

ISSUE DATE:

June 27, 2013



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

RECEIVED

JUL 02 2013

PL121314

Township of Puslinch

5.5(a)

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant (jointly): Ned & Lily Krayishnik
 Subject: Failure to announce a decision respecting Proposed Official Plan Amendment No. OP-2012-03
 Municipality: Township of Puslinch
 OMB Case No.: PL121314
 OMB File No.: PL121314

Ned & Lily Krayishnik have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 19/85 of the Township of Puslinch to rezone lands respecting Part Lot 7, Concession 1, Municipally described as 6643 Concession 2, from Agriculture to Agriculture - Special Exception, to permit two residences on one lot.

OMB Case No.: PL121314
OMB File No.: PL121315

CLERK'S DEPARTMENT	
TO	
Copy	
Please Handle	
For Your Information	
Council Agenda	July 17/13
File	

APPEARANCES:

Parties

Ned and Lily Krayishnik
("Applicants")

Township of Puslinch and the
County of Wellington

Counsel

Russell Cheeseman

Stephen Garrod
Caroline Garrod (student-at-law)

DECISION DELIVERED BY STEVEN STEFANKO AND ORDER OF THE BOARD

BACKGROUND

Property

[1] The Applicants are the owners of property municipally known as 6643 Concession 2 ("Concession Road") in the Township of Puslinch ("Township or

“Puslinch”), in the County of Wellington (“County”). The property is east of Cambridge and south of the Highway 401.

[2] With a population of 8,334, Puslinch represents approximately 8% of the total County population of 90,000. Almost 90% of the population in Puslinch is rural.

[3] The subject land is approximately 11.12 hectares (22.5 acres) in size with 30.5 metres (100 feet) frontage on Concession 2. There is a single detached dwelling and a duplex on the property. The single detached dwelling was built in 2007 and, according to Municipal Property Assessment Corporation (“MPAC”) records is slightly under 3,000 square feet in size. This dwelling is serviced by an individual well and septic system. The older duplex was built in 1975 (“1975 Dwelling”), is just under 2,000 square feet in size and is much further back from the Concession Road than the single detached dwelling. The 1975 Dwelling is located in a cleared area together with a frame barn and garage and is also serviced by an individual well and septic system.

[4] The property in question is within a Secondary Agricultural Area designation in the County Official Plan (“County OP”) and is zoned Agricultural. Only one single detached dwelling is permitted per lot in this zone.

Historical Dealings

[5] The circumstances which resulted in there being two dwellings on the subject lands date back to 2007 when the Applicants acquired the property. Shortly after acquisition, the Applicants submitted a building permit application to construct a new single detached dwelling. In relation to that application the Township collected a deposit of \$5,000 from the Applicants to ensure that the 1975 Dwelling would be demolished. The receipt issued by the Township for the \$5,000 stated quite explicitly that it was to “ensure original house comes down, 6643 Concession 2...” The new single detached home was built but the 1975 Dwelling has yet to be demolished.

[6] Following commencement of legal proceedings by the Township in April 2012 concerning the occupation of the 1975 Dwelling, an Order of the Superior Court of Justice was issued directing that the 1975 Dwelling be vacated and applications to amend (“Amendments”) the County OP and the Township’s Zoning By-law to permit two single detached dwellings were brought by the Applicants.

[7] The Amendments were not dealt with by the County and the Township within the requisite time and, as a result, the Applicants filed appeals (“Applicants’ Appeals”) pursuant to s. 22(7) and s. 34(11) of the *Planning Act*.

[8] Attachment 1, which is annexed to these reasons, reflects the legal proceedings above referred to and the Amendments, as well other dealings between the Applicants and the Township concerning the 1975 Dwelling over the past number of years.

POSITIONS OF THE PARTIES

[9] Glen Wellings of Wellings Planning Consultants Inc. gave expert planning evidence in support of the Amendments. In his view, the relief sought is consistent with the Provincial Policy Statement, 2005 (“PPS”) and is in conformity with the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) and the County OP. He stated, *inter alia*, that more latitude is given for non-farm uses in the County OP for Secondary Agricultural Areas and that the contemplated use of a second residence will provide an alternate housing type, i.e. rental housing, without any impact on agriculture or adverse impact on neighbouring properties.

[10] Sarah Wilhelm, a Senior Planner with the County, provided expert planning evidence in opposition to the Amendments. In her opinion, the Amendments are not consistent with the PPS, are not in conformity with the Growth Plan or the County OP, do not represent good planning and are not in the public interest.

ANALYSIS AND DISCUSSION

[11] In order for the Applicants to succeed in this matter, I must be satisfied that the Amendments are in conformity with the County OP. In simple terms, I am not.

[12] Section 4.4.3 of the County OP speaks, in general terms, to the matter of residential intensification which is what is contemplated in this case. The opening phrase of this section states that “This Plan contains policies encouraging intensification primarily in urban areas but also, *to a much lessor extent in rural areas and hamlets.*”(Board emphasis added)

[13] Section 4.4.3 (h) goes on to state that small scale intensification is encouraged “in rural areas consistent with the character and servicing, including accessory or second residences...”

[14] The evidence in this case established that there were similar properties in the immediate vicinity of the subject site but they did not have a second residence located on them. The character of the area is therefore one which does not include an accessory or second residence. If I were to accede to the arguments advanced by the Applicants I would be creating a new character for the area and I am not prepared to do so. Moreover, the first paragraph of s. 4.4.3 of the County OP clearly suggests that intensification in rural areas is not the first choice when dealing with the matter of intensification.

[15] Intensification is more specifically addressed in Part 6 of the County OP which deals with the Rural System. The subject site is in a Secondary Agricultural Area (“SGA”) and, pursuant to s. 6.1 is included in the Rural System.

[16] The permitted uses for the SGA include what is known as an accessory residential use. The phrase “second residence” is not listed as a permitted use in s. 6.4.3.

[17] Section 6.4.6 deals with Accessory Residences and states that “Accessory Residential uses needed for farm help or a garden suite may be allowed” and that an “accessory apartment unit may be established within the main residence on a lot.” In summary, there are three types of accessory residential uses referred to: farm help, a garden suite and an accessory apartment unit within a main residence. None of these uses was being relied upon by the Applicants to support their position. How can it be said therefore that the Amendments conform with s.6.4.6? It cannot.

