



Status: **DRAFT**
Approved By: **Council**

The Regional Municipality of York

Telecommunications Installations on Regional Property Policy

Policy No.: 896380

Original Approval Date: March 8, 2001

Policy Last Updated: September 20, 2018

Policy Statement:

A policy providing the framework for the approval and execution of licence agreements for the installation of third party telecommunications equipment on The Regional Municipality of York (the "**Region**") buildings, lands, facilities and roads and Housing York Inc. owned buildings.

Application:

To all Regional employees and employees of Housing York Inc.

Purpose:

This policy (the "**Policy**") provides a framework for the approval and execution of licence agreements for the installation of third party telecommunications equipment on buildings, lands and facilities owned by the Region and/or Housing York Inc., including buildings, lands, elevated tanks, towers, light and traffic poles and other facilities (collectively "**Regional Property**") and for the installation of carrier-owned poles on or within a Regional road or road allowance (collectively the "**Regional Right-of-Way**"), but excluding underground and aerial fibre installations on or within a Regional Right-of-Way. The Policy does not apply to York Regional Police communications towers and facilities.

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Definitions:

Antenna: An electrical device which converts electric power into radio waves, and vice versa. It is typically used with a radio transmitter or radio receiver which is often referred to as a remote radio unit or “RRU”.

Applicant: An individual, company, municipality, government agency, board or commission, or other public or private sector entity, proposing to install telecommunications equipment on Regional Property or on a Regional Right-of-Way.

Building: Region-owned building the primary use of which is for the Region’s general administration purposes or a building owned by Housing York Inc.

Carrier: A telecommunications service provider that provides telecommunications services, and includes wireless carriers or mobile network operators.

Co-location: The placement of telecommunications equipment owned by one carrier on a tower or pole owned by a different carrier or tower consolidator, thereby creating a shared facility.

In-Building Equipment Installation: Wireless telecommunications equipment installed within a building intended to enhance cell phone reception.

Licence Agreement: The Region’s form of telecommunications licence agreement under which the Region or Housing York Inc. grants a licence to a licensee to install and maintain telecommunications equipment on Regional Property or on a Regional Right-of-Way.

Licensee: An applicant that has entered into a licence agreement with the Region or Housing York Inc. to place telecommunications equipment on Regional Property or on a Regional Right-of-Way.

Macro Cell Equipment Installation: Wireless telecommunications equipment using large antennas that are mounted on top of or attached to a building, elevated tank, or an existing or new tower, not in the right-of-way. These installations also include remote radio units typically located near the antennas and have equipment cabinets at their base.

Operational Facility: A Region-owned facility or structure with the primary purpose of providing services to York Region residents. Operational Facilities may include an elevated tank, facilities for water, wastewater, management and collection of waste, including hazardous waste, recycling depots, and facilities related to the provision of transit and transportation services.

Pole: A light or traffic pole but excludes telecommunication monopoles.

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Small Cell Equipment Installation: Wireless telecommunications equipment typically involves mounting small cell box/antenna(s) onto an existing, replaced pole or new pole or a monopole of the same or similar size as adjacent pole(s) in the right-of-way and parking lots. Small cell equipment may also be installed in/on other locations in the right-of-way including kiosks, bus shelters and street furniture and in locations other than in the right-of-way such as on towers, in or on buildings or operational facilities.

Small Macro Cell Equipment Installation: Wireless telecommunications equipment typically involves adding large antennas around the top of an existing or replaced pole or new monopole in the right-of-way or on a tower in a parking lot and elsewhere, having a maximum tower height of 15 meters. These installations also include equipment cabinets at their base.

Telecommunications: Has the meaning defined under the *Telecommunications Act*, S.C. 1993, c.38, as same may be amended or superseded.

Telecommunications Equipment: Telecommunications infrastructure to provide wireless telecommunications services, including without limitation, antennas, lines, cables, remote radio units (RRUs), equipment, structures and/or plant.

Tower: A tower built from the ground to host telecommunications equipment. Towers may be free-standing, decorative or guyed. Towers may also include monopoles with either flush mounted, pinwheel mounted or shrouded antennas.

Tower Consolidator: An entity whose primary business is to erect towers and/or poles for the purpose of renting space to one or more carriers or other entities wishing to site their telecommunications equipment on a tower or pole, thereby creating a shared facility.

Key Policy Objectives:

This Policy's key objectives are:

- To provide a single access administration point through the Property Services Branch, to simplify the approval process for applicants applying to install telecommunications equipment.
- To encourage entities considering installing telecommunications equipment in York Region to locate their equipment on Regional Property.
- To support broadband coverage in York Region.

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Description:

Applicants will apply through the Region's single access point on the prescribed form, describing the proposed installation. The Region will consult with the applicant and if the Region agrees with the proposal, the applicant will be required to provide detailed engineering drawings for the proposed works for the Region's approval.

Applicants must execute the Region's Licence Agreement which will set out: (i) the telecommunications equipment to be installed, (ii) a specified term with renewal options, (iii) the licence fees payable, and (iv) the terms and provisions of the licence granted.

