

**AGREEMENT RESPECTING THE ZONING OF  
THE USE OF LANDS OF THE TOWN OF CALEDON  
ADJACENT TO OR IN THE VICINITY OF BRAMPTON  
AIRPORT**

**BETWEEN:**

**HIS MAJESTY THE KING IN RIGHT OF CANADA,**  
as represented by the Minister of Transport,  
(the "Federal Minister")

**AND:**

**THE CORPORATION OF THE TOWN OF CALEDON**  
(the "Town")

**Given that** pursuant to section 5.81 of the *Aeronautics Act*, the Federal Minister may enter into an agreement with a provincial authority to authorize the provincial authority to regulate the use of lands adjacent to or in the vicinity of an airport for the purpose of ensuring that that use is not incompatible with the safe operation of an airport or aircraft;

**And given that** the Town, the provincial authority responsible for the regulation of land use in the Town of Caledon, acknowledges that it has the authority to enter into agreements with the Crown in right of Canada with respect to matters within the Town's jurisdiction as set out in Section 3.1 of the *Municipal Act, 2001*. S.O. 2001, C. 25;

**And given that** the Town wishes to regulate, in the same manner and to the same extent as it may regulate the use of lands within its jurisdiction, the use of the lands adjacent to or in the vicinity of the Brampton Airport for the purpose of ensuring that that use is not incompatible with the safe operation of an airport or aircraft;

**And given that** the Town will make any by-law authorized pursuant to this agreement in accordance with its standard law-making procedures as set out in the *Planning Act*, R.S.O. 1990, c. P.13;

**And given that** any exemption, including minor variance, to the application of a by-law authorized pursuant to this agreement that is granted by the Town must be in the public interest and not likely to adversely affect aviation safety or security;

**And given that** a by-law authorized pursuant to this agreement, being a federal regulation, is subject to federal legislation, such as the *Statutory Instruments Act*, R.S.C., 1985, c. S-22, the *Official Languages Act*, R.S.C., 1985, c. 31 (4th Supp.) and associated regulations;

**And given that** an aerodrome, for the purpose of the *Aeronautics Act*, is any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith and an airport is an aerodrome in respect of which a Canadian aviation document is in force;

**And given that** the Federal Minister hereby authorizes the Town pursuant to section 5.81 of the *Aeronautics Act*, to regulate, in the same manner and to the same extent as it may regulate the use of lands within its jurisdiction, in accordance with the *Planning Act*, R.S.O. 1990, c. P.13, the use of lands adjacent to or in the vicinity of the Brampton Airport, that are not the subject of regulations made pursuant to subsection 5.4(2) of the *Aeronautics Act*, for the purpose of ensuring that that use is not incompatible with the safe operation of the airport or aircraft;

**And given that** any by-law enacted by the Town and authorized pursuant to this agreement will no longer have legal effect in the case that Brampton Airport's airport certificate is cancelled;

Therefore, the Parties agree as follows:

## **1. DEFINITIONS**

- 1.1. The word "by-law" means a federal airport zoning regulation enacted by the Town and authorized pursuant to this agreement.
- 1.2. The word "Party" means the Federal Minister or the Town as the case may be.
- 1.3. The word "Parties" means the Federal Minister and the Town.
- 1.4. The words "airport", "lands", "provincial authority", "zoning regulation" and "aircraft" have the same meaning as in subsections 3(1) and 5.4(1) of the *Aeronautics Act*.

## **2. APPLICABLE LAWS**

- 2.1. This agreement is to be governed by and construed in accordance with the applicable laws of the *Province of Ontario* and of Canada.

**2.1.1. *Statutory Instruments Act* requirements**

2.1.1.1. So that it may be registered within seven calendar days, as required by para. 9(1)(a) of the *Statutory Instruments Act*, the Town will, within four calendar days after a by-law made pursuant to this agreement is passed by council, email a copy of the by-law in both official languages, certified to be a true copy thereof, to the Clerk of the Privy Council for registration, to be followed by a certified hard copy of the by-law in both official languages.

