



ADDITIONAL COUNCIL AGENDA

WEDNESDAY, MARCH 7, 2012

6. DEPUTATIONS

(e) Property on Stavebank Road

Mark Gharibo will be presenting on the property located at 14 Stavebank Road.

8. CORPORATE REPORTS

R-3 Report dated March 5, 2012, from the Commissioner of Planning and Building re: **City of Mississauga Telecommunication Tower/Antenna Facilities Protocol**.

Recommendation:

1. That the Report dated March 5, 2012 from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be received for information.
2. That the revised "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" attached as Appendix 2 in the Report dated March 5, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be adopted as an interim protocol.
3. That the Report dated March 5, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" and resolution of Council be circulated to all Mississauga wireless service providers, local Members of Parliament and Ratepayer Associations in Mississauga.
4. That a fee of \$2,500.00 be approved for the processing and consultation required for Telecommunications Tower/Antenna Facilities Request Forms and that the necessary amendment to the City's Fees and Charges By-law be brought forward to Council for consideration.

5. That a fee of up to \$4,000.00 plus 15% administration fee be approved for the purposes of retaining a consultant, when and if required, to assist with the review and consultation required for Telecommunication Tower/Antenna Facilities requests and that the necessary amendment to the City's fees and Charges By-law be brought forward to Council for consideration.
6. That the Commissioner of Planning and Building report back on the effectiveness of the new process by December 31, 2012.
7. That the City of Mississauga request that the Association of Municipalities of Ontario (AMO) work with municipalities across the Province of Ontario and wireless service providers to request that Hydro One reconsider its moratorium on the location of telecommunication antennas on existing hydro infrastructure.
8. That the City of Mississauga staff met with AMO officials as soon as possible in view of Mississauga's and other municipalities' growing need to have Hydro One change its practice; and that the local Members of Parliament and local Members of Provincial Parliament are asked to support this request by writing to AMO, the Province of Ontario and Hydro One.
9. That the City of Mississauga request that Industry Canada to reconsider the exclusion criteria established in their document CPC-2-0-03, Section 6, to require proponents to consult with the Land Use Authority and the public for new telecommunication towers with a height of less than 15m (49.2ft.) above ground level.

Motion

10. UNFINISHED BUSINESS

- UB-2 Report dated February 15, 2012, from the Commissioner of Community Services re: **Tourism Agreement for Mississauga Toronto West Tourism (MTWT)**.

Recommendation:

That the Commissioner of Community Services be authorized to execute and renew the Services Agreement between the Corporation of the City of Mississauga and the Toronto Convention and Visitors Association, dated April 16th, 2008 (the "Agreement") as provided by the Amending Agreement dated December 15, 2009, in a form satisfactory to the City Solicitor.

Motion

12. CORRESPONDENCE

- (a) Information Items: I-2-I-3

I-2 A letter dated February 24, 2012, from the City Clerk of Kingston, Ontario requesting the Province of Ontario to meet with the host municipalities for the purpose of reviewing the basis for payments in lieu of taxes and determining a stable foundation going forward for those payments that meets associated costs prior to the 2013 budget cycle.

Receive

I-3 A letter dated February 29, 2012, from the Minister of International Trade and Minister for the Asia-Pacific Gateway responding to the Mayor's letter by sharing information on the status and scope of the negotiations.

Receive

14. BY-LAWS

- B-9 A by-law to authorize the execution of an Amending Agreement to renew and amend the Services Agreement between the Toronto Convention & Visitors Association and the Corporation of the City of Mississauga.

GC-0104-2012/February 29, 2012



Corporate Report

Clerk's Files

R-3

Originator's
Files EC.19-TEL

COUNCIL AGENDA

MAR 07 2012

DATE: March 5, 2012

TO: Mayor and Members of Council
Meeting Date: March 7, 2012

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **City of Mississauga Telecommunication Tower/Antenna
Facilities Protocol**

- RECOMMENDATION:**
1. That the Report dated March 5, 2012 from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be received for information.
 2. That the revised "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" attached as Appendix 2 in the Report dated March 5, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be adopted as an interim protocol.
 3. That the Report dated March 5, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" and the resolution of Council be circulated to all Mississauga wireless service providers, local Members of Parliament and Ratepayer Associations in Mississauga.
 4. That a fee of \$2,500.00 be approved for the processing and consultation required for Telecommunication Tower/Antenna Facilities Request Forms and that the necessary amendment to

the City's Fees and Charges By-law be brought forward to Council for consideration.

5. That a fee of up to \$4,000.00 plus a 15% administration fee be approved for the purposes of retaining a consultant, when and if required, to assist with the review and consultation required for Telecommunication Tower/Antenna Facilities requests and that the necessary amendment to the City's Fees and Charges By-law be brought forward to Council for consideration.
6. That the Commissioner of Planning and Building report back on the effectiveness of the new process by December 31, 2012.
7. That the City of Mississauga request that the Association of Municipalities of Ontario (AMO) work with municipalities across the Province of Ontario and wireless service providers to request that Hydro One reconsider its moratorium on the location of telecommunication antennas on existing hydro infrastructure.
8. That the City of Mississauga staff meet with AMO officials as soon as possible in view of Mississauga's and other municipalities' growing need to have Hydro One change its practice; and that the local Members of Parliament and local Members of Provincial Parliament are asked to support this request by writing to AMO, the Province of Ontario and Hydro One.
9. That the City of Mississauga request Industry Canada to reconsider the exclusion criteria established in their document CPC-2-0-03, Section 6, to require proponents to consult with the Land Use Authority and the public for new telecommunication towers with a height of less than 15 m (49.2 ft.) above ground level.

BACKGROUND:

Planning and Development Committee on February 27, 2012 recommended the following:

PDC-0019-2012

1. That the report dated February 23, 2012 from the Commissioner of Planning and Building, entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" be received and referred to Planning and Building Staff to report back with recommendations at the March 7, 2012 Council Meeting.
2. That the deputations made by the following parties be received:
 - (a) Steven Dagastino
 - (b) Dorothy Tomiuk
 - (c) Joe Fedwitz

The report dated February 23, 2012 is attached as Appendix 1.

COMMENTS:

Based on discussion at Planning and Development Committee the following changes have been included in the Interim Protocol dated March 5, 2012, attached as Appendix 2:

Sections 7.4 and 7.8:

- Clarify that the applicant is responsible for the costs associated with organizing and holding a public open house;
- Clarify that the applicant is responsible to convene a public open house, if applicable, should the applicable Member of Parliament not convene a public open house;

Sections 9.3 and 9.4:

- Provide that the applicant may be required to provide a letter or public consultation package to the residential community reporting on the conclusion of the consultation process.

At the Planning and Development Committee meeting two additional recommendations were introduced regarding Hydro One's moratorium on the location of telecommunication antennas on existing hydro infrastructure. These have been included as Recommendations 7 and 8.

It was also requested that Industry Canada consider including new telecommunication towers with a height of less than 15 m (49.2 feet) above ground level in the public consultation and public notification requirements. This has been included as Recommendation 9.

CONCLUSION:

The revised protocol clarifies who is responsible for organizing the public open house and that the applicant, if requested, would be responsible for advising the applicable property owners of the conclusions of the consultation process.

ATTACHMENTS:

- Appendix 1: Report of the Commissioner of Planning and Building, February 23, 2012
- Appendix 2: Revised City of Mississauga Telecommunication Tower/Antenna Facilities Protocol (Interim) March 5, 2012



 Edward R. Sajecki
 Commissioner of Planning and Building

Prepared By: Timothy Lee, Planner, Planning Services Centre

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Corporate Report

PDC FEB 27 2012

Clerk's Files

Originator's
Files EC.19-TEL

R-3(d)

DATE: February 23, 2012

TO: Chair and Members of Planning and Development Committee
Meeting Date: February 27, 2012

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **City of Mississauga Telecommunication Tower/Antenna
Facilities Protocol**

- RECOMMENDATION:**
1. That the Report dated February 23, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be received for information.
 2. That the "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" attached as Appendix 4 in the Report dated February 23, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" be adopted as an interim protocol.
 3. That the Report dated February 23, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" and the resolution of Planning and Development Committee be circulated to all Mississauga wireless service providers, local Members of Parliament and Ratepayer Associations in Mississauga.
 3. That a fee of \$2,500.00 be approved for the processing and consultation required for Telecommunication Tower/Antenna

Facilities Request Forms and that the necessary amendment to the City's Fees and Charges By-law be brought forward to Council for consideration.

4. That a fee of up to \$4,000.00 plus a 15% administration fee be approved for the purposes of retaining a consultant, when and if required, to assist with the processing and consultation required for Telecommunication Tower/Antenna Facilities requests and that the necessary amendment to the City's Fees and Charges By-law be brought forward to Council for consideration.
5. That the Commissioner of Planning and Building report back on the effectiveness of the new process by December 31, 2012.

BACKGROUND:

In the last year, a number of telecommunications towers have been constructed in the City that have raised serious concerns amongst residents. Chief among these concerns is the inadequacy of the current public consultation protocol noted in the report to Council dated June 15, 2011. Both residents and Council are dissatisfied with this protocol, which consists of Industry Canada's default public consultation process.

On January 9, 2012, the Mayor sent a letter to the Hon. Christian Paradis, Minister of Industry and Minister of State (Agriculture), to express the City's concerns about the process followed by the telecommunication industry for locating towers. The Mayor's letter is attached as Appendix 1.

The City passed a resolution on January 18, 2012 requesting that Industry Canada impose a six-month moratorium on the approval of telecommunications tower/antenna facilities (hereinafter referred to as "towers") to allow time to improve the public consultation process. The resolution is attached as Appendix 2.

The resolution outlines a number of changes to the current public consultation process as follows:

- Notification to citizens who live within 120 m (393.7 ft.) of the proposed location regardless of the height of the tower;

- Notification to citizens by registered mail;
- The local federal Member of Parliament (MP) to be notified immediately upon application and following this notification, the MP to hold a public meeting; and
- Public comments from the MP meetings are to be submitted to Industry Canada and taken into account in every application.

COMMENTS:**Jurisdiction**

On November 23, 2011, the City Solicitor provided General Committee with a report titled "Legal Authority to Regulate Telecom Towers". This report clearly indicates that towers are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, do not apply. It is important to note that Industry Canada, while requiring telecommunication applicants to follow a Council adopted consultation protocol, makes the final decision on whether or not a tower can be constructed.

Official Plan Policies

The new Mississauga Official Plan has policies regarding the location and design of towers whereas the previous plan did not. The new Plan states that towers are not permitted on greenbelt lands or in residential areas if they are of a magnitude, function or character incompatible with the surrounding residential environment. Towers should be designed and located to minimize visual impact in high profile and sensitive areas.

Comparison with other Municipalities

Staff reviewed and compared the City's current protocol with that of Brampton, Burlington, Oakville and Milton. Other municipalities have public notification requirements that go beyond Industry Canada's notification requirements, except for Brampton, which uses the minimum requirements outlined in the Industry Canada document. Other municipalities also have some form of

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location and design guidelines in their established protocols, as shown in Appendix 3.

It should be noted that Oakville's telecommunication protocol is an interim protocol, which is currently under review by Oakville staff in consultation with the wireless service providers and Industry Canada. The chart below illustrates where the City's proposed protocol meets and exceeds Oakville's interim protocol:

Meets	Exceeds
Preliminary consultation	Public open house
Request form and fees	Peer Review Consultant
Public notice delivery	
Public Notice Circulation Area	
Newspaper Notice	
Public Notice Sign	

**Revised City of Mississauga Telecommunication
Tower/Antenna Facilities Protocol**

In revising the City's protocol the focus is on improving the public consultation process. The revised protocol will provide a clear outline of the City's role in the public consultation process for telecommunication applicants intending to modify or install a tower.

To address concerns regarding residents not receiving public notification packages, the proposed protocol requires the applicant to give notice by mail, similar to *Planning Act* applications. Registered mail could be considered, however it may affect notification due to the inability to meet with the addressee to obtain a signature.

In addition, proposed preliminary consultation and request form submission processes, as well as location and design guidelines, are based on the policy framework in the new Mississauga Official Plan, Zoning By-law and the existing City protocol for the review of towers. The revised Protocol is attached as Appendix 4.

Request Form and Fees

Under the current process Mississauga does not require a formal application submission or fee for the erection of a tower. It is recommended that a Tower Request form and a fee be required. A review of planning application and building permit fees was recently undertaken by Watson & Associates Economists Ltd. (Watson) to determine the full cost of processing applications and permits. The recommended fee to recover costs for the existing "default" process for reviewing tower proposals was \$1,100.00. In the proposed protocol, it is suggested that the fee be increased to \$2,500.00. It will be necessary to amend the Fees and Charges By-law to incorporate this fee. Staff will monitor the costs and implications on staff resources of the new process and report back to Committee by December 31, 2012.

