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Information Notice:

Title:
 Removing Local Barriers to Renewable Energy Installations: Proposed Regulation

EBR Registry Number: 010-6455

Ministry:
 Ministry of Energy
 Date Information Notice loaded to
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 May 12, 2009

May 15, 2009: This notice was republished to include an end-date on the comment period. The balance of the notice remains unchanged.

Keyword(s): Electricity

This notice is for your information. The Environmental Bill of Rights does not require this notice to be placed on the Environmental Registry, however, section 6 of the Act does allow the Environmental Registry to be used to share information about the environment with the public.

Rationale for Exemption to Public Comment:

This proposal is for a potential regulation that could be made under the authority of the Green Energy Act, 2009, should Bill 150 (Green Energy and Green Economy Act, 2009) be passed by the Legislature. As the Bill has not passed, the proposed Green Energy Act, 2009 is not prescribed for the purpose of s.16 of the Environmental Bill of Rights.

However, the Ministry of Energy and Infrastructure invites comments on the proposed regulation, and will consider these comments when making a decision on the proposed regulation. Comments should be e-mailed to Alan Kirschbaum, Senior Policy Advisor, at alan.kirschbaum@ontario.ca on or before June 11, 2009.

Contact:

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Description:

The Ministry of Energy and Infrastructure ("the Ministry"), under the proposed Green Energy Act, 2009 (Schedule A of Bill 150, the Green Energy and Green Economy Act, 2009) is proposing a regulation that would designate specified renewable energy installations that will be exempt from local legal barriers that prevent or restrict their use.

Section 4 of the proposed Green Energy Act, 2009 would permit 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. Such legal barriers are typically found in municipal by-laws, condominium by-laws, encumbrances on real property, or agreements.

This proposed regulation would designate the use of renewable energy installations including:

- Roof or wall mounted solar photo voltaic;
- Roof or wall mounted solar thermal water/air; and
- Ground source heat pump.

At a future date, the ministry will post a document on the Environmental Registry that will discuss building mounted micro wind turbines. The posting will address standards related to size, noise and performance ratings.

The proposed regulation would also identify those local legal barriers that exist in municipal by-laws, condominium by-laws, encumbrances on real property, or agreements which would be permitted to continue to operate with respect to renewable energy installations in recognition that some cultural, health, safety and environmental by-laws should be protected. The Ministry is seeking input on which by-laws, instruments or other restrictions should continue to operate and be included in the proposed regulation to ensure the above considerations are protected.

Additional Information:

The documents linked below are provided for the purposes of enhancing public consultation.
 All links will open in a new window

1. [Bill 150, Green Energy and Green Economy Act, 2009](#)

An example of these by-laws would be provisions under the Municipal Act that empower municipalities to develop by-laws that prohibit or regulate the destruction or injuring of trees.

The proposed regulation does not apply to restrictions imposed by provincial Acts or regulations (e.g., Ontario Building Code).

Other Information:

Background renewable energy information:

Solar photo-voltaic: Directly converts solar energy into electricity. The proposed regulation would allow roof and wall mounted installations. The size of the installation would depend on site specific circumstances, limited by the available roof and/or wall area.

Solar thermal water heating: Solar energy pre-heats water for domestic use, or to heat pool water. Solar thermal water heaters are typically roof-mounted.

Solar thermal air heating: Solar energy heats air in residential, industrial, commercial and institutional settings. Panels are typically placed on the exterior wall of a building.

Ground source heat pump: Heat in the ground is used to heat space and water in residential, industrial, commercial and institutional settings. Heat can also be taken from the building and put in the ground to provide more efficient cooling in summer. To affect the heat transfer between the building and the ground, fluid can be circulated through pipes installed horizontally or vertically in the adjacent ground. Alternatively, available ground or surface water can be accessed to exchange heat.

Micro wind turbine: Wind energy is captured by a turbine and then converted by a generator into electricity. Micro turbines can offset some of the electricity used in a building.

In addition to removing local legal barriers to renewable energy installations, the proposed bill would:

- Create a new attractive feed-in tariff regime – a pricing system for renewable energy sources including solar photo voltaic, wind, water power, landfill gas, biogas and biomass – that will guarantee rates and help spark new investment in renewable energy generation, increase investor confidence and access to financing.
- Establish the “right to connect” to the electricity grid for renewable projects.
- Establish a Renewable Energy Facilitator.

If passed, the Green Energy Act would create an estimated 50,000 jobs in its first three years. The economic benefits would be spread across the province through local involvement in energy production, and opportunities for First Nations and Métis communities.

Other Public Consultation Opportunities:

The Ministry of Energy and Infrastructure also posted a notice of the proposed Green Energy and Green Economy Act, 2009, on the Environmental Registry for public review and comment. The Registry number for this posting is 010-6017.

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