

**DESCRIPTION OF PROPOSED SUITE METERING
REGULATIONS UNDER THE *ENERGY CONSUMER PROTECTION
ACT, 2010* AND THE *ONTARIO ENERGY BOARD ACT, 1998***

**For ease of reference only, the following definitions are included from
Part III of the *Energy Consumer Protection Act, 2010*.**

Definitions

“bulk meter” means a device used to measure the aggregate electricity consumption of a multi-unit complex, and includes any associated equipment, systems and technologies, but does not include a meter; (“compteur collectif”)

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

“meter” means a device used to measure electricity consumption and includes any associated equipment, systems and technologies, but does not include a bulk meter; (“compteur”)

“multi-unit complex” means,

- (a) a building or related group of buildings in which two or more units are located,
- (b) a residential complex as such term is defined in the *Residential Tenancies Act, 2006*,
- (c) a building that forms part of a property as defined in the *Condominium Act, 1998*, or
- (d) such other properties or classes of properties as may be prescribed,

but excludes such properties or classes of properties as may be prescribed; (“ensemble collectif”)

“suite meter” means a unit smart meter or a unit sub-meter; (“compteur individuel”)

“suite meter data” means data derived from a suite meter, including data related to the consumption of electricity as measured by the suite meter; (“données de compteur individuel”)

“suite metering” means unit smart metering or unit sub-metering; (“activités liées aux compteurs individuels”)

“suite meter provider” means a unit smart meter provider or unit sub-meter provider; (“fournisseur de compteurs individuels”)

“suite meter specifications” has the same meaning as in subsection 32 (2); (“caractéristiques des compteurs individuels”)

“unit” means,

- (a) a residential unit as such term is defined in the *Residential Tenancies Act, 2006*,
- (b) a rental unit as such term is defined in the *Residential Tenancies Act, 2006*,
- (c) a unit as such term is defined in the *Condominium Act, 1998*, or
- (d) such other properties or classes of properties as may be prescribed,

but excludes such properties or classes of properties as may be prescribed; (“unité”)

“unit meter” means a meter used to measure the electricity consumption of a unit or part of a unit, and includes any associated equipment, systems and technologies, but excludes any prescribed class of meters for any prescribed class of properties in any prescribed circumstances; (“compteur d’unité”)

“unit smart meter” means a unit meter that is installed by a distributor in a unit of a multi-unit complex where the multi-unit complex is not connected to a bulk meter, and includes such other meters as may be prescribed; (“compteur intelligent d’unité”)

“unit smart metering” means such activities in relation to unit smart meters in multi-unit complexes as may be prescribed, under such circumstances as may be prescribed, for such classes of property or classes of consumers as may be prescribed, subject to such conditions as may be prescribed; (“activités liées aux compteurs intelligents d’unité”)

“unit smart meter provider” means a distributor licensed by the Board to engage in unit smart metering; (“fournisseur de compteurs intelligents d’unité”)

“unit sub-meter” means a unit meter that is installed by a unit sub-meter provider in a unit of a multi-unit complex where the multi-unit complex is connected to a bulk meter, and includes such other meters as may be prescribed; (“compteur divisionnaire d’unité”)

“unit sub-metering” means such activities in relation to unit sub-meters in multi-unit complexes as may be prescribed, under such circumstances as may be prescribed, for such classes of property or classes of consumers as may be prescribed, subject to such conditions as may be prescribed; (“activités liées aux compteurs divisionnaires d’unité”)

“unit sub-meter provider” means a person, including a distributor, licensed by the Board to engage in unit sub-metering, or such other persons or classes of persons as may be prescribed. (“fournisseur de compteurs divisionnaires d’unité”)

DRAFT SUITE METERING PROPOSALS UNDER THE *ENERGY CONSUMER PROTECTION ACT, 2010*

DEFINITIONS AND INTERPRETATION

Interpretation

1. (1) In this document,

“board of directors” means the board of directors of a condominium corporation;

“commercial building” means a commercial, industrial or office building to which the *Commercial Tenancies Act, 1990* applies;

“commercial landlord” means a landlord as defined in the *Commercial Tenancies Act, 1990*;

“commercial lease” means a lease as contemplated in the *Commercial Tenancies Act, 1990*;

“common elements” means all of the multi-unit complex except,

- (a) a rental unit,
- (b) a residential unit,
- (c) a condominium unit, or
- (d) demised premises;

“condominium building” means a building as defined in the *Condominium Act, 1998*;

“condominium corporation” means a corporation as defined in the *Condominium Act, 1998*;

“condominium unit” means a unit as defined in the *Condominium Act, 1998*;

