
ELECTRICAL SAFETY AUTHORITY REVIEW PANEL

B E T W E E N:

JACOB WIEBE

(the “Appellant”)

- and -

DIRECTOR, ELECTRICAL SAFETY AUTHORITY

(the “Respondent”)

DECISION AND ORDER

Review Panel Member:

Reena Goyal

Appeal Number:

NOAA 24-04

For the Appellant:

Kyle W. Cronk

For the Respondent:

Jonathan Hurter

Independent Legal Counsel:

Dan Goudge

1. On April 25, 2024, the Electrical Safety Authority (the “ESA”) imposed an administrative penalties order (“APO”) in the amount of \$5,000 against the Appellant, Jacob Wiebe., pursuant to subsection 113.18.1(1) of the *Electricity Act, 1998* (the “Act”) in respect of the following contravention:

Between April 13, 2023 and May 3, 2023, you contravened, or are contravening, an order issued by the Electrical Safety Authority under ss. 113(11) of the Act with respect to 5731 Imperial Road, Malahide, dated April 13, 2023.

2. The order referenced in the APO is an ESA order dated April 13, 2023, which required the Appellant to remedy certain defects in an ESA Defect Notice and notify the ESA once the defects have been corrected.
3. On May 21, 2024, the Appellant submitted a Notice of Appeal with respect to the APO.
4. On January 3, 2025, I was provided with the terms of a proposed settlement between the Appellant and the Respondent, including an agreed statement of facts and a joint request on penalty, which is attached hereto as Appendix “A” to this Order (the “Settlement”).
5. The parties have requested certain orders to be made on consent as part of the Settlement, which I am prepared to make.
6. 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.
7. I further conclude that the terms of the Settlement meet the “public interest test” that applies in these circumstances, and do not satisfy the high bar for rejecting a joint submission on penalty put forward by the parties. In particular, approval of the Settlement would not bring the administration of justice into disrepute, nor would it be otherwise contrary to the public interest. I note that it is common ground between the parties that the defects set out in the ESA Defect Notice have been corrected.
8. Accordingly, on consent of the parties and at their request, I order that:
 - a. The administrative penalty set out in the APO as against the Appellant be reduced to \$2,000.00.
9. Given that the matter has been resolved, this appeal proceeding is hereby dismissed, on a without costs basis.

Dated January 9, 2025



Reena Goyal
Review Panel Member

Appendix "A"



155A Matheson Blvd. W.
Mississauga, Ontario
LSR 3LS

APO Number: AP-2025-0005
Appeal File No.: NOAA 24-04

BETWEEN

Director,
Electrical Safety Authority

Respondent

-AND-

JACOB WIEBE

Appellants

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 Appellants 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-2025-0005

Appeal File No.: NOAA 24-04

BETWEEN

Director,
Electrical Safety Authority

Respondent

-AND-

JACOB WIEBE

Appellants

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 ss.113(11) of the Act, the ESA may issue orders relating to work to be done in the installation, removal, alteration, repair, protection, connection or disconnection of any of the works, matters and things used in the generation or use of electricity in Ontario the ESA considers necessary or advisable for the safety of persons or the protection of property ("Order").

5. Pursuant to paragraph (b) of ss.113.20(1) of the Act, it is an offence to refuse or neglect to comply with such an Order.

II. FACTS

6. The ESA discovered that a solar array ("Array") had been installed onto a residential property located 5731 Imperial Road in Aylmer ("Property"). The Property consists of both a residential property and commercial farming operation, a sole proprietorship operated by Wiebe as 'Conquer Farms.'
7. The Array had been installed by the Appellant and his friends; upon inspection of the Array, however, several defects were discovered ("Defects").
8. On April 13, 2023, and pursuant to ss.113(11) of the Act, the ESA issued an order to correct the defects. The defects, however, remained uncorrected.
9. After the ESA issued an administrative monetary penalty, the Defects were corrected.

III. REQUEST

10. The Parties request that the Review Panel amend the Order on the following terms:
 - a. Reduce the administrative penalty as against Wiebe to \$2,000.
11. The Appellant acknowledges and agrees that:
 - a. It had an opportunity to consult with and be represented by legal representation; 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


Jacob Wiebe