



# ONTARIO ENERGY BOARD

## Unit Sub-Metering Code

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## Unit Sub-Metering Code

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## Unit Sub-Metering Code

# 1 GENERAL PROVISIONS

## 1.1 The Purpose of this Code

1.1.1 The purpose of this Unit Sub-Metering Code (the "Code") is to set out the minimum conditions and standards that a licensed unit sub-meter provider must meet when providing unit sub-metering services on behalf of exempt distributors.

## 1.2 Definitions

1.2.1 In this Code:

“Act” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

“affiliate” has the same meaning as in the *Business Corporations Act* (Ontario);

“Board” means the Ontario Energy Board;

“business day” means any day other than a Saturday or a holiday;

“Conditions of Service” means the document developed by unit sub-meter providers in accordance with section 3.2.1 of this Code that describes the operating practices and connection rules for the unit sub-meter provider;

“consumer” means the person who requires an account with the unit sub-meter provider in order to receive metering and billing services;

“CSP” means the centralized service provider engaged by the Board to administer the OESP on the Board’s behalf;

“ECPA” means the *Energy Consumer Protection Act, 2010*, S.O. 2010, c. 8;

“ECPA Regulation” means Ontario Regulation 389/10;

“Electricity Act” means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

“eligible low-income customer” has the same meaning as in the Distribution System Code;

“Emergency Financial Assistance” means emergency financial assistance under LEAP;

“exempt distributor” means a distributor as defined in section 3 of the Act who is exempted from various requirements in the Act by Ontario Regulation 161/99;

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“holiday” means a holiday described in section 88 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F as well as the August Civic Holiday;

“IESO” means the Independent Electricity System Operator continued under the Electricity Act;

“interval meter” means a meter that measures and records electricity use on an hourly or sub-hourly basis;

“LEAP” means the Low-Income Energy Assistance Program established by the Board;

“LEAP Intake Agency” means a social service agency, municipality or government agency that assesses a residential electricity consumer’s eligibility for Emergency Financial Assistance;

“licensed distributor” means the distributor in whose licensed service area the prescribed property is located;

“load control device” means a load limiter, timed load interrupter or similar device that limits or interrupts normal electricity service;

“load limiter device” means a device that will allow a consumer to run a small number of electrical items in his or her premises at any given time, and if the consumer exceeds the limit of the load limiter, then the device will interrupt the power until it is reset;

“master bill” means the bill issued by the licensed distributor to the master consumer;

“master consumer” means the exempt distributor or the person authorized by the ECPA Regulation to retain a unit sub-meter provider for the prescribed property being served by the licensed distributor;

“master meter” means the meter controlled by the licensed distributor and used for settlement of the master bill with the master consumer;

“metering services” means installation, testing, reading, and maintenance of meters;

“OESP” means the Ontario Electricity Support Program established pursuant to section 79.2 of the Act;

“prescribed activity” means one of the activities prescribed by the ECPA Regulation;

“prescribed property” means one of the properties or classes of property prescribed by the ECPA Regulation;

“regulation” means a regulation made under the Act, the ECPA, or the Electricity Act;

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"Smart Metering Entity" means the smart metering entity established under Part IV.2 of the Electricity Act, or more specifically, the IESO as prescribed by Ontario Regulation 393/07;

"third party" with respect to a unit sub-meter provider, means any person other than the unit sub-meter provider;

"timed load interrupter device" means a device that will completely interrupt the consumer's electricity intermittently for periods of time and allows full load capacity outside of the time periods that the electricity is interrupted;

"validating, estimating and editing" ("VEE") means the process used to validate, estimate and edit raw metering data to produce final metering data or to replicate metering data for settlement purposes.

### **1.3 Interpretation**

1.3.1 Unless otherwise defined in this Code, words and phrases shall have the meanings ascribed to them in the Act, the ECPA, or the Electricity Act, as the case may be. Where a word or phrase is defined in this Code, the Act, the ECPA, or the Electricity Act, other parts of speech and grammatical forms of the word or phrase have a corresponding meaning. Headings are for convenience only and shall not affect the interpretation of this Code. Words importing the singular include the plural and vice versa. Words importing a gender include any gender. Words importing a person include: (i) an individual; (ii) a company, sole proprietorship, partnership, trust, joint venture, association, corporation or other private or public body corporate; and (iii) any government, government agency or body, regulatory agency or body or other body politic or collegiate. A reference to a person includes that person's successors and permitted assigns. A reference to a body, whether statutory or not, that ceases to exist or whose functions are transferred to another body is a reference to the body that replaces it or that substantially succeeds to its powers or functions. A reference to a document (including a statutory instrument) or a provision of a document includes any amendment or supplement to, or any replacement of, that document or that provision. The expression "including" means including without limitation.

### **1.4 To Whom this Code Applies**

1.4.1 This Code applies to all persons licensed as unit sub-meter providers under section 57(c.1) of the Act.

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### **1.5 Coming into Force**

- 1.5.1 This Code shall come into force on the date that the Board publishes the Code by placing it on the Board's website after it has been made by the Board.
- 1.5.2 Any amendments to this Code shall come into force on the date the Board publishes the amendments by placing them on the Board's website after they have been made by the Board, except where expressly provided otherwise.
- 1.5.3 The amendments to this Code made by the Board on December 16, 2010 (to implement the provisions of the ECPA), will come into force on January 1, 2011.
- 1.5.4 The amendments to this Code made by the Board on March 15, 2012 will come into force on March 15, 2013.

### **1.6 Requirements for Board Approvals**

- 1.6.1 Any matter under this Code requiring a determination of the Board may be determined by the Board without a hearing or through an oral, written or electronic hearing, at the Board's discretion.

### **1.7 Contract with a Prescribed Property**

- 1.7.1 A unit sub-meter provider shall not undertake any prescribed activity in a prescribed property unless the unit sub-meter provider has a contract with the master consumer to do so.

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### 2 METERING

#### 2.1 Technical Requirements for Unit Sub-Meters

2.1.1 Note: Section 2.1.1 was revoked effective December 16, 2010.

#### 2.2 Technical Requirements for the Master Meter

2.2.1 A unit sub-meter provider shall ensure that the master consumer has requested, and a distributor has installed, a master meter that is an interval meter before beginning to provide unit sub-metering services.

#### 2.3 Validating, Estimating and Editing Process

2.3.1 Metering data collected by a unit sub-meter provider shall be subjected to a validating, estimating and editing (“VEE”) process if it is to be used for billing purposes.

2.3.2 A unit sub-meter provider shall establish a VEE process that is fair and reasonable and provides assurance that correct data is submitted for the billing process. The VEE process shall do the following:

- (a) convert raw metering data into validated, corrected or estimated “bill-ready” metering data suitable for use in determining billing amounts;
- (b) detect errors in metering data introduced as a result of improper operational conditions and/or hardware/software malfunctions, including failures of or errors in metering or communication hardware, and metering data exceeding pre-defined variances or tolerances; and
- (c) use operational system data, including historical load patterns and data collected by the unit sub-meter provider, as appropriate, for validating raw metering data, and for editing, estimating and correcting metering data found to be erroneous or missing.

2.3.3 A unit sub-meter provider’s VEE process for data from the unit sub-meters shall consider industry standards specified by the SME in its VEE process for smart meters.

2.3.4 A unit sub-meter provider shall document and make available its VEE process and criteria, and allow scrutiny of its process by consumers, retailers, the Board and Measurement Canada.



