

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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M \_\_\_\_\_

**Subsection 1 (1) of Schedule A to the Bill (subsection 1 (1) of the *Green Energy Act, 2009*)**

I move that subsection 1 (1) of the *Green Energy Act, 2009*, as set out in Schedule A to the Bill, be amended by adding the following definitions:

“distribution system” has the same meaning as in the *Electricity Act, 1998*; (“F”)

. . . . .

“renewable energy testing facility” means devices or structures to be used to gather information about natural conditions at the location of the structures or devices and related infrastructure and that meet such criteria as may be prescribed by the regulations; (“F”)

“renewable energy testing project” means the construction, installation, use, operation, changing or retiring of a renewable energy testing facility; (“F”)

. . . . .

“transmission system” has the same meaning as in the *Electricity Act, 1998*. (“F”)

B24 EFW

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M \_\_\_\_\_

**Subsection 1 (1) of Schedule A to the Bill (subsection 1 (1) of the *Green Energy Act, 2009*)**

I move that the definition of “technologies” in subsection 1 (1) of the *Green Energy Act 2009*, as set out Schedule A to the Bill, be struck out.

GR?

6

**Bill 150**

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M\_\_\_\_\_

**Section 2 of Schedule A to the Bill (section 2 of the *Green Energy Act, 2009*)**

I move that section 2 of the *Green Energy Act, 2009*, as set out in Schedule A to the Bill, be struck out and the following substituted:

**Mandatory conservation and energy efficiency practices**

2. (1) A person making an offer to purchase an interest in real property has the right to receive from the person offering to sell the property such information, reports or ratings as are prescribed,

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

**Provision before accepting offer**

(2) The person offering to sell the property shall, in accordance with subsection (1), provide the information, reports or ratings to the person making the offer to purchase before accepting that person's offer.

**Waiver**

(3) Subsections (1) and (2) do not apply where the person making the offer waives, in writing, the provision and receipt of the information, reports or ratings.

**Agent**

(4) A person acting as an agent on behalf of the person offering to sell shall inform that person promptly of any request for the information, reports or ratings.

**Same**

(5) Subsection (5) applies only to agents acting for or in anticipation of receiving valuable consideration with respect to the offer to sell.

**Make available**

(6) In this section, the obligation to provide information, reports or ratings is satisfied where the person offering to sell makes the information, reports or ratings reasonably available to the person making the offer to purchase.

**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**

**Motion to be moved in Committee**

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**M** \_\_\_\_\_

**Subsection 4 of Schedule A to the Bill (section 4 of the *Green Energy Act, 2009*)**

I move that section 4 of the *Green Energy Act, 2009*, as set out in Schedule A to the Bill, be amended,

- (a) by striking out “or renewable energy sources” in the portion of subsection (1) before paragraph 1 and substituting “renewable energy sources or renewable energy testing projects”;
- (b) by striking out “permitted to undertake” in subsection (2) and substituting “permitted to engage in”;
- (c) by striking out “or a designated renewable energy source” in subsection (2) and substituting “a designated renewable energy source or a designated renewable energy testing project”; and
- (d) by striking out “or a designated renewable energy source” in subsection (3) and substituting “a designated renewable energy source or a designated renewable energy testing project”.

**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**

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M\_\_\_\_\_

**Subsections 11 (2) to (5) of Schedule A to the Bill (subsections 11 (2) to (5) of the *Green Energy Act, 2009*)**

I move that subsections 11 (2) to (5) of the *Green Energy Act, 2009*, as set out in Schedule A to the Bill, be struck out and the following substituted:

**Records maintained in confidence**

(2) The Renewable Energy Facilitator, or a person employed in the Renewable Energy Facilitation Office, shall maintain in confidence,

- (a) a record or information relating to a renewable energy project of a proponent that has been supplied to the Facilitator by the proponent or that has been obtained by the Facilitator from another institution, person or entity; and
- (b) a record or information maintained in the Renewable Energy Facilitation Office that would reveal a record or information relating to a renewable energy project of a proponent that has been supplied to the Facilitator by the proponent or another person or entity.