[18] In my estimation, s. 6.4.6 is consistent with a public policy to assist individuals engaged in the business of farming and, at the same time, narrowly prescribe the uses permitted in relation to such assistance. If I were to grant the relief sought, I would be establishing an additional use which is not countenanced by Part 6 or otherwise.

[19] The evidence in this case also underscored the potential land available in Puslinch to accommodate a second residence. If I approved the Amendments, there are no fewer than 1,000 parcels of land outside of settlements, which are five acres or more

in size. These lands comprise almost 50,000 acres of land. In my opinion, it is indeed possible that a favourable decision in relation to the Amendments would be precedent setting and could generate a number of applications seeking a second residence.

[20] Before concluding my remarks, a brief comment regarding the Growth Plan and the PPS is in order. In my view, these documents (in s. 2.1 of the Growth Plan and s. 1.1.3.1 of the PPS) place a decided emphasis on directing growth to existing urban areas and settlement areas. In relation to the Township, urban areas include Aberfoyle and Morriston and rural settlement areas include the hamlet of Arkell. The property in question is not located within these areas.

ORDER

[21] Based on all of the foregoing, what is proposed is not, in my opinion, an appropriate way to intensify within a rural area. Accordingly, it is ordered that the Amendments are not approved and the Applicants' Appeals are therefore dismissed.

"Steven Stefanko"

STEVEN STEFANKO
VICE-CHAIR

ATTACHMENT 1

14

Chronology from 2007 to Present

Date	Action	Details
July 16, 2007	Property purchase	Ned & Lily Krayishnik purchased 6643 Concession 2
Sept. 17, 2007	Building Permit Application for new house	Permit application filed for new single detached dwelling
Sept. 20, 2007	Building Permit issued for new house issued	Permit issued by Chief Building Official Dave Thompson
Sept. 25, 2007	\$5,000 security deposit to remove old house	Mr. Krayishnik paid a \$5,000 security deposit to the Township of Puslinch to ensure that the original 1975 dwelling would be demolished
June 2008	New house constructed and occupied	Owner advised Chief Building Official Robert Kelly of this occupancy date at time of March 28, 2012 occupancy inspection
January 6, 2011	15 Lot/Unit proposal	No related applications were subsequently filed
Mar. 21, 2011	Deadline to take out demolition permit by March 31, 2011 issued by Township	Correspondence from Township solicitor G. Hayes Murphy to Ned & Lily Krayishnik
April 15, 2011	Request to hold court action pending rezoning processing	Correspondence from owner's solicitor (Thomson Rogers) to Township solicitor
April 15, 2011	Application for Zoning By-law Amendment for 7 Unit Seniors Project	Submission of Zoning By-law Amendment to Township of Puslinch for consideration. Application deemed incomplete due to incorrect/insufficient information and returned to planning consultant May 12, 2011.
May 19, 2011	Deadline for demolition issued by Township: June 15, 2011	Correspondence from Township solicitor G. Hayes Murphy to owner's solicitor (Thomson Rogers)
June 28, 2011	Resubmission of Application for Zoning By-law Amendment for 7 Unit Seniors Project	Submission of Zoning By-law Amendment to Township of Puslinch for consideration. Necessary technical studies were not provided. File closed by Township September 26, 2011 due to receipt of Minor Variance application.
Sept. 22, 2011	Application for Minor Variance - request for three residential units on one lot	Denied by Committee of Adjustment
Feb. 9, 2012	Ontario Municipal Board Hearing	Minor Variance Appeal heard and subsequently dismissed (OMB Decision dated March 9, 2012).
April 13, 2012	Notice of Application for legal proceeding	Filed by Township solicitor G. Hayes Murphy
April 30, 2012	Applications for Zoning By-law and Official Plan Amendments to permit two dwellings on one lot	Submission of Application for Zoning By-law Amendment to Township and Application for Official Plan Amendment to County
May 12, 2012	Court Order Issued by Ontario Superior Court of Justice to vacate entire duplex	Lower level apartment to be vacated on or before July 1, 2012 and upper level before September 1, 2012. The residence is to remain vacant until further order of the Ontario Superior Court of Justice.
Oct. 17, 2012	Public Meeting	Public meeting held by Township for Zoning By-law and Official Plan Amendment applications
Nov. 14, 2012	Ontario Municipal Board Appeal of ZBA	Appeal filed for Zoning By-law Amendment application
November 26, 2012	Ontario Municipal Board Appeal of OPA	Appeal filed for Official Plan Amendment application
February 6, 2013	Township Council resolution stating position on OPA and ZBA applications	Puslinch Council indicated they do not support the proposed Official Plan Amendment and also requested OMB refusal of the proposed Zoning By-law Amendment
February 14, 2013	County Council resolution to advise OMB of position on OPA	County Council indicated that they wished to advise the OMB that the Official Plan Amendment should be refused



LEGISLATIVE ASSEMBLY OF ONTARIO

5.6(a)

Queen's Park
Toronto, Ontario

June 14, 2013

The Hon. Glen Murray
Minister of Transportation
3rd Floor, Ferguson Block
77 Wellesley Street West
Toronto, ON M7A 1Z8

Dear Minister:

You will recall that on May 13 I tabled a petition in the Ontario Legislature calling on your Government to prioritize the Highway 6 Morriston bypass project by placing it on the Ministry of Transportation's 5 year plan for new highway construction. This petition was put together by the Puslinch COP Committee.

However, in addition to the many signatures that the Committee collected, hundreds of people also went online to express their support for this important project. While the rules of the Legislature do not allow me to present these signatures in the House, I still wanted to bring them to your attention and have enclosed the results of the online petition.

As you know, I have been working hard to raise awareness of the importance of this project to our community and have spoken and written to you many times to bring this issue to your attention.

On February 19, the very first day that the House resumed sitting after the prorogation, I tabled a Private Member's Resolution calling upon you to place the Highway 6 Morriston bypass project on your Ministry's 5 year plan.

