
ELECTRICAL SAFETY AUTHORITY REVIEW PANEL

B E T W E E N:

RAVINDER

(the “Appellant”)

- and -

DIRECTOR, ELECTRICAL SAFETY AUTHORITY

(the “Respondent”)

DECISION AND ORDER

Review Panel Member: Rainer Arocena

Appeal Number: NOAA 24-13

1. On October 11, 2024, the Electrical Safety Authority (“ESA”) imposed an administrative penalty order (“APO”) in respect of three contraventions against the Appellant, pursuant to subsection 113.18.1 of the *Electricity Act, 1998* (“Act”).
2. The first contravention in the APO, for which a penalty of \$4,500 was imposed, is described as follows (“Contravention 1”):

Between September 1, 2023 and December 31, 2023, you operated an electrical contracting business without being the holder of an electrical contractor license, contrary to s. 3 of O. Reg 570/05: Licensing of Electrical Contractors and Master Electricians.

3. The second contravention in the APO, for which a penalty of \$3,000 was imposed, is described as follows ("Contravention 2"):

Between September 1, 2023 and October 31, 2023, you carried out an activity referred to in the regulations under the Act as requiring an authorization, by carrying out electrical work at 66 Attridge Cr, Waterdown, contrary to ss. 113.2(1) of the Electricity Act, 1998.

4. The third contravention in the APO, for which a penalty of \$1,000 was imposed, is described as follows ("Contravention 3"):

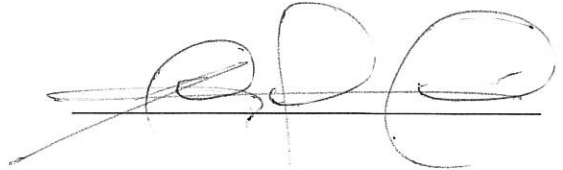
Between September 1, 2023 and October 31, 2023, and prior to the commencement of work to be done on an electrical installation at 66 Attridge Cr. Waterdown, failed to file with Electrical Safety Authority a notification of the work, contrary to rule 2-004(1)(a) of the Ontario Electrical Safety Code.

5. The Appellant submitted a Notice of Appeal in respect of the APO.
6. On November 25, 2024, 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 ("Settlement").
7. The parties have requested certain orders to be made on consent as part of the Settlement, which I am prepared to make.
8. 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.
9. 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.
10. In reaching this conclusion, I am putting particular emphasis and reliance on the fact that the Appellant "acknowledges and agrees not to operate an electrical contracting business in the future, nor perform electrical work, unless duly authorized" and that he "agrees to verify the licence status of anyone he subcontracts electrical work to, including by contacting the ESA" (as per paragraph 8 of the Settlement).
11. Accordingly, on consent of the parties and at their request, I order that:
 - a. The APO amount with respect to Contravention 1 is reduced to \$3,000.00;
 - b. The APO amount with respect to Contravention 2 is reduced to \$700.00;
 - c. The APO with respect to Contravention 3 is rescinded, such that no amount is payable with respect to this contravention;

- d. The Appellant is to make payments in the amount of \$175.00 on the first day of each month, starting on December 1, 2024; and
 - e. Provided the Appellant makes all payments on time and in accordance with the terms of this Order, no interest shall accrue.
12. Given that the matter has been resolved, this appeal proceeding is hereby dismissed, on a without costs basis.

Dated this November 27, 2024 ✓

Rainer Arocena Review Panel Member

A handwritten signature in dark ink, appearing to be 'R. Arocena', written over a horizontal line.