



TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - March 7, 2022 at 8:30 AM

MEETING - Civic Centre

Microsoft Teams meeting

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1. <u>Call to Order/Roll Call - Session no 19</u>	
2. <u>Disclosure of pecuniary interest and the general nature thereof</u>	
3. <u>Approval of Previous Committee Minutes</u>	
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4. <u>Items Referred from Council</u>	
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5. <u>New Business - none</u>	
6. <u>Outstanding Items - none</u>	
7. <u>Information</u>	
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8. <u>In-Camera - none</u>	
9. <u>Adjourn / Next Meeting Date - 21 March 2022</u>	

TOWN OF FORT FRANCES

MINUTES

February 22, 2022

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held virtually and in the Civic Centre on February 22, 2022 from 0831 hrs to 0839 hrs.

PRESENT: J. McTaggart - Chairperson, Councilor W. Brunetta, Mayor J. Caul (ex-officio)

ALSO PRESENT: C. Vangel, CBO/Planner, P. Briere, By-law Enforcement Officer, K. Haney, Deputy Clerk

REGRETS: Councilor D. Judson, CAO F. Anwar

1. Session # 18 - Call to Order

1.1 Councilor McTaggart called the meeting to order at 0831 hrs

2. Disclosure of pecuniary interest and the general nature thereof - none

3. Approval of Previous Committee Minutes

3.1 Session no 17 - 07 February 2022 - Approved as presented

4. Items Referred from Council - none

5. New Business

5.1 Planning and Development - Operating Budget 2022 - C. Vangel provided responses to enquires re salary increase and GIS services from last meeting. Committee accepted report pending further discussion re budget at the meeting scheduled later this evening.

6. Outstanding Items - None

7. Information - None

8. In-Camera - None

9. Adjourn @ 0839 hrs / Next Meeting Date 07 March 2022

Executive Committee Chair

Secretary, Planning & Development Executive
Committee

**Town of Fort Frances
Administrative Report**

TO: Planning and Development Executive Committee
FROM: Cody Vangel, Chief Building Official & Municipal Planner
SUBJECT: **Proposed Telecommunications Tower – 238 Church Street – Request for Letter of Concurrence**
DATE: March 7, 2022

Issue:

Consideration to issue a letter of concurrence to Canacre LTD on behalf of Bell Mobility for the proposed installation of a 35m monopole telecommunications tower at 238 Church Street.

Strategic Impact:

N/A

Options/Alternatives:

1. Recommend providing a letter of concurrence
2. Provide additional comments on the project, and provide a letter of concurrence
3. Withhold issuing a letter of concurrence

Administrative Recommendation:

RECOMMENDED THAT a letter of concurrence be submitted to Canacre LTD on behalf of Bell Mobility for the proposed installation of a 35m monopole telecommunications tower at 238 Church Street.

History:

The installation of telecommunications towers is a federally regulated matter through Industry Canada. In some instances, various municipalities may have policies and/or procedures related to the installation of these towers, specifically with the consultation process applicable. The Town of Fort Frances does not have a specific policy and/or procedure to this matter. As such, the proponent is required to follow the procedures outlined in Industry Canada's CPC-2-0-03 regarding Radiocommunication and Broadcasting Antenna Systems. It should be noted that municipalities have little to no authority to prevent telecommunications towers from being constructed as they are a federal initiative.

Analysis:

Administration is aware that the approval authority for wireless telecommunication towers is within Industry Canada under the *Radiocommunication Act* and also that *Issue 5, July 2014* of Industry Canada's *Radiocommunication and Broadcasting Antenna Systems – CPC-2-0-03* outlines the process for the proponent to follow and encourages the land-use authority to establish policies as it is in the best position to contribute to optimum siting of facilities to meet their own community needs. Administration can confirm that the Town of Fort Frances has not established such a policy but that it was consulted on this project.

Administration can also confirm that the Town of Fort Frances was provided with an information package, in addition to ongoing consultation dating back to May 2021, by Canacre LTD on behalf of Bell Mobility on or about January 19, 2022, and further that:

- Mail notification was sent to 65 property owners that owned 55 parcels within the notification radius of three times tower height (105m) on or about January 19, 2022 using a mailing list provided by the municipality; and
- Public notice was published on Wednesday January 19, 2022 in the local newspaper, *Fort Frances Times*.
- Deputations were presented to Council on January 10, 2022 and February 28, 2022

The last day to receive submissions was February 21, 2022. The Town of Fort Frances received no submissions and administration is advised that none were received by the proponent. As there were no comments or concerns to be addressed, Canacre LTD on behalf of Bell Mobility requested a letter of concurrence on February 22, 2022.

Consultation:

Travis Rob, Operations and Facilities Manager
Evan Turunen, Canacre LTD

Supporting Document / Financial Documents:

1. 220118_PP_X3187_Info_Package
2. 20220120_PP_00006_X3187_Fort Frances_Concurrence_Req_Letter
3. 20220222_PP_00006_X3187_Fort Frances_Consultation_Summary
4. 220114_PP_X3187_Fort Frances Town Centre_Mailout
5. 220113_PP_X3187_Fort Frances Town Centre_Newspaper_Notice
6. X3187_Fort Frances Town Centre_Visual Sim_1
7. X3187_Fort Frances Town Centre_Visual Sim_2
8. X3187_Fort Frances Town Centre_Survey
9. cpc-2-0-03-i5

Cody Vangel
Chief Building Official & Municipal Planner
Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario, P9A 3P9

February 22, 2022

Dear Cody,

As you are aware, Bell Mobility is proposing to build a 35m monopole tower to the official position described as follows: LOT 339 & PART OF LOT 340, TOWN PLOT OF ALBERTON, TOWN OF FORT FRANCES, DISTRICT OF RAINY RIVER; with municipal address: 238 Church Street, Fort Frances, ON. This proposal will include a temporary tower at the proposed location to maintain high quality wireless LTE services in the Fort Frances community during the intermittent phase of this project.

Canacre Ltd., being an Authorized Agent of Bell Mobility Inc., has followed Industry, Science, and Economic Development's Default Consultation Process. As per the policy, all residents living within a radius of 3 times the height of the proposed tower property were contacted. Also, an ad was published in the local newspaper, the Fort Frances Times, to inform the entire community about the project. Throughout this process, Bell Mobility was available to all residents who may have had a concern regarding the proposed structure.

No additional third-party permits are required for this tower proposal. Transport Canada and NAV Canada permits have been applied for and we have received NAV Canada approval while the Transport Canada application is pending. As you may know, telecommunication towers are exempt from building permits and so this will not be pursued. Therefore, please accept this letter as a formal request for concurrence.

Please sign on the line indicated below to confirm that you have no further comments or concerns.

Thank you,

Evan Turunen
Planner
Canacre Ltd.
Tel: 416-548-8602 ext. 2186

Signature of Designated Official for providing concurrence:

June Caul
Mayor of Fort Frances

Cody Vangel
Chief Building Official & Municipal Planner
Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario, P9A 3P9

February 22, 2022

Subject: Bell Mobility – X3187 – Fort Frances – Consultation Summary

Consultation Summary:

Bell Mobility is proposing the X3187 Fort Frances monopole to maintain wireless LTE mobile services in the Fort Frances community. As per Industry, Science, and Economic Development Canada's (ISED) CPC-2-0-03 Public Consultation process, Bell sent out notifications to all property owners within 105 m of the monopole telecommunication tower property and no comments or questions were received throughout the consultation period. We are pleased to announce that we received no objections to the proposal.

Summary of written comments:

Comment Type	Summary of Comments
Positive	<ul style="list-style-type: none">N/A
Neutral/Questions	<ul style="list-style-type: none">N/A
Negative	<ul style="list-style-type: none">N/A

Share your thoughts on Bell’s proposed antenna tower. Our experts will answer your questions and address any feedback.

If you have specific questions about the proposed plans to upgrade the wireless network in your community, you can email your Bell representative, Evan Turunen at consultation@canacre.com by February 21, 2022.

