

microFIT Eligible Participant Schedule

Applicants should consult legal counsel when preparing an Application to confirm that all requirements under this Eligible Participant Schedule are met. Without limiting the generality of the foregoing, the issue of ownership interests and riparian rights for proposed waterpower microFIT Projects can be complex and those Applicants considering such projects are strongly encouraged to seek legal counsel.

1. Unless otherwise defined in this microFIT Eligible Participant Schedule (the “**Schedule**”), all capitalized terms are defined in the microFIT Rules or the microFIT Contract.
2. If the property on which the microFIT Project is located is owned or leased by more than one Eligible Participant, each Eligible Participant that holds title to the property or is a signatory on the lease for the property must be an Applicant. Where property on which the microFIT Project is located is leased by the Eligible Participant, the lease must have been in effect for at least one year prior to the date that the Application is submitted and remain in effect for the term of the microFIT Contract.
3. Except as otherwise provided in Section 4 of this Eligible Participant Schedule, all Applicants shall submit a parcel register for property identifier of the land registry system of the Province of Ontario (a “**Parcel Register**”) which meets the requirements set out in Section 4.
4. Each of the following constitutes an “Eligible Participant” for the purposes of the microFIT Rules and microFIT Contract:

<u>Eligible Participant</u>	<u>Definition and Supporting Documents Required to Submit an Application</u>
<i>Individual(s)</i>	<p>A natural person who:</p> <ul style="list-style-type: none"> (a) holds, either solely or together with other natural persons or one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located; or (b) has been allotted, pursuant to the <i>Indian Act</i> (Canada), possession of a parcel of land located within an Indian reserve or special reserve on which the microFIT Project is located. <p>In the case of (a), the Individual(s) shall provide a Parcel Register in support of (a) as part of its Application.</p> <p>In the case of (b), the Individual(s) shall provide a copy of the document(s) evidencing possession of the parcel of land by the Individual(s) pursuant to the <i>Indian Act</i> (Canada). Where appropriate, the IESO will accept a band council resolution issued by the relevant band council evidencing such right of possession.</p>
<i>Farmer</i>	A natural person or other entity:

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	<p>(a) who is registered under the <i>Farm Registration and Farm Organizations Funding Act, 1993</i>, S.O. 1993, c. 21, and who holds a valid Farm Business Registration number in accordance with the Act; or</p> <p>(b) whose requirement to make payment to an accredited farm organization or file a farming business registration form under the <i>Farm Registration and Farm Organizations Funding Act, 1993</i>, S.O. 1993, c. 21 was waived as of the date of the Application pursuant to an order made under s. 22(6) of the Act;</p> <p>provided that the Farmer holds, either solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located.</p> <p>The Farmer shall provide the following information as part of its Application:</p> <p>(i) a Parcel Register in support of (a); and</p> <p>(ii) either a valid Farm Business Registration Number or a copy of the order made under s. 22(6) of the Act.</p>
<i>Farm Co-operative</i>	<p>A co-operative incorporated under the <i>Co-operative Corporations Act</i>, R.S.O. 1990, c. C.35, provided that:</p> <p>(a) the membership of the co-operative is at all times restricted to Farmers;</p> <p>(b) the co-operative identifies a member of its co-operative that will host the microFIT Project (the “Host Member”); and</p> <p>(c) the Host Member holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located.</p> <p>The Farm Co-operative shall provide the following information as part of its Application:</p> <p>(i) a Parcel Register listing the Host Member as the sole legal owner or, where applicable, the Host Member and one or more Eligible Participants, as the only legal owners of the property on which the microFIT Project is located;</p> <p>(ii) a copy of the current constating documents of the Farm Co-operative, as amended, supplemented or restated, including, the Articles of Incorporation, the Certificate of Incorporation, and any other documentation that may be required to demonstrate that the Farm Co-operative’s membership is restricted at all times to Farmers; and</p> <p>(iii) a valid Farm Business Registration number for the Host Member, or a copy of the order made under s. 22(6) of the <i>Farm Registration and Farm Organizations Funding Act, 1993</i> with respect to the Host Member.</p>
<i>Renewable Energy</i>	A renewable energy co-operative incorporated under and in accordance with

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<i>Co-operative</i>	<p>the <i>Co-operative Corporations Act</i>, R.S.O. 1990, c. 35, provided that:</p> <ul style="list-style-type: none"> (a) the membership of the co-operative is at all times restricted to natural persons; and (b) the renewable energy co-operative holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located. <p>The Renewable Energy Co-operative shall provide the following documents as part of its Application:</p> <ul style="list-style-type: none"> (i) a Parcel Register in support of (b); and (ii) a copy of the current constating documents of the Renewable Energy Co-operative, as amended, supplemented or restated, including, the Articles of Incorporation, the Certificate of Incorporation, and any other documentation that may be required to demonstrate that its membership is restricted at all times to natural persons.
<i>Municipality</i>	<p>A municipal corporation governed by the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25, provided that the municipal corporation either (A) holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located, or (B) leases, solely or together with one or more Eligible Participants, the property on which the microFIT Project is located.</p> <p>Where the Municipality owns the property on which the microFIT Project is located, the Municipality shall provide a Parcel Register in support of (A) as part of its Application.</p> <p>Where the Municipality leases the property on which the microFIT Project is located, the Municipality shall provide, as part of its Application, a written certification from the legal owner(s) of the property in the form prescribed by the IESO.</p>
<i>LDC Participant</i>	<p>A corporation incorporated pursuant to Section 142 of the <i>Electricity Act, 1998</i>, S.O. 1998, c.15, Sched. A, and which is licensed by the Ontario Energy Board as an “electricity distributor”, provided that the corporation holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located.</p> <p>The LDC Participant shall provide, as part of its Application, a Parcel Register listing the LDC Participant and, if applicable, the other Eligible Participant(s) as the only legal owner(s) of the property.</p>
<i>University</i>	<p>One of the following universities:</p> <ul style="list-style-type: none"> (a) Algoma University; (b) Brock University;