...2



I am aware that after the budget is passed, your Ministry routinely reviews its 5 year plan and brings forward an updated list of projects. As your Ministry undertakes this process in the coming weeks, I would like to once again reiterate the importance of the Highway 6 Morrison bypass to our area and call upon you to listen to my constituents and put this project on to your 5 year plan.

As I have said repeatedly, Highway 6 is an important economic corridor which connects the 401 to the Hamilton/Niagara area and to the U.S. border. As a result, this project is not only one that is important to our community, but also one that will have wider economic benefits for much of Southern Ontario.

Thank you for your consideration of this matter.

Sincerely,

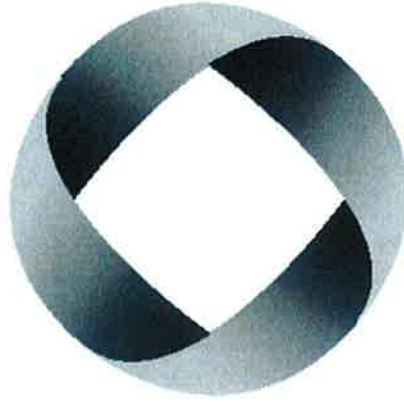
A handwritten signature in black ink, appearing to read "Ted Arnott". The signature is written in a cursive, flowing style.

Ted Arnott, MPP
Wellington-Halton Hills

TA:dr

Encl:

Cc: Mayor Dennis Lever, Township of Puslinch
Karen Landry, CAO, Township of Puslinch
Donna Bryce, Clerk, County of Wellington
Glenna Smith, Chair, Puslinch COP Committee
Bill Knetsch



ROGERS™

Your World Right Now

Response to Public Comments Received

4555 Victoria Road South (RR#1) Puslinch

Rogers Site: C4320

Rogers Communications Inc.
c/o Proliferate Consulting Group
21A Price Street, Toronto, ON M4W1Z1
Sean Galbraith
(416) 732-5069

Introduction

Rogers Communications Inc. ("Rogers") constantly strives to improve coverage and network quality for the sake of their clients. Further to this goal, Rogers is proposing a new wireless telecommunication installation in the vicinity of Victoria Road South and Maltby Road East.

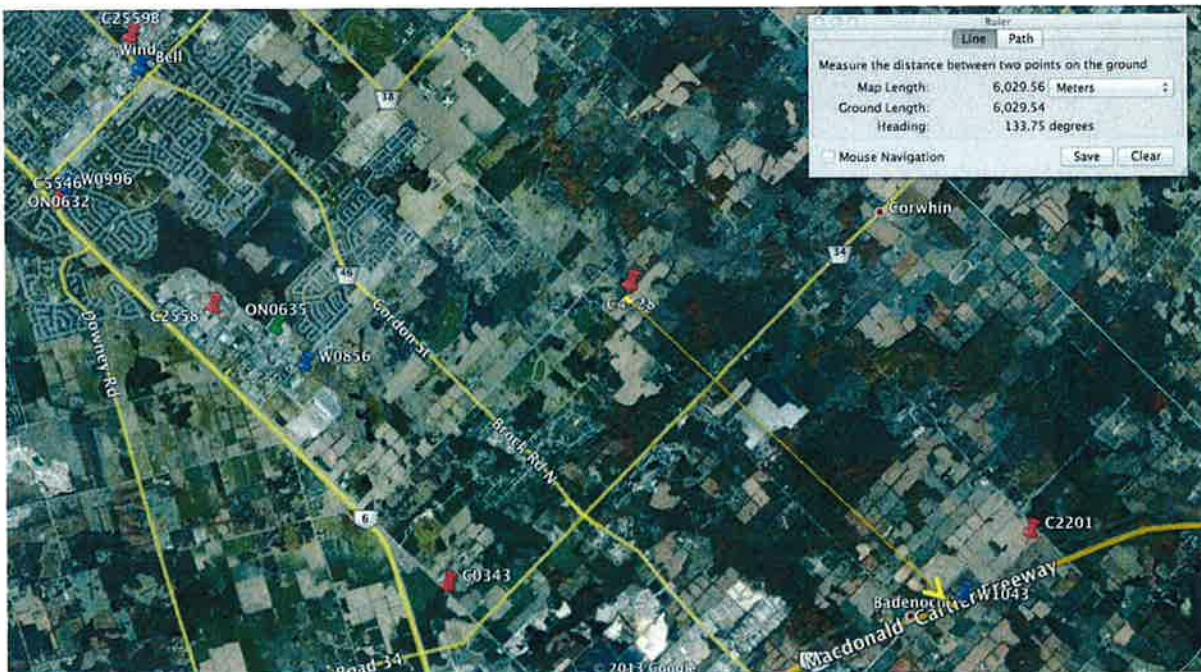
As the Township of Puslinch does not have an adopted wireless telecommunication tower protocol, Industry Canada's default public consultation process is being utilized, as outlined in Industry Canada's CPC-2-0-03, Issue 4.

In response to the public notification package mailed to residents and the newspaper advertisement placed in a local newspaper, comments were received from one household. As no other comments or questions were received, this response document will reference the same bullet numbering as found in the original comments from the Bennetts (attached). We received a request for additional information from a representative of George R. Good Construction, however, no comments or questions were raised (information was simply requested from Rogers and was provided).

1 Compliance to Procedure

1.1.1 & 1.1.2 Part of the initial survey of the area included buildings of similar height or wireless communication installations that might be considered as an alternative to a new tower in this area. Unfortunately, no such opportunity was found that would be suitable.

The nearest existing antenna facility which does not feature Rogers antennas already is a Bell Mobility installation adjacent to Highway 401. At a distance of approximately 6 kilometres, this is too far to be a viable co-location alternative to a new antenna. Furthermore, it is located too close to Rogers' existing site C2201. Antenna sites located along Highway 6 are also located too far from this area to provide an alternative to a new tower, including increasing the height of these antennas (C2558 and C0343).



There are no other buildings or structures (such as a water tower) in the area. Accordingly, a new antenna facility is required.

1.1.3 The proposed antenna will be available for co-location by other licensed wireless carriers, or for municipal antenna systems.

