

COPY FOR RENEWABLE ENERGY RESOURCES BRANCH



Energy, Mines and
Resources Canada

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Ressources Canada

Deputy Minister

Sous-ministre

OTTAWA, Ontario K1A 0E4

Mr. Malcolm Rowan
Deputy Minister
Ministry of Energy
Queen's Park
TORONTO, Ontario

Re: Solar Rights and Shadow Laws

MAR 11 1977

Dear Malcolm:

You surmise correctly. The proposal of the Canadian Environmental Law Foundation was also sent to my Minister directly, not for funding but as a courtesy.

We are certainly aware that a potential problem exists -- vide Mr. Gillespie's letter of 7 January to Mr. Timbrell -- and that its remedy, both with respect to sun and wind rights, appears to be a provincial matter. Hence I am much encouraged to hear of your instructions to the Ontario Crown Law Office, and would be glad to see the result.

Since the CELA proposal arose, we have established a Renewable Energy Resources Branch headed by a new Senior Advisor, Dr. Harry Swain. He would be your best contact on this matter. I understand he will be speaking informally to the representatives of all the provinces at the conservation meeting in Vancouver, May 2-4, and that this is one of the topics that will be raised. He has already been in contact with Dr. Higgin of your Ministry.

As for the CELA proposal itself, we are somewhat equivocal. The work needs to be done, and done in such a thorough and scholarly way that no province need hesitate regarding the soundness of the resulting model statute. The property rights question extends also to the obstruction of wind used for mechanical or electrical purposes, so the terms probably ought to be expanded. Still, the proposal itself does not match the quality we have come to expect in the scientific area. I would put greater faith in the judgment of your counsel, Mr. Smith, who is also able to compare the proposal with the work you have already commissioned.

I enclose, for your confidential reference, preliminary opinions of federal counsel approached on this matter.

Yours sincerely,

G. M. MacNABB

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Encl.
HS:nw