



MEMORANDUM

NOTE DE SERVICE

TO
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Jamie Deacey

FROM
DE

Senior Advisor
Renewable Energy Resources

SUBJECT
OBJET

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE <i>1/1000-1000000</i>
YOUR FILE - V/RÉFÉRENCE
DATE 16 March 1977

The Minister has already queried his colleague at Justice on the question of solar rights; the four attached pages are the result.

The question should probably be broadened to include wind, as another matter of property rights, in a drafting of model legislation. However, since the legislation seems to lie in provincial jurisdiction, it seems best if we induce one or several provinces, perhaps with a cash contribution from us, to undertake the detailed work.

I don't know enough about the proposal of the Canadian Environmental Law Research Foundation (qv), but if the Ontario authorities are satisfied (see attached), we might encourage them to broaden the scope of their enquiry. I don't know whether a separate piece of work would be required for the Quebec civil code.

Along down the line are questions about the use of geothermal resources. My suspicion is that the common law would offer only hazy precedents, and that statute law in Canada is undeveloped. However, if Alan Jessop of the Earth Physics Branch is correct, the problem will only arise in B.C., Alberta and perhaps a bit of Saskatchewan.

I intend, subject to advice, to raise these legal questions at a meeting with provincial officials concerned with conservation and renewable resources on May 4 in Vancouver.

Harry Swain

Attach.
HS:nw