2.1.1.2. The Town will expressly provide in the body of the by-law, that the by-law will come into force on the day it is passed by council.

**2.1.2. *Official Languages Act* requirements**

2.1.2.1. A by-law made by the Town pursuant to this agreement will be published in both official languages.

2.1.2.2. The Federal Minister will translate, at no cost to the Town, the final draft by-law and any subsequent amendments into the other official language.

**3. CONTENT AND SCOPE OF THE BY-LAW**

3.1. The Town acknowledges the importance of maintaining the consistency of zoning regulations across Canada and will take into consideration the suggested content and scope of zoning regulations as set out in Appendix A, when making by-laws pursuant to this agreement.

3.2. The Federal Minister encourages the Town to use the parameters described in Appendices B to D to inform the making of by-laws pursuant to this agreement.

3.3. The Federal Minister will, at the request of the Town, provide to the Town, at no cost, advice and assistance concerning technical matters, including in relation to the parameters described in Appendices B to D that may arise during the preparation and making of by-laws.

3.4. Prior to the making of a by-law pursuant to this agreement, the Town will forward a copy of the proposed by-law to the Federal Minister for comments and the Minister will provide such comments to the Town within 20 business days.

3.5. The Town recognizes the expertise of the Federal Minister in matters related to aeronautics and will consider the comments of the Federal Minister that relate to such matters before making the by-law.

3.6. The Town will provide a copy to the Federal Minister of by-laws made pursuant to this agreement immediately once made.

#### **4. EXEMPTIONS, AMENDMENT AND REPEAL OF BY-LAWS**

##### ***4.1. Amendments to the by-law***

- 4.1.1. Before amending a by-law made pursuant to this agreement, the Town will forward a copy of the proposed amendments to the Federal Minister for comment and the Minister will provide such comments to the Town within 20 business days. The Town will consider the comments of the Federal Minister that relate to aeronautics before making amendments to the by-law.
- 4.1.2. The Town will provide a copy to the Federal Minister of any amendment to the by-law immediately when made.
- 4.1.3. The federal requirements set out in sections 2.1.1 and 2.1.2 to this agreement apply to amendments made to a by-law pursuant to this agreement.

##### ***4.2. Exemptions to the by-law***

- 4.2.1. Before granting any permit, certificate, authorization or other related document authorizing any exemption, including minor variance, to the application of a by-law made pursuant to this agreement, the Town will forward a copy of the proposed document to the Federal Minister for comment and the Minister will provide such comments to the Town within 20 business days. The Town will consider the comments of the Federal Minister that relate to aeronautics before granting the document.
- 4.2.2. The Town will provide a copy to the Federal Minister of any exempting document granted in regard to the by-law immediately when made.

##### ***4.3. Repeal of the by-law***

- 4.3.1. Prior to the repeal of a by-law made by the Town pursuant to this agreement, the Town will notify the Minister.
- 4.3.2. Where the Town repeals a by-law made pursuant to this agreement, the Town will take the necessary steps to repeal the by-law made in accordance with its standard law-making procedures as set out in the the *Municipal Act, 2001*, S.O. 2001, c. 25 and the *Planning Act*, R.S.O. 1990, c. P.13; and will inform the Federal Minister immediately.

4.3.3. The federal requirements set out in sections 2.1.1 and 2.1.2 to this agreement will apply to the repealing of a by-law made by the Town pursuant to this agreement.

4.3.4. Where this agreement is terminated by either Party in accordance with section 6 of this agreement, the Town will repeal the by-laws made pursuant to this agreement in accordance with sections 4.3.1 and 4.3.2.

## **5. ENFORCEMENT**

5.1. The Town will monitor compliance of any by-law made pursuant to this agreement, in accordance with its standard enforcement procedures and take such measures to enforce compliance as its laws permit and as it considers necessary.

