



Telecom Decision CRTC 2025-222

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Reference: Part 1 application posted on 18 June 2024

Gatineau, 29 August 2025

Public record: 8622-C230-202403161

Continuum Online Services Ltd., operating as Netflash Internet Solutions – Application for non-discriminatory and timely access to multi-dwelling units administered by Greenwin Corp.

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.

Continuum Online Services Ltd., operating as Netflash Internet Solutions (Netflash), filed an application claiming that it is being denied timely access under reasonable terms and conditions to multi-dwelling units (MDUs) administered by Greenwin Corp. (Greenwin). Netflash is seeking access to these buildings so that it can offer telecommunications services to residents.

Netflash 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 service provider wishing to serve an MDU's residents.

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

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 Greenwin and Netflash 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.¹
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 7 June 2024, the Commission received an application from Continuum Online Services Ltd., operating as Netflash Internet Solutions (Netflash). In its application, Netflash indicated that it had made multiple access requests to offer telecommunications services to residents in the following MDUs administered by Greenwin Corp. (Greenwin): 220 Ira Needles Blvd. and 10 Highland Crescent in Kitchener, Ontario (collectively, the MDUs). Netflash indicated that it was being denied timely access to the MDUs under reasonable terms and conditions because Greenwin had refused all its access requests. Netflash also indicated that this has affected residents' ability to choose an alternative telecommunications service provider (TSP).
5. Specifically, Netflash requested that the Commission impose the MDU access condition until access is granted, in accordance with section 24 of the *Telecommunications Act* (the Act).
6. The Commission received an answer from Greenwin regarding Netflash's application.

Issues

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

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

- Is Netflash being denied timely access to the MDUs under reasonable terms and conditions?
- What action, if any, should the Commission take to help ensure that Netflash obtains timely access to the MDUs under reasonable terms and conditions?

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

Positions of parties

Netflash

8. Netflash submitted that it has been seeking access to the MDUs since March 2024 and, despite having clearly articulated its rights of access pursuant to the MDU access framework, its requests have been repeatedly left unanswered by Greenwin.

Greenwin's answer

9. Greenwin stated that it did not fail to give Netflash timely access to the MDUs and disagreed that the MDU access condition established in Telecom Decision 2003-45 had been violated. Greenwin added that it continued engaging in open communication to understand Netflash's request.

Greenwin's allegations regarding the overreaching nature of the request

10. Greenwin alleged that Netflash's request for access was overreaching because Netflash did not cooperate with Greenwin to determine if residents were interested in Netflash's services. According to Greenwin, granting access combined with installation rights to Netflash is unnecessarily intrusive to the MDUs and their residents.
11. Greenwin also alleged that Netflash was requesting access into residents' homes without the residents in question having subscribed to its service.
12. Furthermore, Greenwin did not agree with granting 24/7 access to Netflash as presented in Netflash's template agreement, stating that this went against the quiet possession covenant² in Greenwin's leases with its residents.

Greenwin's allegation regarding the vague nature of the request

13. Greenwin stated that Netflash's request was vague and noted some issues that would need to be clarified (i.e., whether it would be installing its own fibre or using in-building wire, as well as the type and the location of the equipment).

² A quiet possession covenant refers to the right of a tenant to peacefully enjoy its premises without interference from a landlord.

Greenwin's allegation regarding space constraints

14. Greenwin alleged that there are space constraints in the main terminal room of the MDUs and that it does not wish to add any additional weight on the roof with new telecommunications equipment. Further, Greenwin asked the Commission to take into consideration the lack of demand for Netflash's services, given that there are already two other TSPs serving the MDUs.

Addressing Greenwin's answer

15. Netflash disagreed with Greenwin's allegations that Greenwin continued open communication. Netflash submitted that Greenwin had been unresponsive and provided evidence demonstrating a lack of communication by Greenwin.

Addressing Greenwin's allegations regarding the overreaching nature of the request

16. Netflash stated that it does not understand Greenwin's statement that its access request was "overreaching" and alleged that past Commission decisions pertaining to the MDU access condition have never required a carrier to work with a landlord to confirm interest on behalf of residents.
17. Furthermore, Netflash asserted that it has never requested access to individual units without prior consent from the residents and that its standard practice is to coordinate with building management and residents to arrange installations.
18. Netflash provided its own template agreement when requested by Greenwin. However, to alleviate Greenwin's concern of granting 24/7 access to the MDUs to Netflash, Netflash mentioned that it would be willing to use the same wording as in Bell Canada's template agreement, which provides access during "normal service hours."

Addressing Greenwin's allegation regarding the vague nature of the request

19. Netflash did not believe that its request was vague and added that it has not yet provided the information sought by Greenwin, in particular with regard to in-building wire, simply because Greenwin did not ask any questions. Netflash mentioned that it is seeking to install its own fibre optic infrastructure rather than utilize existing providers' facilities.

