Telecom Decision CRTC 2026-209

PDF version

Reference: Part 1 application posted on 5 November 2024

Gatineau, 14 August 2026

Public record: 8622-E25-202405638

Execulink Telecom Inc. – Request to reinstate the enforcement measures imposed in Telecom Decision 2024-42

Summary

The Canadian Radio-television and Telecommunications Commission (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 more innovative services and lower prices for telecommunications services.

Execulink Telecom Inc. (Execulink) submitted an application stating that it was being denied timely access under reasonable terms and conditions to three multi-dwelling units (MDUs) administered by Escalade Property Corp. (Escalade). Execulink is seeking access to these buildings so that it can offer telecommunications services to residents.

Execulink 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 or Internet service provider wishing to serve an MDU's resident.

The Commission held a public proceeding on Execulink's application. In response to the application, the Commission received an answer from Escalade, and interventions from TELUS Communications Inc. and an individual. To ensure a complete record, the Commission also issued requests for information to Bell Canada and Rogers Communications Canada Inc.

Based on the record of this proceeding, the Commission considers that Escalade has denied Execulink access to the MDUs on a timely basis under reasonable terms and conditions.

The Commission directs Escalade and Execulink to sign an agreement for access to the MDUs within **30 days** of the date of this decision. If the Commission is not informed that an agreement has been signed and that access has been granted within **30 days** of the date of this decision, the Commission

will enforce the MDU access condition pursuant to section 24 of the *Telecommunications Act* until Execulink is granted access to the MDUs.

Background

1. In Telecom Decision 2003-45, the Canadian Radio-television and Telecommunications Commission (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. In Telecom Regulatory Policy 2021-239, the Commission extended the MDU access condition and associated obligations to all carrier Internet service providers (carrier ISPs) that provide services to end-users in MDUs.

3. Telecom Decision 2003-45 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. The Commission received an application, dated 18 October 2024, from Execulink Telecom Inc. (Execulink) requesting that the Commission reinstate the enforcement measures against JLC Homes Ltd. and its affiliates, including Escalade Property Corp. (collectively, Escalade), that were set out in Telecom Decision 2024-42. In that decision, the Commission determined that Execulink had been denied timely access to three MDUs under reasonable terms and conditions.

5. In the application leading to Telecom Decision 2024-42, Execulink indicated that it had made multiple access requests to offer telecommunications services to residents in the MDUs located at 136 Concession St. East, 62 1st St., and 98 King St., in Tillsonburg, Ontario (the MDUs). The MDUs are owned and managed by Escalade. In Telecom Decision 2024-42, the Commission approved Execulink's request for access to the MDUs and established incremental enforcement measures to be applied if access was not granted within 30 and 45 days. Those measures remained in place until June 2024, when they were lifted following the completion of an access agreement between Escalade and Execulink.

6. According to Execulink, in October 2024, Escalade terminated the access agreement reached in June 2024. This took place on the same day that Execulink started its installation work, at which point Execulink submitted its application to the Commission, indicating that it was being denied timely access to the MDUs under reasonable terms and conditions.

7. The Commission received answers from Escalade, interventions from TELUS Communications Inc. (TELUS) and an individual, and a reply from Execulink.

8. On 8 April 2026, the Commission issued a request for information to Bell Canada and Rogers Communications Canada Inc. (Rogers) regarding the possible implementation of the enforcement measures requested by Execulink. Bell Canada and Rogers filed answers, and Execulink filed a reply on 1 May 2026.

Issues

9. The Commission has identified the following issues to be addressed in this decision:

   - Is Execulink being denied timely access to the MDUs under reasonable terms and conditions?

   - What action, if any, should the Commission take to ensure that Execulink obtains timely access to the MDUs under reasonable terms and conditions?

Is Execulink being denied timely access to the MDUs under reasonable terms and conditions?

Positions of parties

Execulink

10. Execulink submitted that Escalade has repeatedly delayed or prevented access to the MDUs.

11. Execulink added that since the Commission withdrew the enforcement measures established in Telecom Decision 2024-42, Escalade has not complied with the MDU access condition.

Escalade's answer

12. Escalade stated that the access agreement[1] with Execulink provides Escalade with the ability to terminate the access agreement to protect residents' safety. It submitted that the restrictions proposed by Execulink in its application can pose risks to residents' safety and well-being. For instance, the restrictions would prevent residents from having access to emergency telecommunications services or being able to manage essential services from within the property, such as ordering prescriptions.

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[1] Building Access Licence Agreement between Execulink and Escalade: 5.8 Termination for Breach. Either Party may terminate this Agreement by giving notice in writing to the other Party if the other Party commits a material breach with respect to a material provision of this Agreement and does not remedy that breach within thirty (30) days after receiving written notice of the breach.

13. Escalade added that the access agreement was terminated because Execulink did not comply with the steps required to maintain fire separation, as outlined in the Ontario Building Code. According to Escalade, Execulink temporarily removed the fire block[2] and did not properly seal fire conduits during installation, thereby failing to maintain fire separation.

Execulink's reply

14. Execulink stated that it complied with all construction regulations, including the Ontario Building Code, and that its installation process meets or exceeds industry standards. It submitted that temporarily removing the fire block was necessary to install its telecommunication wires, and that restoring the fire block was part of its standard installation process. Execulink explained that it had only just begun the installation work and that it could not restore the fire block because it was locked out of the MDUs approximately two hours after the installation began.

