



## Telecom Decision CRTC 2025-221

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Reference: Part 1 application posted on 19 May 2023

Gatineau, 29 August 2025

*Public record: 8622-O66-202302644*

### **2332683 Ontario Inc. operating as Coextro – Application for non-discriminatory and timely access to the multi-dwelling unit administered by Toronto Standard Condominium Corporation 1782 Ltd.**

#### **Summary**

The Commission is taking action to help ensure that Canadians benefit from access to affordable and high-quality Internet services.

Through this decision, the Commission is continuing to help promote competition and increase choice for consumers in all types of dwellings. A competitive marketplace helps foster innovation and lower prices for telecommunications services.

2332683 Ontario Inc., operating as Coextro (Coextro), filed an application claiming that it is being denied timely access under reasonable terms and conditions to a multi-dwelling unit (MDU) administered by Toronto Standard Condominium Corporation 1782 Ltd. (TSCC 1782). Coextro is seeking access to this building so that it can offer telecommunications services to residents.

Coextro requested that the Commission grant relief by enforcing the MDU access condition. This requires building owners to provide access to an MDU on a timely basis and under reasonable terms and conditions to any telecommunications provider wishing to serve an MDU's residents.

The Commission considers that TSCC 1782 has denied Coextro access to the MDU on a timely basis. The Commission therefore directs TSCC 1782 and Coextro to enter into good-faith negotiations for timely access under reasonable terms and conditions to the MDU.

The Commission is enforcing the MDU access condition pursuant to section 24 of the *Telecommunications Act* until access is granted. The Commission is also directing TSCC 1782 and Coextro to inform it of the state of their negotiations, with the first three reports to be filed within **30, 45, and 60 days** following the publication of this decision.

## Background

1. In Telecom Decision 2003-45, the Commission set out its framework for access to multi-dwelling units (MDUs) such as apartment buildings and condominiums (the MDU access framework). In that decision, the Commission emphasized the importance of promoting competition and choice, regardless of the type of dwelling in which an end-user resides.
2. In the same decision, the Commission established the MDU access condition, which requires that all local exchange carriers (LECs) wishing to serve residents in an MDU can access end-users on a timely basis and under reasonable terms and conditions.<sup>1</sup>
3. In the decision, the Commission also established guidelines to assist building owners and LECs in negotiating just and expedient conditions of access to MDUs, including conditions relating to fees (e.g., fees that a building owner may reasonably charge the LEC to recover costs incurred), the installation of wiring and equipment, and liability.

## Application

4. On 9 May 2023, the Commission received an application from 2332683 Ontario Inc. operating as Coextro (Coextro). In its application, Coextro indicated that it has made multiple access requests to offer telecommunications services to residents in the MDU located at 31 Bales Avenue in North York, Ontario (the MDU) since October 2019. The MDU is administered by Toronto Standard Condominium Corporation 1782 Ltd. (TSCC 1782). Coextro indicated that TSCC 1782 has ignored its access requests before formally denying them on 27 April 2023, and in doing so has denied the residents of the MDU their choice of telecommunication service provider (TSP).
5. Coextro requested that the Commission enforce the MDU access condition per the following timelines:
  - Within **15 days** following the date of this decision, any other LEC or carrier Internet service provider (ISP) already in the MDU will not be permitted to provide services to any new resident of the MDU and will not be permitted to provide services to a current resident that is not an existing customer of the applicable service provider.
  - Within **30 days** following the date of this decision, any LEC or carrier ISP present in the MDU will not be permitted to modify or upgrade the services being provided to a current resident.
  - Within **45 days** following the date of this decision, the Commission will explore all regulatory options available to it, including issuing an order under section 42 of the *Telecommunications Act* (the Act) and issuing a decision

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<sup>1</sup> In Telecom Regulatory Policy 2021-239, the Commission extended the MDU access condition and associated obligations to all carrier Internet service providers.

which could result in all LECs and carrier ISPs present in the MDU not being permitted to provide any services to the residents.

6. The Commission received an answer from TSCC 1782 regarding Coextro's application.

### **Issues**

7. The Commission has identified the following issues to be addressed in this decision:
  - Is Coextro being denied timely access to the MDU under reasonable terms and conditions?
  - What action, if any, should the Commission take to help ensure that Coextro obtains timely access to the MDU under reasonable terms and conditions?

