

**Caution:**

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

**ONTARIO REGULATION**

made under the

**ENVIRONMENTAL PROTECTION ACT**

Amending O. Reg. 359/09

(RENEWABLE ENERGY APPROVALS UNDER PART V.0.1 OF THE ACT)

**1. Subsection 1 (1) of Ontario Regulation 359/09 is amended by adding the following definition:**

“parcel of land” means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under section 50 of the *Planning Act*;

**2. (1) Clause 12 (1) (b) of the Regulation is amended by,**

**(a) striking out “or” at the end of subclause (i);**

**(b) striking out “and” at the end of subclause (ii) and substituting “or”; and**

**(c) adding the following subclause:**

(iii) are required under section 57.2 to be submitted as part of the application;  
and

**3. Section 15.1 of the Regulation is amended by adding “and subsection 57.2 (1)” after “subclauses 12 (1) (b) (i) and (ii)”.**

**4. Paragraph 1 of subsection 16 (6) of the Regulation is amended by striking out “23 (3) (a), 28 (3) (b) and (c)” at the end and substituting “23 (3) (a), 28 (3) (b) and (c) and subsection 57.2 (1)”**

**5. Subparagraph 3 i of subsection 17 (1) of the Regulation is amended by adding “and subsection 57.2 (1)” at the end.**

**6. Subsection 32.2 (2) of the Regulation is amended by adding the following paragraph:**

4. If the application relates to a change that would not take place on the same parcel or parcels of land on which the project was approved to be engaged in, written confirmation from the following bodies that the proposed change does not result in a use of land at the project location that is prohibited by a zoning by-law or zoning order under Part V of the *Planning Act*:
  - i. Any local municipality in which the project location is situated.
  - ii. Any planning board that has jurisdiction in an area without municipal organization in which the project location is situated.
  - iii. The Ministry of Municipal Affairs and Housing, if the project location is situated in an area without municipal organization and no planning board has jurisdiction in respect of that location.

**7. The Regulation is amended by adding the following Part:**

**PART VI.1  
RENEWABLE ENERGY APPROVALS - CIRCUMSTANCES IN WHICH ISSUING  
PROHIBITED**

**Application of Part**

**57.1** This Part applies to a person, other than a person to whom Part IV.1 applies, who proposes to engage in a renewable energy project in respect of which the issue of a renewable energy approval is required.

**No conformity with zoning by-laws, orders**

**57.2 (1)** No renewable energy approval shall be issued in respect of a renewable energy project unless the person who proposes to engage in the renewable energy project submits to the Director in accordance with subsection (2) written confirmation prepared as described in

subsection (3) that the proposed use of land at the project location is not prohibited by a zoning by-law or zoning order under Part V of the *Planning Act*.

(2) The documentation must be submitted as part of the application or as otherwise requested by the Director.

(3) The written confirmation must be prepared by,

- (a) any local municipality in which the project location is situated;
- (b) any planning board that has jurisdiction in an area without municipal organization in which the project location is situated; and
- (c) the Ministry of Municipal Affairs and Housing, if the project location is situated in an area without municipal organization and no planning board has jurisdiction in respect of that location.

## **Commencement**

### **8. [commencement]**