

Ontario

RECEIVED AUG 30 1977

Ministry of
Energy

Queen's Park
Toronto Ontario

August 8, 1977

Mr. John Swaigen,
Counsel,
Canadian Environmental Law
Association,
Suite 303, 1 Spadina Crescent,
Toronto, Ontario, M5S 2J5.

Dear Mr. Swaigen:

Receipt of your letter addressed to Dr. Ian Rowe dated May 30, 1977 in connection with proposed research into solar easements is acknowledged with thanks. I feel it is appropriate that I reply to same.

Your Association approached this Ministry with a view to providing legal research and opinions concerning the present status of solar easements in this province. It is the policy of the Ontario Government to have the legal branch of each ministry obtain approval from the Attorney General in the awarding of any contract to do such legal research. It is that Ministry's policy to attempt to have such research completed by government legal staff where practical but it is recognized that in some instances such research must be done by persons not in the government employ.

While your proposal and interest in this subject is much appreciated and acknowledged it must be said that the legal affairs of the province are not open to the tendering process. It is the policy of the Ministry of the Attorney General to obtain the best possible advice from those advisors deemed best qualified. It is the considered opinion of the Ministry of the Attorney General that the province will be best served in this matter by an initial in-house research of available materials from various jurisdictions with the possible retention of a professor of law in the future.

....2/.

I have been some time in replying to you because we have been gathering material from other jurisdictions and carefully considering the scope of the project and how much of it can be done within the Ministry.

Again, let me reiterate my appreciation to you, Michael James and Annette Vaughan, for your sincere interest in this important and fascinating legal problem.

Best regards,

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. P. Smith', written in dark ink.

R. P. Smith,
Senior Counsel,
Legal Services.

2 August 1977

Dr. Ian H. Rowe,
Executive Coordinator,
Energy Conservation Group,
Ministry of ~~En~~ergy,
56 Wellesley St. West, 12th floor,
Toronto, Ontario. M7A 2B7

Dear Dr. Rowe:

When may I expect the courtesy of an acknowledgement
of my letter of May 30, 1977?

Sincerely, yours,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

John Swaigen
Legal Counsel.

JS:eb

RECEIVED JUL 15 1977

John

THE UNIVERSITY
OF NEW MEXICO

natural resources journal

SCHOOL OF LAW
ALBUQUERQUE
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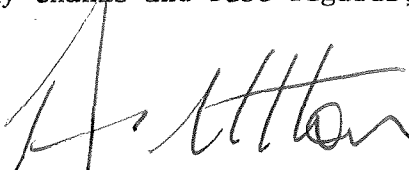
June 30, 1977

Mr. John Swaigen, Counsel
Canadian Environmental Law Association
suite 303
One Spadina Crescent
Toronto Ontario M5S 2J5

Dear Mr. Swaigen:

Many thanks for your note of May 30th. I am enclosing a copy of our article on solar rights and hope that you will find it interesting. We at the moment have a freeze on further exchanges, so will not be able to enter into an exchange arrangement with you, although it would be an interesting one.

Many thanks and best regards,



Albert E. Utton
Editor
Professor of Law

hr

June 24, 1977

Mr. Brian Marshall
Energy Probe
43 Queen's Park Crescent East
Toronto, Ontario
M5S 2C3

Dear Brian:

Re: Right to Light

Further to our telephone conversation of yesterday, please find enclosed Right to Light article by Michael James from an old CELN.

The article is in high legalese, but the ideas come across nonetheless. England does indeed have a Rights to Light Act, 1959, making their situation very different from that of Ontario (see pages 144, 145).

CELA is very interested in this topic and, in February of 1977, submitted a proposal to the Ontario Ministry of Energy regarding a right to light study. The response has been cool, not so much towards the idea as towards the source of the proposal.

We would greatly appreciate your keeping us informed as to developments regarding your "house".

If I can be of further assistance, please do not hesitate to call.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Donald E. Collison
Counsel

:by
Encl.

June 23, 1977

Prof. Douglas G. Edward
University of Windsor
Faculty of Law
Windsor, Ontario
N9B 3P4

Dear Doug:

Please find enclosed "The Right to Light" proposal made to the Ministry of Energy by CELA and CELRF in February 1977.

Good luck with it!

Best wishes,

Donald Collison

:by

July 21, 1977

Professor Douglas Edward
Faculty of Law
University of Windsor
Windsor, Ontario

Dear Doug:

Re: Solar Rights

My search has not revealed a single solar rights law in the United States or Canada. All the American laws seem to deal primarily with tax breaks. The only paper I have been able to find directly on point is "Solar Rights and Their Effect on Solar Heating and Cooling", Melvin M. Eisenstadt and Albert E. Utton, Natural Resources Journal, April 1976, volume 16 at page 363.

Hope this is of assistance.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

John Swaigen
Counsel

:by