

IN THE MATTER OF APPEALS UNDER PARTS II & III OF O. REG 187/09 MADE UNDER
THE *SAFETY AND CONSUMER STATUTES ADMINISTRATION ACT, 1996*

BETWEEN:

ROBERT RICHARDS O/A 369 ELECTRIC COMPANY SERVICES

Appellant

– and –

DIRECTOR OF LICENSING, ELECTRICAL SAFETY AUTHORITY

Respondent

Decision of the Review Panel

Review Panel: Daniel Pugen (Chair), Mike Mankulich

Hearing Dates: July 6 and 14, 2026

Appeal Number: NOAL 26-01

Decision Date: September 18, 2026

APPEARANCES

For the Appellant

Robert Richards (self-represented)

For the Respondent/Director

Merve Yilbas

Independent Legal Counsel

Justin Safayeni

I. DECISION

1. This is an appeal brought by Robert Richards, operating as 369 Electric Company Services (“ECS”), from the decision of the Electrical Safety Authority (“ESA”) Director of Reviews and Appeals (“DORA”) dated July 16, 2025 (“DORA Decision”). The DORA Decision confirmed that the Director of Licensing is entitled to carry out a Notice of Proposal to Refuse Authorization in respect of ECS’s application (“NOP”) to be a licensed electrical contractor (“LEC”) with Mr. Richards as the Designated Master Electrician (“DME”).
2. For the reasons set out in this decision, this appeal is dismissed.

II. BACKGROUND

A. Procedural background

3. This appeal was heard by the Review Panel (“Panel”) over the course of July 6 and 14, 2026. It proceeded by way of a virtual hearing pursuant to the ESA’s *Rules of Procedure for Reviews and Appeals* (“Rules”) and the ESA’s *Review Panel Remote Proceedings Guidelines*.
4. The Appellant was self-represented in this proceeding. Mr. Richards confirmed that ECS is a sole proprietorship with himself as the owner and operator of the business.
5. Neither party objected to the composition of the Panel.
6. The Appellant testified in support of his own appeal. He also called three additional witnesses: Robert Smith, Roxanne Sam-Hinton, and Janisa Locke.
7. The Respondent called two witnesses: Shana Hole and Patience Cathcart.
8. The Appellant objected to Ms. Cathcart being called as a witness, on the basis that the Respondent added her to the witness list after the deadline set at a case management conference. The Respondent confirmed that this occurred, but Respondent’s counsel explained that she did alert Mr. Richards to her intention to call Ms. Cathcart a week before the hearing and also provided him with a witness statement about the limited scope of Ms. Cathcart’s anticipated testimony. Given that the Appellant’s objection was solely a technical one based on the Respondent adding a witness after a deadline — and that the Appellant identified no actual prejudice from Ms. Cathcart being called as a witness, which is understandable given that disclosure was still made a week before the hearing — the Panel exercised its discretion to allow Ms. Cathcart to be called as a witness by the Respondent. Ms. Cathcart was not called as a witness until the second

hearing day on July 14, 2026, providing the Appellant with a further eight days to prepare for her cross-examination.

9. Over the course of the hearing, 26 documents were marked as exhibits, the majority of which were ESA records put forward by the Respondent. There were no objections or challenges to the admissibility of any exhibits. The parties also reached an agreed statement of facts, which was marked as Exhibit 4.

B. Facts and basic chronology

10. At some point on or before January 2011, Mr. Richards was first authorized as a Master Electrician under the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A (the “**Act**”).¹
11. Starting on April 12, 2011, and for many years thereafter, Mr. Richards was the sole designated DME and operator of an electrical contracting business called Electrical Technology Group One (“**ETGO**”).
12. The Respondent’s history of compliance concerns regarding ETGO is central to this appeal, as discussed further below. In brief, the Respondent’s concerns related to ETGO’s advertising practices, failures to obtain Notifications of Work (also known as “permits”), lack of responsiveness, and failure to comply with conditions imposed.
13. On August 7, 2019, ETGO’s authorization was subject to conditions.
14. On January 4, 2023, ETGO’s authorization was suspended.
15. On April 11, 2023, ETGO’s authorization expired.
16. On June 28, 2024, ECS applied to be an LEC with Mr. Richards as the DME.
17. On November 15, 2024, the ESA Director of Licensing issued the NOP in respect of refusing ECS’s application to be a LEC with Mr. Richards as the DME.
18. The Appellant applied for a review of the NOP before the DORA.
19. On July 16, 2025, the DORA issued the DORA Decision, confirming that the Director of Licensing is entitled to carry out the NOP.
20. In reaching this decision, the DORA found that there were reasonable grounds to believe that multiple grounds set out in section 113.2(2) of the Act exist. More specifically, the DORA found reasonable grounds to believe the Appellant will not carry out the activities requiring an authorization in accordance with the law (section 113.2(2)(a)); will not conduct himself with honesty and integrity or in accordance with the principle of

