



Office of the
Deputy Minister

Ministry of
Energy

Queen's Park
Toronto Ontario

February 22, 1977

Mr. G. M. MacNabb
Deputy Minister
Department of Energy, Mines
and Resources
580 Booth Street
Ottawa, Ontario
K1A 0E4

Re: Solar Rights and Shadow Laws

Dear Gordon:

About six months ago, my staff in conjunction with representation from the Ministry of Treasury, Economics and Intergovernmental Affairs took a look at the problem of guaranteeing solar energy access in municipalities. Our first impression was that model bylaws drafted in the United States could be applied to Ontario municipalities if appropriate amendments were made to the Ontario Municipal Act.

The Ministry's senior legal counsel, Mr. R. P. Smith, then instructed the Ontario Crown Law Office to investigate this area. Mr. Craig Perkins has been slated to do this study on our behalf. At about the same time, the Canadian Environmental Law Association and the Canadian Environmental Law Research Foundation presented a proposal to the Ministry to:

1. Review pertinent Canadian and Ontario laws that apply to the "Right to Light".
2. Review and evaluate the legislation in England and search the literature for the experience of other jurisdictions.

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3. Draft a model statute with explanatory commentary to promote the orderly development of the use of solar energy in order to reduce land use conflicts which would arise between users and non-users of solar energy.

Although the proposal was addressed to the Ontario Ministry of Energy, there are certain words and phrases that suggest that it might also have been presented to the Federal Office of Energy Conservation. This would not be surprising as there is reason to believe that there might be federal legislation limiting the common law right to light with references to legislation in common law provinces.

I would be grateful if you could do the following:

- Direct us to a contact on this matter, recognizing that any discussion by CELA with your Department may have preceded formation of the Office of Renewable Energy.
- Inform us of any intent or work on your part in this area.
- Provide us with an opinion on the proposal if we are correct in our surmise that it has already been submitted to your Department.

With increasing interest in solar energy, it would be prudent to ensure that there are no legislative impediments in either federal or provincial statutes to prevent the orderly development of solar energy, particularly in urban development.

Yours sincerely,



Malcolm Rowan
Deputy Minister

CC: Mr. R. P. Smith

✓ bcc. Dr. Harry Swain