



# **Guideline** to the Duties and Responsibilities of Licensed Electrical Contractors (LECs) and Designated Master Electricians (DMEs)

January 2018

## LEGAL DISCLAIMER

This document has been prepared as a guideline only to assist Licensed Electrical Contractors, Designated Master Electricians, and prospective licence applicants with understanding their roles and responsibilities under Part VIII of the Electricity Act and the licensing regulation, Ontario Regulation 570/05. This Guideline, provided by the Electrical Safety Authority (ESA), is intended for **professional education and may be used for informational, non-commercial purposes only**. Although the information and materials are carefully prepared and are believed to be reliable and accurate, the ESA does not accept any legal responsibility for the contents herein or for any consequences, including direct or indirect liability, arising from reliance on the information or use thereof. The information set forth through the Guideline may be revised or withdrawn at any time without notice. In no event shall the ESA, its employees, directors, or officers, be liable for any direct, indirect or incidental damages, injury, loss, costs or expenses related to reliance on the information provided or its use, however caused, including but not limited to, special or consequential damages, lost revenue, business interruption, lost or damaged data or any other commercial or economic loss howsoever caused irrespective of whether ESA is advised of the possibility of such damages, injury, loss, cost or expense. **ESA does not** provide any legal advice and users of the Guideline should consult with their own lawyer for legal advice.

The guidelines contained herein do not have the force of law. Where there is a conflict between information in this Guideline and any legislation or regulation which may apply, the relevant law prevails.

The legislation and regulation included in appendices B and C of this Guideline are current and accurate as of January 2018 and have been included for legal reference only. Please refer to [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) for the official and most current copy. The legislation and regulation are copyrights owned by the Queen's Printer of Ontario and are used with authorization.

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# DEFINITIONS

**Designated Master Electrician (DME)** – an individual who is licensed in accordance with the licensing regulation; Ontario Regulation 570/05 made under Part VIII of the *Electricity Act*; and who has accepted a designation by a Licensed Electrical Contractor to assume the responsibilities prescribed in the regulation for overseeing the electrical work carried out on behalf of the electrical contractor.

**Director of Licensing** – person(s) appointed by ESA as a Director, under subsection 113.1 of the *Electricity Act*, for the purposes of administering and ensuring compliance of the legislative and regulatory licensing requirements.

**Electrical Contracting Business** – a business that is engaged in the carrying out of electrical work.

**Electrical Equipment** – any apparatus, appliance, device, instrument, fitting fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any of such materials or things may be mechanical, metallic or non-electric in origin.

**Electrical Installation** – the installation of any wiring in or upon any land, building or premises from the point or points where electric power or energy can be supplied from any source to the point or points where such power or energy can be used in or on the land, building or premises by any electrical equipment, including the connection of any such wiring with any of that equipment, and any part of the wiring, and the maintenance, alteration, extension and repair of such wiring.

**Electrical Work** – work within the scope of the Ontario Electrical Safety Code that consists of constructing, installing, protecting, maintaining, repairing, extending, altering, connecting or disconnecting any electrical installation or electrical equipment.

**Employ / Employee** – in the licensing regulation the use of the terms “employ” and “employee” refers to the employer-employee relationship and not to an arrangement whereby a person engages an independent contractor to work on the person’s behalf.

**Industrial Establishment** – an office building, factory, arena, shop or office, and any land, buildings and structures appertaining thereto.

**Licensed Electrical Contractor (LEC)** – an individual or business that is licensed to operate an electrical contracting business in accordance with the licensing regulation; Ontario Regulation 570/05 made under Part VIII of the *Electricity Act*.

**Master Electrician (ME)** – an individual licensed in accordance with the licensing regulation; Ontario Regulation 570/05 made under Part VIII of the *Electricity Act*; who is permitted to assume the responsibilities prescribed in the regulation and accept a designation by a Licensed Electrical Contractor to oversee the electrical work being carried out on behalf of the electrical contractor.

**Ontario Electrical Safety Code (OESC)** – the Electrical Safety Code adopted by reference in section 1 of Ontario Regulation 164/99 (Electrical Safety Code) made under Part VIII of the *Electricity Act*.

# 1. INTRODUCTION TO PROVINCIAL LICENSING

ESA, on behalf of the Provincial Government, is responsible for administering the electrical contractor and Master Electrician licensing requirements in Ontario.

The licensing of electrical contractors and Master Electricians in the Province of Ontario is defined by Part VIII of the Electricity Act (the “Act”) [Appendix B] and Ontario Regulation 570/05 (the “Regulation”) [Appendix C]. These provincial statutes can be viewed online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

The Electrical Safety Authority (ESA) is an administrative authority acting on behalf of the Government of Ontario with specific responsibilities under the *Electricity Act* and the *Safety and Consumer Statutes Administration Act*. As part of its mandate, ESA is responsible for administering the provincial licensing requirements which include ensuring that Licensed Electrical Contractors and Master Electricians are in compliance with their obligations as licence holders.

