TELECOMMUNICATION ANTENNA / TOWER SITING PROTOCOL

Innovation, Science and Economic Development Canada
(Formally known as Industry Canada)
Local Land Use Authority Consultation

Adopted by City Council on June 7, 2017

Development and Design Division
Planning and Building Department

TABLE OF CONTENTS

1 Definitions

The following definitions are to provide clarity in the protocol.

Co-location means the placement of an antenna(s) and related equipment by one or more proponent(s) on a telecommunication antenna/tower system operated by a different owner/operator, thereby creating a shared telecommunications system.

Designated Municipal Official means municipal staff member(s) tasked with the administration of this protocol, including receiving, evaluating and processing submissions for telecommunication antenna/tower systems.

Land Use Authority (LUA) means the Corporation of the City of Mississauga which is responsible for land use planning and development within the geographic boundaries of the City of Mississauga.

Proponent means any company, organization or person who puts forward a proposal to install or modify a telecommunication antenna/tower system.

Residential Area means lands used or zoned to permit residential uses, including mixed uses (i.e. commercial use at-grade with a residential dwelling unit(s) above).

Telecommunication Antenna / Tower System (also referred as "Antenna System") means an exterior transmitting device or group of devices used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licenced communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

a) Freestanding Antenna System: a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System(s);

b) Building/Structure-Mounted Antenna System: an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

2 Objectives

The objectives of this protocol are to:

- Encourage proponents of telecommunication antenna/tower systems to use existing antenna systems, structures and infrastructure, such as utility poles, street light poles, etc., to minimize the proliferation of new antenna systems within the City of Mississauga;

- Provide a clear and concise outline of the Land Use Authority and public consultation processes when proponents intend to modify or install an antenna system within the City of Mississauga;

- Ensure effective local public notification and consultation when an antenna system is proposed within a community;

- Strongly discourage proponents from locating antenna systems on lands designated as Greenbelt which are generally associated with natural hazards lands and/or natural area systems in accordance with Mississauga Official Plan;

- Strongly discourage proponents from locating antenna systems on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;

- Encourage proponents to locate and design antenna systems which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area;

- Encourage proponents to respect the applicable zoning regulations when proposing a new antenna system; and

- Encourage proponents to locate antenna systems in areas which minimize the adverse impact on the community (e.g. utility, industrial and business employment areas).

3 Jurisdiction and Roles

3.1 Federal Jurisdiction

Telecommunication Antenna/Tower Systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic ("ISED") Canada, formally known as Industry Canada. Therefore, Provincial legislation such as the *Planning Act,* including zoning by-laws, does not apply to these antenna systems. It is important to understand that ISED Canada, while requiring proponents to follow municipal consultation protocols, makes the final decision on whether or not an antenna system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna system.

3.2 Other Federal Legislation

As a Federal undertaking, antenna systems must adhere to all applicable Federal regulations and guidelines, including but not limited to:

- ISED Canada's Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03);

- ISED Canada's Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17);

- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electomagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ;

- National Building Code of Canada;
- *Canadian Environmental Assessment Act*; and
- Transport Canada's painting and lighting requirements for aeronautical safety.

3.3 Role of the Land Use Authority

The ultimate role of the Land Use Authority (LUA) is to provide input and comments to the proponent and ISED Canada with respect to land use compatibility of an antenna system proposal and indicate how the proponent has complied with the public consultation requirements outlined in this protocol, where applicable. The LUA also communicates to proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

3.4 Land Use Authority's Designated Official

For the purpose of this protocol, the designated municipal official having the authority to administer this protocol is the Director, Development and Design Division, Planning and Building Department or her/his designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Designated Municipal Official ("DMO"). The DMO's contact information can be obtained by contacting the Planning and Building Department at eplanbuild.info@mississauga.ca.

