

Green Energy and Green Economy Act, 2009

EXPLANATORY NOTE

The Bill enacts the *Green Energy Act, 2009* and amends and repeals various Acts. The major elements of the Bill are described below.

SCHEDULE A GREEN ENERGY ACT, 2009

Schedule A enacts the *Green Energy Act, 2009* and repeals the *Energy Conservation Leadership Act, 2006* and the *Energy Efficiency Act*. Many of the provisions of the two repealed statutes are re-enacted in the *Green Energy Act, 2009*.

Subsection 1 (1) of the Act contains definitions. Subsection 1 (2) is an interpretation section and provides that the Act shall be interpreted in a manner that is consistent with section 35 of the *Constitution Act, 1982* and with the duty to consult aboriginal peoples.

Section 2 permits the Lieutenant Governor in Council, by regulation, to require persons who are offering to sell or lease an interest in real property to provide such information, reports or ratings as may be prescribed relating to energy consumption and efficiency with respect to a prescribed residence or other building on the property or a prescribed class of residences or other buildings on the property in the circumstances that are prescribed.

Section 3 authorizes the Lieutenant Governor in Council to designate goods, services and technologies by regulation in order to promote energy conservation. A person is permitted to use designated goods, services and technologies in prescribed circumstances despite a restriction imposed at law that would prevent or restrict their use. This does not, however, apply to a restriction imposed by an Act or regulation.

Section 4 permits the Lieutenant Governor in Council to designate renewable energy projects or renewable energy sources by regulation to assist in the removal of barriers to and to promote opportunities for the use of renewable energy sources and to promote access to transmission systems and distribution systems for proponents of renewable energy projects.

Section 5 authorizes the Lieutenant Governor in Council, by regulation, to require public agencies and prescribed consumers to establish energy conservation and demand management plans. Section 6 of the Act authorizes two or more public agencies to establish, publish and administer a joint energy conservation and demand management plan.

The Lieutenant Governor in Council may, by regulation, require public agencies to consider energy conservation and energy efficiency when acquiring goods and services and when making capital investments, in section 7 of the Act.

Section 8 authorizes the Minister of Energy to enter into agreements to promote energy conservation and energy efficiency.

The Act sets out guiding principles for the Government of Ontario in constructing, acquiring, operating and managing government facilities. These principles include reporting on energy use and greenhouse gas emissions, ensuring energy efficiency in the planning and design of government facilities, making environmentally and financially responsible investments in government facilities and using renewable energy sources to provide energy for government facilities.

The Act establishes the Renewable Energy Facilitation Office and permits the designation of a Renewable Energy Facilitator. The objects of the Office include facilitating the development of renewable energy projects. The Facilitator is given certain authority to collect information, which is treated as confidential or secret.

Part III of the Act largely re-enacts the *Energy Efficiency Act*. This Part places restrictions on the sale or lease of regulated appliances or products that do not meet the prescribed efficiency standards or requirements and on the labelling or marking of appliances and products.

Section 15 allows the Deputy Minister to designate persons as inspectors for the purposes of Parts I and III. Inspectors have the power to conduct inspections and, with a warrant, to conduct searches.

Section 16 creates a penalty of a fine of not more than \$10,000 for a person or \$25,000 for a corporation who contravenes a provision of Part I, III or IV or of the regulations.

Part V of the Act provides the Lieutenant Governor in Council with regulation-making authority.

SCHEDULE B ELECTRICITY ACT, 1998

Schedule B enacts changes to the *Electricity Act, 1998*. Section 1 of the Schedule enacts and repeals and re-enacts a number of definitions consistent with the green energy initiative.

These include enacting the definitions of “renewable energy generation facility” and “smart grid” and repealing and re-enacting the definition of “renewable energy source”.

Section 25.11 of the Act, which requires the establishment of the Conservation Bureau within the Ontario Power Authority (the OPA) is repealed. Amendments to the *Environmental Bill of Rights* in Schedule F require that the Commissioner under that Act make annual reports on energy conservation.

Section 25.32 of the Act is amended to provide the Minister with additional authority to issue directions to the OPA to undertake a request for proposal, any other form of procurement solicitation or any other initiative that relates to the procurement of electricity supply and capacity, including supply and capacity from renewable energy sources, reductions in electricity demand or measures related to conservation or the management of electricity demand. Subsection 25.32 (4.5) permits the Minister to direct the OPA to establish measures to facilitate the participation of aboriginal peoples in the development and implementation of renewable energy generation facilities and transmission and distribution systems.

Subsections 25.33 (1) and (2) are amended to require the Independent Electricity System Operator (the IESO) to calculate payments in accordance with the regulations for classes of market participants. The scheme requiring distributors and retailers, through their billing systems, to make adjustments to payments to reflect amounts paid is amended to address classes of consumers, rather than simply consumers.

The Act is amended to permit the Minister to direct the OPA to develop a feed-in tariff program, in section 25.35. A feed-in tariff program is a program for procurement that provides standard program rules, standard contracts and standard pricing regarding classes of generation facilities differentiated by energy source or fuel type, generator capacity and the manner by which the generation facility is used, deployed, installed or located.

A new section 25.36 requires transmitters and distributors to connect generation facilities to their transmission systems or distributions systems if specified criteria are satisfied.

A new section 25.37 requires distributors, transmitters, the OPA and the IESO to provide prescribed information about the distribution system’s or transmission system’s ability to accommodate generation from a renewable energy generation facility. Section 26 is amended to require transmitters and distributors to provide priority access to their systems for renewable energy generation facilities that meet prescribed requirements.

There are some technical amendments in section 32 to allow the IESO to make rules with respect to the reliability of electricity service or the IESO-controlled grid.

The Lieutenant Governor in Council is given the power to make regulations governing the smart grid and its implementation by the new section 53.0.1.

There are amendments to the regulation-making authority in section 114 of the Act that are consequential to substantive changes made in the Schedule.

There are amendments to section 144 of the Act that deal with the authority of a municipality to generate electricity other than through a *Business Corporations Act* corporation.

SCHEDULE C MINISTRY OF ENERGY ACT

Schedule C amends the *Ministry of Energy Act* to update its name and other references to reflect the change of the Ministry from the Ministry of Energy to the Ministry of Energy and Infrastructure. The Schedule also amends the objectives of the Ministry to include references to infrastructure, growth planning, renewable energy and energy conservation.

SCHEDULE D ONTARIO ENERGY BOARD ACT, 1998

Schedule D amends the *Ontario Energy Board Act, 1998*.

With respect to electricity, the Board's objectives are amended to include the promotion of the conservation of electricity, the facilitation of investments to implement a smart grid and the promotion of the use and generation of electricity from renewable energy sources, in subsection 1 (1) of the Act. Similarly, the Board's objectives with respect to gas are amended to include the promotion of energy conservation and energy efficiency, in section 2 of the Act.

Section 3 of the Act, the definition section, is amended to adopt the definitions of "renewable energy generation facility", "renewable energy source" and "smart grid" from the *Electricity Act, 1998*. Some definitions are moved from section 56 as certain defined terms are now used more broadly in the Act.

The Act is amended to require the Board to assess prescribed persons or classes of persons for expenses incurred and expenditures made by the Ministry of Energy and Infrastructure in respect of conservation programs or renewable energy programs provided under this Act, the *Green Energy Act, 2009*, the *Ministry of Energy and Infrastructure Act* and any other Act, in section 26.1. For the purpose of the *Financial Administration Act*, assessments under section 26.1 are deemed to be money paid to Ontario for special purposes, in section 26.2.

The new section 27.2 allows the Minister, with the approval of the Lieutenant Governor in Council, to issue directives to the Board that contain conservation and demand management targets to be met by distributors and other licensees. A directive may also require that a distributor meet any portion of its conservation target by contracting with the OPA to meet the target through province-wide programs offered by the OPA.

The Minister, with the approval of the Lieutenant Governor in Council, may issue directives to the Board relating to the establishment, implementation or promotion of a smart

grid for Ontario, in section 28.5. Similarly, with the approval of the Lieutenant Governor in Council, the Minister may issue directives requiring the Board to take such steps as are specified in the directive relating to the connection of renewable energy generation facilities to a transmitter's transmission system or a distributor's distribution system, in section 28.6.

Section 70 of the Act is amended to include deemed conditions in licences of transmitters and distributors.

Section 71 of the Act is amended to permit a distributor to own and operate a renewable energy generation facility in certain circumstances.

Section 78 of the Act is amended to allow the Board to make orders permitting the OPA or distributors to establish deferral or variance accounts related to costs associated with a directive issued under section 27.2.

The Act is amended, by the new section 78.5, to require the IESO to make payments to a distributor or to the OPA on behalf of other prescribed persons with respect to amounts approved by the Board for conservation and demand management programs approved by the Board pursuant to a directive issued under section 27.2.

A rate protection provision is added for prescribed consumers or classes of consumers where a distributor incurs costs for making specified investments for the purpose of connecting certain specified generation facilities to its distribution system, in section 79.1.

The regulation-making authority in subsection 88 (1) of the Act is expanded to deal with renewable energy capacity and storage and circumstances dealing with the costs to a transmitter or distributor of construction, expansion or reinforcement associated with the connection of a renewable energy generation facility to the transmitter's transmission system or the distributor's distribution system.

Subsection 96 (2) of the Act is expanded so the Board shall, where applicable, consider the promotion of the use of renewable energy sources when it considers whether the construction, expansion or reinforcement of an electricity transmission line or electricity distribution line or the making of an interconnection is in the public interest.

The Act is amended by adding subsection 127 (5) that permits the Lieutenant Governor in Council to make regulations governing transitional matters to facilitate the implementation of amendments to this Act arising from the enactment of the *Green Energy and Green Economy Act, 2009* and to facilitate the implementation of the *Green Energy Act, 2009*.

**SCHEDULE E
CLEAN WATER ACT, 2006**

The amendments to section 15 of the *Clean Water Act, 2006* are consequential to the amendments to the *Environmental Protection Act*.

**SCHEDULE F
ENVIRONMENTAL BILL OF RIGHTS, 1993**

The *Environmental Bill of Rights, 1993* is amended to require the Environmental Commissioner to report annually to the Speaker of the Assembly on energy conservation and greenhouse gas emissions.

**SCHEDULE G
ENVIRONMENTAL PROTECTION ACT**

The *Environmental Protection Act* is amended by adding Part V.0.1, which deals with renewable energy. Section 47.3 of the Act states that if a renewable energy project involves engaging in specified activities, a person shall not engage in the project except under the authority of and in accordance with a renewable energy approval issued by the Director. A person who is engaging in a renewable energy project is exempt from specified approval and permit requirements. Part V.0.1 also deals with applications for renewable energy approvals and the Director's powers with respect to those approvals.

The Act is amended to extend existing appeal rights to persons with respect to renewable energy approvals. Persons who would not otherwise be entitled to a hearing may, on specified grounds, require a hearing by the Tribunal in respect of a decision of the Director in relation to a renewable energy approval.

Other amendments to the Act are consequential to the addition of Part V.0.1, including amendments related to inspections by provincial officers and regulation-making powers.

**SCHEDULE H
ONTARIO WATER RESOURCES ACT**

The amendments to the *Ontario Water Resources Act* are consequential to the amendments to the *Environmental Protection Act*.

**SCHEDULE I
CO-OPERATIVE CORPORATIONS ACT**

The *Co-operative Corporations Act* is amended to authorize the incorporation of renewable energy co-operatives. A renewable energy co-operative is a co-operative whose

articles restrict its business to generating and selling electricity produced from renewable energy sources. As part of its business, a renewable energy co-operative may establish or develop generation facilities to generate electricity produced from renewable energy sources and may promote the purchase by electricity users of electricity produced from renewable energy sources.

Other amendments to the Act authorize a renewable energy co-operative to distribute its surplus in accordance with the by-laws of the co-operative and not in accordance with the rules in the Act relating to patronage returns.

SCHEDULE J BUILDING CODE ACT, 1992

Subsection 34 (5) of the *Building Code Act, 1992* lists, among the purposes of the building code (the regulations made under section 34), the establishment of standards for “conservation”. The subsection is amended to clarify that this includes energy conservation. New subsection 34 (6) requires the Minister to initiate reviews of the building code with reference to standards for energy conservation, at five-year intervals.

New section 34.1 of the Act requires the Minister to establish the Building Code Energy Advisory Council, whose mandate is to advise the Minister on the building code with reference to standards for energy conservation.

SCHEDULE K PLANNING ACT

The *Planning Act* is amended to exempt renewable energy generation facilities and renewable energy projects from demolition control by-laws under section 33, zoning by-laws and related by-laws under Part V, development permit regulations and by-laws under section 70.2, and by-laws under section 113 or 114 of the *City of Toronto Act, 2006*.

Leases for the purposes of renewable energy generation facilities or renewable energy projects are exempt from subdivision control and part-lot control under section 50 of the *Planning Act* if they are for periods of 40 years or less.

SCHEDULE L MINISTRY OF NATURAL RESOURCES

The Schedule sets out amendments proposed by the Ministry of Natural Resources. The main amendments are as follows:

Conservation Authorities Act

If a person requests permission under section 28 of the Act for development related to a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, a conservation

authority or the executive committee appointed by a conservation authority is not allowed to refuse the permission or to impose conditions on the permission unless it is necessary to do so to control pollution, flooding, erosion or dynamic beaches.

Ministry of Natural Resources Act

The Minister may require that the proponent of a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, provide to the Minister the information or studies that the Minister considers necessary before the Minister issues a permit or approval under an Act for whose administration the Minister is responsible.

