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Bill 34

**An Act to repeal the Green Energy Act, 2009 and to amend the
Electricity Act, 1998, the Environmental Protection Act, the
Planning Act and various other statutes**

The Hon. G. Rickford

Minister of Energy, Northern Development and Mines

Government Bill

1st Reading September 20, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill repeals the *Green Energy Act, 2009* and re-enacts various provisions of that Act in the *Electricity Act, 1998*. The re-enacted provisions include the following:

1. Provisions that authorize the Lieutenant Governor in Council to do the following by regulation: designate goods, services and technologies in order to promote energy conservation; designate renewable energy projects, renewable energy sources or renewable energy testing projects for specified purposes; require a public agency or a prescribed person to prepare and submit to the Ministry an energy conservation and demand management plan; and require the reporting of information, including information in respect of energy consumption and water use.
2. Provisions restricting the sale or lease of appliances or products that do not meet the prescribed efficiency standards or requirements and restricting the labelling or marking of appliances and products.
3. Provisions requiring energy providers to make energy data available in accordance with the regulations.

The Bill also amends various other Acts. Some of those amendments are consequential to the repeal of the *Green Energy Act, 2009*. In addition, the *Environmental Protection Act* is amended to authorize the Lieutenant Governor in Council to make regulations prohibiting the issue or renewal of renewable energy approvals in prescribed circumstances, which may include circumstances in which the demand for the electricity that would be generated as part of engaging in the renewable energy project has not been demonstrated in accordance with the regulations.

The amendments to the *Planning Act* include the following:

1. The definitions of “renewable energy project”, “renewable energy testing facility” and “renewable energy testing project” in subsection 1 (1) of the Act are amended to provide that these terms have the same meaning as in the *Electricity Act, 1998*.
2. New clause 22 (7.2) (d) provides that there is no appeal to the Local Planning Appeal Tribunal in respect of a refusal or failure to adopt or approve requested amendments to an official plan that propose to authorize a renewable energy undertaking (defined as a renewable energy generation facility, project, testing facility or testing project). New subsection 34 (11.0.7) provides that there is no appeal to the Local Planning Appeal Tribunal in respect of all or any part of an application for an amendment to a zoning by-law passed under section 34 if the amendment or part of the amendment proposes to permit a renewable energy undertaking. These new provisions do not apply to an appeal by the Minister of Municipal Affairs and Housing.
3. Clauses 50 (3) (d.1) and 50 (5) (c.1) are repealed. These provisions exempt from subdivision control and part-lot control under section 50 certain transactions entered into for the purposes of renewable energy generation facilities or renewable energy projects.
4. Section 62.0.2 is repealed. That section provides that the following do not apply to renewable energy undertakings: policy statements and provincial plans, with certain exceptions; section 24, which requires public works and by-laws to conform with official plans; demolition control by-laws under section 33; zoning by-laws and related by-laws and orders under Part V; development permit regulations and by-laws under section 70.2; by-laws under section 113 or 114 of the *City of Toronto Act, 2006*; and orders under section 17 of the *Ontario Planning and Development Act, 1994*.
5. Section 70.9 is added to give the Lieutenant Governor in Council the power to make transition regulations in connection with amendments to the Act made by the Bill, including a regulation that provides that, despite its repeal, section 62.0.2 applies to specified renewable energy undertakings or in specified circumstances. New section 70.9 also sets out immunity provisions related to the repeal of section 62.0.2 and the making or revocation of transition regulations under section 70.9.

An Act to repeal the Green Energy Act, 2009 and to amend the Electricity Act, 1998, the Environmental Protection Act, the Planning Act and various other statutes

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

ELECTRICITY ACT, 1998

1 (1) The definition of “Minister” in subsection 2 (1) of the *Electricity Act, 1998* is amended by striking out “Minister of Energy” and substituting “Minister of Energy, Northern Development and Mines”.

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

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

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

“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; (“installation d’évaluation du potentiel en énergie renouvelable”)

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

2 The Act is amended by adding the following Part:

**PART II.3
CONSERVATION AND ENERGY EFFICIENCY**

Definition

25.34 In this Part,

“Ministry” means the ministry of the Minister.

Permissive designation of goods, services and technologies

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

Effect of designation

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

Same

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

Exception

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

Permissive designation of renewable energy projects, etc.