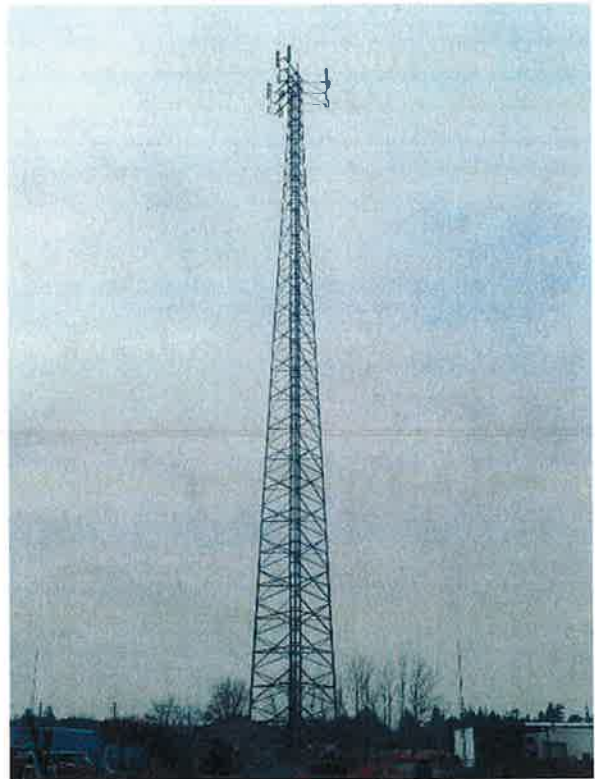
1.1.4 An electronic copy of the survey has been provided as requested.

1.1.5 The proposed installation for this site is a 70-metre lattice-style, tapered, three-sided self-supporting communications structure with associated walk-in radio equipment cabinet on cast in place reinforced concrete slab. The installation will be located within a fenced, locked, secured and electronically monitored compound.

At right is a photo of an existing tower of the same height and style.

Rogers proposes to install 850 MHz and 1900 MHz HSPA and 2100 MHz and 2600 MHz LTE antennas. The initial installation will consist of between six and 12 antennas, and space will be reserved to accommodate future technology and co-location.

The site as proposed will provide wireless voice and data services for subscribers to the Rogers network. The installation will also provide an opportunity for other licensed carrier antenna co-location.



1.2 Use of Existing Infrastructure

1.2.1 through 1.2.4 As previously described, no existing antennas or structures are located with the coverage objective area that could be utilized as an alternative to a new tower.

1.3 Initial Contact with the Land Use Authority

1.1.3 Initial contact with the Township was via email with Mr. Robert Kelly and Ms. Karen Landry on March 11, 2013. Pre-application materials were provided to the municipality by email on March 27, 2013. Municipal clearance to proceed with a formal application and public consultation. The formal application was submitted electronically on April 2, 2013.

1.1.4 This proposed facility has not yet received Industry Canada approval. The CRTC does not approve communications towers.

2 Impacts

2.1 Rogers appreciates that the introduction of new wireless telecommunication installations create often unwanted utility infrastructure in areas where such installations were not previously

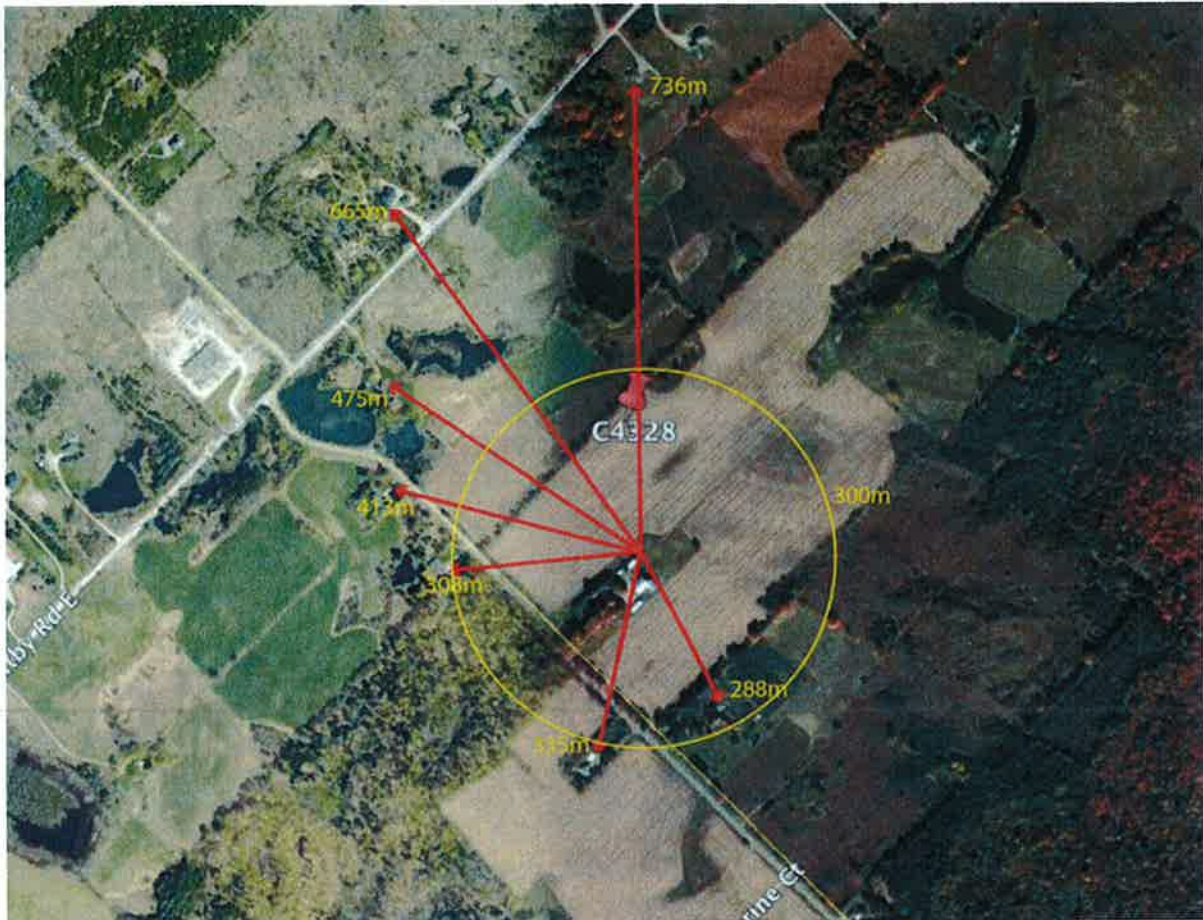
found. In doing so, Rogers always tries where possible to locate its such installations where they can be afforded the largest separation distances from existing residences.

