

# **ASSURANCE OF VOLUNTARY COMPLIANCE**

**Pursuant to s. 112.7 of the  
*Ontario Energy Board Act, 1998***

**Parkbridge Lifestyle Communities Inc.**

**OEB File No. EB-2021-0214**

**August 24, 2021**

## I. INTRODUCTION AND SUMMARY

Ontario Energy Board (OEB) staff undertook a compliance review further to complaints received by the OEB from customers of Parkbridge Lifestyle Communities Inc. (Parkbridge). The complaints related to questions about electricity bills received from Parkbridge based on individually metered usage. Through its review, OEB staff established that Parkbridge was not compliant with the requirement to be licensed by the OEB as a Unit Sub-Meter Provider (USMP) in order to bill full-time residential customers based on individually metered usage.

## II. STATEMENT OF FACTS

Parkbridge is a developer and owner-operator of residential land lease communities and RV camping & cottage resorts (collectively “parks”) across Canada, including locations within Ontario.

While most of its RV camping & cottage resorts are seasonal use only, five parks (Shady Acres, Victoria Harbour, Heron’s Landing, Spring Valley and Wasaga Pines) in the Parkbridge portfolio include at least a portion of full-time residential customers. Parkbridge bills these full-time residential customers for their individual electricity usage on a quarterly basis. During OEB staff’s review, Parkbridge advised it was unaware it required a USMP licence from the OEB to bill full-time residential customers for electricity consumption measured by individual meters.

Engaging in unit sub-metering without a licence is a contravention of section 57 of the *Ontario Energy Board Act, 1998* (OEB Act). Section 57(c.1) of the OEB Act states as follows:

Requirement to hold licence

57 Neither the IESO nor the Smart Metering Entity shall exercise their powers or perform their duties under the Electricity Act, 1998 unless licensed to do so under this Part and no other person shall, unless licensed to do so under this Part, ...

(c.1) engage in unit sub-metering;

In the fall of 2020, Parkbridge retained a licensed USMP to provide unit sub-metering services to Shady Acres (the USMP solution) with the expectation the USMP solution would also be operational for the other four parks with full-time residential customers in the spring of 2021.

In March 2021, OEB staff followed up with Parkbridge to confirm the USMP solution for Victoria Harbour, Heron's Landing, Spring Valley and Wasaga Pines was still planned for May 2021 as scheduled. Parkbridge responded to OEB staff that the licensed USMP that it had used for Shady Acres and intended to use for the four other parks had advised Parkbridge of delays in procuring metering equipment as a result of supply issues arising from the pandemic. Parkbridge also made enquiries of other USMP providers and was advised that they did not have the metering equipment needed to implement the USMP solution at the four other parks.

In response to OEB staff's concerns and to address the non-compliance, Parkbridge submitted a proposal to OEB staff that would result in full-time residential customers in the four remaining parks (Victoria Harbour, Heron's Landing, Spring Valley, and Wasaga Pines) not being billed any further amounts for their electricity usage until the USMP solution had been implemented. Specifically, Parkbridge's proposal is to (i) cease all electricity billing for full-time residential customers at Victoria Harbour, Heron's Landing, Spring Valley and Wasaga Pines until a USMP solution is in place, (ii) not pursue payment from, or take any other action against, these customers for any unpaid amounts for their electricity usage, (iii) not process any payments it receives for May 2021 electricity bills that were issued to full-time residential customers at Wasaga Pines (note: May bills were not issued to customers at Heron's Landing, Victoria Harbour and Spring Valley) and (iv) return payments already received from full-time residential customers for electricity bills issued in May 2021. Given that Parkbridge bills full-time residential customers for electricity on a quarterly basis, its proposal would result in those customers not paying for electricity consumed since February 2021 until a USMP solution is in place for the park. The financial cost of Parkbridge's proposal, depending on the timing of implementation of the USMP solution in each park, is estimated to be in the range of \$80,000 - \$100,000 which would be fully assumed by Parkbridge.

On July 22, 2021, Parkbridge retained a licensed USMP to provide unit sub-metering services to Victoria Harbour and is in the process of implementing a USMP solution for that park.

Parkbridge admits that it failed to comply with section 57(c.1) of the OEB Act and, in resolution of the contravention, Parkbridge has provided this Assurance of Voluntary Compliance to the OEB under section 112.7 of the OEB Act.

### **III. ASSURANCE**

Parkbridge hereby assures the OEB that it is taking all appropriate measures necessary to implement the USMP solution in its remaining parks with full-time residential customers as expeditiously as possible and that a USMP solution for Heron's Landing, Spring Valley, Victoria Harbour and Wasaga Pines will be in place no later than December 31, 2021, subject to the USMP's ability to procure meters. Parkbridge further warrants that it (i) ceased all electricity billing for full-time residential customers at Victoria Harbour on February 5, 2021, February 4, 2021 at Heron's Landing, February 19, 2021 at Spring Valley and May 3, 2021 at Wasaga Pines, (ii) will not pursue payment from, or take any other action against, these customers for any unpaid amounts for their electricity usage prior to the USMP solution being in place, (iii) will not process any payments it receives for May 2021 electricity bills that were issued to full-time residential customers at Wasaga Pines and (iv) will return payments already received from full-time residential customers for electricity bills issued in May 2021.

Parkbridge also assures that it will not seek to recover any costs related to this Assurance of Voluntary Compliance from its customers.

This Assurance of Voluntary Compliance does not include an administrative monetary penalty given the mitigating measures Parkbridge has put in place with respect to not recovering any electricity costs from the full-time residents of these parks and the financial implications for Parkbridge.

### **IV. CONSUMER RIGHTS**

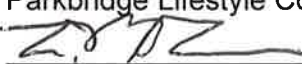
Nothing in the Assurance of Voluntary Compliance affects any rights a consumer may have under any applicable laws.

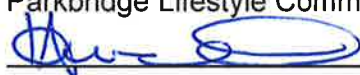
### **V. FAILURE TO COMPLY**

This Assurance of Voluntary Compliance has the same force and effect as an order of the OEB pursuant to section 112.7(2) of the OEB Act and any failure to comply with its terms shall be deemed to be a breach of an order of the OEB.

**VI. EXECUTION OF ASSURANCE**

I have the authority to bind Parkbridge Lifestyle Communities Inc. to the terms set out in this Assurance of Voluntary Compliance.

Name: Lachlan MacLean  
Title: Senior Vice President, Property Operations  
Company: Parkbridge Lifestyle Communities Inc.  
Signature:  \_\_\_\_\_

Name: Heather Knight-Bortoluzzi  
Title: CFO & Vice President, Finance  
Company: Parkbridge Lifestyle Communities Inc.  
Signature:  \_\_\_\_\_

Dated this 24th day of August, 2021