5.2. The Town will notify the Federal Minister of any enforcement action taken.

5.3. Should the Town wish to prosecute non-compliance with a by-law made pursuant to this agreement, it will notify the Federal Minister before taking such action.

5.4. The Federal Minister may provide, at the request of the Town, at no cost, such assistance as may be necessary to facilitate any prosecution or enforcement of a by-law made pursuant to this agreement.

## **6. TERMINATION**

6.1. This agreement may be terminated by either Party at any time, upon notice to the other Party.

6.2. The termination will take effect following the repeal of all by-laws made pursuant to this agreement.

## **7. INDEMNIFICATION**

7.1. The Town will indemnify and save harmless the Federal Minister, its agents, servants or employees from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, from any duties, work or services performed by the Federal Minister, its agents, servants or employees pursuant to this Agreement, and will not claim against the Federal Minister, its agents, servants or employees, except for claims, actions and costs that are attributable to the gross negligence or intentional torts of the Federal Minister, its agents, servants, or employees.

## **8. OTHER CONSIDERATIONS**

- 8.1. This agreement comprises the entire agreement between the Parties. No prior document, negotiation, provision, undertaking or agreement in relation to the subject of the agreement has legal effect. No representation or warranty express, implied or otherwise, made by the Federal Minister to the Town except as expressly set out in this agreement has legal effect.
- 8.2. The Parties will have any dispute arising out of this agreement resolved by referring the matter directly to the appropriate individuals specified in sections 9.2 and 9.3.
- 8.3. A breach of the terms of this agreement does not affect the authorization conferred on the Town by the Federal Minister pursuant to this agreement, unless the agreement is terminated pursuant to section 6.
- 8.4. Except as otherwise specified in this agreement, the Town agrees to pay all costs associated with the making and implementation of the by-law made pursuant to this agreement, including all costs associated with the enforcement, amendment, or repeal of such by-law.

## **9. NOTIFICATION**

- 9.1. Whenever in this agreement it is required or permitted that notice be given by either Party to the other, such notice will be in writing and will be communicated by registered mail, priority post mail, courier, or e-mail.
- 9.2. Notices or communications to be given pursuant to this agreement may be given to the Town at the following coordinates:

The Town of Caledon

The Town of Caledon  
Chief Planner/Director of Planning  
6311 Old Church Road  
Caledon, ON L7C 1J6

E-mail: [Planning@caledon.ca](mailto:Planning@caledon.ca)

- 9.3. Notices or communications required or desired to be given pursuant to this agreement may be given to the Federal Minister at the following coordinates:

Regional Director, Civil Aviation  
Transport Canada

Joseph Shepard Building  
4900 Yonge Street, 3<sup>rd</sup> Floor  
North York, ON  
M2N 6A5

E-mail: [aviation.ont@tc.gc.ca](mailto:aviation.ont@tc.gc.ca)

- 9.4. Where a change arises to the information provided in sections 9.2 and 9.3, the relevant Party will immediately notify the other of these changes.
- 9.5. If any question arises as to whether any notice was or was not communicated by one Party to the other, it will be deemed to have been effectively communicated or given on the day received or on the fifth day after it was mailed or sent, whichever is the earlier.

This agreement comes into force on the date of the last signature:

**For the Federal Minister of Transport**

George, Marcia


Digitally signed by George,  
Marcia  
Date: 2024.12.05 17:38:23  
-05'00'

\_\_\_\_\_  
Regional Director,  
Civil Aviation

\_\_\_\_\_  
Date

**For the Town**

Authorized signatories, as authorized by  
resolution number 2019-21 and dated  
\_\_\_\_\_, January 22, 2019:

  
\_\_\_\_\_  
Mayor Groves

\_\_\_\_\_, March 27, 2024  
Date

  
\_\_\_\_\_  
Clerk - Kevin Klingenberg

\_\_\_\_\_, March 27, 2024  
Date

## APPENDIX A

### Example of text for Federal Zoning Regulations - Airport

#### INTERPRETATION

1. (1) The following definitions apply in these Regulations.