**Exception**

(3) Despite subsection (2), the Renewable Energy Facilitator, or a person employed in the Renewable Energy Facilitation Office, may disclose a record or information,

- (a) where the proponent to whom the record or information relates consents to its disclosure;
- (b) where the disclosure is necessary to achieve the objects of the Office;

- (c) to counsel or to an advisor to the Renewable Energy Facilitation Office;
- (d) for the purpose of complying with an Act of the Legislature or an Act of Parliament;
- (e) as authorized under the *Regulatory Modernization Act, 2007*;
- (f) where disclosure is to an institution or a law enforcement agency in Canada to aid a law enforcement investigation; or
- (g) where disclosure is further to an order of a tribunal.

**Information deemed to have been supplied in confidence**

(4) A record or information to which subsection (2) applies is deemed, for the purposes of section 17 of the *Freedom of Information and Protection of Privacy Act*, to have been supplied by the proponent in confidence to the Renewable Energy Facilitation Office.

**Record or information deemed to be supplied in confidence**

(5) A record or information to which subsection (2) applies that the Renewable Energy Facilitator or a person employed in the Renewable Energy Facilitation Office supplies to a person employed in the Ministry or to another institution is deemed, for the purposes of section 17 of the *Freedom of Information and Protection of Privacy Act*, to have been supplied by the proponent in confidence to that person or institution.

**Definition**

(6) In this section,

“institution” has the same meaning as in the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.

**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**

**Motion to be moved in Committee**

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M \_\_\_\_\_

**Section 12 of Schedule A to the Bill (section 12 of the *Green Energy Act, 2009*)**

I move that section 12 of the *Green Energy Act, 2009*, as set out in Schedule A to the Bill, be struck out and the following substituted:

**Testimony**

**12.** Neither the Renewable Energy Facilitator nor any person employed in the Renewable Energy Facilitation Office or the Ministry shall be required to give evidence in a civil proceeding with respect to information obtained in the course of fulfilling the objects of the Office.



**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**

**NOTICE**

Section 15 of Schedule A to the Bill (Green E Act).

**The Government recommends voting against section 15 of Schedule A to the Bill.**

*Reason for notice rather than motion:* If the Committee wishes to remove an entire section from a Schedule to the Bill, the rules of parliamentary procedure require that the Committee vote against the section, rather than pass a motion to delete it.

inspections, enforcement penalties  
(2.11-12 GEA)

(21)

Government  
v. 1

**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**

**NOTICE**

Section 16 of Schedule A to the Bill

**The Government recommends voting against section 16 of Schedule A to the Bill.**

*Reason for notice rather than motion:* If the Committee wishes to remove an entire section from a Schedule to the Bill, the rules of parliamentary procedure require that the Committee vote against the section, rather than pass a motion to delete it.

**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**

**Motion to be moved in Committee**

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M \_\_\_\_\_

**Subsection 17 (2) of Schedule A to the Bill (subsection 17 (2) of the *Green Energy Act, 2009*)**

I move that subsection 17 (2) of the *Green Energy Act, 2009*, as set out in Schedule A to the Bill, be amended by adding the following clauses:

- (0.a) governing renewable energy testing facilities in relation to,
  - (i) planning design, siting, buffer zones, notification and consultation, establishment, insurance, facilities, staffing, operation, maintenance, monitoring, record-keeping and improvement, and
  - (ii) the discontinuance of the operation of any part of the renewable energy testing facility;
- (0.a.1) governing the location of renewable energy testing facilities, including prohibiting or regulating the construction, installation, use, operation or changing of renewable energy testing facilities in parts of Ontario;

