



**STAFF REPORT  
ACTION REQUIRED**

**Supplementary Report 2 - Proposed Protocol for the Installation of Telecommunications Towers and Comments on Industry Canada’s Draft Client Procedure Circular**

<b>Date:</b>	February 28, 2008
<b>To:</b>	City Council
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	cc080015

**SUMMARY**

---

At its meeting of February 13, 2008, Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning to report directly to Council on the costs associated with processing applications for Telecommunications Towers.

At that time, a letter, dated February 12, 2008 from Thomson Rogers, representing the telecom industry was also before the Committee.

This report provides information on processing costs. In addition, Staff have reviewed the letter from Thompson Rogers and concur with one of the letter’s recommendations to change the draft City Telecommunications Tower Protocol.

**RECOMMENDATIONS**

---

**The City Planning Division recommends that Council:**

1. approve the amended City of Toronto Telecommunications Tower and Antenna Protocol attached to this report as Attachment 1.
2. approve a Toronto Telecommunications Tower and Antenna application review fee of \$2,133 subject to further review by staff.

## **Financial Impact**

The recommendations in this report have no financial impact. The financial impact of the telecommunications review protocol was discussed in the Staff Report dated December 12, 2007.

## **DECISION HISTORY**

On April 23 and 24, 2007, Council directed that the Chief Planner and Executive Director, City Planning, be requested to develop a protocol or guidelines with respect to municipal and community consultation for the installation of telecommunication towers that adheres to Industry Canada's policy at the earliest possible time.

On January 10, 2008, a staff report on Telecommunications Towers was before the Planning and Growth Management Committee.

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9431.pdf>

In addition, a letter from the Board of Health and a staff report from Toronto Public Health to the Board of Health, were also before the Committee.

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9406.pdf>

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9407.pdf>

At that time, the Committee received a letter and deputation from telecom industry representatives and referred the letter, the staff report and motions by Councillor Filion and Councillor Ainslie to staff for consultation with representatives of the telecommunications industry. The Committee directed staff to report back to the February 13, 2008 meeting of the Committee.

A supplementary report from staff was before the Planning and Growth Management Committee on February 13, 2008.

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-10457.pdf>

The Committee directed staff to report directly to the March 5, 2008, City Council meeting to detail the costs associated with processing applications for Telecommunications Towers. A second letter, dated February 12, 2008 from Thomson Rogers, representing the telecom industry was also before the Committee at that time.

## **COMMENTS**

### **Application Fees for Telecommunication Towers**

In the staff reports dated December 12, 2007 and February 13, 2008, staff recommended that a fee similar to a site plan base application fee be charged to applicants for telecommunications tower review. The proposed fee is \$2,133. Staff estimate that the proposed fee will cover the City's costs, based on a preliminary costing of the process required under the protocol.

Staff are currently reviewing Planning application fees. The Development Application Review Project Team (DARP) is working with a consultant to finalize a cost recovery

exercise. It will identify all of the City's direct, indirect and capital costs related to the processing of community planning and development applications and associated inspections. Staff will review the telecommunication tower fee in that context.

Staff would still review the fee as part of the general two year review of the Telecommunications protocol, since there would be a better understanding of the average cost of processing applications at that time.

### **Staff Comments on the Industry's Letter of February 12, 2008**

The February 12, 2008 letter from the Telecom Industry representatives identifies four issues that they have with the City's revised draft protocol. They are identified below followed by a staff response.

1. The Industry requests changes to the wording of the protocol which describes the purpose of a proposed pre-application consultation meeting with City Staff.

**Staff response:**

In the previous supplementary staff report dated, February 13, 2008, staff agreed that the protocol need not address Telecommunication facilities that are exempt from municipal review by Industry Canada. In that report Staff recommended changes to the draft protocol. Upon further review, staff agree that the wording of the draft protocol could be made clearer. A revised draft protocol which deletes some redundant wording is attached to this report as Attachment 1.

2. The Industry requests that they be allowed to use identification signs in order to disguise telecom towers.

**Staff response:**

Staff do not agree with this proposal. The draft protocol is worded to prevent the use of tower structures for third party advertising signs. The Telecommunication Industry has noted that there may be some instances where telecom towers could be disguised within a sign. Staff feel that these types of installations could be dealt with on an individual basis as exemptions to the general protocol with Council approval.