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

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

Effect of designation

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

Same

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

Exception

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

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

Public agency, energy conservation and demand management plan**Definition**

25.35.2 (1) In this section and section 25.35.3,

“public agency” means a ministry of the Government of Ontario or an entity, including a municipality, or class of entities that is prescribed by regulation as a public agency.

Plan

(2) The Lieutenant Governor in Council may, by regulation, require a public agency to prepare and submit to the Ministry an energy conservation and demand management plan.

Requirements

(3) The energy conservation and demand management plan must comply with any requirements prescribed by regulation and must include the following information:

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

Specified targets and standards, public agencies

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

Implementation and publication

(5) The public agency shall,

- (a) implement the energy conservation and demand management plan and comply with any requirements prescribed by regulation respecting the implementation of the plan; and
- (b) publish the plan in accordance with any requirements prescribed by regulation.

Joint plans

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

Effect

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

Prescribed person, reporting of energy consumption and water use

25.35.3 (1) The Lieutenant Governor in Council may, by regulation,

- (a) require a person prescribed by regulation, other than a public agency, to report to the Ministry, in the manner prescribed by regulation, energy consumption, water use, ratings or other performance metrics in respect of energy consumption and water use and such additional information as may be prescribed by regulation in respect of each of the person's properties prescribed by regulation;
- (b) prescribe circumstances in which the Minister may request that a person mentioned in clause (a) undertake verification, in the manner prescribed by regulation, of any information required to be reported under a regulation made under clause (a) or under a notice published under subsection (4); and
- (c) require a person mentioned in clause (a) to comply with a request by the Minister under clause (b).

Manner of reporting

(2) For the purposes of clause (1) (a), the regulations may require reporting through the use of a reporting system prescribed by regulation, including an electronic reporting system administered by a third party and a reporting system that generates ratings or other performance metrics in respect of energy consumption and water use.

Verification

(3) For the purposes of clause (1) (b), the regulations may specify that the verification must be conducted by a person prescribed by regulation.

Minister's notice, additional requirements

(4) The Minister may, by publishing notice in the registry under the *Environmental Bill of Rights, 1993*, require a person prescribed by regulation under clause (1) (a) to report to the Ministry, in the manner prescribed by regulation, energy consumption, water use, ratings or other performance metrics in respect of energy consumption and water use and any additional information in respect of each of the person's properties prescribed by regulation.

Same

(5) A notice published under subsection (4) may incorporate another document by reference and may provide that the reference to the document includes amendments made to the document from time to time after the notice is published.

Prescribed person, energy conservation and demand management plan

25.35.4 (1) The Lieutenant Governor in Council may, by regulation, require a person prescribed by regulation to prepare and submit to the Ministry an energy conservation and demand management plan.

Same

(2) A regulation under subsection (1) may require that the person,

- (a) prepare the plan in circumstances prescribed by regulation and in accordance with requirements prescribed by regulation; and
- (b) make the plan available to the public in accordance with requirements prescribed by regulation.

Minister may publish information

25.35.5 (1) Despite any other Act, the Minister may,

- (a) make available to the public any of the information required to be reported or submitted to the Ministry under sections 25.35.3 and 25.35.4; and
- (b) share any of the information required to be reported or submitted to the Ministry under sections 25.35.3 and 25.35.4 with another Ministry or agency of the Government of Ontario, or such other persons or entities as may be prescribed by regulation for the purposes of this section.

Information supplied in confidence

(2) If the Minister has not made information available to the public under clause (1) (a), the information is deemed, for the purposes of section 17 of the *Freedom of Information and Protection of Privacy Act*, to have been supplied in confidence to the Minister.

Distributors, requirement to provide information

Definition

25.35.6 (1) In this section,

“distributor” means,

- (a) a distributor within the meaning of section 3 of the *Ontario Energy Board Act, 1998*,

- (b) a gas distributor within the meaning of section 3 of the *Ontario Energy Board Act, 1998*, or
- (c) an owner or operator of a water works within the meaning of subsection 1 (1) of the *Ontario Water Resources Act*.

Information to be provided

(2) A distributor that has been prescribed by regulation for the purposes of this section shall, upon receiving a request from a person who is required to report under section 25.35.3 or to prepare a plan under section 25.35.4 in respect of a property that meets criteria prescribed by regulation, make available to that person, in the manner prescribed by regulation, information prescribed by regulation with respect to the consumption or use of electricity, gas or water distributed by the distributor to the property.

