

Bulletin 2-21-7
Electrical installations that are not compliant with the
Ontario Electrical Safety Code
Rules 2-018 and 2-030

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1) Introduction

The Electrical Safety Authority (ESA) is responsible for public electrical safety in Ontario as designated by Ontario Regulation 89/99 and is responsible for enforcing the Electricity Act and Regulations, including the Ontario Electrical Safety Code (OESC), Ontario Regulation 164/99.

When an electrical installation does not comply with the OESC, the non-compliances are referred to as defects, which are classified as outlined in this Bulletin. In some cases, a one-time postponement or deviation from the Code may be granted.

2) Definitions

a) Classification of defects

- **Life and/or property (L&OP) defect** – An ESA Inspector determines that the electrical installation does not comply with the OESC and presents a high likelihood of shock or fire.
- **Defect** – An ESA Inspector determines that the electrical installation does not comply with the OESC; however the deficiency does not present a high likelihood of shock or fire. The ESA Inspector determines that the non-compliant installation represents moderate risk.
- **Warning Defect** – An ESA Inspector determines that the electrical installation does not comply with the OESC however the likelihood of shock and fire is low or the likelihood of exposure is low. The ESA Inspector determines that the non-compliant installation represents low risk.

b) Deviation and postponement

- **Postponement** – An ESA Inspector determines that the electrical installation does not comply with the OESC. However, the installation does not create undue hazard to persons or property and presents a minor degree of deviation from the OESC requirements specific to the site.
- **Deviation** - The electrical installation does not comply with the OESC; however, alternative measures have been taken so that safety of the installation is not compromised. For ESA to consider acceptance, a request for deviation must be filed by the applicant, which may be a contractor, installer or designer and acknowledged by the property owner. The “Deviation Request Form” and details on this process are found on the ESA website at <https://esasafe.com/contractors/deviation-requests/>. These requests, when approved, are site and project specific.

If the deviation is accepted and when the installer has met the terms of the deviation request and any conditions identified, the area Inspector will issue a postponement defect for the Rule(s) that were identified in the deviation request and a postponement defect for Rule 2-030.

3) Non-code compliant installations

Every contractor who has performed work on an electrical installation and has been notified by the inspection department that the installation does not conform to this Code shall remedy all defects in work that is not approved within such time and in such manner as the notice from the inspection department directs. See Figure B1.

Failure to remedy defects as directed by the Electrical Safety Authority, may result in ESA taking further actions and may include issuing an Order; failure to comply with the Order, may lead to the disconnection of power, prosecution under the Electricity Act or deferment (electrical contractors).

All non-compliances will be communicated in writing to the applicant

If you wish to dispute the Defect Notice issued as a result of a non-Code compliant installation, please refer to Bulletin 2-16-^{*}.

a) Defect notices

- **Life and/or property (L&OP) defect** - Where “Life and/or Property” hazards have been identified by the inspection department, immediate action to ensure public safety is required as per ESA policy.
- **Defect** - An ESA Inspector issues the Defect(s) to be corrected within a specified time. The Defect(s) must be corrected and re-inspected before the defective part of the job can proceed.

- If previous postponements or warning Defects have been repeated (meaning the Applicant has not changed their behaviour), then a Defect may be issued even if the non-compliant installation presents a low risk.
- **Warning Defect** – An ESA Inspector issues the Defect to be corrected within a specified timeframe. Work on the job can proceed without the defect(s) being corrected.
 - Warning Defect(s) may also be issued if previous postponements have not changed the Applicant behaviour and were repeated.

The follow-up on all non-Code compliant installations will be as per the inspection department policy. Although the OESC is not retro-active, ESA will follow-up on non-compliant installations at existing installations where it deems public safety is at risk.

b) Deviation and postponement

The Inspection Department may grant a Deviation or Postponement from the requirements of the OESC. The Deviation or Postponement may be granted if the following conditions are present:

- There is sufficient evidence that the deviation or postponement does not create an undue hazard to persons or property; and
- Such evidence has been provided to the Inspection Department
- **Postponement** – An ESA Inspector documents and communicates a postponement to the Applicant. The postponement will clearly explain there is an exemption from compliance to the Code in this installation only, and not to be carried on for other notifications.
- **Deviation** - An ESA Inspector advises the Applicant to apply for Deviation. The deviation will require a review and analysis by ESA.

Figure B1- Example of non-Code compliant installations

