



Linda Adams  
Chief Administrative Officer, Islands Trust  
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Victoria, BC  
V8R 1H8

Date: December 1<sup>st</sup>, 2015

Subject: Rescinding the 1996 Letter of Understanding (LOU) "*Land use Consultation for Radio Communication Utilities*"

Dear Ms. Adams,

As per our telephone discussion today, please accept this letter as our formal notification to provide a three month notice to rescind the above LOU. I have attached a copy for your reference. It is our belief that this document is outdated.

Going forward, Islands Trust may wish to consider an "islands wide" tower siting consultation policy of their own. There are many good examples of these being used by various local governments. If drafted well, clearly outlining the requirements and obligations of both the proponent and the land use authority, such a policy can save both parties time and result in a more streamlined, timely and assured process.

Most jurisdictions either have their own tower siting consultation policy or use the Innovation, Science and Economic Development Canada policy:

CPC 2-0-03 Radiocommunication and Broadcasting Antenna Systems: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

If this is of interest, our department provides a guide that can be used to help develop a policy. It is called the *Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols*:

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10860.html>

Also, the Federation of Canadian Municipalities, in partnership with the Canadian Wireless Telecommunications Association, have developed a policy template: *Antenna System Siting Protocol Template*:

[http://www.fcm.ca/documents/tools/fcm/Antenna\\_System\\_Siting\\_Protocol\\_EN.pdf](http://www.fcm.ca/documents/tools/fcm/Antenna_System_Siting_Protocol_EN.pdf)

If you have any questions, please do not hesitate to call me at the number below.

Sincerely,



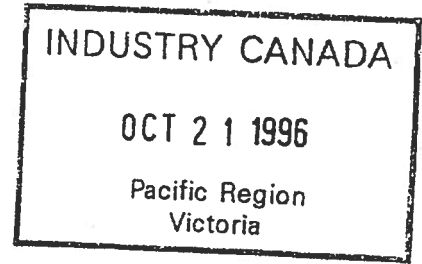
Jeff Stanhope

Spectrum Operations Manager, Spectrum Management Operations Branch  
Innovation, Science and Economic Development / Government of Canada  
Jeff.Stanhope@canada.ca / Tel: 250-363-3597 / TTY: 1-866-694-8389

**Letter of Understanding**

between

**INDUSTRY CANADA**  
Vancouver Island District  
Spectrum Program  
("Industry Canada")



and the

**ISLANDS TRUST COUNCIL** on behalf  
of Trust Area Local Trust Committees  
("Islands Trust")

regarding

**LAND-USE CONSULTATION FOR RADIO COMMUNICATION UTILITIES**  
within the Islands Trust Area

**WHEREAS**, section 8.1 of the *Islands Trust Act* authorizes the Islands Trust Council to enter into agreements with the Government of Canada on behalf of one or more local trust committees to coordinate activities within the Islands Trust Area to achieve the legislated object of the *Islands Trust Act* ... "to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province";

**WHEREAS**, a local trust committee is responsible for regulating the development and use of land within a local trust area;

**WHEREAS**, Section 5 of the *Radiocommunications Act* defines the Minister's powers, the Minister may, (i) approve each site on which radio apparatus, including antenna systems, may be located and approve the erection of all masts, towers and other antenna-supporting structures;

**WHEREAS**, Industry Canada recognizes that land-use authorities may have an interest in the location of significant antenna structures proposed within their jurisdiction and may have concerns that should be considered in the exercise of authority under the *Radiocommunications Act*;

**AND WHEREAS**, the Islands Trust consider significant antenna structures as being any structure over 25 metres measured from the ground level.

**NOW THEREFORE**, both parties agree to implement the following interagency consultation procedures regarding applications to Industry Canada for the site-specific authorization of significant antenna structures within the Islands Trust Area:

## **1.0 NOTIFICATION**

- 1.1 Either party will use best efforts to notify the other party of an applicant's expression of interest to build or modify a significant antenna structure.
- 1.2 Industry Canada will use best efforts to advise applicants that they are required to notify and consult with the appropriate local trust committee to address local land-use concerns as explained in Client procedure Circular, CPC-2-0-03.

## **2.0 APPLICANT / LOCAL TRUST COMMITTEE CONSULTATION**

- 2.1 Local trust committees will make their views known to both the applicant and Industry Canada within 60 days of receiving an application unless otherwise mutually agreed by the local trust committee and the applicant.
- 2.2 The local trust committee will use its best efforts to consult with the applicant and to consider requirements of the applicant.
- 2.3 When Industry Canada becomes aware of a local trust committee's objection to a site-specific significant antenna structure, consideration to issue a license will be delayed for up to 60 days or longer if otherwise mutually agreed by the local trust committees and the applicant so consultations can occur between the applicant and the local trust committee.

## **3.0 APPLICATION APPROVAL**

- 3.1 Industry Canada does not play a direct role in land-use consultations. This responsibility remains with the applicant and the local trust committee to work toward a mutually acceptable agreement.
- 3.2 Industry Canada will use best efforts to notify a local trust committee of its intent to process an application indicating the content of the applicant's signed land-use consultation attestation.
- 3.3 Industry Canada, upon the request of a local trust committee, will meet with that local trust committee to hear its concerns before final approval of a license.

#### 4.0 CONDITIONS

- 4.1 Nothing in this agreement shall be construed to fetter the legislative or administrative discretion of either of the parties within their respective areas of jurisdiction.
- 4.2 Any party to this Agreement may terminate this Agreement at any time by delivering three months written notice to the other party.
- 4.3 The officials of each party who shall be responsible for notices and the administration of this Agreement are:

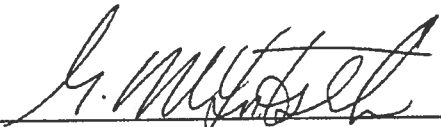
Executive Director  
Islands Trust  
2nd Floor, 1627 Fort Street  
Victoria, British Columbia  
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Phone #: (604) 952-4182  
Fax #: (604) 952-4193

Director, Vancouver Island District  
Pacific Region  
Industry Canada  
#318 - 816 Government Street  
Victoria, British Columbia  
V8W 1W9

Phone #: (604) 363-3800  
Fax #: (604) 363-0208

Both parties commit to respect the terms of this agreement dated this 30 day of October, 1996.

  
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Gordon A. McIntosh  
Executive Director  
Islands Trust

  
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Gary Paugh  
Director, Vancouver Island District  
Industry Canada