### **Is Coextro being denied timely access to the MDU under reasonable terms and conditions?**

#### **Positions of parties**

##### ***Coextro***

8. Coextro submitted that it first requested access to the MDU in October 2019. At that time, TSCC 1782, via its property management company Crossbridge Condominium Services Ltd. (Crossbridge), refused Coextro's request for access. Coextro repeated its request for access and provided a proposal to TSCC 1782, via Crossbridge, in April 2022. Coextro then made a further request for access on 1 November 2022. On 27 April 2023, Coextro was notified that TSCC 1782's board of directors decided to deny Coextro's request for access.
9. Coextro stated that it has been denied timely access to the MDU pursuant to reasonable terms and conditions. In its view, TSCC 1782's conduct has denied the residents of the MDU the competitive benefits that the MDU access framework is intended to foster.
10. Coextro submitted that the circumstances of the present case justify the application of accelerated enforcement timelines, similar to the case of Telecom Decision 2022-5. Coextro believes that these measures will maximize the choice of TSPs for residents in the MDU.

##### ***TSCC 1782***

11. TSCC 1782 claimed that Coextro was uncooperative in previous interactions with the board of directors and the building management. TSCC 1782 alleged that despite repeated attempts to engage in constructive discussions and reach a mutually acceptable agreement, Coextro consistently showed disregard for TSCC 1782's concerns and has not demonstrated a willingness to address them.

12. TSCC 1782 submitted that the space available in the communication room at the MDU is insufficient to accommodate Coextro's request and has already resulted in service disruptions and inefficient delivery of services to the residents. TSCC 1782 also stated that there is excessive heat and no ventilation in the communication room where providers install their equipment. TSCC 1782 was of the view that allowing Coextro to operate without addressing these space constraints would compromise the overall connectivity and service quality for the MDU's residents.
13. TSCC 1782 submitted that there are other service providers operating within the MDU and that granting Coextro or other service providers access without considering the concerns raised would hinder the potential for improved services and compromise the safety and security of the residents.

***Coextro's reply***

14. Coextro disagreed with TSCC 1782's allegations that it engaged in uncooperative behaviour and that it disregarded TSCC 1782's concerns and submitted that no evidence to support its allegations was provided. Coextro filed correspondence which it claimed demonstrated that its representatives behaved in a professional and courteous manner. Coextro stated that it had also offered to make a presentation to TSCC 1782's board of directors regarding its request for access to the MDU, but this offer was not accepted.
15. Coextro asserted that the correspondence it filed with the application demonstrated that there were no repeated efforts by TSCC 1782 to engage in constructive discussions. Coextro submitted that it took months at a time for TSCC 1782 to respond; then, TSCC 1782 arbitrarily denied Coextro's access to the MDU, without providing reasons.
16. Coextro disagreed with TSCC 1782's claim that granting Coextro access to the MDU would hinder the development of innovative services or compromise the safety and security of residents. Coextro noted that TSCC 1782 has not provided any evidence to support this claim.
17. Coextro submitted that it is already providing services at 35 Bales Avenue, an MDU similar to the MDU at 31 Bales Avenue, and that the management of 35 Bales Avenue has not raised any concerns regarding space availability for telecommunications facilities. Coextro was of the view that there should be no space constraints at the MDU, since no such constraints exist at 35 Bales Avenue. Coextro explained that it plans to leverage its existing equipment at 35 Bales Avenue, therefore, it is not necessary for Coextro to install any powered equipment at the MDU, and as a result, there will be no heat emitted from Coextro's equipment.
18. Coextro refuted TSCC 1782's claim regarding insufficient space for its facilities, submitting that the equipment Coextro proposed to install in the telecommunications room is small, adding that TSCC 1782 has not provided evidence to support claims of service disruptions and inefficient delivery of services due to space constraints.

19. Coextro also asserted that the number of other carriers already serving the MDU is irrelevant to the issue of whether Coextro is being denied access.

### **Commission's analysis**

20. The MDU access condition clearly states that all LECs wishing to serve end-users in an MDU be granted timely access, under reasonable terms and conditions. The record of this proceeding demonstrates that although some discussions occurred between Coextro and TSCC 1782 regarding gaining access to the MDU, TSCC 1782 denied Coextro's request on 27 April 2023 and no negotiations have occurred since then.

21. The Commission compared Coextro's proposed MDU access agreement with those executed between TSCC 1782 and the other TSPs serving the MDU: Beanfield Technologies Inc. (Beanfield), Bell Canada, and Rogers Communications Canada Inc. (Rogers). The Commission finds the provisions of Coextro's agreement to be reasonable due to its similarity to the executed agreements.

22. Regarding TSCC 1782's concerns about space constraints in the telecommunications room, the Commission notes that it stated in Telecom Decision 2003-45 that although it recognizes that building owners need to manage the use of space in their buildings, LECs must have the option to install or upgrade facilities in MDUs.<sup>2</sup> The LEC and building owner would then negotiate reasonable terms and conditions for this in good faith.

