

## ONTARIO REGULATION 274/18

made under the

### ELECTRICITY ACT, 1998

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## SITING RESTRICTIONS FOR RENEWABLE ENERGY GENERATION FACILITIES

### Application

1. (1) This Regulation applies with respect to the following renewable energy generation facilities:

1. A facility at which one or more solar photovoltaic collector panels or devices use light to generate electricity if,
  - i. the facility is not located on the roof or a wall of a building or structure, or
  - ii. the facility is located on the roof or a wall of a structure a primary purpose of which is to support or maintain the facility.
2. A facility at which wind is used to generate electricity through the use of one or more wind turbines.

(2) Despite subsection (1), this Regulation does not apply with respect to the following renewable energy generation facilities:

1. A facility that is located on a reserve within the meaning of the *Indian Act* (Canada).
2. A facility in respect of which a developer has received a Feed-in Tariff (FIT) Program, microFIT Program, Large Renewable Procurement (LRP), Renewable Energy Supply program or Renewable Energy Standard Offer Program (RESOP) contract before the day this Regulation comes into force.
3. A facility for which a connection agreement was executed before the day this Regulation comes into force by the distributor serving the facility if the agreement remains in effect on that day.

### Requirements

2. (1) The following requirements are prescribed for the purposes of clause 25.36 (1) (b) of the Act in order for a renewable energy generation facility to be eligible to be connected to a distribution system:

1. No customer account with the distributor in respect of the facility may be an account that falls within a residential-rate classification as specified in a rate order made by the Board under section 78 of the *Ontario Energy Board Act, 1998*.
2. For a facility described in paragraph 1 of subsection 1 (1) that has a generating capacity exceeding 10 kilowatts, the facility must be located on a property,
  - i. that is covered by an approved official plan for which the process of designating prime agricultural areas, as defined in Provincial Policy Statement, 2014 issued under section 3 of the *Planning Act*, has been completed, and
  - ii. that is not within a prime agricultural area designated in that official plan.
3. For a facility described in paragraph 1 of subsection 1 (1) that is not a facility to which a virtual net metering demonstration project prescribed under section 10 of Ontario Regulation 541/05 (Net Metering) made under the *Ontario Energy Board Act, 1998* relates, the facility must be located at least 15 metres away from the boundaries of the property on which it is located.
4. For a facility described in paragraph 1 of subsection 1 (1) that is a facility to which a virtual net metering demonstration project prescribed under section 10 of Ontario Regulation 541/05 (Net Metering) relates, the facility must be located at least 15 metres away from any boundary of the property on which it is located that abuts another property unless the landowner of the other property,
  - i. is a participating customer in the virtual net metering demonstration project, or
  - ii. has provided the owner or operator of the facility with written consent to locate the facility within 15 metres of the boundary.

(2) The owner or operator of a facility described in paragraph 1 of subsection 1 (1) that has a generating capacity exceeding 10 kilowatts shall provide to the distributor confirmation signed by one of the following individuals confirming that the requirements set out in paragraph 2 of subsection (1) are satisfied:

1. The chief building official of the municipality in which the facility is located.
2. The chief administrative officer of the municipality in which the facility is located.
3. The municipal clerk of the municipality in which the facility is located.
4. A member of the Ontario Professional Planners Institute.

(3) If a facility is required under paragraph 3 or 4 of subsection (1) to be at least 15 metres away from any boundary of the property on which it is located, the owner or operator of the facility shall provide to the distributor confirmation signed by a surveyor licensed by the Association of Ontario Land Surveyors that the requirement is satisfied.

(4) Despite subsections (2) and (3), if a facility conveys electricity directly from the point of generation to another point for consumption by a customer of a distributor without reliance on a distributor's distribution system, any confirmation required under subsection (2) or (3) shall be provided to the distributor by the customer.

(5) A confirmation required under this section shall be in a form established by an order or code issued by the Board, if any.

(6) The owner or operator of a facility described in paragraph 1 of subsection 1 (1) that is a facility to which a virtual net metering demonstration project prescribed under section 10 of Ontario Regulation 541/05 (Net Metering) made under the *Ontario Energy Board Act, 1998* relates shall provide to the participating distributor on request any written consent that the owner or operator has obtained in accordance with subparagraph 4 ii of subsection (1).

(7) If confirmation that a requirement is satisfied is provided under subsection (2), (3) or (4), the requirement is deemed, for the purposes of this Regulation, to be satisfied.

#### **Commencement**

**3. This Regulation comes into force on the later of July 1, 2018 and the day it is filed.**

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