



## STAFF REPORT INFORMATION ONLY

### Correspondence from Industry Canada on the City of Toronto Telecommunication Tower Protocol

<b>Date:</b>	October 21, 2008
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	File No: 07 198491 CPS 00 TM

#### SUMMARY

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This report forwards correspondence received from Industry Canada, commenting on the City's Telecommunications Protocol for the installation of new cellular telephone towers. The report also provides an internet link to a list of existing cellular towers in the City.

#### DECISION HISTORY

On March 3-5, 2008, the City of Toronto adopted a Telecommunications Protocol for the installation of new Cellular Telephone towers in the City of Toronto. At the same Council meeting, the City also adopted a Prudent Avoidance strategy for the siting of Telecommunication Towers.

Staff Report: Proposed Protocol for the Installation of Telecommunications Towers (Item PG 12.7)

<http://www.toronto.ca/legdocs/mmis/2008/pg/decisions/2008-01-10-pg12-dd.pdf>

Staff Report: Supplementary Report - Proposed Protocol for the Installation of Telecommunication Towers (Item PG13.2)

<http://www.toronto.ca/legdocs/mmis/2008/pg/reports/2008-02-13-pg13-cr.pdf>

Approved City of Toronto Telecommunications Protocol

<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/pg13.2att.pdf>

Staff Report and Council Actions: Prudent Avoidance Policy on Siting Telecommunication Towers and Antennas (HL 10.3)

<http://www.toronto.ca/legdocs/mmis/2007/hl/reports/2007-12-04-hl10-cr.pdf>

## **ISSUE BACKGROUND**

Under the Radiocommunications Act, Industry Canada has the final authority to approve the location of telecommunication towers and antennae. Industry Canada consults with local municipalities on the location of telecommunication towers as part of their approval process.

In order to provide a consistent approach for the City's comments to Industry Canada, the City adopted a protocol for the installation of telecommunication towers. At the time that City Council adopted the protocol, it requested the City Clerk to forward a copy of the report and the attached protocol to Industry Canada for their information. Industry Canada has reviewed the protocol and has responded in a letter to the City Clerk (see Attachment 1 to this report).

At its meeting of March 3-5, 2008, Council also requested staff to provide a list of existing and proposed telecommunications towers in the City of Toronto.

## **COMMENTS**

### **Industry Canada's Letter of July 4, 2008**

In its letter, Industry Canada notes that although the City has approved a Prudent Avoidance Policy (100 times more stringent than Safety Code 6), that Industry Canada will continue to approve proposals provided that they strictly comply with the emissions limits set out in Safety Code 6.

Industry Canada also notes that the requirement in the City's protocol for notification to property owners within 25 metres of a proposed antenna will only apply to installations that are not excluded from municipal consultation by Industry Canada.

Industry Canada has also reviewed the City's requirement for notification of property owners within 400 metres of a proposed telecommunication tower. It is Industry Canada's view that this requirement goes beyond the intent of their established procedures. They will not require applicants to comply with the City's notification requirements. They will consider the intent of their procedures to be met when an applicant provides notification to residents within a radius of three times the tower height.

## **City Planning Division's Implementation of the Telecommunications Protocol**

Since the City's adoption of the Telecommunications Protocol, three applications for new cellular telecommunications towers have been received. These applications are currently being processed. The applicants have notified residents within 120 metres of the proposed sites, notwithstanding the City's request for a 400 metre notification.

The City's formal response to Industry Canada on these applications has not been finalized. However, the City's protocol states that where an applicant has not complied with the City's protocol, that City staff will inform the proponent and Industry Canada in a letter stating that the local land-use consultation process (a 400 metre circulation notice) has not been completed in accordance with the City's protocol. The letter will include recommendations regarding the proposal and will forward the comments raised during the public consultation process for Industry Canada to resolve. In commenting to Industry Canada, City staff will follow the City's protocol.

## **Listing of Existing and Proposed Telecommunications Towers and Antennas**

A list of the existing Telecommunications (Cellular) Towers and Antennas can be obtained from the City Planning Division internet site at the following address:

[http://www.toronto.ca/planning/telecommunications\\_locations.pdf](http://www.toronto.ca/planning/telecommunications_locations.pdf)

Since the City's protocol was approved by Council, three applications for proposed telecommunications towers have been received at:

- 6415 Steeles Avenue East in Ward 42
- 4186-4190 Finch Avenue East in Ward 41
- 363 Old Finch Avenue in Ward 42

Since staff last reported on the subject of telecommunications towers to Council, Industry Canada conducted an auction of telecommunications frequencies. Up to four new telecommunications companies will be providing cellular telephone service in the Toronto area. Staff anticipate that this may result in an increase in applications for new towers in 2009.