Applicants must obtain, at their own expense, any applicable permits and approvals, from a local municipality, agency or government body, and where the telecommunications equipment installation is on a Regional Right-of-Way, a road occupancy permit and, as necessary, a municipal consent.

Applicants must obtain and maintain, at their own expense, the necessary radio licences from Innovation, Science and Economic Development "**ISED**" Canada and any other regulatory or governmental approvals required to provide wireless services. Applicants are responsible for ensuring that they comply with all applicable Federal regulatory requirements, including, without limitation, and to the extent applicable, ISED's Canada Client Procedures Circular 2-0-03 Rev. 5 and Health Canada's Safety Code 6, both are amended from time to time.

Licensees must obtain and maintain insurance coverages satisfactory to the Region's Risk Manager, naming the Region and/or Housing York Inc., as applicable, as additional insureds, and provide evidence of this insurance on the Region's standard Certificate of Insurance form. Licensees shall indemnify the Region and/or Housing York Inc., as applicable, and save them harmless from and against any claims arising with respect to the licensee's telecommunications equipment installation and/or licence.

Licensees must comply with all applicable Regional protocols and procedures in connection with their telecommunications equipment or licence.

The following organizations are exempted from paying licence fees in respect of their telecommunications equipment installations on Regional Property and/or a Regional Right-of-Way:

- (i) Non-profit organizations
- (ii) Local municipalities and any other government agencies, boards or commissions,
- (iii) York Regional Police and any other police service installing equipment for the purpose of enabling interoperability with York Regional Police
- (iv) Housing York Inc. and any other wholly-owned subsidiary of the Region

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- (v) Any amateur radio services organization that the Region's Emergency Management Branch confirms is assisting the Region with emergency management planning and strategies.

Licences Granted on or before January 1, 2019: Any licences granted on or before January 1, 2019 will continue to be subject to the terms and provisions of the applicable Licence Agreement until the licence expires or terminates, including the licence fees payable for such licence. Upon renewal, expiration or termination of the original Licence Agreement, the licensee will be required to enter into the Region's then form of Licence Agreement and pay licence fees in accordance with this Policy.

Licence Classes and Licence Fees:

Telecommunications equipment installations on Regional Property or on a Regional Right-of-Way will be subject to fees and charges applicable to the class of licence that is issued. The classes of licences and their corresponding fees and charges are set forth below.

Licence Class 1: Installations On/In Buildings

No.	Description of Fees and Charges	Year 2018
1	Building application fee for Macro Cell, Small Cell and In-Building – per application	\$2,000
2	Macro Cell annual site licence fee per building	\$16,500
3	Macro Cell annual licence fee per antenna	\$1,000
4	Small Cell annual site licence fee per building	Nil
5	Small Cell annual licence fee per attachment	\$300
6	In-Building annual site licence fee per building	Nil
7	In-Building annual licence fee per attachment	Nil

Licence Class 2: Installations On/In Operational Facilities

No.	Description of Fees and Charges	Year 2018
1	Elevated tank application fee (includes the Region's cost to retain a consulting engineer to review the applicant's design drawings) – per application	\$4,400
2	Operational facility that is not an elevated tank – application fee	\$2,000
3	Macro Cell annual site licence fee per elevated tank	\$15,500
4	Macro Cell annual site licence fee per operational facility that is not an elevated tank	\$16,500
5	Macro Cell annual licence fee per elevated tank per antenna	\$875
6	Macro Cell annual licence fee per operational facility that is not an elevated tank – per antenna	\$1,000

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7	Macro Cell annual licence fee per RRU installed on elevated tank. Does not include RRUs located on the ground or mounted on the elevated tank's support structure or on other operational facilities	\$125
8	Small Cell annual site licence fee per operational facility	Nil
9	Small Cell annual licence fee per attachment	\$300
10	In-Building annual site licence fee per building	Nil
11	In-Building annual licence fee per attachment	Nil

Licence Class 3: Installations in the Regional Right-of-Way

No.	Description of Fees and Charges	Year 2018
1	Regional Right-of-Way installation application fee – per application (each application is limited to a maximum of 10 small cell attachments or one small macro cell)	\$2,000
2	Small Cell annual licence fee per attachment and co-location attachment	\$300
3	Small Macro Cell annual site licence fee (includes first carrier)	\$7,000
4	Small Macro Cell annual co-location licence fee for each co-located carrier after first carrier	15% of rent payable to Licensee by co-locating carrier

Licence Class 4: Installations on Region-Owned Towers

No.	Description of Fees and Charges	Year 2018
1	Region-owned tower installation application fee – per application	\$2,000
2	Annual site licence fee for initial 2 - 3 meters vertical dedicated space on tower	\$16,000
3	Annual site licence fee for second or subsequent 2 - 3 meters of vertical dedicated space on tower	\$8,000

Licence Class 5: Installations of Tower Consolidator and Carrier Towers

No.	Description of Fees and Charges	Year 2018
1	Carrier/tower consolidator tower installation application fee – per application	\$2,000
2	Annual site licence fee for tower and compound installation for first carrier in urban designated area	\$20,000
3	Annual site licence fee for tower and compound installation for first carrier in rural designated area	\$17,000
4	Annual co-location licence fee for each co-located carrier after first carrier	15% of rent payable to Licensee by co-locating carrier

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Licence Class 6: Installations on Regional Property Not Designated in Licence Classes 1 – 5

No.	Description of Fees and Charges	Year 2018
1	Application fee – per application	\$2,000
2	Small Cell annual licence fee per attachment and co-location attachment	\$300

The Region may choose to waive licence fees, in whole or in part, at the Region's sole discretion.