3. The Industry wishes to use the distance represented by 3 times the proposed telecom tower height to calculate which members of the public should receive notice about future towers and consultation opportunities, rather than the 120 metre distance recommended by staff.

**Staff response:**

As noted in the previous reports, staff do not agree with this proposal. The 120 metre limit proposed by staff is well known and recognized as the notice area for Planning Act applications. Industry Canada has agreed that the City can require a 120 metre notice area.

4. The Industry is requesting that the City provide a mailing list that complies with the Municipal Freedom of Information and Protection of Privacy Act in order for them to notify the public about telecom tower applications. Alternatively, they ask that the City undertake the notification and recover the cost from the applicant.

**Staff response:**

Staff do not agree with this proposal as outlined in the Supplementary report dated February 13, 2008.

## **Conclusions**

The proposed changes to the draft Protocol clarify its intent that telecommunication tower proposals that are exempt from municipal review by Industry Canada are not subject to the requirements of the Protocol.

The Development Application Review Project Team and Legal Services were consulted in the preparation of this report.

## **CONTACT**

David Oikawa, Manager, Community Planning  
Tel. No. 416-394-8219; Fax No. 416-394-6063  
E-mail: doikawa@toronto.ca

## **SIGNATURE**

---

Gary Wright  
Acting Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Revised Draft Telecommunication Tower and Antenna Protocol  
Attachment 2: Letter from Thomson Rogers dated February 12, 2008

**Attachment 1: Revised Draft Telecommunications Protocol (February 28, 2008)**

**CITY OF TORONTO  
TELECOMMUNICATION TOWER AND ANTENNA PROTOCOL  
(Industry Canada Local Land-use Authority Consultation)**

**1. BACKGROUND**

**A. Purpose**

The purpose of this protocol is to outline the local land-use consultation process and guidelines to be followed in evaluating telecommunication tower and telecommunication antenna proposals within the City of Toronto, providing guidance to the telecommunication industry, Industry Canada, City Council, City staff and members of the public.

**B. Objectives**

The objectives of this protocol are:

1. To establish a harmonized City-wide process and criteria for reviewing telecommunication tower and telecommunication antenna proposals;
2. To set out a straightforward, objective process, criteria and guidelines for the evaluation of telecommunication tower and telecommunication antenna proposals that:
  - (a) minimizes the number of new telecommunication towers;
  - (b) discourages new towers within or adjacent to *Neighbourhoods, Apartment Neighbourhoods, Centres* and other sensitive land uses;
  - (c) provides an opportunity for meaningful local public consultation with affected property owners; and
  - (d) allows Industry Canada and the telecommunications industry to identify and resolve any potential land use, siting or design concerns with the City at an early stage in the process.
3. To provide an expeditious review process for telecommunication tower and telecommunication antenna proposals that are established in accordance with this protocol; and
4. To establish a local land-use consultation framework that allows the City to provide input on all telecommunication tower and telecommunication antenna proposals to proponents and Industry Canada in order that the proponent can satisfy the requirements of Industry Canada regarding local land-use consultation.

## 2. DEFINITIONS

- (a) **Apartment Neighbourhoods** – means all lands designated as Apartment Neighbourhoods in the Official Plan for the City of Toronto.
- (b) **Centres** – means all lands shown as *Centres* on Map 2 (Urban Structure) in the Official Plan for the City of Toronto.
- (c) **Co-location** - means the sharing of a telecommunication tower or placement of a telecommunication antenna on a building, structure or tower by more than one proponent.
- (d) **Neighbourhoods** – means all lands designated as *Neighbourhoods* in the Official Plan for the City of Toronto.
- (e) **Parks and Open Space Areas** – means all lands designated as *Parks and Open Space Areas* in the Official Plan for the City of Toronto.
- (f) **Proponent** – means a company, organization or person which offers, provides or operates wireless broadcasting or communication services to the general public and includes, but is not limited to companies which have a radio authorization from Industry Canada.
- (g) **Telecommunication Antenna** - means the components, either individually or in combination, needed to operate a wireless communication network for the purpose of radio telecommunications, including but not limited to: cell sites; transmitters; receivers; signaling and control equipment; and an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance **but does not include a telecommunication tower.**
- (h) **Telecommunication Tower** - means all types of towers including but not limited to: a monopole; tripole; lattice tower; guyed tower; self-support tower; pole; mast; or other structure, which are used to support one or more telecommunication antennae for the purpose of radio telecommunications and which may be located at ground level or on the roof of a building and may include an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance.
- (i) **Tower Lease Area Boundary** – means the extent of the land leased by the proponent for a proposed Telecommunications Tower, but does not include and land required solely to access the site, such as an access aisle way or right-of-way.