“airport” means the **Brampton Airport**, in the Town of **Caledon**, in the Region of **Peel**, in the Province of **Ontario**. (*aéroport*)

“airport reference point” means the point described in Part 1 of the schedule. (*point de référence de l’aéroport*)

“approach surface” means the imaginary inclined surface that extends upward and outward from each end of the strip surface and that is described in Part 2 of the schedule. (*surface d’approche*)

“outer surface” means the imaginary surface that is located above and in the immediate vicinity of the airport and that is described in Part 3 of the schedule. (*surface extérieure*)

“strip surface” means the imaginary surface associated with the airport runway and that is described in Part 4 of the schedule. (*surface de bande*)

“transitional surface” means the imaginary inclined surface that extends upward and outward from the lateral limits of the strip surface and its approach surfaces and that is described in Part 5 of the schedule. (*surface de transition*)

“zoning plan” means Plan No. \_\_\_\_\_, prepared by the **Town of Caledon** and dated \_\_\_\_\_ . (*plan de zonage*)

#### 2. APPLICATION

These Regulations apply in respect of all lands that are adjacent to or in the vicinity of the airport within the limit described in Part 6 of the schedule. For greater certainty, the lands include lands under water and public road allowances.

#### 3. BUILDING RESTRICTIONS

A person must not place, erect or construct, or permit to be placed, erected or constructed, on any of the lands, a building, structure or object, or an addition to an existing building, structure or object, any part of which would penetrate one of the following surfaces:



- (a) an approach surface;
- (b) the outer surface; or
- (c) a transitional surface.

#### **4. NATURAL GROWTH**

A person must not permit any object of natural growth that is on any of the lands to grow in such a manner as to penetrate any of the following surfaces:

- (a) an approach surface;
- (b) the outer surface; or
- (c) a transitional surface.

#### **5. WILDLIFE HAZARD**

(1) A person must not use or permit another person to use any of the lands for activities or uses that attract wildlife - particularly birds - that may create a hazard for aviation safety.

(2) Despite subsection (1), a person may use or permit another person to use any of the lands as a site for an open water storage reservoir for a period of 48 hours or less.

#### **6. COMING INTO FORCE**

This regulation comes into force on the day it is made.

## SCHEDULE

*(Sections 1 and 2)*

In this schedule, all grid coordinates are in metres (m) and refer to the 1983 North American Datum (NAD83), Universal Transverse Mercator (UTM) Zone 17 North.

In this schedule, all elevation values are in metres (m) and are based on the Canadian Geodetic Vertical Datum (CGVD28) above mean sea level, 1978 Southern Ontario Adjustment.

### PART 1

#### AIRPORT REFERENCE POINT

The airport reference point, as shown on the zoning plan, is the geometric centre of the runway thresholds, at grid coordinates N 4845812.36, E 590654.34 (N 43° 45' 35.32", W 79° 52' 25.75"). It is located 27.99 m perpendicularly from the centre line of the strip surface at a distance of 507.01 m running southwesterly from the threshold associated with runway 15-33, and its assigned elevation is 277.20 m above sea level.

### PART 2

#### APPROACH SURFACES

The approach surfaces, as shown on the zoning plan, are described as follows:

(a) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **08** and ascending, from an assigned elevation of **282.2 m** above sea level, at a ratio of **1.0 m** measured vertically to **20.0 m** measured horizontally, to an imaginary horizontal line drawn at right angles to the projected centre line of the strip surface and distant **2,500 m** measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being **280.0 m** from the projected centre line and **125.0 m** above the assigned elevation at the end of the strip surface associated with runway approach **08**;