Additional Charges:

In addition to the fees and charges set out above, the applicant shall be responsible for all costs reasonably applicable to the telecommunications equipment installation, operation, maintenance, relocation or removal, as more particularly described in the Licence Agreement.

Application Fee:

Application fees with respect to an application for a new licence to install equipment at a new site, or an application to implement "modifications" to existing equipment under a current licence, are set out in the above Tables for each licence class. "**Modifications**" include but are not limited to changes in usage, changes in configuration including multi-coupling, replacement, removal, additions and/or changes to the location of the applicant's telecommunications equipment. The Region may waive the application fee if the modifications are rudimentary in the Region's sole opinion.

Fee Escalation:

Annual licence fees are subject to a 3% escalation during each year of the term of the licence.

The Region may increase, decrease or modify application fees from time to time, at the Region's sole discretion.

Responsibilities:

The Regional Municipality of York/Housing York Inc.:

- Enter into Licence Agreements with licensees. The Commissioner responsible for the Regional Property or Regional Right-of-Way upon which the telecommunications equipment is situated is the Region's authorized signatory.

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The Commissioner may waive licence fees, in whole or in part, payable by a licensee under a Licence Agreement.

- The General Manager of Housing York Inc. is Housing York Inc.'s authorized signatory for installations on Regional Property owned by Housing York Inc. The General Manager may waive licence fees, in whole or in part, payable by a licensee under a Licence Agreement.

Property Services:

- Receive, interface with, and act as the single point of contact for all applications from applicants who wish to obtain a licence from the Region to install telecommunications equipment on Regional Property or on a Regional Right-of-Way.
- Administer a system of licences to third party entities for equipment installations governed by this Policy. The Commissioner of Corporate Services may increase, decrease or waive application fees payable by an applicant or licensee.

Applicants/Licensees:

- Enter into Licence Agreements with the Region and/or Housing York Inc. in respect of telecommunications equipment on Regional Property or on a Regional Right-of-Way.

Non-Compliance with Policy:

- Shall result in non-approval of an application to install telecommunications equipment on Regional Property or on a Regional Right-of-Way, termination of Licence Agreement, or cancellation of permits.

References:

"Communications Installations on Regional Property Policy Update", Report 1, Clause 7 of the Finance and Administration Committee adopted by Regional Council January 22, 2009.

"Protocol for Telecommunications Tower Antennae", Report 4, Clause 1 of the Planning and Economic Development Committee adopted by Regional Council April 18, 2002 and Report 2, Clause 4 of the Planning and Economic Development Committee adopted by Regional Council February 21, 2002.

"Communications Installations on Regional Property", Report 3, Clause 4 of the Transportation and Works Committee adopted by Regional Council on March 8, 2001.

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Contact:

- Inquiries under this Policy should be directed to the Property Services Telecommunications Program Coordinator at 1-877-464-9675 Ext. 76924.

Approval Information:

Council Approval Date: <input type="text"/>	Committee Name: Committee of the Whole, Finance and Administration
Council Minute No.: <input type="text"/>	Report No.: <input type="text"/>
Extract eDOCS #: <input type="text"/>	Clause No.: <input type="text"/>

Insert eDOCS # for policy and any attachments (provide full access to the "CAO Policy Manual Group" for policy and any attachments)

Accessible formats or communication supports are available upon request.

Telecommunications Installations on Regional Property Policy Summary of Licence Classes and Licence Fees

Telecommunications equipment installations on Regional Property or on a Regional Right-of-Way will be subject to fees and charges applicable to the class of licence that is issued. The classes of licences and their corresponding fees and charges are set forth below. Annual licence fees are subject to a 3% escalation during each year of the term of the licence.

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3	Small Macro Cell annual site licence fee (includes first carrier)	\$7,000
4	Small Macro Cell annual co-location licence fee for each co-located carrier after first carrier	15% of rent payable to Licensee by co-locating carrier

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No.	Description of Fees and Charges	Year 2018
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Licence Class 5: Installations of Tower Consolidator and Carrier Towers

No.	Description of Fees and Charges	Year 2018
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2	Annual site licence fee for tower and compound installation for first carrier in urban designated area	\$20,000
3	Annual site licence fee for tower and compound installation for first carrier in rural designated area	\$17,000
4	Annual co-location licence fee for each co-located carrier after first carrier	15% of rent payable to Licensee by co-locating carrier

**Licence Class 6: Installations on Regional Property Not Designated in Licence
Classes 1 – 5**

No.	Description of Fees and Charges	Year 2018
1	Application fee – per application	\$2,000
2	Small Cell annual licence fee per attachment and co-location attachment	\$300