

LETTER OF UNDERTAKING made this \_\_\_\_\_ day of \_\_\_\_\_, 2021

FROM:

**Xplornet Communications Inc.**

Hereinafter referred to as "Xplornet Communications Inc."

TO:

**THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL**

Hereinafter referred to as the "TOWNSHIP"

**WHEREAS** Xplornet Communications Inc. proposes to erect a 45m self-support steel lattice telecommunications facility and associated equipment shelter ("Facility") on a portion of certain lands more particularly described in Schedule "A" ("Lands") and as shown on Schedule "B" ("Site Plan").

**AND WHEREAS**, Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. The Minister may approve the erection of all masts, towers and other antenna-supporting structures. Proponents of radiocommunication and broadcast antenna systems must follow the land-use authority consultation process, CPC-2-0-03 – *Radiocommunication and Broadcasting Antenna Systems (Issue 5)* ("CPC") when installing or modifying an antenna system. The installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*;

**AND WHEREAS**, the TOWNSHIP is the local land-use authority;

**AND WHEREAS** the TOWNSHIP adheres to Innovation, Science, and Economic Development Canada's default consultation procedure CPC, which Xplornet Communications Inc., followed;

**AND WHEREAS** Stratus-Group Inc., circulated an information package pursuant to the requirements of the CPC in order to inform the public of its plans to construct the Facility and obtain public comment;

**AND WHEREAS** the TOWNSHIP has considered this matter and approved the Facility subject to this undertaking and conditions described below;

**AND WHEREAS** this Letter of Undertaking contains the undertaking of Xplornet Communications Inc. to the TOWNSHIP to develop the Facility in accordance with its submissions, plans, and representations and to satisfy the conditions of the TOWNSHIP outlined in Section 7;

**NOW THEREFORE**, Xplornet Communications Inc. hereby acknowledges and undertakes to the TOWNSHIP as follows:

#### **1. STATUTES, BYLAWS, LICENSES, PERMITS, AND REGULATIONS**

Xplornet Communications Inc. undertakes and agrees that prior to the commencement of any development, redevelopment, site alteration, construction or other works, Xplornet Communications Inc. shall obtain all necessary permits and approvals required by the Government of Canada, the Province of Ontario, or any agency thereof, the Township and any other affected agency. Xplornet

Communications Inc. undertakes and agrees to comply with the requirements of all relevant municipal bylaws, provincial and federal statutes, and regulations, permits, approvals or licenses.

## **2. SCHEDULES**

Xplornet Communications Inc. hereby agrees that prior written approval by the Township and/or an amendment to a Schedule shall be required for any departure, change, or modification from the Schedules.

The following list of schedules attached hereto are deemed to be and form part of this undertaking:

2.1 Schedule "A" – Legal Description of the Land to which this undertaking applies.

2.2 Schedule "B" – Site Plan.

## **3. LAND TO WHICH THIS UNDERTAKING APPLIES**

This undertaking is deemed to apply to a property known as the following legal description, PT LT 20-21 CON 9 EDWARDSBURGH TOGETHER WITH AN EASEMENT OVER PT 2, 15R11172 AS IN GC8389 shown in the site plan forming Schedule "B" of the lands described in Schedule "A".

## **4. COMPLETION DATE**

Xplornet Communications Inc. agrees to complete the work required in this undertaking within one (1) year of the date of the commencement of works. Notwithstanding, if exceptional circumstances prevent Xplornet Communications Inc. from complying with the requirements, the TOWNSHIP may extend the completion date.

## **5. FACILITIES AND WORK TO BE PROVIDED AND MAINTAINED**

Xplornet Communications Inc. covenants and agrees to provide and maintain, at his/her/their sole expense each and every facility, work, or other matter illustrated on the Schedules to the satisfaction of the TOWNSHIP, acting in a commercially reasonable manner, and to engage qualified professionals, where required, to design and carry forth any of the work described in this undertaking. This shall include the restoration of any faulty workmanship or materials.

## **6. NOTICE TO PARTIES**

Any Notice by any party to this undertaking to another shall be given in writing and mailed or delivered to the Party at the addresses shown below, or such other address as communicated to the other Party in writing:

6.1 In the case of the TOWNSHIP

To the Clerk of the Township of Edwardsburgh/Cardinal  
18 Centre Street  
P.O. Box 129  
Spencerville, ON K0E 1X0

6.2 In the case of the proponent Xplornet Communications Inc.

Tanya O'Leary  
[Tanya.OLeary@corp.xplornet.com](mailto:Tanya.OLeary@corp.xplornet.com)  
902-410-4112

**7. CONDITIONS**

**a.) ACCESS FACILITIES**

The sites' primary access will be via an existing entrance off of County Road 44, approximately 200m north of the property's owner's private driveway, see Schedule B. Secondary access is through a right-of-way, whose entrance is found at the north end of the property, off County Road 44.

**b.) REFUSE STORAGE AND DISPOSAL**

Xplornet Communications Inc. shall be responsible for the disposal of refuse resulting from the development of the Facility from this property.

**c.) LOCATION OF BUILDING STRUCTURES AND FACILITIES**

As per site plan forming Schedule "B" of this undertaking.

**d.) ELEVATIONS**

As per Tower Elevation Profile, forming Schedule "B" to this undertaking.

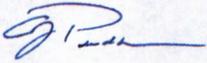
**e.) REMOVAL OF STRUCTURE AND FACILITIES**

Xplornet Communications Inc. agrees that the TOWNSHIP may issue a request to clarify whether or not the Facility is still required to support wireless network activity. Xplornet Communications Inc. will respond within 60 days of receiving the request and will provide any available information on the future status or planned decommissioning of the Facility (if applicable).

Where Xplornet Communications Inc. confirms that the Facility is redundant, Xplornet Communications Inc. and the TOWNSHIP will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Facility was deemed redundant.

**SIGNED**

Xplornet Communications Inc.

Signature: 

**NAME:** CJ Prudham  
**TITLE:** Executive Vice President , General Counsel

XPLORNET COMMUNICATIONS INC. – GROVETON ON7938 - TELECOMMUNICATIONS FACILITY

**Schedule "A" – Legal Description of the Land to which this undertaking applies.**

Municipal Address: 9066 County Rd 44, Spencerville, ON K0E 1X0

Legal Description: PT LT 20-21 CON 9 EDWARDSBURGH TOGETHER WITH AN EASEMENT OVER PT 2, 15R11172 AS IN GC8389

PIN: 681390515

Coordinates of Site: 44.901778, -75.562550

**Schedule "B" – Site Plan.**



-  15m x 15m Compound
-  Hydro Access
-  Primary Road Access
-  Secondary Road Access