### **3. PRELIMINARY CONSULTATION**

- (a) A preliminary consultation meeting between the proponent and the District Planning Consultant and/or City Planning Staff and Toronto Building Division staff is required for all telecommunication tower and telecommunication antenna proposals not exempted from consultation by Industry Canada, before a Telecommunication Tower Review Application and/or Building Permit application is submitted. The purpose of this meeting is to: determine if a Building Permit is required; determine emission levels in compliance with Safety Code Six and if applicable, explore preferred site locations and siting, design & co-location considerations in accordance with this protocol.

For telecommunication tower and telecommunication antenna proposals exempted from consultation by Industry Canada, the proponents are requested to provide information to the City on: the nature of the proposal; the location of the proposal; and the emission levels of the proposal in compliance with Safety Code Six.

- (b) This meeting may involve staff from other City Divisions. It will identify issues of concern and concurrence and identify requirements for public consultation; will guide the content of the application submission; and will identify the need for any other applications or approvals.
- (c) At the preliminary consultation meeting, City staff will provide the proponent with an information package that includes:
- (i) This protocol, which outlines the approval process, requirements for public consultation and guidelines regarding site selection, co-location, siting, design and landscaping;
  - (ii) Telecommunication Tower Review Application, including submission requirements included in Section 6; and
  - (iii) List of City divisions and agencies to be consulted.
- (d) To expedite the review of the application, the proponent will review this information package before the submission is made so that the interests of the City and agencies are taken into account. The proponent is encouraged to consult with affected divisions and agencies, as well as the Local Ward Councillor before submitting the application.

### **4. GUIDELINES**

In general the City prefers that the following options be considered (in order) when a new telecommunications tower is proposed:

- I. Co-location on an existing facility (tower, building or structure)
- II. New Locations on an existing facility
- III. Siting a new tower in an industrial area (Employment Area) 120 m. away from Neighbourhoods, Apartment Neighbourhoods or Centres

- IV. Monopoles with Co-location capability
- V. Disguised Installations

Further details on the above are provided in the sections below.

#### **A. Site Selection**

- (a) The proponent will select a site location to minimize the total number of telecommunication tower sites required.
- (b) The proponent will be encouraged to use existing telecommunication towers.
- (c) It is preferred that Telecommunication towers be located outside of *Neighbourhoods, Apartment Neighbourhoods* or *Centres*, preferably in areas zoned to permit industrial uses or utilities.
- (d) Telecommunication towers will be strongly discouraged within or within 120 m. of *Neighbourhoods, Apartment Neighbourhoods, Centres* and on listed and/or designated heritage buildings and sites.
- (e) When selecting a site for a new telecommunication tower, the following will be considered:
  - (i) maximizing distance from *Neighbourhoods* and *Apartment Neighbourhoods*;
  - (ii) maximizing distance from *Centres*;
  - (iii) maximizing distance from listed heritage buildings and sites;
  - (iv) avoiding sites containing sites located within *Parks and Open Space Areas* (with the exception of sites zoned to permit utilities);
  - (v) avoiding sites of topographical prominence, where possible;
  - (vi) avoiding sites that would obscure public views and vistas of important natural or human-made features;
  - (vii) ensuring compatibility with adjacent uses; and
  - (viii) access.