For additional information about antenna systems, you can visit the government of Canada at www.ic.gc/towers or you can contact:

Your Local Government Contact

Cody Vangel
Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario, CA, P9A 3P9
807-274-5323 x 1216
cvangel@fortfrances.ca

Your Innovation, Science and Economic Development Canada (formerly known as Industry Canada) Contact

2 Queen Street East
Sault Ste. Marie ON P6A 1Y3
1-855-465-6307
ic.spectrumenod-spectredeno.ic@canada.ca

Canacre Ltd.
Agents for Bell Mobility
489 Queen St E, Suite 300
Toronto, ON, M5A 1V1
Fax: (416) 352-0707

Important Information Enclosed

TO:
TOWN OF FORT FRANCES
C/O CODY VANGEL
CHIEF BUILDING OFFICIAL & MUNICIPAL PLANNER
320 PORTAGE AVE FORT FRANCES ON P9A 3P9



Notice of Public Consultation

You’re receiving this notice because you own property within 105 metres of a proposed telecommunications tower property.

Inside you will find information on the proposed antenna tower as well as an invitation to share any questions and comments on this proposal.

Have your say.

In order to improve service in your neighbourhood, Bell is proposing to install a 35 metre antenna tower at 238 Church Street, Fort Frances, ON. Latitude: N 48° 36' 32.9", Longitude: W 93° 23' 51".

Bell is committed to working closely with our communities. This means providing any desired information in a transparent and straightforward fashion, hearing your views, and addressing any questions or comments you may have.

To this end, we invite you to email comments to your Bell representative, Evan Turunen at consultation@canacre.com by February 21, 2022.



Proposed Site

Understanding the process

Step 1: Proposal Bell proposes a site in accordance with ISED’s and the Township’s consultation Process. Bell submits a plan and initiates a dialogue with the Town of Fort Frances	Step 2: Notification Packages are mailed to the local public, neighbouring landuse authorities, businesses, property owners and landowners within the area inviting them to the consultation process.	Step 3: Consultation Landowners are invited to comment within 30 days.	Step 4: Acknowledgement Bell must acknowledge receipt of comments within 14 days.	Step 5: Response All reasonable and relevant concerns will be addressed by Bell within 60 days.	Step 6: Feedback Landowners have 21 days to respond to Bell.	Step 7: Approval A summary of consultation is shared with the landuse authority and a request is submitted for concurrence.
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What is an antenna tower?

An antenna tower supports the low power short-range radio systems that allow us to enjoy our mobile devices, such as our smart phones and tablets.

The purpose of the tower is to provide dependable advanced telecommunication service to the surrounding businesses and residences.



Monopole Tower

Why now?

Canadians are using wireless devices more and more in their daily lives. Currently, more than half of all phone connections in Canada are now wireless, including 70 percent of all 911 calls.

Canadian Radio-television and Telecommunications Commission (2013): <http://www.crtc.gc.ca/eng/publications/reports/rp130705.htm>

In order to provide the high quality of service that Canadians have come to expect, Bell must enhance its networks to meet this increased demand.

By adding new antenna sites, Bell customers will continue to benefit from dependable, high speed and high quality wireless service.

Due to a change in land uses on the property where Bell's existing antenna site is located, the current site providing service to this community must be decommissioned. As a result, this proposal is being brought forward to address the loss of network coverage and capacity, and to provide greater opportunity for network improvements in the area.

This proposal will include a temporary tower at the proposed location, called a Cell On Wheels (COW) to maintain service for the Fort Frances community during the intermittent phase of this project. The COW will be established prior to the decommissioning of the existing rooftop antenna, and will be taken down when the proposed monopole becomes operational and is able to service the community.

Why here?

The quality of service in this area does not currently meet Bell standards and the needs of people in the neighbourhood.

Bell first looked at the possibility of sharing an existing antenna tower in order to minimize the number of new antennas in the area. Unfortunately, none of the existing structures were determined suitable for site-sharing.

Bell is proposing to install the new antenna tower 238 Church Street, Fort Frances, ON. Latitude: N 48° 36' 32.9", Longitude: W 93° 23' 51".

This site was carefully identified because it met various factors including land use restrictions, interaction with existing structures and the surrounding environment, and line of sight requirements.

Is it environmentally friendly?

As Canada’s largest communications company, we care about the protection and preservation of our environment.

The proposed antenna will be built in accordance with the highest professional engineering standards and practices. We ensure the utmost care and respect for the environment as we comply with the Canadian Environment Assessment Act.

Is it safe?

The consensus among Canadian health organizations and the scientific community is that wireless antennas are safe and in fact, this antenna tower will operate well below the levels established by Health Canada under Safety Code 6.

Bell is committed to the health and safety of Canadian communities. That is why we take great pride in our compliance with all current health and safety guidelines while continuing to provide Canada’s first-rate wireless coverage.

“Health Canada, along with independent experts from across the country, continually monitor the scientific literature to ensure that Safety Code 6 is based on the best available evidence and has significant margins of safety for the Canadian population.”

Dr. Patricia Daly, MD, FRCPC, Chief Medical Health Officer & Vice President Public Health.

What is Safety Code 6?

The purpose of this code is to establish safety limits for human exposure to radiofrequency (RF) energy in the frequency range from 3 kHz to 300 GHz. The safety limits in this code apply to all individuals working at, visiting, or living at or near federally regulated sites.

Bell attests that the proposed antenna tower will be installed and operated so as to always comply with Safety Code 6.

The Royal Society of Canada – A Review of Safety Code 6 (2013)
https://rsc-src.ca/sites/default/files/SC6_Report_Formatted_1.pdf

A copy of the site plan can be accessed here:
<https://canacre.sharefile.com/d-s645f0b7f7a3141518d4d3ddc68329957>

What will it look like?

- Bell is proposing a 35 metre monopole tower that will support LTE 700/850/1900/2100/3500 antennas, and associated radio equipment.
- With the public’s safety in mind, the area will not be accessible to the general public.
- Bell will incorporate suitable elements to the proposed antenna tower in accordance with Transport Canada’s aeronautical obstruction marking requirements. Both Transport Canada and NAV Canada applications have been applied for.



Before



After



PUBLIC NOTICE

PROPOSED BELL MOBILITY RADIOCOMMUNICATIONS FACILITY TELECOMMUNICATION TOWER

Bell Mobility Inc. ("Bell") is committed to providing Canadian communities high speed wireless voice and data services. To improve service, Bell is proposing to construct a 35 metre monopole antenna tower with ancillary radio equipment. This proposed tower will bring improved mobile network services to the community. As part of the public consultation process as required by Innovation, Science and Economic Development Canada (formerly known as Industry Canada) ("ISED"), Bell's regulator under the Radiocommunications Act, Bell is inviting the public to comment on the proposed tower location before **February 21, 2022**. This tower is fully compliant with ISED's guidelines, as found under the Client Procedures Circular (CPC-2-0-03).

Due to a change in land uses on the property where Bell's existing antenna site is located, the current site providing service to this community must be decommissioned. As a result, this proposal is being brought forward to address the loss of network coverage and capacity, and to provide greater opportunity for network improvements in the area. The proposal will include a temporary tower to maintain service prior to this proposal being operational.

TOWER LOCATION: 238 Church Street, Fort Frances, ON

COORDINATES: Latitude: N 48° 36' 32.9", Longitude: W 93° 23' 51"

LEGAL: LOT 339 & PART OF LOT 340 TOWN PLOT OF
ALBERTON, TOWN OF FORT FRANCES, DISTRICT OF
RAINY RIVER

ANY PERSON MAY comment by close of
business day on **February 21, 2022** with
respect to this matter.

BELL CONTACT:

Evan Turunen
Canacre Ltd.
Agent for Bell

489 Queen St E., Suite 300
Toronto, ON, M5A 1V1
Fax: (416) 352-0707
Email: consultation@canacre.com





Bell

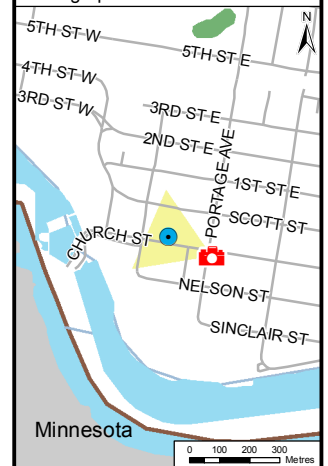
**FORT FRANCIS
(X3187)**

**VISUAL SIMULATION OF
PROPOSED
35M MONOPOLE
TOWER FROM
CHURCH STREET
SOUTHEAST OF SITE**

Index Map



Photograph and Tower Location



- Legend**
- Camera Location
 - Tower Location
 - Photograph Viewshed
 - Road
 - Waterbody
 - Wooded Area

Date: December 9, 2021
Projection: NAD 1983 UTM Zone 15N
Sources: Ontario Ministry of Natural Resources and Forestry, Queen's Printer for Ontario, 2021

CANACRE
A QUANTA SERVICES COMPANY

Note: This visual simulation is a general visual simulation of the proposed tower and the final equipment configuration is subject to change. The tower will be marked and lighted in accordance with Transport Canada and NAV Canada requirements.

