



<b>Policy Name:</b> Antenna Systems Siting Protocol	<b>Policy No:</b> S300-03
Committee approval date:	-
Council approval date:	July 20, 2009
Revision date(s):	February 19, 2025
Department/Division:	Community Planning and Development

**1. Purpose**

The purpose of this policy is to establish guidance for the consideration of proposals to locate antennas and antenna-supporting structures in the Town of Pelham. While the federal government through Innovation, Science and Economic Development Canada (ISED) is the approval authority for all such infrastructure, ISED requires proponents to consult with the municipal land-use authority and the public for most new antenna tower installations. Additionally, where a municipality has a land-use consultation process for the siting of antenna systems, ISED requires proponents to follow it.

This policy establishes a consultation process for the Town of Pelham, which meets or exceeds the requirements of a default process established by ISED. In the event of any conflict between this policy and the ISED process, the stricter standard applies.

**2. Policy Statement**

Wireless communication has become a central component of business and societal operations. As the demand for wireless services in the Town continues to grow, more transmission antennas and supporting structures will be needed to accommodate it. The Town is committed to evaluating siting proposals in a reasonable, consistent and expeditious manner, balancing proponents' technical requirements with the desire to minimize community impacts. Accordingly, the objectives of this policy are as follows:

- To establish an objective, consistent, and transparent process for evaluating antenna system siting proposals.
- To provide an open and transparent public consultation process that meets or exceeds ISED requirements.
- To balance the demand for antenna systems with the desire to preserve the natural and cultural landscapes of the Town.
- To support the development of a high-calibre wireless communication service in the Town that enables all residents to be connected.



### 3. Definitions

**“Antenna System”** means an exterior transmitting device, or group of devices, used to receive and/or transmit radio frequency signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas, together with any antenna supporting tower, mast or other supporting structure, and may include an equipment shelter.

**“Building/Structure-Mounted Antenna System”** means an Antenna System mounted on an existing non-tower structure, including but not limited to a building wall, rooftop, light standard, water tower, utility pole, or other structure.

**“Co-Location”** means the placement of antennas and equipment operated by one or more Proponents on an Antenna System operated by a different Proponent, thereby creating a shared facility.

**“Community Sensitive Location”** means any land on which the siting of new Antenna Systems is discouraged or requested to be subject to more extensive consultation than is provided for in this protocol, which location may be designated in the Official Plan, the Zoning By-law, or other statutory or community plan.

**“Council”** means the Council of the Town.

**“Development Guidelines”** means the guidelines established by the Town to identify local sensitivities and preferences to be considered in the selection of Antenna System sites including location, development and design preferences.

**“Freestanding Antenna System”** means a structure, such as a tower or mast, that is built from the ground for the express purpose of hosting one or more Antenna Systems.

**“Official Plan”** means the Official Plan of the Town, as enacted, amended, or updated from time to time.

**“Other Agency”** means any board, commission, or other body that administers public services but is not operated or staffed by the Town.

**“Prescribed Distance”** means the greater of one hundred and twenty (120) metres from the property line or three (3) times the proposed height of the Antenna System, measured horizontally from the outside perimeter of the proposed Antenna System, which begins at the furthest point of the supporting mechanism (i.e. guy line, building edge, face of self-supporting tower, etc.). Notwithstanding the foregoing, the Town may require a circulation radius larger than the Prescribed Distance where, in the opinion of the Town Designated Official, it is warranted.



**“Proponent”** means any company or organization, including contractors undertaking work for telecommunications carriers or third-party tower owners, proposing to site an Antenna System for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.

**“Residential Area”** means any lands on which residential uses, including mixed uses, are permitted under the Zoning By-law.

**“Town”** means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

**“Town Department”** means any branch of the Town that administers public services and is operated and staffed by the Town.

**“Town Designated Official”** means the Town’s primary representative for discussions with a Proponent, which shall be the Director of Community Planning and Development or, in the absence of the Director, their designate.