Niagara Escarpment Planning and Development Act

The Schedule amends the French version of the term “Niagara Escarpment Plan” in the Act and other Acts and amends the definition of “utility” in the Niagara Escarpment Plan to include renewable energy projects, as defined in section 1 of the *Green Energy Act, 2009*, in the reference to the generation, transmission and distribution of electric power.

Provincial Parks and Conservation Reserves Act, 2006

Subsection 19 (2) of the Act presently allows facilities for the generation of electricity to be developed in provincial parks and conservation reserves for use within communities that are not connected to the IESO-controlled grid if the Lieutenant Governor in Council approves. The Schedule changes the requirement for approval from the Lieutenant Governor in Council to the Minister responsible for the administration of the Act.

Public Lands Act

A person who has entered into an agreement, including a lease, a licence or an easement, with the Crown under the Act or to whom a permit to occupy public lands has been issued under the Act is required to comply with the agreement or permit, as the case may be. It is an offence to contravene the requirement. A court that convicts a person of the offence can make a compliance order.

An Act to enact the Green Energy Act, 2009 and to build a green economy, to repeal the Energy Conservation Leadership Act, 2006 and the Energy Efficiency Act and to amend other statutes

Note: This Act amends or repeals more than one Act. For the legislative history of these Acts, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

[Skip Table of Contents](#)

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule A	Green Energy Act, 2009
Schedule B	Electricity Act, 1998
Schedule C	Ministry of Energy Act
Schedule D	Ontario Energy Board Act, 1998
Schedule E	Clean Water Act, 2006
Schedule F	Environmental Bill of Rights, 1993
Schedule G	Environmental Protection Act
Schedule H	Ontario Water Resources Act
Schedule I	Co-operative Corporations Act
Schedule J	Building Code Act, 1992
Schedule K	Planning Act
Schedule L	Ministry of Natural Resources

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

- 1. This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

Commencement

- 2. (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**

Same

- (2) The Schedules to this Act come into force as provided in each Schedule.**

Same

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3. The short title of this Act is the *Green Energy and Green Economy Act, 2009*.

SCHEDULE A GREEN ENERGY ACT, 2009

[Skip Table of Contents](#)

CONTENTS

[Preamble](#)

[PART I](#)

INTERPRETATION AND GENERAL APPLICATION

- [1.](#) Definitions and interpretation
[2.](#) Mandatory conservation and energy efficiency practices

[PART II](#)

DESIGNATED GOODS, SERVICES AND TECHNOLOGIES AND RENEWABLE ENERGY PROJECTS AND ENERGY CONSERVATION IN THE PUBLIC SECTOR

- [3.](#) Permissive designation of goods, services and technologies
[4.](#) Permissive designation of renewable energy projects or renewable energy sources
[5.](#) Energy conservation and demand management plans
[6.](#) Joint plans, public agencies
[7.](#) Duty to consider energy conservation, etc.
[8.](#) Transactions, arrangements or agreements to promote conservation, etc.
[9.](#) Government facilities, guiding principles
[10.](#) Renewable Energy Facilitation Office
[11.](#) Facilitator's authority to collect information
[12.](#) Preserving secrecy

[PART III](#)

ENERGY EFFICIENCY AND EFFICIENT USE OF WATER

- [13.](#) Application
[14.](#) Appliances and products, efficiency standards

[PART IV](#)

INSPECTIONS, ENFORCEMENT AND PENALTIES

- [15.](#) Inspectors
[16.](#) Penalty

[PART V](#)

REGULATIONS

- [17.](#) Regulations
[18.](#) Regulations, transition

[PART VI](#)

REPEALS, COMMENCEMENT AND SHORT TITLE

- [19.](#) Repeals
[20.](#) Commencement
[21.](#) Short title

Preamble

The Government of Ontario is committed to fostering the growth of renewable energy projects, which use cleaner sources of energy, and to removing barriers to and promoting opportunities for renewable energy projects and to promoting a green economy.

The Government of Ontario is committed to ensuring that the Government of Ontario and the broader public sector, including government-funded institutions, conserve energy and use energy efficiently in conducting their affairs.

The Government of Ontario is committed to promoting and expanding energy conservation by all Ontarians and to encouraging all Ontarians to use energy efficiently.

PART I INTERPRETATION AND GENERAL APPLICATION

Definitions and interpretation

Definitions

1. (1) In this Act,

“generation facility” has the same meaning as in the *Electricity Act, 1998*; (“installation de production”)

“Minister” means the Minister of Energy and Infrastructure or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“prescribed” means prescribed by a regulation made under this Act; (“prescrit”)

“public agency” means a ministry of the Government of Ontario or an entity, including a municipality, or class of entities that is prescribed as a public agency; (“organisme public”)

“regulation” means a regulation made under this Act; (“règlement”)

“renewable energy generation facility” has the same meaning as in the *Electricity Act, 1998*; (“installation de production d’énergie renouvelable”)

“renewable energy project” means the construction, installation, use, operation, changing or retiring of a renewable energy generation facility; (“projet d’énergie renouvelable”)

“renewable energy source” means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy, tidal forces and such other energy sources as may be prescribed by the regulations, but only if the energy source satisfies such criteria as may be prescribed by the regulations for that energy source; (“source d’énergie renouvelable”)

“technologies” means technologies associated with the generation of electricity from renewable energy sources and any associated technology that meets such criteria as may be prescribed. (“technologies”)

Interpretation

(2) This Act shall be interpreted in a manner that is consistent with section 35 of the *Constitution Act, 1982* and with the duty to consult aboriginal peoples.

Mandatory conservation and energy efficiency practices

2. (1) No person shall offer to sell or to lease, for a term in excess of the prescribed period, an interest in real property unless the person provides, at a cost as determined in the prescribed manner, such information, reports or ratings as are prescribed,

- (a) relating to energy consumption and efficiency with respect to a prescribed residence or other building on the property or a class of prescribed residences or other buildings on the property; and
- (b) in such circumstances and at such times as are prescribed and in such manner as is prescribed.

Agent

(2) A person acting as an agent on behalf of the person identified in subsection (1) shall inform that person promptly of any request for such information, reports or ratings.

Same

(3) Subsection (2) applies only to agents acting for or in anticipation of receiving valuable consideration with respect to the offer to sell or to lease.

PART II

DESIGNATED GOODS, SERVICES AND TECHNOLOGIES AND RENEWABLE ENERGY PROJECTS AND ENERGY CONSERVATION IN THE PUBLIC SECTOR

Permissive designation of goods, services and technologies

3. (1) The Lieutenant Governor in Council may, by regulation, designate goods, services and technologies in order to promote energy conservation.

Effect of designation

(2) A person is permitted to use designated goods, services and technologies in such circumstances as may be prescribed, despite any restriction imposed at law that would otherwise prevent or restrict their use, including a restriction established by a municipal by-law, a condominium by-law, an encumbrance on real property or an agreement.

Same

(3) A restriction imposed at law that would otherwise prevent or restrict the use of designated goods, services or technologies is inoperative to the extent that it would otherwise prevent or restrict the use.

Exception

(4) Subsections (2) and (3) do not apply with respect to a restriction imposed by an Act or regulation.

Permissive designation of renewable energy projects or renewable energy sources

4. (1) The Lieutenant Governor in Council may, by regulation, designate renewable energy projects or renewable energy sources for the following purposes:

1. To assist in the removal of barriers to and to promote opportunities for the use of renewable energy sources.
2. To promote access to transmission systems and distribution systems for proponents of renewable energy projects.

Effect of designation

(2) A person is permitted to undertake activities with respect to a designated renewable energy project or a designated renewable energy source in such circumstances as may be prescribed, despite any restriction imposed at law that would otherwise prevent or restrict the activity, including a restriction established by a municipal by-law, a condominium by-law, an encumbrance on real property or an agreement.

Same

(3) A restriction imposed at law that would otherwise prevent or restrict an activity with respect to a designated renewable energy project or a designated renewable energy source is inoperative to the extent that it would otherwise prevent or restrict the activity.

Exception

(4) Subsections (2) and (3) do not apply,

- (a) with respect to a restriction imposed by an Act or regulation; or
- (b) with respect to prescribed by-laws, instruments or other restrictions or prescribed classes of by-laws, instruments or other restrictions.

Energy conservation and demand management plans

Public agencies

5. (1) The Lieutenant Governor in Council may, by regulation, require public agencies to prepare an energy conservation and demand management plan.

Prescribed consumers

(2) The Lieutenant Governor in Council may, by regulation, require prescribed consumers to prepare an energy conservation and demand management plan.

Same, regulations

(3) The regulations may provide that the plan required under subsection (1) or (2) cover such period as is prescribed and may be required at such intervals as are prescribed and may require that the plan be filed with the Ministry.

Specified targets and standards, public agencies

(4) The Lieutenant Governor in Council may, by regulation, require a public agency to achieve prescribed targets and meet prescribed energy and environmental standards, including standards for energy conservation and demand management.

Contents, public agencies

(5) For the purposes of subsection (1), the plan must be prepared in accordance with the requirements, as may be prescribed, and must include the following information:

1. A summary of annual energy consumption for each of the public agency's operations.
2. A description and a forecast of the expected results of current and proposed activities and measures to conserve the energy consumed by the public agency's operations and to otherwise reduce the amount of energy consumed by the public agency, including by employing such energy conservation and demand management methods as may be prescribed.
3. A summary of the progress and achievements in energy conservation and other reductions described in paragraph 2 since the previous plan.
4. Such additional information as may be prescribed.

Contents, prescribed consumers

(6) For the purposes of subsection (2), the plan must be prepared in accordance with such requirements as may be prescribed.

Publication

(7) The public agency shall publish the plan in accordance with such requirements as may be prescribed.

Implementation

(8) The public agency or prescribed consumer shall implement the plan and shall do so in accordance with such requirements as may be prescribed.

Joint plans, public agencies

6. (1) Two or more public agencies may prepare a joint energy conservation and demand management plan and may publish and implement it jointly.

Effect

(2) If the joint plan satisfies the requirements established under section 5, the public agencies are not required to prepare, publish and implement separate energy conservation and demand management plans for the same period.

Duty to consider energy conservation, etc.

When acquiring goods and services

7. (1) The Lieutenant Governor in Council may, by regulation, require public agencies to consider energy conservation and energy efficiency in their acquisition of goods and services and to comply with such requirements as may be prescribed for that purpose.

When making capital investments

(2) The Lieutenant Governor in Council may, by regulation, require public agencies to consider energy conservation and energy efficiency when making capital investments and to comply with such requirements as may be prescribed for that purpose.

Transactions, arrangements or agreements to promote conservation, etc.

8. The Minister may enter into such transactions, arrangements or agreements as are necessary to promote energy conservation and energy efficiency and the transactions, arrangements or agreements must conform to such requirements as may be prescribed.

Government facilities, guiding principles

9. (1) In constructing, acquiring, operating and managing government facilities, the Government of Ontario shall be guided by the following principles:

1. Clear and transparent reporting of energy use and of the amount of greenhouse gas emissions associated with government facilities.
2. Planning and designing government facilities to ensure the efficient use of energy.
3. Making environmentally and financially responsible investments in government facilities.
4. Using renewable energy sources to provide energy for government facilities.

Directives

(2) The Minister may, with the approval of the Lieutenant Governor in Council, issue directives,

- (a) requiring the ministries responsible for the government facilities that the Minister specifies in the directive to report on energy consumption and greenhouse gas emissions associated with the facilities to the Minister at such time and in such manner as may be provided for in the directive;
- (b) establishing energy and environmental standards which must be met as minimum standards for new construction or major renovations for government facilities; and
- (c) specifying such other requirements relating to energy conservation or energy efficiency as the Minister considers appropriate.

Same

- (3) In a directive, the Minister may,
- (a) designate or specify the government facilities or class of government facilities to which the directive applies and may specify which part of a directive applies to which facility or class of facilities;
 - (b) specify the content of the report on energy consumption and greenhouse gas emissions; and
 - (c) specify the time in which a ministry must provide the report.

Publication

(4) Part III of the *Legislation Act, 2006* does not apply to a directive, but the Minister shall ensure that directives are published in *The Ontario Gazette*.

Definition

(5) In this section,

“government facilities” means government owned or occupied buildings, properties and facilities or such classes of buildings, properties and facilities as the Minister may by directive designate.

Renewable Energy Facilitation Office

10. (1) There shall be created, within the Ministry, an office to be known in English as the Renewable Energy Facilitation Office and in French as Bureau de facilitation en matière d'énergie renouvelable.

Objects of the Office

- (2) The following are the objects of the Office:
1. To facilitate the development of renewable energy projects.
 2. To work with proponents of renewable energy projects and other ministries to foster the development of renewable energy projects across Ontario and to assist proponents with satisfying the requirements of associated approval processes and procedures, including providing proponents with information in respect of interactions with local communities.
 3. To work with proponents of renewable energy projects to alert them to potential requirements imposed by the Government of Canada.

Renewable Energy Facilitator

(3) The Office shall be supervised by a person employed in the Ministry and designated as the Renewable Energy Facilitator.

Facilitator's authority to collect information

11. (1) The Renewable Energy Facilitator is authorized to collect, directly or indirectly, and share information about the proponent of a renewable energy project, the proponent's project and the process or processes associated with the approval by any ministry of the project.

Confidential information relating to proponents

(2) A record relating to a renewable energy project of a proponent, provided to or obtained by the Facilitator or shared by the Facilitator with another institution or received from another institution is confidential.

