

STAFF REPORT:

Planning



REPORT TO: Mayor and Members of Council
MEETING DATE: March 2, 2009
REPORT NO.: PL.09.25
SUBJECT: Green Energy and Green Economy Act, 2009
PREPARED BY: Cindy Welsh, MCIP, RPP
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A. Recommendations

THAT Council does receive Planning Staff Report #PL.09.25, “Green Energy and Green Economy Act, 2009” for information purposes.

B. Background

On February 23, 2009, Bill 150, 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, was introduced to the Legislative Assembly of Ontario. It received first reading the same day. The Act, better known as the *Green Energy and Green Economy Act, 2009*, is intended to spark growth in clean and renewable sources of energy such as wind, solar, hydro, biomass and biogas, create the potential for savings and better managed household energy expenditures through a series of conservation measures and create 50,000 jobs in its first year.

One of the main thrusts of this Act which will have implications for municipalities is the establishment of a streamlined approvals process which would include providing service guarantees for renewable energy projects and a Renewable Energy Facilitator.

The Act may be viewed online at: http://www.ontla.on.ca/bills/bills-files/39_Parliament/Session1/b150.pdf

Council is being provided with an overview of Act and the relevant sections that are applicable to the Town.

Schedule J, *Building Code Act, 1992*

The purpose of the Building Code currently includes the establishment of standards for “conservation”. The *Building Code Act, 1992*, would be amended to clarify energy conservation. A new subsection is being proposed which would require the Minister of Municipal Affairs and Housing to initiate reviews of the Building Code, with reference to standards for energy conservation at five-year intervals. Another new subsection would require the Minister of Municipal Affairs and Housing to establish the Building Code Energy Advisory Council whose mandate would be to advise the Minister on the building code with reference to standards for energy conservation.

Schedule K, *Planning Act, 1990*

The *Planning Act* is proposed to be amended by exempting renewable energy generation facilities and renewable energy projects from demolitions control by-laws under Section 33, by-laws and related by-laws under Part V including zoning and interim control by-laws and development permit regulations or by-laws made under section 70.2. As well, an official plan is proposed to not affect a renewable energy generation facility or renewable energy project. Subsections 50(3) and 50(5) of the *Planning Act* are proposed to be amended to include a new exception from the subdivision and part lot control restrictions of the Act for leases of up to 40 years for the purposes of renewable energy generation facilities and renewable energy projects.

If approved, renewable energy generation facilities and renewable energy projects would be exempt from official plans and zoning by-laws, as well as other planning legislative tools.

Schedule L, Ministry of Natural Resources

Schedule L is proposed to amend various statutes administered by the Ministry of Natural Resources in order to facilitate the development of renewable energy projects. Of particular importance is the *Niagara Escarpment Planning and Development Act*. The schedule proposes to amend 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 reference to generation, transmission and distribution of electric power.

Town staff contacted Lynne Richardson of the Niagara Escarpment Commission with regards to the above. The NEC has commented that utilities are permitted within all areas in NEC save and except for “Escarpment Recreational Areas”.

With respect to constraint analysis, and on a preliminary basis, Ms. Richardson is of the opinion that the NEC will still be able to require a Visual Impact and Resource Impact Study as part of the approval process for renewable energy but she is of the mind that based on the legislation there must be valid reasons for requesting same.

The Province has indicated that ongoing discussions will take place with municipalities as the proposed legislation and implementation process move forward. Staff will continue to provide updates.

C. The Blue Mountains’ Strategic Plan

1. Managing growth to ensure the ongoing health and prosperity of the community.

D. Environmental Impacts

There will be environmental impacts however it is too early in the process for these to be determined.

E. Budget Impact

Not applicable at this time.

F. Attachments

1. Green Energy and Green Economy Act, 2009 – Compendium
2. Bill 150 with Schedules J, K and L.

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Green Energy and Green Economy Act, 2009

COMPENDIUM

The proposed Bill, the *Green Energy and Green Economy Act, 2009*, if enacted, would enact the *Green Energy Act, 2009* and amend and repeal various Acts according to the provisions of Schedules A, B, C, D, E, F, G, H, I, J, K and L set out in greater detail 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*.