**“Zoning By-law”** means the Zoning By-law of the Town as enacted, amended or updated from time to time.

#### **4. General Provisions**

##### **4.1. Jurisdiction and Roles**

###### ***i. Industry, Science and Economic Development Canada (ISED)***

Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over interprovincial and international communication facilities. ISED is a federal department that exercises this authority, which includes making final decisions to approve and licence the location of Antenna Systems. ISED has established procedures that must be followed by Proponents seeking to install or modify Antenna Systems. These are set out in the ISED Client Procedures Circular CPD-2-0-03, *Radiocommunication and Broadcasting Antenna Systems*, Issue 6, published July 2022 (“CPC”).<sup>1</sup> The CPC requires Proponents to notify and consult with applicable land-use authorities and the local community within a Prescribed Distance. In August 2014, ISED published a guide to assist land-use authorities to develop antenna siting protocols, which states that ISED considers the questions, comments and concerns of the local public and the land-

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<sup>1</sup> For additional information regarding ISED’s mandate and the application of its authority in the wireless telecommunications process, please consult ISED’s Spectrum Management and Telecommunications Sector at <http://ic.gc.ca/spectrum>.



use authority to be important elements for Proponents to consider when seeking to install, or make major modifications to, an Antenna System.<sup>2</sup>

The CPC includes a dispute resolution process that can be requested if an impasse is reached during public consultation. Where the consultation process has not concluded but no further progress can be made, a stakeholder other than the general public can submit a written request for ISED intervention on a “*reasonable and relevant concern*”. If the ISED accepts the request, it may make a final decision on the issues in question or propose alternative dispute resolution, failing which either party may request that ISED make a final decision. According to ISED, however, impasses are rare this dispute resolution process is infrequently accessed.

#### ***ii. The Town and Other Agencies***

The ISED procedures require Proponents to consult with the local land-use authority, which in most instances will be the Town. However, where a subject property is within the Niagara Escarpment Development Control Area (NEDCA), an Other Agency, the Niagara Escarpment Commission (NEC) is the primary land use authority. The Town is a commenting agency to NEC on all proposed development applications within the NEDCA inside the Town’s boundaries. In such cases, the Proponent will apply directly to the NEC and the Town will provide any comments directly to the NEC.

The Town’s ultimate role is to issue a statement of concurrence or non-concurrence to the Proponent and ISED. The statement considers the land use compatibility of the proposed Antenna System, the responses of affected residents, and the Proponent’s adherence to this protocol. The Town also guides and facilitates the Antenna System siting process through various means including:

- Engaging in one or more pre-consultation meetings with the Proponent and any Other Agencies with an interest in the proposal;
- Conducting a community consultation process where warranted;
- Developing and refining the design guidelines for Antenna Systems as set out in this protocol;
- Communicating the particular amenities, sensitivities, planning priorities and/or other relevant characteristics of the proposed site to the Proponent; and
- Working with Proponents throughout the siting process to facilitate Antenna System installations that are sensitive to the needs of the local community.

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<sup>2</sup> <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/official-publications/information/guide-assist-land-use-authorities-developing-antenna-system-siting-protocols>.



### ***iii. The Proponent***

Proponents must strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the Antenna Siting guidelines established in the CPC, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures;
- Contacting the Town to determine local Antenna System requirements; and
- Undertaking public notification and addressing relevant concerns as required and appropriate.

Proponents must also comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 – limits of Human exposure to radiofrequency electromagnetic Fields in the Frequency range from 3 KHZ to 300 GHZ - Safety code 6 (2009);<sup>3</sup>
- the Canadian *Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

## **4.2. Excluded Structures**

This section outlines the criteria for identifying Antenna Systems excluded from ISED's consultation process, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Town.

### ***i. Exemptions from Siting Proposal Review and Public Consultation***

Proponents of the following types of Antenna System installations are generally excluded by ISED from the requirement to consult with the Town and the public:

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<sup>3</sup> The Town does not assess Antenna System submissions for health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada online at [healthcanada.gc.ca](http://healthcanada.gc.ca) and to the Proponent's representative.



