

**OFFICERS**

**President**  
Michael Latimer, President & CEO  
Oxford Properties Group/  
Primaris Retail REIT  
**President Elect**  
Peter Sharpe, President & CEO  
Cadillac Fairview Corporation Limited  
**Executive Director**  
S. Michael Brooks

**MEMBERS**

Alexis Nihon REIT  
Allied Properties REIT  
Arca Investments Inc.  
Aspen Properties Ltd.  
Bentall Capital  
BMO Nesbitt Burns Inc.  
Boardwalk REIT  
Brascan Financial Real Estate Group  
Brookfield Properties Corporation  
Cadillac Fairview Corporation Limited  
Calloway REIT  
Canaccord Capital  
CAP REIT  
CB Richard Ellis Limited  
Chartwell Seniors Housing REIT  
CHIP REIT  
CIBC  
CIBC World Markets Inc.  
Colliers International.  
Cominar REIT  
CREIT  
Crombie Properties Ltd.  
Cushman & Wakefield LePage Inc.  
Dundee REIT  
First Capital Realty Inc.  
Grosvenor Canada Limited  
GWL Realty Advisors Inc.  
H & R REIT  
Homestead Land Holdings Limited  
InnVest REIT  
Ivanhoe Cambridge  
Jones Lang Lasalle  
Killam Properties Inc.  
Legacy Hotels REIT  
Manulife Financial  
MI Developments Inc.  
Minto Developments Inc.  
Morguard Corporation  
Morguard Investments Limited  
Morguard REIT  
Morguard Residential Inc.  
National Bank Financial Inc.  
Northern Property REIT  
Ontario Realty Corp.  
Oxford Properties Group Inc.  
Primaris Retail REIT  
RBC Capital Markets Real Estate Group  
Redcliff Realty Advisors Inc.  
Retirement Residences REIT  
Revenue Properties Company Limited  
RioCan REIT  
Scotia Capital Inc.  
Scotiabank  
Sterling Centrecorp Inc.  
Summit REIT  
Sun Life Assurance Company of Canada  
Sunrise Senior Living REIT  
TD Securities Inc.  
TGS North American REIT  
Timbercreek Asset Management Inc.  
Westfield REIT  
Whiterock REIT

Mr. Leonard St. Aubin  
Acting Director General  
Telecommunications Policy Branch  
Industry Canada  
300 Slater Street, 16<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 0C8

July 6, 2006

Dear Mr. St. Aubin:

We are writing regarding the policy directive to the CRTC published in the Canada Gazette subsequent to the Telecom Review Panel.

We applaud the directive to rely on market forces. However, the Telecommunications Review Panel has also recommended a forced access regime in respect of private buildings (Recommendation 5a). It is completely contradictory for the Panel to state a reliance on market forces, then suggest the creation a new, extremely invasive, regulatory regime in respect of building access. Building access for telecommunications companies should also be left to market forces, as they are now. This system is working well.

We understand the importance of telecommunications service providers and distribution undertakings (i.e. cable companies) having access the infrastructure elements they need to build and maintain their networks. However, we submit that the market will provide for access to buildings for telecom providers in the case where a tenant requests it. Building owners have a strong financial incentive to attract and retain tenants. If they do not, their competitors will. There is no need to force access in cases where a tenant has not requested the services of a particular telecom. There is no need to force access if the telephone room is already full of other competitors.

Ironically, rather than allowing market forces to decide whether or not access should be provided to a building (i.e. the tenant requesting a particular service), the Telecommunications Panel is suggesting CRTC should be able to force building access for telecoms without any demonstrated market need or request from a tenant, or room in the building, or rules governing occupancy.

An additional concern is that the Panel did not have any evidence before it and seems to be basing its recommendation to force building access in the absence of demand on old news of dubious validity.

The power to control access to privately owned multi tenant buildings, without compensation and without a justifiable demand from any tenant, is an affront to private property rights in the Canadian Bill of Rights and puts us completely out of step in North America, if not the world.

Please don't hesitate to contact us if you would like to discuss our concerns.

Regards,



Michael Brooks  
Executive Director

Cc: The Honourable Maxime Bernier, PC, MP  
Minister of Industry

#### **About RealPac**

RealPac, the Real Property Association of Canada is Canada's senior national real property association whose mission is to collectively influence public policy, educate government and the public, and ensure stable and beneficial real estate capital and property markets in Canada. Our Members currently own in excess of CDN \$150 Billion in real estate assets located in the major centres across Canada and include real estate investment trusts (REITs), publicly traded and large private companies, banks, brokerages, crown corporations, investment dealers, life companies, and pension funds. Visit RealPac at [www.realpac.ca](http://www.realpac.ca).