Section 1 of the Act contains definitions and an interpretation section providing 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.

Under section 2 of the Act, the Lieutenant Governor in Council is permitted, by regulation, to require persons who are offering to sell or to 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 class of prescribed residences or other buildings on the property in the circumstances that are prescribed.

Section 3 of the Act allows a person to use goods, services and technologies designated by the Lieutenant Governor in Council in prescribed circumstances despite a restriction imposed at law that would otherwise prevent or restrict their use. A restriction imposed by an Act or regulation remains operative.

Renewable energy projects may be designated by the Lieutenant Governor in Council under section 4 for the purposes of assisting in the removal of barriers to and promoting opportunities for the use of renewable energy sources as well as promoting access to transmission systems and distribution systems for proponents of renewable energy projects.

Section 5 of the Act authorizes the Lieutenant Governor in Council, by regulation, to require public agencies and prescribed consumers to establish energy conservation and demand management plans. Under section 7 of the Act, the Lieutenant Governor in Council may require public agencies to consider energy conservation and energy efficiency when acquiring goods and services and when making capital investments.

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

The Act provides 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 to provide energy for government facilities.

The Renewable Energy Facilitation Office is established under section 10. The objects of the Office include facilitating the development of renewable energy projects. The Act also permits the designation of a Renewable Energy Facilitator who is given certain authority to collect information, some of which may be subject to protection as being 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 and on the labelling of appliances.

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 amendments 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 definitions for “renewable energy generation facility” and “smart grid” and repealing and re-enacting the definition for “renewable energy source.” 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.

The repeal of section 25.11 of the Act removes the requirement for the establishment of the Conservation Bureau within the Ontario Power Authority (OPA). Amendments to the *Environmental Bill of Rights* in Schedule F require that the Commissioner under that Act make annual reports on energy conservation.

Under section 25.32 of the Act, the Minister is provided 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. 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.

Through amendments to subsections 25.33 (1) and (2), the Independent Electricity System Operator (IESO) is required 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 Schedule amends section 25.35 of the Act to permit the Minister to direct the OPA to develop a feed-in tariff program. A feed-in tariff program provides standard program rules, standard contracts and standard pricing regarding classes of generation facilities differentiated by energy source or fuel type, generation capacity and the manner by which the generation facility is used, deployed, installed or located.

A new section, section 25.36, requires transmitters and distributors to connect generation facilities to their transmission systems or distributions systems if specified criteria are met. The 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 give those renewable energy generation facilities that meet prescribed requirements priority access to their systems.

Technical amendments in section 32 allow the Board to make rules with respect to the reliability of electrical services or the IESO-controlled grid.

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

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

Section 3 of the Act, the definition section, is amended to adopt the definitions of 'renewable energy generation facility' and 'smart grid' from the *Electricity Act, 1998*.

Section 26.1 of 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 provided under this Act, the *Green Energy Act, 2009*, the *Ministry of Energy and Infrastructure Act* and any other Act. For the purpose of the *Financial Administration Act* assessments under section 26.1 are deemed under section 26.2 to be money paid to Ontario for special purposes.

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 all or part of its conservation target by contracting with the OPA to meet the target through programs offered by the OPA.

Under section 28.5, 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. Similarly, with the approval of the Lieutenant Governor in Council, the Minister may issue directives under section 28.6 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.

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 issue under section 27.2.

The Act is amended, by section 78.5, to require the IESO to make payments to distributors or to the OPA on behalf of other persons prescribed 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.

Section 79.1 is a rate protection provision and 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.

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 such that 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) which 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***

Section 1 of this Schedule amends section 15 of the *Clean Water Act, 2006* to make changes consequential to the amendments made to the *Environmental Protection Act* (EPA). The amendments require that assessment reports be prepared to quantify the existing and anticipated amounts of water taken by a renewable energy project.

Section 2 provides for the coming into force of this schedule upon the coming into force of s. 4 (1) of Schedule G which adds Part V.0.1 to the EPA.

Schedule F ***Environmental Bill of Rights, 1993***

Section 1 of this schedule adds three new sections to the *Environmental Bill of Rights, 1993*, sections 58.1, 58.2 and s. 58.3.