4 Exclusions

4.1 Exemptions from Formal Submission and Public Consultation

For the following types of antenna system installations or modifications, ISED Canada generally excludes proponents from the requirement to consult with the public and submit an antenna system proposal to the LUA for formal review:

a) **New Freestanding Antenna Systems**: where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;

b) **Existing Freestanding Antenna Systems**: where modifications are made, antennas added or the tower replaced[1], including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation[2]. No increase in height may occur within one 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 15 metres

[1] The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

[2] Initial Antenna System installation refers to the system as it was first consulted on, or installed.

above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

c) Building/Structure-Mounted Antenna System: 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%[3];

d) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months after the start of the emergency or special event; and

e) No consultation is required prior to performing maintenance on an existing antenna system.

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

4.2 Review of Exempt Antenna Systems by the Land Use Authority

ISED Canada's CPC-2-0-03 states that: Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria in Section 4.1 should be applied in consideration of local circumstances. Consequently, it may be prudent for proponents to consult with the LUA even though the proposal meets an exclusion noted in Section 4.1. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- 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;
- The likelihood of an area being a community sensitive location; and
- Transport Canada marking and light requirements for the proposed structure.

4.2.1 Notwithstanding ISED Canada's exemption criteria for certain antenna systems, proponents should consult with the LUA so the LUA can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Assess the likelihood of an area being a community sensitive location;

[3] Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

- Be aware of site co-location within the municipality;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the proponent with respect to the appearance of the antenna system and its proximity to neighbouring residents prior to the proponent confirming a final design.

4.2.2 Prior to commencing installation/modification of exempted antenna systems, proponents are required to provide the following materials to the LUA:

a) Cover letter describing the proposed antenna system including the location (i.e. address and/or legal description), height and dimensions and any antenna that may be mounted on the supporting structure.

b) Description of how the proposal meets the applicable exclusion criteria identified in Section 4.1;

c) Site plan or survey plan of the subject property showing the location of the proposed antenna system in relation to the site and/or building on the property;

d) Elevation plan or simulated images of the proposed antenna system; and

e) Applicable fees in accordance with the City's General Fees and Charges By-law, as amended.

Proponents are encouraged to consider and incorporate the Location and Design Guidelines identified in Section 6.

4.2.3 The LUA will review the documentation and if the proposal is deemed to meet the applicable exclusion criteria and the Location and Design Guidelines identified in Section 6, and there are no site-specific land-use sensitivities, the LUA will issue a Notice of Telecommunication Antenna/Tower System Exclusion to the proponent with a copy to the Ward Councillor and ISED Canada

In the event that the proposed antenna system does not comply with the Location and Design Guidelines identified in Section 6 or there are site-specific land-use sensitivities, the LUA will indicate the outstanding issues/concerns. In such cases, the proponent and LUA will then work toward a mutually agreeable alternative/solution, which may include the LUA requesting the proposal be subject to all or part of the preliminary consultation, formal submission and public consultation process outlined in this protocol, as applicable, concluding with a Consultation Conclusion Letter with or without objections.

5 Siting on City Owned Properties

Any request to install an antenna system on land owned by the City shall be made through the DMO.

Proposed antenna systems on City owned properties are subject to this protocol.

Notwithstanding the public consultation requirements outlined in Section 9, the DMO may identify the need to amend the content of the public notification requirements accordingly.

6 Development and Design Guidelines

6.1 Co-location

Co-location on an existing antenna system is the preferred option instead of constructing new antenna system within the City.

6.2 Preferred Locations

Where a new antenna system must be constructed, the following locations are preferred:

a) Areas that maximize the distance from residential areas; and

b) Business employment, industrial and utility areas;

6.3 Discouraged Locations

Where a new antenna system must be constructed, the new antenna system should not be located on:

a) Lands designated as Greenlands under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems; and

b) Heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*.

6.4 Siting on a Property

Where a new antenna system must be constructed, the following location guidelines should be followed:

a) Locate antenna systems away from street line to minimize visual impact of the tower from the streetscape;

b) Associated equipment shelter(s) measuring greater than 5.0 square metres (53.8 square feet) should comply with the applicable zoning by-law regulations (e.g. minimum setbacks, minimum landscaped buffers, etc.); and

c) Avoid locating antenna systems on parking and/or loading spaces as it may cause a non-compliance situation for a property with the zoning by-law and/or impact future development for the site.

