

A LEGAL REVIEW FOR MUNICIPALITIES:

Mandating Full Electrification for New
Buildings in Ontario

MODEL MUNICIPAL BY-LAWS

January 2024

PREPARED FOR:

STAND.earth **SAFE Cities**
Health, Safety, Equity, Climate

DISCLAIMER

A Legal Review for Municipalities: Mandating Full Electrification for New Buildings in Ontario (the “Review”) has been compiled with reasonable efforts to ensure accuracy as of January 2024.

The legislative and regulatory information presented in this Review and its Appendices are intended for general informational purposes only. This Review does not constitute legal advice and should not be considered a substitute for official government publications.

In the event of any discrepancy between the content of this Review and official government policies, statutes, or regulations, the latter will take precedence. For accurate legislative provisions, it is advised to refer to the relevant legislation and policy documents cited in the Review.

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MODEL MUNICIPAL BY-LAW

WHEREAS sections 8, 9, 10 and 11 of the Municipal Act, 2001, S.O. 2001, c.25, (the “Municipal Act, 2001”) authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 5, 6 and 8 of subsections 10(2) and 11(2) provide that a single-tier or lower-tier municipality may pass by-laws respecting the economic, social and environmental wellbeing of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS *section 125 of the Municipal Act, 2001, authorizes a municipality to regulate the use and installation of heating and cooking appliances; and the storage of fuel for use in heating and cooking appliances;**

AND WHEREAS section 425 of the Municipal Act, 2001 authorizes a municipality to pass bylaws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

AND WHEREAS section 436 of the Municipal Act, 2001, provides that a municipality may pass a by-law providing that the municipality may enter on lands at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality has been complied with;

AND WHEREAS sections 444 and 445 of the Municipal Act, 2001, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention;

NOW THEREFORE THE COUNCIL OF [MUNICIPALITY NAME] ENACTS AS FOLLOWS:

SECTION 1 TITLE

This by-law shall be known as the "[INSERT NAME]."

* For Toronto, this would be excluded.

SECTION 2 DEFINITIONS

In this by-law:

(a) "Fossil Fuel Burning Appliance" means any appliance or device that burns fossil fuels, including but not limited to coal, oil, natural gas, or propane, for the purpose of space heating, water heating, or cooking.

(b) "Zoning By-law" means [INSERT NAME OF ZONING BY-LAW].

SECTION 3 APPLICATION

(a) This by-law applies to all lands located within the geographic limits of [MUNICIPALITY NAME].

(b) This by-law does not apply to existing Fossil Fuel Burning Appliances in operation as of the date of the passage of this by-law.

SECTION 4 PROHIBITION

(a) No person shall install a Fossil Fuel Burning Appliance within [MUNICIPALITY NAME] which is:

(i) On any lot zoned [INSERT ZONING BY-LAW CATEGORY], in the Zoning By-law;

(ii) On any lot zoned [INSERT ZONING BY-LAW CATEGORY], in the Zoning By-law.

except in accordance with the provisions of this By-law.

SECTION 5 INSTALLATION REQUIREMENTS

(a) A Fossil Fuel Burning Appliance shall be located/installed as follows:

(i) [INSERT CONDITIONS]

SECTION 6 PENALTIES

(a) Any person found guilty of an offence under this by-law may be subject to fines as determined by the Provincial Offences Act.

SECTION 7 DATE OF EFFECT

This by-law shall come into force and take effect on [date].

* *This model by-law is a recommendation for municipalities to adopt. It combines various legal and other sources including: <https://www.springwater.ca/en/township-hall/resources/Documents/By-laws/2007-098-Outdoor-Furnace.pdf>; https://www.northdundas.com/sites/1/files/2023-01/Outdoor-Wood-Burning-Appliances-By-law_0.pdf; <https://www.uxbridge.ca/en/resourcesGeneral/Documents/Outdoor-Solid-Fuel-Combustion-Appliances-By-law.pdf>; <https://montreal.ca/en/reglements-municipaux/recherche/60d7e530fd65311c115a308f>*

MODEL ZONING BY-LAW 1

Specific Use Provisions

Fossil Fuel Burning Appliances

SECTION 1 DEFINITIONS

(a) "Fossil Fuel Burning Appliance" means any appliance or device that burns fossil fuels, including but not limited to coal, oil, natural gas, or propane, for the purpose of space heating, water heating, or any other similar use.

SECTION 2 PERMITTED AREAS

(1) A Fossil Fuel Burning Appliance is:

(a) not permitted on a lot within:

(i) areas XX, XX, and XX, and;

(ii) zones XX, XX, and XX;

** This model by-law is a recommendation for municipalities to adopt. It is modelled after section 83 of the City of Ottawa's Zoning By-Law 2008-250:*

https://documents.ottawa.ca/sites/documents/files/documents/zoning_bylaw_part3_en.pdf#nameddest=hydronicheaters

MODEL ZONING BY-LAW 2

General Regulations

SECTION 1 ALLOWANCE FOR ZERO EMISSIONS MECHANICAL EQUIPMENT

(a) The Director of Planning may exclude up to 2.3 square meters per dwelling unit from the computation of floor area to accommodate zero emissions mechanical equipment for heating or hot water in [INSERT CATEGORY OF BUILDING].

SECTION 2 ADDITIONAL CEILING HEIGHT ALLOWANCE

(a) For [INSERT CATEGORY OF BUILDING], an additional 0.15 m in height is permitted if the roof contains at least 0.35 m of insulation.

** This model by-law is a recommendation for municipalities to adopt. It is modelled after section 10 of the City of Vancouver's Zoning and Development By-Law No. 3575:*

<https://bylaws.vancouver.ca/zoning/zoning-by-law-section-10.pdf>