**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**

**Motion to be moved in Committee**

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**M**\_\_\_\_\_

**Subsection 1 (2) of Schedule B to the Bill (subsection 2 (1) of the *Electricity Act, 1998*)**

I move that the definition of “renewable energy generation facility” in subsection 2 (1) of the *Electricity Act, 1998*, as set out in subsection 1 (2) Schedule B to the Bill, be struck out and the following substituted:

“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 an associated waste disposal site, unless the site is prescribed by regulation for the purposes of this definition; (“installation de production d’énergie renouvelable”)

## 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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M\_\_\_\_\_

**Subsection 1 (4) of Schedule B to the Bill (subsection 2 (1) of the *Electricity Act, 1998*)**

I move that subsection 2 (1) of the *Electricity Act, 1998*, as amended by subsection 1 (4) of Schedule B to the Bill be amended by adding the following definition:

“waste disposal site” has the same meaning as in section 25 of the *Environmental Protection Act*. (F)

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M**\_\_\_\_\_

**Subsection 5 (1) of Schedule B to the Bill (clause 25.32 (2) (b) of the *Electricity Act, 1998*)**

I move that clause 25.32 (2) (b) of the *Electricity Act, 1998*, as set out in subsection 5 (1) of Schedule B to the Bill, be struck out and the following substituted:

- (b) a direction issued under subsection (4), (4.1), (4.4), (4.5), (4.6) or (4.7) or section 25.35.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Subsection 5 (2) of Schedule B to the Bill (clause 25.32 (4.1) (a) of the *Electricity Act, 1998*)**

I move that clause 25.32 (4.1) (a) of the *Electricity Act, 1998*, as set out in subsection 5 (2) of Schedule B to the Bill, be struck out and the following substituted:

- (a) the procurement of electricity supply or capacity derived from renewable energy sources;

**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****Motion to be moved in Committee**

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**M**\_\_\_\_\_

**Subsection 5 (2) of Schedule B to the Bill (subsections 25.32 (4.6) and (4.7) of the *Electricity Act, 1998*)**

I move that section 25.32 of the *Electricity Act, 1998*, as amended by subsection 5 (2) of Schedule B to the Act, be amended by adding the following subsections:

**Direction re programs for participation of groups**

(4.6) The Minister may direct the OPA to establish measures to facilitate the development of renewable energy generation facilities, transmission systems and distribution systems and the measures may include programs or funding for or associated with the participation of groups and organizations, including but not limited to municipalities, in the development of the facilities or systems.

**Direction re municipal programs**

(4.7) The Minister may direct the OPA to develop programs that are designed to reimburse the direct costs incurred by a municipality in order to facilitate the development of renewable energy generation facilities, transmission systems and distribution systems and the funding may include funding for infrastructure associated with or affected by the development of the facilities or systems.



**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Subsection 5 (3) of Schedule B to the Bill (subsection 25.32 (6) of the *Electricity Act, 1998*)**

I move that section 5 of Schedule B to the Bill be amended by adding the following subsection:

**(3) Subsection 25.32 (6) of the Act is amended by adding the following paragraph:**

- 3. A contract entered into by the OPA following a procurement solicitation or other initiative referred to in subsection (4.1), (4.4), (4.5) or (4.6) or section 25.35 or an expenditure made under subsection (4.7).

**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 7 of Schedule B to the Bill (subsection 25.35 (2) of the *Electricity Act, 1998*)**

I move that subsection 25.35 (2) of the *Electricity Act, 1998*, as set out in section 7 of Schedule B to the Bill, be struck out and the following substituted:

**Minister's directions**

(2) Where the Minister has issued a direction under subsection (1), the Minister may issue, and the OPA shall follow in preparing its feed-in tariff program, directions 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; and
- (b) the involvement of members of the local community in the development and establishment of renewable energy projects.

