

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW D-500  
RESPECTING DISTRICT ENERGY**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality pursuant to section 188 of the *Halifax Regional Municipality Charter* as follows:

1. This By-law may be cited as the *District Energy By-law*.
2. In this By-law,
  - (a) “*Act*” means the *Halifax Regional Water Commission Act*, 2007 S.N.S., c. 55, as amended;
  - (b) “*Charter*” means the *Halifax Regional Municipality Charter*, 2008, S.N.S., c. 39, as amended;
  - (c) “Cogswell District Energy Boundary” means the area delineated on Schedule D of the *Charter*;
  - (d) “Commission” means the Halifax Regional Water Commission as governed by the *Act*;
  - (e) “District Energy System” means a district energy system defined by clause 3(va) in the *Charter*;
  - (f) “Energy Service Connection” means the pipes, valves and other infrastructure that convey thermal energy from the District Energy System to an Owner;
  - (g) “General Manager” means the General Manager of the Commission as defined by clause 2(f) in the *Act*; and
  - (h) “Owner” includes
    - (i) a full or part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building or other structure,
    - (ii) in the case of the absence or incapacity of the person having title to the land or building or other structure, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building or other structure, or
    - (iii) in the absence of proof to the contrary, the person assessed for the property.

**Application**

3. This By-law applies to the establishment and the operation of a District Energy System located within the Cogswell District Energy Boundary.

**Energy Service Connection**

4. (1) A building or other structure that is
  - (a) heated, cooled or requires hot water, and

(b) built within the Cogswell District Energy Boundary after the coming into force of this By-law,

shall be connected to the District Energy System by an Energy Service Connection to be used for heating and cooling, and hot water heating.

(2) An Energy Service Connection shall be owned by the Commission.

(3) The construction of the Energy Service Connection is subject to the supervision of the General Manager and shall be constructed in the manner, the size and with the materials approved by the Commission.

(4) The Owner of a building or other structure that is

(a) heated, cooled or requires hot water; and

(b) built within the Cogswell District Energy Boundary after the coming into force of this By-law;

is prohibited from offering, using or providing any heating, cooling, or hot water other than from the District Energy System, except as approved by the Commission.

5. (1) No Energy Service Connection shall be covered in or enclosed until it is inspected and approval is granted by the General Manager.

(2) If an Owner, or an agent of an Owner, covers in an Energy Service Connection before it is inspected and approved, the General Manager may:

(a) open it for inspection;

(b) refuse to grant approval; or

(c) open for inspection and, after such inspection, refuse to grant approval or grant approval.

(3) The Owner shall maintain the Energy Service Connection in a manner that is safe and accessible to the Commission at all times.

#### **Authorization to General Manager**

6. (1) The General Manager is authorized to exercise all the powers and authorities of the General Manager set out in Sections 9 and 10 of the *Act* in respect of a District Energy System located within the Cogswell District Energy Boundary.

(2) Without limiting Sections 9 and 10 of the *Act*, the powers and authorities the General Manager is authorized to exercise include:

(a) giving notice in writing to an Owner that is served by the District Energy System requiring that the Owner:

(i) install suitable equipment to facilitate observation, sampling and measurement, repair and maintenance of the District Energy System within the time specified by the General Manager in the notice,

(ii) repair, reconstruct or replace the Energy Service Connection within the time specified by the General Manager in the notice, or

(iii) if the Energy Service Connection is causing the District Energy System to malfunction and repairs to that Connection would result in the malfunction being cured, to repair the Connection within the time specified by the General Manager in the notice;

(b) giving notice in writing to an Owner requiring that Owner to connect, reconnect, or disconnect a building or other structure to the District Energy System by an Energy Service Connection within the time specified and as directed by the General Manager in the notice;

(c) constructing, opening, maintaining or repairing a District Energy System upon property adjoining a street and for such purposes may, at any time and from time to time, enter such property;

(d) entering in or upon a property or building or other structure without a warrant at

(i) a reasonable hour upon reasonable notice to the Owner and any occupier of the property, or

(ii) any time in the event of an emergency,

for the purposes of inspection, enforcement, investigation, observation, measurement, sampling, testing or work to be done in accordance with this By-law, or another enactment; and

(e) if the General Manager gives notice that an action is to be taken and

(i) no action has been taken,

(ii) the action has not been completed by the date specified in the notice,

(iii) the action has not been completed to the satisfaction of the General Manager within the time specified in the notice, or

(iv) any combination subclauses (i), (ii), and (iii),

the General Manager may take such action as deemed appropriate, including but not limited to causing the necessary work to be done at the expense of the person or organization in default.

### **Occupancy Permit**

7. In accordance with the *Building By-law*, an occupancy permit may be withheld until the Municipality has received confirmation that the General Manager is satisfied that the provisions of this By-law have been complied with.

## **Offences**

8. (1) No person shall:

(a) hinder or obstruct the General Manager or the Commission in the exercise of a power or authority conferred by the *Act* or this By-law;

(b) injure, damage, or remove any portion of the District Energy System or Energy Service Connection, except as directed by the General Manager; or

(c) refuse or fail to take an action when directed or notified to do so by the General Manager pursuant to the *Act* or this By-law.

(2) A person who

(a) hinders or obstructs the General Manager or the Commission in the exercise of a power or authority conferred by the *Act* or this By-law;

(b) injures or removes any portion of the District Energy System or Energy Service Connection without the direction of the General Manager;

(c) refuses or fails to take an action when directed or notified to do so by the General Manager pursuant to the *Act* or this By-law; or

(d) violates any provision of this By-law;

is guilty of an offence.

## **Penalty**

9. (1) A person who commits an offence under this By-law is liable, upon summary conviction, to a penalty of not less than one hundred dollars and not more than ten thousand dollars and, in default of payment, to imprisonment for a term of not more than two months.

(2) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

Done and passed this 18<sup>th</sup> day of August, 2020.

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Mayor Mike Savage

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Phoebe Rai, Acting Municipal Clerk

I, Phoebe Rai, Acting Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on August 18, 2020.

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Phoebe Rai, Acting Municipal Clerk

Notice of Motion:	July 7, 2020
First Reading:	July 21, 2020
Notice of Second Reading Publication:	August 1, 2020
Second Reading:	August 18, 2020
Approval of Minister of Municipal Affairs:	N/A
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