
ELECTRICAL SAFETY AUTHORITY REVIEW PANEL

B E T W E E N:

RELIANCE HOME COMFORT LIMITED PARTNERSHIP
(the “Appellant”)

- and -

DIRECTOR, ELECTRICAL SAFETY AUTHORITY
(the “Respondent”)

ORDER

Review Panel Member: Ralph Van Haeren

Appeal Number: NOAA 23-08

1. On or about November 30, 2023, the Electrical Safety Authority (“ESA”) imposed an administrative penalties order in the amount of \$3,500 (“APO”) against the Appellant, pursuant to subsection 113.18.1(1) of the *Electricity Act, 1998*, in respect of a contravention of rule 2-034 of the *Ontario Electrical Safety Code* (“Contravention”) as detailed in the APO.
2. On or about December 20, 2023, the Appellant appealed the APO.
3. On or about January 25, 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.
4. 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 18(4)) and the ESA’s Rules of Procedure, and I accept I do have that authority.
5. 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.
6. Given the matter has been resolved, this appeal proceeding is hereby dismissed, on a without costs basis.

Dated this 29th day of January, 2024



Ralph Van Haeren
Review Panel Member

APPENDIX "A"



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

APO Number: AP-2023-0003
Appeal File No.: NOAA 23-08

BETWEEN

Director,
Electrical Safety Authority

Respondent

- AND -

RELIANCE HOME COMFORT

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, 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

APO Number: AP-2023-0011
Appeal File No.: NOAA 23-08

BETWEEN

Director,
Electrical Safety Authority

Respondent

- AND -

RELIANCE HOME COMFORT

Appellant

TERMS OF SETTLEMENT

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 R. 2-034 of the 2021 Ontario Electrical Safety Code ("**OESC**"), electrical equipment shall not be used for any purpose or in any manner other than the purpose or manner for which it is intended.

II. FACTS

5. The Appellant specializes in heating, cooling, and plumbing solutions, and offers a range of products and services, including HVAC system installations, maintenance, and repairs.
6. In 2022 The Appellant installed an air conditioning unit ("**Unit**") at a residential property located at the municipal address of 13 Sudbury St., Toronto. Upon inspection by the Electrical Safety

Authority, however, it was discovered that the Appellant had installed the Unit with a 20A breaker when a 15A breaker was required, contrary to R. 2-034 of the OESC.

7. The Appellant has a mandate of working to ensure 100% compliance with all laws, regulations, and codes, including the OESC. To that end the Appellant will be engaging in rigorous training, as well as developing a new aggressive policy to re-establish a culture of regulatory compliance across the Province of Ontario.

III. REQUEST

8. 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 accrue provided the Appellant makes payment in full by February 2, 2024.
9. The Appellant acknowledges and agrees that:
 - a. It had an opportunity to consult with and be represented by counsel; and
 - 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

Jonathan Hurter
Legal Counsel
Electrical Safety Authority

Reliance Home Comfort

Dario Rubini

Manager -
Electrical Programs and services