Visual Simulation



Original Photograph



Bell

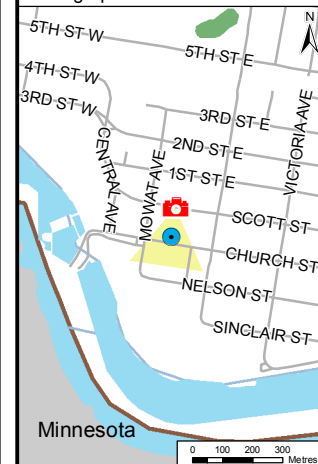
FORT FRANCIS
(X3187)

VISUAL SIMULATION OF
PROPOSED
35M MONOPOLE
TOWER FROM
SCOTT STREET
NORTH OF SITE

Index Map



Photograph and Tower Location



Legend



Date: December 9, 2021
Projection: NAD 1983 UTM Zone 15N
Sources: Ontario Ministry of Natural Resources
and Forestry, Queen's Printer for Ontario, 2021

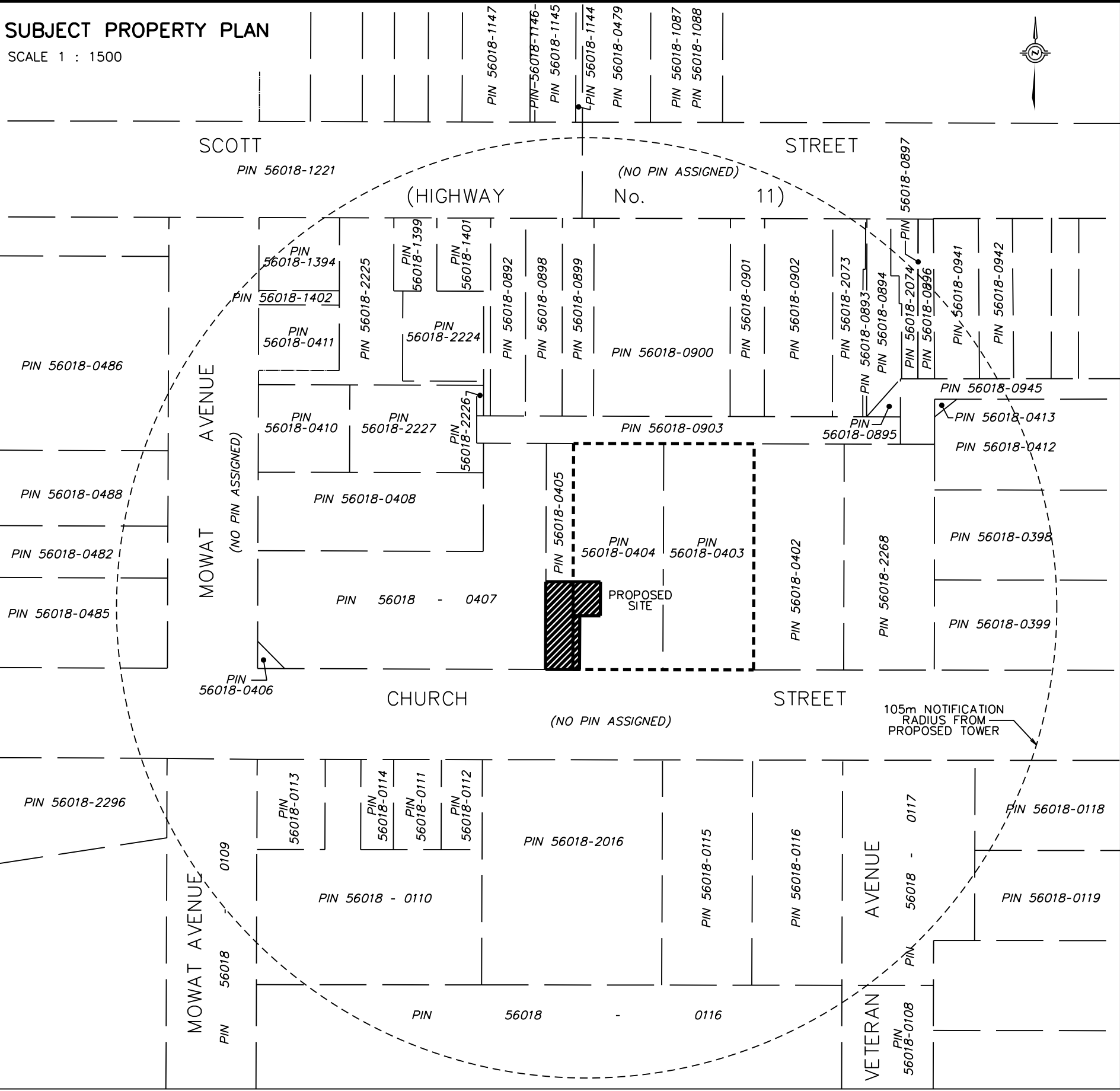
CANACRE
A QUANTA SERVICES COMPANY

Note: This visual simulation is a general visual simulation of the proposed tower and the final equipment configuration is subject to change. The tower will be marked and lighted in accordance with Transport Canada and NAV Canada requirements.

Map12-0269 - X3187 - 2

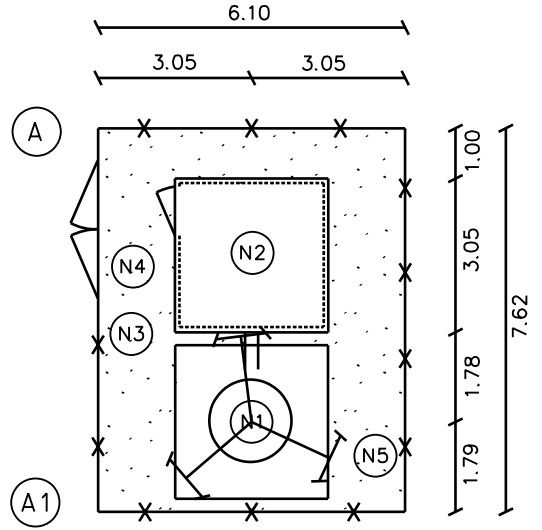
SUBJECT PROPERTY PLAN

SCALE 1 : 1500



PROPOSED COMPOUND LAYOUT
(TOWER & GROUND SHELTER)

SCALE 1 : 150

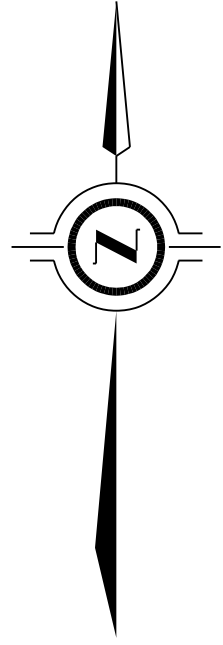
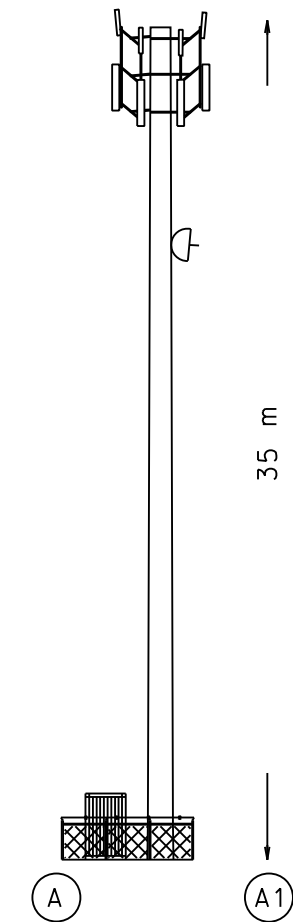


NOTES

- PROPOSED CIRCULAR STEEL MONOPOLE WITH 2-TIER MOUNTED PINWHEEL ANTENNAS WITH LIGHTNING PROTECTION SYSTEM. ANTENNA NUMBER AND LOCATIONS TO BE DETERMINED. FOUNDATION DESIGN PENDING SOIL REPORT.
- PROPOSED PREFABRICATED GALVANIZED STEEL EQUIPMENT SHELTER. FOUNDATION DESIGN PENDING SOIL REPORT.
- UTILITY CONNECTION AND ROUTING TO BE DETERMINED BY QUALIFIED PERSONNEL IN CONSULTATION WITH LOCAL AUTHORITY. PROPOSED FIBRE-OPTIC AND HYDRO SERVICES POTENTIALLY DIRECTED FROM CHURCH STREET, OR OTHER DENMARK POINT AS DETERMINED BY COMPETENT AUTHORITY.
- REMOVE EXISTING TOPSOIL. PROOF ROLL SUBGRADE AND PLACE 300 mm GRANULAR A ACROSS COMPOUND AREA. FINISHED GRADE SURFACE TO BE MIN. 150 mmmm ABOVE EXISTING GRADE AND SLOPED AWAY FROM SHELTER AT MIN. 1% ON ALL SIDES TO PROVIDE A DEQUATE DRAINAGE.
- PROPOSED 1.8 m HIGH CHAIN LINK SECURITY FENCE.