Same

(3) Without limiting the generality of subsection (2) and for the purposes of section 17 of the *Freedom of Information and Protection of Privacy Act*, a record relating to a renewable energy project of a proponent, provided to or obtained by the Facilitator or shared by the Facilitator with another institution or received from another institution is deemed to be a trade secret or scientific, technical, commercial, financial or labour relations information supplied by the proponent to the Facilitator in confidence, the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

Conflict

(4) In the event of a conflict between this Act and the *Freedom of Information and Protection of Privacy Act*, this Act prevails.

Definition

(5) In this section,

“institution” means an institution as defined in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act*.

Preserving secrecy

12. (1) The Renewable Energy Facilitator shall preserve the secrecy of information that he or she obtains from or about a proponent of a renewable energy project and shall not communicate the information to any person except,

- (a) as may be required to fulfil the objects of the Renewable Energy Facilitation Office;
- (b) to a law enforcement agency;
- (c) to his or her counsel; or

- (d) with the consent of the person or entity to whom or to which the information relates.

Testimony

(2) The Facilitator shall not be required to give testimony in a civil proceeding with respect to information obtained in the course of fulfilling the objects of his or her Office.

PART III ENERGY EFFICIENCY AND EFFICIENT USE OF WATER

Application

13. This Part applies to prescribed appliances and products.

Appliances and products, efficiency standards

14. (1) No person shall offer for sale, sell or lease an appliance or product to which this Part applies unless,

- (a) the appliance or product meets the prescribed efficiency standard or requirement with respect to the appliance or product; and
- (b) a prescribed label or other prescribed marking that confirms compliance with prescribed efficiency standards or requirements in respect of the appliance or product is affixed to the appliance or product or provided with the appliance or product in the prescribed manner and under the prescribed circumstances.

Labels

(2) No person shall affix to or provide with an appliance or product to which this Part applies a prescribed label or other prescribed marking unless the appliance or product meets the prescribed efficiency standard or requirement with respect to the appliance or product.

Application of subs. (1)

(3) Subsection (1) does not apply to,

- (a) an appliance or product that is manufactured on or before a prescribed date and that is sold or leased on or before a prescribed date; or
- (b) a person who is not in the business of offering for sale, selling or leasing appliances or products to which this Part applies.

PART IV INSPECTIONS, ENFORCEMENT AND PENALTIES

Inspectors

15. (1) The Deputy Minister may designate in writing any person as an inspector for the purposes of Parts I and III.

Powers, Part I

(2) For the purposes of Part I and the regulations, an inspector designated under subsection (1),

- (a) at any reasonable time, may enter any place where he or she has reasonable grounds to believe that there are documents or things relating to the offer to sell or to lease to which section 2 applies;
- (b) may request the production for inspection of documents or things that may be relevant to the carrying out of an inspection to which Part I applies;
- (c) upon giving a receipt for it, may remove from a place documents or things produced pursuant to a request under clause (b) for the purpose of making copies or extracts and shall promptly return them to the person who produced them; and
- (d) may require any person to co-operate in and assist with an inspection.

Powers, Part III

(3) For the purposes of Part III and the regulations, an inspector designated under subsection (1),

- (a) at any reasonable time, may enter any place where an appliance or product to which Part III applies is manufactured, offered for sale, sold or leased;
- (b) may request the production for inspection of documents or things that may be relevant to the carrying out of an inspection or test on an appliance or product to which Part III applies;
- (c) upon giving a receipt for it, may remove from a place documents or things produced pursuant to a request under clause (b) for the purpose of making copies or extracts and shall promptly return them to the person who produced them;
- (d) may inspect and test any appliance or product to which Part III applies to ensure that the appliance or product complies with the Part and the regulations; and
- (e) may require any person to co-operate in and assist with an inspection or test.

Entry of dwelling

(4) A person shall not exercise a power of entry conferred by this Part to enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant issued under this section.

Search warrant

(5) Upon application made without notice by an inspector, a justice of the peace may issue a warrant, if he or she is satisfied on information under oath that there is reasonable ground for believing that,

- (a) a person has contravened or is contravening Part I or III or the regulations; and
- (b) there is,
 - (i) in any building, dwelling, receptacle or place anything relating to the contravention of Part I or III or the regulations, or
 - (ii) information or evidence relating to the contravention of Part I or III or the regulations that may be obtained through the use of an investigative technique or procedure or the doing of anything described in the warrant.

Powers under warrant

(6) Subject to any conditions contained in it, a warrant obtained under subsection (5) authorizes an inspector,

- (a) to enter or access the building, dwelling, receptacle or place specified in the warrant and examine and seize anything described in the warrant;
- (b) to use any data storage, processing or retrieval device or system in order to produce information or evidence described in the warrant, in any form;
- (c) to exercise any of the powers specified in subsection (12); and
- (d) to use any investigative technique or procedure or do anything described in the warrant.

Entry of dwelling

(7) Despite subsection (6), an inspector shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling, unless,

- (a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and
- (b) the justice of the peace authorizes the entry into the dwelling.

Conditions on warrant

(8) A warrant obtained under subsection (5) shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

Expert help

(9) The warrant may authorize persons who have special, expert or professional knowledge and other persons as necessary to accompany and assist the inspector in respect of the execution of the warrant.

Time of execution

(10) An entry or access under a warrant issued under this section shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise.

Expiry of warrant

(11) A warrant issued under this section shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may extend the date of expiry for an additional period of no more than 30 days, upon application without notice by an inspector.

Assistance

(12) An inspector may, in the course of executing a warrant, require a person to produce the evidence or information described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the evidence or information described in the warrant and the person shall produce the evidence or information or provide the assistance.

Obstruction

(13) No person shall hinder, obstruct or interfere with or impede an inspector,

- (a) who is exercising a power under subsection (2) or (3); or
- (b) who is executing a warrant.

Same

(14) Subsection (13) is not contravened where a person refuses to produce documents or things, unless a warrant has been issued under subsection (5).

False information, etc.

(15) Where information is required to be furnished or a document is required to be provided or produced under this Part or the regulations, no person furnishing such information or providing or producing such document shall furnish false information or provide or produce a false document.

Admissibility of copies

(16) Copies of, or extracts from, documents and things removed from premises under this Part and certified by the person who made the copies as being true copies of, or extracts from, the originals are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Same

(17) No document or thing or copy of one or extract from one in the possession of an inspector shall be introduced in evidence in any proceeding under this Part unless the owner of the document or thing is first given notice of the intent to introduce it into evidence.

Penalty

16. (1) Every person who contravenes any provision of Part I, Part III or this Part or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or, if the person is a body corporate, to a fine of not more than \$25,000.

Same

(2) Where a body corporate contravenes any provision of Part I, Part III or this Part or the regulations, every director or officer of the body corporate who authorizes, permits or acquiesces in the contravention is a party to and guilty of an offence and on conviction is liable to the penalty provided for in the offence whether or not the body corporate has been prosecuted or convicted.

PART V REGULATIONS

Regulations

17. (1) The Lieutenant Governor in Council may make regulations prescribing anything that is required or permitted to be prescribed or that is required or permitted to be done in accordance with the regulations or as provided in the regulations.

Examples

(2) As examples of matters about which the Lieutenant Governor in Council may make regulations, the Lieutenant Governor in Council may make regulations:

- (a) prescribing appliances and products to which Part III applies;
- (b) prescribing energy efficiency standards or requirements or water efficiency standards or requirements for the appliances or products prescribed under clause (a);
- (c) regulating the installation, testing, maintenance and repair of appliances and products to which Part III applies;

- (d) designating persons or organizations to test appliances and products to which Part III applies;
- (e) for the purposes of Part III, providing for the placing of a prescribed label or mark on or with appliances and products that conform to the prescribed standards;
- (f) prescribing the contents of labels or marks that may be placed on or with appliances and products to which Part III applies;
- (g) for the purposes of Part III, prescribing fees to be paid to designated persons or organizations for the testing or labelling of appliances and products and prescribing by whom the fees shall be paid;
- (h) providing for information to be reported by persons who manufacture, offer for sale, sell or lease appliances or products to which Part III applies, including the frequency, time and manner for reporting;
- (i) governing the keeping of information, records and documents by persons who manufacture, offer for sale, sell or lease appliances or products to which Part III applies.

Incorporation of documents

(3) A regulation under this Act that incorporates another document by reference may provide that the reference to the document include amendments made to the document from time to time after the regulation is made.

Defining words or expressions

(4) A regulation under this Act may define any word or expression used in this Act that is not defined in this Act.

Classes of persons, etc.

(5) A regulation may create different classes of persons, entities, appliances or products and may establish different entitlements for, or relating to, each class or impose different requirements, conditions or restrictions on, or relating to, each class.

Exemptions, etc.

(6) A regulation may exempt a class or a person, entity, appliance or product from a specified requirement imposed by this Act or a regulation or provide that a specified provision of this Act or a regulation does not apply to the class, person, entity, appliance or product and may prescribe conditions for the exemption.

Regulations, transition

18. The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of this Act.

**PART VI
REPEALS, COMMENCEMENT AND SHORT TITLE**

Repeals*Energy Conservation Leadership Act, 2006*

19. (1) The *Energy Conservation Leadership Act, 2006* is repealed.

Energy Efficiency Act

(2) The *Energy Efficiency Act* is repealed.

Commencement

20. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

21. The short title of the Act set out in this Schedule is the *Green Energy Act, 2009*.

**SCHEDULE B
ELECTRICITY ACT, 1998**

1. (1) The definition of “Minister” in subsection 2 (1) of the *Electricity Act, 1998* is repealed and the following substituted:

“Minister” means the Minister of Energy and Infrastructure or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

(2) Subsection 2 (1) of the Act is amended by adding the following definitions:

“renewable energy generation facility” means a generation facility that generates electricity from a renewable energy source and that meets such criteria as may be prescribed by regulation and includes associated or ancillary equipment, systems and technologies as may be prescribed by regulation, but does not include any associated works that produce, process, handle or store waste used to generate electricity, unless the works are prescribed by regulation for the purposes of this definition; (“installation de production d’énergie renouvelable”)

“renewable energy project” has the same meaning as in the *Green Energy Act, 2009*; (“projet d’énergie renouvelable”)

(3) The definition of “renewable energy source” in subsection 2 (1) of the Act is repealed and the following substituted:

“renewable energy source” means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy, tidal forces and such other energy sources as may be prescribed by the regulations, but only if the energy source satisfies such criteria as may be prescribed by the regulations for that energy source; (“source d’énergie renouvelable”)

(4) Subsection 2 (1) of the Act is amended by adding the following definition:

“smart grid” means the advanced information exchange systems and equipment described in subsection (1.3); (“réseau intelligent”)

(5) Section 2 of the Act is amended by adding the following subsection:

Smart grid

(1.3) For the purposes of this Act, the smart grid means the advanced information exchange systems and equipment that when utilized together improve the flexibility, security, reliability,

efficiency and safety of the integrated power system and distribution systems, particularly for the purposes of,

- (a) enabling the increased use of renewable energy sources and technology, including generation facilities connected to the distribution system;
- (b) expanding opportunities to provide demand response, price information and load control to electricity customers;
- (c) accommodating the use of emerging, innovative and energy-saving technologies and system control applications; or
- (d) supporting other objectives that may be prescribed by regulation.

2. Clause 25.2 (5) (h) of the Act is amended by striking out “sections 78.1 and 78.2” and substituting “sections 78.1, 78.2 and 78.5”.

3. Section 25.11 of the Act is repealed.

4. Clause 25.16 (2) (b) of the Act is repealed.

5. (1) Subsection 25.32 (2) of the Act is repealed and the following substituted:

Contract to comply with regulations and directions

(2) The OPA shall not enter into a procurement contract that does not comply with,

- (a) the regulations; or
- (b) a direction issued under subsection (4), (4.1), (4.4) or (4.5).

(2) Section 25.32 of the Act is amended by adding the following subsections:

Same

(4.1) The Minister may direct the OPA to undertake any request for proposal, any other form of procurement solicitation or any other initiative or activity that relates to,

- (a) the procurement of electricity supply or capacity, including but not limited to supply and capacity derived from renewable energy sources;
- (b) reductions in electricity demand; or
- (c) measures related to conservation or the management of electricity demand.

Direction re process

(4.2) The Minister may, as part of a direction under subsection (4.1), specify that the OPA is to use a competitive or a non-competitive process as part of the initiative or activity.

Direction re pricing

(4.3) A direction issued by the Minister under subsection (4.1) may allow the Minister to specify the pricing or other economic factors to be used or achieved by the OPA.

Directions re consultation

(4.4) The Minister may direct the OPA to implement procedures for consulting aboriginal peoples and other persons or groups as may be specified in the direction, on the planning, development or procurement of electricity supply, capacity, transmission systems and distribution systems and the direction may specify the manner or method by which such consultations shall occur and the timing within which such consultations shall occur.

Direction re programs for aboriginal participation

(4.5) The Minister may direct the OPA to establish measures to facilitate the participation of aboriginal peoples in the development of renewable energy generation facilities, transmission systems and distribution systems and such measures may include programs or funding for, or associated with, aboriginal participation in the development of such facilities or systems.

6. (1) Subsections 25.33 (1) and (2) of the Act are repealed and the following substituted:**Electricity pricing to reflect costs
IESO to make adjustments**

(1) The IESO shall, through its billing and settlement systems, make adjustments in accordance with the regulations that ensure that, over time, payments by classes of market participants in Ontario that are prescribed by regulation reflect amounts paid, in accordance with the regulations, to generators, distributors, the OPA and the Financial Corporation, whether the amounts are determined under the market rules or under sections 78.1 to 78.5 of the *Ontario Energy Board Act, 1998*.