Peer Review

Situations may arise where the City may want a peer review by a specialist or consultant, such as a radio frequency engineer, to verify and comment on the site selection and justification report submitted by the telecommunication applicant. Should this situation arise, it is recommended that the City retain a consultant to undertake the peer review and that the applicant be required to pay the cost of the consultant plus a 15% administration fee. Depending on the scope of the review, the cost could be up to \$4,000.00. It will be necessary to amend the Fees and Charges By-law to incorporate this fee.

FINANCIAL IMPACT: During the past year, approximately 25 tower requests have been reviewed by Planning and Building staff. Until technology changes, it is estimated that 20 to 30 tower requests will be submitted every year. The estimated yearly cost recovery revenue would be approximately \$50,000.00 to \$75,000.00

The cost of any peer review will be charged back to the applicant plus a 15% administration fee.

CONCLUSION:

The revised protocol would improve public notification and consultation when a tower is proposed within or near a residential community. The revised proposed protocol would provide a clear and concise outline of the City's role in the consultation process, and location and design guidelines for telecommunication applicants who intend to modify or install a tower within the City of Mississauga.

ATTACHMENTS:

- Appendix 1: Letter dated January 9, 2012, to the Minister of Industry and Minister of State (Agriculture)
- Appendix 2: Council Resolution 0005-2012 adopted January 18, 2012
- Appendix 3: Municipal Protocol Comparison Table
- Appendix 4: City of Mississauga Telecommunication Tower/Antenna Facilities Protocol (Interim) February 23, 2012



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Timothy Lee, Planner, Planning Services Centre

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OFFICE OF THE MAYOR

January 9, 2012

The Honourable Christian Paradis
Minister of Industry and Minister of State (Agriculture)
C. D. Howe Building
235 Queen Street
Ottawa, Ontario
K1A 0H5

Dear Mr. Minister:

Re: Telecommunication Towers

The establishment of telecommunication towers is becoming extremely active and is causing a crisis situation in residential areas in our city because of the inadequate process which the applications go through.

We are well aware of the fact that the municipality does not have jurisdiction in regard to the establishment of telecommunication towers. We disagree with this policy because it causes a major interference with the extensive planning process we go through in establishing a residential area in our city and telecommunications towers were never considered.

The telecommunication towers are having a major impact on our well planned residential areas and the citizens are very upset about this invasion into their community.

The telecommunication tower applicant enters into negotiations with the landowner and the City is only advised when the official application is made to your ministry for approval. Our only involvement is to be advised by the applicant that they have followed the procedure outlined by your ministry, a procedure which needs to be revised.

The distribution of the notification that the applicant is required to implement is not satisfactory. The distance covered is unacceptable as is evident from the concerns that have been raised by the citizens to date. The notice distributed to the citizens should be done by registered mail to ensure the receipt of such notification and we would highly recommend that the distance the City uses when advising the community of development applications, which is 400 feet, should also be adopted for telecommunication tower applicants.



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Unfortunately, when MPs are contacted by the citizens they often respond advising that it is the responsibility of the City to decide whether or not the application is approved which is contrary to the legislation.

It is important that any application that is received by your ministry for the establishment of a telecommunication tower should be immediately sent to the MP so that the federal representative is aware of the application and they should be calling a public meeting of the citizens affected in order to hear their concerns and to report back to your ministry. This is not being done at the present time and I strongly recommend that this process be implemented immediately.

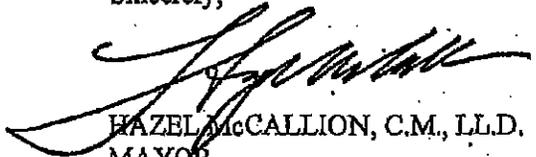
The above-noted recommendations do not require legislative changes but changes to the process currently followed.

I request your immediate attention to this issue and by copy of this letter to the MPs representing Mississauga, I am requesting that they follow up with your ministry to ensure that these changes are implemented.

Unfortunately, the telecommunication companies are concentrating on religious sites in which to locate their towers and are causing controversy between the community and various religious organizations as a result.

I look forward to your response.

Sincerely,


HAZEL McCALLION, C.M., LL.D.
MAYOR

ch

- cc: Eve Adams, MP, Mississauga Brampton South
- Brad Butt, MP, Mississauga Streetsville
- Wladyslaw Lizon, MP, Mississauga East-Cooksville
- Stella Ambler, MP, Mississauga South
- Balgit Gosal, MP, Bramalea-Gore-Malton
- Bob Dechert, MP, Mississauga Brindale
- Members of Council



**RESOLUTION 0005-2012
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on January 18, 2012**

0005-2012 Moved by: Pat Mullin

Seconded by: Katie Mahoney

Whereas the approval of telecommunication towers ("cell towers") is under the jurisdiction of the Federal Government through Industry Canada;

And Whereas the local planning authority is provided with an opportunity to comment on certain cell tower applications but the local planning authority cannot regulate or control the location of such towers through Zoning By-laws or any other planning instruments;

And Whereas the establishment of cell towers is becoming extremely active and is causing a crisis situation in residential areas of the City of Mississauga due to the inadequate process established by Industry Canada;

And Whereas the Minister of Industry and Minister of State (Agriculture), The Honourable Christian Paradis, is aware of the City's concerns and to that end is in receipt of Mayor Hazel McCallion's letter dated January 9, 2012;

And Whereas the current process requires that in some cases the cell tower proponent seek a letter of concurrence from the City of Mississauga for submission to Industry Canada yet the content of that letter is restricted by the fact that Industry Canada will not consider comments about health issues, property values or zoning;

And Whereas the proponent enters into negotiations with the potential host of a cell tower often long before it comes to the City's or citizens' attention which is in part due to the fact that the current notification requirements are not satisfactory and there is no notification required for certain types of applications;

And Whereas the process established by Industry Canada needs to be amended to include, at a minimum: that notification be given to citizens within an specified distance of the proposed cell tower, regardless of the height of the tower; that the notice be given to citizens by registered mail; that the area for notification should be at least 400 feet from the property of the proposed cell tower, which distance is consistent with the City's practice for development applications; that the local Member of Parliament must be notified immediately of any application to establish a cell tower; that the local MP be required to call a public meeting of the citizens who may be or will be affected by the application in order to hear their concern and the results of the public meeting shall be reported back to Industry Canada to take into account in every application;

And Whereas these recommended changes can be made without legislative amendment and are needed immediately given that the current process is flawed and unsatisfactory as it does not allow the City, nor its residents to raise any real concerns about the location, size or design of a cell tower;

Now Therefore the City of Mississauga requests that Industry Canada impose a minimum six month moratorium on the approval of cell towers until such time as Industry Canada improves its process for consultation and shall implement, at a minimum, the changes to its process noted above. A review of the process must take into account the concerns of the community and that as part of the change to the process that Industry Canada encourage proponents to investigate and employ better and less invasive technology and that Industry Canada work with the industry to develop less invasive technology that can be used on existing structures;

Further that the City of Mississauga requests that the local Members of Parliament support this request for a moratorium and work with Industry Canada to have the moratorium implemented and effect immediate and real change in the Industry Canada process.

Municipal Protocol Comparison Table

Question/Issue	Brampton	Burlington	Milton	Oakville (Interim)	Mississauga (Current)	Mississauga (Proposed)
Are there telecom proposals that are excluded from public consultation?	YES, the minimum exclusion criteria established by Industry Canada*.	YES, the minimum exclusion criteria established by Industry Canada*.	YES, the minimum exclusion criteria established by Industry Canada* and the following exclusions: locations licensed for mineral resource extraction; within 120 m (393.7 ft) of Hwy 401 or 300 m (984.3 ft) of Hwy 407; and industrial and commercial zoned areas situated 6 times tower height - minimum 300 m (984.3 ft).	YES, the minimum exclusion criteria established by Industry Canada* and the following exclusions: setback at least 200 m (656.2 ft) way from a community sensitive location; additional equipment shelters associated with a facility.	YES, the minimum exclusion criteria established by Industry Canada*.	YES, the minimum exclusion criteria established by Industry Canada*.
Is the Telecom Applicant required to have a preliminary consultation?	YES	YES	YES	YES, and requires the Telecom Applicant to submit a letter including drawings and maps, demonstrating compliance with exclusion criteria.	NO	YES, and requires the Telecom Applicant to consult with the City even if the proposal meets the exclusion criteria for new towers with a height less than 15 m (49.2 ft).
What is the public notice circulation requirement for a Telecom Applicant?	The radius of three times the tower height.	The radius of 120 m (393.7 ft) or 6 times the height of the tower in a Urban Area, whichever is greater; and 300 m (984.3 ft) or 6 times the height of the tower in a Rural Area, whichever is greater.	The radius of 120 m (393.7 ft) of the proposed structure within the urban area and 300 m (984.3 ft) within the rural area.	The greater of 120 m (393.7 ft) or three times the tower height measured from the furthest point of the telecommunication tower/antenna facility.	The radius of three times the tower height.	The greater of 120 m (393.7 ft) or three times the tower height measured from the furthest point of the telecommunication tower/antenna facility.

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Municipal Protocol Comparison Table

Question/Issue	Brampton	Burlington	Milton	Oakville (Interim)	Mississauga (Current)	Mississauga (Proposed)
Is the Telecom Applicant responsible for the distribution of the Public Notification Packages within the public notice circulation area?	YES (Not specified how)	YES, by mail.	YES (Not specified how)	YES, by mail including the applicable Member of Parliament.	YES (Not specified how)	YES, by mail, including the applicable Member of Parliament, applicable Resident Association.
Is there a requirement for a newspaper notice (in a community newspaper) for towers greater than 30 m in height?	NO	NO	NO	YES, and specifies the community newspaper (i.e. Oakville Beaver).	YES	YES, and specifies the community newspaper (i.e. Mississauga News, Wednesday's edition).
If there a requirement for a public open house meeting and who is responsible for convening the meeting?	NO requirement.	YES, the Ward Councillor determines if public open house meeting is required and the Telecom Applicant is responsible for convening a public open house meeting.	YES, required for all proposals and the Telecom Applicant is responsible for convening a public open house meeting.	YES, required for all proposals and the Telecom Applicant is responsible for convening a public open house meeting.	NO requirement.	YES, if the proposal is located in a residential area; or within the greater of either, three times the tower height or 120 m (393.7 ft) from a residential area. The applicable Member of Parliament in consultation with the Applicant is responsible for convening a public open house meeting.
Any additional public notice measures required by the Telecom Applicant?	NO	NO	YES, the erection of a public notice sign on the subject property and requires photographic proof of installation.	YES, the erection of a public notice sign on the subject property and requires photographic proof of installation.	NO	YES, the erection of a public notice sign on the subject property and requires photographic proof of installation.
Any municipal location and design guidelines for telecom facilities?	YES, based on local Official Plan and design criteria.	YES, based on local Official Plan and design criteria.	YES, based on local Official Plan and design criteria.	YES, based on local Official Plan and design criteria.	YES, based on Mississauga Plan and design criteria.	YES, based on the new Mississauga Official Plan and design criteria.

Municipal Protocol Comparison Table

Question/Issue	Brampton	Burlington	Milton	Oakville (Interim)	Mississauga (Current)	Mississauga (Proposed)
Does the municipality have a formal application submission?	YES, Site Plan application, but not subject to Planning Act Regulations.	YES, Site Plan application, but not subject to Planning Act Regulations.	YES, Telecommunication Towers, Antennas & Facilities Application.	YES, Application for Letter of Concurrence.	NO	YES, Telecommunication Tower/Antenna Facilities Form Request.
Does the municipality have a fee associated with the application?	YES, \$3430.00	YES, \$595.00 - \$1770.00 depending on proposal.	YES, \$1552.19 or \$6411.73 on Town owned property.	YES, \$3825.00	NO	YES, \$2500.00
Does the municipality retain a Peer Review Consultant (e.g. radio frequency engineer) to verify and comment on the site selection/justification report provided by the Telecom Applicant?	NO	NO	NO	NO	NO	YES, the Designated Municipal Official will determine whether a Peer Review Consultant will be required.
Does the municipality provide a response to concurrence or non concurrence?	YES	YES, specifically the Director of Planning and Building; however it can be undelegated to the Community Development Committee.	YES, specifically the Director of Planning and Development or his or her designate.	YES, specifically the Director of Planning Services or his or her designate.	YES	YES, specifically the Director of Development and Design, Planning and Building Department, or his or her designate.

NOTES: * The minimum exclusion criteria established by Industry Canada are as follows:

- Maintenance of existing telecommunication tower/antenna facilities including painting or lighting in order to comply with Transport Canada's requirements;
- Addition or modification of a telecommunication tower/antenna facility provided the addition or modification does not result in an overall height increase above the existing building or structure of 25% of the original building or structure's height;
- Installation, for a limited duration (typically not more than 3 months), of a telecommunication tower/antenna facility that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency; and
- New telecommunication tower/antenna facilities with a height of less than 15 metres (49.2 feet) above ground level.

