

1988

c 32 Energy Efficiency Act, 1988

Ontario

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Bibliographic Citation

Energy Efficiency Act, 1988, SO 1988, c 32

Repository Citation

Ontario (1988) "c 32 Energy Efficiency Act, 1988," *Ontario: Annual Statutes*: Vol. 1988, Article 37.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1988/iss1/37

CHAPTER 32

An Act respecting Energy Efficiency*Assented to June 8th, 1988*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Deputy Minister” means the Deputy Minister of Energy;

“prescribed” means prescribed by the regulations;

“regulations” means regulations made under this Act.

2. This Act applies to the following appliances and products:

Application

1. Central air conditioners.
2. Clothes dryers.
3. Clothes washers.
4. Dishwashers.
5. Freezers.
6. Furnaces.
7. Heat pumps.
8. Ovens.
9. Ranges.
10. Refrigerators.
11. Room air conditioners.
12. Pool heaters.
13. Water heaters.
14. Prescribed appliances and products.

3.—(1) No person shall offer for sale, sell or lease an appliance or product to which this Act applies unless,

Appliances and products, efficiency standards

- (a) the appliance or product meets the prescribed efficiency standard with respect to the appliance or product; and

- (b) a prescribed label that sets out the efficiency standard of the appliance or product is affixed to the appliance or product.

Labels

(2) No person shall affix a prescribed label to an appliance or product to which this Act applies unless the appliance or product meets the prescribed efficiency standard with respect to the appliance or product.

Application of subs. (1)

(3) Subsection (1) does not apply to,

- (a) an appliance or product that is manufactured on or before a prescribed date and that is sold or leased on or before a prescribed date; or
- (b) a person who is not in the business of offering for sale, selling or leasing appliances or products to which this Act applies.

Inspectors

4.—(1) The Deputy Minister may designate in writing any person as an inspector for the purposes of this Act.

Powers

(2) For the purposes of this Act and the regulations, an inspector designated under subsection (1),

- (a) may enter any place where an appliance or product to which this Act applies is manufactured, offered for sale, sold or leased at any reasonable time;
- (b) may request the production for inspection of documents or things that may be relevant to the carrying out of an inspection or test on an appliance or product to which this Act applies;
- (c) upon giving a receipt therefor, may remove from a place documents or things produced pursuant to a request under clause (b) for the purpose of making copies or extracts and shall promptly return them to the person who produced them;
- (d) may inspect and test any appliance or product to which this Act applies to ensure that the appliance or product complies with the provisions of this Act and the regulations; and
- (e) may require any person to co-operate in and assist with an inspection or test.

Entry of dwelling

(3) A person shall not exercise a power of entry conferred by this Act to enter the dwelling of a person who is not in the

business of manufacturing, offering for sale, selling or leasing appliances or products to which this Act applies.

(4) A person shall not exercise a power of entry conferred by this Act to enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant issued under this section. Idem

(5) Where a justice of the peace is satisfied on evidence upon oath that there are in a place documents or things that there is reasonable ground to believe will afford evidence relevant to the carrying out of an inspection or test under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing the person named in the warrant to search the place for any such documents or things and to remove them for the purposes of making copies or extracts and they shall be returned promptly to the place from which they were removed. Warrant for search

(6) Where a justice of the peace is satisfied on evidence upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered so that an inspector may carry out an inspection or test under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing such entry by the person named in the warrant. Warrant for entry

(7) A warrant issued under this section, Execution and expiry of warrant
 (a) shall specify the hours and days during which it may be executed; and
 (b) shall name a date on which it expires, which date shall not be later than fifteen days after its issue.

(8) No person shall hinder, obstruct or interfere with or impede an inspector, Obstruction
 (a) who is exercising a power under subsection (2); or
 (b) who is executing a warrant.

(9) Subsection (8) is not contravened where a person refuses to produce documents or things, unless a warrant has been issued under subsection (5). Idem

(10) Where information is required to be furnished or a document is required to be provided or produced under this Act or the regulations, no person furnishing such information False information, etc.

or providing or producing such document shall furnish false information or provide or produce a false document.

Admissibility
of copies

(11) Copies of, or extracts from, documents and things removed from premises under this Act and certified by the person who made the copies as being true copies of, or extracts from, the originals are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Idem

(12) No document or thing or copy thereof or extract therefrom in the possession of an inspector shall be introduced in evidence in any proceeding under this Act unless the owner of the document or thing is first given notice of the intent to introduce it into evidence.

Penalty

5.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or, if the person is a body corporate, to a fine of not more than \$25,000.

Idem

(2) Where a body corporate contravenes any provision of this Act or the regulations, every director or officer of the body corporate who authorizes, permits or acquiesces in the contravention is a party to and guilty of an offence and on conviction is liable to the penalty provided for the offence whether or not the body corporate has been prosecuted or convicted.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing appliances and products to which this Act applies in addition to those appliances and products set out in section 2;
- (b) respecting any matter referred to as prescribed by the regulations;
- (c) regulating the installation, testing, maintenance and repair of appliances and products to which this Act applies;
- (d) designating persons or organizations to test appliances and products to which this Act applies to the prescribed standards;

- (e) providing for the placing of a prescribed label on appliances and products that conform to the prescribed standards;
- (f) prescribing the contents of labels that may be placed on appliances and products to which this Act applies;
- (g) prescribing fees to be paid to designated persons or organizations for the testing or labeling of appliances and products and prescribing by whom the fees shall be paid;
- (h) prescribing forms and providing for their use;
- (i) providing for information to be reported by persons who manufacture, offer for sale, sell or lease appliances or products to which this Act applies including the frequency, time and manner for reporting;
- (j) governing the keeping of information, records and documents by persons who manufacture, offer for sale, sell or lease appliances or products to which this Act applies;
- (k) exempting any person, appliance or product from any provision of this Act or the regulations.

(2) A regulation may be general or specific in its application. Idem

(3) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and may require compliance with any code or standard adopted. Codes

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

8. The short title of this Act is the *Energy Efficiency Act, 1988*. Short title