ELEVATION PLAN

NOT TO SCALE

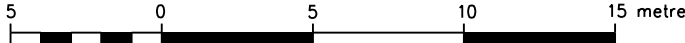


SITE LAYOUT DESIGN OF PROPOSED
TELECOM TOWER INSTALLATION AT

238 CHURCH STREET, FORT FRANCES, ON

LOT 339 & PART OF LOT 340
TOWN PLOT OF ALBERTON
TOWN OF FORT FRANCES
DISTRICT OF RAINY RIVER

SCALE 1 : 250



J.D. BARNES LIMITED
ONTARIO LAND SURVEYORS
© COPYRIGHT 2021

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SITE DATA

	EXISTING	PROPOSED
PROPERTY AREA	0.204 ha.	
LEASE AREA REQUIREMENTS		
COMPOUND (EXCLUSIVE)		46.4 sq.m.
ACCESS (NON-EXCLUSIVE)		119.4 sq.m.
UTILITY (NON-EXCLUSIVE)		18.0 sq.m.
TOTAL		183.8 sq.m.
UNITS		1 TOWER 1 SHELTER
HEIGHT OF TOWER		40 m
SETBACKS (PROPOSED TOWER)		
FRONT		13.8 m
SIDE		3.1 m
REAR		36.7 m

BENCHMARK

ELEVATIONS ARE GEODETIC (CGVD1928) AND WERE ESTABLISHED FROM GPS OBSERVATIONS COLLECTED WITH DUAL FREQUENCY RECEIVERS, POST PROCESSED USING NATURAL RESOURCES CANADA, PRECISE POINT POSITIONING SERVICE.

SITE BENCHMARK:
FIRE HYDRANT ON CONCRETE SIDEWALK ON CHURCH STREET.

ELEVATION: 341.67m.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999562.

BOUNDARY INFORMATION HAS BEEN COMPILED FROM AVAILABLE RECORDS AND HAS NOT BEEN VERIFIED BY FIELD SURVEY.

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

LEGEND

□ CB	DENOTES SINGLE CATCHBASIN
□ HJB	DENOTES HYDRO JUNCTION BOX
□ HPED	DENOTES HYDRO PEDESTAL
• BOL	DENOTES BOLLARD
• HP	DENOTES HYDRO POLE
□ TJB	DENOTES TELEPHONE JUNCTION BOX
† H	DENOTES FIRE HYDRANT
-STM-	DENOTES STORM SEWER
-SAN-	DENOTES SANITARY SEWER
-G-	DENOTES GAS LINE
-E-	DENOTES OVERHEAD HYDRO CABLE
-W-	DENOTES WATERLINE
-STM-	DENOTES STORM SEWER
-UT-	DENOTES BURIED CABLE
-UE-	DENOTES BURIED ELECTRICAL CABLE
BM	DENOTES BENCHMARK

CERTIFICATE OF COMPLETION

I CERTIFY THAT:

1. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 21, 2021.

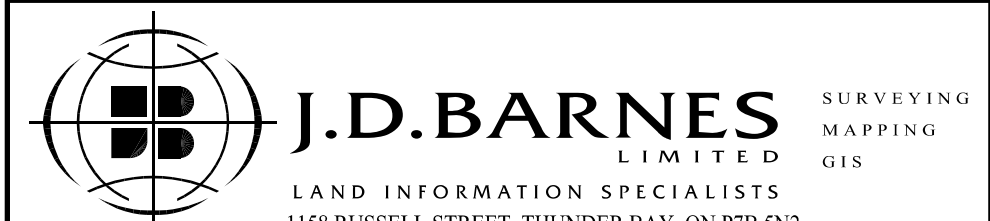
NOVEMBER 12, 2021
DATE

SHAFIC HABEBUR RAHMAN
ONTARIO LAND SURVEYOR

Bell

LATITUDE: N 48°36'32.9"
LONGITUDE: W 93°23'51.0"
ELEVATION: 340.7m

SITE: X3187 FORT FRANCES TOWN CENTRE



LAND INFORMATION SPECIALISTS
1158 RUSSELL STREET, THUNDER BAY, ON P7B 5N2
T: (807) 622-6277 F: (807) 626-8040 www.jdbarnes.com

DRAWN BY: K.J. CHECKED BY: SR REFERENCE NO.: 21-32-866-00

FILE: G:\21-32-866\00\Drawing\866-00-siteplan.dgn DATED: 11/12/21





Industry
Canada

Industrie
Canada

CPC-2-0-03

Issue 5

Released: June 26, 2014

Effective: July 15, 2014

Spectrum Management and Telecommunications

Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

Comments and suggestions may be directed to the following address:

Industry Canada
Spectrum Management Operations Branch
235 Queen Street
Ottawa, Ontario
K1A 0H5

Attention: DOSP

Via e-mail: spectrum_pubs@ic.gc.ca

All [Spectrum Management and Telecommunications](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home) publications are available on the following website at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home>.

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1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. Antenna systems are normally composed of an antenna and some type of supporting structure, often called an antenna tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

1.1 Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

1.2 Application

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system,¹ regardless of the type. This includes telecommunications carriers,² businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception). Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes (“third party tower owners”). As well, parts of this process contain obligations that apply to existing antenna system owners and operators.

1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

¹ For the purposes of this document, an “antenna system” is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. Thus, where this document refers to an “antenna,” the term includes the integral mast.

² For the purpose of this document, a “telecommunications carrier” means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.
2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.
5. Completing the construction.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within **120 days**. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document. If the requirements of this document are satisfied and the proposal proceeds then, under step (5), construction of the antenna system must be completed within three years of conclusion of consultation.

2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office³ for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

3. Use of Existing Infrastructure (Sharing)⁴

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;

³ Please refer to Radiocommunication Information Circular RIC-66 for a list of addresses and telephone numbers for Industry Canada's regional and district offices. [RIC-66](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html) is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

⁴ See also Client Procedures Circular CPC-2-0-17, *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*. CPC-2-0-17 is available via the Internet at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html>.

- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

A proponent is not normally expected to build a new antenna-supporting structure where it is feasible to locate an antenna on an existing structure, unless a new structure is preferred by the land-use authority.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or
- a detailed explanation of why sharing is not possible.

4. Land-use Authority and Public Consultation

Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements and to discuss local preferences regarding antenna system siting and/or design, unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation,⁵ they must contact Industry Canada in order to ensure that the requirements for consultation are met.

Following the Land-use Authority Process

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of

⁵ Proponents are encouraged to refer to local community and online resources (for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx) as applicable.

proposal from consultation or it is excluded by Industry Canada's criteria.⁶ Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

Broadcasting Undertakings

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would have result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this approach are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. Refer to Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

4.1 Land-use Authority Consultation

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction. The aim of this consultation is to:

- discuss site options;
- ensure that local processes related to antenna systems are respected;
- address reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtain land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes⁷ specific to antenna systems that consider such things as:

⁶ In all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower either by following Industry Canada's Default Public Consultation Process or, where one exists, the land-use authority's public consultation process..

⁷ Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within **120 days**.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas such as personal antenna systems (e.g. used for over the air and satellite television reception or amateur radio operation).

4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 1) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc.

Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the [FCM's website](http://www.fcm.ca) www.fcm.ca.

located within a radius of three times the tower height.⁸ The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.⁹ 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.

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

⁸ Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols.

⁹ The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within **30 days** of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

Concluding Land-use Authority Consultation

Industry Canada expects that land-use consultation will be completed within **120 days** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

4.4 Post-Consultation

Whether the proponent followed a land-use authority's consultation process or Industry Canada's default public consultation process, construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant Land-Use Authority to an extension for a specified time period in writing. A copy of the agreement must be provided to the local Industry Canada office.

5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

6. Exclusions

All proponents must satisfy the General Requirements outlined in Section 7 regardless of whether an exclusion applies to their proposal. All proponents must also consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. 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's marking and lighting requirements for the proposed structure.

The following proposals are excluded from land-use authority and public consultation requirements:

- **New 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;
- **Existing Antenna Systems:** where modifications are made, antennas added or the tower replaced¹⁰, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation¹¹. 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 above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Non-Tower Structure:** 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%;¹² and
- **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.

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

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

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.

7. General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's

¹⁰ The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

¹¹ Initial antenna system installation refers to the system as it was first consulted on, or installed.

¹² 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.

Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

7.1 Radio Frequency Exposure Limits

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication, entitled: *Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*.¹³ While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment.

Telecommunications common carriers and operators of broadcasting undertakings are to carry out an exposure evaluation on all new installations and following any increases in radiated power. Either measurement surveys or mathematical or numerical computations can be used for this evaluation. Where the radio frequency emission of any installation, whether telecommunications carrier or broadcasting operator, is greater than, or is equal to, 50%, of the Safety Code 6 limits for uncontrolled environments at locations accessible to the general public (i.e. not solely available for access by workers), the operator(s) of radio frequency emitters must notify Industry Canada and demonstrate compliance with Safety Code 6. This determination of 50% of Safety Code 6 must be in consideration of the local radio environment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures.¹⁴ At the request of Industry Canada, telecommunications carriers and operators of broadcasting undertakings must provide detailed compliance information for individual installations within five days of the request. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

¹³ To obtain an electronic copy of Safety Code 6, contact: publications@hc-sc.gc.ca.

¹⁴ See Client Procedures Circular [CPC-2-0-20](#), *Radio Frequency (RF) Fields – Signs and Access Control*.

7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2¹⁵ in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements¹⁶ on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing "ghosting" interference to FM/TV receivers used by the general public.

7.4 Canadian Environmental Assessment Act

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

An antenna system may not proceed where it is incidental to a designated project (as described in the *Regulations Designating Physical Activities*), or is otherwise expressly designated by the Minister of the

¹⁵ For more information see [EMCAB-2](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html), entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html>.

¹⁶ [BPR-1 - Part I: General Rules](http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html) can be found on the Spectrum Management and Telecommunications website at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html>.

Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.

Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.

In addition, notices under Industry Canada's default public consultation process require written confirmation of the project's status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).

In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the *Canadian Environmental Protection Act, 1999*, the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*, as applicable.

For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.

7.5 Aeronautical Safety

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;
2. submit a Land-use Proposal Submission form to NAV CANADA;
3. include Transport Canada marking requirements in the public notification package;
4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and

5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

References and Details

Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.¹⁷ Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA¹⁸ and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

¹⁷ The [Transport Canada website](http://www.tc.gc.ca) can be found at: <http://www.tc.gc.ca>.

¹⁸ Search keywords "Land-use Proposal" on the [NAV CANADA website](http://www.navcanada.ca) at: <http://www.navcanada.ca>.

Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- 1) the proposed antenna system’s purpose, 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;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation¹⁹ 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;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

¹⁹ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada’s Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office;
and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).

**Town of Fort Frances
Administrative Report**

TO: Planning and Development Executive Committee
FROM: Cody Vangel, Chief Building Official & Municipal Planner
SUBJECT: **Flint House - Front Street (Marina) Food Truck & Patio Request**
DATE: March 7, 2022

Issue:

Consideration to allow Flint House to operate a food truck and temporary licensed (serving alcohol) patio at the Marina parking lot on Front Street

Strategic Impact:

1. Attracting new industry and attracting investment for local business development.
2. Promotion of Tourism / Destination Tourism

Options/Alternatives:

1. Enter into a licensing agreement with Flint House to operate a food truck and temporary patio (licensed) at the Sorting Gap Marina parking lot.
2. Reject request in part or whole.

Administrative Recommendation:

RECOMMENDED THAT, subject to input from the Community Services Executive Committee, the Town of Fort Frances enter into a licensing agreement with 1930709 Ontario Inc. o/a Flint House to permit a food truck and temporary licensed patio at the Sorting Gap Marina.

History:

1930709 Ontario Inc. o/a Flint House entered into a licensing agreement with the Town of Fort Frances during the summer of 2021 to operate a food truck and temporary licensed patio at the Sorting Gap Marina. The food truck was located stationary in the first parking stall to the west of the marina building, and the patio area was located on the grass between the mentioned parking stall and the marina building.

Analysis:

1930709 Ontario Inc. o/a Flint House has requested to situate a food truck and temporary licensed patio once again at the Sorting Gap Marina. In addition to the request submitted last year, Flint House will be seeking the use of three parking stalls, one of which will be used for the food truck, and the other two will be used to house a wooden patio situated at curb height covering only the area of the two stalls. Flint House will still be seeking use of the greenspace directly to the west of the marina building. The attached site plan should assist to provide a visual representation.

The sorting gap marina currently offers the following designated parking provisions:

- 43 regular parking stalls
- 2 accessible parking stalls
- 34 trailer accommodated parking stalls

- 1 accessible trailer accommodated stall

Additional parking is often provided near and along the former weigh scale access route and within the former wood yard. The removal of 3 stall does not appear that it would significantly affect parking capacities for the marina, but the committee should be aware if similar requests come forth that further consideration of occupying parking spaces will need to be reviewed on a case by case basis.

Based on the attached site plan, Flint House intends to locate the food truck on the west most parking stall of the three stalls requested, which would sit on top of a stormwater catch basin. For the sake of transparency, provision in the agreement, if approved, will be necessary to ensure that the Town has unobstructed access to this catch basin on short notice if access for maintenance purposes is deemed necessary. Additionally, verbiage should be included that either component does not obstruct drainage to said catch basin.

It should also be noted that the location of the food truck and the wooden patio component will be located overtop of approximately 3-4 ground anchors for the Fort Frances Canadian Bass Championship (FFCBC) tent. A provision in the agreement should be considered that the patio and food truck be moved in advance of the erection of the FFCBC tent (if proceeding) or as otherwise agreed to between Flint House and the FFCBC.

The proponent will be expected to comply will all laws and regulations as applicable and as indicated in the draft agreement including but not limited to the following:

- Provision of insurance
- Compliance with the Alcohol and Gaming Commission of Ontario
- Northwestern Health Unit

It will also be noted that based on the Town's 2022 user fee schedule that the fee necessary for said agreement will be \$389.30.

Lastly, it is understood that this matter has been referred to the Community Services Executive Committee where further comment, engagement and recommendation is expected in addition to the information presented.

Consultation:

Travis Rob, Operations and Facilities Manager

Patrick Briere, By-Law Enforcement Officer

Supporting Document / Financial Documents:

1. Draft licensing agreement
2. Site plan
3. Letter of request

Food Services Vehicle Agreement/License of Premises

THIS AGREEMENT ("Agreement") made this ** day of *****, *****, by and between

The Corporation of the Town of Fort Frances,
a company incorporated under the laws of the Province of Ontario,

("Licensor")

-and-

1930709 Ontario Inc.
a company incorporated under the laws of The Province of Ontario.

("Licensee"),

WHEREAS the Licensor, The Corporation of the Town of Fort Frances is the lessee of the premises known as the Sorting Gap Marina ("Marina") located at 1101 Front Street, Fort Frances, ON;

AND WHEREAS The Licensee, 1930709 Ontario Inc., operates a food services vehicle, also known as a "food truck", possesses a current license to do so from the municipality and wishes to operate it's food truck at the Marina.

WITNESSETH: That for and in consideration of the mutual promises and subject to the terms and conditions set forth herein, Licensor hereby grants to Licensee the right and licence to install, maintain and operate, in accordance with the provisions hereinafter set forth, a food service vehicle and restaurant patio ("Food Service Vehicle"), on a portion of those premises commonly known as The Sorting Gap Marina, which premises are owned by the Licensor. Licensor and Licensee acknowledge and agree that Licensee shall have the right to exercise its rights contained herein,

1. Term

The Licensee may operate on the Licensed Premises up to October 15th of the year of the execution of this Agreement.