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APPENDIX 4

City of Mississauga Telecommunication Tower/Antenna Facilities Protocol (Interim)

February 23, 2012

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6	Exclusions
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Appendix A - Consultation Flow Chart

1 Objectives

1.1 The objectives of this protocol are to:

- Encourage proponents of telecommunication tower/antenna facilities (hereinafter referred to as "tower facility(ies)") to use existing tower facilities, structures and infrastructure, such as utility poles, street light poles, etc., to minimize the proliferation of new towers within the City of Mississauga;
- Provide a clear and concise outline of the land use authority and public consultation processes when proponents intend to modify or install a tower facility within the City of Mississauga;
- Ensure effective local public notification and consultation when a tower facility is proposed within a community;
- Strongly discourage proponents from locating tower facilities on lands designated as Greenbelt which are generally associated with natural hazards lands and/or natural area systems in accordance with Mississauga Official Plan;
- Strongly discourage proponents from locating tower facilities on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;
- Encourage proponents to locate and design tower facilities which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area;
- Encourage proponents to respect the applicable zoning regulations when proposing a new tower facility; and
- Encourage proponents to locate tower facilities in areas which minimize the adverse impact on the community (e.g. utility, industrial and business employment areas).

2 Jurisdiction and Application of the Protocol

2.1 Jurisdiction

Tower facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow this consultation protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a tower facility.

2.2 Application of the Protocol

For those tower facilities 15 metres (49.2 feet) in height or greater, the process set out in this Protocol applies. In the case of tower facilities of less than 15 metres (49.2 feet), the proponent shall consult with the City and the proponent will be subject to the City's internal process. The nature and extent of the internal process will be defined in the Preliminary Consultation stage (Section 5.1 of this Protocol).

3 Location and Design Guidelines

3.1 Co-location on an existing tower facility is the preferred option instead of constructing new tower facilities within the City of Mississauga.

3.2 Where co-location on existing facilities is not possible, proponents should investigate locating facilities on existing structures, such as, street light poles, water towers, etc.

3.3 Where a new tower facility must be constructed, the new facility should not be located on:

- a) Lands designated as Greenbelt under the Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
- b) Heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and
- c) Downtown area.

3.4 Where a new tower facility must be constructed, the following location and design guidelines should be followed:

- a) Maximize distance from residential areas;
- b) Locate facilities in utility, industrial and business employment areas;
- c) Allow for future co-location of facilities;
- d) Locate facilities away from street line to minimize visual impact of the tower from the streetscape;
- e) Associated equipment shelter(s) measuring greater than 5.0 square metres (53.8 square feet) should comply with the applicable zoning by-law regulations (e.g. minimum setbacks, minimum landscaped buffers, etc.);
- f) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under the Mississauga Official Plan;

- g) Avoid locating facilities on parking and/or loading spaces as it may cause a non-compliance situation for a property with the zoning by-law and/or impact future development for the site;
- h) Lattice style towers are strongly discouraged;
- i) Monopole towers with antennas flush mounted are preferred;
- j) Towers/antennas attached to an existing building, including rooftop installations, should be screened or concealed and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;
- k) Identify the owner/operator, including the contact information, of a facility by providing a small sign with a maximum size of 0.5 square metres (5.4 square feet) placed at the base of the structure; and
- l) Third party advertising or promotion of the owner/operator is strongly discouraged.

3.5 When new tower facilities are located in a high profile and/or sensitive area, such as, but not limited to, major nodes and community nodes, the facility should be designed and sited to minimize visual impact within the context of the surrounding area. In addition to the guidelines in Sections 3.3 and 3.4 of this protocol, the following guidelines should also be met:

- a) Camouflage techniques, such as flagpoles, clock towers, trees, light poles, etc., should be used and reflect the context of the surrounding area; and
- b) Associated equipment shelter(s) greater than 5.0 square metres (53.8 square feet) should be constructed to reflect the context of the surrounding area. Particular attention should be focused on compatibility of roof slopes, materials, colours and architectural details.

4 Land Use Authority's Designated Official

4.1 For the purpose of this protocol, the designated official for the City of Mississauga is the Director of the Development and Design Division, Planning and Building Department or his or her designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Director or his or her designate.

5 Preliminary Consultation

5.1 Proponents are required to have a preliminary consultation with the Director (or designate) prior to submitting a formal request to install or modify a tower facility. This initial contact will allow the proponent to meet with the Director (or designate) to discuss the proposal, including the rationalization behind the site selection and in the case of a tower facility of less than 15 metres (49.2 feet) in height, the City's internal process that must be followed.

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

5.2 The following information must be provided to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate) in order to schedule a preliminary consultation meeting:

- a) Cover letter describing the proposed tower facility including its height and dimensions and any antenna that may be mounted on the supporting structure;
- b) Site Selection/Justification Report, prepared by a certified engineer or land use planner. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) Draft site plan or survey plan of the subject property showing the location of the proposed tower facility in relation to the site and/or building on the property; and
- d) Elevation plan or simulated images of the proposed tower facility.

5.3 After this preliminary consultation meeting, the Director (or designate) will notify the Ward Councillor of the meeting.

6 Exclusions

6.1 For the following types of tower facility installations or modifications, Industry Canada has established a list which excludes proponents from the requirement to consult with the Land Use Authority and the public:

- a) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- b) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus, to existing infrastructure, a building, water tower, etc., provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;

- c) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- d) Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- e) New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres (49.2 feet) above ground level which are subject to the City's internal process as set out in Sections 2.2 and 5.1 of this Protocol.

6.2 It is suggested that proponents consult with the Director (or designate) even though a proposal meets exclusion b) in Section 6.1 of this Protocol and in the case of exclusion e) of Section 6.1 there shall be a preliminary consultation as set out in Sections 2.2 and 5.1 to determine the City's internal process that is to be followed.

7 Land Use Authority and Public Consultation

7.1 Land Use Authority and Public Consultation Requirements

7.1.1 Land Use Authority and public consultation will be required when a proposed tower facility does not meet the exclusion list in Section 6.1 of this protocol.

7.2 Formal Submission Requirements

7.2.1 All proposals for a tower facility or modifications to an existing tower facility will require the submission of the following materials to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate):

- a) A tower facility request form and fees in accordance with the City's Fees and Charges By-law, as amended;
- b) A Site Selection/Justification Report, prepared by a certified engineer or land use planner. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) A public notification package;
- d) A site plan or survey plan which shall include a compound layout, an elevation and parking/loading statistics if the proposal is located on parking/loading areas;

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

7.2.2 If the required materials listed above are not complete or provided to the satisfaction of the Director (or designate), the request will be considered incomplete and will not mark the official commencement of the 120 day consultation process.

7.2.4 When the request is deemed complete by the Director (or designate), the Director (or designate) will notify the Ward Councillor of the formal submission.

7.3 Public Notification Package Requirements

7.3.1 The public notification package must include the following information:

- a) A location map (key plan) of the proposed site including the address;
- b) A site plan or survey plan of the subject property showing the exact location of the proposed tower facility, including a compound layout plan (area to be leased) and elevation plan;
- c) A physical description of the proposed tower facility including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
- d) Colour simulated images of the proposed tower facility;
- e) The proposed tower facility's purpose, the reasons why existing towers or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;
- f) An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- g) Notice that general information relating to health concerns and Safety Code 6 is available on Health Canada's website;
- h) An attestation that the installation will respect good engineering practices including structural adequacy;
- i) Reference to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol and where it can be viewed;

- j) The following sentences regarding jurisdiction: "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Tower/Antenna Facilities Protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.";
- k) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website;
- l) Contact information for the Applicant, the City of Mississauga, the local Industry Canada office and the applicable Member of Parliament;
- m) Address, location and timing of public open house (if applicable); and
- n) The closing date for submission of written public comments.

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

- a) 7 days after the public open house, where a public open house is required; or
- b) 30 days where a public open house is not required.

7.4 Public Notification

7.4.1 The Applicant shall be responsible for:

- a) Distribution of the public notification packages;
- b) Erection of a notice sign on the subject property; and
- c) Placement of a newspaper notice, if applicable.

7.4.2 The applicable Member of Parliament in consultation with the Applicant shall be responsible for convening a public open house, if applicable.

7.5 Circulation Area and Delivery of Public Notification Packages

7.5.1 The Director (or designate) will provide the Applicant with a list of property owners within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the tower facility. The list shall also include the applicable resident association.

7.5.2 When a public open house is required:

The Applicant is to send the public notification packages, at least 30 days prior to the date of the public open house, to the applicable property owners and applicable Member of Parliament by mail. The Applicant is to ensure that the notification provides at least 7 days for written comment (see Subsection 7.3.2 of this protocol).

7.5.3 When a public open house is not required:

The Applicant is to send the public notification packages to the applicable property owners and applicable Member of Parliament by mail. The Applicant is to ensure that the notification provides at least 30 days for written comment (see Subsection 7.3.2 of this protocol).

7.6 Notice Sign

7.6.1 The Applicant shall erect a sign on the property notifying the public of the proposal to establish a tower facility on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street.

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

7.6.3 Where a public open house is required, the notice sign shall contain the following wording:

PUBLIC NOTICE

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

An open house is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].

Public comment is invited.

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

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

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

The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.

[Municipal and Industry Canada contact information]

- 7.6.4 Where a public open house is not required, the notice sign shall contain the following wording:

PUBLIC NOTICE

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

Public comment is invited.

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

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

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

The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.

[Municipal and Industry Canada contact information]

- 7.6.5 The erection of the notice sign should be coordinated with the distribution of the public notification packages.
- 7.6.6 Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the Director (or designate) within 10 days after the sign has been erected.
- 7.6.7 The sign shall remain on the subject property for the duration of the consultation process.
- 7.6.8 The Applicant shall be responsible for removing the sign no later than 21 days after the completion of the consultation process.
- 7.7 Newspaper Notice**
- 7.7.1 Where a tower facility is greater than 30 metres (98.4 feet) in height, the Applicant shall place a newspaper notice in the Mississauga News (i.e. the community's newspaper). The notice shall be placed in a Wednesday's edition.

- 7.7.2 The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).
- 7.7.3 A copy of the actual newspaper notice appearing in the Mississauga News, including the newspaper date, shall be forwarded to the Director (or designate) within 10 days of the newspaper notice being published.
- 7.7.4 Where a public open house is required:
- 7.7.4.1 The newspaper notice shall be published at least 21 days before the date of the public open house.
- 7.7.4.2 The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.
- 7.7.4.3 The newspaper notice shall contain the following information:
- a) Description of the proposed tower facility, including the height;
 - b) Address of the proposed tower facility;
 - c) Location map (key plan) of the proposed site;
 - d) Invitation for public comment and the closing date for submission of written comments;
 - e) Invitation to the public open house, location and time of open house;
 - f) Applicant's contact information;
 - g) Inclusion of the following "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility."; and
 - h) Municipal and Industry Canada contact information.
- 7.7.5 Where a public open house is not required:
- 7.7.5.1 The date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.
- 7.7.5.2 The newspaper notice shall contain the following information:
- a) Description of the proposed tower facility, including the height;

- b) Address of the proposed tower facility;
- c) Location map (key plan) of the proposed site;
- d) Invitation for public comment and the closing date for submission of written comments;
- e) Applicant's contact information;
- f) Inclusion of the following "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility."; and
- g) Municipal and Industry Canada contact information.

7.8 Public Open House

7.8.1 The applicable Member of Parliament, in consultation with the Applicant, shall convene a public open house if the proposed tower facility is located:

- a) in a residential area; or
- b) within the greater of either, three times the tower height or 120 metres (393.7 feet) from a residential area.

7.8.2 The applicable Member of Parliament, in consultation with the Applicant, shall adhere to the following requirements when convening a public open house:

- a) Open house shall be open and accessible to all members of the public and local stakeholders;
- b) Open house shall occur on a weekday evening, no sooner than 21 days and no later than 28 days, from the date that the public notification packages are mailed and the sign posted;
- c) Duration of the open house shall be a minimum of 2 hours;
- d) Two display panels, at a minimum, containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposed tower facility shall be displayed at the open house;
- e) Public notification packages including a public comment sheet shall be made available for attendees;
- f) Closing date for written public comments (at least 7 days after the open house) shall be clearly announced at the open house;

- g) Obtain a record of all names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information; and
- h) A clear statement shall be made at the open house indicating that telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities and the City of Mississauga can only provide comments to Industry Canada as the City does not have the authority to stop the construction of a telecommunication tower/antenna facility.

8 Response to the Public

- 8.1 The Applicant is to address all reasonable and relevant concerns, make all efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public or Director (or designate) raises a question, comment or concern relating to the tower facility, as a result of the public consultation process, then the Applicant is required to:
- a) Respond to the party in writing within 14 days by acknowledging receipt of the question, comment or concern and keep a record of the communication;
 - b) Address in writing all reasonable and relevant concerns within 30 days of receipt or explain why the question, comment or concern is not, in the view of the Applicant, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the Applicant's response; and
 - c) In the case where the party responds within the 21 day reply period, the Applicant shall address all reasonable and relevant concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an informal meeting.