Section 58.1 requires the Environmental Commissioner to report annually to the Speaker of the Assembly on energy conservation concerning electricity, natural gas, propane, oil and transportation fuels. The report would be required to:

- describe the results of initiatives in Ontario to conserve energy in the previous year;
- describe the progress in meeting targets established by the government of Ontario to conserve energy;
- identify Acts, regulations, and policies of Ontario or Canada that result in barriers to the conservation of energy; and
- identify by-laws and policies of municipal councils in Ontario that result in barriers to the conservation of energy.

Section 58.2 requires the Environmental Commissioner to report annually to the Speaker of the Assembly on the progress of activities in Ontario to reduce emissions of greenhouse gases (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride). The report will include a review of any annual report on greenhouse gas reduction or climate change published by the Government of Ontario during the previous year.

Section 58.3 requires that the two new reports required by the new sections be made separately from each other and separately from the annual report required by s. 58.

Schedule G ***Environmental Protection Act***

At present, proponents of renewable energy projects may be required to obtain one or more approvals or permits under the *Environmental Protection Act* (EPA) and the *Ontario Water Resources Act* (OWRA). The amendments to the EPA would combine approval requirements under the EPA and the OWRA into a single new renewable energy approval.

Schedule G also includes amendments to the EPA to define certain words and to ensure that certain prohibitions apply to the new renewable energy approval. It also makes numerous amendments consequential to the creation of the new renewable energy approval.

Section 1 adds “renewable energy approval” to the definition of “regulated person”. It also adds definitions for “renewable energy generation facility” from the *Electricity Act, 1998* and “renewable energy project” from the *Green Energy Act, 2009*.

Section 2 repeals and substitutes the prohibitions in sections 40 and 41 regarding the deposit of waste and use of waste facilities so that the prohibitions include reference to a renewable energy approval.

Section 3 includes the reference to a renewable energy approval in subsections 42(3) and (5).

Section 4 of Schedule G adds Part V.0.1 (Renewable Energy). This Part creates a new approval regime for renewable energy projects.

Section 47.1 of the Act defines “environment” as set out in the *Environmental Assessment Act* which includes social, cultural or economic conditions that influence human life or communities. For the rest of the Act, the definition of “natural environment” is the relevant definition.

Section 47.2 of the Act provides a specific purpose clause for this new part: to provide for the protection and conservation of the environment. Given the definition of “environment” the purpose of the new Part V.0.1 is broader than the purpose set out in subsection 3 (1) of the Act.

Section 47.3 of the Act requires a person engaging in a renewable energy project to obtain and comply with a renewable energy approval, if engaging in the project would require an approval, permit or other instrument under specified provisions of the EPA, OWRA or if engaging in the project would involve any other prescribed activity. The section provides that a person who is engaging in a renewable energy project is exempt from specified approval and permit requirements under the EPA and OWRA and from requirements set out in any prescribed provisions under other Acts. Thus, only one Ministry of the Environment approval, a renewable energy approval, would be generally required for renewable energy projects. As noted above, “renewable energy project” will have the same meaning as in the *Green Energy Act, 2009*, namely the construction, installation, use, operation, changing or retiring of a renewable energy generation facility.

Section 47.4 requires that an application for the issue or renewal of a renewable energy approval be prepared in accordance with the regulations and submitted to the Director. The amendments to the regulation-making authority below allow for specification of a number of requirements for content and process related to the application, including the setting of standards governing renewable energy projects and consultation (public and aboriginal).

Section 47.5 gives the Director broad discretion. The Director is authorized to issue or renew or to refuse to issue or renew a renewable energy approval if doing so would be in the public interest. The Director has the authority to impose terms and conditions on a renewable energy approval, to alter the terms and conditions, to impose new ones and to suspend or revoke a renewable energy approval. Given the broad definition of “environment” and the specific purpose of the proposed Part V.0.1, these conditions could relate to social, economic and cultural conditions that influence human life or communities.

Section 47.6 prevents a renewable energy approval from authorizing a taking of water contrary to subsection 34.3 (2) of the OWRA. This section prohibits a transfer of water out of the Great Lakes-St. Lawrence River Basin, the Nelson Basin or the Hudson Bay Basin. This provision is added to ensure consistency with section 34.3 (2) of the OWRA.