#### **B. Co-Location**

- (a) The City expects proponents to share telecommunication towers (co-locate) in order to minimize the impact on the City's urban environment.
- (b) Proponents will work co-operatively in reaching agreements which allow for co-location so as to minimize the total number of telecommunication towers in the City.
- (c) Proponents for new telecommunication towers will be required to submit a Site Selection / Justification Report, prepared by a certified engineer or land use planner. The report should identify all telecommunication towers within a radius of 500 metres of the proposed location. It should also include details with respect to the coverage and capacity of the existing telecommunication towers in the surrounding area and provide detailed documentary evidence as to why co-



location of an existing telecommunication tower is not a viable alternative to a new telecommunication tower.

The report should also document the site selection process followed by the applicant for selecting this site in accordance with this protocol. In recognition of the sensitive nature of such information, City staff will, subject to the requirements of this protocol in respect of public notice and public consultation and the Municipal Freedom of Information and Protection of Privacy Act, maintain confidentiality of information where requested by the proponent.

- (d) Any exclusivity agreement which limits access to a telecommunication tower by other proponents is unacceptable. A signed agreement is to be submitted to the City stating that the proponents will allow co-location with other proponents, provided all safety, structural and technological requirements are met, subject to standard industry financial compensation arrangements to the tower owner.

### **C. Siting**

- (a) A telecommunication antenna mounted on a high-rise building or structure such as an existing telecommunication tower, hydro transmission tower, utility pole or water tower, is to be explored by the proponent before any proposal is made for the construction of a new telecommunication tower.
- (b) The construction of a new telecommunication tower to accommodate a telecommunication antenna is discouraged and will be accepted only when all other options to accommodate the telecommunication antenna are not viable. A new telecommunication tower shall be designed with co-location capacity.
- (c) Where co-location is not possible, a new telecommunication tower will be designed to minimize visual impact and to avoid disturbance to natural features.

### **D. Design and Landscaping**

- (a) Where co-location is not possible, a telecommunication tower located outside of *Neighbourhoods*, *Apartment Neighbourhoods* and *Centres* will be built to accommodate the proponent and a minimum of two additional users whenever possible.
- (b) The architectural style of telecommunication tower will be chosen which is most compatible with the surrounding neighbourhood.
- (c) Where a telecommunication tower must be located within or in close proximity (within 120 m.) to *Neighbourhoods*, *Apartment Neighbourhoods* and *Centres*, monopoles will be used.
- (d) Proponents will be encouraged to locate telecommunications towers with a minimum setback to all property lines of a distance equivalent to the height of the telecommunication tower (measured from grade) whenever possible.

- (e) One parking space will be provided at each new telecommunication tower site with access from a public right-of-way at a location acceptable to the City. Where parking is provided for another use on the site and this parking is within 20 metres of the telecommunication tower, the parking space for the tower is not required (parking spaces need not be exclusively devoted to telecommunications tower usage.)
- (f) All efforts will be made to decrease the size and visibility of all telecommunication antennas and telecommunication towers, so that they will blend in with the surroundings. To ameliorate the scale and visual impact of telecommunication towers and telecommunication antennas, mitigation measures should include consideration of: design features, structure type, design, colour, materials, landscaping, screening and decorative fencing. In general, Towers and telecommunications equipment shall have a non-reflective surface and be of a neutral colour (e.g. light grey) which is compatible with the sky and the surroundings. Where appropriate, a telecommunication tower will be designed as a landmark feature to punctuate the urban landscape to resemble features found in the area, such as a flagpole or clock tower.
- (g) Lighting of telecommunication antennas and telecommunication towers is prohibited unless required by Navigation Canada. Proof of this requirement should be provided by the applicant.
- (h) Telecommunication towers will accommodate only telecommunication antennas. Only identification or information signs or other material directly related to the identification or safe operation of this equipment will be permitted on the tower. A small plaque must be placed at the base of the structure, (or at the main entrance to the site where the site is not accessible under normal circumstances), identifying the owner/operator of the structure and a contact telephone number. No third party advertising, or advertising or promotion of the proponent or the proponent's services shall be permitted.
- (i) Where equipment shelters are on roofs of buildings, they shall be encouraged to maintain a setback of a minimum of 3.0 metres to the roof edge and to a maximum height of 4.0 metres.
- (j) Where telecommunications towers are proposed to be located on roofs of buildings they will be encouraged to be a maximum of 5 m in height from roof-level and set-back a minimum of 5 m. from the roof edge.

