

## PROPERTY INTERESTS

**Public streets and highways**

41. (1) A transmitter or distributor may, over, under or on any public street or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission or distribution system, including poles and lines. 1998, c. 15, Sched. A, s. 41 (1).

**Inspection, etc.**

(2) The transmitter or distributor may inspect, maintain, repair, alter, remove or replace any structure, equipment or facilities constructed or installed under subsection (1) or a predecessor of subsection (1). 1998, c. 15, Sched. A, s. 41 (2).

**Entry**

(3) The transmitter or distributor may enter the street or highway at any reasonable time to exercise the powers referred to in subsections (1) and (2). 1998, c. 15, Sched. A, s. 41 (3).

**Employees, etc.**

(4) The powers of a transmitter or distributor under subsections (1), (2) and (3) may be exercised by an employee or agent of the transmitter or distributor, who may be accompanied by any other person under the direction of the employee or agent. 1998, c. 15, Sched. A, s. 41 (4).

**No consent required**

(5) The exercise of powers under subsections (1), (2) and (3) does not require the consent of the owner of or any other person having an interest in the street or highway. 1998, c. 15, Sched. A, s. 41 (5).

**Identification**

(6) A person exercising a power of entry under this section must on request display or produce proper identification. 1998, c. 15, Sched. A, s. 41 (6).

**Notice, compensation, etc.**

- (7) If a transmitter or distributor exercises a power of entry under this section, it shall,
- (a) provide reasonable notice of the entry to the owner or other person having authority over the street or highway;
  - (b) in so far as is practicable, restore the street or highway to its original condition; and
  - (c) provide compensation for any damages caused by the entry. 1998, c. 15, Sched. A, s. 41 (7).

**No compensation**

(8) Subject to clause (7) (c), the transmitter or distributor is not required to pay any compensation in order to exercise its powers under subsections (1), (2) and (3), and the *Expropriations Act* does not apply in respect of anything done pursuant to those powers. 1998, c. 15, Sched. A, s. 41 (8).

**Location**

(9) The location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter or distributor and the owner of the street or highway, and in case of disagreement shall be determined by the Board. 1998, c. 15, Sched. A, s. 41 (9).