Section 47.7 permits the Minister of the Environment to issue written policies in respect of decisions made about renewable energy approvals under the new part. Decisions made in respect of renewable energy approvals shall be consistent with these policies.

Sections 5, 6, and 7 make consequential amendments to reflect the introduction of the renewable energy approval.

Sections 7 to 12 of Schedule G amend provisions for hearings by the Environmental Review Tribunal (ERT) related to a renewable energy approval, including giving third parties the right to request a hearing regarding the decision of a Director respecting a renewable energy approval.

Section 7 replaces the circumstances giving rise to an appeal to include refusal to issue or renew a renewable energy approval, suspension or revocation of a renewable energy approval, imposition or alteration of terms and conditions. Further, the section provides that the Director is required to give notice of his or her decision and provide written reasons.

Section 8 of Schedule G amends the provisions related to a hearing required by an applicant by making those sections not apply to a hearing by a third party.

Section 9 of Schedule G adds section 142.1. Section 142.1 allows a person resident in Ontario who is not entitled to require a hearing as a party to require a hearing before the ERT in respect of a decision of the Director regarding a renewable energy approval. The section provides that the person requiring a hearing serve written notice on the Director and the ERT within 15 days of a day to be prescribed by regulation. The section also provides that a hearing could be required only on the grounds that engaging in the renewable energy project in accordance with a renewable energy approval would cause serious and irreversible harm to plant life, animal life, human health or safety or the natural environment. If the ERT does not dispose of a hearing within a period of time prescribed by regulation, the decision of the Director would be deemed to be confirmed by the ERT.

Section 20 of the Schedule amends section 176 to add regulation-making power relating to the new Part V.0.1, including power to make regulations governing the location of renewable energy facilities and eligibility requirements relating to applications for renewable energy approvals, including transitional matters.

Schedule H ***Ontario Water Resources Act***

Schedule H contains amendments to the *Ontario Water Resources Act* that are consequential to the amendments to the *Environmental Protection Act* to reflect the introduction of the renewable energy approval.

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

The purposes of the Building Code (the regulation made under subsection 34 of the *Building Code Act, 1992*) currently include establishment of standards for “conservation”. Schedule J amends the *Building Code Act, 1992* to clarify that this purpose includes energy conservation.

The *Building Code Act, 1992* is also amended to require that

- reviews of the Building Code, with reference to standards for energy conservation, be initiated at five year intervals, and
- an advisory body – the Building Code Energy Advisory Council – be established with a mandate to advise the Minister of Municipal Affairs and Housing on the Building Code with reference to standards for energy conservation.

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

Schedule K
Planning Act

Subsection 1(1) of the *Planning Act* is amended to add definitions of “renewable energy generation facility” and “renewable energy project”.

Subsections 50(3) and 50(5) of the *Planning Act* are amended to include a new exception from the subdivision and part lot control restrictions of the Act for leases of up to 40

years for the purposes of renewable energy generation facilities and renewable energy projects.

Section 62.0.2 is added to the *Planning Act* to exempt renewable energy generation facilities and renewable energy projects from demolition control by-laws under section 33; by-laws, orders and agreements under Part V which include zoning by-laws, site plan control by-laws and interim control by-laws; the development permit regulation and by-laws under section 70.2; and by-laws under sections 113 and 114 of the *City of Toronto Act, 2006*.

This Schedule comes into force on a date named by proclamation of the Lieutenant Governor.

Schedule L Ministry of Natural Resources

Schedule L amends various statutes administered by the Ministry of Natural Resources in order to facilitate the development of renewable energy projects. Details of these amendments are set out below. Schedule L also amends various statutes to provide a more accurate translation of the phrase “Niagara Escarpment Plan”.

The *Conservation Authorities Act* is amended such that, 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.

The *Ministry of Natural Resources Act* is amended such that 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.

Schedule L amends the French term “Niagara Escarpment Plan” in the *Niagara Escarpment Planning and Development 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.

Subsection 19 (2) of the *Provincial Parks and Conservation Reserves Act, 2006* 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. Schedule L changes the

requirement for approval from the Lieutenant Governor in Council to the Minister responsible for the administration of the Act.