6.5 Design

Where a new antenna system must be constructed, the following design guidelines should be followed:

a) Allow for future co-location capacity;

b) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under Mississauga Official Plan;

c) Lattice style towers and pinwheel telecommunication antennas are strongly discouraged;

d) Monopole towers with antennas shrouded or flush mounted are preferred; and

e) Antenna systems attached to an existing building, including rooftop installations, should not be visible from any public street abutting the subject property, as demonstrated in a visual plane analysis, or should be screened and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;

6.6 Design in High Profile and/or Sensitive Areas

When new antenna systems must be located in a high profile and/or sensitive area, such as, but not limited to, Major Nodes and Community Nodes identified in Mississauga Official Plan, the system should be designed and sited to minimize visual impact within the context of the surrounding area.

In addition to the guidelines in Sections 6.1 to 6.5, the following design guidelines should also be met:

a) Stealth techniques, such as flagpoles, clock towers, trees, light poles, etc., should be used and reflect the context of the surrounding area; and

b) Associated equipment shelter(s) greater than 5.0 square metres (53.8 square feet) should be constructed to reflect the context of the surrounding area. Particular attention should be focused on compatibility of roof slopes, materials, colours and architectural details.

6.7 Colour, Lighting, Signage and Other Graphics

Where a new antenna system must be constructed, the following design guidelines should be followed:

a) Use non-reflective surfaces and neutral colours that blend with the surrounding landscape and public realm, unless Transport Canada has identified painting requirements for aeronautical safety for an antenna system;

b) No illumination is permitted on an antenna system, except where Transport Canada requirements for illumination of an antenna system are identified;

c) Identify the owner/operator, including the contact information, of an antenna system by providing a small plaque with a maximum size of 0.5 square metres (5.4 square feet) placed at the base of the structure; and

d) Signage for advertising or promotion is not permitted on an antenna system, unless used for the purposes of stealth techniques and the content of the signage complies with the City's Sign By-law.

6.8 Amateur Radio Antenna System in Residential Areas

The following location and design guidelines shall apply to proposals for an antenna system located in a residential area used for personal use by a resident for amateur radio communication.

6.8.1 Amateur radio antenna systems should not be located within:

a) Lands designated Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;

b) Lands heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and

c) Front or exterior side yard of the property, as defined in the City's Zoning By-law.

6.8.2 Amateur radio antenna systems are preferred to be located in the following location:

a) Rear yard of the property, but excluding the extension of the exterior side yard into the rear yard, as defined in the City's Zoning By-law.

6.8.3 The following location and design guidelines should be followed:

a) Height of an amateur radio antenna system should be less than 15 metres (49.2 feet) above ground level, whether located on the ground or attached to a building or structure;

b) Width of an amateur radio antenna system should not exceed 3 metres (9.8 feet);

c) No part of an amateur radio antenna system should be located within 1.2 metres (3.9 feet) of any lot line;

d) An amateur radio antenna system on a roof of a residential building should only be located on that half of the roof closest to the rear yard;

e) Non-reflective surfaces and neutral colours that blend with the surrounding area should be used; and

f) Graphics, signage, flags or lighting on an amateur radio antenna system is not permitted.

6.8.4 Proponents should consider the visual impacts on surrounding properties even though the amateur radio antenna system complies with the location and design guidelines noted above. Visual impact mitigation measures could include, but are not limited to the following:

a) Select an appropriate location on the property to reduce the visibility from surrounding properties;

b) Decrease the size and visibility of the amateur radio antenna system; and

c) Screen the amateur radio antenna system with landscape treatment.