¹ Exhibit 7, Director’s Confirmation for Robert Richards. I note that the Agreed Statement of Facts states that the date is January 1, 2011, but this discrepancy is not germane to the disposition of this case.

protecting consumers (section 113.2(2)(d)); and failed to comply with or meet a requirement of this Part, the regulations or orders of the ESA (section 113.2(2)(f)).²

21. By Notice of Appeal dated July 23, 2025, the Appellant appealed the DORA Decision to the Review Panel.

III. LEGISLATIVE SCHEME

22. The NOP refusing ECS's application was made pursuant to section 113.2 of the Act, which provides, in relevant part:

113.2 (1) Except as provided in the regulations, no person shall carry out or propose to carry out, or permit or employ another person to carry out, an activity referred to in the regulations as requiring an authorization without first obtaining an authorization in accordance with this Part and the regulations.

(2) A Director may refuse to grant an applicant an authorization for the carrying out of activities or may refuse to renew, may suspend or may revoke an authorization holder's authorization for the carrying out of activities, if the Director has reason to believe that,

(a) the applicant or authorization holder will not carry out the activities in accordance with the law;

(b) the applicant or authorization holder will not carry out the activities safely;

[...]

(d) the applicant or authorization holder will not conduct himself or herself with honesty and integrity or in accordance with the principle of protecting consumers;

[...]

(f) the applicant or authorization holder failed to comply with or to meet a requirement of this Part, the regulations or an order of the Authority.

² Exhibit 2, DORA Decision at paras. 72, 77 and 80. The DORA did not find grounds to believe that the Appellant will not carry out activities safely (s. 113.2(2)(b)): paras. 73-74.

23. The ESA relies on the requirement that LECs must meet the requirements in O. Reg. 570/05, including those relating to advertising in section 19³, as well as the requirement that all electrical work be carried out in compliance with the Ontario Electrical Safety Code (“OESC”) in section 4. The OESC includes specific requirements relating to the need for permits to be obtained for certain electrical work.
24. The authority of this Panel in respect of the DORA’s decision is set out in section 14(11) of O. Reg. 187/09 (General) made under the *Safety and Consumer Statutes Administration Act, 1996*, S.O. 1996, c. 19. That provision states: “The Review Panel may, by order, confirm, amend or rescind the decision of the Director or make whatever other decision that the Review Panel deems appropriate.”

IV. ISSUES TO BE DECIDED

25. The issue in this appeal is whether to confirm the NOP refusing authorization of ECS, based on one or more of the grounds set out in section 113.2(2) of the Act.
26. In assessing whether those grounds are established, the Respondent submitted that this Panel should review the DORA Decision on a standard of correctness. The Appellant did not object to this position. We agree with the Respondent that the appropriate standard of review is correctness. Applying a correctness standard means that this Panel must assess whether the Director’s interpretation and application of the relevant statutory provisions was correct, rather than deferring to the Director’s views or analysis. That is the approach Review Panels have taken in previous cases, including in NOAL-15-01 (*Edison Electric Inc. v. Director, Contractor Licensing and Powerline*), NOA 21-01L (*Moradali A. Bandzar v. Director of Licensing*) and NOAC 23-03 (*Strak Holdings Inc. v. Director of Licensing*).
27. There is no dispute that the Respondent bears the burden of establishing that there is “reason to believe” one of the grounds in section 113.2(2) of the Act exists. In interpreting this standard, the Respondent submits that the Panel should apply the “reasonable grounds for belief” standard from *Mugesera v. Canada*, 2005 SCC 40 at para. 114, where the Court explains that “*reasonable grounds for belief must be more than mere suspicion, and will be found to exist where there is an objective basis for the belief which is based on compelling and credible information. While this standard is more than mere suspicion, it is less than proof on a balance of probabilities.*” The Appellant did not dispute the Respondent’s position on the standard of review or the proper interpretation of what is required to show there is “reason to believe” grounds in

³ Section 19 states: “An electrical contractor shall prominently display the licence number in all correspondence, contracts and advertisements, on business vehicles and, generally, in all situations where they are communicating with the public.”

section 113.2(2) of the Act exist. The Panel agrees with and adopts the Respondent's position on these issues.