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### 2.4 Metering Services

- 2.4.1 A unit sub-meter provider shall comply with Measurement Canada standards as a minimum metering installation and measurement standard, and may apply any other practices that exceed those standards.
- 2.4.2 A unit sub-meter provider shall ensure that persons involved in metering services have competency in performing these services. Competency may be based on recognized qualification requirements that include a training course that meets the requirements of the tasks to be performed. Metering services provided by a person that does not have the recognized qualification requirements shall be reviewed, affirmed and documented by a person with exhibited competency.
- 2.4.3 A unit sub-meter provider shall exercise appropriate diligence in detecting and acting upon instances of tampering with metering equipment. Upon identification of possible meter tampering, the unit sub-meter provider should notify, as appropriate, Measurement Canada, police officials, the Electrical Safety Authority, or other entities.
- 2.4.4 Nothing in this Code shall affect the obligation of a unit sub-meter provider to comply with all Measurement Canada requirements provided that, where this Code or other conditions of licence prescribe a higher standard than that prescribed in those requirements, the unit sub-meter provider shall comply with the higher standard.
- 2.4.5 A unit sub-meter provider shall respond to consumer metering disputes, and shall establish a fair and reasonable charge for costs associated with resolution of these disputes. If the complaint is substantiated, the charge shall not be applied. In resolving the dispute, a unit sub-meter provider may use a qualified, independent organization at any time during the dispute resolution process.

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### 3 STANDARDS OF BUSINESS PRACTICE AND CONDUCT

#### 3.1 Disclosure of Agreements and Disclosure in Agreements

- 3.1.1 For any prescribed property subject to section 33(2) of the ECPA, the unit sub-meter provider shall disclose to the master consumer of the prescribed property all agreements between the unit sub-meter provider or its affiliate and the developer of the prescribed property or an affiliate of the developer.
- 3.1.2 A unit sub-meter provider shall provide a copy of the agreements referred to in section 3.1.1 to each consumer upon request.
- 3.1.3 Every contract a unit sub-meter provider has with a consumer or master consumer shall include the following information:
- (a) the unit sub-meter provider's capital investment and a description of all types of costs that can be included in the capital investment;
  - (b) the depreciation method used to depreciate the capital investment if there are to be undepreciated capital costs recovered upon termination of the contract;
  - (c) a description of, and whenever possible, the actual amount for, all fees and charges related to the provision of the unit sub-metering service; and
  - (d) a description of, and whenever possible, the actual amount for, all fees and charges related to the termination of the contract including:
    - (i) any fees or charges for the disconnection and removal of the installed unit sub-meters;
    - (ii) any fees and charges related to the repayment of the undepreciated capital cost of the unit sub-meter provider's capital investment; and
    - (iii) the length of time allowed to repay the amount in section (ii) above.

#### 3.2 Conditions of Service

- 3.2.1 A unit sub-meter provider shall document its operating practices and connection policies in a document to be entitled Conditions of Service. Subject to this Code and other applicable laws, a unit sub-meter provider shall comply with its Conditions of Service but may waive a provision of its Conditions of Service in favour of a consumer or potential consumer.
- 3.2.2 A unit sub-meter provider shall make its Conditions of Service publicly available, post it on its web-site, and provide a copy to any person requesting it.
- 3.2.3 A unit sub-meter provider shall provide advance notice to its consumers of any changes to its Conditions of Service. Notice shall be, at a minimum, provided to each consumer by means of a note on, or included with, the consumer's bill. The

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notice shall include a proposed timeline for implementation of the new Conditions of Service and a means by which consumers' comments may be provided.

3.2.4 If a unit sub-meter provider amends its Conditions of Service, it shall provide one copy of the amended Conditions of Service for each of its consumers. The copy of the amended document shall include a cover letter that outlines the changes from the prior document, as well as a summary of any consumer comments on the changes.

3.2.5 A unit sub-meter provider's Conditions of Service shall include, at a minimum, a description of the following:

- (a) its billing cycle period and payment requirements;
- (b) its security deposit procedure;
- (c) its dispute resolution procedure;
- (d) its business process for disconnecting and reconnecting consumers, including means of notification and timing;
- (e) conditions under which it may disconnect a consumer; and
- (f) the unit sub-meter provider's rights and obligations with respect to a consumer.

3.2.6 The Conditions of Service must be consistent with the provisions of this Code and all other applicable legislation and regulatory requirements.

### 3.3 Provision of Information to Consumers and Consumer Complaints

3.3.1 A unit sub-metering provider shall communicate general market and educational information to consumers to whom it provides a bill as required by the Board.

3.3.2 A unit sub-meter provider shall provide its address and telephone number to its consumers in all written communications between the unit sub-meter provider and the consumer. The unit sub-meter provider's telephone number must be a local number or one that is capable of being reached without charge to the consumer.

3.3.2A For the purposes of this section 3.3:

“complaint” means an allegation by a consumer of a breach of an enforceable provision by a unit sub-meter provider;

“Consumer Complaint Response Process” means the requirements set out in sections 3.3.4 to 3.3.12;

“enforceable provision” has the meaning given to it in section 3 of the Act;

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“OEB E-Portal” means the Board’s electronic communication tool used to communicate with a unit sub-meter provider for the purposes of the Consumer Complaint Response Process.

- 3.3.3 If a consumer makes a complaint to a unit sub-meter provider regarding its services, the unit sub-meter provider shall expeditiously investigate the complaint and take all appropriate and necessary steps to resolve the complaint. If the complaint is not resolved within 10 business days, the unit sub-meter provider shall inform the consumer that the consumer may contact the Board at any time, and shall at the same time provide the consumer with either the Board’s designated toll-free telephone number or local telephone number (as requested by the consumer), and the website address designated by the Board for that purpose.
- 3.3.4 A unit sub-meter provider shall, within five business days of the coming into force of this section 3.3.4, provide the Board with an e-mail address for the purposes of the Consumer Complaint Response Process. The unit sub-meter provider shall ensure that the e-mail address is monitored at all times during the unit sub-meter provider’s regular business hours.
- 3.3.5 A unit sub-meter provider shall, within five business days of the coming into force of this section 3.3.5, provide the Board with the name, title, direct telephone number, direct e-mail address, and mailing address of:
- (a) the person designated by the unit sub-meter provider as the unit sub-meter provider’s contact person for purposes of the Consumer Complaint Response Process; and
  - (b) the person that the person in paragraph (a) reports to.
- 3.3.6 If any of the information required under sections 3.3.4 or 3.3.5 changes, the unit sub-meter provider shall provide the Board with updated information as soon as possible upon becoming aware of the change and in any event no later than five business days of the change taking effect.
- 3.3.7 Where a non-complaint issue from a consumer is forwarded to a unit sub-meter provider through the OEB E-Portal, the unit sub-meter provider shall respond directly to the consumer, in a timely manner. In such a case, the unit sub-meter provider is not required to follow the process set out in sections 3.3.8 to 3.3.11.
- 3.3.8 Where a complaint is forwarded to a unit sub-meter provider through the OEB E-Portal, the unit sub-meter provider shall provide, through the OEB E-Portal, a response to the complaint that meets the requirements of section 3.3.9 within:
- (a) two business days of the date of receipt of the complaint, where the complaint relates to the disconnection of a consumer’s property or is otherwise identified

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as urgent by the Board when forwarding the complaint to the unit sub-meter provider; or

(b) 10 business days of receipt of the complaint in all other cases.

3.3.9 The unit sub-meter provider's response referred to in section 3.3.8 must include the following:

(a) all pertinent information regarding the complaint, including any relevant background information;

(b) the steps taken by the unit sub-meter provider to investigate the complaint;

(c) the steps taken by the unit sub-meter provider to resolve the complaint;

(d) any other information that is reasonably necessary to enable a good understanding of the circumstances surrounding the complaint;

(e) if the complaint has not been resolved to the satisfaction of the consumer, the reasons why the complaint remains unresolved;

(f) if the complaint has been resolved to the satisfaction of the consumer, a description of the resolution and, if any further steps are required to implement the resolution, a timeline for when those steps will be completed; and

(g) a copy of all relevant documents and communications between the consumer and the unit sub-meter provider in relation to the complaint.

3.3.10 Within five business days of being requested to do so, a unit sub-meter provider shall provide, through the OEB E-Portal, such additional information beyond the information required by section 3.3.9 regarding the unit sub-meter provider's handling of a complaint as may reasonably be required by the Board in order to review and assess the matter.