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	<p>(c) Carleton University; (d) College of the Dominican or Friar Preachers of Ottawa; (e) University of Guelph; (f) Lakehead University; (g) Laurentian University; (h) McMaster University; (i) Nipissing University; (j) Ontario College of Art & Design University; (k) University of Ontario Institute of Technology; (l) University of Ottawa; (m) Queen’s University; (n) Royal Military College of Canada; (o) Ryerson University; (p) University of Toronto; (q) Trent University; (r) University of Waterloo; (s) The University of Western Ontario; (t) Wilfrid Laurier University; (u) University of Windsor; and (v) York University;</p> <p>provided that the university either (A) holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located, or (B) leases, solely or together with one or more Eligible Participants, the property on which the microFIT Project is located.</p> <p>Where the University owns the property on which the microFIT Project is located, the University shall provide a Parcel Register in support of (A) as part of its Application.</p> <p>Where the University leases the property on which the microFIT Project is located, the University shall provide, as part of its Application, a written certification from the legal owner(s) of the property in the form prescribed by the IESO.</p>
<i>School or College</i>	<p>One of the following schools or colleges:</p> <p>(a) an elementary school, secondary school, school board or school authority, each of which is governed by and in accordance with the <i>Education Act</i>, R.S.O. 1990, c. E.2; or</p> <p>(b) a college designated under Ontario Regulation 34/03 and which is governed by the <i>Ontario College of Applied Arts and Technology Act</i>, 2002, S.O. 2002, c. 8, Schedule F;</p> <p>provided that:</p> <p>(i) the school or college, as applicable, either (A) holds, solely or</p>

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	<p>together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located, or (B) leases, solely or together with one or more Eligible Participants, the property on which the microFIT Project is located, or</p> <p>(ii) the property on which the microFIT Project is located is held by the Crown in right of Canada or Ontario or by an agency thereof.</p> <p>Where the School or College owns the property on which the microFIT Project is located, the School or College, as applicable, shall provide a Parcel Register in support of (A) as part of its Application.</p> <p>Where the School or College, as applicable, leases the property on which the microFIT Project is located, the School or College, as applicable, shall provide, as part of its Application, a written certification from the legal owner(s) of the property in the form prescribed by the IESO.</p> <p>Where the property on which the microFIT Project is located is held by the Crown in right of Canada or Ontario or by an agency thereof, the School or College shall provide proof thereof to the satisfaction of the IESO.</p>
<p><i>Hospital or Long-Term Care Home</i></p>	<p>One of the following:</p> <p>(a) a public hospital, in accordance with the <i>Public Hospitals Act</i>, R.S.O. 1990, c. P.40;</p> <p>(b) a private hospital, in accordance with the <i>Private Hospitals Act</i>, R.S.O. 1990, c. P.24; or</p> <p>(c) a long-term care home in accordance with the <i>Long-Term Care Homes Act, 2007</i>, S.O. 2007, c. 8;</p> <p>provided that the hospital or long-term care home, as applicable, either (A) holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located, or (B) leases, solely or together with one or more Eligible Participants, the property on which the microFIT Project is located.</p> <p>Where the Hospital or Long-Term Care Home owns the property on which the microFIT Project is located, the Hospital or Long-Term Care Home, as applicable, shall provide the following documents as part of its Application:</p> <p>(i) a Parcel Register in support of (A); and</p> <p>(ii) in the case of a private hospital described in (b) and a long-term care home described in (c), a copy of the license issued to it, which shall be in full force and effect, under the applicable Act.</p> <p>Where the Hospital or Long-Term Care Home leases the property on which the microFIT Project is located, the Hospital or Long-Term Care Home, as applicable, shall provide the following documents to the IESO as part of its</p>