Same

(3) The requirements in subsection (2) are subject to any conditions prescribed by regulation.

Energy efficiency and efficient use of water

Definition

25.35.7 (1) In this section,

“prescribed appliance or product” means an appliance or product that has been prescribed by regulation.

Appliances and products, efficiency standards

- (2) No person shall offer for sale, sell or lease a prescribed appliance or product unless,
 - (a) the appliance or product meets the efficiency standard or requirement that has been prescribed by regulation with respect to the appliance or product; and
 - (b) a label or other marking prescribed by regulation that confirms compliance with the efficiency standard or requirement that has been prescribed by regulation with respect to the appliance or product is affixed to the appliance or product or provided with the appliance or product in the manner prescribed by regulation and under the circumstances prescribed by regulation.

Labels

(3) No person shall affix to or provide with a prescribed appliance or product a label or other prescribed marking prescribed by regulation unless the appliance or product meets the efficiency standard or requirement that has been prescribed by regulation with respect to the appliance or product.

Application of subs. (2)

- (4) Subsection (2) does not apply to,
 - (a) an appliance or product that is manufactured on or before a date prescribed by regulation and that is sold or leased on or before a date prescribed by regulation; or
 - (b) a person who is not in the business of offering for sale, selling or leasing prescribed appliances or products.

Energy data

Definitions

25.35.8 (1) In this section,

“account holder” means a person or entity who has an account with an energy provider; (“détenteur de compte”)

“energy” means electricity and such other types of energy prescribed by regulation for the purposes of this section; (“énergie”)

“energy data” means such types or classes of data related to the consumption of energy as may be prescribed by regulation and such other data as may be prescribed by regulation; (“données énergétiques”)

“energy provider” means such persons or entities prescribed by regulation for the purposes of this section. (“fournisseur d’énergie”)

Requirement to make energy data available

(2) On and after the date prescribed by regulation, every energy provider shall, in accordance with the regulations, make the energy data in respect of an account holder available to the account holder or to such other persons or entities as may be authorized by the account holder.

Procurement

(3) If an energy provider enters into a procurement process, contract or arrangement in relation to the acquisition or development of systems or technology to meet the requirements of subsection (2), the procurement process, contract or arrangement shall meet such criteria or requirements as may be prescribed by regulation.

Additional requirements

(4) In addition to the matters set out in this section, an energy provider shall comply with such other requirements as may be prescribed by regulation for the purposes of this section.

Extension of time

(5) The Board may, in the circumstances prescribed by regulation and subject to the requirements prescribed by regulation, with or without a hearing, extend the time period for when an energy provider must comply with subsection (2).

Reports

(6) An energy provider shall submit to the Board or to the Minister such reports and information as the Board or the Minister, as the case may be, may require from time to time.

Regulations

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

Same

- (2) In addition to regulations mentioned in subsection (1), the Lieutenant Governor in Council may make regulations,
- (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;
 - (b) 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;
 - (c) governing everything required under or provided for in or that may be prescribed under sections 25.35.2, 25.35.3 and 25.35.4, including,
 - (i) the periods that may be covered by plans and reports required under those sections and the intervals for which the plans and reports are required,
 - (ii) the submission of the plans, reports and other documents to the Ministry,
 - (iii) circumstances in which two or more buildings or structures may be treated as a single property for the purposes of clause 25.35.3 (1) (a),
 - (iv) generally governing how those sections are to be complied with;
 - (d) governing circumstances in which two or more buildings or structures may be treated as a single property for the purposes of section 25.35.6;
 - (e) with respect to prescribed appliances or products within the meaning of section 25.35.7,
 - (i) prescribing energy efficiency standards or requirements for the appliances or products,
 - (ii) prescribing water efficiency standards or requirements for the appliances or products that consume energy,
 - (iii) regulating the installation, testing, maintenance and repair of the appliances and products,
 - (iv) designating persons or organizations to test the prescribed appliances and products,
 - (v) providing for the placing of a prescribed label or mark on or with the appliances and products,
 - (vi) prescribing the contents of labels or marks that may be placed on or with the prescribed appliances and products,
 - (vii) prescribing fees to be paid to designated persons or organizations for the testing or labelling of the appliances and products and prescribing by whom the fees shall be paid,
 - (viii) providing for information to be reported by persons who manufacture, offer for sale, sell or lease the prescribed appliances or products, including the frequency, time and manner for reporting,
 - (ix) governing the keeping of information, records and documents by persons who manufacture, offer for sale, sell or lease prescribed appliances or products;
 - (f) governing everything required under or that may be prescribed under section 25.35.8 and generally how that section is to be complied with, including,

