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## **Telecommunications towers dossier**

### **Court of appeal gives nod to City of Châteauguay**

**Châteauguay, June 2, 2014** – In a judgment handed down on Friday, May 30, the Québec Court of Appeal ruled in favour of the City of Châteauguay right down the line regarding the implementation of telecommunications towers on its territory.

In a first judgment dated July 2, 2013, Québec Superior Court ruled in favour of the City concerning its request made to Rogers Communications Inc. to install a telecommunications tower on a lot acquired through expropriation at 50 Industrial Blvd. But the same court also affirmed that the City had acted in bad faith regarding the lot belonging to Mrs. Christina White. The judgment of last Friday confirms the right of the City to the expropriation and reverses the original decision which stipulated that the City had acted in bad faith.

In her judgment, Judge Julie Dutil indicates that the Law on Cities and Towns grants municipalities the power to possess immovables for the purposes of land claims and expropriation. The Council can, by conforming to the provisions of articles 571 and 572, and to the expropriation procedures prescribed by law, appropriate all buildings or part of a building or servitude if needed for municipal purposes.

Judge Dutil continues: [While examining the expropriation notices and the reserve as a whole (...), I am of the opinion that the judge (of the first ruling) erred by concluding that Châteauguay had acted in bad faith.] The judge recognizes (paragraph 77) that [Châteauguay imposed a notice of reserve in order to protect the well-being of its citizens, which is a municipal purpose.] Further on, Judge Dutil emphasizes that the City in no way wishes to prevent the installation of a new tower on its territory and that the object of the Law on radiocommunication is to permit the deployment of the telecommunications networks while respecting the local population.

For Châteauguay Mayoress Nathalie Simon, the Court of Appeal's decision is a great victory for all municipalities. "The Court of Appeal is clear: the cities can decide what type of development that it wishes to have on their territory. It is also a beautiful victory for the citizens whose opinion was a determining factor in this decision."

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