

Electricity Act, 1998

S.O. 1998, CHAPTER 15 Schedule A

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PART I GENERAL

Purposes

1 The purposes of this Act include the following:

- (a) to ensure the adequacy, safety, sustainability and reliability of electricity supply in Ontario through responsible planning and management of electricity resources, supply and demand;
- (a.1) to establish a mechanism for energy planning;
- (b) to encourage electricity conservation and the efficient use of electricity in a manner consistent with the policies of the Government of Ontario;
- (c) to facilitate load management in a manner consistent with the policies of the Government of Ontario;
- (d) to promote the use of cleaner energy sources and technologies, including alternative energy sources and renewable energy sources, in a manner consistent with the policies of the Government of Ontario;
- (e) to provide generators, retailers, market participants and consumers with non-discriminatory access to transmission and distribution systems in Ontario;
- (f) to protect the interests of consumers with respect to prices and the adequacy, reliability and quality of electricity service;
- (g) to promote economic efficiency and sustainability in the generation, transmission, distribution and sale of electricity;
- (g.1) to facilitate the alteration of ownership structures of publicly-owned corporations that transmit, distribute or retail electricity;

- (g.2) to facilitate the disposition, in whole or in part, of the Crown's interest in corporations that transmit, distribute or retail electricity, and to make the proceeds of any such disposition available to be appropriated for any Government of Ontario purpose;
- (h) to ensure that Ontario Hydro's debt is repaid in a prudent manner and that the burden of debt repayment is fairly distributed;
- (i) to facilitate the maintenance of a financially viable electricity industry; and
- (j) to protect corridor land so that it remains available for uses that benefit the public, while recognizing the primacy of transmission uses. 2004, c. 23, Sched. A, s. 1; 2014, c. 7, Sched. 7, s. 1; 2015, c. 20, Sched. 9, s. 1; 2016, c. 10, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

O. Reg. 115/99, s. 1 - 01/04/1999

2002, c. 1, Sched. A, s. 1 - 27/06/2002; 2002, c. 23, s. 3 (1) - 09/12/2002

2004, c. 23, Sched. A, s. 1 - 01/01/2005

2014, c. 7, Sched. 7, s. 1 - 01/01/2015

2015, c. 20, Sched. 9, s. 1 - 04/06/2015

2016, c. 10, Sched. 2, s. 1 - 01/07/2016

Interpretation

2 (1) In this Act,

"affiliate", with respect to a corporation, has the same meaning as in the *Business Corporations Act*; ("membre du même groupe")

"alternative energy source" means a source of energy,

- (a) that is prescribed by the regulations or that satisfies criteria prescribed by the regulations, and
- (b) that can be used to generate electricity through a process that is cleaner than certain other generation technologies in use in Ontario before June 1, 2004; ("source d'énergie de remplacement")

"ancillary services" means services necessary to maintain the reliability of the IESO-controlled grid, including frequency control, voltage control, reactive power and operating reserve services; ("services accessoires")

"Board" means the Ontario Energy Board; ("Commission")

"charges" means, with respect to the IESO, amounts charged by the IESO, or by a predecessor within the meaning of section 4, to recover amounts paid or payable by the IESO or the predecessor to another person with respect to electricity; ("frais")

"consumer" means a person who uses, for the person's own consumption, electricity that the person did not generate; ("consommateur")

"corridor land" means the real property transferred to Her Majesty in right of Ontario by section 114.2; ("biens-fonds réservés aux couloirs")

"distribute", with respect to electricity, means to convey electricity at voltages of 50 kilovolts or less; ("distribuer")

"distribution system" means a system for distributing electricity, and includes any structures, equipment or other things used for that purpose; ("réseau de distribution")

"distributor" means a person who owns or operates a distribution system; ("distributeur")

"Electrical Safety Authority" means the person or body designated by the regulations as the Electrical Safety Authority; ("Office de la sécurité des installations électriques")

"fees" means, with respect to the IESO, amounts charged by the IESO, or by a predecessor within the meaning of section 4, to recover its costs of operations; ("droits")

"Financial Corporation" means Ontario Hydro Financial Corporation, as continued under Part V; ("Société financière")

Note: Effective April 1, 1999, the name of the Ontario Hydro Financial Corporation has been changed by regulation to Ontario Electricity Financial Corporation in English and Société financière de l'industrie de l'électricité de l'Ontario in French. See: O. Reg. 115/99, s. 1.

