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**ELECTRICAL SAFETY AUTHORITY REVIEW PANEL**

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**B E T W E E N:**

**DAI Q. DINH**

**(the “Appellant”)**

**- and -**

**DIRECTOR, ELECTRICAL SAFETY AUTHORITY**

**(the “Respondent”)**

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**ORDER**

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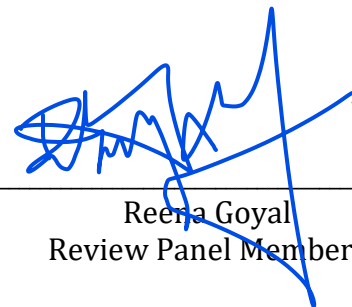
Review Panel Member: Reena Goyal

Appeal Number: NOAA 23-04

1. On August 11, 2023, the Electrical Safety Authority (“ESA”) imposed an administrative penalties order in the amount of \$3,000 (“APO”) against the Appellant, pursuant to subsection 113.18.1 of the *Electricity Act, 1998*, in respect of a contravention of subsection 113.2(1) of the *Electricity Act, 1998* (“Contravention”) as detailed in the APO.
2. On August 27, 2023, the Appellant appealed the APO.
3. On January 3, 2024, the ESA issued a Notice of Review Panel Hearing, scheduling the hearing of this appeal, in writing, before a one-member Review Panel.
4. On or about January 12, 2024, the parties advised they had reached a settlement in this matter, which is attached hereto as Appendix “A” to this Order (“Settlement”). The parties have requested this Order to be made on consent as part of the Settlement, which I am prepared to make.
5. By way of their request for this relief, both parties accept that I have jurisdiction to make this Order sought pursuant to O. Reg 187/09 (including subsection 10(10)) and the ESA’s Rules of Procedure, and I accept I do have that authority.
6. Accordingly, on consent of the parties and at their request, I order that the APO with respect to the Contravention is amended as follows:

The administrative penalty amount is reduced to \$2,500, to be paid by the Appellant by February 2, 2024. No interest shall accrue provided the Appellant makes payment in full by February 2, 2024.
7. Given the matter has been resolved, this appeal proceeding is hereby dismissed, on a without costs basis.

Dated this 18<sup>th</sup> day of January, 2024



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Reena Goyal  
Review Panel Member

APPENDIX "A"



155A Matheson Blvd. W.  
Mississauga, Ontario  
L5R 3L5

Appeal Number: AP-2023-0003  
Appeal File No.: NOAA 23-04

BETWEEN

Director,  
Electrical Safety Authority

Respondent

- AND -

DAI Q DINH

Appellant

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SETTLEMENT

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**WHEREAS** the Director appointed under Part VIII of the *Electricity Act, 1998*, S.O.1998, c.15, Sched. A, ("Act") may, by order, impose an administrative penalty against a person where a person has or is contravening a prescribed provision of Part VIII of the Act or the regulations;

**AND WHEREAS** the Director imposed, by order, an administrative penalty against the Appellant ("Order");

**AND WHEREAS** the Appellant appealed the Order to the Review Panel;

**TAKE NOTICE** that the parties have agreed to the Appellant's appeal of the Order and request that, pursuant to ss.18(4) of O. Reg. 187/09: General ("Regulation"), the Review Panel make the following order, incorporating the 'Terms or Settlement' which are attached hereto as Schedule A.

Schedule A

Appeal Number: AP-2023-0003  
Appeal File No.: NOAA 23-04

BETWEEN

Director,  
Electrical Safety Authority

Respondent

- AND -

DAI Q DINH

Appellant

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TERMS OF SETTLEMENT

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I. BACKGROUND

1. The Electrical Safety Authority (“**ESA**”), a not-for-profit organization, is a designated administrative authority under section 3 of the *Safety and Consumer Statutes Administration Act, 1996*. The ESA is tasked with the administration of Part VIII of the *Electricity Act, 1998* (“**Act**”), and works to regulate and promote electrical safety in the Province of Ontario.
2. The ESA’s mandate is to undertake activities which enhance public electrical safety. The ESA does this in part through training, inspection, authorization, investigation, registration, enforcement, audit, and other regulatory and non-regulatory public electric safety quality assurance services.
3. The ESA also prosecutes offences under Part VIII of the *Electricity Act* on behalf of the Province of Ontario.
4. Pursuant to ss.113.2(1), no person shall propose (a.k.a. advertise) to carry out electrical work without first obtaining an licence to do so.

II. FACTS

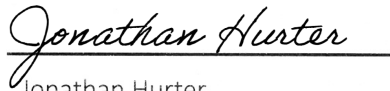
5. The Appellant is not a licensed electrical contractor, and therefore cannot advertise for electrical work. The Appellant does, however, hold a 309A.
6. The Appellant advertised in the online Kijiji.ca platform (“Kijiji”) to perform electrical work (“**Advertisement**”). Under the title “Electrician”, the Appellant advertised:

“EV Charger Station for electrical car, Condo Unit re-wiring and repair, panel upgrade, basement wiring, house wiring, troubleshooting defect repair, all electrical services and repair, install dimmer, potlight, fixture, call or txt 519-721-7718.”

7. The ESA commenced an investigation into the Advertisement. When confronted, the Appellant immediately took responsibility.
8. The Appellant acknowledges and agrees not to advertise, propose, or engage in electrical work without an Electrical Contractor’s License, or unless he was working for a licensed electrical contractor.

III. REQUEST

9. The Parties request that the Review Panel amend the Order on the following terms:
  - a. Reduce the administrative penalty to \$2,500.00;
  - b. The Appellant be required to pay the Electrical Safety Authority \$2,500 in full by no later than February 2, 2024; and
  - c. That no interest shall accrue provided the Appellant makes payment in full by February 2, 2024.
10. The Appellant acknowledges and agrees that:
  - a. The Appellant had an opportunity to consult with and be represented by counsel.
  - b. If any of these conditions are deemed invalid, unenforceable, illegal, or a mutual mistake, such conditions shall be severed and the remaining conditions shall remain in full force and effect.



Jonathan Hurter  
Legal Counsel  
Electrical Safety Authority



Dai Q Dinh