28. We now turn to consider each of the three grounds put forward for the NOP.

V. EVIDENCE

29. The following is a summary of the relevant witness testimony. The Panel has considered all evidence in this proceeding, but this summary focuses on the main issues the parties raised in their arguments.

A. Robert Richards

30. Mr. Richards testified on his own behalf. He confirmed that he was the DME for ETGO and the operator of that entity. He has been an electrician for over 20 years and holds a Certificate of Qualification.
31. In brief, his testimony covered four main issues.
32. First, Mr. Richards takes issue with the ESA's examples of his failure to meet requirements under the OESC to obtain a permit (or notification of work). For example, with respect to the failure to obtain a permit at one project, Mr. Richards argues that no permit was needed as it was a "remove and relocate", although he could not remember the details of the project. For another project, Mr. Richards argues that he did obtain a permit only to be advised that it was then cancelled. More generally, Mr. Richards testified that he has "always pulled a permit" and that the failures were limited to "a handful of places," and that he has pulled many permits over the years that passed inspection.
33. Second, Mr. Richards argues that he did not receive certain communications from the ESA during the relevant period, and this is why he did not comply with requests for information or other communications from the ESA. Mr. Richards testified that he could not access the email address on file with the ESA (robrich1@live.com) starting around 2013 or 2014. He claims he called in to the ESA on "two occasions" to change his email to robetg1@mail.com, stating that "the lady said she will change it over, she did change it." However, Mr. Richards could not remember the exact date this occurred or the name of the person he spoke with. Mr. Richards also denied having met Shana Hole in person. Mr. Richards acknowledged that it was his responsibility to advise the ESA of any change in contact information and that he understood the ESA would use the information on file to communicate with him. Critically, on cross-examination, Mr. Richards admitted that he never contacted the ESA to inform them that he was not receiving communications - an admission that undermines his position that the communication failures were beyond his control.

34. Third, Mr. Richards stated that over the relevant time period, he experienced stress and distraction due to personal circumstances. In particular, Mr. Richards testified that his mother, father, grandfather, two nephews and an aunt have passed away. He also experienced serious prostate issues himself, which took over his life. As Mr. Richards puts it, “mentally I wasn’t there”. He relies on all of these events to help explain why he did not take certain steps, including responding to ESA correspondence and ensuring that his email contact information was updated.
35. Finally, Mr. Richards took responsibility for his failures. At the hearing, he testified that he wished to regain the ESA’s confidence.
36. Notably, Mr. Richards did not present a forward-looking compliance plan to the Panel. His testimony focused primarily on explaining and justifying past conduct, rather than articulating concrete steps he would take to ensure future compliance. In his closing submissions, Mr. Richards acknowledged errors on his part and attributed certain failures to the process by which information was sent to him. On cross-examination, Mr. Richards acknowledged that he never informed the ESA that he was not receiving email communications. He also acknowledged that as the sole designated ME, the responsibility for compliance rested with him.

B. Robert Smith

37. Mr. Smith was called as a witness by Mr. Richards. He has known Mr. Richards for at least 15 years and described himself as a close friend. Mr. Smith testified as to Mr. Richards undergoing prostate issues and having prostate surgery, and that these medical issues caused Mr. Richards great stress and impacted his ability to think straight. Mr. Smith also testified as to the multiple deaths in Mr. Richards’ family. In cross-examination, Mr. Smith confirmed that he was not familiar with ESA compliance requirements and could not speak to ETGO’s compliance history.