In this case, the proposed installation is located more than 300 metres from the nearest off-site residence, as shown on the following aerial photograph. The nearest off-site residence is located approximately 364 metres from the proposed site. The Bennett residence is located approximately 382 metres from the proposed site.



In addition to affording a large separation distance from existing residences, the proposed location also ensures that the existing farm operations on the host property are not interfered with. The proposed location will not interfere in the farming operations on any adjacent or area properties.

In discussions with Ms. Bennett, an alternative location that was suggested was to locate the proposed facility near the barns on the host property. This theoretical location, while affording a greater separation distance from the Bennett's residence, would place the facility much closer to other residences to the south, as shown on the following aerial photograph. Whereas the proposed location would not situate the proposed installation within 364 metres of an existing residence, a theoretical relocation near the barns would place it within the same distance of 3 residences, including one less than 300 metres.



Furthermore, it is our understanding that relocating the antenna installation to the barn area would interfere with the ongoing farming operations of the site and is not agreeable to the landlord. Similar interference with farming operations would occur if the proposed installation was located in the middle of the farming fields away from a property line.

2.1.2 Rogers is agreeable to provide opaque fencing materials (such as wood) and vegetative plantings around the base of the proposed installation to help screen the equipment at the base.

2.1.3 Any required lighting for aeronautical purposes, both Rogers equipment and any future co-located equipment, will be baffled and upward facing.

2.2 Future Impact

2.2.1 A 70-metre telecommunication installation can typically accommodate 2-3 additional co-located equipment providers.

2.2.2 We are unsure what Mr. Bennett means by "category of equipment". We requested clarification via email on June 4, 2013, but no response was provided.

2.2.3 Rogers does not agree that its proposed installation will in any way impede the adjacent property from receiving any future regulatory approvals in the event that it is proposed for

redevelopment. Any such lot severances or plans of subdivision would be subject to the applicable provisions of the Planning Act, and appropriate municipal approvals.

2.2.4 While the proposed installation is intended to respond to an existing network coverage deficiency in the area, the installation would also provide significant improvements in the available network capacity in the area that would be beneficial to the growing number of residents of the Audrey Meadows subdivision. In our opinion, as more people establish home businesses, and generally rely on wireless networks for their varied communication needs (including, and especially, emergency services) this proposed installation will be significant benefit to those looking to purchase in the subdivision. We have been in contact with the developers of the project and they have, to date, not expressed any concerns with the proposed installation. The lack of existing communications towers in the immediate area means that wireless data speeds in particular fall well below the standards expected by Rogers customers.

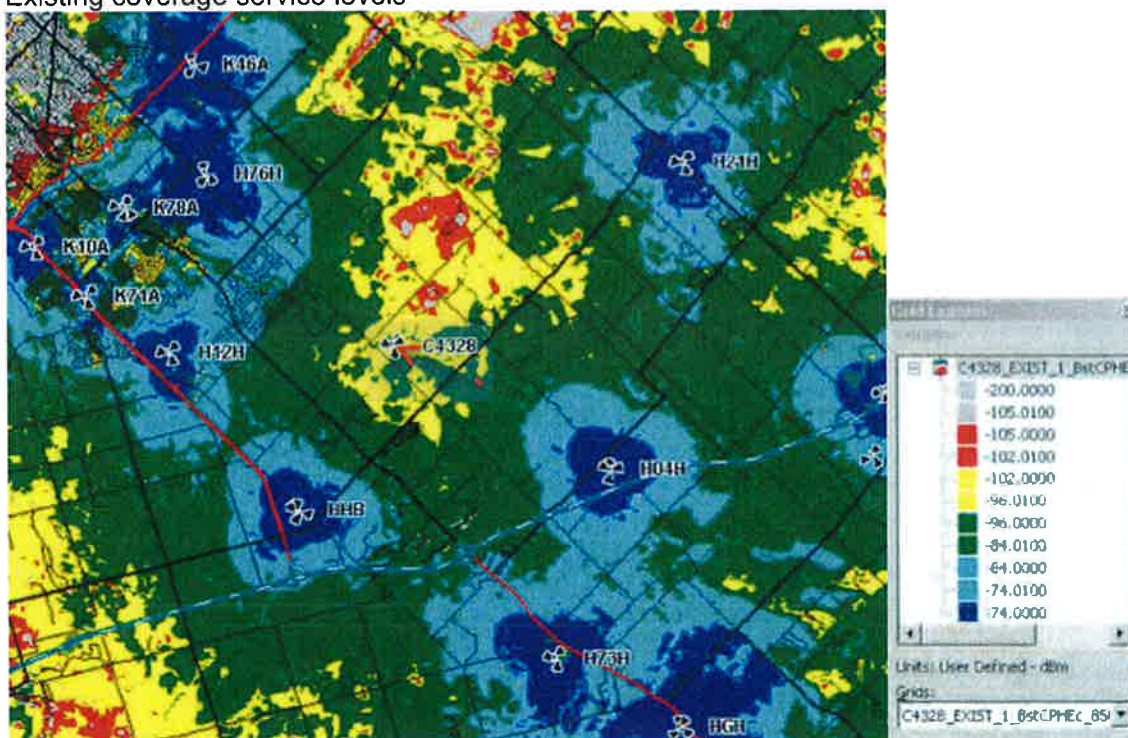
2.3 Environment

2.3.1 The proposed facility is subject to the provisions of the Canadian Environmental Assessment Act. Installations of this type are not considered by the Act to have an impact potential great enough to warrant formal environmental review and analysis (such as would be the case with a proposed pipeline or airport).

