

The Corporation of the Town of LaSalle

By-law Number 8544

A By-law to authorize a Mutual Access Agreement with TELUS Communications Inc.

Whereas TELUS Communications Inc. ("Company") is a "telecommunications common carrier" as defined in the Telecommunications Act, S.C. 1993, c.38 ("Telecommunications Act") or "distribution undertaking" as defined in the Broadcasting Act, S.C. 1991, c.11 (Collectively, a "Carrier") and is subject to the jurisdiction of the Canadian Radio-television and Telecommunications Commission (the "CRTC");

And whereas in order to operate as a Carrier, the Company requires to construct, maintain and operate its Equipment in, on, over, under, across or along ("Within") the highways, streets, road allowances, lands, bridges, viaducts, or other public places which are under the jurisdiction of the Municipality (collectively, "Rights-of-Way" or "ROWs") or on other agreed Municipal Structures agreed to by the Parties;

And whereas pursuant to section 43 of the Telecommunications Act, the Company requires the Municipality's consent to construct its Equipment Within ROWs and the Municipality is willing to grant the Company a non-exclusive right to access and use the ROWs; provided that such use will not unduly interfere with the public use and enjoyment of the ROWs, nor any rights or privileges previously conferred or conferred after the Effective Date by the Municipality on Third Parties to use or access the ROWs;

And whereas the Parties have agreed that it would be mutually beneficial to outline the terms and conditions pursuant to which the Municipality hereby provides its consent;

And whereas in consideration of the mutual terms, conditions, and covenants contained herein, the Parties agree to covenant with each other as per the Agreement, a copy of which is attached to this By-law;

And whereas the Council of the Corporation deems it expedient to enter into this Agreement;

Now therefore the Council of the Corporation of the Town of LaSalle hereby enacts as follows:

1. **That** the Corporation of the Town of LaSalle authorize the execution and signature of this Agreement with Telus for a Mutual Access Agreement.
2. **That** the execution by the Mayor and the Clerk of the Corporation of any and all documents necessary to complete this Agreement, and the affixing of the Corporation's seal to such documents to give effect to this Agreement, be and the same are hereby confirmed.
3. **This** By-law shall come into force on the final passing thereof.

Read a first and second time and finally passed this 23rd day of March, 2021.

1st Reading – March 23, 2021

2nd Reading – March 23, 2021

3rd Reading – March 23, 2021

Marc Bondy, Mayor

Agatha Robertson, Clerk