15. Execulink submitted that Escalade relied on invalid reasons to terminate the access agreement and that Escalade breached the access agreement by terminating it without providing 30 days' written notice to allow Execulink to address the alleged material breaches.

Commission's analysis

16. In Telecom Decision 2024-42, the Commission found that Execulink had been denied timely access to the MDUs under reasonable terms and conditions. After signing an access agreement in June 2024, the parties agreed on a statement of work, and Execulink was scheduled to start installation in October 2024. However, on the first day of installation, Escalade terminated the access agreement and requested that Execulink leave the MDUs.

17. The Commission notes that the access agreement sets out the process of termination when one party alleges a material breach of the access agreement. The Commission finds that Escalade did not provide Execulink with the required 30 days before terminating the agreement.

18. The Commission acknowledges Escalade's concerns about fire safety; however, it notes that the installation process described by Execulink was consistent with the agreed statement of work. The fact that Execulink was locked out of the MDUs during the installation process can explain why the fire block was not restored.

19. In light of the above, the Commission is of the view that Escalade breached the access agreement by terminating it without providing the required 30 days' written notice.

20. Given that the access agreement has been terminated and that the parties have not indicated that further discussions have been held to negotiate a new access agreement, the Commission is of the

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[2] A fire block is a fire-resistant material and barrier installed in a building to slow or stop the spread of flames, smoke, and hot gases through cavities in walls, floors, and ceilings.

view that Execulink is being denied timely access under reasonable terms and conditions to the MDUs.

What action, if any, should the Commission take to ensure that Execulink obtains timely access to the MDUs under reasonable terms and conditions?

Positions of parties

Execulink

21. Execulink requested that the Commission immediately reinstate the enforcement measures set out in Telecom Decision 2024-42:

- Neither Bell Canada, Rogers, nor any other LECs or carrier ISPs will be permitted to provide services to any new customer in the MDUs, regardless of whether the customer is a new or a current resident.
- Neither 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 there are no residents in the MDU, neither Bell Canada, Rogers, nor any other LECs or carrier ISPs will be permitted to provide any services to any future resident.

Bell Canada and Rogers

22. Bell Canada and Rogers, the carrier ISPs providing services to the MDUs, did not oppose this incremental approach and emphasized the importance of maintaining the Commission's MDU access framework and encouraging competition.

TELUS

23. TELUS supported prompt enforcement of the MDU access condition to maintain the effectiveness of the Commission's telecommunications regulatory framework. TELUS submitted that delays in implementing Commission decisions can make them ineffective and limit the benefits intended for consumers.

Commission's analysis

24. The Commission considers that preventing Execulink from accessing the MDUs to provide services to residents by terminating the access agreement denies residents their choice of TSP. This runs counter to both the MDU access condition and certain policy objectives in the *Telecommunications Act* (the Act). The Commission is therefore of the view that the MDU access condition should be enforced.

25. 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 carrier ISP and the building owner, while limiting the impact on residents being served by other carrier ISPs with access to the building. In Telecom Decisions 2025-221 and 2025-222, the Commission set out conditions with escalating restrictions at 30 and 45 days after its decision unless the building owner granted the carrier ISPs access to the MDU.

26. The Commission considers that the incremental approach set out in Telecom Decisions 2025-221 and 2025-222 remains appropriate. This approach aligns with the relief requested by Execulink while giving the parties additional time to negotiate before enforcement measures apply.

Conclusion

27. In light of all of the above, the Commission approves Execulink's request to reinstate the enforcement measures set out in Telecom Decision 2024-42, with the timeline set out below. The Commission considers that these measures are appropriate to ensure that Execulink obtains timely access to the MDUs under reasonable terms and conditions.

28. The Commission directs Escalade Property Corp. and Execulink Telecom Inc. to sign an agreement for access to the MDU within **30 days** of the date of this decision.

29. If the Commission is not informed that an agreement has been signed and that access has been granted within 30 days of the date of this decision, the Commission will enforce the MDU access condition pursuant to section 24 of the Act, as follows, until Execulink is granted access to the MDUs to install its equipment:

    - Effective **30 days** from the date of this decision, neither 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 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 that could result in all LECs and carrier ISPs present in the MDUs not being permitted to provide any services to the residents.

30. Once Execulink notifies the Commission that the parties have signed an agreement and that Execulink has been granted access to the MDUs in order to install its equipment and provide service to residents, the service restrictions described above will be lifted immediately.

31. Additionally, given Escalade's concerns regarding Execulink's compliance with all applicable laws, rules and regulations during the period it accessed the MDUs, the Commission reminds:

- Execulink of its obligation to comply with all laws, rules and regulations during its installation process; and
- Escalade that it may address any potential breaches of such laws, rules and regulations with the appropriate enforcement authority.

Secretary General

Related documents

- *Continuum Online Services Ltd., operating as Netflash Internet Solutions – Application for non-discriminatory and timely access to multi-dwelling units administered by Greenwin Corp.*, Telecom Decision CRTC 2025-222, 29 August 2025
- *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.*, Telecom Decision CRTC 2025-221, 29 August 2025
- *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
- *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