23. Additionally, given the small size of Coextro's proposed equipment and its plan to use equipment from a neighbouring building, the Commission finds that TSCC 1782's arguments that allowing Coextro to operate without addressing these space and heat issues would compromise the overall connectivity and service quality for the building's residents are without merit.

### **Conclusion**

24. In light of the above, the Commission finds that TSCC 1782 is denying Coextro timely access to the MDU under reasonable terms and conditions.

### **What action, if any, should the Commission take to ensure that Coextro obtains timely access to the MDU under reasonable terms and conditions?**

#### **Positions of parties**

25. Coextro requested that the Commission enforce the MDU access condition until access is granted, under section 24 of the Act, and as it was applied in Telecom Decision 2022-5:

- Within **15 days** following the date of the Commission's decision, any other LEC or carrier ISP already in the MDU will not be permitted to provide

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<sup>2</sup> See paragraph 166.

services to any new resident of the MDU and will not be permitted to provide services to a current resident that is not an existing customer of the applicable service provider.

- Within **30 days** following the date of the Commission's decision, any LEC or carrier ISP present in the MDU will not be permitted to modify or upgrade the services being provided to a current resident.
- Within **45 days** following the date of the Commission's decision, the Commission will explore all regulatory options available to it, including issuing an order under section 42 of the Act and issuing a decision which could result in all LECs and carrier ISPs present in the MDU not being permitted to provide any services to the residents.

### **Commission's analysis**

26. In previous decisions addressing MDU access, in occupied MDU properties, the Commission typically used an incremental approach. This approach has been adopted in already occupied MDU properties to encourage prompt negotiations between a TSP and the building owner, while limiting the impact on residents being served by other TSPs with access to the building. For example, in Telecom Decision 2022-148 and in Telecom Decision 2024-42, the Commission set out conditions with escalating restrictions at 30 and 45 days after its decision unless the building owner granted the TSP access to the MDU.

27. The Commission is of the view that it should use the same incremental approach mentioned above and requested by Coextro. Additionally, most TSPs currently serving the MDU did not oppose this incremental approach and emphasized the importance of upholding the Commission's MDU access framework and encouraging competition.

### **Conclusion**

28. In light of all of the above, the Commission approves Coextro's request for access to the MDU on a timely basis and under reasonable terms and conditions, for the purposes of installing, operating, maintaining, and replacing transmission facilities and ancillary telecommunications equipment to provide its services to end-users who wish to avail themselves of Coextro's service offerings.

29. Unless Coextro is permitted access to the MDU under reasonable terms and conditions, the Commission will enforce the MDU access condition pursuant to section 24 of the Act, as follows:

- **Effective 30 days** from the date of this decision, neither Beanfield, Bell Canada, Rogers, nor any other LECs or carrier ISPs will be permitted to provide services to any new customer, regardless of whether the customer is a new or a current resident.

- **Effective 45 days** from the date of this decision, neither Beanfield, Bell Canada, Rogers, nor any other LECs or carrier ISPs will be permitted to modify or upgrade the services being provided to an existing resident and customer.
  - If access is not granted **within 60 days** from the date of this decision, the Commission will explore all regulatory options, including issuing an order under section 42 of the Act and issuing a decision which could result in all LECs and carrier ISPs present in the MDU not being permitted to provide any services to the residents.
30. Furthermore, the Commission directs Coextro and TSCC 1782 to inform it of the state of their negotiations, with the first three reports to be filed within **30, 45, and 60 days** following the publication of this decision. The Commission directs the parties thereafter to file reports on a biweekly basis until Coextro has obtained access to the MDU.

Secretary General

### **Related documents**

- *Execulink Telecom Inc. – Application requesting non-discriminatory and timely access on reasonable terms and conditions to multi-dwelling units owned by JLC Homes Ltd.*, Telecom Decision CRTC 2024-42, 28 February 2024
- *Rogers Communications Canada Inc. – Application for non-discriminatory and timely access under reasonable terms and conditions to the multi-dwelling unit at 70 Yorkville Avenue, Toronto, Ontario*, Telecom Decision CRTC 2022-148, 8 June 2022
- *Rogers Communications Canada Inc. – Request for non-discriminatory and timely access to the Telegraph Square multi-dwelling unit development and to future developments by IronGate Developments Inc.*, Telecom Decision CRTC 2022-5, 14 January 2022
- *Access to in-building wire in multi-dwelling units*, Telecom Regulatory Policy CRTC 2021-239, 27 July 2021
- *Provision of telecommunications services to customers in multi-dwelling units*, Telecom Decision CRTC 2003-45, 30 June 2003