3.3.11 Where section 3.3.9(f) applies and the steps for implementing the resolution were not all completed at the time the unit sub-meter provider provides its response under section 3.3.8, the unit sub-meter provider shall confirm through the OEB E-Portal once the resolution has been completed. Such confirmation shall be provided as soon as possible, but in no event later than five business days after the date on which the resolution is completed.

3.3.12 For the purposes of the Consumer Complaint Response Process, where there is a reference to a number of days between two events, the days shall be counted by excluding the day on which the first event happens and including the day on which the second event happens.

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### 3.4 Transfer and Assignment of Contracts

- 3.4.1 A unit sub-meter provider shall not sell, transfer, or assign a contract with a consumer to another person who is not a licensed unit sub-meter provider.
- 3.4.2 Prior to the sale, transfer, or assignment of a contract, the unit sub-meter provider shall ensure that all relevant consumer information including, but not limited to, information regarding security deposits and consumption, is properly transferred to the new unit sub-meter provider to allow for the continuous billing of consumers and the continuous application of OESP rate assistance to the bills of eligible consumers.
- 3.4.3 Prior to the termination of a contract, the unit sub-meter provider shall ensure that all relevant consumer information including, but not limited to, information regarding security deposits and consumption but not including consumer information regarding the OESP, is properly transferred to the exempt distributor to allow for the continuous billing of consumers. Where the departing unit sub-meter provider is advised by the exempt distributor of the identity of the new unit sub-meter provider, the departing unit sub-meter provider shall, prior to the termination of the contract or as soon as reasonably practicable thereafter, ensure that consumer information regarding the OESP is properly transferred to the new unit sub-meter provider to allow for the continuous application of OESP rate assistance to the bills of eligible consumers, but in no case shall either unit sub-meter provider transfer such information to the exempt distributor.
- 3.4.4 A unit sub-meter provider must notify the Board of any sale, transfer, or assignment of contracts within 10 days of the sale, transfer, or assignment.
- 3.4.5 Within 60 days of any sale, transfer, or assignment of a contract to another unit sub-meter provider, the new unit sub-meter provider must notify the affected consumers of the new unit sub-meter provider's address and telephone number.

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### 4 BILLING AND COLLECTION

#### 4.1 Security Deposits

4.1.1 A unit sub-meter provider who is contracted to collect security deposits on behalf of the master consumer shall ensure that its Conditions of Service include the unit sub-meter provider's security deposit policy which shall be consistent with the provisions of this Code. A unit sub-meter provider's security deposit policy shall include at a minimum the following:

- (a) a list of all potential types/forms of security accepted;
- (b) a detailed description of how the amount of security is calculated;
- (c) limits on the amount of security required;
- (d) the planned frequency, process and timing for updating security deposits;
- (e) criteria consumers must meet to have security deposit waived and/or returned; and
- (f) methods of enforcement where a security deposit is not paid.

4.1.2 In managing consumers' non-payment risk, a unit sub-meter provider shall not discriminate among consumers with similar risk profiles or risk related factors except where expressly permitted under this Code.

4.1.3 A unit sub-meter provider may require a security deposit from a consumer unless the consumer has a good payment history of 1 year in the case of a residential consumer or 3 years in the case of a non-residential consumer. The time period that makes up the good payment history must be the most recent period of time and some of the time period must have occurred in the previous 24 months. A unit sub-meter provider shall provide a consumer with the specific reasons for requiring a security deposit from the consumer.

4.1.3A Before requiring a security deposit under section 4.1.3 from a residential consumer who has not been served by the unit sub-meter provider in the previous 24 months, a unit sub-meter provider shall offer the consumer the option of enrolling in a pre-authorized payment plan and where the consumer elects to enroll, no security deposit shall be required.

4.1.3B Despite section 4.1.3A, a unit sub-meter provider may require a security deposit from the consumer if within 12 months of enrollment in a pre-authorized payment plan,

- (a) the consumer terminates the plan
- (b) the consumer receives more than one disconnection notice from the unit sub-meter provider;
- (c) more than one payment by the consumer has been returned for insufficient funds; or
- (d) a disconnect / collect trip has occurred.

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- 4.1.3C Section 4.1.3B does not apply if any of the events listed in paragraphs (b) to (d) of that section occurred due to an error by the unit sub-meter provider.
- 4.1.4 For the purposes of section 4.1.3, a consumer is deemed to have a good payment history unless, during the relevant time period set out in section 4.1.3, the consumer has received more than one disconnection notice from the unit sub-meter provider, more than one cheque given to the unit sub-meter provider by the consumer has been returned for insufficient funds, more than one pre-authorized payment to the unit sub-meter provider has been returned for insufficient funds, a disconnect / collect trip has occurred or the unit sub-meter provider had to apply a security deposit in accordance with section 4.1.18 and required the consumer to repay the security deposit in accordance with section 4.1.19. If any of the preceding events occur due to an error by the unit sub-meter provider, the consumer's good payment history shall not be affected.
- 4.1.5 For the purposes of section 4.1.3, a unit sub-meter provider shall deem a consumer to have a good payment history if the consumer provides a letter from a licensed electricity distributor or gas distributor in Canada confirming a good payment history with that distributor for the most recent relevant time period set out in section 4.1.3 where some of the time period which makes up the good payment history has occurred in the previous 24 months.
- 4.1.5A When issuing a bill for a security deposit in accordance with section 4.1.3, the unit sub-meter provider shall advise a residential consumer that the security deposit requirement will be waived for eligible low-income customers upon request. The unit sub-meter provider shall notify the consumer by means of a bill insert, bill message, letter or outgoing telephone message and shall include the unit sub-meter provider's contact information where the consumer can obtain further information and a referral to a LEAP Intake Agency to review the consumer's low-income eligibility.
- 4.1.5B Where a unit sub-meter provider is advised by a LEAP Intake Agency that the agency is assessing the consumer for eligibility as an eligible low-income customer, the due date for payment of the security deposit shall be extended for at least 21 days pending the eligibility decision of the LEAP Intake Agency.
- 4.1.5C A unit sub-meter provider shall not collect a security deposit from an eligible low-income customer who has requested a waiver under section 4.1.5A.
- 4.1.6 The maximum amount of a security deposit which a unit sub-meter provider may require a consumer to pay shall be calculated by multiplying the unit sub-meter provider's billing cycle factor and the consumer's estimated bill (which shall be based on the consumer's average monthly load with the unit sub-meter provider during the most recent 12 consecutive months within the past two years). Where



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relevant usage information is not available for the consumer for 12 consecutive months within the past two years or where the unit sub-meter provider does not have systems capable of making the above calculation, the consumer's average monthly load shall be based on a reasonable estimate made by the unit sub-meter provider.

- 4.1.7 For the purposes of sections 4.1.6, the billing cycle factor is 2.5 if the consumer is billed monthly, 1.75 if the consumer is billed bi-monthly and 1.5 if the consumer is billed quarterly.
- 4.1.8 Where a consumer, other than a residential electricity consumer, has a payment history which discloses more than one disconnection notice in a relevant 12 month period, the unit sub-meter provider may use that consumer's highest actual or estimated monthly load for the most recent 12 consecutive months within the past two years for the purposes of making the calculation of the maximum amount of security deposit under section 4.1.6.
- 4.1.9 Subject to section 4.1.2, a unit sub-meter provider may at its discretion reduce the amount of a security deposit which it requires a consumer to pay for any reason including where the consumer pays under an interim payment arrangement and where the consumer makes pre-authorized payments.
- 4.1.10 The form of payment of a security deposit for a residential consumer shall be cash or cheque at the discretion of the consumer or such other form as is acceptable to the unit sub-meter provider.
- 4.1.10A The form of payment of a security deposit for a non-residential consumer shall be cash, cheque or an automatically renewing, irrevocable letter of credit from a bank as defined in the *Bank Act*, S.C. 1991, c. 46 at the discretion of the consumer. The unit sub-meter provider may also accept other forms of security such as surety bonds and third party guarantees.
- 4.1.11 A unit sub-meter provider shall permit the consumer to provide a security deposit in equal installments paid over at least four months. A consumer may, in its discretion, choose to pay the security deposit over a shorter time period.
- 4.1.11A Despite section 4.1.11, a unit sub-meter provider shall permit a residential consumer to provide a security deposit in equal installments paid over a period of at least 6 months, including where a new security deposit is required due to the unit sub-meter provider having applied the existing security deposit against amounts owing under section 4.1.18. A consumer may elect to pay the security deposit over a shorter period of time.
- 4.1.12 Interest shall accrue monthly on security deposits made by way of cash or cheque commencing on receipt of the total deposit required by the unit sub-meter

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provider. The interest rate shall be at the average over the period of the prime lending rate set by the Bank of Canada less 2 percent. The interest accrued shall be paid out at least once every 12 months or on return of the security deposit or upon the application of the security deposit to the consumer's account or upon the closure of the consumer's account, whichever comes first, and may be paid by crediting the account of the consumer or otherwise.