2004, c. 23, Sched. A, s. 40 - 01/01/2005

2014, c. 7, Sched. 7, s. 13 - 01/01/2015

Allocation during emergencies, etc.

30 (1) If the supply of electricity to a distributor is interrupted or reduced as a result of an emergency or a breakdown, repair or extension of a transmission or distribution system, the distributor may allocate the available electricity among the consumers in its service area. 1998, c. 15, Sched. A, s. 30 (1).

No breach of contract

(2) An allocation of electricity under subsection (1) shall be deemed not to be a breach of any contract. 1998, c. 15, Sched. A, s. 30 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section:

Security criteria

30.1 (1) Where a distributor or suite meter provider requires security for the payment of charges related to electricity by or on behalf of a prescribed consumer or a member of a prescribed class of consumers, the distributor or suite meter provider shall,

- (a) meet the criteria or requirements prescribed by regulation; and
- (b) satisfy the criteria or requirements in any order made by the Board or code issued by the Board. 2010, c. 8, s. 37 (4).

Security, requirements, etc.

(2) If required to do so by regulation, a distributor or suite meter provider shall,

- (a) meet specific requirements in relation to any security being required by it in respect of consumers or members of a class of consumers;
- (b) accept forms of security prescribed by regulation and, in circumstances prescribed by regulation, shall forego any requirement for security; and
- (c) provide consumers or classes of consumers prescribed by regulation with alternative security arrangements, which meet the criteria prescribed by regulation, where the conditions or circumstances prescribed by regulation are satisfied by the consumers or classes of consumers. 2010, c. 8, s. 37 (4).

Additional requirements

(3) In addition to the matters referred to in subsection (2), a distributor or suite meter provider shall comply with such other requirements with respect to security as may be prescribed. 2010, c. 8, s. 37 (4).

Definition

(4) For the purposes of this section,

"security" has the meaning as may be prescribed by regulation. 2010, c. 8, s. 37 (4).

See: 2010, c. 8, ss. 37 (4), 40.

Section Amendments with date in force (d/m/y)

2010, c. 8, s. 37 (4) - not in force

Termination of service

31 (1) A distributor may shut off the distribution of electricity to a property if any amount payable by a person for the distribution or retail of electricity to the property pursuant to section 29 is overdue. 1998, c. 15, Sched. A, s. 31 (1).

Notice

(2) A distributor shall provide reasonable notice of the proposed shut-off to the person who is responsible for the overdue amount by personal service or prepaid mail or by posting the notice on the property in a conspicuous place. 1998, c. 15, Sched. A, s. 31 (2).

Recovery of amount

(3) A distributor may recover all amounts payable despite shutting off the distribution of electricity. 1998, c. 15, Sched. A, s. 31 (3).

Exception

(4) A distributor shall not shut off the distribution of electricity to a property under subsection (1) during the period that begins on the day this subsection comes into force and ends on March 31, 2003 or during any other period prescribed by the regulations. 2002, c. 23, s. 3 (7).

Restoration of electricity

(5) If a distributor shuts off the distribution of electricity to a property under subsection (1) after November 11, 2002 and before April 1, 2003, or during a period prescribed by the regulations, the distributor shall, as soon as possible,

- (a) restore, without charge, the distribution of electricity to the property; and
- (b) compensate any person who suffered a loss as a result of the shut-off of electricity. 2002, c. 23, s. 3 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 31 is repealed and the following substituted:

Termination of service

31. (1) A distributor or suite meter provider may shut off the distribution of electricity to a property,

- (a) if any amount payable by a person for the distribution or retail of electricity to the property pursuant to section 29 or Part III of the *Energy Consumer Protection Act, 2010* is overdue; and
- (b) if the shutting off of the distribution of electricity to the property complies with any condition of a licence of the distributor or suite-meter provider included in the licence under clause 70 (2) (d.1) of the *Ontario Energy Board Act, 1998*. 2010, c. 8, s. 37 (5).

Notice, to whom

(2) A distributor or suite meter provider shall provide reasonable notice of the proposed shut-off of the distribution of electricity to,

- (a) the person who is responsible for the overdue amount; and
- (b) any other person who resides at the property who meets the criteria prescribed by regulation. 2010, c. 8, s. 37 (5).