After October 15th the Licensor may at its sole discretion grant permission to the Licensee to operate the Food Services Vehicle. Such permission, if given will be granted in writing. Further, the Licensor shall have the authority to give such permission and to withdraw such permission based on changing conditions. The decision of whether to allow operations to occur will be made at the sole discretion of the Licensor.

2. Location

The Licence granted under this Agreement shall apply with respect only to the Marina.

3. Payments

Commencing on the date on which the Food Service Vehicle opens for business the Licensee shall pay to Licensor throughout the Initial Term as license fees ("Licence Fees") the amount of \$1.00 per year, payable in advance.

4. Use and Occupancy

Licensee shall have the right to use and occupy approximately two thousand (2000) square feet located on the west side of the Marina building ("Licensed Location"), inclusive of three parking spaces, as shown outlined in Schedule "A". Licensee shall have the right to use the Licensed Location only for the purposes of operating a Food Service Vehicle and restaurant patio and for no other purpose. Any solicitation of customers shall be done in a professional and courteous manner. The Licensee shall not operate the Food Service Vehicle or restaurant patio in any location other than the Licensed Location without first obtaining the written consent of the Licensor, which consent may be unreasonably withheld.

The Licensee and the Licensor acknowledge and agree that the Licensee shall have the right to exercise its rights contained herein subject to and subordinate to the provisions of a lease that will be granted by the Licensor to a third party for the operation of a Marina at or near the Licensed Location and, its employees and/or agents shall not do or fail to do anything in or at the Licensed Location which would interfere with the operation of the Marina. Licensor may, from time to time, give Licensee notice of any act or omission by Licensee, its employees or agents that is, would or could interfere with the operation of the Marina at or near the Licensed Location. Upon Licensee's receipt of notice, Licensee, its employees and/or agents shall promptly cease and refrain from doing at all future times any and everything that Licensor advises Licensee is, would or could interfere with the operation of the Marina.

Licensee shall maintain and conduct its operations in a first class and proper manner. Licensee's use of the Licensed Location shall be subject to such reasonable limitations and restrictions as Licensor may, from time to time, impose (including hours of operation during which the Food Service Vehicle and/or the restaurant patio are open to the public); provided, however, that such restrictions and limitations shall not unreasonably interfere with or hinder Licensee's operations at the Licensed Location. Except in the case of an emergency, Licensee's personnel shall not block or unduly restrict access to the Marina.

5. Licensee's Employees

All persons employed by Licensee in or about or in connection with the operation of the Licensed location shall be Licensee's employees for all purposes. Licensee shall, at its own cost and expense, maintain worker's compensation coverage, unemployment compensation coverage and any other coverages which may be required by law or by paragraph 9 herein below with respect to Licensee's employees.

Licensee's employees and invitees shall be entitled to use toilets, "break-rooms" and other similar facilities provided by Licensor subject to any rules and regulations promulgated by Licensor.

6. Improvements, Additions, and Signs

Licensee, at its sole cost and expense, shall construct and furnish all fixtures, equipment and furnishings (including but not limited to fenced boundaries) which it deems necessary or desirable for its operations at the Licensed Location and shall pay for all costs of modification of the existing Licensed Location or the installation of its fixtures, equipment and furnishings. Licensee shall comply with all applicable laws, orders and regulations of federal, provincial and municipal authorities and with any direction given by a public officer pursuant to law and with all regulations of any fire underwriters association having jurisdiction. Licensee shall not make any modification nor shall it attach any fixtures or equipment to the Marina utilities without Licensor's prior written approval. Licensee shall submit plans and specifications in reasonable detail (including, without limitation, electrical and mechanical systems, design, colour and proposed materials) of the proposed fixtures, equipment and furnishings to Licensor for written approval prior to doing any work. Licensee shall obtain or cause to be obtained all building permits, licenses, temporary and permanent certificates of occupancy and other governmental approvals which may be required in connection with the Licensed Location. Subject to Licensor's prior written consent, Licensee may place a sign identifying its operation in the Marina window (provided the Marina Lease and applicable law permits such sign). Exterior signs shall be subject to any restrictions imposed on Licensor and applicable law and to the prior written consent of Licensor. Any work done pursuant to this article shall be at times which are agreeable to Licensor. Licensor may require the Licensee to

temporarily cease carrying on the whole or part of the work, and the Licensee agrees to immediately cease work, provided that Licensors prescribes a time or times during which such work may be continued by the Licensee. The removal of any works after the licensing period shall be at the sole cost of the Licensee.

7. Maintenance and Repair

Licensee, at its sole cost and expense, shall take care of and maintain the Licensed Location in good order and repair. Licensors may, at its sole cost and expense, take care of and maintain or cause to be maintained, such portions of the Marina other than the Licensed Location as may affect the Licensed Location, including without limitation, plumbing, electrical equipment (except any equipment in the Licensed Location and any equipment installed by Licensee), and all other structural portions of the Marina; provided however, that the preceding shall not obligate the Licensors to undertake such maintenance on behalf of the Licensee. Licensors and its contractors shall be granted access during normal business hours to enter the Licensed Location for the purpose of servicing, maintaining and otherwise performing service in connection with the Marina; provided, however, that they shall in no event disrupt Licensors's business.

The Licensee shall at its own cost and expense at all times during the currency of this Agreement, keep the Licensed Location in a neat, safe and tidy condition, removing or causing to be removed therefrom all papers, refuse, litter, waste or rubbish arising out of the operations of the Licensee all to the satisfaction of the Licensors at its sole and absolute discretion. The Licensee shall be solely responsible for waste removal on the Licensed Location.

The Licensee shall ensure the Licensors is provided free and unobstructed access to the licensed area at moments notice to conduct any maintenance or other activities as necessary with the subject lands.

8. Services, Utilities, Accessibility, and Public Toilets

Licensee shall be solely responsible for providing all utilities and services required at the Licensed Location at its sole and absolute expense, including but not limited to electrical and water services. The Licensee may be permitted to use Marina utilities and sanitary facilities subject to the terms of the Marina lease and obtaining approval from the lease holder of the Marina building and operations. Should said approvals be denied the Licensee shall obtain accessory sanitary facilities in accordance with all applicable laws and regulations.

Licensee shall be solely responsible for compliance with the provisions of the *Accessibility for Ontarians with Disabilities Act, 2001, S.O. 2001, c. 32* as may be amended as well as its accompanying regulations (together the "Accessibility Act"); shall be responsible at its sole cost and expense for rendering the Licensed Location in compliance therewith; and, Licensee shall indemnify and hold harmless Licensors, its employees and agents from any and all claims, causes of action, damages, expenses and liability, including reasonable legal fees, sustained or incurred by any persons which are based upon or arise out a violation of the *Accessibility Act* at the Licensed Location.

9. Insurance

Licensee shall also keep in force during the term of this Agreement:

(a) Commercial General Liability Insurance

Commercial General Liability insurance satisfactory to the Licensors and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall include but not be limited to:

- i. A limit of liability of not less than \$5,000,000.00/occurrence with an aggregate of not less than \$5,000,000.00;
- ii. The Town of Fort Frances shall be listed as an additional insured with respect to the operations of the Named Insured;
- iii. The policy shall contain a provision for cross liability and severability of interest in respect of the Named Insured;
- iv. Non-owned automobile coverage with a limit not less than \$2,000,000.00 and shall include

- contractual non-owned coverage (SEF 96);
- v. Products and completed operations coverage;
- vi. Broad Form Property Damage;
- vii. Contractual Liability;
- viii. The policy shall provide 30 days prior notice of cancellation; and,
- ix. Host Liquor Liability

(b) Automobile Insurance

Standard Form Automobile Liability Insurance that complies with all requirements of the current legislation of the Province of Ontario having an inclusive limit of not less than \$2,000,000.00 per occurrence for Third Party Liability, in respect of the use or operation of vehicles owned, operated or leased by the Licensee.

(c) Property Insurance

Property Insurance for any property being brought onto municipal property owned by the Licensee.

(d) Primary Coverage Insurance

The proponent's insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the municipality.