4.1.13 A unit sub-meter provider shall review every consumer's security deposit at least once in a calendar year to determine whether the entire amount of the security deposit is to be returned to the consumer as the consumer is now in a position that it would be exempt from paying a security deposit under section 4.1.3 or 4.1.5C had it not already paid a security deposit or whether the amount of the security deposit is to be adjusted based on a re-calculation of the maximum amount of the security deposit under section 4.1.6.

4.1.13A For the purposes of section 4.1.13, where a residential consumer has paid a security deposit in installments, a unit sub-meter provider shall conduct a review of the consumer's security deposit in the calendar year in which the anniversary of the first installment occurs and thereafter at the next review as required by this Code.

4.1.14 A unit sub-meter provider must respond promptly to a consumer who, no earlier than 12 months after the payment of a security deposit or the making of a prior demand for a review, demands in writing that a unit sub-meter provider undertake a review to determine whether the entire amount of the security deposit is to be returned to the consumer as the consumer is now in a position that it would be exempt from paying a security deposit under section 4.1.3 or 4.1.5C had it not already paid a security deposit or whether the amount of the security deposit is to be adjusted based on a re-calculation of the maximum amount of the security deposit under section 4.1.6.

4.1.14A For the purposes of section 4.1.14, where a residential consumer has paid a security deposit in installments, the consumer shall not be entitled to request a review of the security deposit until 12 months after the first installment was paid.

4.1.14B A unit sub-meter provider shall give notice to all residential consumers, at least annually, that any residential consumer that qualifies as an eligible low-income customer may request and receive a refund of any security deposit previously paid to the unit sub-meter provider by the consumer, after application of the security deposit to any outstanding arrears on the consumer's account.

4.1.14C Where an eligible low-income customer requests a refund of a security deposit previously paid to a unit sub-meter provider by the consumer, the unit sub-meter provider shall advise the consumer within 10 days of the request that the balance remaining after application of the security deposit to any outstanding arrears will

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be credited to his or her account where the remaining amount is less than one month's average billing or, where the remaining amount is equal to or greater than one month's average billing, the consumer may elect to receive the refund by cheque and the unit sub-meter provider shall issue a cheque within 11 days of the consumer requesting payment by cheque.

4.1.15 Where the unit sub-meter provider determines in conducting a review under section 4.1.13 or 4.1.14 that some or all of the security deposit is to be returned to the consumer, the unit sub-meter provider shall promptly return this amount to the consumer by crediting the consumer's account or otherwise. Despite section 4.1.11, where the unit sub-meter provider determines in conducting a review under section 4.1.13 or 4.1.14 that the maximum amount of the security deposit is to be adjusted upward, the unit sub-meter provider may require the consumer to pay this additional amount at the same time as that consumer's next regular bill comes due.

4.1.15A Despite section 4.1.15, where a residential electricity consumer is required to adjust the security deposit upwards, a unit sub-meter provider shall permit the consumer to pay the adjustment amount in equal installments paid over a period of at least 6 months. A consumer may elect to pay the security deposit over a shorter period of time.

4.1.16 Within six weeks of the closure of a consumer's account, a unit sub-meter provider shall return any security deposit received from the consumer, subject to the unit sub-meter provider's right to use the security deposit to set off other amounts owing by the consumer to the unit sub-meter provider.

4.1.17 Despite sections 4.1.13, 4.1.14, 4.1.15, and 4.1.16, where all or part of a security deposit has been paid by a third party on behalf of a consumer, the unit sub-meter provider shall return the amount of the security deposit paid by the third party, including interest, where applicable, to the third party. This obligation shall apply where and to the extent that:

- (a) the third party paid all or part (as applicable) of the security deposit directly to the unit sub-meter provider;
- (b) the third party has requested, at the time the security deposit was paid or within a reasonable time thereafter, that the unit sub-meter provider return all or part (as applicable) of the security deposit to it rather than to the consumer; and
- (c) there is not then any amount overdue for payment by the consumer that the unit sub-meter provider is permitted by this Code to off set using the security deposit.

4.1.18 A unit sub-meter provider shall not issue a disconnection notice to a residential consumer for non-payment unless the unit sub-meter provider has first applied

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any security deposit held on account for the consumer against any amounts owing at that time and the security deposit was insufficient to cover the total amount owing.

4.1.19 Where a unit sub-meter provider applies all or part of a security deposit to offset amounts owing by a residential consumer under section 4.1.18, the unit sub-meter provider may request that the consumer repay the amount of the security deposit that was so applied. The unit sub-meter provider shall allow the residential consumer to repay the security deposit in installments in accordance with section 4.1.11A.

### 4.2 Disconnection and Reconnection

4.2.1. A unit sub-meter provider shall not disconnect consumers for non-payment of bills unless the master consumer has contracted the unit sub-meter provider to do so on its behalf.

4.2.2 A unit sub-meter provider shall establish a process for disconnection and reconnection that specifies the notification policies for disconnection and reconnection as well as the timing of disconnections and reconnections. In developing physical and business processes for reconnection, a unit sub-meter provider shall consider safety and reliability as a primary requirement. A unit sub-meter provider shall document its business process for disconnection and reconnection in its Conditions of Service.

4.2.3 Without limiting the generality of the foregoing, prior to disconnecting a consumer for non-payment, a unit sub-meter provider shall provide to the consumer, and any person that is to receive notice of the disconnection:

- (a) the Fire Safety Notice of the Office of the Fire Marshal; and
- (b) any other public safety notices or information bulletins issued by public safety authorities and provided to the unit sub-meter provider, which provide information to consumers respecting dangers associated with the disconnection of electricity service.

4.2.4 A unit sub-meter provider shall include a copy of the notices or bulletins referred to in section 4.2.3 with any notice of disconnection that is left at the consumer's property at the time of actual disconnection for non-payment.

4.2.5 A unit sub-meter provider shall inform a consumer responsible for an overdue amount that it may be disconnected in accordance with section 31(2) of the Electricity Act.

4.2.5A A unit sub-meter provider that intends to disconnect, pursuant to section 31 of the Electricity Act, the property of a residential consumer for non-payment shall

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send or deliver a disconnection notice to the consumer that contains, at a minimum, the following information:

- (a) the date on which the disconnection notice was printed by the unit sub-meter provider;
- (b) the earliest and latest dates on which disconnection may occur, in accordance with sections 4.2.5C and 4.2.6;
- (c) the amount that is then overdue for payment, including all applicable late payment and other charges associated with non-payment to that date;
- (d) the amount of any service charge(s) that may apply if disconnection occurs, and the circumstances in which each of these charges is payable;
- (e) the forms of payment that the consumer may use to pay all amounts that are identified as overdue in the disconnection notice, including any method of payment that the unit sub-meter provider ordinarily accepts and which can be verified within the time period remaining before disconnection;
- (f) the time period during which any given form of payment listed under paragraph (e) will be accepted by the unit sub-meter provider;
- (g) that a disconnection may take place whether or not the consumer is at the premises;
- (h) that the disconnection may occur without attendance at the consumer's premises (provided, however, that this information need not be included if the unit sub-meter provider does not in fact disconnect service without attendance at the consumer's premises);
- (i) that a Board-prescribed standard arrears management program may be available to all residential consumers, along with contact information for the unit sub-meter provider where the consumer can obtain further information;
- (j) that the following additional assistance may be available to an eligible low-income customer, along with contact information for the unit sub-meter provider or distributor, as applicable, where the consumer can obtain further information about the additional assistance:
  - (i) a Board-prescribed arrears management program, and other expanded consumer service provisions, specifically for eligible low-income customer; and
  - (ii) Emergency Financial Assistance
- (k) that the unit sub-meter provider may install a load control device at the consumer's premises in lieu of disconnection (provided, however, that this information need not be included if the unit sub-meter provider does not in fact make use of load control devices); and
- (l) any additional option(s) that the unit sub-meter provider chooses, in its discretion, to offer to the consumer to avoid disconnection and the deadline for the consumer to avail himself or herself of such option(s).