C. Roxanne Sam-Hinton

38. Ms. Sam-Hinton was called as a witness by Mr. Richards. She assisted Mr. Richards with sales at ETGO, mostly on Kijiji. She testified that Mr. Richards provided her with his ESA contractor number and master’s number and instructed her to ensure both were to be posted for each advertisement. She noted that Mr. Richards was insistent about including the ESA number. In cross-examination, Ms. Sam-Hinton testified that Mr. Richards reviewed some, but not all, of the advertisements prior to them being posted. At the same time, Ms. Sam-Hinton testified that there was a main advertising template that Mr. Richards approved, and then minor modifications were made prior to posting depending on the particular service being advertised (e.g. pot lights).

D. Janisa Locke

39. Ms. Locke was called as a witness by Mr. Richards. She assisted Mr. Richards with sales at ETGO. She testified that Mr. Richards provided her with his ESA contractor number and master's number to be posted for each advertisement on Facebook and Kijiji. In cross-examination, Ms. Locke testified that Mr. Richards reviewed all advertisements prior to them being posted, that her work for Mr. Richards was part-time, and that Mr. Richards was ultimately responsible for ensuring the advertisements were compliant with applicable rules and regulations.

E. Shana Hole

40. Ms. Hole was called as a witness by the Respondent. She is currently Senior Manager in the ESA's Licensing Department and has worked in that department for approximately 15 years.
41. The ESA submitted several documents as evidence through Ms. Hole. Ms. Hole confirmed that these documents were created and maintained in the ordinary course of the ESA's business. In particular, with respect to ESA's SAP database, Ms. Hole testified that new entries are made whenever new activity occurs on a file, that entries cannot be amended or deleted once they are made, and that entries in respect of customer complaints would be made as soon as the ESA is notified.
42. Using the ESA's documents as a guide, Ms. Hole testified as to each compliance issue or concern involving ETGO and Mr. Richards.
43. In terms of advertising issues, Ms. Hole testified that the requirements in section 19 of O. Reg. 570/05 serve a consumer protection purpose, as they allow the public to verify that a contractor is properly licensed. Ms. Hole gave evidence (going through ESA documents) as to several incidents of ETGO failing to meet the requirements in section 19 of O. Reg. 570/05:
- a. In October 2012, ETGO used a work vehicle and business cards with the name "Potlight King", which is not a registered company, without listing ETGO's license number. After ESA contacted Mr. Richards by phone and provided him with a reminder notice, he agreed to put his license number and contractor name on his truck and business cards.
 - b. In September 2013, ETGO produced an online coupon that did not include ETGO's licensing number, triggering another notice to Mr. Richards for failure to comply with advertising requirements.

- c. In September 2016, ETGO advertised on Kijiji without displaying a license number, which resulted in yet another reminder notice from the ESA for failure to comply with advertising requirements.
 - d. In January 2017, ETGO failed to display its electrical contractor license number on its company vehicle or business card, triggering another notice from the ESA for failure to comply with advertising requirements.
 - e. In September 2017, ESA received reports that one of ETGO's vehicles still did not display the license number, triggering another notice from the ESA for failure to comply with advertising requirements. This resulted in the ESA meeting with Mr. Richards who indicated that he would update his website, vehicle and online ads with the license number information. Following this meeting, on November 13, 2017, the ESA imposed conditions on ETGO's license, including the requirement to prominently display his contractor's license, to only carry on business using the name on the license, and to file for permits in respect of all applicable electrical installations.
 - f. In July 2022, ESA received information that ETGO was carrying on business under a different business name. The ESA issued a Request for Licensing Information to ETGO to provide a response, but no response was ever received.
 - g. In April 2023, ESA obtained information that Mr. Richards offered a quote for electrical services. At this point, Mr. Richards did not have a valid license at all and could not legally offer to do electrical work. Again, ETGO's license was suspended in January 2023.
44. In terms of ETGO's failure to obtain work notifications (also known as permits), Ms. Hole explained that the need to do so is a core requirement meant to protect people and property in Ontario. Ms. Hole gave evidence as to several incidents of ETGO failing to obtain work notifications, as well as ETGO failing to respond to inquiries from the ESA:
- a. In March 2014, ETGO failed to obtain a notification for electrical work performed in Oakville, which resulted in the ESA sending a Hazardous Investigation Defect Notice with an April 10, 2014 deadline for compliance. A further follow-up notice was sent on April 10, 2014.
 - b. In July 2015, ESA received information that ETGO did work without a notification at a property in Ajax. The ESA sent a Request for Licensing Information to ETGO to provide a response, but no response was ever received. A follow-up notice also failed to elicit a response. Eventually, Ms. Hole called Mr. Richards, who advised her that no electrical work was done on the site.

