

<b>Date</b>	January 19, 2024
<b>Name</b>	NutraGummy Inc.
<b>Licensure Status at Time of Incident</b>	Unlicensed
<b>Administrative Action</b>	Administrative Penalty Order
<b>Location</b>	Toronto
<b>Regulation Description</b>	<p>1. Contravened an order issued by the Electrical Safety Authority under ss.113(11) of the Electricity Act, 1998, contrary to ss.113.20(1) of the Electricity Act, 1998.</p> <p>NutraGummy Inc. was ordered to pay an administrative penalty of \$4,000.00.</p>
<b>Description of Contravention</b>	<p>NutraGummy Inc. ("<b>NutraGummy</b>") operates a large manufacturing facility in Toronto ("<b>Facility</b>").</p> <p>On November 15, 2022, an inspector ("<b>Inspector</b>") with the Electrical Safety Authority ("<b>ESA</b>") attended the Facility for the purpose of conducting an inspection ("<b>Inspection</b>"). During the Inspection the Inspector discovered several electrical defects.</p> <p>On December 13th, NutraGummy was issued a Defect Notice, wherein NutraGummy was provided thirty (30) days by which to correct the Defects. NutraGummy, however, failed to correct the Defects by that time, and so on January 13 the ESA issued NutraGummy an order to correct the Defects by January 17, 2023 ("<b>Order</b>").</p> <p>NutraGummy was given multiple extensions by which to comply with the Order, the last being April 14. NutraGummy, however, did not comply with the Order.</p>

	<p>On July 5th the ESA issued NutraGummy an Administrative Penalty Order (“APO”) for failing to have comply with the Order.</p>
<p><b>Additional Information (if necessary)</b></p>	<p>NutraGummy appealed the APO to the Review Panel claiming that there were extenuating circumstances beyond their control. More specifically, that a container which carried the parts necessary to remedy the Defects, and thereby comply with the Order, was supposed to arrive in June of 2023, but had been delayed due to a strike at a port in British Columbia.</p> <p>The Review Pannal characterized NutraGummy’s argument as being a ‘due diligence’ defense. In noting that APOs are absolute liability offences, and that a contravention may be found even where a person took all reasonable steps to prevent the contravention, the Review Panel concluded by finding that NutraGummy’s explanation did not impact whether it was liable for the APO.</p> <p>The Review Panel also found that it was likely the harm posed by the Defects was not major, evidenced by the fact that NutraGummy had been given multiple extensions by which to comply with the Order.</p> <p>A copy of the Review Panel’s decision <a href="#">can be found here</a>.</p>