9 Concluding Consultation

- 9.1 The Applicant shall provide to the Director (or designate) a package summarizing the results of the public consultation process which shall include the following information:
- a) Attendance list and contact information from the public open house (if applicable);
 - b) All public comments and/or concerns received regarding the proposal;
 - c) Applicant's responses to the public comments and/or concerns outlining how the concerns were or will be addressed, or alternatively, by clearly indicating why such concerns are not reasonable or relevant; and
 - d) If any modifications to the proposal are agreed to, then further details will be required, including a revised survey plan.

- 9.2 The Director (or designate) will review the request and prepare comments to the Applicant with a copy to Industry Canada. The focus of the comments will be on how the Applicant complied with the consultation requirements and process and how the proposal met the location and design objectives of this protocol.

10 Timeframes

- 10.1 The Land Use Authority and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the Director (or designate) responds to the Applicant with or without objections regarding the proposal.
- 10.2 Where the Land Use Authority consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the Applicant shall be responsible for a supplementary public notification and consultation process, if the Applicant decides to proceed with the tower facility proposal on the subject property.
- 10.3 Appendix A of this protocol contains a flow chart of the Land Use Authority and public consultation processes.

11 Definitions

Co-location means the placement of an antenna system on an existing telecommunication tower/antenna facility.

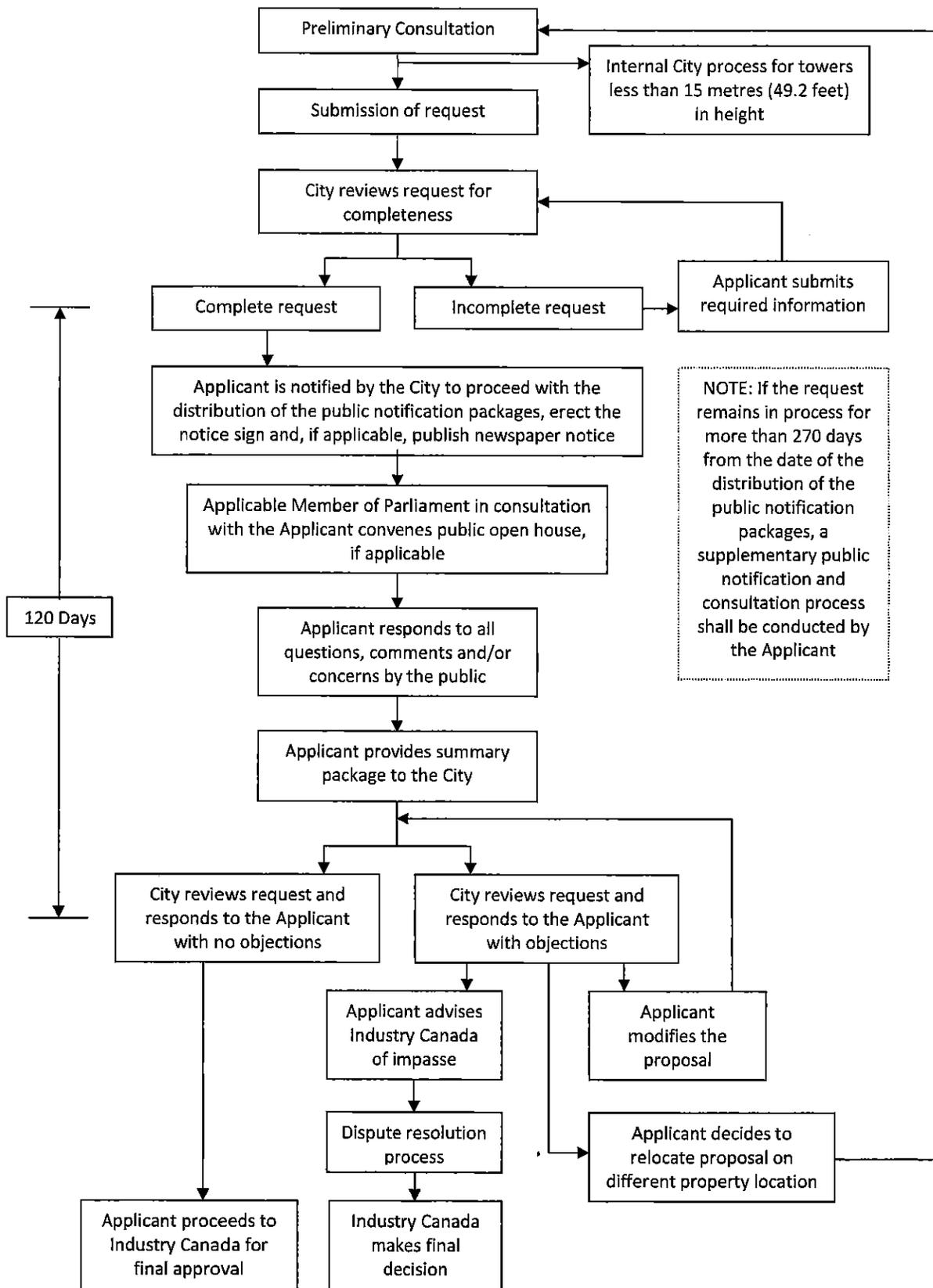
Equipment shelter means a structure used to house the required equipment for the operation of a telecommunication tower/antenna facility.

Land Use Authority (LUA) means the City of Mississauga, Planning and Building Department, Development and Design Division.

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

Telecommunication Tower/Antenna Facility ("tower facility(ies)") means all components and equipment required on site for the operation of a wireless telecommunication network or broadcasting equipment and may include an associated equipment shelter and compound area.

Appendix A - Consultation Flow Chart



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APPENDIX 2

City of Mississauga Telecommunication Tower/Antenna Facilities Protocol (Interim)

March 5, 2012

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Appendix A - Consultation Flow Chart

1 Objectives

1.1 The objectives of this protocol are to:

- Encourage proponents of telecommunication tower/antenna facilities (hereinafter referred to as "tower facility(ies)") to use existing tower facilities, structures and infrastructure, such as utility poles, street light poles, etc., to minimize the proliferation of new towers within the City of Mississauga;
- Provide a clear and concise outline of the land use authority and public consultation processes when proponents intend to modify or install a tower facility within the City of Mississauga;
- Ensure effective local public notification and consultation when a tower facility is proposed within a community;
- Strongly discourage proponents from locating tower facilities on lands designated as Greenbelt which are generally associated with natural hazards lands and/or natural area systems in accordance with Mississauga Official Plan;
- Strongly discourage proponents from locating tower facilities on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;
- Encourage proponents to locate and design tower facilities which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area;
- Encourage proponents to respect the applicable zoning regulations when proposing a new tower facility; and
- Encourage proponents to locate tower facilities in areas which minimize the adverse impact on the community (e.g. utility, industrial and business employment areas).

2 Jurisdiction and Application of the Protocol

2.1 Jurisdiction

Tower facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow this consultation protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a tower facility.

- 2.2 Application of the Protocol
For those tower facilities 15 metres (49.2 feet) in height or greater, the process set out in this Protocol applies. In the case of tower facilities of less than 15 metres (49.2 feet), the proponent shall consult with the City and the proponent will be subject to the City's internal process. The nature and extent of the internal process will be defined in the Preliminary Consultation stage (Section 5.1 of this Protocol).

3 Location and Design Guidelines

- 3.1 Co-location on an existing tower facility is the preferred option instead of constructing new tower facilities within the City of Mississauga.
- 3.2 Where co-location on existing facilities is not possible, proponents should investigate locating facilities on existing structures, such as, street light poles, water towers, etc.
- 3.3 Where a new tower facility must be constructed, the new facility should not be located on:
- a) Lands designated as Greenbelt under the Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
 - b) Heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and
 - c) Downtown area.
- 3.4 Where a new tower facility must be constructed, the following location and design guidelines should be followed:
- a) Maximize distance from residential areas;
 - b) Locate facilities in utility, industrial and business employment areas;
 - c) Allow for future co-location of facilities;
 - d) Locate facilities away from street line to minimize visual impact of the tower from the streetscape;
 - e) Associated equipment shelter(s) measuring greater than 5.0 square metres (53.8 square feet) should comply with the applicable zoning by-law regulations (e.g. minimum setbacks, minimum landscaped buffers, etc.);
 - f) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under the Mississauga Official Plan;

- g) Avoid locating facilities on parking and/or loading spaces as it may cause a non-compliance situation for a property with the zoning by-law and/or impact future development for the site;
- h) Lattice style towers are strongly discouraged;
- i) Monopole towers with antennas flush mounted are preferred;
- j) Towers/antennas attached to an existing building, including rooftop installations, should be screened or concealed and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;
- k) Identify the owner/operator, including the contact information, of a facility by providing a small sign with a maximum size of 0.5 square metres (5.4 square feet) placed at the base of the structure; and
- l) Third party advertising or promotion of the owner/operator is strongly discouraged.

3.5 When new tower facilities are located in a high profile and/or sensitive area, such as, but not limited to, major nodes and community nodes, the facility should be designed and sited to minimize visual impact within the context of the surrounding area. In addition to the guidelines in Sections 3.3 and 3.4 of this protocol, the following guidelines should also be met:

- a) Camouflage techniques, such as flagpoles, clock towers, trees, light poles, etc., should be used and reflect the context of the surrounding area; and
- b) Associated equipment shelter(s) greater than 5.0 square metres (53.8 square feet) should be constructed to reflect the context of the surrounding area. Particular attention should be focused on compatibility of roof slopes, materials, colours and architectural details.

4 Land Use Authority's Designated Official

4.1 For the purpose of this protocol, the designated official for the City of Mississauga is the Director of the Development and Design Division, Planning and Building Department or his or her designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Director or his or her designate.

5 Preliminary Consultation

5.1 Proponents are required to have a preliminary consultation with the Director (or designate) prior to submitting a formal request to install or modify a tower facility. This initial contact will allow the proponent to meet with the Director (or designate) to discuss the proposal, including the rationalization behind the site selection and in the case of a tower facility of less than 15 metres (49.2 feet) in height, the City's internal process that must be followed.

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

5.2 The following information must be provided to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate) in order to schedule a preliminary consultation meeting:

- a) Cover letter describing the proposed tower facility including its height and dimensions and any antenna that may be mounted on the supporting structure;
- b) Site Selection/Justification Report, prepared by a certified engineer or land use planner. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) Draft site plan or survey plan of the subject property showing the location of the proposed tower facility in relation to the site and/or building on the property; and
- d) Elevation plan or simulated images of the proposed tower facility.

5.3 After this preliminary consultation meeting, the Director (or designate) will notify the Ward Councillor of the meeting.

6 Exclusions

6.1 For the following types of tower facility installations or modifications, Industry Canada has established a list which excludes proponents from the requirement to consult with the Land Use Authority and the public:

- a) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- b) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus, to existing infrastructure, a building, water tower, etc., provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;

- c) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
 - d) Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
 - e) New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres (49.2 feet) above ground level which are subject to the City's internal process as set out in Sections 2.2 and 5.1 of this Protocol.
- 6.2 It is suggested that proponents consult with the Director (or designate) even though a proposal meets exclusion b) in Section 6.1 of this Protocol and in the case of exclusion e) of Section 6.1 there shall be a preliminary consultation as set out in Sections 2.2 and 5.1 to determine the City's internal process that is to be followed.

7 Land Use Authority and Public Consultation

7.1 Land Use Authority and Public Consultation Requirements

- 7.1.1 Land Use Authority and public consultation will be required when a proposed tower facility does not meet the exclusion list in Section 6.1 of this protocol.

7.2 Formal Submission Requirements

- 7.2.1 All proposals for a tower facility or modifications to an existing tower facility will require the submission of the following materials to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate):
- a) A tower facility request form and fees in accordance with the City's Fees and Charges By-law, as amended;
 - b) A Site Selection/Justification Report, prepared by a certified engineer or land use planner. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
 - c) A public notification package;
 - d) A site plan or survey plan which shall include a compound layout, an elevation and parking/loading statistics if the proposal is located on parking/loading areas;

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

7.2.2 If the required materials listed above are not complete or provided to the satisfaction of the Director (or designate), the request will be considered incomplete and will not mark the official commencement of the 120 day consultation process.

7.2.4 When the request is deemed complete by the Director (or designate), the Director (or designate) will notify the Ward Councillor of the formal submission.

