

Reply to the Attention of Peter E.J. Wells
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Our File No. 218692
Date May 12, 2014



Certified Specialist
[Civil Litigation and Intellectual Property Law
(Patent•Trade-mark•Copyright)]

VIA E-MAIL and REGULAR MAIL

Gardiner Roberts LLP
Suite 3100 Scotia Plaza
40 King Street West
Toronto, Ontario
M5H 3Y2
Attention: Mr. Ian Blue

Dear Mr. Blue:

**Re: Burlington Airpark Inc. v. The Corporation of the City
of Burlington, C57908 Ontario Court of Appeal**

I am writing further to what I thought was a very productive site visit at the airport last Friday morning.

Firstly, the following is the equipment that King Paving will require to perform the silt fence and other drainage work discussed during the site visit:

300 Hitachi excavator

450 JD dozer and

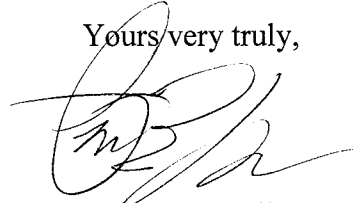
410 JD backhoe. As soon as we have the City's approval, we will instruct King Paving to proceed with the work.

Secondly, you advised us at the end of the site visit that we had misinterpreted your letter of November 20, 2013 following the decision of Mr. Justice Murray on the subject of the continued construction of the runway and taxiways in accordance with the endorsements made by Madam Justice Miller. I trust you will understand, in light of decisions such as *Canada Metal Co. v. CBC (No.2)* (1974), (1974), 4 OR (2d) 585 (HCJ); affirmed 11 OR (2d) 167 (CA), most recently applied in *Mastronardi Produce Ltd. v. Butera* 2011 ONSC 5481, why our client needed complete clarity before it could proceed. That is why I sent you my letter of November 27, 2013 seeking clarification on an urgent basis.

I am confirming my understanding of our discussion that the City has no objections to the main runway/taxiway work continuing so long as it is in strict accordance with Justice Miller's endorsements. It may take a week or so to organize the logistics, but it is the intention of

Burlington Airpark Inc. to begin that work as soon as possible in accordance with the endorsements.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Peter E.J. Wells', written over a faint, illegible background.

Peter E.J. Wells

PEJW/hs

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