(b) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **26** and ascending, from an assigned elevation of **279.2 m** above sea level, at a ratio of **1.0 m** measured vertically to **20.0 m** measured horizontally, to an imaginary horizontal line drawn at right angles to the projected centre line of the strip surface and distant **2,500 m** measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being **280.0 m** from the projected centre line and **125.0 m** above the assigned elevation at the end of the strip surface associated with runway approach **26**;

(c) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **15** and ascending, from an assigned elevation of **285.2 m** above sea level, at a ratio of **1.0 m** measured vertically to **25.0 m** measured horizontally, to an

imaginary horizontal line drawn at right angles to the projected centre line of the strip surface and distant **2,500 m** measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being **280.0 m** from the projected centre line and **100.0 m** above the assigned elevation at the end of the strip surface associated with runway approach **15**; and

(d) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **33** and ascending, from an assigned elevation of **277.2 m** above sea level, at a ratio of **1.0 m** measured vertically to **25.0 m** measured horizontally, to an imaginary horizontal line drawn at right angles to the projected centre line of the strip surface and distant **2,500 m** measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being **280.0 m** from the projected centre line and **100.0 m** above the assigned elevation at the end of the strip surface associated with runway approach **33**.

The elevation of an approach surface at any point is equal to the elevation of the nearest point on the centre line of that approach surface. The elevation of an approach surface centre line is calculated from the elevation of the abutting end of the strip surface, and increases at the constant ratios set out in this Part.

### PART 3

#### OUTER SURFACE

The outer surface, as shown on the zoning plan, is an imaginary surface extending outward from the airport reference point to a radius of **4,000 m**. It is situated at a constant elevation of **45.0 m** above the airport reference point, but at **9.0 m** above the ground when that elevation would place the outer surface at less than **9.0 m** above the ground.

### PART 4

#### STRIP SURFACE

The elevation of a strip surface at any point is equal to the elevation of the nearest point on the centre line of that strip surface. The elevation of the strip surface centre line between the strip surface end and the closest strip surface threshold is equal to the elevation of the strip surface end.

The strip surface, as shown on the zoning plan, is an imaginary rectangular surface described as follows:

the strip surface associated with runway **08-26** is **60.0 m** in total width, being **30.0 m** on either side of the centre line of the runway. The strip surface commences **31.0 m** to the west of

threshold **08** and ends **31.0 m** to the east of threshold **26**, having a total length of **829.37 m**. The **08** end of the strip surface has an assigned elevation of **282.2 m** and the **26** end of the strip surface has an assigned elevation of **279.2 m**. The azimuth of the centre line of runway

**08-26** is **69.735°**. Threshold **08** has grid coordinates of **N4845584.98** and **E590238.95**, and threshold **26** has grid coordinates of **N4845850.76** and **E590958.82**; and

the strip surface associated with runway **15-33** is **60.0 m** in total width, being **30.0 m** on either side of the centre line of the runway. The strip surface commences **61.0 m** to the northwest of

threshold **15** and ends **61.0 m** to the southeast of threshold **33**, having a total length of **1,191.38 m**. The **15** end of the strip surface has an assigned elevation of **285.2 m** and the **33** end of the strip surface has an assigned elevation of **277.2 m**. The azimuth of the centre line of runway

**15-33** is **135.311°**. Threshold **15** has grid coordinates of **N4846192.49** and **E590317.68**, and threshold **33** has grid coordinates of **N4845432.24** and **E591069.74**.

## PART 5

### TRANSITIONAL SURFACES

Each transitional surface, as shown on the zoning plan, is an imaginary inclined surface ascending at a ratio of **1.0 m** measured vertically to **5.0 m** measured horizontally at right angles to the centre line and projected centre line of the strip surface, extending upward and outward from the lateral limits of the strip surface and its approach surfaces to the intersection with the outer surface.

The elevation of a point on the lower edge of a transitional surface abutting a strip surface is equal to the elevation of the nearest point on the centre line of the abutting strip surface. The elevation of a point on the lower edge of a transitional surface abutting an approach surface is equal to the elevation of the nearest point on the centre line of the abutting approach surface.