- (i) prescribing types or classes of energy data, including prescribing different types or classes of energy data for different types or classes of energy or for different energy providers or classes of energy providers,
- (ii) specifying or clarifying the meaning of “account holder” in section 25.35.8,
- (iii) governing the manner in which energy data must be made available by energy providers,
- (iv) prescribing requirements relating to how an account holder may authorize another person or entity to receive energy data,
- (v) prescribing criteria or requirements that the procurement process, contract or arrangement must meet for the purpose of subsection 25.35.8 (3),
- (vi) governing certification requirements relating to the implementation of the requirements under subsection 25.35.8 (2), including requiring energy providers to obtain a certification, prescribing the manner in which such certification may be obtained, the persons or entities that are authorized to provide the certification and any fees to be paid to those persons or entities for the certification,
- (vii) governing extensions of time that may be granted to energy providers by the Board under subsection 25.35.8 (5), including prescribing the maximum period for which an extension may be granted and the circumstances in which an extension may be granted,
- (viii) requiring and governing reports and information that energy providers or other persons or entities must provide to the Minister, to the Board or to other persons or entities, including prescribing the manner and form in which reports or information must be provided.

Incorporation of documents

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

Classes of persons, etc.

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

Exemptions, etc.

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

Regulations, transition

25.35.10 The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of amendments to this Act arising from the enactment of the *Green Energy Repeal Act, 2018* and to facilitate its implementation.

AMENDMENTS TO OTHER ACTS

Conservation Authorities Act

3 (1) Subsection 28 (13.1) of the *Conservation Authorities Act* is amended by striking out “section 1 of the *Green Energy Act, 2009*” in the portion before clause (a) and substituting “subsection 2 (1) of the *Electricity Act, 1998*”.

(2) Subsection 28.1 (6) of the Act is amended by striking out “subsection 1 (1) of the *Green Energy Act, 2009*” in the portion before clause (a) and substituting “subsection 2 (1) of the *Electricity Act, 1998*”.

Environmental Protection Act

4 (1) The definition of “renewable energy project” in subsection 1 (1) of the *Environmental Protection Act* is amended by striking out “*Green Energy Act, 2009*” and substituting “*Electricity Act, 1998*”.

(2) Subsection 176 (4.1) of the Act is amended by adding the following clause:

- (e.1) prohibiting the issue or renewal of renewable energy approvals in prescribed circumstances, which may include circumstances in which the demand for the electricity that would be generated as part of engaging in the renewable energy project has not been demonstrated in accordance with the regulations;

Ministry of Natural Resources Act

5 Section 13.2 of the *Ministry of Natural Resources Act* is amended by striking out “section 1 of the *Green Energy Act, 2009*” and substituting “subsection 2 (1) of the *Electricity Act, 1998*”.

Niagara Escarpment Planning and Development Act

6 Subsection 19 (2.1) of the *Niagara Escarpment Planning and Development Act* is repealed and the following substituted:

Definition of utility

(2.1) On the day section 6 of the *Green Energy Repeal Act, 2018* 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 *Electricity Act, 1998*, 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:

- (a) the establishment of a new waste disposal site;
- (b) 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);
- (c) incineration facilities (including energy from waste facilities); or
- (d) large scale packer and/or recycling plants or similar uses.

Ontario Energy Board Act, 1998

7 (1) Clause (c.3) of the definition of “enforceable provision” in section 3 of the *Ontario Energy Board Act, 1998* is repealed and the following substituted:

(c.3) section 25.35.8 of the *Electricity Act, 1998* or a provision of a regulation made under that section,

(2) Subsection 26.1 (1) of the Act is amended by striking out “the *Green Energy Act, 2009*” in the portion before paragraph 1.