Addressing Greenwin's allegation regarding space constraints

20. Netflash asserted that it is committed to working collaboratively with Greenwin to minimize disruption and find solutions that accommodate its infrastructure, while respecting existing facilities and space constraints.

Commission's analysis

Greenwin's allegations regarding the overreaching nature of the request

21. In Telecom Decision 2003-45, the Commission stated that all LECs wishing to serve end-users in an MDU can access end-users in that MDU on a timely basis, by means of resale, leased facilities or their own facilities, at their choice, under reasonable terms and conditions (the MDU access condition).³ Furthermore, in that decision, the Commission also found that LECs must have the ability to access and enter into MDUs, in order to connect and/or install their facilities, as well as repair and maintain them and do whatever else may be required to provide reliable, high-quality service to end-users in MDUs.⁴ Accordingly, the Commission considers that Netflash's request to access and serve end-users in the MDUs is not overreaching because it is simply seeking to provide telecommunications services to the MDUs in accordance with the MDU access condition. Additionally, the MDU access condition does not require a carrier to work with a building owner to confirm interest on behalf of residents prior to granting access.
22. Regarding access to individual units, Netflash stated that it coordinates with building management and residents to arrange installations and that it is not its standard practice to access individual units without the prior consent of residents. The Commission is of the view that Netflash's alternative proposal and clarification should alleviate Greenwin's concerns.
23. Regarding the 24/7 access hours, the Commission would have expected Greenwin to propose alternative terms that it deems reasonable and negotiate until reasonable terms can be agreed to by both parties. Furthermore, Netflash submitted that it is willing to use wording found in one of Bell Canada's [template access agreements](#) that states "during normal service hours" instead of "24 hours a day, 7 days a week." The Commission is of the view that Netflash's proposal is a reasonable alternative and should alleviate Greenwin's concerns regarding the quiet possession covenant in its leases with residents. The Commission also notes that access agreements filed by Bell Canada and Rogers Communications Canada Inc. (Rogers) on the record of the proceeding both provide for 24/7 access to the MDUs. Therefore, the Commission does not consider that Netflash's request is unreasonable or that it would breach the quiet possession covenant in its leases with residents.

Greenwin's allegation regarding the vague nature of Netflash's request

24. Based on the evidence provided, Netflash requested a site visit on numerous occasions and that request was not granted by Greenwin. The Commission understands that, after a site visit, Netflash intended to evaluate feasibility and make a

³ Telecom Decision 2003-45, paragraph 141

⁴ Idem, paragraph 142

plan to install fibre to provide connection speeds of up to 8 gigabits to residents. Since a site visit has not taken place, the Commission considers it reasonable that a detailed plan or statement of work has yet to be proposed to Greenwin.

25. Furthermore, when reviewing email exchanges between the parties, the Commission notes that most of Netflash's emails went unanswered by Greenwin for weeks. On the few occasions that Greenwin requested clarifications, Netflash responded promptly.

Greenwin's allegation regarding space constraints

26. In Telecom Decision 2003-45, the Commission recognized that building owners need to manage the use of space and supervise the installation of equipment in MDUs. However, the Commission considers that, consistent with its policy of end-user choice, it is reasonable that LECs have the option to install or upgrade related facilities in MDUs.⁵ Furthermore, that decision also allows reasonable fees to be charged by building owners in order to compensate for the use of space that could have been used for other purposes. Considering Netflash's offer to work collaboratively to find solutions to space constraints while respecting Greenwin's existing facilities, the Commission is of the view that Greenwin must nevertheless comply with the MDU access condition and provide Netflash access to the MDUs under reasonable terms and conditions.

Conclusion

27. In light of the above, the Commission finds that Greenwin is denying Netflash access to the MDUs under reasonable terms and conditions.

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

Positions of parties

28. Netflash requested that the Commission impose the MDU access condition until access is granted, in accordance with section 24 of the Act.
- Within 30 days following the date of the Commission's decision, neither Bell Canada, Rogers, nor any other LECs or carrier Internet service providers (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 a current resident and customer.

⁵ Idem, paragraph 142

- 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.

Commission's analysis

29. 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.
30. The Commission is of the view that it should use the same incremental approach mentioned above and requested by Netflash. Additionally, Bell Canada and Rogers, the TSPs providing services to the MDUs, did not oppose this incremental approach and emphasized the importance of upholding the Commission's MDU access framework and encouraging competition.

Conclusion

31. In light of all of the above, the Commission approves Netflash's request for access to the MDUs 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 Netflash's service offerings.
32. Unless Netflash is permitted access to the MDUs 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 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 which could result in all LECs and carrier ISPs present in the MDUs not being permitted to provide any services to the residents.

33. Furthermore, the Commission directs Netflash and Greenwin 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 Netflash has obtained access to the MDUs.

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
- *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