- New Freestanding Antenna Systems with a height of less than fifteen (15) metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings, or to third-party tower owners.
- Existing Freestanding Antenna Systems where modifications are made, antennas are added, or the tower is replaced,<sup>4</sup> including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the initial Antenna System installation.<sup>5</sup> No increase in height may occur within one (1) year of completion of the initial construction. This exclusion does not apply to Antenna Systems using purpose-built antenna supporting structures with a height of less than fifteen (15) metres above ground level operated by telecommunications carriers, broadcasting undertakings or third-party tower owners.
- Building/Structure-Mounted Antenna Systems (i.e. antennas on buildings, water towers, lamp posts, etc.) may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%.
- Temporary Antenna Systems that are used for special events or emergency operations, which must be removed within three (3) months after the start of the emergency or special event.
- No consultation is required prior to performing maintenance on an existing Antenna System.

Notwithstanding the foregoing, Proponents are required to fulfill the requirements of section 7 of the CPC. Additionally, the CPC states that the circumstances of each Antenna System installation and modification vary and, accordingly, the exclusion criteria should be applied with consideration of local circumstances. Consequently, even if a proposal meets an identified exclusion, it may nonetheless be prudent for a Proponent to consult the Town and the public. Therefore, when applying the exclusion criteria, Proponents should consider all relevant factors, including but not limited to:

- The Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- The location of the proposed Antenna System on the property and its proximity to neighbouring residents;

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<sup>4</sup> The exclusion for replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

<sup>5</sup> Initial Antenna System installation refers to the system as it was first consulted on or installed.





- The likelihood of an area being a Community-Sensitive Location; and
- Transport Canada marking and lighting requirements for the proposed structure.

***ii. Pre-Construction Requirements for Exempt Antenna Systems***

Notwithstanding the exemption criteria for certain Antenna Systems in the CPC, Proponents must inform the Town of all new Antenna System installations within its boundaries to enable the Town to:

- Respond to inquiries from the public and Other Agencies about the installation;
- Identify Co-Location within the Town;
- Maintain records to refer to in the event of future modifications or additions; and
- Engage in meaningful dialogue with the Proponent regarding the appearance of the Antenna System before the Proponent confirms a final design.

Therefore, the Town requires Proponents to undertake the following steps for exempt Antenna System installations before commencing construction.

**a. Building/Structure-Mounted Antenna Systems**

The Proponent is required to provide the following information for all new Building/Structure-Mounted Antenna Systems or modifications<sup>6</sup> to existing systems that are exempt from consultation under the CPC and this protocol:

- Location of the Antenna System (i.e. address, building name, etc.);
- Description of proposed screening of stealth design measures with respect to the measures used by existing Antenna Systems on that site and/or preferences expressed in the Development Guidelines;
- Height of the Antenna System; and
- Height of any modifications to existing Antenna Systems.

The Town may notify the Proponent of inconsistency with the preferences and sensitivities expressed in the Development Guidelines and the Town and Proponent will work towards a mutually agreeable solution.

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<sup>6</sup> Notification is required for modifications that materially or noticeably change the appearance of the system. Maintenance works that do not result in such changes are excluded from the notification requirement.



### **b. Freestanding Antenna System Height Increases**

The Proponent will confirm to the Town that an addition that increases the height of an existing Freestanding Antenna System meets the exemption criteria in the CPC and this protocol by providing:

- Location, including address and location on lot or structure;
- Short summary of proposed addition including preliminary set of drawings or visual rendering of proposed system; and
- Description of how the proposal meets the exclusion criteria.

The Town will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in the Development Guidelines. In such cases the Town and the proponent will work toward a mutually agreeable solution, which may include the Town requiring all or part of the pre-consultation, proposal submission, and public consultation process described in this protocol, as applicable, and concluding with a statement of concurrence or non-concurrence.

### **4.3. Siting on Town-Owned Lands**

Any request to install an Antenna System on lands owned by the Town shall be made to the Designated Town Official. If the proposed location is acceptable in principle, the Designated Town Official will direct the Proponent to continue with the process in accordance with this protocol.

Proponents must submit a formal request to the Town and follow the public consultation process in accordance with this protocol, unless the proposal meets the exclusion criteria under the CPC and this protocol.

Notwithstanding the public consultation requirements outlined in this protocol, the Designated Town Official shall circulate the proposal for information to Council. Following that, broader public circulation and content of the notice may be required.