Distributors and retailers to make adjustments

(2) Distributors and retailers shall, through their billing systems, make adjustments in accordance with the regulations that ensure that, over time, payments by classes of consumers in Ontario that are prescribed by regulation reflect amounts paid, in accordance with the regulations, to generators, distributors, the OPA and the Financial Corporation, whether the amounts are determined under the market rules or under sections 78.1 to 78.5 of the *Ontario Energy Board Act, 1998*.

(2) Paragraph 1 of subsection 25.33 (3) of the Act is repealed.

7. Part II.2 of the Act is amended by adding the following section:

Feed-in tariff program

25.35 (1) The Minister may direct the OPA to develop a feed-in tariff program that is designed to procure energy from renewable energy sources under such circumstances and conditions, in consideration of such factors and within such period as the Minister may require.

Minister's directives

(2) The Minister may issue, and the OPA shall follow in preparing its feed-in tariff program, directives that set out the goals to be achieved during the period to be covered by the program, including goals relating to,

- (a) the participation by aboriginal peoples in the development and establishment of renewable energy projects;
- (b) the involvement of members of the local community in the development and establishment of renewable energy projects; and
- (c) domestic content.

Definition

(3) In this section,

“feed-in tariff program” means a program for procurement, including a procurement process, providing standard program rules, standard contracts and standard pricing regarding classes of generation facilities differentiated by energy source or fuel type, generator capacity and the manner by which the generation facility is used, deployed, installed or located.

8. Part III of the Act is amended by adding the following section:

Mandatory connection to transmission or distribution system

25.36 (1) A transmitter or distributor shall connect a renewable energy generation facility to its transmission system or distribution system in accordance with the regulations, the market rules and any licence issued by the Board if,

- (a) the generator requests the connection in writing; and
- (b) the applicable technical, economic and other requirements prescribed by regulation or mandated by the market rules or by an order or code issued by the Board have been met in respect of the connection.

Conflicts

(2) In the event of a conflict between a regulation referred to in subsection (1) and an order or code issued by the Board, the regulation prevails.

Regulations

(3) A regulation referred to in subsection (1) may specify requirements which must be met in relation to the connection of renewable energy generation facilities to a transmitter's transmission system or a distributor's distribution system.

9. Part III of the Act is amended by adding the following section:

Information re connections

25.37 (1) A distributor, transmitter, the OPA and the IESO shall provide such information as may be prescribed by regulation about the distribution system's or transmission system's ability to accommodate generation from a renewable energy generation facility and the information shall be current and prospective in nature and be made available to the public.

Completion time re connection assessments

(2) Connection assessments described in the Board's Distribution System Code and the IESO market rules shall be completed in the time prescribed by regulation.

Providing information and reports

(3) The IESO, a transmitter or a distributor shall file with the Board, on a quarterly basis, the information and reports that are prescribed by regulation relating to their ability to meet the prescribed time requirements referred to in subsection (2).

Immediate publication

(4) The Board may publish the information and reports referred to in subsection (3) immediately upon their receipt.

10. Section 26 of the Act is amended by adding the following subsections:

Priority access re renewable energy generation facilities

(1.1) Despite subsection (1), a transmitter or distributor shall provide, in accordance with its licence, priority connection access to its transmission system or distribution system for a renewable energy generation facility that meets the requirements prescribed by regulation.

Conflicts

(1.2) In the event of a conflict between a regulation made under subsection (1.1) and a market rule or licence issued by the Board, the regulation prevails.

Regulations

(1.3) A regulation made under subsection (1.1) may specify criteria related to the renewable energy generation facility which must be met in order for the facility to receive priority connection access.

11. (1) Subsection 32 (1) of the Act is amended by adding "and" at the end of clause (b) and by adding the following clause:

- (c) establishing and enforcing standards and criteria relating to the reliability of electricity service or the IESO-controlled grid, including standards and criteria relating to electricity supply generated from sources connected to a distribution system that alone or in aggregate could impact the reliability of electricity service or the IESO-controlled grid.

(2) Subclause 32 (2) (d) (i) of the Act is repealed and the following substituted:

- (i) for the purpose of maintaining the reliability of electricity service or the IESO-controlled grid, directions requiring persons, including persons providing electricity supply generated from sources connected to a distribution system, within such time as may be specified in the direction, to synchronize, desynchronize, increase, decrease or maintain electrical output, to take such other action as may be specified in the direction or to refrain from such action as may be specified in the direction, and

12. Part IV of the Act is amended by adding the following section:

Regulations, smart grid

53.0.1 The Lieutenant Governor in Council may make regulations governing the smart grid and its implementation, including regulations,

- (a) in respect of the timeframe for the development of the smart grid;
- (b) assigning roles and responsibilities for the development, implementation and standardization of the smart grid;
- (c) prescribing the standards for communications and any other aspects in respect of the operation of the smart grid.

13. The definition of “municipal electricity utility” in section 88 of the Act is amended by adding the following clause:

- (d.2) any corporation or other entity through which, pursuant to subsection 144 (2), a municipal corporation, municipal service board, a city board or municipal services corporation generates electricity,

14. (1) Subsection 114 (1) of the Act is amended by adding the following clause:

- (d.1) governing renewable energy generation facilities including, but not limited to,
 - (i) the location of the facilities,

- (ii) the generating capacity of such facilities,
- (iii) the connection of such facilities to transmission systems and distribution systems, including technical specifications with respect to the connection, and
- (iv) when such facilities must have commenced operation in order to be considered a renewable energy generation facility under this Act;

(2) Subsection 114 (1.1) of the Act is amended by adding the following clause:

- (a.1) prescribing criteria and associated or ancillary equipment, systems and technologies for the purposes of the definition of “renewable energy generation facility” in subsection 2 (1) and prescribing works for the purposes of the definition;

(3) Subclauses 114 (1.3) (f) (i) and (ii) of the Act are repealed and the following substituted:

- (i) prescribing methods for determining the amounts of adjustments under subsection 25.33 (1), the classes of market participants and consumers to whom those adjustments apply, the time periods to which the adjustments apply and the time periods within which the adjustments must or may be made and the manner in which the amounts are paid to generators, distributors, the OPA and the Financial Corporation,
- (ii) prescribing adjustments that must or may be made by distributors or retailers with respect to classes of consumers or other distributors or retailers, methods for determining the amount of the adjustments, the time periods to which the adjustments apply and the time periods within which the adjustments must or may be made and the manner in which the amounts are paid to generators, distributors, the OPA and the Financial Corporation,

(4) Clause 114 (1.3) (f) of the Act is amended by adding the following subclause:

- (xv) requiring a market participant or a consumer or a member of a class of market participants or consumers to meet specified requirements and to provide information to the IESO, a distributor or a retailer for the purpose of section 25.33 or a regulation made under this clause;

(5) Subsection 114 (1.3) of the Act is amended by adding the following clause:

- (g.1) prescribing locations or land or classes of locations or land where the OPA shall not provide for a procurement process or enter into a contract for energy from a prescribed renewable energy generation facility or a prescribed class of renewable energy generation facility;

(6) Subsection 114 (1.4) of the Act is amended by adding the following clauses:

- (0.a) governing the connection of generation facilities to transmission systems and distribution systems for the purposes of section 25.36;
- (0.a.1) governing information and reports with respect to a distribution system's or transmission system's ability to accommodate generation from a renewable energy generation facility for the purposes of section 25.37;

(7) Section 114 of the Act is amended by adding the following subsection:

Transition, *Green Energy Act, 2009*

(8) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of amendments to this Act arising from the enactment of the *Green Energy and Green Economy Act, 2009* and to facilitate the implementation of the *Green Energy Act, 2009*.

15. Section 144 of the Act is amended by adding the following subsections:

Exception, renewable energy generation facilities

(2) Despite subsection (1) and section 143, a municipal corporation, a municipal service board, a city board or municipal services corporation established by a municipal corporation may, subject to the prescribed rules, generate electricity by means other than through a corporation incorporated under the *Business Corporations Act* if,

- (a) the generation facility is a renewable energy generation facility that does not exceed 10 megawatts or such other capacity as may be prescribed by regulation; or
- (b) the generation facility meets the prescribed criteria.

Definition

(3) In this section,

“municipal services corporation” means a corporation established by a municipal corporation under section 203 of the *Municipal Act, 2001* or under section 148 of the *City of Toronto Act, 2006*.

Commencement

16. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE C
MINISTRY OF ENERGY ACT

1. The title of the *Ministry of Energy Act* is repealed and the following substituted:

Ministry of Energy and Infrastructure Act

2. Section 1 of the Act is repealed and the following substituted:

Definitions

1. In this Act,

“Deputy Minister” means the Deputy Minister of Energy and Infrastructure; (“sous-ministre”)

“Minister” means the Minister of Energy and Infrastructure; (“ministre”)

“Ministry” means the Ministry of Energy and Infrastructure; (“ministère”)

“renewable energy source” has the same meaning as in the *Electricity Act, 1998*. (“source d’énergie renouvelable”)

3. Section 2 of the Act is repealed and the following substituted:

Ministry continued

2. The Ministry of the public service known in English as the Ministry of Energy and Infrastructure and in French as ministère de l’Énergie et de l’Infrastructure is continued.

4. Section 4 of the Act is amended by striking “the *Electricity Act, 1998*” and substituting “the *Green Energy Act, 2009*, the *Electricity Act, 1998*”.

5. Subsection 5 (1) of the Act is amended by striking out “Deputy Minister of Energy” and substituting “Deputy Minister of Energy and Infrastructure”.

6. (1) Subsection 8 (1) of the Act is repealed and the following substituted:

Objectives of the Ministry

(1) The Minister or the Deputy Minister, subject to the direction and control of the Minister, shall,

- (a) review energy and infrastructure matters on a continuing basis with regard to both short-term and long-term goals in relation to the energy and infrastructure needs of the Province of Ontario;

- (b) advise and assist the Government of Ontario in its dealings with other governments regarding energy and infrastructure matters;
- (c) advise and make recommendations on growth planning and developing and implementing growth plans in support of strong communities;
- (d) make recommendations for the effective co-ordination of all energy matters within the Government of Ontario with a view to ensuring the consistent application of policy in every area of concern regarding energy and, despite the generality of the foregoing, with respect to adequacy of supplies, prices, franchises and the development of energy resources indigenous to Ontario;
- (e) make recommendations regarding priorities for and the development of research into all aspects of energy of significance to Ontario, including the conservation of energy and the improvement of efficiency in its production and utilization and the development of new energy sources;
- (f) make recommendations for the effective co-ordination and development of infrastructure within the Government of Ontario;
- (g) make recommendations regarding priorities for, and the planning and development of, infrastructure of significance within Ontario; and
- (h) do any one or more of encouraging, promoting, developing or participating in such activities, projects and programs as the Minister considers appropriate,
 - (i) to increase the availability of energy in Ontario,
 - (ii) to increase the availability of renewable energy in Ontario and to increase the use of renewable energy sources in Ontario,
 - (iii) to stimulate the search for and development of sources of energy, including those that utilize waste and those that are renewable, as alternatives to the sources of energy available for use in Ontario,
 - (iv) to stimulate energy conservation, through the establishment of programs and policies within the Ministry or such agencies as may be prescribed, load management and the use of renewable energy sources throughout Ontario,
 - (v) to encourage prudence in the use of energy in Ontario,
 - (vi) to stimulate the planning and increase the development of infrastructure in Ontario, and

(vii) to support planning for growth and building strong communities in Ontario.

(2) Clause 8 (2) (f) of the Act is repealed and the following substituted:

- (f) make grants, including grants subject to conditions to encourage energy conservation and to encourage the use of renewable energy sources; and
- (g) make loans, subject to the approval of the Lieutenant Governor in Council.

Commencement

7. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE D
ONTARIO ENERGY BOARD ACT, 1998

1. Subsection 1 (1) of the *Ontario Energy Board Act, 1998* is amended by adding the following paragraphs:

3. To promote the conservation of electricity.
4. To facilitate the implementation of a smart grid in Ontario.
5. To promote the use and generation of electricity from renewable energy sources in a manner consistent with the policies of the Government of Ontario, including the timely expansion or reinforcement of transmission systems and distribution systems to accommodate the connection of renewable energy generation facilities.

2. Paragraph 5 of section 2 of the Act is repealed and the following substituted:

5. To promote energy conservation and energy efficiency for all consumers, in a manner consistent with the policies of the Government of Ontario.

3. (1) Section 3 of the Act is amended by adding the following definitions:

“distribution system” means a system for distributing electricity, and includes any structures, equipment or other things used for that purpose; (“réseau de distribution”)

“distributor” means a person who owns or operates a distribution system; (“distributeur”)

“IESO” means the Independent Electricity System Operator established under the *Electricity Act, 1998*; (“SIERE”)

(2) The definition of “Minister” in section 3 of the Act is repealed and the following substituted:

“Minister” means the Minister of Energy and Infrastructure or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

(3) Section 3 of the Act is amended by adding the following definitions:

“OPA” means the Ontario Power Authority established under the *Electricity Act, 1998*; (“OEO”)

“renewable energy generation facility” has the same meaning as in the *Electricity Act, 1998*; (“installation de production d’énergie renouvelable”)

“renewable energy source” has the same meaning as in the *Electricity Act, 1998*; (“source d’énergie renouvelable”)

“smart grid” has the same meaning as in the *Electricity Act, 1998*; (“réseau intelligent”)

“transmission system” means a system for transmitting electricity, and includes any structures, equipment or other things used for that purpose; (“réseau de transport”)

“transmitter” means a person who owns or operates a transmission system; (“transporteur”)

4. Subsection 4.2 (6) of the Act is amended by adding the following paragraph:

3.1 Section 26.1.

5. Subsection 4.13 (1) of the Act is amended by striking “Despite Part I of the *Financial Administration Act*” at the beginning and substituting “Despite Part I of the *Financial Administration Act* and subject to subsection 26.1 (3)”.

