District Energy

District Energy, or the production and supply of heating, hot water and cooling services through a network of pipes to multiple buildings or neighborhoods, is becoming more common in Canada and is being looked at as a way to reduce emissions. Increasingly renewable and low carbon energy sources such as solar thermal and geothermal heat, waste heat from industry and buildings are being used as a source of supply for district energy systems, along with the more traditional source of supply from combined heat and power plants.

As the use of renewable and low-carbon energy sources continues to expand, so too do the associated regulations and legal considerations. It is essential to have a specialized legal team that can successfully navigate the regulatory/legal framework and protect your interests above all.

BLG's Energy – Power group assists district energy providers, customers, lenders and suppliers in respect of:

- Permitting and regulatory issues;
- Equipment agreements;
- Construction contracts;
- Operation and maintenance agreements;
- Options and leasing agreements;
- Fuel supply agreements; and
- Customer contracts.

Experience

- Represented the City of Toronto in negotiating the joint development agreement with Enwave for the development of low-carbon thermal energy networks in specific areas of the city.
- Counsel to the City of Ottawa in respect of its Hot Water and Chilled Water Contract with Public Works and Government Services.
- Advised the Canadian Infrastructure Bank in respect of its financing of Lulu Island Energy Company's expansion of the City of Richmond's district energy system.
- Assisted various large customers in their negotiations with Enwave for customer contracts.
- Assisted Markham District Energy in connection with a long-term energy services agreement and lease agreement with Markham Stouffville Hospital to design and construct a high-efficiency district energy system.

- Represented Oshawa Power in connection with its energy services agreement and lease agreement for the supply of district energy to Durham College and its combined heat and power project, for which a CHP Contract with the IESO was awarded.
- Counsel to Hamilton Community Energy (HCE) and assisted HCE with its energy services agreement and sublease agreement with McMaster Innovation Park for the supply of heating and cooling using conventional DES and renewable technology, using a geo-exchange system.
- Counsel to Markham District Energy for its natural gas-fired Warden CHP Energy Centre which provides heating and cooling to commercial, residential and institutional buildings in Markham.
- Counsel to Veresen in connection with the planning, development, construction, operation and customer contracts for its District Energy facility located in London, Ont.
- Represented Markham District Energy in connection with its energy services lease agreement with Bell Canada for the supply of district energy and power to Bell's data centre.
- Advised Oakville Hydro in respect of a proposed integrated energy system at a new hospital.
- Counsel to East Port Energy in respect of a proposed district energy system in Nova Scotia.
- Counsel to various district energy providers in respect of proposals for district energy co-generation facilities under the Combined Heat and Power (CHP II) RFP.

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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