**Same, domestic content**

(2.1) Where the Minister has issued a direction under subsection (1), the Minister shall issue, and the OPA shall follow in preparing its feed-in tariff program, directions that set out the goals relating to domestic content to be achieved during the period to be covered by the program.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M**\_\_\_\_\_

**Section 10 of Schedule B to the Bill (subsection 26 (1.2) of the *Electricity Act, 1998*)**

I move that subsection 26 (1.2) of the *Electricity Act, 1998*, as set out in section 10 of Schedule B to the Bill, be amended by striking out “a regulation made under subsection (1.1)” and substituting “a regulation referred to in subsection (1.1)”.

42

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 10 of Schedule B to the Bill (subsection 26 (1.3) of the *Electricity Act, 1998*)**

I move that subsection 26 (1.3) of the *Electricity Act, 1998*, as set out in section 10 of Schedule B to the Bill, be amended by striking out “A regulation made under subsection (1.1)” and substituting “A regulation referred to in subsection (1.1)”.

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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M \_\_\_\_\_

**Section 15 of Schedule B to the Bill (subsection 144 (2) of the *Electricity Act, 1998*)**

I move that subsection 144 (2) of the *Electricity Act, 1998*, as set out in section 15 of Schedule B to the Bill, be amended by striking out "established by a municipal corporation".

→ LDC VIA AFFILIATE COMPANY PURSUE  
LARGE RENEWABLE PRODUCTS. (convert  
L. 8 ROTEW PA)  
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**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M\_\_\_\_\_

**Section 1 of Schedule D to the Bill (paragraph 3 of subsection 1 (1) of the *Ontario Energy Board Act, 1998*)**

I move that paragraph 3 of subsection 1 (1) of the *Ontario Energy Board Act, 1998*, as set out in section 1 of Schedule D to the Bill, be struck out and the following substituted:

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.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M\_\_\_\_\_

**Section 2 of Schedule D to the Bill (paragraph 5 of section 2 of the *Ontario Energy Board Act, 1998*)**

I move that paragraph 5 of section 2 of *Ontario Energy Board Act, 1998*, as set out in section 2 of Schedule D to the Bill, be struck out 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.

62

Government Motion  
v. 1

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Subsection 3 (1) of Schedule D to the Bill (section 3 of the *Ontario Energy Board Act, 1998*)**

I move that section 3 of *Ontario Energy Board Act, 1998*, as amended by subsection 3 (1) of Schedule D to the Bill, be amended by adding the following definition:

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



**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M \_\_\_\_\_

**Subsection 3 (3) of Schedule D to the Bill (section 3 of the *Ontario Energy Board Act, 1998*)**

I move that section 3 of the *Ontario Energy Board Act, 1998*, as amended by subsection 3 (3) of Schedule D to the Bill, be amended by adding the following definition:

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

**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**

**Motion to be moved in Committee**

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**M** \_\_\_\_\_

**Section 6 of Schedule D to the Bill (subsection 26.1 (1.1) and (1.2) of the *Ontario Energy Board Act, 1998*)**

I move that section 26.1 of the *Ontario Energy Board Act, 1998*, as set out in section 6 of Schedule D to the Bill, be amended by adding the following subsections:

**Assessments, collection by gas distributors and licensed distributors**

(1.1) Gas distributors and licensed distributors may collect the amounts assessed under subsection (1) from the consumers or classes of consumers as are prescribed by regulation and in the manner prescribed by regulation.

**Assessments, IESO**

(1.2) The IESO may collect the amounts assessed under subsection (1) from market participants or classes of market participants as are prescribed by regulation and in the manner prescribed by regulation.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 7 of Schedule D to the Bill (subsection 27.2 (5.1) of the *Ontario Energy Board Act, 1998*)**

I move that section 27.2 of the *Ontario Energy Board Act, 1998*, as set out in section 7 of Schedule D to the Bill be amended by adding the following subsection:

**Public reporting**

(5.1) To promote a culture of conservation and demand management, a directive may require the Board to specify, as a condition of a licence, that the licensee make public, by such means and at such time as specified in the directive, the steps that the licensee has taken to meet its targets and the results that have been achieved in meeting those targets.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M\_\_\_\_\_

**Section 9 of Schedule D to the Bill (section 56 of the *Ontario Energy Board Act, 1998*)**

I move that section 9 of Schedule D to the Bill be struck out and the following substituted:

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

**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 10 of Schedule D to the Bill (subsection 70 (1.1) of the *Ontario Energy Board Act, 1998*)**

I move that section 70 of the *Ontario Energy Board Act, 1998*, as amended by section 10 of Schedule D to the Bill, be amended by adding the following subsection:

**Approvals, etc., with or without holding hearing**

(1.1) The Board may, with or without a hearing, grant an approval, consent or make a determination that may be required for any of the matters provided for in a licensee's licence.

**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Subsection 12 (2) of Schedule D to the Bill (subsection 78 (3.0.5) of the *Ontario Energy Board Act, 1998*)**

I move that section 78 of the *Ontario Energy Board Act, 1998*, as amended by subsection 12 (2) of Schedule D to the Bill, be amended by adding the following subsection:

**Methods re incentives for recovery of costs or recovery of costs**

(3.0.5) The Board may, in approving or fixing just and reasonable rates or in exercising the power set out in clause 70 (2) (e), adopt methods that provide incentives for the recovery of costs or that provide for the recovery of costs incurred or to be incurred by a transmitter or a distributor in relation to the siting, design and construction of an expansion, reinforcement or other upgrade to the transmitter's transmission system or the distributor's distribution system.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Subsection 12 (3) of Schedule D to the Bill (subsection 78 (6) of the *Ontario Energy Board Act, 1998*)**

I move that section 12 of Schedule D to the Bill be amended by adding the following subsection:

**(3) Subsection 78 (6) of the Act is repealed and the following substituted:**

**Conditions, etc.**

(6) An order under this section may include conditions, classifications or practices applicable to the Smart Metering Entity in respect of meeting its obligations to an activity prescribed for the purposes of subsection (3) and to the transmission, distribution or retailing of electricity, including rules respecting the calculation of rates.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M**\_\_\_\_\_

**Section 15 of Schedule D to the Bill (clause 88 (1) (g.3.2) of the *Ontario Energy Board Act, 1998*)**

I move that clause 88 (1) (g.3.2) of the *Ontario Energy Board Act, 1998*, as set out in section 15 of Schedule D to the Bill, be struck out and the following substituted:

(g.3.2) governing,

- (i) the capacity of a renewable energy generation facility referred to in clause 71 (3) (a) and criteria for a renewable energy generation facility for the purposes of clause 71 (3) (a),
- (ii) criteria for a generation facility that uses technology that produces power and thermal energy from a single source for the purposes of clause 71 (3) (b), and
- (iii) criteria for an energy storage facility for the purposes of clause 71 (3) (c);



**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 16.2 of Schedule D to the Bill (paragraph 6 of subsection 107 (2) of the *Ontario Energy Board Act, 1998*)**

I move that Schedule D to the Bill be amended by adding the following section:

**16.2 Paragraph 6 of subsection 107 (2) of the Act is amended by striking out “78.4” and substituting “78.5”.**

**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 1 of Schedule F to the Bill (subsection 58.1 (3) of the *Environmental Bill of Rights, 1993*)**

I move that subsection 58.1 (3) of the *Environmental Bill of Rights, 1993*, as set out in Schedule F to the Bill, be amended by striking out “in the first half of 2010” and substituting “before the end of 2010”.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 1 of Schedule F to the Bill (subsection 58.1 (2.1) of the *Environmental Bill of Rights, 1993*)**

I move that section 58.1 of the *Environmental Bill of Rights, 1993*, as set out in section 1 of Schedule F to the Bill, be amended by adding the following subsection:

**Powers**

(2.1) In addition to his or her powers under section 60, the Environmental Commissioner may, for the purpose of this section, require any of the following persons to prepare and submit to the Commissioner, within such time as is specified by the Commissioner, a report containing such information as is specified by the Commissioner:

1. The Ontario Energy Board.
2. The Ontario Power Authority.
3. The Independent Electricity System Operator.
4. The Smart Metering Entity within the meaning of the *Electricity Act, 1998*.
5. A generator, transmitter or distributor, as those terms are defined in the *Electricity Act, 1998*.
6. A gas distributor, gas transmitter, producer or storage company, as those terms are defined in the *Ontario Energy Board Act, 1998*.
7. Any other prescribed person or class of persons.

**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 1 of Schedule F to the Bill (subsection 58.2 (2.1) of the *Environmental Bill of Rights, 2003*)**

I move that section 58.2 of the *Environmental Bill of Rights, 1993*, as set out in section 1 of Schedule F to the Bill, be amended by adding the following subsection:

**Powers**

(2.1) In addition to his or her powers under section 60, the Environmental Commissioner may, for the purpose of this section, require a prescribed person or class of persons to prepare and submit to the Commissioner, within such time as is specified by the Commissioner, a report containing such prescribed information as is specified by the Commissioner.

**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M**\_\_\_\_\_

**Subsection 4 (1) of Schedule G to the Bill (subsection 47.7 (1) of the *Environmental Protection Act*)**

I move that subsection 47.7 (1) of the *Environmental Protection Act*, as set out in subsection 4 (1) of Schedule G to the Bill, be struck out and the following substituted:

**Policies, renewable energy approvals**

**47.7 (1)** The Minister may, in writing, issue, amend or revoke policies in respect of renewable energy approvals.

**Same**

(1.1) A policy or the amendment or revocation of a policy takes effect on the later of the following days:

1. The day that notice of the policy, amendment or revocation, as the case may be, is given in the environmental registry established under the *Environmental Bill of Rights, 1993*.
2. The effective day specified in the policy, amendment or revocation, as the case may be.

**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****Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M**\_\_\_\_\_

**Section 9 of Schedule G to the Bill (section 142.1 of the *Environmental Protection Act*)**

I move that section 142.1 of the *Environmental Protection Act*, as set out in section 9 of Schedule G to the Bill, be struck out and the following substituted:

**Hearing re renewable energy approval**

**142.1** (1) This section applies to a person resident in Ontario who is not entitled under section 139 to require a hearing by the Tribunal in respect of a decision made by the Director under section 47.5.

**Same**

(2) A person mentioned in subsection (1) may, by written notice served upon the Director and the Tribunal within 15 days after a day prescribed by the regulations, require a hearing by the Tribunal in respect of a decision made by the Director under clause 47.5 (1) (a) or subsection 47.5 (2) or (3).

**Grounds for hearing**

(3) A person 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,

- (a) serious harm to human health; or
- (b) serious and irreversible harm to plant life, animal life or the natural environment.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 10 of Schedule G to the Bill (clause 142.2 (1) (a) of the *Environmental Protection Act*)**

I move that clause 142.2 (1) (a) of the *Environmental Protection Act*, as set out in section 10 of Schedule G to the Bill, be struck out and the following substituted:

- (a) a description of how engaging in the renewable energy project in accordance with the renewable energy approval will cause,
  - (i) serious harm to human health, or
  - (ii) serious and irreversible harm to plant life, animal life or the natural environment;

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 13 of Schedule G to the Bill (subsections 145.2.1 (2) to (5) of the *Environmental Protection Act*)**

I move that subsections 145.2.1 (2) to (5) of the *Environmental Protection Act*, as set out in section 13 of Schedule G to the Bill, be struck out and the following substituted:

**What Tribunal must consider**

(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,

- (a) serious harm to human health; or
- (b) serious and irreversible harm to plant life, animal life 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 harm referred to in clause (2) (a) or (b).