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	<p>Application:</p> <ul style="list-style-type: none"> (i) a written certification from the legal owner(s) of the property in the form prescribed by the IESO; and (ii) in the case of a private hospital described in (b) and a long-term care home described in (c), a copy of the license issued to it, which shall be in full force and effect, under the applicable Act.
<p><i>Aboriginal Community</i></p>	<p>Aboriginal Community means:</p> <ul style="list-style-type: none"> (a) a First Nation that is a “band” as defined by the <i>Indian Act</i> (Canada); (b) the Métis Nation of Ontario or any of its active Chartered Community Councils; (c) a person, other than a natural person, that is determined by the Government of Ontario for the purposes of the microFIT Program to represent the collective interests of a community that is composed of Métis or other aboriginal individuals; (d) a corporation that is wholly-owned by one or more Aboriginal Communities as described in paragraphs (a), (b) or (c); or (e) a limited partnership that is wholly-owned by one or more Aboriginal Communities as described in paragraphs (a), (b) or (c), <p>where such Aboriginal Community either:</p> <ul style="list-style-type: none"> (i) holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located; (ii) leases, solely or together with one or more Eligible Participants, the property on which the microFIT Project is located; or (iii) wishes to submit in respect of a microFIT Project to be located on land that is a reserve or special reserve, as set out in the <i>Indian Act</i> (Canada), of such Aboriginal Community. <p>In the case of (i), the Aboriginal Community shall provide, as part of its Application, a Parcel Register in support of (i).</p> <p>In the case of (ii), the Aboriginal Community shall provide, as part of its Application, a written certification from the legal owner(s) of the property in the form prescribed by the IESO.</p> <p>In the case of (iii), the Aboriginal Community shall provide, as part of its Application, a copy of the document(s) evidencing possession of the parcel of</p>

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	<p>land where the microFIT Project is to be located. Where appropriate, the IESO will accept a band council resolution issued by the relevant band council evidencing such right of possession.</p> <p>In all cases, an Aboriginal Community as described in paragraph (d) shall also provide a copy of its Articles of Incorporation, as amended, and its current shareholders' register.</p> <p>In all cases, an Aboriginal Community as described in paragraph (e) shall also provide a copy of (i) the declaration of limited partnership signed by all partners, as amended, and filed in accordance with the <i>Limited Partnerships Act</i>, R.S.O. 1990, c. L.16, (ii) its current record of limited partners, (iii) a limited partnerships report, with a production date no earlier than 30 days from the date of Application submission, (iv) an organizational chart, and (v) where the general partner is a corporation, a copy of the Articles of Incorporation, as amended, and the current shareholders' register of the general partner.</p>
<p><i>Social Housing or Affordable Housing</i></p>	<p>Social Housing means one of the following categories of public housing and non-profit housing that receives funding from a governmental authority:</p> <ul style="list-style-type: none"> (a) housing projects in Schedules 1 to 47 of O. Reg. 368/11, made under the <i>Housing Services Act, 2011</i>, S.O. 2011, c. 6, Sched. 1; (b) housing projects operated or managed by a local housing corporation constituted pursuant to Part IV of the <i>Housing Services Act, 2011</i>; (c) non-profit housing operated by a church or religious organization, a philanthropic organization, a house of refuge or charitable institution as set out in subs. 3(1) of the <i>Assessment Act</i>, R.S.O. 1990, c. A.31, as amended, or a non-profit corporation established under the <i>Corporations Act</i>, R.S.O. 1990, c. C.38; and (d) non-profit housing co-operatives established under the <i>Co-operative Corporations Act</i>, R.S.O. 1990, c.35. <p>provided that an Applicant under Social Housing either (A) holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located, or (B) leases, solely or together with one or more Eligible Participants, the property on which the microFIT Project is located.</p> <p>Affordable Housing means projects funded by the Affordable Housing Program pursuant to the Affordable Housing Program Agreement between Canada Mortgage and Housing Corporation and the Province of Ontario dated April 29, 2005, or the Investment in Affordable Housing Program, provided that an Applicant under Affordable Housing either (A) holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located, or (B) leases, solely or</p>

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	<p>together with one or more Eligible Participants, the property on which the microFIT Project is located.</p> <p>Where the Applicant owns the property on which the microFIT Project is located, the Applicant shall provide the following documents as part of its Application:</p> <ul style="list-style-type: none"> (i) a Parcel Register in support of (A); and (ii) in the case of housing projects not identified in Schedules 1 to 47 of O. Reg. 368/11, a copy of the relevant funding agreement relating to the delivery of social housing, or a copy of the mortgage charge for the relevant affordable housing program. <p>Where the Applicant leases the property on which the microFIT Project is located, the Applicant shall provide the following documents as part of its Application:</p> <ul style="list-style-type: none"> (i) a written certification from the legal owner(s) of the property in the form prescribed by the IESO, and (ii) in the case of housing projects not identified in Schedules 1 to 47 of O. Reg. 368/11, a copy of the relevant funding agreement relating to the delivery of social housing, or a copy of the mortgage charge for the relevant affordable housing program.
<p><i>Faith-based Organization</i></p>	<p>An organization that is a registered charity for the purposes of the <i>Income Tax Act</i> (Canada), and is registered as a religion under “charity type” by the Canada Revenue Agency, provided that the organization holds, solely or together with one or more Eligible Participants, all legal and beneficial title to the property on which the microFIT Project is located.</p> <p>The Faith-based Organization shall provide, as part of its Application, a Parcel Register listing the Faith-based Organization and, if applicable, the other Eligible Participant(s) as the only legal owner(s) of the property.</p>