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## **CNWWA Comments on Bill 135, the *Energy Statute Law Amendment Act, 2016***

March 31, 2016

Ontario Bill 135, the proposed ***Energy Statute Law Amendment Act, 2016*** several Ontario statutes including the *Electricity Act, 1998*, the *Ontario Energy Board Act, 1998* and the *Green Energy Act, 2009*. Some observers have suggested that proposed amendments to the *Green Energy Act, 2009* will directly impact the design and materials used in the construction of high rise residential structures. In light of these perceptions, the CNWWA offers the following comments about Bill 135.

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### **1. No Direct Impact on Building Code**

Bill 135 will not alter or amend the Ontario Building Code and it does not include any of the words ‘glass’, ‘window’ or ‘condominium’. The stated purposes of Bill 135 in relation to the ***Green Energy Act, 2009***, according to the Minister of Energy when Bill 135 was introduced on October 28, 2015, were to “*introduce two new initiatives to help Ontario families, businesses, and the province as a whole to conserve energy and water...*”.

### **2. Energy and Water Usage and Management Plans**

Bill 135 addresses building efficiencies for water and energy consumption in two types of large structures: (1) those operated by public agencies and (2) those operated by prescribed persons or entities other than public agencies. The reporting and benchmarking requirements for large buildings are to track the building’s energy and water usage—as well as greenhouse gas emissions over time, compare those usages and emissions to similar buildings and report those results to the Ministry. The Ministry may then require public agencies or prescribed persons to prepare and submit an energy efficiency and demand management plan. The Ministry has the power to determine what information, if any, is to be made available to the public.

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Bill 135 delegates the issue of which non-public agency persons or which non-public agency structures are subject to an efficiency reporting requirement to yet to be finalized regulations. Based on draft regulation that was posted by the Ministry of Energy for public comment on the Environmental Bill of Rights Registry on February 25, 2016 (EBR Instrument #012-6904), the reporting obligations would extend to commercial buildings and multi-unit residential buildings having a gross floor area of 50,000 square feet or more.

On November 3, 2015 Minister Chiarelli made several remarks about Bill 135 (which can be found at [http://www.ontla.on.ca/web/house-proceedings/house\\_detail.do?locale=en&Sess=1&Parl=41&Date=2015-11-03#P46\\_2834](http://www.ontla.on.ca/web/house-proceedings/house_detail.do?locale=en&Sess=1&Parl=41&Date=2015-11-03#P46_2834)) including the following:

*"This ongoing review would help building owners identify opportunities to save energy and water, thereby saving money on their utility bills. It would also help tenants and buyers make informed property decisions, enabling property and financial markets to value energy- and water-efficient buildings, and it would help Ontario meet its conservation and greenhouse gas reduction goals."*

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**3. The Role of CNWWA Members**

With respect to window wall fenestration systems, the CNWWA is confident that its members will continue to improve their product performance and reliability and thereby help Ontario meet its conservation and greenhouse gas reduction goals as contemplated by Bill 135.

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