Toronto Public Health, Toronto Building 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**

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Gary Wright  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Letter from Industry Canada regarding the City of Toronto's  
Telecommunication Tower Protocol

## Attachment 1: Industry Canada's Letter of July 4, 2008



**Industry Canada**  
**Spectrum, Information**  
**Technologies and Telecommunications**  
151 Yonge Street, 3<sup>rd</sup> Floor  
Toronto, ON M5C 2W7

**Industrie Canada**  
**Spectre, technologie de**  
**l'information et télécommunications**  
151 rue Yonge, 3<sup>e</sup> étage  
Toronto, ON M5C 2W7

July 4, 2008

Ms Ulli S. Watkiss  
City Clerk  
City of Toronto  
City Hall, 12<sup>th</sup> Floor West  
100 Queen Street West  
Toronto, ON M5H 2N2

RECEIVED

JUL 7 2008  
201/16  
CITY OF TORONTO  
CITY CLERK

I am responding to your letter of April 21, 2008 in which you provided Industry Canada with the City of Toronto's Telecommunication Tower and Antenna Protocol adopted by City Council - March 3, 4 and 5, 2008.

We have reviewed this document and wish to provide the City of Toronto with specific comments regarding sections of the protocol and their implications.

Industry Canada manages the radio frequency spectrum which includes authorizing radio systems, antennas and supporting structures. These are an important and integral part of radiocommunication systems. The Department has instituted antenna siting procedures outlined in Client Procedures Circular CPC-2-0-03 (Issue 4), "*Radiocommunication and Broadcasting Antenna Systems*" which is available on Industry Canada's website:

<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf08777e.html>

We have also produced a guide to assist the local land use authorities develop protocols which is available at:

<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf08839e.html>

As the City of Toronto developed its new protocol, Industry Canada staff worked closely with city staff to ensure that it followed the intent and spirit of CPC-2-0-03. The final protocol, as amended by City Council at its March 3, 4, and 5, 2008 meetings, included some significant amendments while providing no opportunity for comment from the various stakeholders and Industry Canada.

The following specific areas of the Toronto "protocol" are of interest to Industry Canada and will provide guidance in terms of their applicability as part of the local consultation process as intended in CPC-2-0-03.

### **Prudent Avoidance**

While Toronto's "protocol" itself does not contain a specific reference to the Toronto Prudent Avoidance Policy, Industry Canada is aware of Council's companion resolution where Council endorsed the Prudent Avoidance Policy (100 times less than Safety Code 6) and directed City staff to evaluate all cell tower applications based on this policy and to oppose all those which do not meet it.

The limits prescribed in Health Canada's Safety Code 6 are used by Industry Canada as a national standard to determine whether a proposal complies with CPC-2-0-03 radiofrequency exposure limits. Industry Canada is of the position that this standard should not vary based on the opinions of local land use authorities. Industry Canada will continue to approve proposals provided that they strictly comply with Safety Code 6.

### **Public Consultation - Notification distances**

The notification distances of Section 11.B of the "protocol" were also amended at the March 3, 4, and 5 Council meetings. While notification distances, especially those that are based on local historical, geographical or development considerations can be useful, the modifications seem to be blanket provisions that may have the effect of hindering the development of radiocommunications by not considering those radiocommunications installations that would be deemed insignificant.

The revised protocol requires that a notice be sent to all property owners "within 25 metres of a proposed antenna". Industry Canada would like to clarify that we require proponents to initiate public consultation and notification only where the proposal has not been exempted from land-use authorities or public consultation as contained in CPC 2-0-03 section 6 Exclusions. As such, Industry Canada is interpreting the above requirement to only apply to those stations not already meeting Industry Canada's Exclusions as per Section 6 of CPC 2-0-03.

With respect to the protocol's requirement that a notice be sent to all property owners within "400 metres of a proposed Telecommunication Tower", Industry Canada's view is that this requirement goes beyond the intent of the requirements set out in CPC 2-0-03.

In the protocol development guide for land-use authorities, the Department is recommending that the radius of consultation for non-exempted systems be proportional to the size of the proposed structure and its potential direct impact on the local surroundings. In the interim, Industry Canada will be advising the proponents that it will consider the intent of CPC 2-0-03 to have been met if the proponents provide notification to residents within a radius of three times the tower height.

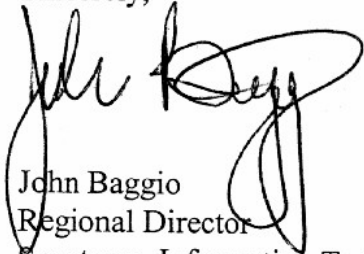
We encourage the City of Toronto to prescribe a notification distance which balances the need for community involvement while also encouraging the proponents to install smaller and less obtrusive towers. One of the tools to achieve this is with a reasonable and proportional notification distance.

**Conclusion**

In closing, I trust this letter will provide specific guidance to the City of Toronto with respect to the new Toronto "protocol". Please note that Industry Canada staff are available at any time to facilitate a meeting between all stakeholders in this matter.

If you have any questions regarding this matter, please feel free to contact Joe Doria, Senior Engineer of the Toronto District office at (905) 713-2671 or by e-mail at [doria.joe@ic.gc.ca](mailto:doria.joe@ic.gc.ca)

Sincerely,



John Baggio  
Regional Director  
Spectrum, Information Technologies  
& Telecommunication  
Ontario Region

cc David Oikawa, Manager Community Planning  
TELUS Mobility, Rogers Wireless, Bell Mobility