- c. In June 2017, ETGO failed to obtain a notification for electrical work performed in Etobicoke, which resulted in ESA sending a Working Without Electrical Inspection Notice on June 7, 2017, with a June 21, 2017 deadline for compliance. A notification was not obtained by that time and so a follow-up notice was issued on July 18, 2017.
 - d. In November 2018, ETGO failed to obtain a notification for installing a light and switch at a property in Pickering. The ESA sent a Request for Licensing Information to ETGO to provide a response, but no response was ever received. Following this incident, the ESA imposed two conditions on ETGO's license, which required ETGO to (i) submit a corrective action plan to help ensure ETGO will comply with the requirement to file notifications; and (ii) apply for inspection on all installations, and specifically warned that ETGO's license could be suspended or revoked if this requirement was not satisfied.
 - e. In September 2020, ETGO failed to obtain a notification for electrical work done at an address on Eglinton Avenue, which resulted in a Working Without Electrical Inspection Notice.
 - f. In February 2021, the ESA received information that ETGO failed to obtain a permit in respect of work done in Newmarket. The ESA sent a Request for Licensing Information to ETGO to provide a response, but no response was ever received.
45. In cross-examination, Ms. Hole stated that a licensee's particular circumstances are always considered when making licensing decisions. She also advised that she had not seen any indication or records demonstrating that Mr. Richards provided the ESA's licensing department with a changed or updated email address. Ms. Hole explained that changing contact information requires a contractor to complete a form and send it to the licensing office, following which the update would be made within 30 days.
46. Ms. Hole confirmed that email correspondence was sent to robrich1@live.com and that she produced delivery-confirmation records, although she could not recall whether registered mail had been sent. She described a pattern of progressive enforcement that included initial notices, direct communications, conditions, further warnings, and ultimately suspension. In re-examination, Ms. Hole confirmed a telephone call with Mr. Richards on February 18, 2021, during which he stated that "he doesn't regularly check his emails so he doesn't know if he received" the ESA's requests for information.

F. Patience Cathcart

47. Ms. Cathcart was called as a witness by the Respondent. She was the statutory Director of Licensing at the ESA at the time of ECS' application.
48. Ms. Cathcart explained that when considering an application for a license from an entity that has a prior history with the ESA — either as a DME or LEC — the ESA examines the history and circumstances surrounding why the entity is applying for a new license, including whether there are past compliance and enforcement issues. The DME's history is important because they are held as the accountable individual for the business making the application, and are meant to be the key person with training and expertise as to what is required to satisfy legal requirements. Ms. Cathcart considered the historical analysis important to the assessment of whether the applying entity will ultimately be a reliable "safety partner" when it comes to protecting the safety of Ontarians, and whether or not the entity would be a burden that requires extensive resources to manage. Ms. Cathcart also explained that she does consider the individual livelihood and circumstances of those involved.
49. In the particular case of ECS, Ms. Cathcart was aware that the previous Director had issued a Notice of Suspension and Revocation to ETGO the year before the license application was being made. Ms. Cathcart considered that ETGO and Mr. Richards were unable to maintain accountability for their license, were not equipped to handle the basic requirements of licensure, and demonstrated a lackadaisical approach to compliance. As she put it, the ESA is not there to be Mr. Richards' "personal assistant" and spent an "exorbitant amount of time" working with Mr. Richards. Ultimately, according to Ms. Cathcart, the ESA could not count on Mr. Richards to be an "accountable safety partner".
50. At the same time, Ms. Cathcart pointed out that Mr. Richards still has the certificate of qualifications as an electrician and so he can work for another business or employer. All the NOP does is prevent him from setting up his own business to engage in electrical work.

VI. ANALYSIS

51. The grounds for the NOP can essentially be broken down into three categories: (i) Mr. Richards' history of failing to comply with advertising requirements; (ii) Mr. Richards' history of failing to obtain work notifications; (iii) Mr. Richards' failure to ensure his contact information with the ESA was updated and his failure to respond to ESA communications regarding ETGO's non-compliance. The Panel finds that it need not conclude that all of these grounds are made out; instead, the question is whether whatever grounds are established are sufficient to justify the issuance of the NOP.