**Powers of Tribunal**

(4) If the Tribunal determines that engaging in the renewable energy project in accordance with the renewable energy approval will cause harm referred to in clause (2) (a) or (b), the Tribunal may,

- (a) revoke the decision of the Director;



- (b) by order direct the Director to take such action as the Tribunal considers the Director should take in accordance with this Act and the regulations; or
- (c) alter the decision of the Director, and, for that purpose, the Tribunal may substitute its opinion for that of the Director.

**Same**

(5) The Tribunal shall confirm the decision of the Director if the Tribunal determines that engaging in the renewable energy project in accordance with the renewable energy approval will not cause harm described in clause (2) (a) or (b).

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Subsection 20 (2) of Schedule G to the Bill (clause 176 (4.1) (d) of the *Environmental Protection Act*)**

I move that clause 176 (4.1) (d) of the *Environmental Protection Act*, as set out in subsection 20 (2) of Schedule G to the Bill, be struck out and the following substituted:

- (d) governing the location of renewable energy generation facilities, including prohibiting or regulating the construction, installation, use, operation or changing of renewable energy generation facilities in parts of Ontario;

**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****Motion to be moved in Committee**

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**M** \_\_\_\_\_

**Subsection 20 (3) of Schedule G to the Bill (subsections 176 (9.1) and (9.2) of the *Environmental Protection Act*)**

I move that subsection 176 (9.1) of the *Environmental Protection Act*, as set out in subsection 20 (3) of Schedule G to the Bill, be struck out and the following substituted:

**Regulations relating to Part XIII**

(9.1) The Lieutenant Governor in Council may make regulations relating to Part XIII,

- (a) 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;
- (b) providing that section 142.1 does not apply in respect of a renewable energy approval, or prescribing circumstances in which section 142.1 does not apply in respect of a renewable energy approval, if,
  - (i) under Part II or II.1 of the *Environmental Assessment Act*, the holder of the renewable energy approval is authorized to proceed with the renewable energy project or was authorized, immediately before Part V.0.1 of this Act came into force, to proceed with the project,
  - (ii) pursuant to an exempting regulation made under the *Environmental Assessment Act*, a statement of completion in respect of the renewable energy project was filed with the Director appointed under that Act before Part V.0.1 of this Act came into force, or

- (iii) all the approvals, permits and other instruments required under this Act and the *Ontario Water Resources Act* to engage in the renewable energy project were obtained before Part V.0.1 of this Act came into force.

**Same**

(9.2) A regulation made under clause (9.1) (a) may provide that it prevails over a provision of the *Statutory Powers Procedure Act*, despite anything in that Act.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Subsection 4 (0.1) of Schedule H to the Bill (clause 75 (1.2) (b) of the *Ontario Water Resources Act*)**

I move that section 4 of Schedule H to the Bill be amended by adding the following subsection:

**(0.1) Clause 75 (1.2) (b) of the Act, as re-enacted by subsection 1 (18) of the *Safeguarding and Sustaining Ontario's Water Act, 2007*, is repealed and the following substituted:**

- (b) governing the implementation of the provisions listed in subsection (1.3) and,
  - (i) prescribing requirements that apply to the Director under section 34.1 for the purpose of implementing the provisions listed in subsection (1.3) and specifying which decisions of the Director that are subject to the prescribed requirements are also subject to sections 34.10 and 34.11, and
  - (ii) prescribing requirements that apply to the Director under section 47.5 of the *Environmental Protection Act* for the purpose of implementing the provisions listed in subsection (1.3) and specifying which decisions of the Director that are subject to the prescribed requirements are also subject, with necessary modifications, to sections 34.10 and 34.11;

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Section 5 of Schedule H to the Bill**

I move that section 5 of Schedule H to the Bill be amended by,

- (a) striking out “Subject to subsection (2)” at the beginning of subsection (1) and substituting “Subject to subsections (2) and (3)”; and
- (b) adding the following subsection:

**(3) Subsection 4 (0.1) 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 (18) of the *Safeguarding and Sustaining Ontario’s Water Act, 2007* comes into force.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Schedule J, subsection 1 (1) (clause 34 (5) (a) of *Building Code Act, 1992*)**

I move that subsection 1 (1) of Schedule J to the Bill be amended by striking out “energy conservation” and substituting “energy and water conservation”.