## PART 6

### LIMIT OF AREA CONTAINING LANDS TO WHICH THESE REGULATIONS APPLY

The limit of the area containing the lands to which these Regulations apply is defined by a circle with a radius of **4,000 m** centred on the airport reference point, as shown on the zoning plan.

## **APPENDIX B**

### **Brampton Airport Legal Description**

The Brampton Airport is located 13 Kilometres south of the Town of Caledon, with an Aerodrome Reference Point (ARP) at coordinates Northing 4845812.36, Easting 590654.34, and includes the following lands:

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Caledon and Province of Ontario and being composed of the following:

Part of Lots 25 and 26, Concession 1, West of Hurontario Street, in the Township of Chinguacousy, lying east of the Canadian Pacific Railway as in Instrument No. VS164078, and Part 1 on Plan 43R-12942 except Part 1 on Plan 43R-21492, being in the Town of Caledon.

**APPENDIX C**

**Parameters for Brampton Airport Zoning Regulations**

| <b>RUNWAY</b>   | <b>08</b>        | <b>26</b>        |
|---|------------------|------------------|
| Aircraft Group Number (AGN)                           | I                | I                |
| Runway Type   | NI               | NI               |
| Runway end elevation above sea level                  | 282.2 m          | 279.2 m          |
| Runway length   | 767.37 m         | 767.37 m         |
| Strip length<br>Strip width                           | 829.37 m<br>60 m | 829.37 m<br>60 m |
| Distance runway end to inner edge of approach surface | 31 m             | 31 m             |
| Length of inner edge each side of runway centreline   | 30 m             | 30 m             |
| Takeoff/Approach Surface divergence                   | 10 %             | 10 %             |
| Takeoff/Approach Surface length                       | 2,500 m          | 2,500 m          |
| Takeoff/Approach Surface slope                        | 5.0 % [1:20]     | 5.0 % [1:20]     |
| Transition Surface slope                              | 20.0 % [1:5]     | 20.0 % [1:5]     |

|   |                    |                    |
|---|--------------------|--------------------|
| <b>RUNWAY</b>   | <b>15</b>          | <b>33</b>          |
| Aircraft Group Number (AGN)                           | I                  | I                  |
| Runway Type   | NI                 | NI                 |
| Runway end elevation above sea level                  | 285.2 m            | 277.2 m            |
| Runway length   | 1,069.38 m         | 1,069.38 m         |
| Strip length<br>Strip width                           | 1,191.38 m<br>60 m | 1,191.38 m<br>60 m |
| Distance runway end to inner edge of approach surface | 61 m               | 61 m               |
| Length of inner edge each side of runway centreline   | 30 m               | 30 m               |
| Takeoff/Approach Surface divergence                   | 10 %               | 10 %               |
| Takeoff/Approach Surface length                       | 2,500 m            | 2,500 m            |
| Takeoff/Approach Surface slope                        | 4.0 % [1:25]       | 4.0 % [1:25]       |
| Transition Surface slope                              | 20.0 % [1:5]       | 20.0 % [1:5]       |

|  |  |
|--|--|
| Outer Surface radius                                       | 4,000 m  |
| Outer Surface height above Airport Reference Point         | 45 m, except when terrain rises to a height less than 9 m below the outer surface elevation, in which case natural growth is limited to 9 m AGL (to be determined in consultation with local forestry authority) |
| Airport Reference Point assigned elevation above sea level | 277.2 m  |
| Area for Natural Growth Clause to apply                    | Approach, transitional, and outer surfaces   |
| Area for Wildlife Hazard Clause to apply                   | Approach, transitional, and outer surfaces   |

**APPENDIX D - AIRPORT**

**Brampton Airport Zoning Plan**

**This provides a visual depiction of the lands to which the by-law will apply.**