## 5. APPLICATION SUBMISSION

- (a) Once a site has been selected for establishing a telecommunication tower, the proponent will complete a **Telecommunication Tower Application Review Form** and submit a fee for each proposal.
- (b) Upon receipt of a complete application, the City will begin its review of the proposal.

- (c) The application will be circulated to affected City Divisions and agencies, abutting municipalities within 120 metres of the site and the Local Ward Councillor for review and comment.

## **6. APPLICATION SUBMISSION REQUIREMENTS**

- (a) All proposals for telecommunication towers that are not exempt from this protocol will be supported by the following information:
  - (i) Site Selection / Justification Report, as outlined in Section 4B(c) of this protocol;
  - (ii) colour photograph(s) with proposed telecommunication tower superimposed;
  - (iii) Site Plan showing the proposed leased area;
  - (iv) map showing the horizontal distance between the proposed leased area boundary and the nearest property zoned for low density residential uses; and
  - (v) for telecommunication towers requiring public consultation, a map showing all properties within a 120-metre radius of the leased area boundaries and a mailing list of all affected property owners and tenants.

## **7. APPLICATION FEES**

- (a) The proponent must pay an application fee to the City.
- (b) Other fees may apply if applications for other matters (curb cuts, tree removal etc.) from other City divisions and agencies are required.

## **8. AGREEMENT**

- (a) The proponent may be required, if requested by the City, to enter into an agreement, which may include the following requirements:
  - (i) The removal of the telecommunication tower if the telecommunication tower is deactivated and left unused (abandoned) for a continuous period of more than 2 years;
  - (ii) The posting of a security for the construction of any proposed fencing, screening and landscaping;
  - (iii) A commitment to accommodate other telecommunication providers on site or on their telecommunication tower, where feasible, subject to standard industry financial compensation arrangements to the tower owner; and
  - (iv) Other conditions of concurrence.

## **9. EXEMPTIONS TO TELECOMMUNICATION TOWER APPLICATION REVIEW**

Telecommunications antennas and towers, which are exempted from the requirement to consult with the City under the provision of Industry Canada's CPC-2-0-03 ("Radiocommunication and Broadcasting Antenna Systems", June 2007 (Effective January 1, 2008)) will be exempt from a Telecommunications Review Application.

## **10. BUILDING PERMITS**

The application of the Ontario Building Code is not aimed at regulating broadcasting or telecommunications or an integral part thereof. The objective is to ensure the structural integrity of ordinary buildings or property and account for the impact of the antenna and/or tower on the building.

- (a) A building permit is required:
  - (i) For the material alteration to a building that occurs when a telecommunication antenna or telecommunication tower is to be located on the roof of an existing building; and/or
  - (ii) For the construction of or material alteration to buildings associated with either a telecommunication antenna or telecommunication tower structure.
  
- (b) A building permit is not required:
  - (i) For the design and construction of the telecommunication antennae or telecommunication tower structures.

## **11. PUBLIC CONSULTATION**

### **A. Exemptions to Public Consultation**

Public consultation under Section 11B is not required for the following:

- (a) New Telecommunication towers located outside of *Neighbourhoods, Apartment Neighbourhoods* or *Centres*, where the *tower lease area boundaries* are located a minimum of 120 metres from *Neighbourhoods, Apartment Neighbourhoods* and *Centres*;
  
- (b) Replacement of and/or modification to existing telecommunication towers located outside of *Neighbourhoods, Apartment Neighbourhoods* and *Centres*, where the *tower lease area boundaries* are located a minimum of 120 metres from *Neighbourhoods, Apartment Neighbourhoods* and *Centres*, provided that any increase in height does not exceed 25% of the originally approved height and

any telecommunication tower replacement is located within the originally-approved development envelope;

- (c) All proposals exempt from Local Land-Use Review included in Section 9.

