



Advocacy Centre for Tenants Ontario
Centre ontarien de défense des droits des locataires

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February 2, 2012

Ms Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Dear Ms Walli,

Re: Notice of Proposal to Amend a Code: Proposed Amendments to the Unit Sub-Metering Code (Board File No.: EB-2011-0429)

The Advocacy Centre for Tenants Ontario (“ACTO”) is a specialty legal clinic, funded by Legal Aid Ontario, with a focus on residential tenancy issues for low-income Ontarians, including housing-related energy issues. ACTO is a founding member of, and works closely with, the Low-income Energy Network (“LIEN”), a province-wide organization of more than 80 member groups that acts on issues that are of concern to low-income energy consumers. ACTO welcomes this opportunity to comment on the proposed amendments to the Unit Sub-Metering Code (“USMC”).

Sub-metering of electricity service in the multi-residential rental sector is proceeding in an incremental basis in Ontario under the new legislative and regulatory framework established by the *Energy Consumer Protection Act, 2010* that came into effect as of January 1, 2011. Considering that 36% of Ontario’s 1.3 million tenant households are living on incomes at or below the “poverty line” (i.e. at or below the pre-tax, post-transfer payment Low Income Cut-offs published annually by Statistics Canada), it is essential that they are able to access consumer protections that will help them maintain their electricity service if they are paying directly for that service.

ACTO agrees with the Board’s view that all electricity consumers should have similar rights “whether they are provided service through unit smart metering by a licensed distributor or through unit sub-metering by a licensed unit sub-meter provider”. We also agree with the Board that “unit sub-meter providers should also be required to offer specialized rules for eligible low-income consumers” that are currently in place for the low-income customers of licensed electricity distributors. The proposed amendments to the Unit Sub-Metering Code (“USMC”) targeted to low-income consumers are essentially parallel to the provisions in place in the electricity Distribution System Code, with some exceptions.

Tenancy agreements and arrears payment agreements

Under proposed USMC section 4.6.8, a unit sub-meter provider is not required to enter into an arrears repayment agreement that lasts longer than the consumer's tenancy agreement. The Board should be aware that many rental tenancies are on a month-to-month basis which would effectively exclude those tenants (often long-time tenants in their unit) from accessing affordable arrears payment agreements. These consumers on month-to-month tenancies should be eligible for the arrears repayment agreements under the proposed USMC section 4.6.6 (c), (d) and (e).

Emergency payments by credit card

ACTO requests that the Board reconsider its decision to exclude the use of credit cards for emergency payments from the proposed USMC amendments. This is one less payment option available to low-income sub-metered consumers facing disconnection of their electricity service.

Equal billing/equal payment plans

The Board is not proposing to introduce into the USMC the provisions related to equal billing/equal payment plans that are currently included in the electricity Distribution System Code. ACTO asks that the Board reconsider this decision. The option to have equal billing/equal payment plans can "smooth out" costs for low-income sub-metered consumers during seasonal periods of higher electricity consumption.

Thank you for the consideration of our comments and recommendations. ACTO looks forward to working with the Board and other stakeholders on monitoring the effectiveness of the proposed USCM amendments related to low-income consumers, once they are finalized and come into force, with a view to improving and strengthening these consumer protections as may be needed.

Yours very truly,
ADVOCACY CENTRE FOR
TENANTS ONTARIO per:

Original signed by,

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