“demised premises” means demised premises, as contemplated in the *Commercial Tenancies Act, 1990*, in a commercial building;

“licensed distributor” means a distributor licensed by the Board under clause 57 (a) of the *Ontario Energy Board Act, 1998*;

“rental unit” means a rental unit as defined in the *Residential Tenancies Act, 2006*, but does not include any class of accommodation contemplated in section 5 of that Act;

“residential complex” means a residential complex as defined in the *Residential Tenancies Act, 2006*, but does not include any class of accommodation contemplated in section 5 of that Act;

“residential landlord” means a landlord as defined in the *Residential Tenancies Act, 2006*;

“residential tenant” means a tenant as defined in the *Residential Tenancies Act, 2006*;

“residential unit” has the same meaning as in the *Residential Tenancies Act, 2006*;

“tenancy agreement” has the same meaning as in the *Residential Tenancies Act, 2006*.

Definitions, section 31

(3) For the purposes of section 31 of the Act,

“multi-unit complex” includes a commercial building;

“unit” includes demised premises and common elements.

Definition, “unit smart metering”

(4) For the purposes of the definition of “unit smart metering”, prescribed activities are,

- (a) distributing electricity in a multi-unit complex as the exclusive distributor of electricity in the multi-unit complex, and associated activities like billing and collecting payment in respect of the electricity consumed, and

- (b) any other activities required to be carried out by a unit smart meter provider under Part III of the Act.

Definition, “unit sub-metering”

(5) For the purposes of the definition of “unit sub-metering” prescribed activities are,

- (a) the commercial offering or the commercial provision of unit sub-meters for multi-unit complexes in which the electricity is not distributed by the person making the offering or provision, and associated activities like billing and collecting payment in respect of the electricity consumed, and
- (b) any other activities required to be carried out by a unit sub-meter provider under Part III of the Act.

SUITE METER SPECIFICATIONS

Definitions

2. (1) In this section,

“Smart Metering Entity” has the same meaning as in the *Electricity Act, 1998*.

Specifications, unit smart meters

(2) The applicable suite meter specifications for unit smart meters installed by a unit smart meter provider after the date this regulation takes effect are the criteria and requirements specified in the Functional Specifications, as that term is defined in Ontario Regulation 425/06 (Criteria and Requirements for Meters and Metering Equipment, Systems and Technology) made under the *Electricity Act, 1998*.

Specifications, unit sub-meters

(3) The applicable suite meter specifications for unit sub-meters installed after the date this regulation takes effect are the criteria and requirements specified in the Functional Specifications, as that term is defined in Ontario Regulation 425/06 (Criteria and Requirements for Meters and Metering Equipment, Systems and Technology) made under the *Electricity Act, 1998*, with the following modifications:

- 1. A reference in the Functional Specifications to a distributor shall be deemed to be a reference to a unit sub-meter provider.
- 2. Unit sub-meter providers are not required to interface or integrate their unit sub-meter systems with the meter data management and data repository operated by the Smart Metering Entity.

RULES RELATING TO INSTALLATION AND BILLING

Installation of suite meters permitted

3. (1) Subject to section 4, for the purpose of subsection 33(1) of the Act, a suite meter provider may install a suite meter,

1. in the properties or classes of properties,
2. in the circumstances,
3. for the consumers or classes of consumers, and
4. subject to the applicable conditions

specified in the following table:

	Properties or classes of properties	Circumstances	Consumer or classes of consumers	Conditions (if applicable)
1	In respect of an occupied rental unit.	The suite meter provider has an arrangement or agreement with the residential landlord to install suite meters in the residential complex in which the rental unit is located.	The consumer occupying the rental unit.	The installation of any suite meter must be conducted in accordance with subsection 137(2) of the <i>Residential Tenancies Act, 2006</i> .
2	In respect of an unoccupied rental unit.	The suite meter provider has an arrangement or agreement with the residential landlord, owner or person in charge of the residential complex in which the rental unit is located, to install suite meters in that residential complex.	N/A	None.
3	In respect of common elements of a residential complex.	The suite meter provider has an arrangement or agreement with the residential landlord, owner or person in charge of the residential complex to install suite meters in that residential complex.	N/A	None.