7 Preliminary Land Use Authority Consultation

7.1 Preliminary Meeting

Proponents are required to have a preliminary consultation meeting with the LUA prior to submitting a formal request to install or modify an antenna system. This initial contact will allow the proponent to meet with the LUA to discuss the proposal, including the rationalization behind the site selection.

During this meeting, the LUA will provide preliminary input and comments regarding the proposal, such as, but not limited to, land use compatibility, potential impacts on high profile and sensitive areas, alternative sites, aesthetic or landscaping preferences, other agencies to be consulted, and whether a peer review by a consultant will be required. This meeting will also provide an opportunity to inform the proponent of the consultation process outlined herein.

7.2 Preliminary Meeting Requirements

The following information must be provided to the LUA in order to schedule a preliminary consultation meeting:

a) Cover letter describing the proposed antenna system including the height and dimensions and any antenna that may be mounted on the supporting structure;

b) Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all antenna systems within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing antenna systems in the surrounding area and provide detailed documentary evidence as to why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system. This is not required for amateur radio antenna system proposals, however, a cover letter is required that describes the proposed antenna system including the height, dimensions, location within the subject property, and any antenna that may be mounted on the supporting structure;

c) 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 building on the property; and

d) Elevation plan or simulated images of the proposed antenna system.

7.3 Notification of Preliminary Meeting

After the preliminary consultation meeting, the DMO will notify the Ward Councillor of the meeting.

7.4 Confirmation of Land Use Authority Preferences and Requirements

During or after the preliminary consultation meeting, the DMO will provide the proponent with an information package that includes:

a) Formal submission requirements;

b) A list of plans and studies that may be required;

c) A list of municipal departments and other agencies to be consulted; and

d) An indication of the LUA's preferences regarding co-location for the site(s) under discussion.

To expedite the review of the proposal, the proponent is encouraged to consult with the applicable municipal departments and agencies, and obtain applicable written comments/clearances before making a formal submission.

8 Formal Land Use Authority Consultation

8.1 Land Use Authority Consultation Requirements

Where a proposed antenna system does not meet the exclusion criteria identified in Section 4.1, the proponent must submit a formal antenna system proposal to the LUA for review.

8.2 Formal Submission Requirements

The proponent must submit the following materials to the LUA:

a) A telecommunication antenna/tower application form and fees in accordance with the City's General Fees and Charges By-law, as amended;

b) A Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all antenna systems within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing antenna systems in the surrounding area and provide detailed documentary evidence as to why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system. This is not required for amateur radio antenna system proposals, however, a cover letter is required that describes the proposed antenna system including the height, dimensions, location within the subject property, and any antenna that may be mounted on the supporting structure;

c) A public notification package;

d) A site plan or survey plan which shall include a compound layout, an elevation and parking/loading statistics if the proposal is located on parking/loading areas;

e) A copy of the draft newspaper notice and the proposed date on which it will be published (no sooner than 14 days from the date of request being submitted), if applicable;

f) A copy of the draft notice sign; and

g) Any other required information listed in the information package provided to the proponent during or after the preliminary meeting.

8.3 Determination of Complete or Incomplete Submission

The DMO will determine whether the antenna system request is deemed complete or incomplete within five business days of receipt of the request.

If the required materials listed in Section 8.2 of this protocol are not complete or provided to the satisfaction of the DMO, the request will be deemed incomplete and will not mark the official commencement of the 120 day consultation process. The DMO will notify the proponent of the outstanding items to be addressed.

When the request is deemed complete by the DMO, the DMO will notify the proponent and Ward Councillor of the complete request, and circulate the proposal to the applicable municipal departments for review and comment.

9 Public Consultation

9.1 Public Consultation Requirements

Where a proposed antenna system requires public consultation, the proponent must carry out the following public consultation process.

The proponent must not initiate public notification or consultation for an antenna system proposal until a formal submission has been made to the LUA and written confirmation from the DMO to proceed with public notification and consultation has been provided.

The proponent shall be responsible for all costs associated with public consultation.