A. Failure to comply with advertising

i. The parties' positions

52. The Appellant does not expressly deny that he failed to comply with the advertising requirements, and indeed expressly admits to the non-compliance in 2012. More generally, the Appellant admits that “in most cases, there are errors on my part”, although he also attributes some degree of fault to the ESA for the process followed and how information was sent to him. From 2014 onwards, the Appellant also relies on his personal circumstances as an explanatory factor.
53. The Respondent relies on Ms. Hole’s evidence, as supported by the documentary record, to demonstrate a history of non-compliance with section 19 of O. Reg. 570/05, which reflects both knowledge and repetition. More specifically, the ESA relies on the fact that there were six advertising concerns between 2012 and 2017, despite Mr. Richards being contacted by phone in 2012 and having the advertising-related concerns explained to him. According to the ESA, the advertising-related concerns establish the grounds in section 113.2(2)(d), i.e. “the applicant or authorization holder will not conduct himself or herself with honesty and integrity or in accordance with the principle of protecting consumers”.

ii. Decision and analysis

54. The Agreed Statement of Facts establishes that the ESA issued a notice regarding advertising compliance in October 2012, and that Mr. Richards communicated with the ESA about it. The documentary record establishes five further notices between 2013 and 2017 regarding ongoing advertising failures.
55. The Panel notes the testimony of Ms. Locke that Mr. Richards was “very adamant” about including ESA numbers in advertisements, and Ms. Sam-Hinton’s testimony that including the ESA number was one of the main things communicated to her. However, this testimony relates only to the online advertisements they personally assisted with, and neither witness could recall the specific timeframe of their work for Mr. Richards. It does not address all of the documented failures. The ESA’s records, supported by Ms. Hole’s testimony, establish a persistent pattern of non-compliance.
56. This evidence satisfies the “reason to believe” threshold under subsections 113.2(2)(a) and (f) of the Act with respect to advertising obligations.
57. Thus, we conclude that Mr. Richards and ETGO did repeatedly fail to comply with the advertising requirements under section 19 of O. Reg. 570/05. The Panel recognizes the important consumer protection purpose that the advertising requirements are designed to serve, including by enabling the public to determine whether the person offering services is properly authorized. Accordingly, the Panel finds that this conduct does establish that

there is reason to believe “the applicant or authorization holder will not conduct himself or herself with honesty and integrity or in accordance with the principle of protecting consumers”, within the meaning of section 113.2(2)(d) of the Act.

B. Failure to file notifications (permits)

i. The parties’ positions

58. The Appellant admits that on at least three occasions, he initially failed to obtain notifications of work. For the Eglinton Avenue West project in Toronto, he argues that no permit was required because the work was a “remove and relocate,” although he did eventually obtain one after being told otherwise by an ESA inspector. For the Standardville Drive project in Ajax, he argues the permit was cancelled. For the Sherman Brock Circle property in Newmarket, he claims he was never contracted for electrical work at that address and was only there to do framing and drywall, which he then subcontracted out.
59. The Respondent relies on Ms. Hole’s evidence, as supported by the documentary record, as well as the Agreed Statement of Facts to demonstrate a history of Mr. Richards failing to obtain authorizations when required (including instances where Mr. Richards only did so after being alerted to this failure by the ESA). The Respondent submits that notifications of work play a critical consumer protection purpose by allowing the ESA to identify electrical work, determine whether inspection is required and assess Code compliance. According to the ESA, these failures establish the grounds in sections 113.2(2)(a) and (f) of the Act.

ii. Decision and analysis

60. The evidence establishes that Mr. Richards failed to obtain the required notifications of work on at least four occasions between 2014 and 2021. The Agreed Statement of Facts specifically confirms that no permit was pulled for the Denmark Road property, and that the Eglinton Avenue permit was obtained only “afterwards” — that is, after the work had already commenced.
61. As explained by Ms. Hole, the notification requirement serves a critical consumer protection purpose. Notifications trigger the ESA’s inspection process, which ensures that electrical work is performed safely and in accordance with the OESC. Failure to file notifications means that electrical work is performed without regulatory oversight, placing consumers and the public at potential risk of electrical harm.
62. The Panel does not accept any characterization of these failures as mere “administrative” oversights. The requirement is fundamental to the regulatory scheme and its repeated

breach over a long period is concerning and establishes grounds under subsections 113.2(2)(a) and (f).