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- 4.2.5B A unit sub-meter provider that sends or delivers to a consumer a disconnection notice, pursuant to section 31(2) of the Electricity Act, for non-payment shall not include that notice in the same envelope as a bill or any other documentation emanating from the unit sub-meter provider.
- 4.2.5C A unit sub-meter provider shall, at the request of a residential consumer, send a copy of any disconnection notice issued to the consumer for non-payment to a third party designated by the consumer for that purpose provided that the request is made no later than the last day of the applicable minimum notice period set out in section 4.2.6. In such a case:
- (a) the unit sub-meter provider shall notify the third party that the third party is not, unless otherwise agreed with the unit sub-meter provider, responsible for the payment of any charges for the provision of electricity service in relation to the consumer's property; and
  - (b) the rules set out in sections 4.5.4 and 4.5.11 shall apply, with such modifications as the context may require, for the purposes of determining the date of receipt of the disconnection notice by the third party.
- 4.2.5D A residential consumer may, at any time prior to disconnection, designate a third party to also receive any future notice of disconnection and the unit sub-meter provider shall send notice of disconnection to such third party.
- 4.2.5E A unit sub-meter provider shall accept electronic mail (e-mail) or telephone communications from the consumer for purposes of section 4.2.5D.
- 4.2.5F A disconnection notice issued for non-payment shall expire on the date that is 14 days from the last day of the applicable minimum notice period referred to in section 4.2.6, determined in accordance with the rules set out in section 4.5.11. A unit sub-meter provider may not thereafter disconnect the property of the consumer for non-payment unless the unit sub-meter provider issues a new disconnection notice in accordance with section 4.2.5A.
- 4.2.5G A unit sub-meter provider shall make reasonable efforts to contact, in person or by telephone, a residential consumer to whom the unit sub-meter provider has issued a disconnection notice for non-payment at least 48 hours prior to the scheduled date of disconnection. At that time, the unit sub-meter provider shall:
- (a) advise the consumer of the scheduled date for disconnection;
  - (b) advise the consumer that a disconnection may take place whether or not the consumer is at the premises;
  - (c) where applicable, advise the consumer that the disconnection may occur without attendance at the consumer's premises;
  - (d) advise the consumer of the forms of payment that the consumer may use to pay all amounts that are identified as overdue in the disconnection notice,

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- including any method of payment that the unit sub-meter provider ordinarily accepts and which can be verified within the time period remaining before disconnection; and advise during what hours such payments may be made;
- (e) advise the consumer that a Board-prescribed standard arrears management program may be available to all residential consumers; the unit sub-meter provider must be prepared to enter into an arrears payment agreement at that time if the consumer is eligible under section 4.6;
  - (f) advise that the following additional assistance may be available to an eligible low-income customer, along with contact information for the unit sub-meter provider or distributor, as applicable, where the consumer can obtain further information about the additional assistance:
    - (i) a Board-prescribed arrears management program, and other expanded consumer service provisions, specifically for eligible low-income customers; and
    - (ii) Emergency Financial Assistance
  - (g) advise the consumer of any additional option(s) that the unit sub-meter provider, in its discretion, wishes to offer to the consumer to avoid disconnection.

4.2.5H A unit sub-meter provider shall suspend any disconnection action for a period of 21 days from the date of notification by a LEAP Intake Agency that it is assessing a residential consumer for the purposes of determining whether the consumer is eligible to receive such assistance, provided such notification is made within 14 days from the date on which the disconnection notice is received by the consumer. Where a residential consumer had requested prior to the issuance of the disconnection notice that the unit sub-meter provider also provide a copy of any disconnection notice to a third party, the unit sub-meter provider shall suspend any disconnection action for a period of 21 days from the date of notification by the third party that he, she or it is attempting to arrange assistance with the bill payment, provided such notification is made within 14 days from the date on which the disconnection notice is received by the consumer.

4.2.5I Despite section 4.2.5H, upon notification by a LEAP Intake Agency that a consumer is not eligible to receive such assistance, or if another third party who was considering the provision of bill assistance decides not to proceed, the unit sub-meter provider may continue its disconnection process. Unit sub-meter providers will have up to 14 days to act on the previous disconnection notice and must make a further reasonable effort to contact the consumer in accordance with section 4.2.5G prior to executing disconnection.

4.2.6 A unit sub-meter provider shall not disconnect a consumer for non-payment until the following minimum notice periods have elapsed:

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- (a) 60 days from the date on which the disconnection notice is received by the consumer, in the case of a residential consumer that has provided the unit sub-meter provider with documentation from a physician confirming that disconnection poses a risk of significant adverse effects on the physical health of the consumer or on the physical health of the consumer's spouse, dependent family member or other person that regularly resides with the consumer; or
- (b) 14 days from the date on which the disconnection notice is received, in all other cases.

### 4.2.6A For the purposes of section 4.2.6:

- (a) where a disconnection notice is sent by mail, the disconnection notice shall be deemed to have been received by the consumer on the fifth calendar day after the date on which the notice was printed by the unit sub-meter provider;
- (b) where a disconnection notice is delivered by personal service, the disconnection notice shall be deemed to have been received by the consumer on the date of delivery;
- (c) where a disconnection notice is delivered by being posted on the consumer's property, the disconnection notice shall be deemed to have been received by the consumer on the date of such posting;
- (d) "spouse" has the meaning given to it in section 29 of the *Family Law Act*;
- (e) "dependent family member" means a "dependant" as defined in section 29 of the *Family Law Act* and also includes a grandparent who, based on need, is financially dependent on the consumer; and
- (f) the unit sub-meter provider shall apply the rules relating to the computation of time set out in section 4.5.11.

### 4.2.7 A unit sub-meter provider may disconnect a consumer without notice in accordance with a court order or for emergency, safety or system reliability reasons.

### 4.2.7A At least seven days before issuing a disconnection notice for non-payment, a unit sub-meter provider shall deliver an account overdue notice to the consumer by the consumer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the distributor.

### 4.2.7B A unit sub-meter provider shall not disconnect a customer for non-payment on a day the unit sub-meter provider is closed to the public to make payment and/or reconnection arrangements or on the day preceding that day.



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- 4.2.8 A unit sub-meter provider may recover from a consumer who is disconnected the reasonable costs associated with the disconnection, including overdue amounts payable by the consumer. A unit sub-meter provider may recover from the disconnected consumer the reasonable costs for repairs of the unit sub-meter provider's physical assets in reconnecting the consumer.
- 4.2.9 In establishing its disconnection policy, which will be set out in its Conditions of Service, a unit sub-meter provider may consider the following reasons for disconnection:
- (a) adverse effect on the reliability and safety of the unit sub-meter system or the exempt distributor's distribution system;
  - (b) imposition of an unsafe worker situation beyond normal risks inherent in the operation of the unit sub-meter system or the exempt distributor's distribution system;
  - (c) a material decrease in the efficiency of the unit sub-meter system or the exempt distributor's distribution system;
  - (d) a materially adverse effect on the quality of distribution services received by an existing connection;
  - (e) inability of the unit sub-meter provider to perform planned inspections and maintenance;
  - (f) failure of the consumer to comply with a directive of a unit sub-meter provider that the unit sub-meter provider makes for purposes of meeting its licence obligations; and
  - (g) the consumer owes the exempt distributor money for unit sub-metering services or for a security deposit. The unit sub-meter provider shall give the consumer a reasonable opportunity to provide the security deposit consistent with sections 4.1.11 and 4.1.11A.