9.2 Notification

The proponent is to distribute the public notification packages by mail to the following recipients:

a) All property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the antenna system height measured from the furthest point of the antenna system;

b) Applicable Ward Councillor and applicable Member of Parliament in which the proposed antenna system is located;

c) Adjacent municipalities within 120 metres (393.7 feet) of the proposed antenna system; and

d) DMO.

9.2.1 The LUA will provide the proponent with a mailing list of all addresses of property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the antenna system.

The envelope for the public notification package should have the following statement in red ink: “IMPORTANT NOTICE REGARDING PROPOSED TELECOMMUNICATION ANTENNA/TOWER IN YOUR NEIGHBOURHOOD”.

When a public information session is required, the proponent is to distribute the public notification packages by mail at least 30 days prior to the date of the public information session.

9.3 Public Notification Package Requirements

The public notification package must include the following information:

a) A location map, including the address, clearly indicating the exact location of the proposed antenna system in relation to the surrounding properties and streets;

b) 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;

c) An elevation plan of the proposed antenna system;

d) Colour simulated images of the proposed antenna system;

e) The purpose of the proposed antenna system, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;

f) 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;

g) Notice that general information relating to health concerns and Safety Code 6 is available on Health Canada’s website;

h) An attestation that the installation will respect good engineering practices including structural adequacy;

i) Address, date and time of the public information session (if applicable);

j) Information on how to submit written public comments to the proponent and the closing date for submission of written public comments;

k) Proponent's contact information;

l) Reference to the City of Mississauga Telecommunication Antenna/Tower Siting Protocol and where it can be viewed;

m) The following sentences regarding jurisdiction: "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development (ISED) Canada. Therefore, Provincial legislation such as the *Planning Act,* including zoning by-laws, does not apply to these antenna/tower systems. It is important to understand that ISED Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Antenna/Tower Siting Protocol, makes the final decision on whether or not an antenna/tower system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna/tower system.";

n) Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website; and

o) Municipal designate, Member of Parliament and ISED Canada contact information.

9.4 Closing Date for Written Public Comments

The closing date for submission of written public comments shall not be less than:

a) 14 days after the public information session, where a public information session is required; or

b) 30 days where a public information session is not required.

9.5 Notice Sign

The proponent shall erect a sign on the property notifying the public of the proposal to establish an antenna system on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street.

The sign shall be professionally prepared and its size shall be a minimum of 1.2 metres x 1.2 metres (3.9 feet x 3.9 feet) (width x height) and located a minimum of 0.61 metres (2.0 feet) and a maximum of 1.2 metres (3.9 feet) from the ground. However, the size of the sign shall not exceed 2.4 metres x 1.2 metres (7.9 feet x 3.9 feet) (width x height).

The erection of the notice sign should be coordinated with the distribution of the public notification packages.

Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the DMO within 10 days after the sign has been erected.

The sign shall remain on the subject property for the duration of the public consultation process.

The proponent shall be responsible for removing the sign no later than 21 days after the completion of the consultation process.

9.5.1 The notice sign shall contain the following wording:

PUBLIC NOTICE

[Name of Proponent] is proposing to locate a telecommunication antenna/tower system, being [#] metres ([#] feet) in height, on this property.

(If applicable) A public information session is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].

Public comment is invited.

The closing date for submission of written comments is [applicable closing date].

For further information, contact [Applicant's name, phone number and e-mail address].

Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development Canada. Therefore, Provincial legislation such as the *Planning Act,* including zoning by-laws, does not apply to these systems.

The City of Mississauga can only provide comments to Innovation, Science and Economic Development Canada and does not have the authority to stop the construction of a telecommunication antenna/tower system.

[Municipal contact information]
[Member of Parliament contact information]
[Local Innovation, Science and Economic Development Canada contact information]

9.6 Newspaper Notice

Where an antenna system is 30 metres (98.4 feet) or greater in height, the proponent shall place a newspaper notice in the Mississauga News (i.e. the community's newspaper). The notice shall be placed in a Thursday's edition.

The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).