	Properties or classes of properties	Circumstances	Consumer or classes of consumers	Conditions (if applicable)
4	In respect of a condominium unit.	<ol style="list-style-type: none"> 1. The suite meter provider has an arrangement or agreement with the condominium corporation, approved by the board of directors of that condominium corporation, to install suite meters in the condominium building; and 2. The consumer owns and occupies the condominium unit. 	The consumer owning and occupying the condominium unit.	None.
5	In respect of common elements of a condominium building.	The suite meter provider has an arrangement or agreement with the condominium corporation, approved by the board of directors of that condominium corporation, to install suite meters in the condominium building.	N/A	None.
6	In respect of demised premises.	The suite meter provider has an arrangement or agreement with the commercial landlord, owner or person in charge of the building in which the demised premises are located, to install suite meters in that building.	The consumer occupying the demised premises.	None.
7	In respect of common elements of a commercial building.	The suite meter provider has an arrangement or agreement with the commercial landlord, owner or person in charge of that building to install suite meters in that building.	N/A	None.

Installation of suite meters required

4. (1) Subject to subsection (2), for the purpose of subsection 33(2) of the Act,
1. such persons or classes of persons specified shall have a suite meter installed
 2. in the properties or classes of properties,
 3. in the circumstances,
 4. for the consumers or classes of consumers, and
 5. subject to the applicable conditions
- specified in the following table:

	Persons or classes of persons who shall have a suite meter installed	Properties or classes of properties	Circumstances	Consumer or classes of consumers	Conditions (if applicable)
1	An owner or person in charge of a building described in Column 2.	Rental units in a residential complex.	The building is in any stage of construction, prior to completion.	N/A	Installation shall take place in the rental unit prior to entering into a tenancy agreement in respect of that rental unit.
2	An owner or person in charge of a building described in Column 2.	Common elements of a residential complex.	The building is in any stage of construction, prior to completion.	N/A	Installation shall take place prior to entering into any tenancy agreement in respect of a rental unit in that building.
3	An owner or person in charge of a building described in Column 2.	A condominium unit in a condominium building.	The building is in any stage of construction, prior to completion.	N/A	Installation shall take place prior to occupancy of that condominium unit.

	Persons or classes of persons who shall have a suite meter installed	Properties or classes of properties	Circumstances	Consumer or classes of consumers	Conditions (if applicable)
4	An owner or person in charge of a building described in Column 2.	Common elements of a condominium building.	The building is in any stage of construction, prior to completion.	N/A	Installation shall take place prior to occupancy of any condominium unit in that condominium building.

Exemption: social, etc., housing

(2) Subsection 33 (2) of the Act does not apply, and installation of suite meters is permitted but not required, with respect to any of the following:

1. A rental unit located in a residential complex owned, operated or administered by or on behalf of the Ontario Mortgage and Housing Corporation, the Government of Canada or an agency of either of them, unless the residential tenant occupying the rental unit pays rent to a residential landlord other than the Ontario Mortgage and Housing Corporation, the Government of Canada or an agency of either of them.
2. A rental unit in a residential complex described in paragraph 1 whose ownership, operation or management is transferred under the Social Housing Reform Act, 2000 to a service manager or local housing corporation as defined in that Act, unless the residential tenant occupying the rental unit pays rent to a residential landlord other than a service manager or local housing corporation as defined in that Act or an agency of either of them.
3. A rental unit located in a non-profit housing project or other residential complex, if the non-profit housing project or other residential complex was developed or acquired under a federal, provincial or municipal program that is prescribed for the purposes of paragraph 3 of subsection 7 (1) of the Act and continues to operate under,
 - i. Part VI of the Social Housing Reform Act, 2000,
 - ii. an operating agreement, as defined in the Social Housing Reform Act, 2000, or

- iii. an agreement made between a housing provider, as defined in the Social Housing Reform Act, 2000, and one or more of,
 - A. a municipality,
 - B. an agency of a municipality,
 - C. a non-profit corporation controlled by a municipality, if an object of the non-profit corporation is the provision of housing,
 - D. a local housing corporation, as defined in the Social Housing Reform Act, 2000, or
 - E. a service manager, as defined in the Social Housing Reform Act, 2000.
- 4. A rental unit that is a non-member unit of a non-profit housing co-operative.
- 5. A rental unit for which the residential tenant pays rent in an amount geared-to-income due to public funding.
- 6. A rental unit that was developed or acquired, and that continues to operate, under the Rural and Native Rental Housing Program established under the National Housing Act (Canada).
- 7. A rental unit that was developed or acquired under any of the following initiatives, if all of the circumstances set out in subsection (2) exist:
 - i. Canada-Ontario Affordable Housing Program — Rental and Supportive Housing.
 - ii. Canada-Ontario Affordable Housing Program — Northern Housing.
 - iii. Residential Rehabilitation Assistance Program.
 - iv. Supporting Communities Partnership Initiative.
 - v. Municipal capital facility by-laws for housing or other council-approved municipal housing programs.
- 8. An accommodation contemplated in subsection 6 (1) of the *Residential Tenancies Act, 2006*.