The ECRA Advisory Council provides an important advisory role in support of the licensing system and is a key contributor in recommending and developing licensing guidelines and policies.

ESA is supported in this function by the Electrical Contractor Registration Agency (ECRA) Advisory Council which includes representatives from the electrical contracting industry, Licensed Electrical Contractors, Master Electricians, municipalities, consumers, and other ESA appointed representatives. ECRA provides an important advisory role in support of the licensing program through the development of the Master Electrician examination, and in developing and recommending guidelines and policies to strengthen the licensing of electrical contractors and Master Electricians in the province.

Unless exempted by the *Regulation*, any contracting business that offers or performs electrical work in Ontario must be licensed by ESA. Similarly, any person who plans on assuming the responsibilities established in the *Regulation* for overseeing the electrical work carried out on behalf of an electrical contractor must be licensed by ESA as a Master Electrician and be designated by the electrical contracting business.

The purpose of this Guideline is to assist businesses and individuals to understand and comply with their licensing obligations arising from the *Act* and *Regulation*.

## 1.1 ACKNOWLEDGEMENTS

ESA gratefully acknowledges the contributions of current and past members of the ECRA Advisory Council in the development of this Guideline.

# 2. ELECTRICAL CONTRACTOR (EC) LICENCE

## 2.1 ELECTRICAL CONTRACTING BUSINESSES MUST BE LICENSED

Unless exempted by the *Regulation*, **every electrical contracting business** engaged in or proposing to engage in the carrying out of **electrical work** governed by the **Ontario Electrical Safety Code** (OESC) is required to hold a valid electrical contractor licence issued by ESA. This requirement has been in effect since January 1, 2007.

Section 1 of the *Regulation* [[page 64](#)] defines an **electrical contracting business** as “a business that is engaged in the carrying out of electrical work,” and **electrical work** means “work within the scope of the Electrical Safety Code that consists of constructing, installing, protecting, maintaining, repairing, extending, altering, connecting or disconnecting any electrical installation or electrical equipment”.

## 2.2 EXEMPTIONS – WORK THAT DOES NOT REQUIRE A LICENCE

Some types of electrical work fall outside the scope of the *Regulation* and are thus exempt from the licensing requirements. It is the responsibility of the persons listed below to ensure that all electrical work is carried out in accordance with all applicable laws and with the understanding that some of the work listed below

Every electrical contracting business engaged in or proposing to engage in the carrying out of electrical work that is governed by the OESC is required to hold a valid EC licence issued by ESA. Refer to subsection 113.2 (1) of the Act, [[page 43](#)] and section 3 of the *Regulation* [[page 66](#)].

Individuals or companies performing electrical work without a licence as required, can be prosecuted pursuant to the Act and could be subject to penalties and fines.

still requires an application for inspection (electrical permit) be filed with ESA and inspections requested in accordance with the requirements of the OESC, Rule 2-004.

As defined in section 2 of the *Regulation* [page 65], an EC Licence is not required by persons engaged in the following types of electrical work:

#### **ORIGINAL EQUIPMENT MANUFACTURER**

1. Work done on original equipment of a manufacturer if done by an employee or agent of the original equipment manufacturer who has been trained by the manufacturer to perform maintenance, service or repair on the equipment and if the work being done does not include extending or altering the equipment or installing, extending, altering or repairing any electrical wiring connected to that equipment.

#### **INDUSTRIAL OR FARM ESTABLISHMENT WORK BY OWNER, OPERATOR, EMPLOYEE**

2. Work done on equipment or electrical installations within an industrial establishment or on a farm if done by an owner, an operator or an employee of the owner or operator.

#### **RESIDENTIAL WORK BY OWNER/OCCUPANT**

3. Work done on electrical equipment or installations within a residential dwelling if done by an owner or occupant of the dwelling.

#### **AUTHORIZED REFRIGERATION AND AIR CONDITIONING MECHANICS**

4. Work done within the scope of practice for the trade of refrigeration and air conditioning systems mechanic or residential air conditioning systems mechanic by a person authorized under the *Ontario College of Trades and Apprenticeship Act, 2009* to practice the applicable trade.

#### **AUTHORIZED SPRINKLER AND FIRE PROTECTION INSTALLER**

5. Work done within the scope of practice for the trade of sprinkler and fire protection installer by a person authorized under the *Ontario College of Trades and Apprenticeship Act, 2009* to practice that trade.

If a business performs electrical work that is not specifically exempted from section 2 of the *Regulation* [page 65], the business is required to apply for and obtain an EC licence from ESA.

Information on the application and eligibility requirements for an EC licence can be found on ESA's website at [www.esasafe.com/licensing](http://www.esasafe.com/licensing) or by calling ESA at 1-877-372-7233.



