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Green Energy Act Repealed and Municipal Powers to Oppose Renewable Energy Reinstated

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The Ontario government has introduced Bill 34, which would repeal the *Green Energy Act, 2009*.

The new legislation, introduced on September 20, 2018, maintains the right of the government to enact regulations to promote renewable energy in the future. However, the current intention to restrict renewable energy development in the province is evident in the following:

- the right to enact regulations under the *Environmental Protection Act* to prohibit the issuance or renewal of renewable energy approvals (such as where the demand for electricity has not been demonstrated)
- the revocation of restrictions under the *Planning Act*, which had prevented municipalities from implementing official plans, zoning bylaws and other planning tools to prohibit renewable energy
- the prohibition of any appeal of a municipality's refusal or failure to approve zoning bylaws or official plan amendments to allow renewable energy undertakings (except by the Minister of Municipal Affairs and Housing)
- allowing regulations under the *Planning Act* to be applied retroactively and barring any cause of action to challenge or seek damages with respect to changes under the *Planning Act* and related regulations

Although the full effect of the legislation will be evident only when regulations become available, Bill 34 is another initiative in the government's campaign to restrict further renewable energy development in Ontario.

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