

Authority: Policy and Finance Committee Report No. 7, Clause No. 17,  
as adopted by City of Toronto Council on September 28 and 29, 1999  
Enacted by Council: September 29, 1999

## **CITY OF TORONTO**

### **BY-LAW No. 665-1999**

#### **To authorize and regulate the erection, placing, maintenance or construction of telecommunications equipment on, across or along any street or public place under the jurisdiction of the City of Toronto.**

WHEREAS the *Telecommunications Act, Municipal Act, City of Toronto Act, 1972 (No. 2)* and *The Borough of Scarborough Act, 1973* authorize the City of Toronto to enter into agreements for the installation, maintenance and operation of telecommunications equipment within the public highway or other public places under the jurisdiction of the City of Toronto, upon such terms and conditions, including the payment of fees, as may be agreed;

The Council of the City of Toronto HEREBY ENACTS as follows:

**1.** In this by-law,

“Commissioner” means the Commissioner of Works and Emergency Services.

“Street” means a “highway” as defined in subsection 1(1) of the *Municipal Act*.

“Telecommunications Network” means telecommunications and ancillary equipment, and includes poles, towers, wires, cables, amplifiers and other accessory equipment for providing telecommunications services and pipes, ducts or conduits for enclosing the equipment.

“Telecommunications Services” shall have the meaning as set out in section 2 of the *Telecommunications Act*.

**2.** (1) No person shall erect, place, maintain, construct or lay down a telecommunications network on, across or along any street or public place under the jurisdiction of the City without the consent of the Council of the City.

(2) Every person who wishes to erect, place, maintain, construct or lay down a telecommunications network on, across or along any street or public place under the jurisdiction of the City for the purpose of providing telecommunications services, or to install a telecommunications network upon or within any poles, towers, ducts or conduits already erected, constructed or laid down, shall submit an application for permission to access the streets or public place to the Commissioner, including the following:

- (a) Plans of the proposed telecommunications network, showing the locations of proposed or existing telecommunications equipment, summarizing the extent of the telecommunications network and specifying the boundaries of the area within the City for which access is required.

- (b) Technical specifications of the proposed telecommunications network.
- (c) List of third-party facilities located within a street presently used or proposed to be used for the installation of telecommunications equipment, including any poles, towers, pipes, ducts and conduits.
- (d) The written consent, where applicable, of the third party in which is vested the management and control of third-party facilities allowing for their use by the applicant.
- (e) A certificate of general liability insurance in which the City is a named insured, insuring the City in the amount of five million dollars (\$5,000,000.) inclusive coverage for loss or injury to persons or property arising out of any one (1) incident, and including a cross-liability clause.
- (f) A performance bond or letter of credit in a form satisfactory to the City Treasurer and in an amount which is satisfactory to the Commissioner to ensure proper compliance with this by-law.

(3) Once the information as required under subsection (2) has been provided, the Commissioner shall prepare a report to Council seeking authority to enter into a municipal access agreement with the applicant granting an access licence for use of the streets upon such terms and conditions as agreed.

**3.** Despite Subsection 2(3), where access to a street is required by an applicant for the following:

- (a) on a location-specific basis to install a telecommunications network for the internal business purposes of the applicant;
- (b) to construct lateral connections from the high pressure watermain system leased from the City and operated by MetroNet Communications Group Inc.; or
- (c) in such circumstances or for such purposes as may, in the opinion of the Commissioner, justify it,

an application under this by-law may be processed and approved by Council as an encroachment subject to such terms and conditions as may be recommended by the Commissioner and approved by Council.

**4.** In the event that a court determines any provision of this by-law to be of no force and effect, that provision shall be severed from this by-law to the extent of any illegality and the by-law shall be read as not including that provision.

**5.** Any person who contravenes subsection 2(1) of this by-law is guilty of an offence.

**6.** Chapter 323, Telecommunications Cable and Ancillary Equipment, of the Municipal Code of the former Corporation of the City of Toronto is repealed.

**7.** This by-law shall prevail to the extent of any conflict with any other by-law of the corporation.

ENACTED AND PASSED this 29th day of September, A.D. 1999.

CASE OOTES,  
Deputy Mayor

NOVINA WONG,  
City Clerk

(Corporate Seal)