6. The Act is amended by adding the following sections:

Assessment, Ministry conservation programs, etc.

26.1 (1) Subject to the regulations, the Board shall assess the following persons or classes of persons, as prescribed by regulation, with respect to the expenses incurred and expenditures made by the Ministry of Energy and Infrastructure in respect of its energy conservation programs or renewable energy programs provided under this Act, the *Green Energy Act, 2009*, the *Ministry of Energy and Infrastructure Act* or any other Act:

1. In respect of consumers in their service areas, gas distributors and licensed distributors.
2. The IESO.
3. Any other person prescribed by regulation.

Assessment, amount and timing

(2) For the purposes of subsection (1), the Board shall assess the amount prescribed by regulation within the time prescribed by regulation in accordance with the methods or rules prescribed by regulation.

Assessment, obligation to pay

(3) Every person assessed under subsection (1) shall pay the amount assessed in accordance with the Board’s assessment by remitting the amount to the Minister of Finance.

Failure to pay

(4) If a person fails to pay an assessment made under subsection (1), the Board may, without a hearing, order the person to pay the assessment.

Reporting

(5) Persons referred to in subsection (1) shall report such information in such manner and at such times to the Board or to the Minister as is prescribed by regulation.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

- (a) governing assessments under this section, including,
 - (i) prescribing the amount to be assessed or the amounts to be assessed against each person, or class of person liable to pay an assessment or the method of calculating the amount or amounts, and
 - (ii) prescribing the time within which the assessments must occur;
- (b) prescribing persons or classes of persons liable to pay an assessment under subsection (1);
- (c) prescribing the frequency of the assessments;
- (d) respecting the manner by which an assessment under this section is carried out;
- (e) prescribing the proportion of the assessment for which each person or class of persons is liable or a method of determining the proportion;
- (f) with respect to subsection (5), prescribing the time at which such reports must be made or submitted, the manner by which such reports must be made or submitted, and governing the information to be provided, including the manner in which such information is presented or provided;
- (g) prescribing such other matters relating to the carrying out of an assessment as the Lieutenant Governor in Council considers appropriate.

Special purposes

26.2 (1) For the purpose of the *Financial Administration Act*, all amounts collected under section 26.1 relating to assessments paid shall be deemed to be money paid to Ontario for the special purposes set out in subsection (2).

Same

(2) The following are the special purposes for which amounts collected under section 26.1 relating to assessments are paid to Ontario:

1. To fund conservation or renewable energy programs aimed at decreasing the consumption of two or more of the following fuels:
 - i. natural gas,
 - ii. electricity,
 - iii. propane,
 - iv. oil,
 - v. coal, and
 - vi. wood.
2. To fund conservation or renewable energy programs aimed at causing consumers of fuel to change from one or more of the fuels listed in paragraph 1 to any other fuel or fuels listed in that paragraph.
3. To fund conservation or renewable energy programs aimed at decreasing peak electricity demand, while increasing or decreasing the consumption of another type of fuel.
4. To fund research and development or other engineering or scientific activities aimed at furthering the conservation or the efficient use of fuels.
5. To fund conservation or renewable energy programs aimed at a specific geographical, social, income or other sector of Ontario.
6. To reimburse the Province for expenditures it incurs for any of the above purposes.

Special Purpose Conservation and Renewable Energy Conservation Fund

(3) The Minister of Finance shall maintain in the Public Accounts an account to be known as the Ministry of Energy and Infrastructure Special Purpose Conservation and Renewable Energy Fund in which shall be recorded all receipts and disbursements of public money under this section.

Non-interest bearing account

(4) The balances from time to time in the account do not bear interest.

Interpretation

(5) For the purposes of this section, the terms used in it that are not defined in this Act but that are defined in section 1 of the *Financial Administration Act* have the meanings provided in that Act.

7. The Act is amended by adding the following section:

Directives re conservation and demand management targets

27.2 (1) The Minister may issue, and the Board shall implement, directives that have been approved by the Lieutenant Governor in Council that require the Board to take steps specified in the directive to establish conservation and demand management targets to be met by distributors and other licensees.

Directives, specified targets

(2) To promote conservation and demand management, a directive may require the Board to specify, as a condition of a licence, the conservation targets associated with those specified in the directive, and the targets shall be apportioned by the Board between distributors and other licensees in accordance with the directive.

Same

(3) A directive made under subsection (2) may require the OPA to provide information to the Board or to the Ministry about the conservation targets referred to in subsection (2) or the contracts referred to in subsection (5).

Directives re distributors

(4) Subject to subsection (6), a directive may require the Board to specify, as a condition of a licence, that a distributor may meet, at its discretion, any portion of its conservation target by seeking the approval of the Board for the conservation and demand management programs to be offered in its service area.

Directives, contracting with the OPA

(5) A directive may require the Board to specify, as a condition of a licence, that a distributor meet, at its discretion, any portion of its conservation target by contracting with the OPA to meet the target through province-wide programs offered by the OPA.

Hearings

(6) A directive may specify whether the Board is to hold a hearing, the circumstances under which a hearing may or may not be held and, if a hearing is to be held, the type of hearing to be held.

Publication

(7) A directive issued under this section shall be published in *The Ontario Gazette*.

8. The Act is amended by adding the following sections:

Directives, smart grid

28.5 (1) The Minister may issue, and the Board shall implement directives, approved by the Lieutenant Governor in Council, requiring the Board to take such steps as are specified in the directive relating to the establishment, implementation or promotion of a smart grid for Ontario.

Hearings

(2) A directive may specify whether the Board is to hold a hearing and the circumstances under which a hearing may or may not be held.

Publication

(3) A directive issued under this section shall be published in *The Ontario Gazette*.

Directives, connections

28.6 (1) The Minister may issue, and the Board shall implement directives, approved by the Lieutenant Governor in Council, requiring the Board to take such steps as are specified in the directive relating to the connection of renewable energy generation facilities to a transmitter's transmission system or a distributor's distribution system.

Directives, transmission and distribution systems

(2) A directive issued under subsection (1) may require the Board to amend the licence conditions of distributors, transmitters and other licensees to take the actions specified in the directive in relation to their transmission systems, distribution systems or other associated systems, including enhancing, re-enforcing or expanding their transmission system or distribution system.

Hearings

(3) A directive may specify whether the Board is to hold a hearing and the circumstances under which a hearing may or may not be held.

Guidelines re processes and timing

(4) In relation to paragraph 5 of subsection 1 (1), the Minister may issue guidelines setting out goals or targets for the Board in relation to its processes associated with the timely expansion or reinforcement of transmission systems and distribution systems to accommodate the connection of renewable energy generation facilities, including the timing of those processes and the time within which the Board completes the processes.

9. The definitions of “distribution system”, “distributor”, “IESO”, “OPA”, “transmission system” and “transmitter” in section 56 of the Act are repealed.

10. Section 70 of the Act is amended by adding the following subsection:

Deemed conditions of licences, transmitters and distributors

(2.1) Every licence issued to a transmitter or distributor shall be deemed to contain the following conditions:

1. The licensee is required to provide, in accordance with such rules as may be prescribed by regulation and in the manner mandated by the market rules or by the Board, priority connection access to its transmission system or distribution system for renewable energy generation facilities that meet the requirements prescribed by regulation made under subsection 26 (1.1) of the *Electricity Act, 1998*.
2. The licensee is required to prepare plans, in the manner and at the times mandated by the Board or as prescribed by regulation and to file them with the Board for approval for,
 - i. the expansion or reinforcement of the licensee's transmission system or distribution system to accommodate the connection of renewable energy generation facilities, and
 - ii. the development and implementation of the smart grid in relation to the licensee's transmission system or distribution system.
3. The licensee is required, in accordance with a plan referred to in paragraph 2 that has been approved by the Board or in such other manner and at such other times as mandated by the Board or prescribed by regulation,
 - i. to expand or reinforce its transmission system or distribution system to accommodate the connection of renewable energy generation facilities, and
 - ii. to make investments for the development and implementation of the smart grid in relation to the licensee's transmission system or distribution system.

11. Section 71 of the Act is amended by adding the following subsection:

Exception

(3) Despite subsection (1), a distributor may own and operate,

- (a) a renewable energy generation facility that does not exceed 10 megawatts or such other capacity as may be prescribed by regulation and meets the criteria prescribed by regulation;
- (b) a generation facility that uses technology that produces power and thermal energy from a single source that meets the criteria prescribed by regulation; or
- (c) an energy storage facility that meets the criteria prescribed by regulation.

12. (1) Subsection 78 (3) of the Act is repealed and the following substituted:

Rates

(3) The Board may make orders approving or fixing just and reasonable rates for the transmitting or distributing of electricity or such other activity as may be prescribed and for the retailing of electricity in order to meet a distributor's obligations under section 29 of the *Electricity Act, 1998*.

(2) Section 78 of the Act is amended by adding the following subsection:

Orders re deferral or variance accounts, s. 27.2

(3.0.4) The Board may make orders permitting the OPA, distributors or other licensees to establish one or more deferral or variance accounts related to costs associated with complying with a directive issued under section 27.2.

13. Section 78.5 of the Act is repealed and the following substituted:

Payments to distributors or the OPA under conservation and demand management programs

78.5 (1) The IESO shall make payments to a distributor or to the OPA on behalf of other persons prescribed by the regulations with respect to amounts approved by the Board for conservation and demand management programs approved by the Board pursuant to a directive issued under section 27.2.

Amount and timing of payment

(2) The amount and timing of each payment referred to in subsection (1) shall be determined by the Board in accordance with such rules, methods and criteria as may be prescribed by the regulations or mandated by a code issued by the Board or an order of the Board.

Regulations review

(3) A regulation made under subsection (2) may require the Board to undertake its review of the amounts referred to in this section at the time or times prescribed by the regulation.

OPA may act as settlement agent

(4) The OPA may act as a settlement agent to settle amounts payable to a distributor under this section.

Conflict with market rules

78.6 In the event of a conflict, sections 78.1 to 78.5 prevail over the market rules to the extent of the conflict.

14. The Act is amended by adding the following section:

Cost recovery, connecting generation facilities

79.1 (1) The Board, in approving just and reasonable rates for a distributor that incurs costs to make an eligible investment for the purpose of connecting or enabling the connection of a qualifying generation facility to its distribution system, shall provide rate protection for prescribed consumers or classes of consumers in the distributor's service area by reducing the rates that would otherwise apply in accordance with the prescribed rules.

Distributor entitled to compensation re lost revenue

(2) A distributor is entitled to be compensated for lost revenue resulting from the rate reduction provided under subsection (1) that is associated with costs that have been approved by the Board and incurred by the distributor to make an eligible investment referred to in subsection (1).

Consumers' contributions

(3) All consumers are required to contribute towards the amount of any compensation required under subsection (2) in accordance with the regulations.

Regulations

(4) The Lieutenant Governor in Council may make regulations,

- (a) prescribing consumers or classes of consumers eligible for rate protection under this section;
- (b) prescribing criteria to be met by a qualifying generation facility;
- (c) prescribing the criteria to be satisfied for an investment to be an eligible investment;
- (d) prescribing rules for the calculation of the amount of the rate reduction;
- (e) prescribing maximum amounts of the total annual value of rate protection that may be provided under this section;
- (f) prescribing rules respecting the amounts that must be collected to compensate distributors including rules,
 - (i) respecting the calculation of those amounts,
 - (ii) establishing the time and manner of collection,
 - (iii) requiring the amounts to be paid in instalments and requiring the payment of interest or penalties on late payments,

- (iv) prescribing methods of ensuring that the amounts required cannot be bypassed, and
- (v) respecting the distribution of the amounts collected;
- (g) prescribing the powers and duties of the Board in relation to the calculation of amounts to be collected and the time and manner of collection and distribution;
- (h) respecting any other matter that the Lieutenant Governor in Council considers necessary for the purposes of this section.

Definitions

(5) In this section,

“eligible investment” means an investment in the construction, expansion or reinforcement of a distribution line, transformer, plant or equipment used for conveying electricity at voltages of 50 kilovolts or less that meets the criteria prescribed by regulation; (“investissement admissible”)

“qualifying generation facility” means a generation facility that meets the criteria prescribed by regulation. (“installation de production admissible”)

15. Subsection 88 (1) of the Act is amended by adding the following clauses:

(g.3.2) governing renewable energy generation capacity and storage facilities within a distributor’s service area for the purposes of subsection 71 (3);

.

(g.6.0.1) prescribing circumstances under which a transmitter or distributor shall bear the costs of construction, expansion or reinforcement associated with the connection of a renewable energy generation facility to the transmitter’s transmission system or the distributor’s distribution system;

.

(j) governing all matters relating to payment amounts under section 78.5;

16. Subsection 96 (2) of the Act is repealed and the following substituted:

Applications under s. 92

(2) In an application under section 92, the Board shall only consider the following when, under subsection (1), it considers whether the construction, expansion or reinforcement of the

electricity transmission line or electricity distribution line, or the making of the interconnection, is in the public interest:

1. The interests of consumers with respect to prices and the reliability and quality of electricity service.
2. Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources.

17. Section 127 of the Act is amended by adding the following subsection:

Transition, *Green Energy Act, 2009*

(5) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of amendments to this Act arising from the enactment of the *Green Energy and Green Economy Act, 2009* and to facilitate the implementation of the *Green Energy Act, 2009*.