A copy of the actual newspaper notice appearing in the Mississauga News, including the newspaper date, shall be forwarded to the DMO within 10 days of the newspaper notice being published.

9.6.1 Where a public information session is required, the newspaper notice shall be published at least 21 days before the date of the public information session.

The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.

9.6.2 Where a public information session is not required, the date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.

9.6.3 The newspaper notice shall contain the following information:

a) Description of the proposed antenna system, including the height;

b) Address of the proposed antenna system,;

c) Location map (key plan) of the proposed site;

d) Invitation for public comment and the closing date for submission of written comments;

e) *(If applicable)* Invitation to the public information session, and location and time of the session;

f) Applicant's contact information;

g) Inclusion of the following "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development Canada. Therefore, Provincial legislation such as the *Planning Act,* including zoning by-laws, does not apply to these systems. The City of Mississauga can only provide comments to Innovation, Science and Economic Development Canada and does not have the authority to stop the construction of a telecommunication antenna/tower system."; and

h) Municipal designate, Member of Parliament and ISED Canada contact information.

9.7 Public Information Session

A public information session is required where the proposed antenna system is located:

a) In a residential area; or

b) Within the greater of either, three times the antenna system height or 120 metres (393.7 feet) from a residential area.

9.7.1 The applicable Member of Parliament, in consultation with the proponent, shall be responsible for convening a public information session, if applicable, at the proponent's cost.

Should the applicable Member of Parliament not convene a public information session, the proponent shall be responsible for convening a public information session, if applicable, at the proponent's cost.

9.7.2 The applicable Member of Parliament and/or proponent, as the case may be, shall adhere to the following requirements when organizing and convening a public information session:

a) Public information session shall be open and accessible to all members of the public and local stakeholders;

b) Public information session shall occur on a weekday evening, no sooner than 21 days and no later than 28 days, from the date that the public notification packages are mailed and the sign posted;

c) Duration of the public information session shall be a minimum of 2 hours;

d) Two display panels, at a minimum, containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposed antenna system shall be displayed at the public information session;

e) The proponent shall conduct a presentation regarding the tower proposal, including the purpose of the tower, general information relating to health concerns and Safety Code 6 and clear statement indicating that telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by ISED Canada. Provincial legislation such as the *Planning Act,* including zoning by-laws, does not apply to these facilities and the City of Mississauga can only provide comments to ISED Canada as the City does not have the authority to stop the construction of a telecommunication antenna/tower system;

f) Public notification packages including a public comment sheet shall be made available for attendees;

g) Closing date for written public comments shall be clearly announced at the public information session; and

h) Obtain a record of all names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information.

9.8 Responding to the Public

The proponent is to address all reasonable and relevant concerns, make all efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public or DMO raises a question, comment or concern relating to the antenna system, as a result of the public consultation process, then the proponent is required to:

a) Respond to the party in writing within 14 days by acknowledging receipt of the question, comment or concern and keep a record of the communication;

b) Address in writing all reasonable and relevant concerns within 30 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response; and

c) In the case where the party responds within the 21 day reply period, the proponent shall address all reasonable and relevant concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an informal meeting. Telephone conversations and informal meetings must be documented by the proponent.

10 Concluding Consultation

10.1 Consultation Summary Package

The proponent shall provide to the DMO a package summarizing the results of the public consultation process which shall include the following information:

a) Attendance list and contact information from the public information session (if applicable);

b) All written public comments and/or concerns received regarding the proposal;

c) Proponent's responses to the public comments and/or concerns outlining how the concerns were or will be addressed, or alternatively, by clearly indicating why such concerns are not reasonable or relevant; and

d) If any modifications to the proposal are agreed to, then further details will be required, including revised plans.

10.2 Public Conclusion Package

The proponent may be required, if requested by the DMO, to provide a public conclusion package to the public.

Where a public conclusion package is required, the proponent shall provide the DMO with a draft public conclusion package summarizing the conclusion of the public consultation process.