7.3 Public Notification Package Requirements

7.3.1 The public notification package must include the following information:

- a) A location map (key plan) of the proposed site including the address;
- b) A site plan or survey plan of the subject property showing the exact location of the proposed tower facility, including a compound layout plan (area to be leased) and elevation plan;
- c) A physical description of the proposed tower facility including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
- d) Colour simulated images of the proposed tower facility;
- e) The proposed tower facility's purpose, the reasons why existing towers or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;
- f) An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- g) Notice that general information relating to health concerns and Safety Code 6 is available on Health Canada's website;
- h) An attestation that the installation will respect good engineering practices including structural adequacy;
- i) Reference to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol and where it can be viewed;

- j) The following sentences regarding jurisdiction: "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Tower/Antenna Facilities Protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.";
- k) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website;
- l) Contact information for the Applicant, the City of Mississauga, the local Industry Canada office and the applicable Member of Parliament;
- m) Address, location and timing of public open house (if applicable); and
- n) The closing date for submission of written public comments.

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

- a) 7 days after the public open house, where a public open house is required; or
- b) 30 days where a public open house is not required.

7.4 Public Notification

7.4.1 The Applicant shall be responsible for (including all associated costs):

- a) Distribution of the public notification packages;
- b) Erection of a notice sign on the subject property; and
- c) Placement of a newspaper notice, if applicable.

7.4.2 The applicable Member of Parliament, in consultation with the Applicant, shall be responsible for convening a public open house, if applicable, at the Applicant's cost.

7.4.3 Should the applicable Member of Parliament not convene a public open house, the Applicant shall be responsible for convening a public open house, if applicable, at the Applicant's cost.

7.5 Circulation Area and Delivery of Public Notification Packages

7.5.1 The Director (or designate) will provide the Applicant with a list of property owners within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the tower facility. The list shall also include the applicable resident association.

7.5.2 When a public open house is required:

The Applicant is to send the public notification packages, at least 30 days prior to the date of the public open house, to the applicable property owners and applicable Member of Parliament by mail. The Applicant is to ensure that the notification provides at least 7 days for written comment (see Subsection 7.3.2 of this protocol).

7.5.3 When a public open house is not required:

The Applicant is to send the public notification packages to the applicable property owners and applicable Member of Parliament by mail. The Applicant is to ensure that the notification provides at least 30 days for written comment (see Subsection 7.3.2 of this protocol).

7.6 Notice Sign

7.6.1 The Applicant shall erect a sign on the property notifying the public of the proposal to establish a tower facility on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street.

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

7.6.3 Where a public open house is required, the notice sign shall contain the following wording:

PUBLIC NOTICE

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

An open house is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].

Public comment is invited.

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

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

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

The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.

[Municipal and Industry Canada contact information]

7.6.4 Where a public open house is not required, the notice sign shall contain the following wording:

PUBLIC NOTICE

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

Public comment is invited.

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

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

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

The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.

[Municipal and Industry Canada contact information]

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

7.6.6 Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the Director (or designate) within 10 days after the sign has been erected.

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

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

7.7 Newspaper Notice

7.7.1 Where a tower facility is greater than 30 metres (98.4 feet) in height, the Applicant shall place a newspaper notice in the Mississauga News (i.e. the community's newspaper). The notice shall be placed in a Wednesday's edition.

- 7.7.2 The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).
- 7.7.3 A copy of the actual newspaper notice appearing in the Mississauga News, including the newspaper date, shall be forwarded to the Director (or designate) within 10 days of the newspaper notice being published.
- 7.7.4 Where a public open house is required:
- 7.7.4.1 The newspaper notice shall be published at least 21 days before the date of the public open house.
- 7.7.4.2 The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.
- 7.7.4.3 The newspaper notice shall contain the following information:
- a) Description of the proposed tower facility, including the height;
 - b) Address of the proposed tower facility;
 - c) Location map (key plan) of the proposed site;
 - d) Invitation for public comment and the closing date for submission of written comments;
 - e) Invitation to the public open house, location and time of open house;
 - f) Applicant's contact information;
 - g) Inclusion of the following "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility."; and
 - h) Municipal and Industry Canada contact information.
- 7.7.5 Where a public open house is not required:
- 7.7.5.1 The date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.
- 7.7.5.2 The newspaper notice shall contain the following information:
- a) Description of the proposed tower facility, including the height;

- b) Address of the proposed tower facility;
- c) Location map (key plan) of the proposed site;
- d) Invitation for public comment and the closing date for submission of written comments;
- e) Applicant's contact information;
- f) Inclusion of the following "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility."; and
- g) Municipal and Industry Canada contact information.

7.8 Public Open House

- 7.8.1 The applicable Member of Parliament, in consultation with the Applicant, shall convene a public open house if the proposed tower facility is located:
- a) in a residential area; or
 - b) within the greater of either, three times the tower height or 120 metres (393.7 feet) from a residential area.
- 7.8.2 Should the applicable Member of Parliament not convene a public open house, the Applicant shall be responsible for convening a public open house.
- 7.8.3 The applicable Member of Parliament and/or Applicant, as the case may be, shall adhere to the following requirements when organizing and convening a public open house:
- a) Open house shall be open and accessible to all members of the public and local stakeholders;
 - b) Open house shall occur on a weekday evening, no sooner than 21 days and no later than 28 days, from the date that the public notification packages are mailed and the sign posted;
 - c) Duration of the open house shall be a minimum of 2 hours;
 - d) Two display panels, at a minimum, containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposed tower facility shall be displayed at the open house;
 - e) Public notification packages including a public comment sheet shall be made available for attendees;

- f) Closing date for written public comments (at least 7 days after the open house) shall be clearly announced at the open house;
- g) Obtain a record of all names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information; and
- h) A clear statement shall be made at the open house indicating that telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities and the City of Mississauga can only provide comments to Industry Canada as the City does not have the authority to stop the construction of a telecommunication tower/antenna facility.

8 Response to the Public

- 8.1 The Applicant is to address all reasonable and relevant concerns, make all efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public or Director (or designate) raises a question, comment or concern relating to the tower facility, as a result of the public consultation process, then the Applicant is required to:
- a) Respond to the party in writing within 14 days by acknowledging receipt of the question, comment or concern and keep a record of the communication;
 - b) Address in writing all reasonable and relevant concerns within 30 days of receipt or explain why the question, comment or concern is not, in the view of the Applicant, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the Applicant's response; and
 - c) In the case where the party responds within the 21 day reply period, the Applicant shall address all reasonable and relevant concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an informal meeting.

9 Concluding Consultation

- 9.1 The Applicant shall provide to the Director (or designate) a package summarizing the results of the public consultation process which shall include the following information:
- a) Attendance list and contact information from the public open house (if applicable);
 - b) All public comments and/or concerns received regarding the proposal;
 - c) Applicant's responses to the public comments and/or concerns outlining how the concerns were or will be addressed, or alternatively, by clearly indicating why such concerns are not reasonable or relevant; and

- d) If any modifications to the proposal are agreed to, then further details will be required, including a revised survey plan.
- 9.2 The Director (or designate) will review the request and prepare comments to the Applicant with a copy to Industry Canada. The focus of the comments will be on how the Applicant complied with the consultation requirements and process and how the proposal met the location and design objectives of this protocol.
- 9.3 The Applicant may be required, if requested by the Director (or designate), to provide a letter of undertaking.
- 9.4 The Applicant may be required, if requested by the Director (or designate), to provide a public conclusion package.
- 9.4.1 Where a public conclusion package is required, the Applicant shall provide to the Director (or designate) a draft public conclusion package summarizing the conclusion of the consultation process. The public conclusion package must include the following information:
- a) Notice that the City and public consultation process is concluded;
 - b) The following sentences regarding jurisdiction: "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Tower/Antenna Facilities Protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.";
 - c) A site plan or survey plan of the subject property showing the exact location of the proposed tower facility including a compound layout plan (area to be leased) and elevation plan;
 - d) A physical description of the proposed tower facility including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
 - e) Contact information for the Applicant, the local Industry Canada office and the applicable Member of Parliament;
- 9.4.2 Upon written confirmation from the Director (or designate) to proceed, the Applicant shall be responsible for (including all associated costs) distributing the public conclusion packages by mail to the following recipients:
- a) Attendees of the public open house, as indicated on the attendance list from the public open house, if applicable;
 - b) Public that provided written comments regarding the proposal;

- c) List of property owners and applicable resident association provided by the Director (or designate) (see Subsection 7.5.1 of this protocol); and
- d) Applicable Member of Parliament.

10 Timeframes

- 10.1 The Land Use Authority and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the Director (or designate) responds to the Applicant with or without objections regarding the proposal.
- 10.2 Where the Land Use Authority consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the Applicant shall be responsible for a supplementary public notification and consultation process, if the Applicant decides to proceed with the tower facility proposal on the subject property.
- 10.3 Appendix A of this protocol contains a flow chart of the Land Use Authority and public consultation processes.

11 Definitions

Co-location means the placement of an antenna system on an existing telecommunication tower/antenna facility.

Equipment shelter means a structure used to house the required equipment for the operation of a telecommunication tower/antenna facility.

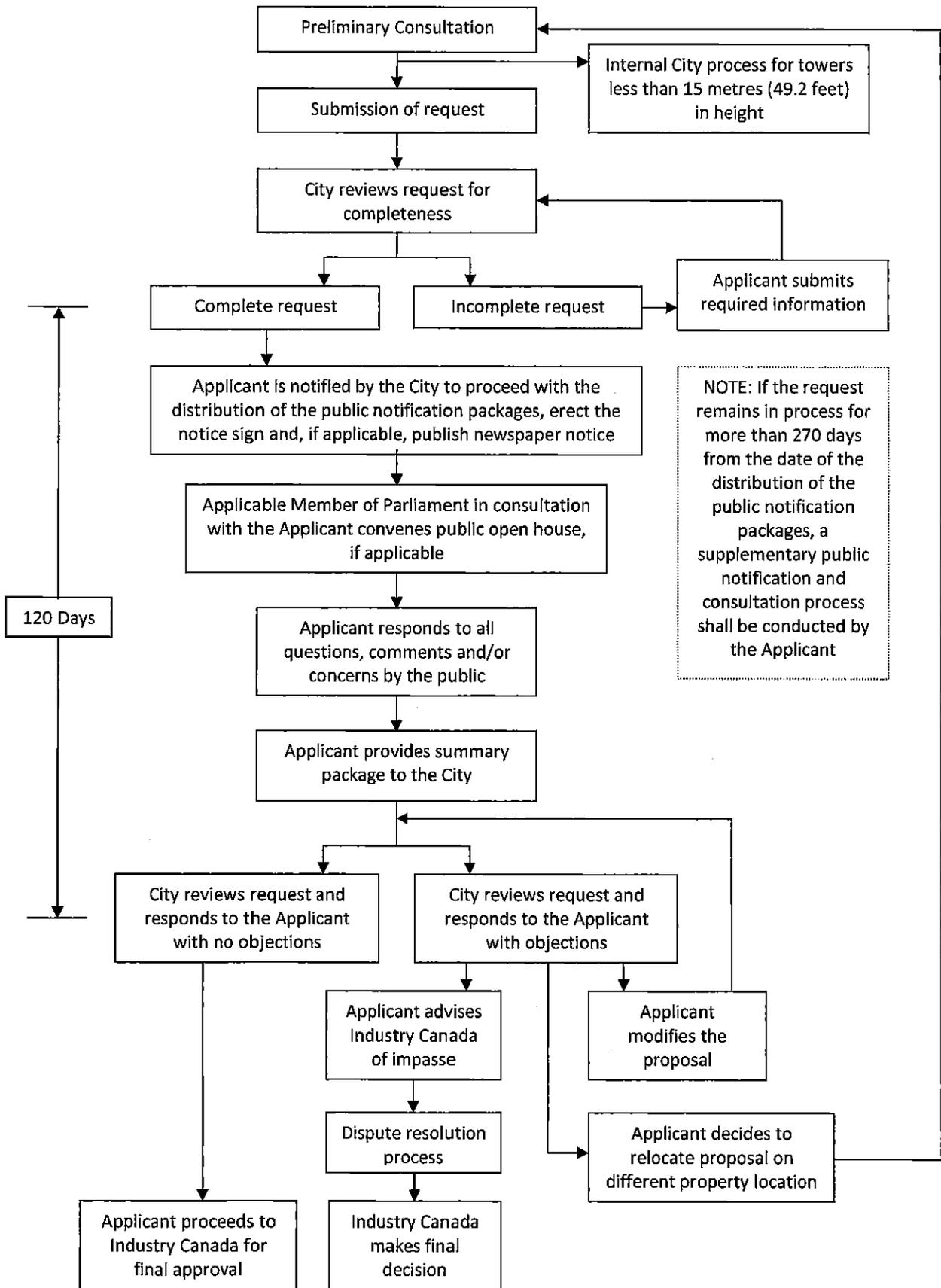
Land Use Authority (LUA) means the City of Mississauga, Planning and Building Department, Development and Design Division.

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

Telecommunication Tower/Antenna Facility ("tower facility(ies)") means all components and equipment required on site for the operation of a wireless telecommunication network or broadcasting equipment and may include an associated equipment shelter and compound area.

