

Important news from Quebec regarding placement of cell phone base stations.

Background Info: Rogers wanted to place a cell phone base station near a residential community and citizens complained. The City of Chateauguay took their complaints seriously and tried to find an alternative location for the tower. Rogers disagreed with the location and so they went to court. The case was heard in front of the Superior Court of Quebec. The judgement was appealed by both sides and what follows is the Court of Appeal decision. Magda Havas was an expert witness in this case on behalf of Chateauguay.

TELECOMMUNICATIONS TOWERS DOSSIER: COURT OF APPEAL GIVES NOD TO CITY OF CHÂTEAUGUAY

Monday, 2 June, 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."

Source: http://www.ville.chateauguay.qc.ca/en/COM54_Jugement_Rogers

Press Release in **English:**

http://www.ville.chateauguay.qc.ca/sites/default/files/COM54A_Jugement_Rogers.pdf

Press Release in **French:**

http://www.ville.chateauguay.qc.ca/sites/default/files/COM54_Jugement_Rogers.pdf

See previous postings related to this case: www.magdahavas.com

March 2, 2013: Follow-up to Hearing before Superior Court of Quebec re: Rogers and Chateauguay.
<http://www.magdahavas.com/follow-up-to-hearing-before-superior-court-of-quebec-re-rogers-and-chateauguay/>

February 20, 2013: Health Canada admits Safety Code 6 guideline for microwave radiation is based ONLY on thermal effects!
<http://www.magdahavas.com/health-canada-admits-safety-code-6-guideline-for-microwave-radiation-is-based-only-on-thermal-effects/>

Please note that I have refrained from commenting on this judgement in the event that it is appealed. If Rogers does appeal this ruling it will go before the Supreme Court of Canada and will be a very important case.