A person who has entered into an agreement, including a lease, a licence or an easement, with the Crown under the *Public Lands Act* or to whom a permit to occupy public lands has been issued under the *Public Lands 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.



1ST SESSION, 39TH LEGISLATURE, ONTARIO
58 ELIZABETH II, 2009

1^{re} SESSION, 39^e LÉGISLATURE, ONTARIO
58 ELIZABETH II, 2009

Bill 150

Projet de loi 150

**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**

**Loi édictant la
Loi de 2009 sur l'énergie verte
et visant à développer
une économie verte,
abrogeant la Loi de 2006
sur le leadership en matière
de conservation de l'énergie et la
Loi sur le rendement énergétique
et modifiant d'autres lois**

The Hon. G. Smitherman
Minister of Energy and Infrastructure

L'honorable G. Smitherman
Ministre de l'Énergie et de l'Infrastructure

Government Bill

Projet de loi du gouvernement

1st Reading February 23, 2009
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 23 février 2009
2^e lecture
3^e lecture
Sanction royale



**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.

**ANNEXE J
LOI DE 1992 SUR LE CODE DU BÂTIMENT**

1. (1) L'alinéa 34 (5) a) de la *Loi de 1992 sur le code du bâtiment* est modifié par substitution de «la conservation, notamment la conservation de l'énergie, et l'intégrité environnementale, ainsi que» à «la conservation et l'intégrité environnementale et».

(2) L'article 34 de la Loi est modifié par adjonction du paragraphe suivant :

Examen

(6) Le ministre fait faire un examen du code du bâtiment en ce qui a trait aux normes de conservation de l'énergie au plus tard le jour qui tombe six mois après le jour de l'entrée en vigueur de l'annexe J de la *Loi de 2009 sur l'énergie verte et l'économie verte* et, par la suite, dans les cinq ans qui suivent la fin de l'examen précédent.

2. La Loi est modifiée par adjonction de l'article suivant :

Conseil consultatif des questions énergétiques liées au code du bâtiment

34.1 (1) Le ministre crée un conseil appelé Conseil consultatif des questions énergétiques liées au code du bâtiment en français et Building Code Energy Advisory Council en anglais.

Idem

(2) Le ministre peut nommer une ou plusieurs personnes au Conseil et peut fixer le mandat de celui-ci.

Fonctions

- (3) Le Conseil fait ce qui suit :
- a) il conseille le ministre sur le code du bâtiment en ce qui a trait aux normes de conservation de l'énergie;
 - b) il exerce les autres fonctions que précise le ministre.

Entrée en vigueur

3. La présente annexe entre en vigueur le jour où la *Loi de 2009 sur l'énergie verte et l'économie verte* reçoit la sanction royale.

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.

ANNEXE K LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

1. Le paragraphe 1 (1) de la *Loi sur l'aménagement du territoire* est modifié par adjonction des définitions suivantes :

«installation de production d’énergie renouvelable» S’entend au sens de la *Loi de 1998 sur l’électricité*. («renewable energy generation facility»)

«projet d’énergie renouvelable» S’entend au sens de la *Loi de 2009 sur l’énergie verte*. («renewable energy project»)

2. (1) Le paragraphe 50 (3) de la Loi est modifié par adjonction de l’alinéa suivant :

- d.1) le terrain, le droit d’utilisation de celui-ci ou autre droit y afférent est acquis, directement ou en vertu d’un droit de renouvellement pour une durée de 21 ans ou plus mais d’au plus 40 ans, aux fins d’une installation de production d’énergie renouvelable ou d’un projet d’énergie renouvelable et que l’acquéreur a déclaré que l’acquisition se fait à ces fins, ce qui constitue une preuve concluante;

(2) Le paragraphe 50 (5) de la Loi est modifié par adjonction de l’alinéa suivant :

- c.1) le terrain, le droit d’utilisation de celui-ci ou autre droit y afférent est acquis, directement ou en vertu d’un droit de renouvellement pour une durée de 21 ans ou plus mais d’au plus 40 ans, aux fins d’une installation de production d’énergie renouvelable ou d’un projet d’énergie renouvelable et que l’acquéreur a déclaré que l’acquisition se fait à ces fins, ce qui constitue une preuve concluante;