Licensors shall be named as a named additional insured in any policy of insurance required to be carried hereunder and shall receive thirty (30) days' notice of cancellation of any such insurance policy. Licensee shall furnish Licensors with a copy of the insurance policy or certificate evidencing such coverage upon request and/or within ten (10) days prior to the Rent Commencement Date.

Licensee shall, at its own cost and expense, comply with all regulations or orders of any insurance company of companies relating to its operation.

10. Indemnification

Licensee shall indemnify and hold harmless Licensors, its employees and agents from any and all claims, causes of action, damages, expenses and liability, including reasonable legal fees, sustained or incurred by any persons which are based upon or arise out of illness or injury, including death of any person or property damage to any property, and which arise from or in any manner grow out of any act or omission of Licensee, its agents, partners, independent contractors, or employees. Licensee shall immediately respond and assume the investigation, defense and expense of all claims and causes of action arising out of or in connection with such occurrences. Licensors may, at its sole cost and expense, join in such defense with counsel of its choice.

The Licensee hereby waives all rights of recovery against Licensors, its agents, customers and employees for damage or destruction to its goods, fixtures and equipment arising out of fire, water damage or other casualty whether or not caused by the acts or negligence of Licensors, its agents, customers and employees excepting only the gross negligence thereof.

11. Default

If Licensee fails to pay the Licence Fees, or any other charge provided for hereunder when the same is due, and the same shall not be paid after ten (10) days, or if Licensee breaches any other covenant of this Agreement and fails to remedy same within twenty (20) days after written notice of such breach, or as to matters which cannot be remedied in twenty (20) days fails to commence efforts to remedy such default within such twenty (20) day period and thereafter diligently to prosecute such efforts, Licensors may, in addition to any other rights it may have under this Agreement, declare this Agreement terminated and Licensee shall thereupon promptly vacate the Licensed Location, delivering same to Licensors in the condition set forth in paragraph 13 below, and if Licensee fails to do so, it shall be liable to Licensors for Licensors's cost of doing same. Anything in this Agreement to the contrary, notwithstanding if Licensee shall become insolvent, bankrupt or make an assignment for the benefit of creditors, or if Licensee or its interest hereunder shall be levied upon or sold under execution of other legal process, Licensors may immediately terminate this Agreement without notice and all Licence Fees in arrears, together with the next three (3) month's Licence Fees

shall immediately become due and payable. In addition to all other rights and remedies available to Licensor pursuant to this paragraph and all other sums due or payable to Licensor hereunder, if this Agreement shall be terminated as provided herein due to the default(s) of Licensee, then Licensor shall be entitled to receive and Licensee shall be obligated to pay to Licensor promptly upon the termination of this Agreement, as liquidated damages and not as a fine or penalty, an amount equal to all sums due or that were to become due and payable to Licensor pursuant to paragraph 3 above through and including the regularly scheduled expiration date of this Agreement discounted to present value at a discount rate of six (6%) percent per annum.

12. Termination

Either Licensor or Licensee may terminate this Agreement upon thirty (15) days written notice to the other.

13. Possession Upon Termination

Upon any termination of this Agreement, whether at the end of the Term or otherwise, Licensee shall remove all its leasehold improvements and trade fixtures, make good any damage caused by such removal, and surrender peaceful possession of the Licensed Location in as good condition as it received the same.

14. Damage to Premises

If, by fire or other casualty, the Licensed Location is destroyed or damaged to the extent that Licensee is deprived of occupancy or use of the same, Licensor agrees to notify Licensee as to whether it or the Licensor has decided to repair the damage or destruction resulting from any casualty as soon as possible. If Licensor elects to repair such damage or destruction, Licensor shall proceed with due diligence to restore the Marina. If the Marina is repaired, Licensee shall proceed with due diligence to restore the Licensed Location to substantially the same condition as existed before such damage or destruction, and the sums payable hereunder with regard to such Licensed Location shall be abated until Licensor's restoration and/or restoration by the Licensor is completed. If Licensor notifies Licensee that Licensor has decided not to repair such damage or destruction, this Agreement shall be terminated. Nothing herein contained shall obligate Licensor to undertake any repair and/or restoration obligations.

15. Assignment

This Agreement may not be assigned or sublicensed without the written permission of Licensor which permission may be arbitrarily or unreasonably withheld. In any event, Licensee shall at all times remain liable hereunder. This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective permitted successors and assigns.

16. Remodeling of Marina

Licensee recognizes that Licensor may, from time to time, wish to remodel or rearrange the Marina and the surrounding lands, or to conduct environmental testing at (hereinafter collectively referred to as "Remodel") the Marina and the surrounding lands. In the event that the Remodel affects the Licensed Location, Licensor agrees to discuss with Licensee the Remodel to determine if the Food Service Vehicle can be moved to another location mutually satisfactory to Licensee and Licensor within the Marina. If Licensee or Licensor does not agree on the new location within thirty (30) days of Licensor's proposal, this Agreement shall terminate effective on the date which is two (2) weeks prior to Licensor's scheduled date for commencement of the Remodel.

17. Fort Frances Canadian Bass Championship

The Licensee shall consult with the Fort Frances Canadian Bass Championship (FFCBC) to ensure the Licensee's operation do not hinder or obstruct the operations of the FFCBC. The Licensee shall vacate the area free of the food truck and patio to ensure that the FFCBC operations and tent can commence without impact. Vacating the area shall be done at a reasonable time as agreed upon by the two parties to ensure operations of the FFCBC can proceed.

18. Security

Licensee acknowledges that (a) Licensor is not an insurer of the Licensed Location; (b) Licensor does not undertake to provide any security for the Licensed Location; and (c) that it shall be Licensee's obligation to provide security for Licensee's facilities.

19. Entire Agreement

The Parties hereto agree that this Agreement sets forth all the promises, agreements and understandings between them with respect to the right and license to install, operate and maintain the Food Service Vehicle. There are no promises, agreements or understandings, either oral or written, between them regarding such matters other than as is set forth herein. It is further agreed that any amendment or modification to this Agreement shall not be binding unless such amendment or modification is reduced to writing and signed by both parties.

20. Captions

The captions of the several sections of this Agreement are not part of the text hereof and shall be ignored in construing this Agreement. They are intended only as aids in locating various provisions hereof.

21. Severability

Each provision contained in this Agreement shall be independent and severable from all other provisions contained herein, and the invalidity of any such provisions shall in no way affect the enforceability of the other provisions.

22. Governing Law

This Agreement shall be governed and controlled by the laws of the Province of Ontario.

23. Binding Effect

This Agreement shall be binding upon and shall enure to the benefit of Licensor and Licensee, their successors and permitted assignees.

24. Notices

All notices and communications hereunder shall be in writing and signed by a duly authorized representative of the party making the same. All notices shall be deemed effective when delivered personally or when deposited in Canada by registered mail, return receipt requested, postage prepaid, addressed as follows:

- | | |
|---|---|
| (a) If to Licensor, then in duplicate to: | The Corporation of the Town of Fort Frances
320 Portage Avenue, Fort Frances, ON P9A 3P9 |
| (b) If to Licensee, then to: | Stacey Cridland
1930709 Ontario Inc.
232 Scott Street, Fort Frances, ON P9A 1G7 |

The names and addresses for the purpose of this paragraph may be changed by giving notice of such change in the manner herein provided for giving notice. Unless and until such written notice of change of address is actually received, the most recent name and address applicable under this Agreement may be used for all purposes hereunder.

25. Force Majeure

The performance of a party (except for payment of monies) shall be excused during the period and to the extent that such performance is rendered impossible, impractical or unduly burdensome due to acts of God, strikes, lockouts, or labour difficulty, unavailability of parts through normal supply sources, failure of any utility to supply its services for reasons beyond a party's control, explosion, sabotage, accident, riot or civil commotion, act of war, fire or other casualty, or any other cause beyond the reasonable control of the party whose performance is to be excused.

[Signatures to Follow]

IN WITNESS WHEREOF the parties hereto have caused duplicate counterparts of this Agreement to be duly executed and delivered on or as of the date first set forth at the beginning of this Agreement.