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Appendix A - Consultation Flow Chart





Corporate Report

Clerk's Files

Originator's Files

COUNCIL AGENDA
MAR 07 2012

DATE: February 15, 2012

TO: Chair and Members of General Committee
Meeting Date: February 29, 2012

FROM: Paul A. Mitcham P.Eng., MBA
Commissioner of Community Services

SUBJECT: **Tourism Agreement for Mississauga Toronto West Tourism (MTWT)**

RECOMMENDATION: That the Commissioner of Community Services be authorized to execute and renew the Services Agreement between the Corporation of the City of Mississauga and the Toronto Convention and Visitors Association, dated April 16th, 2008 (the "Agreement") as provided by the Amending Agreement dated December 15, 2009, in a form satisfactory to the City Solicitor

BACKGROUND: Council approved an amending agreement to the Services Agreement at a Council meeting of December 9, 2009 through Bylaw 0376-2009 "A by-law to authorize the execution of an Amending Agreement to renew and amend the Services Agreement, Toronto Convention & Visitors Association (Tourism Toronto). GC-0787-2009/December 2, 2009 PR.13.Tor.

The Services Agreement in the amount of \$145,400 with the Toronto Convention & Visitors Association (Tourism Toronto) provides for a tourism office within the City of Mississauga under the Mississauga Toronto West Tourism structure in which Mississauga working with a Chair of the Tourism committee, appointed members by Council and the MTWT Manager, Mr. Robert Kawamoto.

COMMENTS:

The following are the key elements of the renewed Services Agreement:

- Continue provision of an office in Mississauga on 2560 Matheson Blvd. East, as the base for Mississauga Toronto West Tourism efforts.
- Dedication of Mr. Robert Kawamoto as the Manager responsible for tourism staff resources to meet tourism needs in Mississauga.
- Support of the following major tourism sectors related to visitors:
 - Hotel and Motels
 - Sport events, meetings and conventions
 - Festivals and Events
 - Shopping and attractions
 - Marketing, promotion, and media
- Investment in Events and Festivals in Mississauga.
- Production of print material promoting Mississauga now consistently produced and located within Mississauga hotels. The key publication is the annual Official Mississauga Visitor Guide.
- Working with Recreation & Parks staff to house an information database of all tourism venues, calendar of events, web based information and special promotions throughout the year featuring venues, events and promotions of interest about Mississauga.
- Continue a working tourism committee between City Staff, SMG staff and LAC staff. The groups work to coordinate City event schedules, Hershey and major sport tournaments and potential new activity including potential partnering on events or festivals.

Major outputs in 2011:

1. Provided \$42,000 to the Mississauga Marathon, Telus Mosaic Festival, and the Mississauga Waterfront Festival in marketing and promotional funding.

2. Produced and distributed 140,000 copies of 2011-2012 Mississauga's Official Visitor Guides in key traveller distribution points from Windsor to Montreal, including Pearson International Airport.
3. Provided \$30,000 in event sponsorship and complimentary event hospitality services for the 2011 Master Card Memorial Cup.
4. Surpassed 2011 overnight accommodation (room nights) target of 60,000 room nights at 61,936 or 103%.
5. MTWT industry membership has grown from 41 local businesses in 2007 to 134 in 2011.

- Confirmed Mississauga Toronto West Tourism Advisory Committee for 2011 -2013 term:

(4) City of Mississauga - Councillor Pat Saito - Advisory Chair;
Paul Mitcham; Larry Petovello; John Rydjewski

(1) Sport Venue – Mike Hamilton - Hershey Sport Zone

(1) Retail Industry – Nance MacDonald – Erin Mills Town Centre

(1) Food and Beverage Industry – Restaurant

(3) Hotel Representatives – Toni Frankfurter - Waterside Inn,
Debbie Stellinga – Novotel Mississauga, Laura Pallotta - Delta
Meadowvale

(1) Convention Centre – Michael Prescott - International Centre

(2) Media and Event Promotions – Jake Dheer – Rogers; Elliot
Kerr – Landmark Productions

(1) Board of Trade – Sheldon Leiba

(1) Mississauga Arts – Jayme Gaspar – Heritage Mississauga

(1) Tourism Toronto Representatives – Robert Kawamoto

- Support for the hosting of the International Indian Film Awards (IIFA - Bollywood) hosted by the GTA with specific sites at Toronto, Mississauga and Brampton.
- Hosted or will be hosting the following significant meetings, conventions and sport events:
 - 2011 March–Gymnastics Mississauga–Elite Canada for Men
 - 2011 May - Master Card Memorial Cup of Hockey

- 2011 May – Mississauga Marathon
- 2011 June – Mississauga Canada Cup of Soccer
- 2011 July – IIFA (Bollywood)
- 2011 World Bodybuilding Fitness Federation Show
- 2011 July – Canadian Table Tennis Championships
- 2011 October - Skate Canada International Grand Prix
- 2011 November - Canadian Olympic Committee
- 2012 January - Acklands Granger
- 2012 March - OFSAA – Girls Hockey Tournament
- 2012 October – Ontario Folk Festivals

As per section 2.2, the Services Agreement, provided that there are no amendments to be made to the Services Agreement, it shall renew for a further term of (1) year:

2.2 Renewal Term

If by the end of the Initial Term this Agreement has not been terminated in accordance with its termination provisions, and neither party hereto has served on the other party a notice of intention to amend this Agreement as provided in paragraph (2) of this Section 2.2, then this Agreement will be automatically renewed for a subsequent term of one (1) year. If this Agreement is automatically renewed aforesaid, the terms of each such renewal shall be identified as a “Renewal Term” and the Agreement, as renewed, shall be subject to all the terms and provisions of this Agreement, including, without limitation, the rights of termination, amendment and further renewal. The term of the current Services Agreement is set to end on December 31, 2010 and therefore, the renewed Services Agreement will be effective from January 1, 2012 to December 31, 2012.

FINANCIAL IMPACT: No cost changes are proposed for the 2012 service year. A budget amount of \$145,400 is within the 2012 current budget submission for this Service Agreement.

CONCLUSION: The Mississauga Toronto West Tourism (MTWT) agreement conditions for 2011 have all been met, and an amending agreement suitable in a form satisfactory to Legal Services has been prepared that renews the agreement for one year.

ATTACHMENTS:

Appendix 1: Services Agreement dated April 16, 2008

Appendix 2: Amending Agreement dated December 15, 2009



Paul A. Mitcham P.Eng., MBA
Commissioner of Community Services

Prepared By: Stuart Taylor, Acting Director of Recreation

SERVICES AGREEMENT

THIS AGREEMENT made as of the 16th day of April, 2008.

BETWEEN:

THE CORPORATION OF THE CITY OF MISSISSAUGA
(hereinafter the "City")

- and -

TORONTO CONVENTION & VISITORS ASSOCIATION
(hereinafter "Tourism Toronto")

PREAMBLE

- A. Tourism Toronto operates as a not-for-profit association with a focus on promoting the Greater Toronto Region ("GTA"), including the City of Mississauga, as a destination for tourists, convention delegates and business travellers;
- B. Tourism Toronto and the City wish to enter into this Agreement to provide for the terms and conditions upon which Tourism Toronto will provide sales and marketing services to the City through Tourism Toronto's Mississauga and Toronto West Tourism branch office ("MTWT");

NOW THEREFORE, IN CONSIDERATION of the mutual covenants and agreement contained in this Agreement and subject to the terms and conditions set out below, the City and Tourism Toronto agree with each other as follows:

ARTICLE I: INTERPRETATION

1.1 Definitions

In the Agreement, unless inconsistent with the context:

"Advisory Panel" means the Panel providing strategic advice to MTWT as provided in section 3.3;

"Agreement" means this Agreement including all attached Schedules;

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"Annual Sales and Marketing Plan" means the sales and marketing plan setting out the services to be provided by the MTWT branch office for the applicable time period;

"Business Day" means any day other than a Saturday, a Sunday or a statutory holiday in the Province of Ontario, including the winter holiday period typically occurring between December 25 and January 2, or any other day on which the principal chartered banks located in the City of Mississauga are not open for business during normal banking hours;

"City's Contact" shall have the meaning provided in section 3.8;

"City Council" means the Council of the City of Mississauga;

"City Indemnified Parties" means the City's Mayor, Councillors, officers, employees, agents, and their respective heirs, executors, administrators, successors and assigns;

"Commissioner" means the Commissioner of Community Services of the City;

"Contribution" means funding provided by the City to Tourism Toronto under this Agreement;

"Dispute" means in relation to this Agreement any claim, dispute, or any disagreement between the City and Tourism Toronto;

"Disputing Party" means the party to this Agreement raising the Dispute;

"Initial Term" shall have the meaning provided in section 2.1;

"Renewal Term" shall have the meaning provided in section 2.2;

"Tourism Toronto's Representative" shall have the meaning provided in section 3.7;

1.2 Sections & Headings

The division of this Agreement into Articles and sections and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement. Unless inconsistent with the subject matter or context, references to Articles and sections are to Articles and sections of this Agreement.

1.3 Number, Gender, Person

Unless inconsistent with the subject matter or context:

- 1) words importing gender shall include the masculine, feminine and neuter genders;

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- 2) words importing number shall include the plural and vice versa; and
- 3) words importing persons shall include individuals, partnerships, associations, trusts, municipal corporations, unincorporated organizations and corporations, and vice versa.

1.4 Currency

Except where expressly provided otherwise, all amounts in this Agreement are stated and shall be paid in Canadian currency.

1.5 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable in Ontario.

1.6 Preamble

The preamble above is true and forms an integral part of this Agreement.

ARTICLE II: TERM

2.1 Initial Term

The term of this Agreement shall commence on the day it is executed by both parties and expire on December 31, 2008 (the "Initial Term").

2.2 Renewal Term

- 1) If by the end of the Initial Term this Agreement has not been terminated in accordance with its termination provisions, and neither party hereto has served on the other party a notice of intention to amend this Agreement as provided in paragraph (2) of this section 2.2, then this Agreement will be automatically renewed for subsequent terms of three years each. If this Agreement is automatically renewed aforesaid, the terms of each such renewal shall be identified as a "Renewal Term" and the Agreement, as renewed, shall be subject to all the terms and provisions of this Agreement, including, without limitation, the rights of termination, amendment and further renewal.

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- 2) To amend this Agreement, the party seeking to amend shall provide the other party with written notice of its intention to amend at least three (3) months prior to the expiration of the then current Initial Term or Renewal Term, as the case may be. The party seeking to amend shall include in its notice of intention to amend a description of the terms of the Agreement which such party proposes to amend for the purposes of the Renewal Term. For greater clarity, the acceptance of the notice of intention to amend by either party does not represent an agreement to amend this Agreement. Where a notice of intention to amend has been served, this Agreement shall not be renewed until a formal agreement for its renewal has been duly executed and agreed to by each party.

ARTICLE III: ORGANIZATION OF MISSISSAUGA AND TORONTO WEST TOURISM

3.1 Corporate Status

- 1) At all times, Tourism Toronto shall subsist as a not-for-profit corporation without share capital and shall be organized in accordance with and be in good standing under the *Corporations Act (Ontario)*, as amended.
- 2) MTWT shall exist as a branch office of Tourism Toronto and shall be at all material times staffed by Tourism Toronto employees.

3.2 Objects

The objects and purposes of MTWT are to promote, attract and secure tourism and tourism-related business for the City of Mississauga and thereby assist the City to meet its objectives with respect to the promotion and servicing of tourism, conventions, sporting and cultural events.

3.3 MTWT Advisory Panel

- 1) An Advisory Panel (the "Panel") for MTWT shall be established by the Commissioner of Community Services, in consultation with Tourism Toronto, and shall be administered by the City's Community Services Department. The Advisory Panel shall review the activities of MTWT and provide strategic advice and constructive feedback to MTWT in order that it may successfully realize the goals of promoting and selling the City of Mississauga as a destination for tourists, convention delegates and business travellers are accomplished, and apply the annual contribution of funds by the City of Mississauga exclusively for this purpose.

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- 2) The Advisory Panel will meet with and report to the Commissioner on a quarterly basis and will report to City Council on a twice-yearly basis with respect to the activities of MTWT.
- 3) Tourism Toronto shall provide the Annual Sales and Marketing Plan to the Advisory Panel, for its review, on or about July 30th in each of the Initial Term and in each year of the subsequent Renewal Terms, or as close to this date as possible.
- 4) The Advisory Panel shall be composed of community leaders who have contributed to the tourism sector in Mississauga and who have shown a vested interest in promoting and enhancing tourism in Mississauga. The Advisory Panel shall meet on a quarterly basis or as needed.
- 5) The Advisory Panel shall be limited to ten (10) members drawn from the following categories:
 - a) three (3) members of the Greater Toronto Hotels Association ("GTHA");
 - b) two (2) staff representatives from Tourism Toronto;
 - c) one (1) representative from the City of Mississauga, being a member of City Council;
 - d) one (1) representative from the Hershey Centre;
 - e) one (1) representative from the food services industry in Mississauga;
 - f) one (1) representative from the retail industry in Mississauga;
 - g) one (1) representative from the City's Community Services Department, being either the Commissioner or the Director of Recreation and Parks ("Director"), or the one person jointly designated by the Commissioner and Director.
- 6) Individuals on the Advisory Panel shall be recommended by each category being represented. All such nominations are subject to the approval of the Commissioner. The initial members of the Advisory Panel shall be appointed for a term that coincides with the length of the Initial Term. Such term may be extended for an additional three (3) years if the City and Tourism Toronto agree.