## **B. Procedure for Public Consultation**

- (a) For proposals that do not meet the exemption criteria in Section 11A, the proponent will be responsible for organizing and chairing an open house/community meeting.
- (b) The proponent, in consultation with the City Planning Division and the Local Ward Councillor, will schedule an appropriate date, time and location for the meeting.
- (c) The proponent will give notice to all property owners and tenants within 120 metres of the *tower lease area boundary*.
- (d) The proponent will provide City Planning with a copy of this mailing list for our records.
- (e) The proponent will give notice to these property owners and tenants, the Local Ward Councillor, the Director of Community Planning and Industry Canada. This notice will be sent by regular mail, a minimum of 30 days before the meeting. The proponent will provide an affidavit to the City in this regard.
- (f) The notice will be sent by regular mail, a minimum of 30 days before the meeting. The proponent will provide an affidavit to the City confirming that notice has been given as required under this section 11.

The notice will include:

- (i) the date, time and location of the meeting;
  - (ii) information on the location, height, type, design and colour of the proposed structure, including a 8½" x 11" size site plan;
  - (iv) the rationale for the selection of the designated site;
  - (v) an agenda; and
  - (vi) the name and telephone number of a contact person for the applicant.
- (g) The proponent will also make available at the open house/community meeting an appropriate visual display, including at a minimum, a display-size (24"x36") colour photograph of the subject property with a superimposed image of the proposed telecommunication tower.
  - (h) To clarify the application process and jurisdictional matters, Industry Canada will be requested to attend open community information meetings for complex or sensitive applications.
  - (i) The proponent will provide the City with a record containing the following:

- (i) List of attendees, including names, addresses and phone numbers;
- (ii) Minutes indicating the topics discussed and concerns and issues raised, resolutions and any outstanding issues;
- (iii) Copies of letters or other communications received from the public; and
- (iv) A follow-up letter of response outlining how the concerns and issues raised at the meeting and in any letters will be addressed within 20 days of the meeting, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

## **12. RESOLVING CONCERNS**

- (a) The City will provide the proponent with division and agency comments from the Telecommunication Tower Review Application process.
- (b) If any revisions are agreed to, the proponent will be encouraged to resubmit drawings and documents to address to concerns identified during the Telecommunication Tower Review Application and public consultation processes.
- (c) Any revised plans will be submitted to the City for review, circulation and comment.

## **13. CONFIRMATION OF LOCAL LAND-USE AUTHORITY CONSULTATION**

- (a) The City's response to the proponent and Industry Canada will take into consideration all division and agency responses from the Telecommunication Tower Review Application process and will forward the comments raised during the public consultation process.
- (b) The City will inform the proponent and Industry Canada in a letter stating whether the local land-use consultation process has been completed in accordance with the City's protocol and will include recommendations regarding the proposal and including recommendations regarding the proposal as follows:
  - (i) Concurrence, if the proposal conforms with: the City requirements as set out within this protocol; the City's technical requirements and will include conditions of concurrence if required. The City will also forward comments raised during the public consultation process for Industry Canada to resolve; or
  - (ii) non-concurrence, if the proposal does not conform with City requirements as set out within this protocol. The City will also forward comments raised during the public consultation process for Industry Canada to resolve.
- (c) The City will provide a copy of this letter to all interested parties and the Local Ward Councillor.

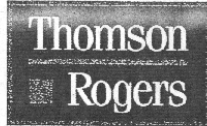
## **14. APPLICATION PROCESS TIMEFRAME**

- (a) The City will endeavour to expedite the local land-use authority consultation within 60 days.
- (b) For proposals that require public consultation, a time period of up to 120 days may be required.
- (c) In the event of unavoidable delays preventing the completion of the application process within the 120 days period, the City shall identify such delays to the proponent and indicate when the completion is expected to occur.

## **15. COMMENCEMENT**

- (a) This protocol will come into effect 30 days after the date of its approval.

**Attachment 2: Letter from Thomson Rogers dated February 12, 2008**



*Stephen D'Agostino*  
416-868-3126  
*sdagostino@thomsonrogers.com*

**DELIVERED**

January 9, 2008

Norm Kelly, Chair  
and Members of the Planning  
and Growth Management Committee  
City Hall, 100 Queen Street West  
1st Floor East  
Toronto, Ontario  
M5H 2N2

Dear Sirs:

**City of Toronto Proposed Protocol for the Installation of Telecommunication  
Towers-Planning and Growth Management Committee  
Thursday, January 10, 2008  
Our File No. 050480**

We are the solicitors for Bell Mobility, Rogers Wireless and TELUS Mobility ("the Wireless Carriers") in connection with the development of the City's wireless Telecommunications Protocol.