1930709 Ontario Inc.

per_____

Name:

Title:

per_____

Name:

Title:

We have the authority to bind the corporation

The Corporation of the Town of Fort Frances

per_____

Name: J. Caul,

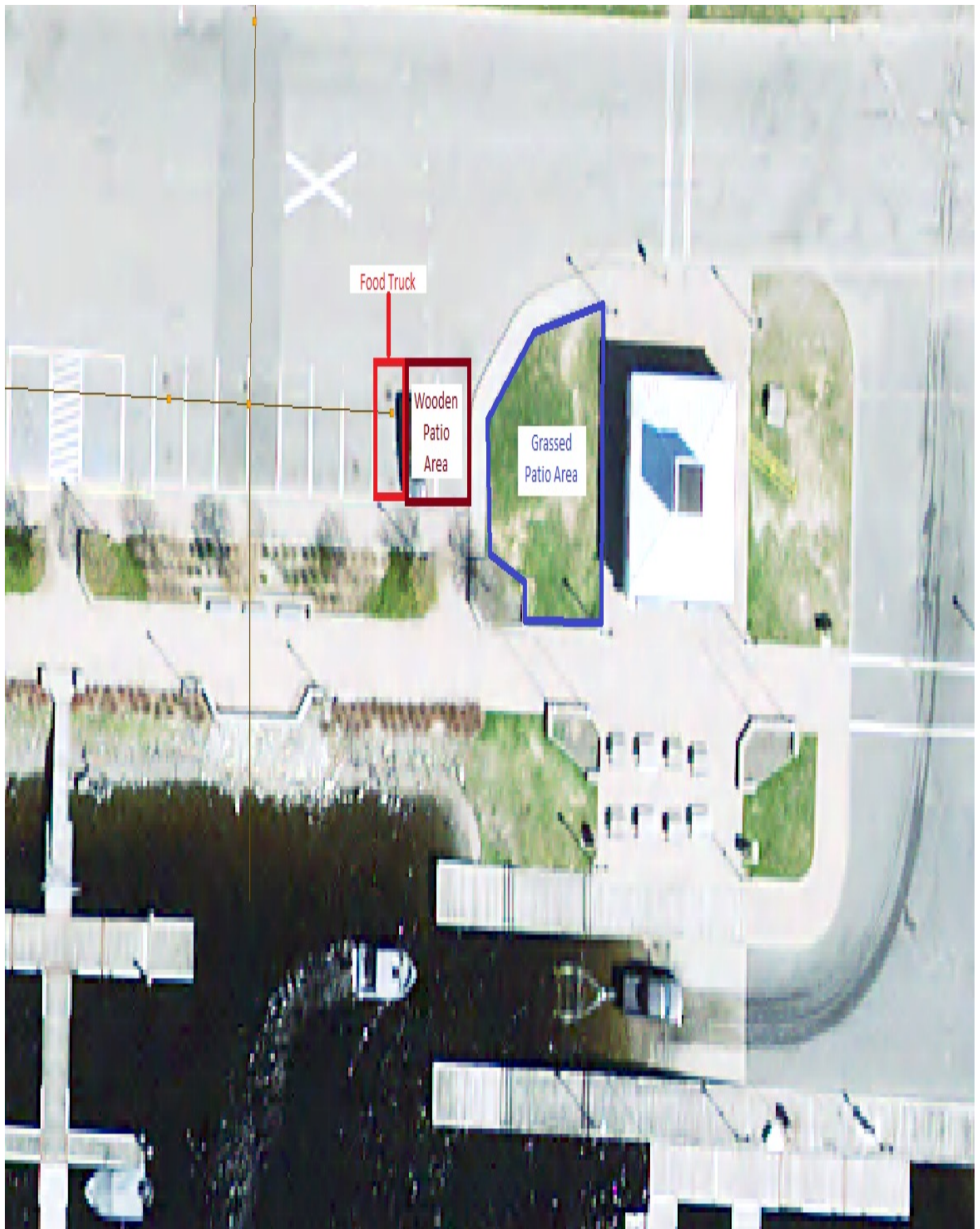
Title: Mayor

per_____

Name: G. Lecuyer,

Title: Town Clerk

We have authority to bind the Municipality



FLINT HOUSE

February 10, 2022

To Mayor and Council,

We are writing this letter requesting approval to again place the food truck and an enclosed fenced patio area on the grass to the west of Sorting Gap Marina at 1011 Front Street. The fenced patio is a requirement of AGCO to permit the sale of alcoholic beverages.

We will need picnic tables and small high tables within the patio area to make the project viable. We will also provide temporary fencing. We will require access to the public washrooms at the marina. The food truck's main source of power would be Hydro, while the appliances on the truck are powered by propane.

We understand that there are processes, bylaws, and shared services required to make this happen, which is why we are approaching council now, with the hopes of having this operational with the warmer weather approaching.



Our first year at the waterfront, was not only a learning curve, but also a great learning experience for us to discover new opportunities for our business and the community.

We look forward to working through the details of this request and another summer of possibilities for the Town of Fort Frances.

Sincerely,
Flint House

Stacey Cridland
Manager
Cell: (807)275-6957
Email: scridland@flinthouse.ca

Christine Cridland,
Catering and Special Events Coordinator
Cell: (807)276-9513
Email: ccridland@flinthouse.ca

x  x 

Date: March 1st, 2022

Report To: Planning & Development Executive Committee.

From: Patrick Briere, By-Law Enforcement Officer

RE: February Activities for By-Law Enforcement Department.

Please see the below information for the month of February activities for this department.

Operational Constraints

- Only 1 Officer.
- Parking Meter in Portage Ave Lot Down.

February 2022

Animal Pound Statistics

Impounded Dogs	0
Impounded Cats	0
After Hours Visits	0
Total Shelter Visits for Month 8	

Monthly Parking Statistics

Tickets for Month	0
Tickets by OPP	0
Monthly Total	0
Yearly Total Issued	0

Daily Activities completed by By-Law Officers.

- Animal Pound Activities.
- Pawn Shop Visits.
- Checking Parking Equipment (Repairs/Maintenance to Meter Equipment).
- Garbage Collection Issues.

Other Duties Completed by By-Law Officers

- Month End Office Reports.
- OPP Monthly Parking Stats.
- Emergency Management COVID-19 Response.
- Emergency Management COVID-19 Provincial Response.
- Sr. Manager's Meetings regarding COVID-19 Updates.
- Rainycrest Boiler Incident (MECG Response).
- Amethyst Sector (Emergency Management) CEMC Bi-Weekly Calls.
- MECG Meetings.
- JHSC Activities & Monthly Inspections.
- Monthly Activities Reporting to PDEC.
- OFMEM - EEPMO Project Meetings.
- Maintain/Attend Town Vehicle's in Parking Lot (Civic Centre).
- Preparing for Annual By-Law OPP Memorandum Review.
- Request Best for Kitty.
- Taxi Licensing Renewal Process Ongoing.
- Business Licensing Process Ongoing.

- JHSC Workplace Investigation.
- JHSC Workplace Concern.
- Smoking Enforcement around Sports Centre during Tournaments.
- Assisting in hiring process of second enforcement officer.

Occurrence Type (Complaints & Information)	Calls for Complaints/ Information
Nuisance (Includes Inquiries)	5
Traffic By-Law (Includes Inquiries)	4
Animals (Includes Inquiries)	6
Business Licensing (Includes Inquiries)	20
Property Standards (Includes Landlord/Tenant & Grass Cutting)	2
Taxi (Includes Inquiries)	3
Off-Road Vehicles By-Law (Includes Inquiries)	2
Moving Permits (Includes Inquiries)	1
Smoking By-Law & Cannabis (Includes Inquiries)	3
Heavy Trucks (Includes Inquiries)	2
Waste Management (Includes Asselin Forms)	8
Fences (Includes Inquiries & Pools)	1
COVID Legislation/Vaccination	2
OPP Call Outs/Questions	0
Building Code/Zoning Issues (Includes Tents, Trailers, etc).	0
Noise Issues (Includes Inquiries)	4
Fire Issues (Includes Inquiries)	0
Sign By-Law (Includes Inquiries)	4
Single Use Plastics (Includes Inquiries)	1
Snow (Issues & Inquiries)	20
Snowmobile By-Law (Includes Inquiries)	6
Deer Feeding (Includes Inquiries)	4
TOTAL CALLS FOR SERVICE	98

Respectfully submitted,

Original Signed By
Patrick Briere, CMM III, Property Standards Professional
MLEO/Alternate CEMC/Public Information Officer, Planning & Development Division
PH: 1-807-274-5323 ext. 1218
pbriere@fortfrances.ca