
ELECTRICAL SAFETY AUTHORITY REVIEW PANEL

B E T W E E N:

MARK BUTLER

(the "Appellant")

- and -

DIRECTOR, ELECTRICAL SAFETY AUTHORITY

(the "Respondent")


ORDER

Review Panel Member (Case Conference Chair): Daniel Pugen

Appeal Number: NOAA 23-06

1. On September 28, 2023, the Electrical Safety Authority (“ESA”) imposed two administrative penalties orders (“APOs”) against the Appellant, pursuant to subsection 113.18.1 of the *Electricity Act, 1998*, in respect of two contraventions (“Contravention 1” and “Contravention 2”) as detailed in the APOs.
2. On October 13, 2023, the Appellant appealed the APOs.
3. On November 21, 2023, a pre-hearing case conferences was held. I served as Case Conference Chair. As a result of discussions at the case conferences, this matter has now settled.
4. The parties have proposed a settlement, which is attached hereto as Appendix “A” to this Order (“Settlement”). The parties have requested certain orders 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 the order sought pursuant to O. Reg 187/09 (including subsection 18(4)) and the ESA’s Rules of Procedure, and I accept that I do have that authority.
6. Accordingly, on consent of the parties and at their request, I order that:
 - a. The APO with respect to Contravention 2 is rescinded.
 - b. The APO with respect to Contravention 1 is amended as follows: the administrative penalty amount is reduced to \$900.00, to be paid in \$75/month instalments for twelve (12) consecutive months, commencing on January 1, 2024 (or with consent of the parties commencing February 1, 2024).
 - c. The “Terms of Settlement” (attached as Schedule “A” to the Settlement, which is attached as Appendix “A” to this Order) are hereby incorporated as part of this Order.
8. Given that the matter has been resolved, this appeal proceeding is hereby dismissed, on a without costs basis.

Dated this 21st day of November, 2023


Daniel Pugen
Review Panel Member and
Case Conference Chair



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

Appeal Number: NOAA 23-06
File No.: AP-2023-0010

BETWEEN

Director,
Electrical Safety Authority

Respondent

- AND -

MARK BUTLER

Appellant

SETTLEMENT

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, two (2) administrative penalties against the Appellant one for Contravention 1 ("1st Order") and the other Contravention 2 ("2nd Order", collectively "Matter");

AND WHEREAS the Respondent appealed the Matter to the Review Panel;

TAKE NOTICE that the parties have agreed to the resolution of the Matter 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', attached hereto as Schedule A.

Schedule A

Appeal Number: NOAA 23-06
File No.: AP-2023-0010

BETWEEN

Director,
Electrical Safety Authority

Respondent

- AND -

MARK BUTLER

Appellant

TERMS OF SETTLEMENT

1. The Review Panel amend the Director's Order with respect to Contravention 1 on the following terms:
 - a. Reduce the administrative penalty to \$900.00; and
 - b. The Appellant be required to pay the Electrical Safety Authority \$75 on the 1st of every month for twelve (12) consecutive months, commencing January 1, 2024.
2. The Review Panel rescind the second Order of the director with respect to Contravention 2.
3. The Parties agree and acknowledge that the Appellant's intention in removing the tag was to repair the defective wire.
4. The Appellant acknowledges and agrees that he had an opportunity to consult with and be represented by counsel, and that 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



Mark Butler