10.2.1 The public conclusion package must include the following information:

a) Notice that the public consultation process is concluded;

b) The following sentences regarding jurisdiction: "Telecommunication antenna/tower systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Innovation, Science and Economic Development (ISED) Canada. Therefore, Provincial legislation such as the Planning Act, including zoning by laws, does not apply to these antenna/tower systems. It is important to understand that ISED Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Antenna/Tower Siting Protocol, makes the final decision on whether or not an antenna/tower system can be constructed. The City of Mississauga can only provide comments to ISED Canada and does not have the authority to stop the construction of an antenna/tower system."; and

c) Contact information for the proponent, local ISED Canada office and applicable Member of Parliament.

10.2.2 Upon written confirmation from the DMO to proceed, the proponent shall be responsible for distributing the public conclusion packages by mail to the following recipients:

a) Attendees of the public information session, as indicated on the attendance list from the public information session, if applicable;

b) Public that provided written comments regarding the proposal;

c) List of property owners and applicable resident association provided by the DMO;

d) Applicable Ward Councillor and applicable Member of Parliament in which the proposed antenna system is located; and

e) Adjacent municipalities within 120 metres (393.7 feet) of the proposed antenna system.

Proponents are also required to mail a copy of the public conclusion package to the DMO.

10.3 Letter of Undertaking

The proponent may be required, if requested by the DMO, to provide a letter of undertaking, which may include the following requirements:

a) Posting of a security for the construction of any proposed fencing, screening and landscaping;

b) A commitment to accommodate other telecommunication providers on a tower facility, where feasible, subject to the usual commercial terms and ISED Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and

c) Other conditions identified in the Consultation Conclusion Letter.

10.4 Consultation Conclusion Letter

The LUA will review all pertinent information regarding the proposal and prepare comments to the proponent with a copy to ISED Canada. The focus of the comments will be on how the proponent complied with the consultation requirements of this protocol, how the proposal met the location and design objectives of this protocol, whether the proposal has any adverse impact on the community, and communicate any particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

The LUA will also indicate that the consultation process has been concluded, with or without conditions, and that the Consultation Conclusion Letter will remain in effect for a maximum period of 2 years from the date it was issued. If construction has not commenced within the specified time period, the Consultation Conclusion Letter expires

and a written request to support additional time must be submitted to the LUA for consideration.

In cases where the proposal is deemed inappropriate by the LUA, the LUA will indicate objections to the proposal and may include outstanding concerns/issues.

10.5 Retracting a Consultation Conclusion Letter

The LUA may retract its Consultation Conclusion Letter if following the issuance of the letter, it is determined by the LUA 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 Consultation Conclusion Letter was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the LUA will provide notification in writing to the proponent and to ISED Canada and will include the reason(s) for retracting its Consultation Conclusion Letter.

11 Timeframes

11.1 Consultation Timeframes

The LUA and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the LUA responds to the proponent with or without objections regarding the proposal.

Appendix A of this protocol contains a flow chart of the LUA and public consultation processes.

11.2 Supplementary Public Consultation

Where the LUA consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the proponent may be required to carry out a supplementary public consultation process, if requested by the DMO.

12 Verifying Antenna / Tower System Height

Where necessary, the LUA may request that measurements be provided to demonstrate the antenna system's overall height. This may include the owner/operator engaging the services of a qualified third party to verify that the antenna system’s height is 30 metres (98.4 feet) above ground level.

13 Redundant Antenna / Tower System

The LUA can issue a request to the owner/operator to clarify that a specific antenna system is still required to support telecommunication network activity. The owner/operator will respond within 30 days of receiving the request and will provide any available information on the future status or planned decommissioning of the antenna system.

Where the owner/operator concurs that an antenna system is redundant, the owner/operator and LUA will mutually agree on a timeframe to remove the system, including all associated equipment and remediate the site to its original condition. Removal shall occur no later than 2 years from when the antenna system was deemed redundant.

Appendix A – Consultation Process Flow Chart