### **4.3 Form of the Invoice**

- 4.3.1 A unit sub-meter provider who is contracted to bill low-volume consumers on behalf of the master consumer shall comply with all applicable regulations regarding information on invoices to low-volume consumers of electricity.

### **4.4 Payment of the Master Bill**

- 4.4.1 If the unit sub-meter provider has assumed responsibility for payment for the master bill, then the amount to be collected from consumers shall not include any penalties assessed by the licensed distributor on the master bill. Penalties include, but are not limited to, late payment charges and disconnect or reconnect charges.

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### 4.5 Bill Issuance and Payment

- 4.5.1 A unit sub-meter provider shall include on each bill issued to a consumer the date on which the bill is printed.
- 4.5.2 Except as otherwise permitted by this Code, a unit sub-meter provider shall not treat a bill issued to a consumer as unpaid, and shall not impose any late payment or other charges associated with non-payment, until the applicable minimum payment period set out in section 4.5.3 has elapsed.
- 4.5.3 For the purposes of section 4.5.2, the minimum payment period shall be 20 days from the date on which the bill was issued to the consumer.

A unit sub-meter provider may provide for longer minimum payment periods, provided that any such longer minimum payment periods are documented in the unit sub-meter provider's Conditions of Service.

- 4.5.4 For the purposes of section 4.5.3, a bill will be deemed to have been issued to a consumer:
- (a) if sent by mail, on the third day after the date on which the bill was printed by the unit sub-meter provider;
  - (b) if made available over the internet, on the date on which an e-mail is sent to the consumer notifying the consumer that the bill is available for viewing over the internet;
  - (c) if sent by e-mail, on the date on which the e-mail is sent; or
  - (d) if sent by more than one of the methods listed in paragraphs (a) to (c), on whichever date of deemed issuance occurs last.
- 4.5.5 A unit sub-meter provider shall apply the following rules for purposes of determining the date on which payment of a bill has been received from a consumer:
- (a) if paid by mail, three days prior to the date on which the unit sub-meter provider receives the payment;
  - (b) if paid at a financial institution or electronically, on the date on which the payment is acknowledged or recorded by the consumer's financial institution; or
  - (c) if credit card payment is accepted by the unit sub-meter provider, and if paid by credit card issued by a financial institution, on the date and at the time that the charge is accepted by the financial institution.

- 4.5.6 Where a bill issued to a residential consumer includes charges for goods or services other than electricity, a unit sub-meter provider shall allocate any

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payment made by the consumer first to the electricity charges and then, if funds are remaining, to the charges for other goods or services.

4.5.7 [Revoked effective March 14, 2019.]

4.5.8 Where payment on account of a bill referred to in section 4.5.6 is sufficient to cover electricity charges, security deposits and billing adjustments, the unit sub-meter provider shall not impose late payment charges, issue a disconnection notice or disconnect electricity supply.

4.5.9 Where payment on account of a bill referred to in section 4.5.6 is not sufficient to cover electricity charges, security deposits and billing adjustments, the unit sub-meter provider shall allocate the payments in the following order: electricity charges as defined in section 4.5.10, payments towards an arrears payment agreement, outstanding security deposit, under-billing adjustments and non-electricity charges.

4.5.9A Despite sections 4.5.6 and 4.5.9, where a consumer requests that a payment be allocated in a manner other than that specified in those sections, the unit sub-meter provider may, but is not required to, allocate the payment in the manner requested.

4.5.10 For the purposes of this section, “electricity charges” are:

- (a) charges that appear under the sub-headings “Electricity”, “Delivery”, and “Regulatory Charges” as described in Ontario Regulation 275/04 (Information on Invoices to Low-volume Consumers of Electricity) made under the Act, and all applicable taxes on those charges;
- (b) where applicable, charges prescribed by regulations under section 25.33 of the Electricity Act and all applicable taxes on those charges;
- (c) unit sub-metering charges and charges for any associated and ancillary services, including charges for the provision and maintenance of unit sub-meters, late payment charges and other billing and collecting payment services in respect of the electricity consumed by the consumer, and all applicable taxes on those charges; and
- (d) such other charges and applicable taxes associated with the consumption of electricity as may be required by law to be included on the bill issued to the consumer or as may be designated by the Board for the purposes of this section, but not including security deposits or amounts owed by a consumer pursuant to an arrears payment agreement or a billing adjustment.

4.5.11 For the purposes of section 4.5, a unit sub-meter provider shall apply the following rules relating to the computation of time:

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- (a) where there is reference to a number of days between two events, the days shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;
- (b) where the time for doing an act expires on a day that is not a business day, the act may be done on the next day that is a business day;
- (c) where an act, other than payment by a consumer, occurs on a day that is not a business day, it shall be deemed to have occurred on the next business day;
- (d) where an act, other than payment by a consumer, occurs after 5:00 p.m., it shall be deemed to have occurred on the next business day; and
- (e) receipt of a payment by a consumer is effective on the date that the payment is made, including payments made after 5:00 p.m.

### 4.6 Arrears Payment Agreements

- 4.6.1 A unit sub-meter provider shall make available to any consumer who is unable to pay their outstanding electricity charges, as defined in section 4.5.10, the opportunity to enter into an arrears payment agreement with the unit sub-meter provider. In respect of residential consumers, the arrears payment agreement shall include, at a minimum, the terms and conditions specified in sections 4.6.3 to 4.6.16 inclusive. In respect of non-residential consumers, an arrears payment agreement need not include those terms and conditions, but shall be offered on reasonable terms.
- 4.6.2 If a unit sub-meter provider enters into discussions with a residential consumer and offers an arrears agreement but the consumer declines to enter into an arrears agreement, the unit sub-meter provider may proceed with disconnection and is not required to offer an arrears agreement to such a consumer after disconnection.
- 4.6.3 Before entering into an arrears payment agreement with a residential consumer under section 4.6, a unit sub-meter provider shall apply any security deposit held on account of the consumer against any electricity charges owing at the time.
- 4.6.4 As part of the arrears payment agreement, a unit sub-meter provider may require that the consumer pay a down payment of up to 15% of the electricity charges arrears accumulated, inclusive of any applicable late payment charges, when entering into the arrears management program.
- 4.6.5 Where an eligible low-income customer enters into an arrears payment agreement for the first time or subsequent to having successfully completed a previous arrears payment agreement as an eligible low-income customer, a unit sub-meter provider may require that the consumer pay a down payment of up to

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10% of the electricity charge arrears accumulated, inclusive of late payment charges.

- 4.6.6 The arrears payment agreement referred to in section 4.6.1 shall allow the residential consumer to pay all remaining electricity charges that are then overdue for payment as well as the current bill amount if the consumer elects to do so, after applying a security deposit under section 4.6.3, and the down payment referred to in section 4.6.4, including all electricity-related service charges that have accrued to the date of the agreement, over the following periods:
- (a) a period of at least 5 months, where the total amount of the electricity charges remaining overdue for payment is less than twice the consumer's average monthly billing amount;
  - (b) a period of at least 10 months, where the total amount of the electricity charges remaining overdue for payment is equal to or exceeds twice the consumer's average monthly billing amount;
  - (c) in the case of an eligible low-income customer, a period of at least 8 months, where the total amount of the electricity charges remaining overdue for payment is less than or equal to 2 times the consumer's average monthly billing amount;
  - (d) in the case of an eligible low-income customer, a period of at least 12 months where the total amount of the electricity charges remaining overdue for payment exceeds 2 times the consumer's average monthly billing amount and is less than or equal to 5 times the consumer's average monthly billing amount; or
  - (e) in the case of an eligible low-income customer, a period of at least 16 months where the total amount of the electricity charges remaining overdue for payment exceeds 5 times the consumer's average monthly billing amount.
- 4.6.7 For the purposes of section 4.6.6, the consumer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the consumer in the preceding 12 months and dividing that value by 12. If the consumer has been a consumer of the unit sub-meter provider for less than 12 months, the consumer's average monthly billing amount shall be based on a reasonable estimate made by the unit sub-meter provider. For the purposes of this section, "electricity charges" has the same meaning as in section 4.5.10.
- 4.6.8 Despite section 4.6.6, a unit sub-meter provider shall not be required to offer an arrears payment agreement time period to a residential consumer that extends past the length of time that the residential consumer has an obligation to the master consumer.