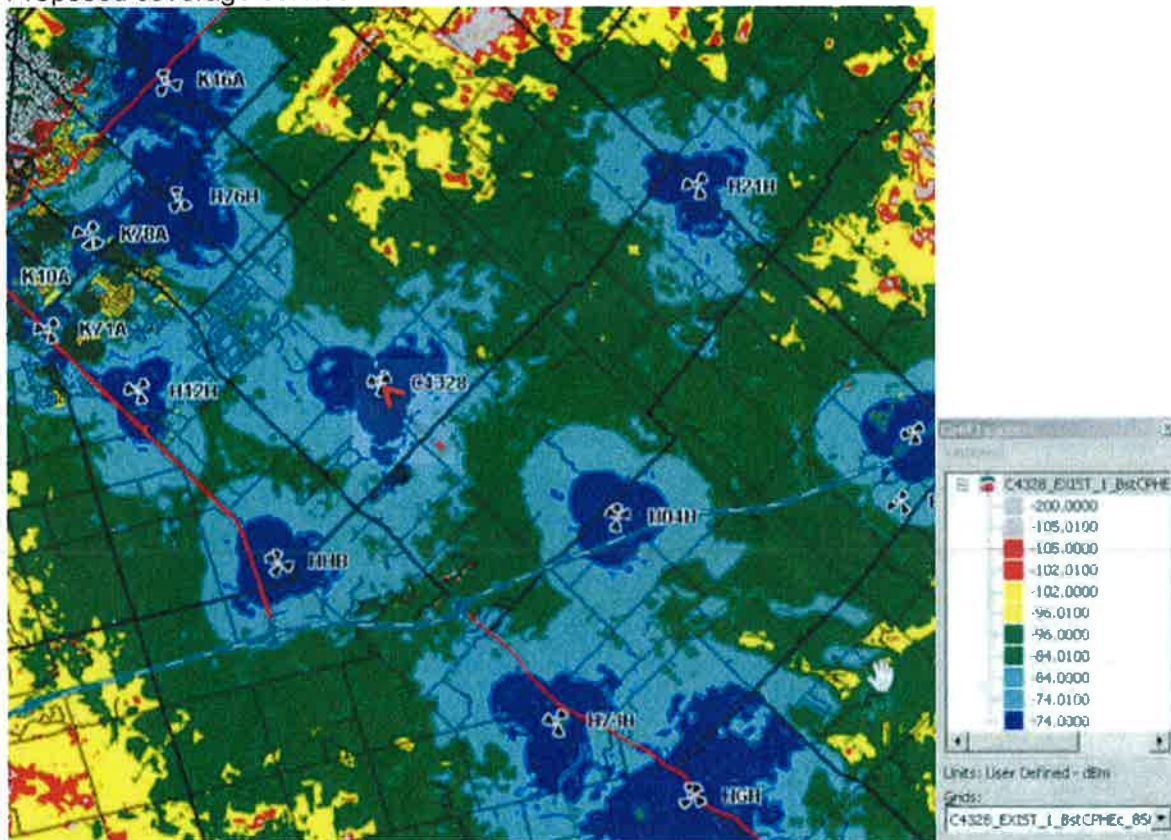
2.3.2 Please refer to the attached Safety Code 6 report (please refer to Section 2.3.7 below).

2.3.3, 2.3.4 & 2.3.5 The proposed installation is generally designed to provide significant improvements within 2.5 - 3 kilometres, depending on the direction (though generally will provide improvements to areas outside of that range). The following is a radio frequency coverage plot for the proposed installation (proposed site indicated by the red arrow).

Existing coverage service levels



Proposed coverage service levels



This installation would have other indirect benefits as well. Currently, Rogers wireless users in this area are “competing” with users located much closer to the existing antennas. Providing a new antenna in this area will free up capacity to be utilized by other Rogers customers elsewhere. Furthermore, subscribers connecting to a tower site from a greater distance use more of the tower’s available power relative to subscribers closer to the tower.

2.3.6 NOISE AND VIBRATION

No noise or vibration is emitted by the antennas or other radio equipment. The walk-in-cabinet at the base of the tower will have a small air conditioning unit that will, in the summer months, run when the temperature within the cabinet exceeds the recommended levels for Rogers’ equipment. The noise from this a/c unit is minimal and typically increases noise levels by an average of 1db above ambient.

In the event that a power loss is experienced at the site, battery back-up power is available for approximately 12 hours. However, it may also be necessary to connect the site to a generator until such time as power is restored. Rogers uses 2 types of generators: 25kva and 35kva. For full technical specs, please refer to the following manufacturer websites:

<http://www.m-p-llc.com/products/generators/mobile/mmg25fhi.html>

<http://www.m-p-llc.com/products/generators/mobile/mmg35.html>

2.3.7 Carriers are required to provide a RF engineer brief to Industry Canada as part of its spectrum approvals for new wireless installations (also known as a Safety Code 6 report). This report does not normally form part of the public consultation materials. However, as requested, this report is provided as an attachment to this response document. Rogers is required to attest that the proposed installation will fully comply with the requirements set out by Health Canada's guidelines entitled *Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz - Safety Code 6*, to assure protection of the general public. Rogers attests that this proposed installation will fully comply with Safety Code 6 at all times. Such compliance is a mandatory condition of spectrum licensing, including in the future should the limits provided in Safety Code 6 be amended (i.e. no "grandfathering" of existing installations).

2.3.8 Any noise generated by the air conditioning units and RF energy exposure, the latter of which falls off exponentially with distance, generated by the proposed facility will be mitigated by the significant distances to area residences.

2.3.9 Wireless carriers, as a condition of their spectrum license, are not permitted to cause interference to other carriers' antennas. As previously described, there are no existing antennas in the area by any wireless carrier.

3 Alternatives

3.1.1 Rogers is committed to providing improved next generation wireless services available throughout its coverage areas, including rural areas. This requires constructing new antenna installations in the areas to receive services. In the event that this installation is not approved by the municipality and Industry Canada, there are no alternatives to a new tower that could be pursued to bring improvements to wireless services in this area. This area would continue to receive sub-optimal wireless services.

3.1.2 Rogers has minimal, at best, coverage and capacity in this area. The provision of all Rogers wireless services, voice and data, are impeded by the lack of antennas in this area.