3.4 Change in Tourism Toronto's Status

- 1) Tourism Toronto shall notify the City, in writing, immediately if there is a change in the corporate status, organization or objects of Tourism Toronto or its MTWT branch. Without limiting any other right the City may have under this Agreement, if Tourism Toronto materially changes its corporate status or objects, the City may terminate this Agreement upon thirty (30) days' notice.
- 2) Tourism Toronto will promptly notify the City:
 - a) of any material change in its operations or business; and of

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- b) any decision or any action taken by Tourism Toronto (including but not limited to becoming a for-profit entity), that materially fetters or impairs its ability to carry out the provisions of this Agreement.

3.5 Not Agents

Nothing in this Agreement shall either render, or be interpreted or construed to mean, the City and Tourism Toronto are partners and/or joint venturers of the other. Nothing in this Agreement shall constitute Tourism Toronto as a local board of the City. Neither party shall have any authority whatsoever to obligate or commit the other party, contractually or otherwise, except as provided in this Agreement.

3.6 Use of Alternate Names

Tourism Toronto shall notify the City without delay if Tourism Toronto intends to identify Tourism Toronto's Mississauga office or operations by any name other than "Mississauga and Toronto West Tourism".

3.7 Tourism Toronto's Representative

Tourism Toronto shall, from time-to-time, identify to the City:

- a) the person or persons who is/are authorized to represent Tourism Toronto in the context of Tourism Toronto's performance under this Agreement and enter into binding commitments on behalf of Tourism Toronto in the fulfillment of Tourism Toronto's rights and obligations hereunder and
- b) shall provide, in writing, the limitation, if any, of such authority.

3.8 City's Contact

Any submissions, reports or requests by Tourism Toronto in relation to this Agreement that are intended for Mississauga City Council or its Committees, whether for the purpose of decision or information, shall be presented by Tourism Toronto through the City's Community Services Department, Attention: The Commissioner, Community Services, with a copy to the Director, Recreation and Parks and the member of City Council appointed to the Advisory Panel.

Handwritten initials/signature in the bottom right corner.

ARTICLE IV: BUSINESS & RESPONSIBILITIES4.1 Tourism Toronto's Business & Responsibilities

In order to fulfill its objects, Tourism Toronto, through its MTWT branch office, will undertake the services set forth in the Annual Sales and Marketing Plan for the appropriate year (or part thereof). Each Annual Sales and Marketing Plan shall be submitted to the Commissioner for approval by June 30th in each of the Initial Term and subsequent Renewal Terms, or as close to this date as reasonably possible. The services detailed in the Annual Sales and Marketing Plan may include:

- a) tourism product development;
- b) advertising and promotion;
- c) Internet marketing;
- d) meetings, conventions, trade, and consumer show
- e) sales and servicing;
- f) visitor information;
- g) travel trade sales and servicing;
- h) cultural events sales and servicing;
- i) sport tourism sales and servicing; and/or
- j) deliverables such as those attached as Schedule "C" to this Agreement, which may be amended from time to time by agreement between the parties.

4.2 Tourism Toronto and the City

- 1) Tourism Toronto and the City shall regularly communicate with each other concerning their respective tourism goals and priorities. Tourism Toronto shall use its reasonable best efforts to keep the City informed of its strategic direction within the context of a GTA-wide tourism strategy and shall, without limiting Tourism Toronto's responsibility for such strategy, provide the City the opportunity to provide input where reasonable to do so. Tourism Toronto shall work with the City to support the City's tourism objectives and take into account the City's interests in the development of its annual business plans and Sales and Marketing Plans for the MTWT branch office.

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- 2) In addition to any work that arises out of Tourism Toronto's responsibilities in paragraph (1) of this section 4.2, Tourism Toronto will use its reasonable best efforts to:
 - a) distribute City's tourism-related materials in accordance with the approved Sales and Marketing Plans;
 - b) provide the City with visitor information;
 - c) when requested by the City provide the City with reports on Tourism Toronto and its activities which are suitable for public release (at no expense to the City); and
 - d) promote and advertise City heritage, cultural, sports and recreational facilities and events that are provided in Schedule A.
- 3) Schedule A may be amended from time to time by written agreement between the City's Contact and Tourism Toronto's Representative.
- 4) This Agreement shall not hinder the City's ability to pursue independent bids for tournaments/events/activities not associated with Tourism Toronto or MTWT.

4.3 Domain Names

- 1) During the Initial Term and any renewal thereof, the City will maintain its ownership and registration as owner of the following domain names currently owned by the City, and shall provide to Tourism Toronto all the necessary right and title (through licenses or otherwise) as Tourism Toronto and the City may deem necessary for the purposes of this Agreement:
 - a) mississaugatourism.ca
 - b) visitmississauga.ca
 - c) visitmississauga.com
 - d) meetinmississauga.ca
 - e) meetinmississauga.com

(collectively known as "Domain Names")

- 2) If this Agreement is terminated for whatever reason, Tourism Toronto shall forthwith cease usage of the Domain Names, unless otherwise agreed to by the City in writing.
- 3) If at any time the City intends not to maintain ownership of any or all of the Domain Names by stopping payment of the hosting and registration fee with the Registrar, the City shall inform Tourism Toronto of such intention at least sixty (60) days prior to the expiry of the domain hosting term. In such instance, Tourism Toronto may, prior to the expiry of the domain hosting term, acquire from the City without charge or cost to

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Tourism Toronto, the Domain Names, the ownership of which the City does not intend to maintain, and the City agrees to transfer such specific Domain Names to Tourism Toronto upon Tourism Toronto's request.

- 4) Tourism Toronto may not sell, lease or otherwise transfer any interest in any of the Domain Names of which the City maintains its ownership and registration without the prior written consent of the City, which consent may not be arbitrarily withheld.
- 5) The parties agree to cooperate with each other, including providing all necessary information to the other party, in the event of a transfer as contemplated in this Agreement.

ARTICLE V: CITY'S FINANCIAL CONTRIBUTION TO MTWT

5.1 Contribution

- 1) Subject to the provisions of this Agreement, the City agrees to make in respect of the Initial Term a contribution of \$290,000.00 (the "Contribution"), in the form of money, towards the operation of the MTWT branch of Tourism Toronto, 75% of which is to be remitted to Tourism Toronto upon the earlier of (a) City Council's approval of the annual municipal operating budget for the fiscal year in which the Contribution is to be made, and (b) July 1st in the calendar year to which the then current Annual Sales and Marketing Plan applies; and 25% upon submission by MTWT of the Financial Statements (defined in section 6.1 below). The Contribution amount is reviewable by City Council in each year of the Renewal Term, based upon the recommendations of the Advisory Panel and City staff. Any reduction or change in the amount of the \$290,000.00 Contribution will require compliance with the provisions of paragraph (2) of Section 2.2 above.
- 2) Tourism Toronto represents and warrants that the Contribution by the City is to be used by Tourism Toronto exclusively for purposes related to the promotion of tourism in Mississauga, subject to the provisions of this Agreement.

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5.2 Annual Report

- 1) MTWT shall prepare and submit by January 31, 2009, following the Initial Term, and by not later than January 31st, in each year of the Renewal Term beginning 2010, an Annual Report to City Council, in such detail and form as the City may reasonably prescribe. Each Annual Report shall include a retrospective summary of the performance of the activities and programs of the MTWT office, for the operating year or term specified in the Annual Report, and an annual budget of all sums required during such period for the operating and capital purposes of the MTWT office. Such budget shall include, but not restricted to:
 - a) Sources of estimated revenues and objects of estimated expenditures; and
 - b) Allowance for a surplus of any previous year or provision for any operating deficit of any previous year.

5.3 Delegation

Tourism Toronto shall select one or more representatives of the MTWT branch office for the purpose of attending meetings of Mississauga City Council and its Committees, at which the Annual Report for the operating period just ended is being considered. Such representatives may make submissions and provide information at such meeting or meetings sufficient to enable the Council or the Committee, as applicable, to give reasonable consideration of the matter.

5.4 Appropriation

Despite anything expressly or impliedly contained to the contrary in this Agreement, the payment of the Contribution by the City is subject to there being a fiscal appropriation by the Mississauga City Council for the fiscal year in which the payment is to be made and this Agreement shall not be construed, in the absence of such appropriation, as a commitment by the City to pay the Contribution.

5.5 Non-representation

In making the Contribution, the City shall not be construed as or deemed to be making any representation – either express or implied – upon which Tourism Toronto may rely that the City possesses the authority in law to make the Contribution.

[Handwritten initials]
MT

ARTICLE 6: RECORDS, INSPECTION AND AUDIT6.1 Financial Statements

Tourism Toronto shall file with the City, no later than September 30th in each of the Initial Term and each year during any Renewal Terms, financial statements for the immediately preceding year (or part thereof in the case of the Initial Term). Such financial statements ("Financial Statements") shall fairly represent the financial position of MTWT and the results of its operations for the period under review.

6.2 Inspection of Financial Records and Documents

- 1) Upon written request from the City, Tourism Toronto shall make available at a reasonable time such documents, contracts, records, claims and accounts with respect to the operation of the MTWT office reasonably requested by the City for inspection by the City.
- 2) Tourism Toronto shall preserve and keep available all accounts, records, claims, documents, contracts and other documents until the expiration of six years from the date of expiry of this Agreement.

ARTICLE VII: RELEASE, INSURANCE AND INDEMNIFICATION7.1 Release

Subject always to any exclusions and limits in its policies of insurance more particularly referred to under section 7.2 below, Tourism Toronto, on behalf of itself, its officers and employees, releases the City, and any and all City Indemnified Parties from and against all claims, actions, causes of action, suits, debts, dues, accounts, contracts, demands, costs, expenses, damages, liabilities or other obligations whatsoever and from and against all liabilities, losses, damages, costs, charges, court costs, legal fees, and other expenses of every nature whatsoever which Tourism Toronto, its officers and employees may now have or hereafter cau, shall or may have against the City or any of the City Indemnified Parties with respect to any action, conduct, or decisions made, arising from this Agreement, including but without limiting to the making or refunding of the Contribution.

7.2 Insurance

- 1) Tourism Toronto shall obtain and maintain at its own cost, including the cost of deductibles, throughout the duration of this Agreement, the following policies of



AMENDING AGREEMENT

THIS AMENDING AGREEMENT is made as of the 15th day of December, 2009.

BETWEEN:

THE CORPORATION OF THE CITY OF MISSISSAUGA

(Referred to in this Agreement as "City")

- and -

TORONTO CONVENTION AND VISITORS ASSOCIATION

(Referred to in this Agreement as "Tourism Toronto")

RECITALS:

- A. The City and Tourism Toronto entered into a Services Agreement made April 16, 2008 setting out the terms and conditions upon which Tourism Toronto would provide sales and marketing services to the City through Tourism Toronto's Mississauga and Toronto West Tourism branch office ("MTWT").
- B. Section 2.2 of that Agreement specified that to amend the Agreement a formal agreement for its renewal shall be duly executed and agreed to by each party.
- C. The City and Tourism Toronto now wish to renew the Services Agreement for a one year term commencing on January 1, 2010.
- D. The City and Tourism Toronto further wish to amend the Services Agreement to provide for an amended contribution by the City towards the operation of the MTWT branch of Tourism Toronto, based upon the amount provided for in the annual municipal operating budget, and to amend the automatic renewal term to provide for a subsequent term of one year.

IN CONSIDERATION of the sum of \$1.00 and of the mutual covenants contained in this Amending Agreement (the receipt and sufficiency of which is irrevocably acknowledged by the City and the Agency), the parties agree as follows:

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1. The Services Agreement between the City and Toronto Tourism is hereby renewed for a one year term commencing on January 1, 2010, subject to the amendments provided for in this Amending Agreement.

2. Initial Term

Section 2.1 of the Services Agreement shall be deleted and replaced with the following:

2.1 Initial Term

The term of this Agreement shall commence on January 1, 2010 and expire on December 31, 2010 (the "Initial Term").

2. Renewal Term

Section 2.2 (1) of the Services Agreement shall be deleted and replaced with the following:

2.2 Renewal Term

- 1) If by the end of the Initial Term this Agreement has not been terminated in accordance with its termination provisions, and neither party herefo has served on the other party a notice of intention to amend this Agreement as provided in paragraph (2) of this Section 2.2, then this Agreement will be automatically renewed for a subsequent term of one (1) year. If this Agreement is automatically renewed aforesaid, the terms of each such renewal shall be identified as a "Renewal Term" and the Agreement, as renewed, shall be subject to all the terms and provisions of this Agreement, including, without limitation, the rights of termination, amendment and further renewal.

