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FrancaisExplanatory Note

CHAPTER 12

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

Assented to May 14, 2009

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.

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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**

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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,

- (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 electricity conservation and demand management in a manner consistent with the policies of the Government of Ontario, including having regard to the consumer's economic circumstances.
- 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 in accordance with the policies of the Government of Ontario, including having regard to the consumer's economic circumstances.

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

“distribute”, with respect to electricity, means to convey electricity at voltages of 50 kilovolts or less; (“distribuer”)

“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”)

“transmit”, with respect to electricity, means to convey electricity at voltages of more than 50 kilovolts; (“transporter”)

“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 (5)”.

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: