
ELECTRICAL SAFETY AUTHORITY REVIEW PANEL

B E T W E E N:

MUHAMMAD DAUD

(the “Appellant”)

- and -

DIRECTOR, ELECTRICAL SAFETY AUTHORITY

(the “Respondent”)

ORDER

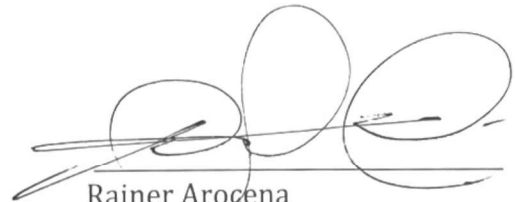
Review Panel Member: Rainer Arocena

Appeal Number: NOAA 24-02

1. On February 22, 2024, the Electrical Safety Authority (“ESA”) imposed three administrative penalties orders (“APOs”) against the Appellant, pursuant to subsection 113.18.1 of the *Electricity Act, 1998* (“Act”) in respect of three contraventions, as follows:
 - a. Contravention 1: Operating an electrical contracting business without being the holder of an electrical contracting license, contrary to s. 3 of O. Reg 570/05 (\$5,000 penalty);
 - b. Contravention 2: Failure to file a notification of work to be done on an electrical installation, contrary to R. 2-004(1)(a) of the Ontario Electrical Safety Code (\$3,000 penalty); and
 - c. Contravention 3: Performing an activity referred to in the regulations under the Act as requiring authorization, namely electrical work (\$3,000 penalty).
2. On April 5, 2024, the Appellant appealed the APOs, after being granted an extension of time to do so.
3. Shortly thereafter, I was advised that the parties had resolved the appeal. I have been provided with the terms of the proposed settlement, including an agreed statement of facts and a joint submission on penalty, 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.
4. 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.
5. Accordingly, on consent of the parties and at their request, I order that:
 - a. The APO with respect to Contravention 1 remains unchanged.
 - b. The APO with respect to Contravention 2 is amended as follows: the administrative penalty amount is reduced the \$1,300.00.
 - c. The APO with respect to Contravention 3 is rescinded.
 - d. The Appellant shall pay the penalties for Contraventions 1 and 2 by making eighteen (18) consecutive payments to the ESA on the 1st of every month, commencing May 1, 2024, in the amount of to be paid in \$350/month. Provided that the Appellant adheres to this payment schedule, the penalty amounts shall not garner any interest.
6. I would strongly urge the Appellant to take the appropriate steps (including training and review of the applicable regulations) to ensure he understands the rules and responsibilities relating to engaging in electrical work in Ontario, so that he is hopefully able to avoid any compliance issues in the future.

7. Given that the matter has been resolved, this appeal proceeding is hereby dismissed, on a without costs basis.

Dated this May 3rd, 2024

A handwritten signature in black ink, consisting of several loops and a horizontal line, positioned above the printed name.

Rainer Arocena
Review Panel Member

2024
May 3
4

APPENDIX "A"



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

Appeal Number: AP-2023-0017
Appeal File No.: NOAA

BETWEEN

Director,
Electrical Safety Authority

Respondent

- AND -

Muhammad Daud

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

Appeal Number: AP-2023-0017
Appeal File No.: NOAA

BETWEEN

Director,
Electrical Safety Authority

Respondent

- AND -

Muhammad Daud

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 s.3 of O. Reg 570/05: Licensing of Electrical Contractors and Master Electricians ("**Regulation**"), no person shall operate an electrical contracting business without an electrical contractor licence issued under the Regulation.
5. Pursuant to R. 2-004 of the 2021 Ontario Electrical Safety Code ("**OESC**"), a contractor shall file a notification with the Electrical Safety Authority of any work on an electrical installation prior to commencement of the work, whether or not electrical power or energy has been previously supplied to the land, building, or premises on which the work is performed.

II. FACTS

6. The Appellant does not have an electrical contractor licence issued under the Regulation.
7. Saquib Raza ("Consumer") is the owner of the residential property located at 28 Lockyer Drive, Whitby ("Property").
8. The Consumer was renovating the Property and looking to have both interior and exterior lighting installed, as well as several receptacles. To that end the Appellant was subcontracted to for the purpose of, and did thereafter engage in, electrical work at the Property.
9. The matter came to the ESA's attention after the Consumer requested information that the electrical work was completed in compliance with the Act.

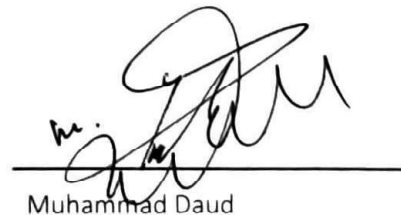
III. REQUEST

10. The Parties request that the Review Panel amend the Order on the following terms:

1 st Administrative Penalty \$5,000	No Change
2 nd Administrative Penalty \$3,000	Reduce to \$1,300
3 rd Administrative Penalty \$3,000	Rescind
11. In addition to the above, the Parties also request the Review Panel order that:
 - a. The Appellant make eighteen (18) consecutive payments to the ESA on the 1st of every month, commencing May 1, 2024, in the amount of \$350; and
 - b. That so long as the Appellant makes each of the aforementioned payments to the ESA on time, that the Administrative Penalty not garner any interest.
12. 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
Legal Counsel
Electrical Safety Authority



Muhammad Daud