The Wireless Carriers have reviewed staff's protocol and generally support its provisions. The Wireless Carriers have a long history of involvement with the City in the development of this protocol and look forward to working with Council and staff to refine it prior to adoption.

While the Wireless Carriers have been active participants in the development of many successful protocols for almost a decade, Industry Canada's new consultation requirements raise additional challenges for the development of a successful consultation process.

Toronto's protocol will be one of the first developed under the new rules and as such will be an important resource for other municipal governments. The Wireless Carriers are prepared to work with your staff to develop a consensus on the few outstanding issues. We request that staff be directed to meet with us to discuss the resolution of the following concerns:

B A R R I S T E R S A N D S O L I C I T O R S  
SUITE 3100 ■ 390 BAY STREET ■ TORONTO ■ ONTARIO ■ CANADA ■ M5H 1W2 ■ FAX: 416 868-3134 ■ TEL: 416 868-3100

[thomsonrogers.com](http://thomsonrogers.com)





1. Industry Canada's new procedures contain clear exemptions for minor installations such as roof top antennas. However, the draft appears to require preliminary consultation for exempt installations notwithstanding the exemption.
2. As a matter of tower design, requiring the co-location of several carriers on one tower will result in a structure which is much more visually obtrusive than stealth designs such as flag poles. Stealth designs can only accommodate a single carrier. We know from our meetings from staff that the preference is fewer although admittedly more obtrusive towers. Notwithstanding the intention, the draft contains many provisions which direct proponents to develop unobtrusive/stealth sites.
3. The protocol contemplates an agreement dealing with co-location and the ultimate removal of the structure. Unfortunately, these are matters subject to the exclusive regulation of Industry Canada. The Wireless Carriers are unable to fetter their regulator by entering into agreement on these matters.
4. Industry Canada's consultation requirements trigger the need for consultation based on three times the tower height. Using a multiple of the tower height to determine the affected neighbourhood appropriately recognizes that taller towers may have a larger community concern. Similarly, it does not reward shorter tower proposals with reduced notice requirements. We believe that the notice and separation distances set out in the protocol should be amended to three times the tower height in order to be consistent with Industry Canada's requirements. As well, in order to avoid controversy, we request that the municipality provide the mailing list where notice is required. The Wireless Carriers would be prepared to pay the cost of producing such a list.
5. The protocol suggests that building permits are required for antennas, towers and equipment shelters located on existing buildings. We disagree and request an opportunity to discuss this matter with the City's solicitor.
6. The exemptions to public consultation are measured from the boundary of the leased area. Unfortunately, this requirement fails to recognize that the leased area often includes property at the street edge but well away from the proposed tower. Accordingly, a carrier will never be able to be exempt from public consultation requirements where the access is from a street adjacent to a residential area



notwithstanding its depth. Accordingly, we request that measurements be from the outermost point of development of the tower rather than the edge of the leased area.

7. Industry Canada's process contemplates public notification using a written process in order to permit the documentation of the resolution of individual concerns and to identify those members of the public who have a right to further involvement and the potential resolution of concerns by Industry Canada. The draft protocol relies on public open house processes. Historically, public open house forums have proven to be an inadequate process for the identification and resolution of individual concerns. As well, Industry Canada has stated that municipal protocols may not be more administratively burdensome than the Industry Canada process. We would like to work with staff to determine when consultation is better served by a public open house rather than a written process and appropriate triggers.

We are grateful for the opportunity to work with the City on the development of its protocol and look forward to being able to report on the successful resolution of our concerns.

Yours very truly,

A handwritten signature in cursive script, appearing to read "S. D'Agostino".

Stephen J. D'Agostino

SJD/sw

cc: Mark Evanylo, Bell Mobility  
James Kennedy, TELUS Mobility  
Jack Hills, Rogers Wireless  
Gary Wright, Chief Planner and Executive Director (Acting)  
Gregg Lintern, Director Community Planning  
David Oikawa, Manager Community Planning  
Merle Macdonald, Committee Administrator- City Clerk's Office