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- 4.6.9 Where a residential consumer defaults on more than one occasion in making a payment in accordance with an arrears payment agreement, or a payment on account of a current electricity charge billing, a security deposit amount or an under-billing adjustment, the unit sub-meter provider may cancel the arrears payment agreement.
- 4.6.10 If the unit sub-meter provider cancels an arrears payment agreement pursuant to section 4.6.9, the unit sub-meter provider will give written notice of cancellation to the consumer and to any third party designated by the consumer under section 4.6.11 at least 10 days before the effective date of the cancellation.
- 4.6.11 Where, at the time of entering into an arrears payment agreement a consumer has designated a third party to receive notice of cancellation of the arrears payment agreement, the unit sub-meter provider shall provide notice of cancellation to such third party.
- 4.6.12 A unit sub-meter provider shall accept electronic mail (e-mail) or telephone communications from the consumer for purposes of section 4.6.11.
- 4.6.13 If the consumer makes payment of all amounts due pursuant to the arrears payment agreement as of the cancellation date referred to in section 4.6.10 and makes such payment on or before the cancellation date, the unit sub-meter provider shall reinstate the arrears payment agreement.
- 4.6.14 Where an eligible low-income customer defaults on more than two occasions in making a payment in accordance with an arrears payment agreement, or a payment on account of a current electricity charge billing or an under-billing adjustment, the unit sub-meter provider may cancel the arrears payment agreement.
- 4.6.15 For purposes of sections 4.6.9 and 4.6.14, the defaults must occur over a period of at least 2 months before the unit sub-meter provider may cancel the arrears payment agreement.
- 4.6.16 A unit sub-meter provider shall make available to a residential electricity consumer a second arrears payment agreement if the consumer so requests, provided that 2 years or more has passed since a first arrears payment agreement was entered into and provided that the consumer performed his or her obligations under the first arrears payment agreement.
- 4.6.17 In the case of an eligible low-income customer, the unit sub-meter provider shall allow such a consumer to enter into a subsequent arrears payment agreement upon successful completion of the previous arrears payment agreement on the following terms:

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- (a) if a second or subsequent arrears agreement is requested less than 12 months from the date of completion of the previous arrears payment agreement, then the standard arrears payment agreement terms applicable to all residential consumers under sections 4.6.1 to 4.6.10 also apply to the eligible low-income customer; or
- (b) if a second or subsequent arrears agreement is requested 12 months or more from the date of completion of the previous arrears payment agreement, the eligible low-income customer shall be entitled to the arrears payment agreement terms set out in sections 4.6.5, 4.6.6(c), 4.6.6(d), 4.6.6(e), 4.6.14, and 4.6.15.

4.6.18 The unit sub-meter provider shall not disconnect the property of a residential consumer, for failing to make a payment subject to an arrears payment agreement, unless the consumer is in default, according to sections 4.6.9, 4.6.14 and 4.6.15, and the unit sub-meter provider has cancelled the arrears payment agreement in accordance with the provisions of this Code.

4.6.19 In the event a consumer failed to perform their obligations under a previous arrears payment agreement and the unit sub-meter provider terminated the agreement pursuant to section 4.6.9 (in the case of a residential consumer) or otherwise (in the case of a non-residential consumer), the unit sub-meter provider may require that the consumer wait 1 year after termination of the previous agreement before entering into another arrears payment agreement with the unit sub-meter provider.

## **4.7 Opening and Closing of Accounts**

4.7.1 Where a unit sub-meter provider opens an account for a property in the name of a person at the request of a third party, the unit sub-meter provider shall within 15 days of the opening of the account send a letter to the person advising of the opening of the account and requesting that the person confirm that he or she agrees to be the named consumer. If the unit sub-meter provider does not receive confirmation from the intended consumer, within 15 days of the date of the letter, the unit sub-meter provider shall advise the third party that the account will not be set up as requested.

4.7.2 The unit sub-meter provider is not required to send a letter advising of the opening of the account where the request to open the account is made in writing by the person's solicitor or person in possession of a valid Power of Attorney for the person.

4.7.3 Despite any other provision of this Code, with the exception of the parties mentioned in section 4.7.2, where a unit sub-meter provider has opened an account for a property in the name of a person at the request of a third party, the

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unit sub-meter provider shall not seek to recover from that person any charges for service provided to the property unless the person has agreed to be the consumer of the unit sub-meter provider in relation to the property.

- 4.7.4 Despite any other provision of this Code, with the exception of the parties mentioned in section 4.7.2, where a unit sub-meter provider receives a request to close or transfer an account in relation to a rental unit in a residential complex as defined in the *Residential Tenancies Act, 2006* or another residential property, the unit sub-meter provider shall not seek to recover any charges for service provided to that rental unit or residential property after closure of the account from any person, including the landlord for the residential complex or a new owner of the residential property, unless the person has agreed to assume responsibility for those charges.

### 4.8 Use of Load Control Devices

- 4.8.1 A unit sub-meter provider may install a load control device instead of disconnecting supply to a consumer for non-payment, provided that the unit sub-meter provider complies with the provisions set out in sections 4.8.4, 4.8.5, 4.8.6, 4.8.7, 4.8.8, 4.8.9, and 4.8.11.
- 4.8.2 Where a consumer voluntarily requests the installation or continued use of a load limiter device, the unit sub-meter provider shall install a load limiter device provided the unit sub-meter provider ordinarily provides such a service.
- 4.8.3 Where a unit sub-meter provider is notified by a LEAP Intake Agency that the agency is assessing the consumer for Emergency Financial Assistance, the unit sub-meter provider shall refrain from installing a load control device for a period of 21 days after receiving such notification.
- 4.8.4 When the unit sub-meter provider installs a load limiter device, either for non-payment or at the consumer's request, it shall also deliver a written notice to the consumer explaining in plain language the operation of the device, the maximum capacity of the device, how to reset the device if the maximum capacity is exceeded, as well as a telephone number for the consumer to obtain further information and an emergency telephone number to contact if the capacity is exceeded and the consumer cannot manually reset the device for any reason.
- 4.8.5 When the unit sub-meter provider installs a load limiter device for non-payment that cannot be manually reset by the consumer after the maximum limit is triggered, then the unit sub-meter provider must provide a 24-hour telephone number the consumer may call to have the load limiter device remotely reset.
- 4.8.6 When the unit sub-meter provider installs a timed load interrupter for non-payment, it shall also deliver a written notice to the consumer explaining in plain



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language the effect of the device on service and a telephone number for the consumer to obtain further information.

- 4.8.7 When a unit sub-meter provider installs a load control device for non-payment, the unit sub-meter provider shall also provide to the consumer:
- (a) the Fire Safety Notice of the Office of the Fire Marshal; and
  - (b) any other public safety notices or information bulletins issued by public safety authorities and provided to the unit sub-meter provider, which provide information to consumers respecting dangers associated with the disconnection of electricity service.
- 4.8.8 A load control device may not be installed at a residential consumer's property during the course of an arrears payment agreement, unless the agreement has been terminated in accordance with the provisions of this Code.
- 4.8.9 Where a unit sub-meter provider had previously installed a load control device for non-payment and the residential consumer then enters into an arrears payment agreement, the unit sub-meter provider shall remove the device within 2 business days of the consumer entering into an arrears payment agreement.
- 4.8.10 Despite sections 4.8.8 and 4.8.9, a consumer may request the installation or continued use of the load limiter device during the course of the arrears payment agreement where the unit sub-meter provider ordinarily provides such a service.
- 4.8.11 Subject to section 4.8.9, where a load control device was installed by a unit sub-meter provider for non-payment, the unit sub-meter provider shall remove the load control device within 2 business days of an outstanding account being paid in full.