3.1.3 Any questions regarding perceived omissions from the notification package should be directed to Industry Canada:

(old address – mail sent to this address is forwarded to the new address)

390 Brant Street, Suite 201
Burlington, Ontario
L7R 4J4

(new address)

4475 North Service Road, Suite 100
Burlington, Ontario
L7L 4X7

Email: spectrum.cwod@ic.gc.ca
Phone: 519-457-4826

3.2 Alternative Locations

3.2.1 Rogers feels that the proposed installation is the best suited location for the proposed installation. This site satisfies network engineering objectives for the area, affords a significant setback from surrounding existing residences, does not interfere with the farming operations in the area, and will respond to future demand generated by emerging subdivisions.

3.2.2 & 3.2.3 Four years ago, Bell Mobility received concurrence for a new 50 metre tall tower from the City of Guelph at 500 Maltby Road East. Since that time, Bell has not given any indication to the City or the landowner that it intends to construct the facility in the foreseeable future. Furthermore, this location is located in closer proximity to the Bennett residence than Rogers' proposed antenna. At an overall height of 50 metres, Rogers would not be able to achieve sufficient antenna height on Bell's site to satisfy network engineering objectives, as Rogers antennas would likely only be installed at a height of 35-40 metres (vs. 70 metres as currently proposed).

3.2.4 A location with a higher elevation could possibly allow for a shorter tower. However, the overall height of the antenna relative to each other would remain the same, and would thus have no noticeable impact on the visual appearance of the antenna on the landscape.

3.2.5 As previously provided, Rogers feels that the proposed installation location is ideally situated to balance the need to provide the services, while reasonably maximizing the distance of the installation from surrounding residences. Properties in Milton are situated much too far from this coverage objective to be an alternative, and accordingly no property owners there were approached.

3.2.6 No Township lands were offered as an alternative to the proposed site, and we are not aware that any such lands exist. There are no industrial lands in the area. The nearest industrial lands are on Highway 6, where Rogers already has antenna installations.

3.2.7 An "ideal" location achieves the network engineering objectives for an area, maximizes the separation distances to existing residences, minimizes to the extent possible any impacts of the installation, and has a willing landlord with whom to sign a lease.

Additional Public Comment Period

In accordance with Industry Canada CPC-02-0-03, members of the public who have provided a comment or question during the 30-day public consultation period have a further 21-days to provide additional comments in response to this reply document. **This additional commenting period will be open until July 15, 2013.**

Conclusion

Rogers feels that the proposed site is well located to provide and improve wireless voice and data services in the area mentioned above. The proposed site is also situated and designed to minimize impacts on surrounding land uses.

If you require further information about this matter, please contact me at (416) 732-5069 or sgalbraith@proliferategroup.com.

Best regards,
Proliferate Consulting Group



Sean Galbraith, MCIP, RPP
Municipal Affairs Manager

**Result of the Safety Code 6 Study performed for
C4328 – “MALTBY RD & VICTORIA RD S”**

Site Address: 4555 Victoria Road South (RR#1, Puslinch, N0B 2J0 ON.

Summary:

Below is a summary of the result of the requested SC 6 study for this site.

The highest power density near ground level, when measured at 2 meter above the ground is given in % of the allowable SC 6 guideline, with respect to the Uncontrolled Environment, and the fractional value indicating how many times this value is below the allowable SC 6 limit:

- C4328 – MALTBY RD & VICTORIA RD S**
- 2 m AGL: 0.28% = ~348 times less than the allowable SC 6 limit**

This site meets and exceeds the applicable SC 6 value by a significant margins and it is in compliance with Health Canada’s Safety Code 6 guideline.

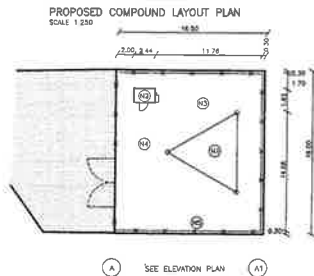
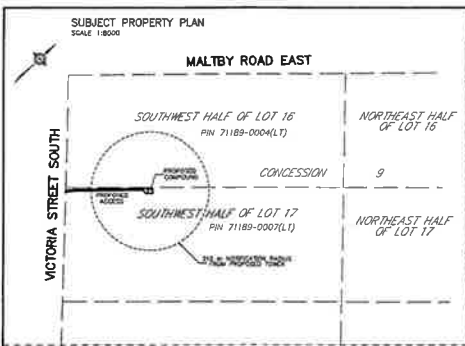
Signature:

Date: June 05, 2013

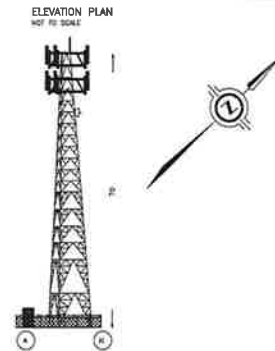
NAME: Uwe Richter, P.Eng.

TITLE: Manager Radio Engineering - Central

COMPANY: Rogers Communications Inc.



- NOTES
- PROPOSED GALVANIZED STEEL SELF-SUPPORT TOWER ON CONCRETE CAISSONS. PAINT COLOUR SUBJECT TO NEW CANADA REQUIREMENTS. AFFIXION NUMBER AND LOCATIONS TO BE DETERMINED. FOUNDATION DESIGN PENDING SOIL REPORT.
 - PROPOSED PROPOSED RADIO EQUIPMENT WALK-IN CABINET FOUNDATION DESIGN PENDING SOIL REPORT.
 - HYDRO CONNECTION AND BORING TO BE DETERMINED BY QUALIFIED PERSONNEL, IN CONSULTATION WITH LOCAL AUTHORITY.
 - REMOVE EXISTING TOPSOIL, PROOF ROLL SUBGRADE AND PLACE 200 mm GRANULAR A. ACCESS COMPOUND AREA. FINISHED GRAVEL SURFACE TO BE MIN. 150 mm ABOVE EXISTING GRADE AND SLOPED AWAY FROM STRUCTURE AT MIN. 1% ON ALL SIDES TO PROVIDE ADEQUATE DRAINAGE.
 - PROPOSED 2.1 m HIGH CHAIN LINK SECURITY FENCE TOPPED WITH BARBED WIRE SURROUNDING COMPOUND.