Commencement

18. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE E
CLEAN WATER ACT, 2006

1. (1) Subclause 15 (2) (c) (iii) of the *Clean Water Act, 2006* is amended by striking out “a permit under section 34 of the *Ontario Water Resources Act*” at the end and substituting “a permit under section 34 of the *Ontario Water Resources Act* or a renewable energy approval under section 47.3 of the *Environmental Protection Act*”.

(2) Subclause 15 (2) (c) (iv) of the Act is amended by striking out “a permit under section 34 of the *Ontario Water Resources Act*” and substituting “a permit under section 34 of the *Ontario Water Resources Act* or a renewable energy approval under section 47.3 of the *Environmental Protection Act*”.

Commencement

2. This Schedule comes into force on the day subsection 4 (1) of Schedule G to the *Green Energy and Green Economy Act, 2009* comes into force.

SCHEDULE F
ENVIRONMENTAL BILL OF RIGHTS, 1993

1. The *Environmental Bill of Rights, 1993* is amended by adding the following sections:

Reports on energy conservation

58.1 (1) The Environmental Commissioner shall report annually to the Speaker of the Assembly on the progress of activities in Ontario to reduce the use or make more efficient use of electricity, natural gas, propane, oil and transportation fuels, and the Speaker shall lay the report before the Assembly as soon as reasonably possible.

Same

(2) Each report shall,

- (a) describe the results of initiatives in Ontario during the year covered by the annual report to reduce the use or make more efficient use of electricity, natural gas, propane, oil and transportation fuels;
- (b) describe the progress in meeting targets established by the Government of Ontario for reducing the use or making more efficient use of electricity, natural gas, propane, oil and transportation fuels; and
- (c) identify,
 - (i) any Acts or regulations of Canada or Ontario that result in barriers to the development or implementation of measures to reduce the use or make more efficient use of electricity, natural gas, propane, oil and transportation fuels,
 - (ii) any by-laws of municipal councils in Ontario that result in barriers to the development or implementation of measures to reduce the use or make more efficient use of electricity, natural gas, propane, oil and transportation fuels, and
 - (iii) any policies of the Government of Canada, the Government of Ontario or municipal councils in Ontario that result in barriers to the development or implementation of measures to reduce the use or make more efficient use of electricity, natural gas, propane, oil and transportation fuels.

Same

(3) The first report under subsection (1) shall be submitted in the first half of 2010 and shall cover the period beginning on January 1, 2009 and ending on December 31, 2009.

Reports on greenhouse gas emissions

58.2 (1) The Environmental Commissioner shall report annually to the Speaker of the Assembly on the progress of activities in Ontario to reduce emissions of greenhouse gases, and the Speaker shall lay the report before the Assembly as soon as reasonably possible.

Same

(2) Each report under subsection (1) shall include a review of any annual report on greenhouse gas reductions or climate change published by the Government of Ontario during the year covered by the report under subsection (1).

Same

(3) The first report under subsection (1) shall be submitted before the end of 2009.

Definition: greenhouse gas

(4) In this section,

“greenhouse gas” means,

- (a) carbon dioxide,
- (b) methane,
- (c) nitrous oxide,
- (d) hydrofluorocarbons,
- (e) perfluorocarbons, or
- (f) sulphur hexafluoride.

Separate reports

58.3 The reports required by sections 58, 58.1 and 58.2 shall be made separately.

Commencement

2. This Schedule comes into force on the day section 3 of Schedule B to the *Green Energy and Green Economy Act, 2009* comes into force.

**SCHEDULE G
ENVIRONMENTAL PROTECTION ACT**

1. (1) Subclause (a) (i) of the definition of “regulated person” in subsection 1 (1) of the *Environmental Protection Act* is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

(2) Subsection 1 (1) of the Act is amended by adding the following definitions:

“renewable energy generation facility” has the same meaning as in the *Electricity Act, 1998*; (“installation de production d’énergie renouvelable”)

“renewable energy project” has the same meaning as in the *Green Energy Act, 2009*; (“projet d’énergie renouvelable”)

2. Sections 40 and 41 of the Act are repealed and the following substituted:

Prohibition as to deposit of waste

40. No person shall deposit, or cause, permit or arrange for the deposit of, waste upon, in, into or through any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval, provisional certificate of approval or renewable energy approval has been issued and except in accordance with the terms and conditions of the certificate or approval.

Prohibition as to use of facilities, etc.

41. No person shall use, or cause, permit or arrange for the use of, any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval, provisional certificate of approval or renewable energy approval has been issued and except in accordance with the terms and conditions of the certificate or approval.

3. (1) Subsection 42 (3) of the Act is repealed and the following substituted:

Certificate of approval

(3) Subsections (1) and (2) apply only in respect of a waste disposal site for which a certificate of approval, provisional certificate of approval or renewable energy approval is in force.

(2) Subsection 42 (5) of the Act is repealed and the following substituted:

Liability

(5) Subsections (1) to (4) do not relieve any person from liability except liability as owner of waste that is delivered to and accepted by the operator of a waste disposal site in accordance

with law including an applicable certificate of approval, provisional certificate of approval or an applicable renewable energy approval.

4. (1) The Act is amended by adding the following Part:

**PART V.0.1
RENEWABLE ENERGY**

Definition

47.1 In this Part,

“environment” has the same meaning as in the *Environmental Assessment Act*.

Purpose

47.2 (1) The purpose of this Part is to provide for the protection and conservation of the environment.

Application of s. 3 (1)

(2) Subsection 3 (1) does not apply to this Part.

Requirement for renewable energy approval

47.3 (1) A person shall not engage in a renewable energy project except under the authority of and in accordance with a renewable energy approval issued by the Director if engaging in the project involves engaging in any of the following activities:

1. An activity for which, in the absence of subsection (2), subsection 9 (1) or (7) of this Act would require a certificate of approval.
2. An activity for which, in the absence of subsection (2), subsection 27 (1) of this Act would require a certificate of approval or provisional certificate of approval.
3. An activity for which, in the absence of subsection (2), subsection 34 (3) of the *Ontario Water Resources Act* would require a permit.
4. An activity for which, in the absence of subsection (2), section 36 of the *Ontario Water Resources Act* would require a well construction permit.
5. An activity for which, in the absence of subsection (2), subsection 53 (1) or (5) of the *Ontario Water Resources Act* would require an approval.
6. An activity for which, in the absence of subsection (2), a provision prescribed by the regulations would require an approval, permit or other instrument.
7. Any other activity prescribed by the regulations.

Exemptions

(2) The following provisions do not apply to a person who is engaging in a renewable energy project:

1. Subsections 9 (1) and (7) of this Act.
2. Subsection 27 (1) of this Act.
3. Subsection 34 (3) of the *Ontario Water Resources Act*.
4. Section 36 of the *Ontario Water Resources Act*.
5. Section 53 of the *Ontario Water Resources Act*.
6. A provision prescribed by the regulations for the purpose of paragraph 6 of subsection (1).

Application

47.4 (1) An application for the issue or renewal of a renewable energy approval shall be prepared in accordance with the regulations and submitted to the Director.

Director may require information

(2) The Director may require an applicant under subsection (1) to submit any plans, specifications, engineers' reports or other information and to carry out and report on any tests or experiments relating to the renewable energy project.

Director's powers

47.5 (1) After considering an application for the issue or renewal of a renewable energy approval, the Director may, if in his or her opinion it is in the public interest to do so,

- (a) issue or renew a renewable energy approval; or
- (b) refuse to issue or renew a renewable energy approval.

Terms and conditions

(2) In issuing or renewing a renewable energy approval, the Director may impose terms and conditions if in his or her opinion it is in the public interest to do so.

Other powers

(3) On application or on his or her own initiative, the Director may, if in his or her opinion it is in the public interest to do so,

- (a) alter the terms and conditions of a renewable energy approval after it is issued;

- (b) impose new terms and conditions on a renewable energy approval; or
- (c) suspend or revoke a renewable energy approval.

Same

(4) A renewable energy approval is subject to any terms and conditions prescribed by the regulations.

Water transfers: Great Lakes-St. Lawrence River, Nelson and Hudson Bay Basins

47.6 A renewable energy approval shall not authorize a person to take water contrary to subsection 34.3 (2) of the *Ontario Water Resources Act*.

Policies, renewable energy approvals

47.7 (1) The Minister may, from time to time, issue policies in writing in respect of renewable energy approvals.

Same

(2) Subject to section 145.2.2, decisions made under this Act in respect of renewable energy approvals shall be consistent with any policies issued under subsection (1) that are in effect on the date of the decision.

(2) Paragraph 3 of subsection 47.3 (1) of the Act, as enacted by subsection (1), is repealed and the following substituted:

- 3. An activity for which, in the absence of subsection (2), subsection 34 (1) of the *Ontario Water Resources Act* would require a permit, if the activity would not involve a transfer as defined in subsection 34.5 (1) of that Act.

(3) Paragraph 3 of subsection 47.3 (2) of the Act, as enacted by subsection (1), is repealed and the following substituted:

- 3. Subsection 34 (1) of the *Ontario Water Resources Act*, if the person engaging in the renewable energy project is not engaged in a taking of water that involves a transfer as defined in subsection 34.5 (1) of that Act.

5. Subsection 96 (2) of the Act is repealed and the following substituted:

Direction or approval by Director

(2) The Director may give to any person, employee or agent mentioned in subsection (1), and may amend or revoke, a direction or approval mentioned in clause (1) (b) and may do so despite the terms of or conditions in,

- (a) a certificate of approval or provisional certificate of approval issued under Part V in respect of a waste disposal site; or
- (b) a renewable energy approval issued under Part V.0.1 in respect of a waste disposal site.

6. The definition of “approval” in section 131 of the Act is amended by striking out “certificate of approval or provisional certificate of approval” and substituting “certificate of approval, provisional certificate of approval or renewable energy approval”.

7. (1) Clauses 139 (1) (c), (d) and (e) of the Act are repealed and the following substituted:

- (c) refuses to issue a certificate of approval, provisional certificate of approval or renewable energy approval;
- (d) refuses to renew a certificate of approval, provisional certificate of approval or renewable energy approval;
- (e) suspends or revokes a certificate of approval, provisional certificate of approval or renewable energy approval; or

(2) Clauses 139 (2) (b), (c) and (d) of the Act are repealed and the following substituted:

- (b) imposes terms and conditions in issuing or renewing a certificate of approval, provisional certificate of approval, renewable energy approval, licence or permit or approval;
- (c) alters the terms and conditions of a certificate of approval, provisional certificate of approval, renewable energy approval, certificate of property use, licence or permit or approval after it is issued; or
- (d) imposes new terms and conditions on a certificate of approval, renewable energy approval or certificate of property use,

.

(3) Subsection 139 (2) of the Act is amended by striking out “provisional certificate of approval or certificate of property use” in the portion after clause (d) and substituting “provisional certificate of approval, renewable energy approval or certificate of property use”.

8. Section 142 of the Act is amended by adding the following subsection:

Non-application, s. 142.1 hearing

(4) This section does not apply in the case of a hearing required under section 142.1.

9. The Act is amended by adding the following section:**Hearing re renewable energy approval**

142.1 (1) This section applies to a person resident in Ontario who is not entitled to require a hearing in respect of a decision of the Director under section 139.

Same

(2) A person mentioned in subsection (1) may, by written notice served upon the Director and the Tribunal within 15 days of a day prescribed by the regulations, require a hearing by the Tribunal with respect to a decision of the Director under section 139 in relation to a renewable energy approval.

Grounds for hearing

(3) A person mentioned in subsection (1) may require a hearing under subsection (2) only on the grounds that engaging in the renewable energy project in accordance with the renewable energy approval will cause serious and irreversible harm to plant life, animal life, human health or safety or the natural environment.

10. The Act is amended by adding the following section:**Contents of notice requiring hearing, s. 142.1 hearing**

142.2 (1) An applicant for a hearing required under section 142.1 shall state in the notice requiring the hearing,

- (a) a description of how engaging in the renewable energy project in accordance with the renewable energy approval will cause serious and irreversible harm to plant life, animal life, human health or safety or the natural environment;
- (b) the portion of the renewable energy approval in respect of which the hearing is required; and
- (c) the relief sought.

Effect of contents of notice, s. 142.1 hearing

(2) Except with leave of the Tribunal, at a hearing by the Tribunal an applicant mentioned in subsection (1) is not entitled to appeal a portion of the renewable energy approval that is not stated in the applicant's notice requiring the hearing.

Leave by Tribunal, s. 142.1 hearing

(3) The Tribunal may grant the leave referred to in subsection (2) where the Tribunal is of the opinion that to do so is proper in the circumstances, and the Tribunal may give such directions as the Tribunal considers proper consequent upon the granting of the leave.

11. Section 145 of the Act is amended by adding the following subsection:**Same, s. 142.1 hearing**

(2) In the case of a hearing required under section 142.1, the holder of the renewable energy approval is a party to the hearing.

12. Section 145.2 of the Act is amended by adding the following subsection:**Non-application of subs. (1)**

(2) Subsection (1) does not apply in respect of a hearing required under section 142.1.

13. The Act is amended by adding the following sections:**Hearing required under s. 142.1**

145.2.1 (1) This section applies to a hearing required under section 142.1.

What Tribunal must consider

(2) Subject to section 142.2.2, the Tribunal shall review the decision of the Director and shall consider only whether engaging in the renewable energy project in accordance with the renewable energy approval will cause serious and irreversible harm to plant life, animal life, human health or safety or the natural environment.