Planning Act

8 (1) The definition of “renewable energy project” in subsection 1 (1) of the *Planning Act* is amended by striking out “*Green Energy Act, 2009*” and substituting “*Electricity Act, 1998*”.

(2) The definition of “renewable energy testing facility” in subsection 1 (1) of the Act is amended by striking out “*Green Energy Act, 2009*” and substituting “*Electricity Act, 1998*”.

(3) The definition of “renewable energy testing project” in subsection 1 (1) of the Act is amended by striking out “*Green Energy Act, 2009*” and substituting “*Electricity Act, 1998*”.

(4) Section 22 of the Act is amended by adding the following subsection:

Exception re Minister

(7.1.1) Subsection (7.1) does not apply to an appeal by the Minister in respect of an amendment described in clause (7.2) (d).

(5) Subsection 22 (7.2) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:

- (d) authorize a renewable energy undertaking.

(6) Section 34 of the Act is amended by adding the following subsections:

No appeal re renewable energy undertakings

(11.0.7) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to permit a renewable energy undertaking.

Exception re Minister

(11.0.8) Subsection (11.0.7) does not apply to an appeal by the Minister.

(7) Clause 50 (3) (d.1) of the Act is repealed.

(8) Clause 50 (5) (c.1) of the Act is repealed.

(9) Section 62.0.2 of the Act is repealed.

(10) The Act is amended by adding the following section:

Regulations re transitional matters, 2018 amendments

70.9 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by the *Green Energy Repeal Act, 2018*.

Same

(2) A regulation made under subsection (1) may, without limitation, provide that, despite its repeal by subsection 8 (9) of the *Green Energy Repeal Act, 2018*, section 62.0.2 of this Act as it reads immediately before its repeal applies, for a specified period of time and with necessary modifications, to specified renewable energy undertakings or specified classes of renewable energy undertakings or in specified circumstances.

Conflict

(3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Retroactive effect

(4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed.

No cause of action

(5) No cause of action arises as a direct or indirect result of,

- (a) the repeal of section 62.0.2;
- (b) the making or revocation of any provision of a regulation made under this section;
- (c) anything done or not done under this section or a regulation made under it; or
- (d) any by-law or order that applies to any person as a direct or indirect result of anything referred to in clauses (a) to (c).

No remedy

(6) No costs, compensation, other than any compensation provided for under a regulation under subsection (1), or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort, misfeasance, bad faith, trust or fiduciary obligation, is available to any person in connection with anything referred to in subsection (5).

Proceedings barred

(7) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, tort, misfeasance, bad faith, trust or fiduciary obligation, that is directly or indirectly based on or related to anything referred to in subsection (5) may be brought or maintained against any person.

Application

(8) Subsection (7) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief, and includes a proceeding to enforce a judgment or order made by a court or tribunal outside of Canada.

Retrospective effect

(9) Subsections (7) and (8) apply regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day subsection 8 (10) of the *Green Energy Repeal Act, 2018* comes into force.

Proceedings set aside

(10) Any proceeding referred to in subsection (7) or (8) that is commenced before the day subsection 8 (10) of the *Green Energy Repeal Act, 2018* comes into force is deemed to have been dismissed, without costs, on the day that provision comes into force.

No expropriation or injurious affection

(11) Nothing referred to in subsection (5) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Person defined

(12) In this section,

“person” includes the Crown and its employees and agents, members of the Executive Council and municipalities and their employees and agents.

Water Opportunities Act, 2010

9 Subsection 37 (7) of the *Water Opportunities Act, 2010* is amended by striking out “section 6 of the *Green Energy Act, 2009*” at the end and substituting “section 25.35.2 of the *Electricity Act, 1998*”.

REPEAL, REVOCATION, COMMENCEMENT AND SHORT TITLE**Repeal of *Green Energy Act, 2009***

10 The *Green Energy Act, 2009* is repealed.

Revocation of regulations

11 The following regulations are revoked:

1. Ontario Regulation 20/17.
2. Ontario Regulation 404/12.
3. Ontario Regulation 397/11.
4. Ontario Regulation 15/10.
5. Ontario Regulation 329/09.
6. Ontario Regulation 97/08.

Commencement

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

(2) Subsection 4 (2) comes into force on the day this Act receives Royal Assent.

Short title

13 The short title of this Act is the *Green Energy Repeal Act, 2018*.