3. La Loi est modifiée par adjonction de l’article suivant :

Installations de production d’énergie renouvelable et projets d’énergie renouvelable

Déclarations de principes et plans provinciaux

62.0.2 (1) Il est entendu que les paragraphes 3 (5) et (6) ne s’appliquent à une installation de production d’énergie renouvelable ou à un projet d’énergie renouvelable que relativement aux décisions, aux commentaires, aux observations et aux conseils ayant trait à d’autres dispositions de la présente loi qui s’appliquent à l’installation ou au projet.

Plans officiels

(2) Il est entendu qu’un plan officiel n’a aucune incidence sur une installation de production d’énergie renouvelable ou un projet d’énergie renouvelable.

Zone à démolition réglementée

(3) Un règlement municipal adopté en vertu de l’article 33 ne s’applique pas à une installation de production d’énergie renouvelable ou à un projet d’énergie renouvelable.

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.

Règlements municipaux, ordonnances et conventions visés à la partie V

(4) Un règlement municipal adopté, une ordonnance rendue, un arrêté pris ou une convention conclue en vertu de la partie V ne s'applique pas à une installation de production d'énergie renouvelable ou à un projet d'énergie renouvelable.

Système de délivrance de permis d'exploitation

(5) Un règlement pris en application de l'article 70.2 ou un règlement municipal adopté en vertu de celui-ci ne s'applique pas à une installation de production d'énergie renouvelable ou à un projet d'énergie renouvelable.

Loi de 2006 sur la cité de Toronto : art. 113 et 114

(6) Un règlement municipal adopté en vertu de l'article 113 ou 114 de la *Loi de 2006 sur la cité de Toronto* ne s'applique pas à une installation de production d'énergie renouvelable ou à un projet d'énergie renouvelable.

Entrée en vigueur

4. La présente annexe entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

**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:

**ANNEXE L
MINISTÈRE DES RICHESSES NATURELLES**

LOI DE 2006 SUR L’EAU SAINTE

1. La version française de l’alinéa 39 (5) c) de la *Loi de 2006 sur l’eau saine* est modifiée par substitution de «Plan d’aménagement de l’escarpement du Niagara» à «plan de l’escarpement du Niagara».

LOI SUR LES OFFICES DE PROTECTION DE LA NATURE

2. L’article 28 de la *Loi sur les offices de protection de la nature* est modifié par adjonction du paragraphe suivant :

Motifs du refus d’accorder l’autorisation

(13.1) Si l’autorisation que le requérant demande vise un aménagement lié à un projet d’énergie renouvelable au sens de l’article 1 de la *Loi de 2009 sur l’énergie verte*, l’office ou le comité de direction, selon le cas :

- a) d’une part, ne refuse d’accorder l’autorisation que si cela est nécessaire pour contrôler la pollution, les inondations, l’érosion ou le dynamisme des plages;
- b) d’autre part, n’impose des conditions que si elles se rapportent au contrôle de la pollution, des inondations, de l’érosion ou du dynamisme des plages.

LOI SUR LES TERRES PROTÉGÉES

3. La version française de la définition de «zone de planification de l’escarpement du Niagara» à l’article 1 de la *Loi sur les terres protégées* est modifiée par substitution de «Plan d’aménagement de l’escarpement du Niagara» à «plan de l’escarpement du Niagara».

LOI SUR LA PROTECTION DE L’ENVIRONNEMENT

4. La version française du paragraphe 27 (2) de la *Loi sur la protection de l’environnement* est modifiée par substitution de «Plan d’aménagement de l’escarpement du Niagara» à «plan de l’escarpement du Niagara».

LOI DE 2005 SUR LA CEINTURE DE VERDURE

5. La version française des dispositions suivantes de la *Loi de 2005 sur la ceinture de verdure* est modifiée par substitution de «Plan d’aménagement de l’escarpement du Niagara» à «plan de l’escarpement du Niagara» partout où figure cette expression :

1. La définition de «plan de l’escarpement du Niagara» au paragraphe 1 (1).
2. L’alinéa 2 (2) b).
3. L’article 4.
4. Le paragraphe 8 (2).
5. L’alinéa 22 (1) c).