### **4.4. Pre-Consultation**

Proponents are required to have a preliminary consultation meeting (known as a pre-consultation) with the Town Designated Official prior to submitting a formal request to install an Antenna System, unless the structure is exempt under the CPC and this protocol. This initial contact will allow the Proponent to meet with Town staff to discuss the proposal, including the rationalization behind the site selection.





Prior to scheduling a pre-consultation meeting, the Proponent must provide the Town Designated Official with the following:

- Cover letter describing the rationale for the proposed location and other potential sites;
- Aerial photos of the potential sites for the Antenna System;
- Draft site plan or survey plan of the subject property showing the location of the proposed Antenna System in relation to the site and/or buildings on the property;
- Elevation drawings of the proposed Antenna System, height and colour;
- Photo Simulations showing the proposed Antenna System structure in four (4) different directions; and
- Anticipated coverage and capacity as a result of installation.

During the pre-consultation meeting, Town Departments will provide preliminary input and comments regarding the proposal including but not limited to land use compatibility, potential impacts on high profile and sensitive areas, alternative sites, aesthetic or landscaping preferences and other agencies to be consulted.

This meeting will also provide an opportunity for Town Departments to inform the Proponent of the formal consultation process outlined in this protocol and to advise on the notification process for this proposal.

The Proponent is required to consult with adjacent municipalities located within five hundred (500) metres of the proposed site, measured from the greater of the tower base or the outside perimeter of the supporting structure. The Proponent shall provide written confirmation of this consultation to the Town Designated Official.

Following the pre-consultation meeting, the Town Designated Official will provide the Proponent with a letter outlining the Town's requirements and summarizing the results of the pre-consultation meeting. The summary letter will generally provide:

- The Town's formal submission requirements as set out in this protocol;
- A list of plans and studies that may be required;
- An indication of the Town's preferences regarding location and design guidelines for the site(s) under discussion; and,
- Confirmation of the notification requirements for the proposal.



#### **4.5. Development Guidelines**

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Town.

The Proponent should review the guidelines below as early as possible and try to resolve any outstanding issues before submitting an Antenna System siting proposal and undertaking the public consultation where required by the Town. As preferences may be location or site-specific, Proponents are encouraged to discuss the guidelines fully with the Town at the pre-consultation meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.

##### ***i. Site Selection Criteria***

The Proponent shall choose a site in a location that minimizes the total number of sites required and is encouraged to use existing structures wherever possible. Where it is not possible to use an existing structure, the following criteria shall be considered:

- Antenna Systems over fifteen (15) metres in height should be located a minimum of one hundred and fifty (150) metres from residential, recreational, and institutional uses.
- Antenna System less than fifteen (15) metres in height should be located a minimum of fifty (50) metres from residential, recreational, or institutional uses.
- Maximize distance from properties designated under the Ontario *Heritage Act*.
- Avoid sites that would obscure public views, vistas and significant Cultural Heritage Landscapes.
- Maximize distance from natural features, Environmentally Sensitive Areas, Hazard Lands, and Key Natural Heritage Features and Key Hydrologic Features, as defined in the Official Plan. Completion of an Environmental Impact Statement may be required should the structure be located on land adjacent to a Key Natural Heritage Feature.
- Avoid disruption of natural and subsurface water flow.
- Minimize impacts on current and future agricultural operations and maximize the amount of arable land available for agriculture.
- Avoid conflicts with normal farming practices.
- Compatibility with adjacent neighbours.



## ***ii. Design and Landscaping***

The use of design features, colour, and landscaping should be used to screen Antenna Systems from view and is encouraged whenever possible. Additionally, the following guidelines should be taken into consideration when designing a new Antenna System:

- The design should accommodate for future Co-Location, where appropriate.
- Monopole towers are the preferred tower type.
- Where appropriate, stealth design techniques should be used, including but not limited to camouflaging towers in church steeples, clock towers, and/or flagpoles.
- Efforts should be made to minimize the size and visibility of Antenna Systems so they blend with the surroundings to the greatest extent possible. Measures to reduce scale and mitigate visual impact include may consideration of design features, structure type, colour, materials, screening, decorative fencing, and landscaping. Neutral colours are encouraged although it is recognized that new Antenna Systems must comply with the NAV Canada and Transport Canads requirements.
- Equipment shelters should be designed and landscaped in a manner that is compatible and sensitive to the character of the surrounding area to mitigate the visual impact.
- Where appropriate, existing vegetation should be preserved or trees and shrubs are encouraged to be planted at the Antenna System site to enhance the character of the surroundings.
- Lighting of Antenna Systems is prohibited unless required by Transport Canada. The Proponent should provide proof of this requirement.
- Only signage directly related to an Antenna System as required by ISED Canada is permitted. No third-party advertising or promotion is permitted on a tower facility, unless approved by the Town.
- Antenna Systems attached or adjacent to existing buildings, including rooftop installations, should be screened and/or designed to complement the architecture of the building with respect to form, materials and colour.

## **4.6. Proposal Submission Requirements**

Proponents must include the following in an Antenna System siting proposal:

- Letter or report from the Proponent setting out:
  - Need for the proposal;
  - Proposed site and rationale for site selection;



- Coverage and capacity of existing Antenna Systems in the area;
- Opportunities for Co-Location on existing or proposed Antenna Systems within five hundred (500) metres of the proposed site;
- Visual rendering(s) of the proposed Antenna System, superimposed to scale;
- Site plan showing the proposed Antenna System situated on the site;
- Map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- Attestation that the proposed Antenna System will respect Health Canada's Safety Code 6, which sets safe radiofrequency emission levels for these devices; and
- Other documentation identified by the Town following the pre-consultation meeting; and
- The application fee set out in the Town's Fees and Charges By-law.

Within five (5) working days of the submission, a staff member will be assigned to the application and confirm receipt. The Town Designated Official will determine whether the required Antenna System documentation is deemed complete or incomplete.

If the required materials listed in protocol are not complete or provided to the satisfaction of the Town Designated Official, the application will be deemed incomplete and the official commencement of the 120-day consultation process will not commence. The Town Designated Official will notify the Proponent of the outstanding items to be addressed.

When the application is deemed complete by the Town Designated Official, the 120-day consultation process will officially commence, and the Town Designated Official will:

- Notify the Proponent that the application has been deemed complete and direct the Proponent to initiate the required public consultation process;
- Notify Council of the complete application; and
- Circulate the proposal to applicable Town Departments and Other Agencies for review and comment.

#### **4.7. Public Consultation Process**

If a proposed Antenna System is not exempt from the public consultation process under this protocol, the Proponent will initiate the following public consultation process.



***i. Notice Requirements***

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

- All affected Residential Area properties within the Prescribed Distance;
- Adjacent municipalities within five hundred (500) metres of the proposed Antenna System;
- Council;
- The Town Designated Official; and
- The ISED Regional office.

The Town will assist the Proponent in compiling a mailing list of addresses of the affected Residential Area properties within the Prescribed Distance. The Proponent is required to sign an acknowledgement and undertaking that they will not copy, modify, reproduce or distribute the mailing list or use the list for any other purpose than providing notice.

The notice will be sent by regular mail or delivered, a minimum of thirty (30) calendar days before the public information session, and will include:

- A location map, including the address, clearly indicating the exact location of the proposed Antenna System in relation to the surrounding properties and streets, including a letter size (8.5" x 11") copy of the site plan submitted with the application;
- A physical description of the proposed Antenna System including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
- An elevation plan of the proposed tower facility;
- Colour simulated images of the proposed tower facility;
- The proposed Antenna System's purpose, the reasons why existing towers or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future Co-Location possibilities for the proposal.
- An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times.
- Address, location (including map) and timing of public information centre.



- Information on how to submit written public comments to the Proponent and the closing date for submission of written public comments.
- Reference to this protocol and where it can be viewed.
- The following sentences regarding jurisdiction:

“Telecommunication tower/antenna systems are related exclusively by Federal Legislation under the Federal Radiocommunication Act and administered by Innovation, Science and Economic Development Canada. Provincial legislation such as the Planning Act, including zoning by-laws, does not apply to these facilities. The Town of Pelham is participating in land-use consultation pursuant to Issue 5 of I Innovation, Science and Economic Development Canada’s CPC 2-0-03. In the case of a dispute between the proponent and the Town, a final decision will be made by ISED”.
- Notice that general information relating to Antenna Systems is available on the ISED website ([www.ised-isde.canada.ca/](http://www.ised-isde.canada.ca/));
- Name and telephone number of a contact person employed by the Proponent and the Town Designated Official; and
- Closing date for submission of written public comments.