Use of meters for billing prohibited, except in accordance with the Act

5. (1) For the purposes of subsection 34 (3) of the Act, no person shall bill any consumer based on the consumption or use of electricity by the consumer in respect of a unit as measured by a suite meter, except in accordance with the Act and regulation made under the Act.

Use of meters for billing required

(2) For the purposes of subsection 34 (2) of the Act, a suite meter provider shall bill the consumer based on the consumption or use of electricity in respect of a unit as measured by the suite meter,

1. in the properties or classes of properties,
2. in the circumstances,
3. for the consumers or classes of consumers, and
4. subject to the conditions

specified in the following table:

	Properties or classes of properties	Circumstances	Consumer or classes of consumers	Conditions (if applicable)
1	In respect of a rental unit.	The suite meter was installed in the residential complex in accordance with section 33 of the Act and the residential landlord has terminated its obligation to supply electricity to the rental unit under the tenancy agreement pursuant to subsection 137(3) of the <i>Residential Tenancies Act, 2006</i> .	The consumer occupying the rental unit.	The suite meter provider shall bill the consumer occupying the rental unit based on the consumption or use of electricity by the consumer in respect of the rental unit, unless, <ol style="list-style-type: none"> (a) the suite meter was installed after the date this regulation came into force, (b) the primary source of heat in the rental unit is generated by means of electricity, and (c) the electricity consumption from such primary source of heat is included as a part of the consumption measured by the suite meter.

	Properties or classes of properties	Circumstances	Consumer or classes of consumers	Conditions (if applicable)
2	In respect of a rental unit.	The suite meter was permitted or required to be installed in respect of the rental unit in accordance with section 33 of the Act and the residential landlord does not have an obligation under the tenancy agreement to supply electricity to the rental unit.	The consumer occupying the rental unit.	The suite meter provider shall bill the consumer occupying the rental unit based on the consumption or use of electricity by the consumer in respect of the rental unit, unless, <ul style="list-style-type: none"> (a) the suite meter was installed after the date this regulation came into force, (b) the primary source of heat in the rental unit is generated by means of electricity, and (c) the electricity consumption from such primary source of heat is included as a part of the consumption measured by the suite meter.
3	In respect of common elements of a residential complex.	The suite meter was permitted or required to be installed in respect of common elements in that residential complex in accordance with section 33 of the Act.	The residential landlord, owner or person in charge of the residential complex.	None.
4	In respect of a condominium unit.	The suite meter was permitted or required to be installed in respect of the condominium unit in accordance with section 33 of the Act.	The consumer owning and occupying the condominium unit.	None.

	Properties or classes of properties	Circumstances	Consumer or classes of consumers	Conditions (if applicable)
5	In respect of common elements of a condominium building.	The suite meter was permitted or required to be installed in respect of common elements of that condominium building in accordance with section 33 of the Act.	The condominium corporation, owner or person in charge of the condominium building.	None.
6	In respect of demised premises.	The suite meter was installed in the commercial building in accordance with section 33 of the Act and the commercial landlord does not have an obligation under the commercial lease to supply electricity to the demised premises.	Any consumer occupying the demised premises.	None.
7	In respect of common elements of a commercial building.	The suite meter was permitted or required to be installed in respect of common elements of that commercial building in accordance with section 33 of the Act.	The commercial landlord, or person in charge of the commercial building.	None.

Residential landlord, certain rental units

(3) A suite meter provider is permitted under subsection 34 (1) of the Act, but not required, to bill a residential landlord of an occupied or unoccupied rental unit based on

the consumption or use of electricity in respect of the rental unit as measured by a suite meter, if, in respect of the rental unit,

- (a) the residential landlord has not terminated its obligation to supply electricity to the rental unit under the tenancy agreement pursuant to subsection 137(3) of the *Residential Tenancies Act, 2006*,
- (b) the residential landlord has an obligation under the tenancy agreement to supply electricity to the rental unit, or
- (c) the suite meter provider is otherwise not permitted to bill the consumer occupying the rental unit based on the consumption or use of electricity by the consumer in respect of the rental unit as measured by the suite meter (e.g. in certain rental units where the primary source of heat is generated by means of electricity).

