

1970

c 356 Power Control Act

Ontario

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CHAPTER 356

The Power Control Act**1. In this Act,**Interpre-
tation

- (a) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (b) "land" means real property of whatsoever nature or kind, and includes tenements, hereditaments and appurtenances, any estate, term, easement, right or interest in, to, over, under or affecting land, and water rights, water powers and water privileges;
- (c) "owner" includes a mortgagee, lessee, tenant, occupant, or any person entitled to any estate or interest in land or works, and a guardian, committee, executor, administrator or trustee in whom land or works or any property or interest therein is vested;
- (d) "power" includes any hydraulic, electrical, steam or other power and also includes energy;
- (e) "regulations" means the regulations made under this Act;
- (f) "supply" includes delivery, dealing in, and sale;
- (g) "works" includes all property, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, supply or use of power. R.S.O. 1960, c. 302, s. 1.

2. The Commission has authority to regulate and control the generation, transformation, transmission, distribution, supply and use of power in Ontario, and, without limiting the generality of the foregoing, the Commission may,

Powers of
Commission

- (a) restrict or prohibit the supply or use of power or the supply or use of power to or by any person and divert or apportion power or give priority or preference to any user of power in order to effect what is in the opinion of the Commission the most economical, efficient and equitable use and distribution of power;
- (b) direct any owner to generate or supply power at any specified rate not exceeding the full capacity of his works;

- (c) hear and decide any dispute between any owner and any user of power concerning any matter over which the Commission has jurisdiction under this Act and make such direction as it considers proper in accordance with its decision;
- (d) decide and direct to whom, at what prices and under what conditions power may be supplied; and
- (e) do such acts and give such directions as may be necessary for the carrying out or enforcement of the provisions of this Act and the regulations. R.S.O. 1960, c. 302, s. 2.

Regulations

3. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

- (a) requiring any owner to furnish to the Commission information regarding,
 - (i) his land and works including the capacity, output, cost and use thereof,
 - (ii) his assets, liabilities, revenues, expenses and operations, and
 - (iii) the supply of power by him to other persons including particulars of quantities, prices, terms, conditions, points of delivery and use;
- (b) requiring any person to furnish to the Commission information regarding the supply of power to him, including particulars of quantities, prices, terms, conditions, points of delivery and use, and by whom supplied;
- (c) prescribing the manner of deciding and determining preferences and priorities in the supply and use of power and providing for the apportioning of power among different users or classes of users and the diversion of power from one or more users or classes of users to other users or classes thereof;
- (d) restricting or prohibiting the supply or use of power for any particular purpose;
- (e) providing for the setting of prices at which and for the fixing of terms and conditions under which power may be supplied in Ontario, either generally or for one or more users or classes of users;
- (f) providing for the entry upon and inspection of land and works including the making of inventories and valuations thereof, the examination of books, accounts, records and documents relating thereto and generally the obtaining of information in connection therewith;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 302, s. 3.

4. When any owner or other person is unable to supply power under any contract or obligation because of compliance with this Act or the regulations or any direction of the Commission made thereunder, such owner or other person is relieved from all liability for his failure to supply power on account of such inability. R.S.O. 1960, c. 302, s. 4.

Protection for failure to supply

5.—(1) Where the Commission is satisfied that an owner is not using his land and works, or either of them, to full capacity or best advantage for the generation or supply of power or is neglecting or refusing to comply with a direction of the Commission or the provisions of this Act or the regulations, the Commission may purchase or acquire and may, without the consent of the owner, enter upon, take and expropriate any of his lands or works that it considers necessary for the generation, transformation, transmission, distribution or supply of power.

Acquisition of land and works

(2) Where lands or works are purchased, acquired, entered upon, taken or expropriated under this section, the Commission, in its discretion, may acquire absolute title or a limited estate, right or interest therein either on a rental basis or otherwise as it considers desirable in the circumstances, provided that whether or not it acquires absolute title to any such land or works, the Commission may use such land and works in such manner as it considers proper and may divert water therefrom, close, repair, rehabilitate, extend, improve or reconstruct such works and may construct other works in lieu thereof or in addition thereto.

Title acquired

(3) The provisions of *The Power Commission Act* and *The Public Works Act* as to the purchase, acquisition, entry upon, taking and expropriation of land apply *mutatis mutandis* to the purchase, acquisition, entry upon, taking and expropriation of land and works under this Act, but where any of the provisions of *The Power Commission Act* conflict with any of the provisions of *The Public Works Act*, the former prevails. R.S.O. 1960, c. 302, s. 5, *part*.

Authority to acquire R.S.O. 1970, cc. 354, 393

(4) *The Expropriations Act* applies to an expropriation under this section. R.S.O. 1960, c. 302, s. 5 (3), *part, amended*.

Application of R.S.O. 1970, c. 154

6.—(1) Every owner or other person who contravenes any of the provisions of this Act or the regulations or who neglects or refuses to comply with any direction of the Commission is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$5,000, for a second offence, to a fine of not more than \$10,000 and for a subsequent offence, to a fine of not more than \$25,000, and where such owner or other person is a corporation, the president, directors and the manager or other person in charge are each personally liable to a similar fine.

Offences

Disposition of fines

(2) The fines recovered for offences against this section are payable to the Commission. R.S.O. 1960, c. 302, s. 6.

Other powers of Commission

7.—(1) In exercising or performing any power or duty conferred or imposed upon it by this Act or the regulations the Commission has and may exercise any authority, right, power, privilege or immunity that it possesses under *The Power Commission Act* or any other Act or under any other authority.

R.S.O. 1970, c. 354

Idem

(2) The powers conferred by this Act shall be deemed to be in addition to and not in derogation of any power conferred upon the Commission by any other Act, but where the provisions of any other Act conflict with the provisions of this Act, the latter prevail. R.S.O. 1960, c. 302, s. 7.