Notice, means

(3) The notice of the proposed shut-off of the distribution of electricity shall be provided,

- (a) by personal service, prepaid mail or posting the notice in a conspicuous place on the property where the electricity is distributed; or
- (b) by such other means or in such manner as is prescribed by regulation. 2010, c. 8, s. 37 (5).

Notice, information and manner of presentation

(4) The notice of the proposed shut-off of the distribution of electricity shall contain such information as may be prescribed by regulation and the information shall be presented in such manner as may be prescribed by regulation. 2010, c. 8, s. 37 (5).

Recovery of amount

(5) A distributor or suite meter provider may recover all amounts payable despite shutting off the distribution of electricity. 2010, c. 8, s. 37 (5).

Exception

(6) A distributor or suite meter provider shall not shut off the distribution of electricity to a property where it has received by the time prescribed by regulation such information as may be prescribed by regulation about the consumer or member of a class of consumers prescribed by regulation who resides at the property under such circumstances as may be prescribed by regulation,

- (a) where the consumer does such things, or takes such steps or actions as may be prescribed by the regulations or provides such information as may be prescribed by the regulations to the distributor, the suite meter provider, the Board or such other entity as may be prescribed by regulation; or
- (b) during any period prescribed by the regulations. 2010, c. 8, s. 37 (5).

Same

(7) For the purposes of subsection (6), where a regulation requires that a thing be done, a step be taken or information be provided by a certain date, a distributor shall not shut off the distribution of electricity to the property before the time prescribed by regulation has elapsed. 2010, c. 8, s. 37 (5).

Same, different steps

(8) For the purposes of subsection (6), a prescribed consumer or a member of a prescribed class of consumers may be required to take different prescribed steps during the different prescribed periods provided for under that subsection. 2010, c. 8, s. 37 (5).

Restoration of electricity

(9) If a distributor or suite meter provider shuts off the distribution of electricity to a property in contravention of this section, the distributor or suite meter provider shall, as soon as possible,

- (a) restore, without charge, the distribution of electricity to the property; and
- (b) compensate any person who suffered a loss as a result of the shut-off of electricity. 2010, c. 8, s. 37 (5).

See: 2010, c. 8, ss. 37 (5), 40.

Section Amendments with date in force (d/m/y)

2002, c. 23, s. 3 (7), 6 - 09/12/2002

2010, c. 8, s. 37 (5) - not in force

Emergency termination of service

31.1 (1) A distributor may shut off the distribution of electricity to a property without notice if the distributor has reason to believe that a condition exists in respect of the property that threatens or is likely to threaten,

- (a) the safety of any person; or
- (b) the reliability of all or part of the distribution system. 2005, c. 33, s. 5.

Notice

(2) The distributor shall,

- (a) give the Electrical Safety Authority written notice of the shut-off under subsection (1) as soon as possible afterwards; and
- (b) post a notice of the shut-off under subsection (1) in a conspicuous place on the property within 10 days afterwards. 2005, c. 33, s. 5.

Same

(3) The notices under subsection (2) shall set out the reasons for the shut-off and the notice posted under clause (2) (b) shall describe the right to a review by the Board, as provided by subsection (6). 2005, c. 33, s. 5.

Restoration of electricity

(4) At the request of the owner or occupier of the property to have the distribution of electricity to the property restored, the distributor shall assess the conditions existing in respect of the property and, subject to any requirements under Part VIII, shall restore the distribution of electricity to the property as soon as possible after the distributor is satisfied that neither of the conditions described in clauses (1) (a) and (b) exists in respect of the property. 2005, c. 33, s. 5.

Limit

(5) Despite subsection (4), the distributor is not required to assess the conditions existing in respect of the property more than once every five days. 2005, c. 33, s. 5.

Application for review

(6) The owner or occupier of the property may file an application in writing to the Board to have the distribution of electricity to the property restored, but may not file an application with the Board without first making a request to the distributor under subsection (4). 2005, c. 33, s. 5.

Same

(7) The Board shall forward a copy of an application filed under subsection (6) to the distributor before commencing its review. 2005, c. 33, s. 5.

Review by Board

(8) Upon receipt of an application under subsection (6), the Board shall review the matter and, upon the completion of its review, if it finds that the distributor acted unreasonably in shutting off the distribution of electricity to the property or in