RULES RELATING TO INFORMATION AND DISCLOSURE

Information for landlords re: rental units

6. (1) A suite meter provider who conducts suite metering in respect of a rental unit shall, if the residential landlord requests it, within 10 days of receiving the request, provide the residential landlord with the following information as it relates to the rental unit, and in the following manner, where specified, to the extent that such information is available to the suite meter provider:

1. Contact information for the suite meter provider.
2. The electricity charges for the rental unit for the most recent 12-month period for which such information is available to the suite meter provider.
3. The total amount of electricity consumed by the rental unit in kilowatt hours for the most recent 12-month period for which such information is available to the suite meter provider.
4. Information about any fees and charges of the suite meter provider.
5. Information about the circumstances in which the fees and charges of the suite meter provider may increase.
6. Information about any planned increases in the fees or charges of the suite meter provider.
7. The suite meter provider's security deposit policies.

8. The suite meter provider's disconnection policies.

Information for consumers, re: changes

(2) A suite meter provider who conducts suite metering in respect of any multi-unit complex shall notify a consumer, in accordance with subsections (3) and (4) about any changes in,

- (a) the fees or charges of the suite meter provider,
- (b) the rate to be charged for electricity, or
- (c) the person who sells electricity to the building, in the case of unit sub-metering.

Required information

(3) Subject to subsection (4), the suite meter provider shall provide the consumer with the following information, as applicable:

1. The current fees or charges of the suite meter provider, in effect on the day immediately before the changes were announced, and the new fees and charges of the suite meter provider, in the case of clause (2) (a).
2. The current rates charged for electricity, in effect on the day immediately before the changes were announced, and the new rates to be charged, in the case of clause (2) (b).
3. The current person selling electricity to the building on the day immediately before the changes were announced, and the new person selling electricity to the building, in the case of clause (2) (c).
4. The date the change described in clause (2) (a), (b) or (c) is scheduled to take effect.

Form and timing

(4) The information provided to the consumer pursuant to subsection (3) shall be in not less than 12 point type and shall be included,

- (a) on the front page of, or
- (b) as a separate insert with,

the first invoice issued to the consumer following the announcement of the change referred to in subsection (2).

Information re: fees, first invoice

(5) A suite meter provider shall include with the first invoice to the consumer, in not less than 12 point font,

- (a) detailed information about all of the applicable fees and charges of the suite meter provider, or
- (b) information about the applicable regular, recurring fees and charges of the suite meter provider, and the address of the website on which the information specified in clause (a) is displayed.

TRANSITION

Definitions, transition

7. (1) In this section,

“unit smart meter” includes, any smart meter, metering equipment, systems and technology and associated equipment, systems and technologies installed in a multi-unit complex by a licensed distributor,

- (a) prior to November 3, 2005, or
- (b) pursuant to section 53.16 of the *Electricity Act, 1998*, or
- (c) pursuant to section 53.17 of the *Electricity Act, 1998* before that section was repealed.

“unit sub-meter” includes, any smart sub-metering systems, equipment and technology and any associated equipment, systems and technologies installed in a multi-unit complex,

- (a) prior to November 3, 2005, or
- (b) pursuant to section 53.17 of the *Electricity Act, 1998* before that section was repealed, or
- (c) in accordance with an order or code issued by the Board.

“excluded unit sub-meter” means any smart sub-metering systems, equipment and technology and any associated equipment, systems and technologies installed, prior to the date this regulation comes into force, other than as contemplated in clause (a), (b) or (c) of the expanded definition of unit sub-meter in this subsection (1).

Transition, previously installed meters

(2) A unit smart meter or unit sub-meter or excluded unit sub-meter installed prior to the date this regulation comes into force shall be continued as a suite meter installed in accordance with section 33 of the Act.

Transition, billing

(3) A unit smart meter or unit sub-meter referred to in subsection (2) shall be continued as a suite meter that may be used to bill the consumer under subsection 34 (1) of the Act if, prior to the date this regulation comes into force, that unit smart meter or unit sub-meter,

- (a) was being used to bill a consumer in accordance with the *Electricity Act, 1998* or the *Residential Tenancies Act, 2006*, or
- (b) was being used to bill a consumer in accordance with an order or a code issued by the Board.

Application, section 34

8. (1) Despite any other provision of this regulation, section 34 of the Act shall immediately apply to a unit smart meter or unit sub-meter referred to in section 7 (2), that is continued under that subsection as a suite meter installed in a unit under section 33 of this Act, when a prior consumer ceases to have occupancy rights in relation to the unit.

Definition

(2) For the purposes of this section,

“prior consumer” means a consumer who was permitted to occupy the unit prior to the date this regulation comes into force.

DRAFT SUITE METERING PROPOSAL UNDER THE *ONTARIO ENERGY BOARD ACT, 1998*

Transition, sub-metering licenses

1. A license issue under clause 57 (i) of the Act pursuant to Ontario Regulation 443/07 (Licensing Sub-Metering Activities) shall be continued as a license issued under clause 57 (c.1) of the Act.