63. Thus, we conclude that Mr. Richards and ETGO did repeatedly fail to comply with section 4 of O. Reg. 570/05 and, in particular, the requirement to file timely notifications of work as per the OESC rule 2-004(1). The Panel recognizes the important consumer protection purpose that the work notification requirements are designed to serve. Based on the record in this proceeding, the Panel finds that there is reason to believe that “the applicant or authorization holder will not carry out the activities in accordance with the law” and that “the applicant or authorization holder failed to comply with or to meet a requirement of this Part, the regulations or an order of the Authority”, within the meanings of sections 113.2(2)(a) and (f) of the Act.

C. Failure to communicate with the ESA

i. The parties' positions

64. The Appellant states that at some point, he did communicate his change in email address information to the ESA. He also relies on his medical problems and deaths in his family as reasons why his stress levels were high and mental health was suffering, such that he did not always attend to matters like ensuring proper communication with the ESA.
65. The Respondent relies on Ms. Hole's evidence, as supported by the documentary record, to show a pattern of five different failures by Mr. Richards to respond to requests for information between 2014 and 2022. According to the ESA, without the requested information and transparency, the ESA could not determine what work was performed, what corrective action had been taken, or whether the underlying concerns had been addressed. The ESA considers the Appellant's failure to communicate and respond to the ESA to further support the grounds under sections 113.2(2)(a) and (f) of the Act.

ii. Decision and analysis

66. Mr. Richards's primary defense is that he did not receive many of the ESA's communications because he lost access to his email address around 2014. The Panel has considered this argument carefully but finds it unpersuasive for two reasons. First, the only evidence supporting the alleged email access problem is Mr. Richards' own testimony; he provided no documents to back this up. Second, and more importantly, even if the email access issue were accepted, it would not excuse the non-compliance. A licensee's obligation to maintain communication with the regulator is a basic responsibility that cannot be delegated to an email inbox. If email is not working or is otherwise inaccessible, the licensee must use other means to stay in contact with the ESA which could be by telephone, by mail, or in person. Mr. Richards did none of these things.

67. Even accepting that Mr. Richards may have experienced email access issues, several facts undermine this as a complete explanation:
- a. Mr. Richards admitted in the Agreed Statement of Facts that he spoke directly with the ESA about the first advertising notice in October 2012. He was therefore on notice of ESA's compliance concerns from the outset.
 - b. Ms. Hole testified to an in-person meeting with Mr. Richards in November 2017, during which conditions were discussed. Although Mr. Richards denied this meeting, the Panel prefers the evidence of Ms. Hole on this point. Ms. Hole's testimony was consistent with the documentary record and she explained that the meeting was initiated after email contact to the address Mr. Richards provided to the ESA. Further, a follow-up review a few weeks after the November 2017 meeting showed that Mr. Richards had complied with the advertising requirements discussed at that meeting, supporting the conclusion that the meeting occurred.
 - c. Mr. Richards never informed the ESA that he was not receiving communications. As the sole DME and operator, the responsibility to maintain current contact information with the regulatory authority rested entirely with him.
 - d. Mr. Richards acknowledged that the responsibility under section 28 of O. Reg. 570/05 is his as the DME. Regulatory obligations continue even if one does not check e-mail or update e-mail.
68. In sum, the Panel rejects Mr. Richards' email defense. Whether characterized as an access problem or a failure to check emails, the result is the same: Mr. Richards failed to maintain communication with the ESA as required. A regulated professional who loses access to an email account (as Mr. Richards claims, though he provided no corroborating evidence) has an obligation to notify the regulator and provide alternative contact information. Failing to do so for many consecutive years shows a lack of diligence in meeting regulatory obligations. Moreover, in a February 2021 telephone call with Ms. Hole, Mr. Richards himself acknowledged that "he doesn't regularly check his emails". This undercuts his own characterization of the problem as one of access rather than attention.