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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M \_\_\_\_\_

**Schedule K, section 1 (subsection 1 (1) of *Planning Act*)**

I move that section 1 of Schedule K to the Bill be struck out and the following substituted:

**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”)

“renewable energy testing facility” has the same meaning as in the *Green Energy Act, 2009*; (“ ”)

“renewable energy testing project” has the same meaning as in the *Green Energy Act, 2009*; (“ ”)

“renewable energy undertaking” means a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project; (“ ”)



**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M\_\_\_\_\_

**Schedule K, subsection 2 (1) (clause 50 (3) (d.1) of *Planning Act*)**

I move that clause 50 (3) (d.1) of the *Planning Act*, as set out in Schedule K to the Bill, be amended by striking out “40 years” and substituting “50 years”.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

M\_\_\_\_\_

**Schedule K, subsection 2 (2) (clause 50 (5) (c.1) of *Planning Act*)**

I move that clause 50 (5) (c.1) of the *Planning Act*, as set out in subsection 2 (2) of Schedule K to the Bill, be amended by striking out “40 years” and substituting “50 years”.

**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**

**Motion to be moved in Committee**

(On peut obtenir la version française de cette motion auprès du greffier.)

**M** \_\_\_\_\_

**Schedule K, section 3 (section 62.0.2 of *Planning Act*)**

I move that section 62.0.2 of the *Planning Act*, as set out in section 3 of Schedule K to the Bill, be struck out and the following substituted:

**Renewable energy undertakings**

**Policy statements and provincial plans**

**62.0.2** (1) Despite any Act or regulation, the following do not apply to a renewable energy undertaking, except in relation to a decision under section 28 or Part VI:

1. A policy statement issued under subsection 3 (1).
2. A provincial plan, subject to subsection (2).

**Exception**

(2) Subsection (1) does not apply in respect of,

- (a) the Niagara Escarpment Plan;
- (b) another provincial plan, if the provincial plan is prescribed for the purposes of this subsection; or
- (c) a provision of another provincial plan, if the provision is prescribed for the purposes of this subsection.

**Official plans**

(3) For greater certainty, an official plan does not affect a renewable energy undertaking.

**Same**

- (4) Section 24 does not apply to,
- (a) the undertaking of a public work that is a renewable energy undertaking or is intended to facilitate or support a renewable energy undertaking ;
  - (b) the passing of a by-law with respect to a public work described in clause (a); or
  - (c) the passing of a by-law that is intended to facilitate or support a renewable energy undertaking.

**Demolition control area**

(5) A by-law passed under section 33 does not apply to a renewable energy undertaking.

**By-laws and orders under Part V**

(6) A by-law or order passed or made under Part V does not apply to a renewable energy undertaking.

**Transition, existing agreements**

(7) An agreement that is entered into under Part V before the day subsection 4 (1) of Schedule G to the *Green Energy and Green Economy Act, 2009* comes into force applies to a renewable energy project, and to any related renewable energy testing facility and renewable energy testing project, until the day a renewable energy approval is issued under section 47.5 of the *Environmental Protection Act* in relation to the renewable energy project.

**Development permit system**

(8) A regulation or by-law made or passed under section 70.2 does not apply to a renewable energy undertaking.

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

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

***Ontario Planning and Development Act, 1994, s. 17***

(10) An order made under section 17 of the *Ontario Planning and Development Act, 1994* does not apply to a renewable energy undertaking.