

Aurora seeks dispute resolution over cell tower

By Brock Weir

Sure in the advice from multiple parties it would have been a futile exercise, Aurora has nixed ideas of proceeding with an injunction against Bell Canada over a controversial cell phone tower in neighbouring King.

Instead, the Town is going forward entering into a dispute resolution process with Industry Canada, the Federal body which governs telecommunications towers.

The matter came to a head April 23 with numerous residents coming forward to Council appealing for them to do something about the 60 metre tower looming over their west Aurora residences. Following advice from Town Solicitor Warren Mar, which pegged the cost of proceeding with an injunction of upwards of \$100,000 (plus a possible additional \$50,000 in costs to Bell Canada in the likely event their injunction was not successful), they had a few days to consider their options before making a final decision.

Residents sounded the alarm, concerned over what they felt was a lack of public consultation over the proposal to build the cell phone tower just over Aurora's boundary with King on Bathurst Street, near Henderson Drive. Their frustrations were compounded by the Town responding to correspondence about the Tower with the governing bodies, saying they had 'no comment' on the matter. This, some argued, was essentially giving their approval.

Following further legal advice given last week, Councillors voted going into dispute resolution as the best way forward.

'Entering into a formal dispute resolution process with Industry Canada is the right course of action to pursue, to properly ensure that our residents have their voices heard on matters that directly affect their quality of life,' said Mayor Geoffrey Dawe in a statement following Tuesday's Special Council meeting.

'The consultation process leading to the construction of the cellular tower just across our municipal boarder was completely inadequate, relegating input from the Town and our residents to a mere afterthought. This is simply not acceptable and we are taking the proper steps to ensure that we are heard on this issue and that this lack of consultation does not happen again.'

The night before, Councillors sat down in a special session to hear their options, which followed considerable time speaking to external legal counsel, consulting with Bell Canada, and other stakeholders. Much of the legal advice given was reiterated from the previous week, backed up by new voices.

Councillor Chris Ballard, one of the most vocal proponents of moving ahead with the injunction at the earlier meeting, made the motion to go forward with Industry Canada, although not without some hesitation.

'I wouldn't want us to walk away from this tonight,' he said. 'I think we have to continue to do whatever we can.'

'It appears to me our chances of winning a dispute resolution with Industry Canada are slim. The regulators have already told us that they have gone over the file and all the boxes are ticked. It really limits our options. I want to do something that is meaningful to the residents tonight. We have had a lot of talk about the process and I think in due course we will be able to address that more fully.'

He added that while he was 'stumped' on what the most effective solution would be, he said the issue was like 'a little gnat kicking Goliath in the shins' and everything possible needed to be done to get their attention. He added that it is imperative that Council support the concerned residents in their own path moving forward to fight the tower.

The residents have already retained legal counsel to represent them in the matter and are weighing various options as to how best to get their voices heard by the bodies 'such as Industry Canada and Bell Canada' that can actually make a difference. One of these options was to take their grievances to Bell Canada's shareholders meeting this month.

?I think [Council] needs to do everything they can, so I am glad they are at least going to the next step,? said resident Judy Merry after Council's decision. ?I think as the residents we need to band together and do other things as well. We can't just leave it at one option. We have to move forward with several and I think we now have to go to King because I know they are very upset as well.?

When asked if, aside from the direction Council went, if she was satisfied with her fellow residents' course of action, she said they were starting from scratch, unaware of what the procedures were. Now, however, they are well versed.

?Now that we have found out what the procedures are, and what some of the options are, in hindsight we should have been notified from our Council a long time ago and that was one of the biggest problems with the whole issue. Council dropped the ball and said ?no comment'. If we had been told and they would have fought on our behalf, we wouldn't have been in this mess in the first place.?

Mr. Mar told Council that there are no costs associated with moving ahead with this option at this time. The legal paperwork and any other documentation can be handled internally both by his department and planning staff, he added. In the event there was a need for further external legal consulting, that would have to be approved again by Council.

The Industry Canada route was approved 6 ? 2, with Councillors Michael Thompson and Evelyn Buck voting against the motion. Councillor Wendy Gaertner was not in attendance. Some of their objections to the motion included a sense that since the options weren't put up for public consumption beyond the Council chambers before the vote, members of the public weren't adequately aware of what they were considering.