'effectue sur les territoires autochtones traditionnels de la province que nous appelons maintenant l'Ontario, et nous sommes reconnaissant(e)s de pouvoir travailler et vivre sur ces territoires.

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