D. Other issues

69. ***Personal circumstances:*** The Panel has carefully considered Mr. Richards's submissions regarding his personal circumstances, including health issues (prostate surgery, heart condition) and family deaths. These circumstances are sympathetic, and the Panel does not doubt that Mr. Richards experienced hardship. However, they do not adequately explain years of non-compliance. No evidence linked specific health events to specific

instances of non-compliance, and many of the documented failures occurred before or after the periods when health issues would have been most acute. Personal hardship, while relevant in many contexts, cannot override the regulatory requirements at issue.

70. ***No forward-looking compliance plan:*** The Panel also notes that Mr. Richards did not present a forward-looking compliance plan. He did not explain what steps he would take to ensure compliance going forward, nor did he identify what changes would prevent a recurrence. His testimony focused almost entirely on justifying past conduct. This is significant: it gives the Panel no basis to conclude that future conduct would differ from past conduct.
71. ***Progressive enforcement:*** The Panel notes that the ESA pursued a progressive enforcement approach over many years — initial notices, direct communication, meetings, conditions, warnings, and ultimately suspension — before refusing authorization. This was not a case where a single infraction resulted in a disproportionate response. The NOP was issued only after extensive efforts to bring Mr. Richards into compliance had failed.
72. ***Livelihood impact:*** As Ms. Cathcart testified, the refusal does not prevent Mr. Richards from working in the electrical trade. He retains his Certificate of Qualification and may work as an electrician employed by another Licensed Electrical Contractor. What the refusal prevents is Mr. Richards operating his own contracting business — a responsibility that carries additional regulatory obligations which the record shows he has not met. Mr. Richards’ submission that he could not work in the trade but for a business license is not accurate.
73. ***No evidence of safety incidents:*** The Panel notes that the record contains no evidence of any actual safety incident, injury, or defective electrical work attributable to Mr. Richards. The grounds for the NOP relate to regulatory non-compliance (e.g. failure to file notifications, failure to comply with advertising requirements, and failure to communicate with the ESA) rather than to the quality of Mr. Richards’ electrical work itself. The Panel makes no finding regarding the quality of his workmanship. However, this does not assist Mr. Richards. The regulatory framework is designed to be preventative: permits and inspections exist precisely so that potential safety issues can be identified and addressed before harm occurs. A contractor who bypasses these requirements deprives the ESA of the opportunity to fulfill its mandate. As Respondent’s counsel submitted, the ESA “is not required to wait until a fire, electrical shock or other injury occurs before taking regulatory action.”
74. ***Consumer protection and integrity (s. 113.2(2)(d)):*** The pattern of conduct revealed by the evidence (e.g. repeated failures to comply with advertising requirements, repeated failures to file notifications, failures to respond to ESA communications, and continued

advertising of electrical services after ETGO's suspension in January 2023 (as shown in the Facebook advertisement from April 2023)) demonstrates a pattern of disregarding the rules designed to protect consumers. While the Panel does not make a finding of dishonesty in the same sense as in *Strak Holdings* (where active misrepresentation was at issue), the totality of the conduct demonstrates a failure to operate in accordance with consumer protection principles. There are reasonable grounds to believe that the ground under subsection 113.2(2)(d) is made out.

E. Conclusion

75. For the reasons stated above, and applying the “reason to believe” standard, the Panel is satisfied that the Director has reason to believe that:
- a. ECS (through Mr. Richards) will not carry out its activities in accordance with the law (s. 113.2(2)(a));
 - b. Mr. Richards will not conduct himself in accordance with the principle of protecting consumers (s. 113.2(2)(d)); and
 - c. Mr. Richards has failed to comply with requirements of the Act, the regulations, and orders of the Authority (s. 113.2(2)(f)).

VII. ORDER

76. The Panel dismisses this appeal from the DORA's July 16, 2025 decision and confirms the Notice of Proposal to Refuse Authorization in respect of ECS dated November 15, 2024.
77. The parties may make brief written submissions as to costs, not to exceed two double-spaced pages, and bearing in mind rule 23 of the ESA's *Rules of Practice and Procedure*. The Respondent may file its submissions within 10 business days of the release of this decision, and the Appellant may file its submissions within 10 business days thereafter. Costs submissions should be sent to the opposing party and to the ESA's Reviews and Appeals Office.

Dated this 18th day of September, 2026.



Daniel Pugen, Chair
Mike Mankulich