

**City Council****Motion without Notice**

MM8.42	ACTION			Ward:All
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**Regulation of Telecommunications - Request for Authorization to Intervene at the Supreme Court of Canada - by Councillor Paul Ainslie, seconded by Councillor Pam McConnell**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Recommendations**

Councillor Paul Ainslie, seconded by Councillor Pam McConnell, recommends that:

1. City Council authorize the City Solicitor to take all necessary steps for the City to seek and obtain intervener status to participate in this appeal at the Supreme Court of Canada or alternatively to support FCM in its request for intervener status, as determined by the City Solicitor.

**Summary**

The Supreme Court of Canada granted leave to appeal to Rogers Communications Inc. from the decision of the Québec Court of Appeal in *White v. Châteauguay (city of)*. The case raises important issues concerning the regulation of telecommunication towers and antennae including their location and whether municipalities have any role in regulating these matters.

The decision of the Québec Court of Appeal was favourable to municipalities by permitting some local development control in an area of federal jurisdiction. The Quebec Court of Appeal held that municipalities cannot prevent the installation of new cell towers but can have a say over their location. Rogers Communications Inc. has recently perfected its appeal by filing its legal argument. In its factum Rogers seeks a ruling from the court that restricts any role for municipalities in these issues. The case raises a number of important principles that affect municipal powers and jurisdiction.

The outcome of the Supreme Court of Canada decision will likely have an impact on the City of Toronto's role issues relating to telecommunication infrastructure including their location within the City. The Federation of Canadian Municipalities (FCM) has advised the City Solicitor that they are planning on seeking leave to intervene in the Supreme Court case.

This Motion is brought forward on an urgent basis as the Supreme Court of Canada's deadline

for making a motion for intervention in this matter is July 20, 2015.

**Background Information (City Council)**

Member Motion MM8.42