3. Contribution

Section 5.1(1) of the Services Agreement is hereby deleted and replaced with the following:

5.1 Contribution

- 1) Subject to the provisions of this Agreement, the City agrees to make in respect of the Initial Term a contribution of \$145,400.00 (the "Contribution"), in the form of money, towards the operation of the MTWT branch of Tourism Toronto, 100% of which is to be remitted to Tourism Toronto upon the earlier of (a) City Council's approval of the annual municipal operating budget for the fiscal year in which the

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Contribution is to be made, and (b) July 1st in the calendar year to which the then current Annual Sales and Marketing Plan applies. Tourism Toronto agrees to submit an official invoice for the agreed upon total of the contribution as approved by the Advisory Panel and City staff and subsequently by City Council's approval of the annual municipal operating budget for the fiscal year in which the Contribution is to be made. The Contribution amount is reviewable by City Council in each year of the Renewal Term, based upon the recommendations of the Advisory Panel and City staff. Any reduction or change in the amount of the \$145,400.00 contribution as determined for a subsequent Renewal Term, will require compliance with the provisions of paragraph (2) of Section 2.2 above.

4. Except to the extent amended by this Amending Agreement, all provisions of the Services Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties have duly executed this Agreement.

TORONTO CONVENTION & VISITORS ASSOCIATION

Dec 3, 2009
Date of Signing

[Signature]
David Whitaker
President and CEO

I have the authority to bind the corporation.

THE CORPORATION OF THE CITY OF MISSISSAUGA

12 14 09
Date of Signing

[Signature]
Paul Mitcham
Commissioner of Community Services

12-15-2009
Date of Signing

[Signature]
Crystal Greer
Clerk

DOCUMENT EXECUTION AUTHORIZED BY CITY OF MISSISSAUGA
BY LAW 0576-2009

APPROVED AS TO FORM
City Clerk
MISSISSAUGA
M37
Date 3 12 09

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COUNCIL AGENDA
MAR 07 2012



Office of the City Clerk

MAR - 9 2012

February 24, 2012

To all Ontario municipalities with any of hospitals, post secondary institutions or provincial correctional institutions:

Dear Sir/Madam:

RE: CITY COUNCIL MEETING – CITY OF KINGSTON SUPPORT FOR INCREASE IN PROVINCIAL PAYMENT-IN-LIEU OF TAXES – FEBRUARY 21, 2012

I would confirm that Kingston City Council at its regular meeting held on February 21st, 2012, approved the following resolution, being Clause 1., New Motions:

- 1) *Moved Councillor Glover
Seconded Councillor Schell*

WHEREAS in 1970 the rate of provincial payments in lieu of taxes for universities was arbitrarily set at \$25 per full time student; and

WHEREAS in 1973 that was doubled to \$50 per student and the payment was expanded to include hospitals and provincial correctional institutions; and

WHEREAS in 1987 that rate was increased by 50%, still without apparent justification, to \$75 per student and bed; and

WHEREAS that rate has remained constant since that time despite the fact that inflation would in 2012 require an almost doubling the payment (\$146); and

WHEREAS at least sixty-five communities have called for an increase in payments; and

WHEREAS heads of universities are supporting that call; and

WHEREAS Premier McGuinty has looked to the municipalities of the province to be the economic engine of Ontario; and

WHEREAS the payments in lieu of taxes do not meet the actual costs of municipalities to provide the necessary services for the various institutions, thus placing an unfair tax burden on their property tax payers, thereby jeopardizing a municipality's ability to meet infrastructure demands, and consequently weakening their ability to act as economic engines;

The Corporation of the City of Kingston
216 Ontario Street, Kingston, ON K7L 2Z3

Phone: (613) 546-4291 ext. 1247

Fax: (613) 546-5232

jbolognone@cityofkingston.ca

I-2(a)

THEREFORE BE IT RESOLVED THAT the City of Kingston calls on the government of the Province of Ontario to include in the budget now being prepared an increase to the payments in lieu of taxes; and

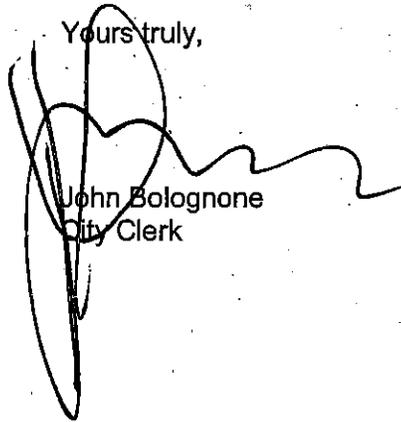
THAT the City of Kingston calls on the Province of Ontario to meet with the host municipalities for the purpose of reviewing the basis for payments in lieu of taxes, and determining a stable foundation going forward for those payments that meets associated costs prior to the 2013 budget cycle; and

THAT copies of this motion be sent to: the Premier Dalton McGuinty; the Honourable Dwight Duncan, Minister of Finance; the Honourable John Gerretsen, MPP for Kingston and Islands; all Ontario municipalities with any of hospitals, post secondary institutions or provincial correctional institutions; the Large Urban Mayors Caucus of Ontario (LUMCO); the Eastern Ontario Mayors Committee (EOMC), and the Association of Municipalities of Ontario (AMO).

CARRIED UNANIMOUSLY

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Yours truly,



John Bolognone
City Clerk

/ja

File No.

<input checked="" type="checkbox"/> Receive	<input type="checkbox"/> Resolution
<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services	For
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Appropriate Action
<input type="checkbox"/> Planning & Building	<input checked="" type="checkbox"/> Information
<input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply
	<input type="checkbox"/> Report

The Corporation of the City of Kingston
216 Ontario Street, Kingston, ON K7L 2Z3

Phone: (613) 546-4291 ext. 1247

Fax: (613) 546-5232

jbolognone@cityofkingston.ca

I-3

Minister of International Trade and
Minister for the Asia-Pacific Gateway



Ministre du Commerce international et
ministre de la porte d'entrée de l'Asie-Pacifique

Ottawa, Canada K1A 0G2

RECEIVED

REGISTRY No.

FEB 29 2012

DATE MAR 05 2012

Her Worship Hazel McCallion
Mayor of the Corporation of the
City of Mississauga
300 City Centre Drive
Mississauga ON L5B 3C1

<input checked="" type="checkbox"/> Receive	<input type="checkbox"/> Resolution
<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services	For
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Appropriate Action
<input type="checkbox"/> Planning & Building	<input checked="" type="checkbox"/> Information
<input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply
	<input type="checkbox"/> Report

FILE No.

MAYORS OFFICE

COUNCIL AGENDA
MAR 07 2012

Dear Madam Mayor:

Thank you for your letter of January 10, 2012, regarding Canada's negotiations with the European Union (EU) toward a Comprehensive Economic and Trade Agreement (CETA). I welcome this opportunity to share information with you on the status and scope of the negotiations. I thank you for sharing the views and concerns of the Council of the Corporation of the City of Mississauga and I can assure you that your resolution has been carefully reviewed.

As you highlighted, these negotiations represent a huge opportunity for Canadians. After many years of discussing the possibility of negotiating an agreement toward a closer economic partnership, the Government of Canada released a joint Canada-EU study on the costs and benefits of such an endeavour on October 16, 2008; it is available online at www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/can-eu-ue-study-etude.aspx. A team of economic experts from both Canada and the EU was tasked to undertake this joint analysis. The study shows significant potential benefits of enhancing our economic relations with our EU partners.

On May 6, 2009, leaders formally launched negotiations toward a CETA. Nine successful and productive rounds of negotiations have now been held.

The EU is already Canada's second-most important partner for trade and investment, and the relationship holds great potential for growth. Canada would gain preferential access to the EU, the wealthiest single market in the world. Removing barriers to trade in goods and services could bring a potential 20-percent boost to bilateral trade and gross domestic product gains of up to \$12 billion for Canada once implemented. A CETA with the EU could deliver commercial benefits across many goods sectors, including aerospace, chemicals, plastics, wood products, aluminum, fish and seafood, light vehicles and automotive parts, and agriculture products such as wheat, beef and pork. It could also deliver benefits across services sectors such as transportation, engineering and computer services.

.../2

Canada

The Government of Canada is committed to keeping Canadians informed of the negotiations and to consulting as extensively as possible to ensure that an agreement meets the needs of Canadians. To this end, we have solicited comments on the Foreign Affairs and International Trade Canada website since the launch of negotiations and have received responses from civil society groups, companies and industry associations from across Canada. Also, Canadian government officials have been actively consulting with business interests, civil society and other interested Canadians.

Updates on the negotiations can be found on the Foreign Affairs and International Trade Canada website (www.international.gc.ca) and we welcome further comments or questions by email to cefaconsultationsaecg@international.gc.ca or by facsimile to 613-992-6002.

Given that procurement conducted by municipalities, schools and hospitals is the responsibility of provincial and territorial governments, the federal government has been working closely with provinces and territories to develop a Canadian offer. As such, provinces and territories are closely involved in these negotiations. A CETA will take into consideration Canada's offensive interests as well as any domestic considerations identified by provinces and territories. Canada will only accept a deal that is in the best interest of Canadians. Furthermore, Canada has an interest in ensuring fair and transparent access to EU procurement markets, particularly in certain EU member states where Canadian companies currently experience barriers to entry. A successful outcome to the negotiations would give Canadian and EU suppliers improved market access in the area of government procurement and would provide Canadian suppliers the right to bid on and supply materials for a broad range of goods, services and construction contracts carried out by all levels of government in the EU.

Regular updates on the CETA negotiations and other international trade initiatives are being provided to the Federation of Canadian Municipalities (FCM). With regard to the FCM guiding principles on procurement and international trade agreements, on August 23, 2011, I shared an open letter of response on the principles with Mr. Barry Vrbanovic, the President of the FCM, which can be found on the FCM Website at the following link: www.fcm.ca/Documents/news/2011/Letter_from%20Minister_of_international_trade_EN.pdf.

Thank you for taking the time to write and share your views.

Sincerely,



The Honourable Ed Fast, P.C., Q.C., M.P.

I-306



OFFICE OF THE MAYOR

January 10, 2012

The Honourable Ed Fast
Minister of International Trade
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Minister:

Re: Comprehensive Economic and Trade Agreement (CETA)

The Council of the Corporation of the City of Mississauga at its meeting on December 14, 2011, adopted the enclosed Resolution 0292-2011 with respect to providing the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) with detailed updates on the status of the European Union trade.

The Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) have been directly involved in the Comprehensive Economic and Trade Agreement (CETA) negotiations process. To date the "Joint Working Group" (Canadian negotiators of CETA) have not shared details of the anticipated legal text or administrative procedures.

On behalf of the members of Council, I request that you provide regular detailed updates on the status of the European Union trade negotiations to the fullest extent possible.

Sincerely

HAZEL McCALLION, C.M., LL.D.
MAYOR



THE CORPORATION OF THE CITY OF MISSISSAUGA
300 CITY CENTRE DRIVE, MISSISSAUGA, ON L5B 3C1
TEL: 905-896-5555 FAX: 905-896-5879
mayor@mississauga.ca

I-3(c)

cc: The Honourable Dalton McGuinty, Premier of Ontario
The Honourable Brad Duguid, Ministry of Economic Development and Innovation
Mississauga MPs
Mississauga MPPs
Members of Council
Federation of Canadian Municipalities (FCM)
Association of Municipalities of Ontario (AMO)
Karren Wallace, Municipal Services Office, Ministry of Municipal Affairs and
Housing, Central Region

Enc.



RESOLUTION 0292-2011
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on December 14, 2011

0292-2011 Moved by: Katie Mahoney

Seconded by: Ron Starr

Whereas the Government of Canada and the European Union have been negotiating a trade agreement known as the Comprehensive Economic and Trade Agreement (CETA);

And Whereas the Canada-European Union relationship holds great potential for growing Canada's trade and collective prosperity;

And Whereas the Corporation of the City of Mississauga supports the guiding principles as set out by the Federation of Canadian Municipalities (FCM) and endorsed by the Association of Municipalities of Ontario (AMO);

Now therefore be it resolved that the Corporation of the City of Mississauga requests the Federal Government and the Province of Ontario to continue to ensure that the municipal sectors' interests are represented in the ongoing negotiations; and

Further that the federal government's negotiations ensure that the FCM guiding principles will be fully reflected in any trade agreement reached between Canada and the European Union; and

Further that the federal and Ontario governments provide FCM and AMO with regular, detailed updates on the status of the European Union trade negotiations to the fullest extent possible; and

Further that this resolution be forwarded to the Minister of International Trade; our local MPs, the Premier of Ontario, our local MPPs, the Ontario Minister responsible for Trade and Economic Development, FCM and AMO.