### 4.9 Billing Errors

- 4.9.1 The following rules apply to billing errors in respect of which Measurement Canada has not become involved in the dispute.
- 4.9.2 Where a unit sub-meter provider has over billed a consumer by an amount that is equal or exceeds the consumer's average monthly billing amount, determined in accordance with section 4.6.7, the unit sub-meter provider shall, within 10 days of determination of the error, notify the consumer of the over billing and advise that the consumer may elect to have the full amount credited to their account or repaid in full by cheque, within 11 days of requesting payment by cheque. Where the consumer has not requested payment by cheque within 10 days of notification of the error by the unit sub-meter provider, the unit sub-meter provider may credit the full amount to the account.

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- 4.9.3 Where a unit sub-meter provider has over billed a consumer by an amount that is less than the consumer's average monthly billing amount, determined in accordance with section 4.6.7, the unit sub-meter provider shall credit the account in the next regularly scheduled bill issued to the consumer.
- 4.9.4 If there are outstanding arrears on the consumer's account, the unit sub-meter provider is not required to repay the over-billed amount but may apply it to the arrears on the consumer's account and credit or repay to the consumer the remaining balance.
- 4.9.5 Where a unit sub-meter provider has under billed a consumer who is not responsible for the error, the unit sub-meter provider shall allow the consumer to pay the under-billed amount in equal installments over a period at least equal to the duration of the billing error, up to a maximum of 2 years.
- 4.9.6 Where a unit sub-meter provider issues a bill to a consumer for an under-billed amount, the unit sub-meter provider shall notify the consumer that, if the consumer is an eligible low-income customer, he or she has the option of paying the under-billed amount as follows:
- (a) in accordance with section 4.9.5; or
  - (b) over a period of 10 months where the under-billed amount is less than twice the consumer's average monthly billing and over a period of 20 months where the under-billed amount equals or exceeds twice the consumer's average monthly billing.
- 4.9.7 For the purposes of section 4.9.6, the unit sub-meter provider may notify the consumer by way of bill insert, bill message, letter or outgoing telephone message.
- 4.9.8 Where a unit sub-meter provider has under billed a consumer who is responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or other unlawful actions, the unit sub-meter provider may require payment of the full under-billed amount by means of a corresponding charge on the next regularly scheduled bill issued to the consumer or on a separate bill to be issued to the consumer responsible for the error. Where disconnection has occurred, the unit sub-meter provider may require payment of such bill prior to the reconnection of service upon request by the consumer responsible for the tampering, willful damage, unauthorized energy use or other unlawful actions that caused the under billing.
- 4.9.9 Where the unit sub-meter provider has under billed a consumer, the maximum period of under billing for which the unit sub-meter provider is entitled to be paid is 2 years. Where the unit sub-meter provider has over billed a consumer, the

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maximum period of over billing for which the consumer is entitled to be repaid is 2 years.

- 4.9.10 A unit sub-meter provider may charge interest on under-billed amounts only where the consumer was responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or other unlawful actions. Such interest shall be equal to the prime rate charged by the unit sub-meter provider's bank.
- 4.9.11 A unit sub-meter provider that has over billed a consumer and the billing error is not the result of a unit sub-meter provider's standard documented billing practices, shall pay interest on the amount credited or repaid to the consumer equal to the prime rate charged by the unit sub-meter provider's bank.
- 4.9.12 The unit sub-meter provider is responsible for advising the consumer of any meter error and of his, her or its rights and obligations under the Electricity and Gas Inspection Act (Canada). The unit sub-meter provider is also responsible for subsequently settling actual payment differences with the consumer as described above.
- 4.9.13 The provisions of section 4.9 do not apply where the unit sub-meter provider has over billed or under billed a consumer but issues a corrected bill within 16 days of the issue date of the original erroneous bill.
- 4.9.14 Despite sections 4.9.5 and 4.9.6, a unit sub-meter provider shall not be required to allow a consumer to repay an under-billed amount over a time period that extends past the length of time that the consumer has an obligation to the master consumer.

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### 5 OESP

5.1 [Revoked effective March 14, 2019.]

5.2 [Revoked effective May 25, 2017.]

#### 5.3 Application of OESP Rate Assistance to the Bill

- 5.3.1 Where a unit sub-meter provider receives notice from the CSP that a consumer is eligible for rate assistance under the OESP, the unit sub-meter provider shall as soon as reasonably practicable apply the rate assistance specified in the notice to the consumer's bill.
- 5.3.2 The unit sub-meter provider shall apply the OESP rate assistance on the consumer's bill for the eligibility period specified in the notice, unless a different eligibility period is specified by the CSP any time thereafter or the unit sub-meter provider issues a final bill to the consumer before the eligibility period has expired.
- 5.3.3 Where a unit sub-meter provider receives notice from the CSP that a consumer's eligibility for rate assistance under the OESP has been renewed or canceled, or that the amount of rate assistance for which the consumer is eligible has changed, the unit sub-meter provider shall implement the necessary changes to the consumer's bill as soon as reasonably practicable.
- 5.3.4 Where a unit sub-meter provider issues a bill covering less than a full billing period, the unit sub-meter provider may prorate the amount of the OESP rate assistance.
- 5.3.5 Where a unit sub-meter provider disconnects and issues a final bill to a consumer who is receiving OESP rate assistance and within two billing period reconnects the consumer at the same premises, the unit sub-meter provider shall upon the reconnection apply the OESP rate assistance to the consumer's bill for the remainder of the eligibility period under section 5.3.2, if any.
- 5.3.6 Where the OESP rate assistance applied to a consumer's bill exceeds the amount owing on the bill, the unit sub-meter provider shall carry forward the credit to one or more subsequent bills, however the unit sub-meter provider shall not issue a refund of the credit to the consumer at any time including at the time the account is closed or transferred.

#### 5.4 Billing Corrections

- 5.4.1 Where a unit sub-meter provider receives notice from the CSP of a correction to the amount of rate assistance that was specified in a notice under section 5.3.1,

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or where the unit sub-meter provider discovers that it has mistakenly applied an amount of rate assistance to a consumer's bill other than the amount specified in the notice under section 5.3.1, the unit sub-meter provider shall apply the corrected amount as soon as reasonably practicable.

5.4.2 Where the corrected amount is greater than the amount that was specified in the notice under section 5.3.1, the unit sub-meter provider shall apply any rate assistance owing as a credit on the consumer's account and identify the amount credited as a billing adjustment on the bill.

5.4.3 Where the corrected amount is less than the amount that was specified in the notice under section 5.3.1, the unit sub-meter provider shall not be entitled to recoup any rate assistance that the consumer has already received, and for greater certainty the unit sub-meter provider shall not collect any such rate assistance as under-billed amounts under sections 4.9.6 and 4.9.7, without the approval of the Board.

### **5.5 Technical and Administrative Requirements of the CSP**

5.5.1 A unit sub-meter provider shall adhere to any technical and administrative requirements set out in a procedure or guideline issued by the CSP, provided that no such procedure or guideline is effective until it is approved by the Board.

### **5.6 Communications with Consumers**

5.6.1 A unit sub-meter provider shall notify a consumer in writing that the consumer's eligibility period for OESP rate assistance is expiring at least 60 days before the period expires, and shall include in the notice information about applying for a renewal of the eligibility period. If the unit sub-meter provider sends the notice by mail, the unit sub-meter provider shall not include the notice in the same envelope as a bill or any other documentation emanating from the unit sub-meter provider.

5.6.2 A unit sub-meter provider shall post on its website a link to the Board's OESP application portal.

### **5.7 [Revoked effective March 14, 2019.]**