SCHEDULE				
PART	EDIT	CONCESSION	PIN	AREA
1				297 sq. m.
2	11	9	71189-0012 (S, T)	1078 sq. m.

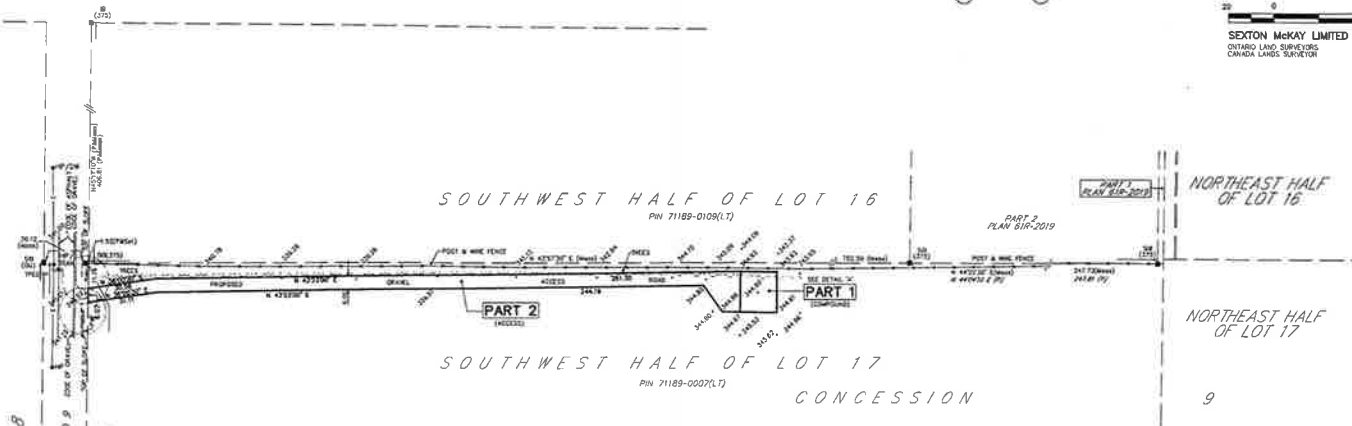
TOPOGRAPHIC PLAN AND SITE LAYOUT DESIGN OF PROPOSED TELECOM TOWER INSTALLATION PART OF SOUTHWEST HALF OF LOT 17 CONCESSION 9 TOWNSHIP OF PUSLINCH COUNTY OF WELLINGTON

Scale 1:1000

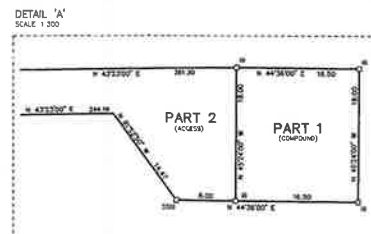


SEXTON McKay LIMITED
ONTARIO LAND SURVEYORS
CANADA LAND SURVEYOR

KNOWN AS MALTBY ROAD EAST
ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 15 AND 16, CONCESSION 9



SITE DATA		EXISTING	PROPOSED
PROPERTY AREA		4283 sq. m.	4.29 ha.
BUILDING AREA		129.0 sq. m.	1.29 ha.
LOT COVERAGE		0.03 %	0.03 %
AREA REQUIREMENTS			
COMPOUND (EXCLUSIVE)		297 sq. m.	
ACCESS (IN-EXCLUSIVE)		1078 sq. m.	
HYDRO		180	
TOTAL		2198 sq. m.	
UNITS		1 SELF-SUPPORT TOWER 1 WALK-IN CABINET	
HEIGHT OF TOWER		2.1 m	
SETBACKS (PROPOSED TOWER)			
FRONT		322.4 m	
SIDE		132.0 m	
SETBACKS (PROPOSED CABINET)			
FRONT		222.4 m	
SIDE		3.0 m	



- LEGEND
- DENOTES MONUMENT PLANTED
 - DENOTES MONUMENT FOUND
 - DENOTES STAKING FROM B.M.
 - DENOTES SHORT STAKING FROM B.M.
 - DENOTES FROM B.M.
 - S/S DENOTES BEAK, SPIDERHOLE, ROBINSON DONALDSON LIMITED, O.L.S.
 - (S) DENOTES SPRING UNDEGROUND
 - P DENOTES PLAN 618-2019
 - P/W DENOTES POST AND WIRE FENCE
 - HP DENOTES HYDRO PILES
 - E DENOTES OVERHEAD WIRE
 - D/W DENOTES WIRE DOWN
 - TRAN DENOTES TRANSFORMER
 - TYPO DENOTES TELEPHONE PILE/STAKE
 - AN DENOTES ANCHOR

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

NOTES
BEARINGS ARE GRID. DERIVED FROM REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (1993.0)
DISTANCES SHOWN ARE CHAINED DISTANCES AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTED SCALE FACTOR OF 0.99984
FOR BEARING COMPASSIONS, A ROTATION OF 107.07° COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 618-2019 TO CONVERT TO GRID BEARINGS.
ELEVATIONS SHOWN ON THIS PLAN ARE RELATED TO GEODETIC DATUM AND ARE DERIVED FROM GROUND SURVEY OF CANADA BEARING MARK NO. 0051898/08 HAVING A PUBLISHED ELEVATION OF 245.284 METERS.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THE FIELD WORK WAS COMPLETED ON THE 31st DAY OF FEBRUARY, 2013.

DATE: Feb. 12, 2013 G.C. LaFramboise
ONTARIO LAND SURVEYOR

CAUTION
LOCATIONS OF ANY UNDERGROUND SERVICES ARE APPROXIMATE. OTHER BURIED UTILITIES MAY EXIST WHICH ARE NOT SHOWN BECAUSE OF INSUFFICIENT INFORMATION. CONTACT ALL POTENTIAL OWNERS OF UNDERGROUND UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.

DATE	12-12-2012
TIME	15:12:00
SCALE	1:1000
PROJECT NO.	13-12-704-00

SEXTON McKay
A wholly owned subsidiary of E.B. Sexton Limited
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