LOI SUR LE MINISTÈRE DES RICHESSES NATURELLES

6. La *Loi sur le ministère des Richesses naturelles* est modifiée par adjonction de l’article suivant :

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).

Renseignements sur les projets d'énergie renouvelable

13.2 Le ministre peut exiger que le promoteur d'un projet d'énergie renouvelable, au sens de l'article 1 de la *Loi de 2009 sur l'énergie verte*, lui fournisse les renseignements ou études qu'il estime nécessaires avant qu'il ne délivre un permis ou une licence ou n'accorde une approbation aux termes d'une loi dont l'application relève de lui en vertu de la *Loi sur le Conseil exécutif*.

**LOI SUR LA PLANIFICATION ET L'AMÉNAGEMENT
DE L'ESCARPEMENT DU NIAGARA**

7. La version française des dispositions suivantes de la *Loi sur la planification et l'aménagement de l'escarpement du Niagara* est modifiée par substitution de «Plan d'aménagement de l'escarpement du Niagara» à «plan de l'escarpement du Niagara» partout où figure cette expression :

1. La définition de «plan de l'escarpement du Niagara» à l'article 1.
2. Le paragraphe 3 (2).
3. Le paragraphe 4 (1).
4. Le paragraphe 4 (2).
5. Le paragraphe 6.1 (2).
6. L'article 7.
7. L'article 8.
8. L'article 9 dans le passage qui précède l'alinéa a).
9. Le paragraphe 10 (1) dans le passage qui précède l'alinéa a).
10. L'alinéa 10 (11) b).
11. Le paragraphe 10 (15).
12. L'article 11.
13. L'article 12.
14. Le paragraphe 13 (1) dans le passage qui précède l'alinéa a).
15. Le paragraphe 13 (2).
16. L'article 14.
17. Le paragraphe 15 (1).
18. Le paragraphe 15 (2).
19. L'article 16.
20. Le paragraphe 17 (1).
21. Le paragraphe 17 (5).
22. Le paragraphe 18 (1).
23. Le paragraphe 18 (2) dans le passage qui précède l'alinéa a).
24. Les alinéas 19 (1) a) et b).
25. Le paragraphe 19 (2) dans le passage qui précède l'alinéa 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).

26. Le paragraphe 19 (3).
27. L'article 20.
28. Le paragraphe 21 (1).
29. L'article 23.1.
30. Le paragraphe 25 (4).
31. Le paragraphe 27 (1).
32. Les alinéas 28 (1) a) et b).

8. La version française de la définition de «plan de l'escarpement du Niagara» à l'article 1 de la Loi est modifiée par substitution de «le Plan» à «le plan».

9. (1) La version française des dispositions suivantes de la Loi est modifiée par substitution de «du Plan» à «du plan» partout où figurent ces mots :

1. Le paragraphe 6.1 (2).
2. Le paragraphe 6.1 (2.1).

(2) La version française des paragraphes 6.1 (2.2) et (2.3) de la Loi est abrogée et remplacée par ce qui suit :

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. La version française de l'article 8 de la Loi est modifiée par substitution de «au Plan» à «au plan» dans le passage qui précède l'alinéa a).

11. La version française des dispositions suivantes de la Loi est modifiée par substitution de «Plan» à «plan» partout où figure ce mot :

1. L'alinéa 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);

2. L’alinéa 9 f).

3. L’article 9 dans le passage qui suit l’alinéa f).

12. (1) La version française des alinéas 13 (1) a) et b) de la Loi est modifiée par substitution de «le Plan» à «le plan» partout où figurent ces mots.

(2) La version française du paragraphe 13 (2) de la Loi est modifiée par substitution de «du Plan» à «du plan».

13. Le paragraphe 15 (2) de la Loi est modifié par substitution de «ministre des Affaires municipales et du Logement» à «ministre des Affaires municipales» à la fin du paragraphe.

14. (1) La version française des dispositions suivantes de la Loi est modifiée par substitution de «Plan» à «plan» partout où figure ce mot :

1. Le paragraphe 17 (3).

2. Le paragraphe 17 (4).

(2) La version française du paragraphe 17 (5) de la Loi est modifiée par substitution de «Le Plan confirmé» à «Le plan confirmé» au début du paragraphe.