#### ***ii. Written Consultation Process***

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal. Without limiting the generality of the foregoing, the Proponent will:

- Provide the public at least thirty (30) calendar days to submit questions, comments or concerns about the proposal;
- Respond to all questions, comments, and concerns in a timely manner, not more than sixty (60) calendar days from the date of receipt;
- Allow the public to reply to the Proponent’s responses, providing at least twenty-one (21) calendar days for public reply comments;
- Maintain a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding; and
- Provide a copy of all written correspondence to the Town and the Regional ISED office.





### ***iii. Public Information Session***

The Town requires the Proponent to chair a public information session. The type of public meeting to be conducted (virtual, open house, drop-in or town hall format) is up to the discretion of the Proponent, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Town Designated Official; and
- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

The Proponent will provide the Town with a package summarizing the results of the public information session containing at a minimum, the following:

- List of attendees, including names, addresses and phone numbers (where provided voluntarily);
- Copies of all letters and other written communications received; and
- A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

### ***iv. Post Consultation Review***

The Town and the Proponent will communicate following the completion of the public consultation process (and arrange a meeting at the Town's request) to discuss the results and next steps in the process.

### ***v. Consultation Times***

Consultation with the Town and public consultation are both to be completed within one hundred and twenty (120) calendar days of a proposal being accepted as complete by the Town. The Town or Proponent may request an extension to the consultation process timeline. Both parties must mutually agree on this extension.

In the event that the consultation process is not completed in two hundred and seventy (270) calendar days, the Proponent will be responsible for receiving an extension from the Town or reinitiating the consultation process to the extent requested by the Town.

## **4.8. Statement of Concurrence or Nonconcurrence**

Where a proposal addresses, to the satisfaction of the Town, the requirements set out in this protocol and the Town's technical requirements, the Town will provide a letter of concurrence to ISED, including any conditions of concurrence, and will copy the letter



to the Proponent. The Town will issue the letter of concurrence within sixty (60) days after the public consultation set out in section 4.7 is concluded.

The Town may require the Proponent to provide a letter of undertaking, which may include any or all of the following:

- The posting of security for construction of any proposed fencing, screening, and/or landscaping;
- A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and ISED conditions of licence for mandatory roaming and Antenna Tower and Site Sharing and to Prohibit exclusive Site Arrangements; and
- Conditions identified in the letter of concurrence.

Where a proposal does not conform to Town requirements as set out in this protocol, the Town will provide a letter of non-concurrence to ISED, copied to the Proponent, and will also forward to ISED any comments on outstanding issues, including those raised during the public consultation process. The Town will issue the letter of non-concurrence within sixty (60) days after the public consultation set out in section 4.7 is concluded.

The Town may rescind its concurrence if following the issuance of a concurrence, it is determined by the Town that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the Town will notify the Proponent and ISED in writing and include the reason(s) for rescinding its concurrence.

A concurrence remains in effect for a maximum period of three (3) years from the date it was issued by the Town. If construction is not completed within this time period the concurrence expires except in the case where a Proponent secures the agreement of the Town to an extension for a specified time period in writing. Once a concurrence expires, a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

In addition, if construction has not commenced after two (2) years from the date the concurrence was issued, the Town requests that the Proponent send a written notification of an intent to construct to the Town Designated Officer and Council once the work to erect the structure is about to start. This notification should be sent sixty (60) calendar days prior to any construction commencing. No further consultation or notification by the Proponent is required.



Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

- All information gathered by the original Proponent in support of obtaining the concurrence from the Town is transferred to the current Proponent;
- The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- Construction of the structure is commenced within the concurrence period.

#### **4.9. Redundant Antenna System**

The Town can request network operators clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within thirty (30) calendar days the request and provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and the Town will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than two (2) years from when the Antenna System was deemed redundant.

### **5. Attachments**

Appendix 1: Antenna Systems Process Flowchart



**Appendix 1: Antenna Systems Process Flowchart**