Onus of proof

(3) The person who required the hearing has the onus of proving that engaging in the renewable energy project in accordance with the renewable energy approval will cause serious and irreversible harm to plant life, animal life, human health or safety or the natural environment.

Powers of Tribunal, altering or revoking decision

(4) Subject to section 142.2.2, if the Tribunal determines that engaging in the renewable energy project in accordance with the renewable energy approval will cause serious and irreversible harm to plant life, animal life, human health or safety or the natural environment, the Tribunal may alter or revoke the decision of the Director and may by order direct the Director to take such action as the Tribunal considers the Director should take.

Powers of Tribunal, confirming decision

(5) Subject to section 142.2.2, if the Tribunal determines that engaging in the renewable energy project in accordance with the renewable energy approval will not cause serious and

irreversible harm to plant life, animal life, human health or safety or the natural environment, the Tribunal shall confirm the decision of the Director.

Deemed confirmation of decision

(6) The decision of the Director shall be deemed to be confirmed by the Tribunal if the Tribunal has not disposed of the hearing in respect of the decision within the period of time prescribed by the regulations.

Consistency with policies

145.2.2 A decision or order of the Tribunal under this Part in respect of a renewable energy approval shall be consistent with any policies issued by the Minister under section 47.7 that are in effect on the date of the Director's decision.

14. (1) Subclause 156 (1) (d) (i) of the Act is repealed and the following substituted:

- (i) an activity or undertaking that is, or is required to be, the subject of a permit, licence, approval, certificate of approval, provisional certificate of approval, certificate of property use, renewable energy approval, program approval, agreement, or order under this Act,

(2) Subclause 156 (1) (d) (ii) of the Act is amended by striking out “certificate of approval or provisional certificate of approval” and substituting “certificate of approval, provisional certificate of approval or renewable energy approval”.

(3) Subclause 156 (1) (e) (i) of the Act is amended by striking out “certificate of property use, program approval” and substituting “certificate of property use, renewable energy approval, program approval”.

(4) Subclause 156 (1) (e) (ii) of the Act is amended by striking out “certificate of approval or provisional certificate of approval” and substituting “certificate of approval, provisional certificate of approval or renewable energy approval”.

15. (1) Clause 157 (1) (c) of the Act is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

(2) Clause 157 (3) (h) of the Act is amended by striking out “provisional certificate of approval, licence” and substituting “provisional certificate of approval, renewable energy approval, licence”.

(3) Subsection 157 (3) of the Act is amended by striking out “and” at the end of clause (i), by adding “and” at the end of clause (j) and by adding the following clause:

- (k) if the provincial officer reasonably believes that a term or condition of a renewable energy approval is being or has been contravened, doing any other thing referred to in subsection 16 (3) of the *Ontario Water Resources Act*.

16. Section 165 of the Act is amended by striking out “provisional certificate of approval or certificate of property use” in both places where it appears and substituting in each case “provisional certificate of approval, certificate of property use or renewable energy approval”.

17. Subsection 174 (2) of the Act is amended by striking out “certificate of property use, licence” in the portion after clause (i) and substituting “certificate of property use, renewable energy approval, licence”.

18. Clause (a) of the definition of “official document” in subsection 175 (1) of the Act is repealed and the following substituted:

- (a) an approval, consent, licence, notice, permit, order, return, renewable energy approval or certificate of approval, provisional certificate of approval, certificate of property use or other certificate under this Act or the regulations,

19. (1) Clause 175.1 (f) of the Act is amended by striking out “certificates of property use, permits” and substituting “certificates of property use, renewable energy approvals, permits”.

(2) Section 175.1 of the Act is amended by adding the following clauses:

- (f.1) governing applications for the issue, renewal and revocation of certificates of approval, provisional certificates of approval, certificates of property use, renewable energy approvals, permits and licences;
- (f.2) governing the inclusion of terms and conditions in certificates of approval, provisional certificates of approval, certificates of property use, renewable energy approvals, permits and licences;

20. (1) Subsection 176 (1) of the Act is amended by adding the following clause:

- (h.3) deeming a renewable energy approval to exist in respect of a renewable energy project to which subsection 47.3 (1) would apply but for an exemption from the requirement to obtain a renewable energy approval set out in a regulation;

(2) Section 176 of the Act is amended by adding the following subsection:

Regulations relating to Part V.0.1

- (4.1) The Lieutenant Governor in Council may make regulations relating to Part V.0.1,

- (a) governing the preparation and submission of applications for the issue, renewal or revocation of renewable energy approvals and applications to alter the terms and conditions of renewable energy approvals or to impose conditions on renewable energy approvals;
- (b) governing eligibility requirements relating to applications for the issue, renewal or revocation of renewable energy approvals, applications to alter the terms and conditions of renewable energy approvals or to impose conditions on renewable energy approvals, including requirements for consultation;
- (c) governing renewable energy generation facilities in relation to,
 - (i) planning, design, siting, buffer zones, notification and consultation, establishment, insurance, facilities, staffing, operation, maintenance, monitoring, record-keeping, submission of reports to the Director and improvement,
 - (ii) the discontinuance of the operation of any plant, structure, equipment, apparatus, mechanism or thing at a renewable energy generation facility,
 - (iii) the closure of renewable energy generation facilities;
- (d) governing the location of renewable energy generation facilities and designating parts of Ontario in which no renewable energy generation facilities shall be established or operated;
- (e) prohibiting the transfer of a renewable energy approval or prescribing requirements for transferring a renewable energy approval, including requiring the written consent of the Director;
- (f) providing for transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of Part V.0.1.

(3) Section 176 of the Act is amended by adding the following subsection:

Regulations relating to Part XIII

(9.1) The Lieutenant Governor in Council may make regulations relating to Part XIII governing procedures for hearings required under section 142.1 and for applications to stay the operation of a decision made in respect of a renewable energy approval.

21. Section 177.1 of the Act is amended by striking out “provisional certificate of approval or permit” at the end and substituting “provisional certificate of approval, renewable energy approval or permit”.

22. (1) Subclause 182.1 (1) (a) (v) of the Act is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

(2) Subclause 182.1 (1) (b) (iii) of the Act is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

(3) Clause 182.1 (13) (b) of the Act is amended by striking out “provisional certificate of approval, licence” and substituting “provisional certificate of approval, renewable energy approval, licence”.

(4) Clause 182.1 (13) (c) of the Act is amended by striking out “provisional certificate of approval, licence” and substituting “provisional certificate of approval, renewable energy approval, licence”.

23. Subsection 186 (3) of the Act is amended by striking out “provisional certificate of approval or certificate of property use” and substituting “provisional certificate of approval, certificate of property use or renewable energy approval”.

24. (1) Subparagraph 1 ii of subsection 187 (3) of the Act is amended by striking out “27, 40 or 41” and substituting “27, 40, 41 or 47.3”.

(2) Paragraph 3 of subsection 187 (3) of the Act is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

25. (1) Subclause 194 (1) (a) (ii) of the Act is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

(2) Subclause 194 (1) (b) (ii) of the Act is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

(3) Clause 194 (1) (c) of the Act is amended by striking out “27, 40 or 41” and substituting “27, 40, 41 or 47.3”.

(4) Clause 194 (1) (e) of the Act is amended by striking out “certificate of property use, licence” and substituting “certificate of property use, renewable energy approval, licence”.

Commencement

26. (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Subsections 4 (2) and (3) come into force on the later of the following days:

- 1. The day subsection 4 (1) comes into force.**
- 2. The day subsection 1 (8) of the *Safeguarding and Sustaining Ontario's Water Act, 2007* comes into force.**

**SCHEDULE H
ONTARIO WATER RESOURCES ACT**

1. (1) If this subsection comes into force before the day subsection 1 (8) of the *Safeguarding and Sustaining Ontario's Water Act, 2007* comes into force, subsection 34 (3) of the *Ontario Water Resources Act* is amended by striking out “Despite any other Act” at the beginning and substituting “Despite any other Act but subject to section 47.3 of the *Environmental Protection Act*”.

(2) Subsection 34 (1) of the *Ontario Water Resources Act*, as re-enacted by subsection 1 (8) of the *Safeguarding and Sustaining Ontario's Water Act, 2007*, is amended by striking out “Despite any other Act” at the beginning and substituting “Despite any other Act but subject to section 47.3 of the *Environmental Protection Act*”.

2. Section 36 of the Act is amended by adding “Subject to section 47.3 of the *Environmental Protection Act*” at the beginning.

3. (1) Subsection 53 (1) of the Act is amended by adding “Subject to section 47.3 of the *Environmental Protection Act*” at the beginning.

(2) Subsection 53 (5) of the Act is amended by adding “Subject to section 47.3 of the *Environmental Protection Act*” at the beginning.

4. (1) Subclause 75 (1.5) (d) (ii) of the Act is amended by striking out “under this Act until” and substituting “under this Act, or any renewable energy approval that has been issued to the person under the *Environmental Protection Act*, until”.

(2) Subclause 75 (1.5) (d) (iii) of the Act is amended by striking out “under this Act until” and substituting “under this Act, or to refuse to issue a renewable energy approval to the person under the *Environmental Protection Act*, until”.

Commencement

5. (1) Subject to subsection (2), this Schedule comes into force on the day subsection 4 (1) of Schedule G to the *Green Energy and Green Economy Act, 2009* comes into force.

(2) Subsection 1 (2) comes into force on the later of the following days:

1. The day subsection 4 (1) of Schedule G to the *Green Energy and Green Economy Act, 2009* comes into force.
2. The day subsection 1 (8) of the *Safeguarding and Sustaining Ontario's Water Act, 2007* comes into force.

SCHEDULE I
CO-OPERATIVE CORPORATIONS ACT

1. Clause (d) of the definition of “co-operative basis” in subsection 1 (1) of the *Co-operative Corporations Act* is repealed and the following substituted:

- (d) the enterprise of the corporation is operated as nearly as possible at cost after providing for reasonable reserves and the payment or crediting of interest on loan capital or dividends on share capital; and any surplus funds arising from the business of the organization, after providing for such reasonable reserves and interest or dividends, unless used to maintain or improve services of the organization for its members or donated for community welfare or the propagation of co-operative principles, are distributed in whole or in part among the members,
 - (i) in accordance with the by-laws of the co-operative if the corporation is a renewable energy co-operative, or
 - (ii) in proportion to the volume of business the members have done with or through the organization if the corporation is not a renewable energy co-operative; (“mode coopératif”)

2. The Act is amended by adding the following section:

Renewable energy co-operative

2. (1) For the purposes of this Act, a renewable energy co-operative is a co-operative whose articles restrict the business of the co-operative to,

- (a) generating, within the meaning of the *Electricity Act, 1998*, electricity produced from one or more sources that are renewable energy sources for the purposes of that Act; and
- (b) selling, as a generator within the meaning of that Act, electricity it produces from one or more renewable energy sources.

Ancillary powers

(2) As part of its business of generating and selling electricity produced from one or more renewable energy sources, a renewable energy co-operative,

- (a) may establish or develop one or more generation facilities, within the meaning of the *Electricity Act, 1998*, to generate electricity produced from one or more renewable energy sources; and
- (b) may promote the purchase by electricity users of electricity produced from renewable energy sources.

3. The Act is amended by adding the following section:

Renewable energy co-operative

21.1 The directors of a renewable energy co-operative shall pass one or more by-laws governing how the surplus arising from the business of the co-operative is to be allocated, credited or paid to the members of the co-operative.

4. Subsection 32 (1) of the Act is repealed and the following substituted:

Purchase of preference and membership shares

(1) Subject to subsection (2),

- (a) a co-operative may, with a person's consent, purchase all or a part of the shares in the co-operative held by the person on payment to the person of such amount as they have agreed that does not exceed the sum of the par value of the shares and any premium and unpaid dividends; and
- (b) a co-operative may redeem a member's shares, without the consent of the member, on payment to the member of an amount equal to the lesser of the book value of the shares and the sum of the par value of the shares and any premium and unpaid dividends if,
 - (i) the member has not transacted any business with the co-operative for two years and the co-operative is not a renewable energy co-operative, or
 - (ii) the member, if it is a corporation, is about to be dissolved.

5. Subsection 49 (3) of the Act is repealed and the following substituted:

Termination of membership

(3) The directors of a co-operative without share capital may, by resolution passed by a majority of the board, terminate the membership of a member of the co-operative and, subject to section 67, repay to the member the amount outstanding on any loans to the co-operative that are repayable to the member on demand, together with any accrued interest, if,

- (a) the member has not transacted any business with the co-operative for two years and the co-operative is not a renewable energy co-operative; or
- (b) the member, if it is a corporation, is about to be dissolved.

6. (1) Subsection 55 (1) of the Act is amended by striking out "Subject to subsection (4)" at the beginning and substituting "Subject to subsections (4) and (6)".

(2) Subsection 55 (3) of the Act is repealed and the following substituted:

Patronage return

(3) The amount that is allocated, credited or paid in each fiscal year to members or non-members of a co-operative other than a renewable energy co-operative is known as the patronage return.

(3) Section 55 of the Act is amended by adding the following subsection:

Renewable energy co-operative

(6) The surplus arising from the business of a renewable energy co-operative in each fiscal year shall be allocated, credited or paid to the members in accordance with the by-laws of the co-operative.

7. Paragraph 18 of subsection 134 (3) of the Act is amended by striking out the portion before subparagraph (i) and substituting the following:

18. In the case of a co-operative, other than a renewable energy co-operative, that transacts business with non-members,

.