15. (1) La version française de l’alinéa 19 (2) b) de la Loi est modifiée par substitution de «au Plan» à «au plan».

(2) L’article 19 de la Loi est modifié par adjonction du paragraphe suivant :

Définition de service public

(2.1) Le jour de l’entrée en vigueur de la *Loi de 2009 sur l’énergie verte*, la définition de «service public» à l’annexe 2 du Plan d’aménagement de l’escarpement du Niagara est abrogée et remplacée par ce qui suit :

Service public — comprend les services d’alimentation en eau; les réseaux d’égouts pluviaux ou sanitaires; les gazoducs ou les oléoducs; la production, le transport et la distribution de l’énergie électrique, y compris les projets d’énergie renouvelable au sens de la *Loi de 2009 sur l’énergie verte*, qu’ils soient commerciaux ou autres, et toute l’infrastructure connexe; la production, le transport et la distribution de l’énergie à vapeur ou à eau chaude; les lignes de télégraphe et de téléphone et tout autre service par câble; les réseaux de transport en commun; les installations autorisées de télécommunication et de radiodiffusion; tout autre ouvrage ou réseau similaire nécessaire à l’intérêt public. Sont toutefois exclus de cette définition :

- l’établissement d’un nouveau site d’élimination des déchets;
- tout agrandissement ou toute modification d’un site existant d’élimination des déchets déjà approuvé en vertu des lois applicables (y compris tout accroissement de la superficie ou de la hauteur d’un site d’enfouissement ou tout changement du type de déchets traités);

- 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.

- les installations d’incinération (y compris l’énergie émanant d’installations d’élimination des déchets);
- les installations de compactage à grande échelle et de recyclage ou autres utilisations similaires.

(3) Le paragraphe 19 (3) de la Loi est modifié par substitution de «aux modifications visées à l’alinéa (1) b) et au paragraphe (2.1)» à «à la modification visée à l’alinéa (1) b)».

16. La version française des dispositions suivantes de la Loi est modifiée par substitution de «du Plan» à «du plan» partout où figurent ces mots :

1. L’article 20.
2. L’article 23.1.

17. La version française du paragraphe 27 (1) de la Loi est modifiée par substitution de «au Plan» à «au plan».

LOI DE 2005 SUR LES ZONES DE CROISSANCE

18. La version française de l’alinéa 14 (5) c) de la *Loi de 2005 sur les zones de croissance* est modifiée par substitution de «Plan d’aménagement de l’escarpement du Niagara» à «plan de l’escarpement du Niagara».

LOI SUR L’AMÉNAGEMENT DU TERRITOIRE

19. La version française de l’alinéa b) de la définition de «plan provincial» au paragraphe 1 (1) de la *Loi sur l’aménagement du territoire* est modifiée par substitution de «Plan d’aménagement de l’escarpement du Niagara» à «plan de l’escarpement du Niagara».

LOI DE 2006 SUR LES PARCS PROVINCIAUX ET LES RÉSERVES DE CONSERVATION

20. Le paragraphe 19 (2) de la *Loi de 2006 sur les parcs provinciaux et les réserves de conservation* est modifié par substitution de «et sous réserve de l’approbation du ministre» à «et sous réserve de l’approbation du lieutenant-gouverneur en conseil».

21. L’article 21 de la Loi est abrogé et remplacé par ce qui suit :

Conditions d’approbation

21. Lorsqu’il approuve la mise en place d’une installation de production d’électricité aux termes du paragraphe 19 (2), (3) ou (4), ou lorsqu’il approuve une route ou un sentier d’accès aux ressources ou un couloir de services publics aux termes de l’article 20, le ministre doit être convaincu que les conditions suivantes sont réunies :

1. Il n’y a pas d’autres options raisonnables.
2. Le coût le moins élevé n’est ni l’unique justification ni la justification déterminante.
3. Les répercussions sur l’environnement ont été examinées et toutes les mesures raisonnables seront prises en vue de réduire au minimum les atteintes à l’environnement et de protéger l’intégrité écologique.