

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 23, 2013

Item 33, Report No. 14, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 23, 2013, as follows:

That the recommendation contained in the resolution submitted by Regional Councillor Schulte and Councillor DeFrancesca, dated April 9, 2013, be amended so as to read:

It is therefore recommended that

- ***City staff be directed to request that Industry Canada modify its planned license condition for Mandatory Tower Sharing by radio-communication service providers in order to provide that a Licensee must not enter into or renew agreements that exclude other operators from using a Site, unless a new single carrier structure is preferred by land-use authorities; and***
- ***City staff forward a copy of this resolution to the Federation of Canadian Municipalities.***

33 TELECOMMUNICATION PLANNED LICENSE CONDITION - MODIFICATION

The Committee of the Whole recommends approval of the recommendation contained in the following resolution submitted by Regional Councillor Schulte and Councillor DeFrancesca, dated April 9, 2013:

Member's Resolution

Submitted by Regional Councillor Deb Schulte and Councillor Rosanna DeFrancesca

Whereas, in Industry Canada's rules for municipal consultation on new antenna sites (CPC-2-0-03 which came into force in 2009) had previously enabled local Land Use Authorities (such as the City of Vaughan) to indicate preferences for new single use towers versus sharing of co-located wireless towers; and,

Whereas, on March 21, 2013 Industry Canada has recently amended the license conditions for all radio-communication service providers (wireless carriers); and,

Whereas, one of these new license conditions has the effect of removing the ability for the City of Vaughan to indicate its preference by prohibiting wireless carriers from entering into or renewing agreements (including agreements with municipalities) that exclude other operators from using an antenna Site; and,

Whereas, the new license condition creates a conflict with the discretion provided to the local land use authorities such as the City of Vaughan in Industry Canada CPC-2-0-03;

It is therefore recommended that

- Industry Canada modify its planned license condition for Mandatory Tower Sharing by radio-communication service providers. The condition should be modified to read: the Licensee must not enter into or renew agreements that exclude other operators from using a Site, unless a new single carrier structure is preferred by land-use authorities.
- That a copy of this resolution be sent to the Federation of Canadian Municipalities.



MEMBER'S RESOLUTION

Date:	APRIL 9, 2013 – COMMITTEE OF THE WHOLE
Title:	Telecommunication Planned License Condition - Modification
Submitted by:	Regional Councillor Deb Schulte & Ward 3 Councillor DeFrancesca

Whereas, in Industry Canada's rules for municipal consultation on new antenna sites (CPC-2-0-03 which came into force in 2009) had previously enabled local Land Use Authorities (such as the City of Vaughan) to indicate preferences for new single use towers versus sharing of co-located wireless towers; and,

Whereas, on March 21, 2013 Industry Canada has recently amended the license conditions for all radio-communication service providers (wireless carriers); and,

Whereas, one of these new license conditions has the effect of removing the ability for the City of Vaughan to indicate its preference by prohibiting wireless carriers from entering into or renewing agreements (including agreements with municipalities) that exclude other operators from using an antenna Site; and,

Whereas, the new license condition creates a conflict with the discretion provided to the local land use authorities such as the City of Vaughan in Industry Canada CPC-2-0-03;

It is therefore recommended that

- Industry Canada modify its planned license condition for Mandatory Tower Sharing by radio-communication service providers. The condition should be modified to read: the Licensee must not enter into or renew agreements that exclude other operators from using a Site, unless a new single carrier structure is preferred by land-use authorities.
- That a copy of this resolution be sent to the Federation of Canadian Municipalities.

Respectfully submitted,

Deb Schulte

Rosanna DeFrancesca

Local & Regional Councillor

Local Councillor, Ward 3