8. Subsections 144 (8) and (9) of the Act are repealed and the following substituted:

Exceptions

(8) This section does not apply to the following co-operatives:

1. A co-operative whose articles provide that the co-operative's primary object is to provide employment to its members.
2. A non-profit housing co-operative.
3. A renewable energy co-operative.

Commencement

9. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE J
BUILDING CODE ACT, 1992

1. (1) Clause 34 (5) (a) of the *Building Code Act, 1992* is amended by striking out “conservation and environmental integrity” and substituting “conservation, including, without limitation, energy conservation, and environmental integrity”.

(2) Section 34 of the Act is amended by adding the following subsection:

Review

(6) The Minister shall initiate a review of the building code with reference to standards for energy conservation on or before the day that is six months after the day Schedule J of the *Green Energy and Green Economy Act, 2009* comes into force and thereafter within five years of the end of the previous review.

2. The Act is amended by adding the following section:

Building Code Energy Advisory Council

34.1 (1) The Minister shall establish a council to be known in English as the Building Code Energy Advisory Council and in French as Conseil consultatif des questions énergétiques liées au code du bâtiment.

Same

(2) The Minister may appoint one or more persons to the Council and fix its terms of reference.

Functions

(3) The Council shall,

- (a) advise the Minister on the building code with reference to standards for energy conservation; and
- (b) perform such other functions as the Minister may specify.

Commencement

3. This Schedule comes into force on the day the *Green Energy and Green Economy Act, 2009* receives Royal Assent.

**SCHEDULE K
PLANNING ACT**

1. Subsection 1 (1) of the *Planning Act* is amended by adding the following definitions:

“renewable energy generation facility” has the same meaning as in the *Electricity Act, 1998*; (“installation de production d’énergie renouvelable”)

“renewable energy project” has the same meaning as in the *Green Energy Act, 2009*; (“projet d’énergie renouvelable”)

2. (1) Subsection 50 (3) of the Act is amended by adding the following clause:

- (d.1) the land or any use of or right therein is being acquired, directly or by entitlement to renewal for a period of 21 or more years but not more than 40 years, for the purpose of a renewable energy generation facility or renewable energy project, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

(2) Subsection 50 (5) of the Act is amended by adding the following clause:

- (c.1) the land or any use of or right therein is being acquired, directly or by entitlement to renewal for a period of 21 or more years but not more than 40 years, for the purpose of a renewable energy generation facility or renewable energy project, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

3. The Act is amended by adding the following section:

Renewable energy generation facilities and renewable energy projects

Policy statements and provincial plans

62.0.2 (1) For greater certainty, subsections 3 (5) and (6) apply to a renewable energy generation facility or renewable energy project only in connection with decisions, comments, submissions and advice relating to other provisions of this Act that apply to the facility or project.

Official plans

(2) For greater certainty, an official plan does not affect a renewable energy generation facility or renewable energy project.

Demolition control area

(3) A by-law made under section 33 does not apply to a renewable energy generation facility or renewable energy project.

By-laws, orders and agreements made under Part V

(4) A by-law, order or agreement made under Part V does not apply to a renewable energy generation facility or renewable energy project.

Development permit system

(5) A regulation or by-law made or passed under section 70.2 does not apply to a renewable energy generation facility or renewable energy project.

City of Toronto Act, 2006, ss. 113, 114

(6) A by-law passed under section 113 or 114 of the *City of Toronto Act, 2006* does not apply to a renewable energy generation facility or renewable energy project.

Commencement

4. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE L
MINISTRY OF NATURAL RESOURCES**

CLEAN WATER ACT, 2006

1. The French version of clause 39 (5) (c) of the *Clean Water Act, 2006* is amended by striking out “plan de l’escarpement du Niagara” and substituting “Plan d’aménagement de l’escarpement du Niagara”.

CONSERVATION AUTHORITIES ACT

2. Section 28 of the *Conservation Authorities Act* is amended by adding the following subsection:

Grounds for refusing permission

(13.1) If the permission that the person requests is for development related to a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, the authority or executive committee, as the case may be,

- (a) shall not refuse the permission unless it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and
- (b) shall not impose conditions unless they relate to controlling pollution, flooding, erosion or dynamic beaches.

CONSERVATION LAND ACT

3. The French version of the definition of “Niagara Escarpment Planning Area” in section 1 of the *Conservation Land Act* is amended by striking out “plan de l’escarpement du Niagara” and substituting “Plan d’aménagement de l’escarpement du Niagara”.

ENVIRONMENTAL PROTECTION ACT

4. The French version of subsection 27 (2) of the *Environmental Protection Act* is amended by striking out “plan de l’escarpement du Niagara” and substituting “Plan d’aménagement de l’escarpement du Niagara”.

GREENBELT ACT, 2005

5. The French version of the following provisions of the *Greenbelt Act, 2005* is amended by striking out “plan de l’escarpement du Niagara” wherever that expression appears and substituting in each case “Plan d’aménagement de l’escarpement du Niagara”:

- 1. The definition of “Niagara Escarpment Plan” in subsection 1 (1).**

2. **Clause 2 (2) (b).**
3. **Section 4.**
4. **Subsection 8 (2).**
5. **Clause 22 (1) (c).**

MINISTRY OF NATURAL RESOURCES ACT

- 6. The *Ministry of Natural Resources Act* is amended by adding the following section:**

Information relating to renewable energy projects

13.2 The Minister may require that the proponent of a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, provide to the Minister the information or studies that the Minister considers necessary before the Minister issues a permit or approval under an Act for whose administration the Minister is responsible under the *Executive Council Act*.

NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT

7. The French version of the following provisions of the *Niagara Escarpment Planning and Development Act* is amended by striking out “plan de l’escarpement du Niagara” wherever that expression appears and substituting in each case “Plan d’aménagement de l’escarpement du Niagara”:

1. **The definition of “Niagara Escarpment Plan” in section 1.**
2. **Subsection 3 (2).**
3. **Subsection 4 (1).**
4. **Subsection 4 (2).**
5. **Subsection 6.1 (2).**
6. **Section 7.**
7. **Section 8.**
8. **Section 9 in the portion before clause (a).**
9. **Subsection 10 (1) in the portion before clause (a).**
10. **Clause 10 (11) (b).**

11. **Subsection 10 (15).**
12. **Section 11.**
13. **Section 12.**
14. **Subsection 13 (1) in the portion before clause (a).**
15. **Subsection 13 (2).**
16. **Section 14.**
17. **Subsection 15 (1).**
18. **Subsection 15 (2).**
19. **Section 16.**
20. **Subsection 17 (1).**
21. **Subsection 17 (5).**
22. **Subsection 18 (1).**
23. **Subsection 18 (2) in the portion before clause (a).**
24. **Clauses 19 (1) (a) and (b).**
25. **Subsection 19 (2) in the portion before clause (a).**
26. **Subsection 19 (3).**
27. **Section 20.**
28. **Subsection 21 (1).**
29. **Section 23.1.**
30. **Subsection 25 (4).**
31. **Subsection 27 (1).**
32. **Clauses 28 (1) (a) and (b).**

8. The French version of the definition of “Niagara Escarpment Plan” in section 1 of the Act is amended by striking out “le plan” and substituting “le Plan”.

9. (1) The French version of the following provisions of the Act is amended by striking out “du plan” wherever that expression appears and substituting in each case “du Plan”:

- 1. Subsection 6.1 (2).**
- 2. Subsection 6.1 (2.1).**

(2) The French version of subsections 6.1 (2.2) and (2.3) of the Act is repealed and the following substituted:

Restriction : demandes de modification du Plan

(2.2) Une personne ou un organisme public ne doit pas présenter une demande de modification du Plan d'aménagement de l'escarpement du Niagara si la demande se rapporte à un bien-fonds appartenant à la désignation d'utilisation du sol «zone naturelle», «zone protégée», «zone d'extraction de ressources minérales» ou «zone rurale», au sens du Plan et qu'elle vise, selon le cas :

- a) à attribuer au bien-fonds la nouvelle désignation d'utilisation du sol «petit centre urbain», «zone urbaine» ou «zone récréative», au sens du Plan;
- b) à apporter toute autre modification pour autoriser des utilisations urbaines.

Exception

(2.3) Malgré le paragraphe (2.2), peut être présentée pendant l'examen visé au paragraphe 17 (1) une demande ou une proposition visant à attribuer à un bien-fonds, dans le Plan d'aménagement de l'escarpement du Niagara, la nouvelle désignation d'utilisation du sol «petit centre urbain», «zone urbaine» ou «zone récréative», au sens du Plan ou visant à modifier celui-ci pour autoriser des utilisations urbaines. Toutefois, elle ne peut être examinée pendant l'examen que si elle est comprise dans les paramètres établis pour celui-ci en application du paragraphe 17 (2).

10. The French version of section 8 of the Act is amended by striking out “au plan” in the portion before clause (a) and substituting “au Plan”.

11. The French version of the following provisions of the Act is amended by striking out “plan” wherever that expression appears and substituting in each case “Plan”:

- 1. Clause 9 (e).**
- 2. Clause 9 (f).**

3. Section 9 in the portion after clause (f).

12. (1) The French version of clauses 13 (1) (a) and (b) of the Act is amended by striking out “le plan” wherever that expression appears and substituting in each case “le Plan”.

(2) The French version of subsection 13 (2) of the Act is amended by striking out “du plan” and substituting “du Plan”.

13. Subsection 15 (2) of the Act is amended by striking out “Minister of Municipal Affairs” at the end and substituting “Minister of Municipal Affairs and Housing”.

14. (1) The French version of the following provisions of the Act is amended by striking out “plan” wherever that expression appears and substituting in each case “Plan”:

1. Subsection 17 (3).

2. Subsection 17 (4).

(2) The French version of subsection 17 (5) of the Act is amended by striking out “Le plan confirmé” at the beginning and substituting “Le Plan confirmé”.

15. (1) The French version of clause 19 (2) (b) of the Act is amended by striking out “au plan” and substituting “au Plan”.

(2) Section 19 of the Act is amended by adding the following subsection:

Definition of utility

(2.1) On the day the *Green Energy Act, 2009* comes into force, the definition of “utility” in Appendix 2 of the Niagara Escarpment Plan is revoked and the following substituted:

Utility - a water supply; storm or sanitary sewage system; gas or oil pipeline; the generation, transmission and distribution of electric power, including renewable energy projects as defined in the *Green Energy Act, 2009*, commercial or otherwise, and all associated infrastructure; the generation, transmission and distribution of steam or hot water; telegraph and telephone lines and other cabled services; a public transportation system; licensed broadcasting, receiving and transmitting facilities; or any other similar works or systems necessary to the public interest, but does not include:

- the establishment of a new waste disposal site;

- any expansion or alteration to an existing waste disposal site from what has been approved under the applicable legislation (including any expansion in area or height of a landfill site or any change in the type of waste material being disposed);
- incineration facilities (including energy from waste facilities); or
- large scale packer and/or recycling plants or similar uses.

(3) Subsection 19 (3) of the Act is amended by striking out “the amendment referred to in clause (1) (b)” and substituting “the amendments described in clause (1) (b) and subsection (2.1)”.

16. The French version of the following provisions of the Act is amended by striking out “du plan” wherever that expression appears and substituting in each case “du Plan”:

- 1. Section 20.**
- 2. Section 23.1.**

17. The French version of subsection 27 (1) of the Act is amended by striking out “au plan” and substituting “au Plan”.

PLACES TO GROW ACT, 2005

18. The French version of clause 14 (5) (c) of the *Places to Grow Act, 2005* is amended by striking out “plan de l’escarpement du Niagara” and substituting “Plan d’aménagement de l’escarpement du Niagara”.

PLANNING ACT

19. The French version of clause (b) of the definition of “provincial plan” in subsection 1 (1) of the *Planning Act* is amended by striking out “plan de l’escarpement du Niagara” and substituting “Plan d’aménagement de l’escarpement du Niagara”.

PROVINCIAL PARKS AND CONSERVATION RESERVES ACT, 2006

20. Subsection 19 (2) of the *Provincial Parks and Conservation Reserves Act, 2006* is amended by striking out “and subject to the approval of the Lieutenant Governor in Council” and substituting “and subject to the approval of the Minister”.

21. Section 21 of the Act is repealed and the following substituted:

Conditions for approval

21. In approving the development of a facility for the generation of electricity under subsection 19 (2), (3) or (4) or approving a resource access road or trail or a utility corridor under section 20, the Minister must be satisfied that the following conditions are met:

1. There are no reasonable alternatives.
2. Lowest cost is not the sole or overriding justification.
3. Environmental impacts have been considered and all reasonable measures will be undertaken to minimize harmful environmental impact and to protect ecological integrity.

PUBLIC LANDS ACT

22. The French version of subsection 12.4 (4) of the *Public Lands Act* is amended by striking out “confirmer” and substituting “conformer”.

23. Subsection 42 (1) of the Act is amended by striking out “Subject to the approval of the Lieutenant Governor in Council” at the beginning.

24. The Act is amended by adding the following section:

Compliance with agreement or permit

69.1 (1) A person who has entered into an agreement, including a lease, a licence or an easement, with the Crown under this Act or to whom a permit to occupy public lands has been issued under this Act shall comply with the agreement or permit, as the case may be.

Offence

(2) A person who contravenes subsection (1) is guilty of an offence.

Compliance order

(3) A court that convicts a person of an offence under subsection (2) may, in addition to imposing a fine, order the person to take the action that the court specifies, within the time period that the court specifies, to come back into compliance, in the manner that the court considers appropriate, with the agreement or permit with which the person has failed to comply.

COMMENCEMENT

Commencement

25. This Schedule comes into force on the day the *Green Energy and Green Economy Act, 2009* receives Royal Assent.