### TSSA AUTHORIZED WORKERS

6. Work done on elevators and escalators by a person authorized to do such work under Ontario Regulation 209/01 (Elevating Devices) made under the *Technical Standards and Safety Act, 2000* (TSSA).
7. Work done on electrical components of appliances by a person authorized to do such work under Ontario Regulation 210/01 (Oil and Gas Pipeline Systems), Ontario Regulation 211/01 (Propane Storage and Handling) and Ontario Regulation 215/01 (Fuel Industry Certificates) made under the *Technical Standards and Safety Act, 2000* (TSSA).

### MAINTENANCE, SERVICE OR REPAIR OF ELECTRICAL EQUIPMENT NOT INVOLVING WIRING

8. Work done on electrical equipment that plugs into an electrical source if the work being done constitutes maintenance, service or repair of the equipment that does not include extending or altering the equipment or installing, extending, altering or repairing any electrical wiring connected to that equipment.

### WORK AUTHORIZED UNDER ELECTRICAL DISTRIBUTION SAFETY REGULATION

9. Work done that falls within the scope of Ontario Regulation 22/04 (Electrical Distribution Safety) made under the *Electricity Act, 1998*.

### WORK EXCLUDED BY RULE 2-000 OF THE OESC

10. Work done on any electrical equipment or electrical installation that is specifically excluded by Rule 2-000 of the Ontario Electrical Safety Code.

## 2.3 DUTIES OF A LICENSED ELECTRICAL CONTRACTOR (LEC)

LECs have a number of duties and responsibilities that they must be aware of and integrate into their business operations. Failure to do so could result in the LEC being in breach of the legislation which could result in disciplinary action. *Refer to section 5 of this Guideline [page 66] for more information on the reasons a licence may be refused, suspended or revoked.*

Although section 2 of the *Regulation [page 65]* provides a licensing exemption for certain types of electrical installations, an electrical permit and inspection may still be required in accordance with the OESC Rule 02-004.

Two **key duties** established by section 4 of the *Regulation [page 66]* require an LEC to ensure that:

- All electrical work is carried out in accordance with all applicable laws; and
- At least one Master Electrician is designated at all times to oversee the electrical work carried out on behalf of the business.

It is the LEC's duty to ensure that all electrical work is carried out in accordance with all applicable laws; and to ensure a Master Electrician is designated at all times to oversee the electrical work carried out on behalf of the electrical contracting business.

In addition to the LEC, the DME has a responsibility to also ensure electrical work is carried out in accordance with the OESC, and the laws relating to health and safety and consumer protection.

#### I) ENSURE ALL APPLICABLE LAWS ARE FOLLOWED

As licensed professionals, electrical contractors have a critical role to play in ensuring the safety of the public, consumers and employees. A number of laws in Ontario provide a framework to promote health and safety, as well as safe and fair business practices. Subsection 4(1) of the *Regulation [page 66]* requires LECs to ensure that all electrical work carried out on the contractor's behalf is carried out in accordance with all applicable laws; they include but are not limited to the following:

- Ontario Electrical Safety Code
- *Electricity Act*, Part VIII
- Ontario Regulation 570/05 (Licensing of Electrical Contractors and Master Electricians)
- *Ontario College of Trades and Apprenticeship Act* and associated regulations
- *Workplace Safety and Insurance Act* and associated regulations
- *Occupational Health and Safety Act* and associated regulations
- *Employment Standards Act* and associated regulations
- *Consumer Protection Act* and associated regulations
- *Corporations Tax Act* and applicable laws relating to business tax

These and other laws can be found online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

While the LEC has a responsibility for ensuring that electrical work is being carried out in accordance with all applicable laws as noted above, subsection 6(b) of the *Regulation [page 67]* sets out that the DME has a responsibility on behalf of the electrical contractor for also ensuring that the electrical work is carried out in accordance with applicable laws, including the OESC, and the laws relating to health and safety and consumer protection.

Applicable laws include: the OESC, and laws relating to health and safety, employment standards, consumer protection, business tax and business practices.

Refer to subsection 3.2 of this Guideline [page 21] for more information on the responsibilities of a DME.

## II) ENSURE A MASTER ELECTRICIAN (ME) IS DESIGNATED

The designation of a Master Electrician (ME) must be submitted at the time of applying for the EC licence or upon any changes of designation associated to a current EC licence. A Designated Master Electrician (DME) is required to complete an *Acknowledgement of Responsibility* form that asks the person to affirm that they meet the DME requirements and agree to assume the responsibilities of a DME on behalf of the designating electrical contractor. Refer to subsection 3.2 of this Guideline [page 21] for more information on the responsibilities of a DME.

Designation and change forms can be found on ESA's website at [www.esasafe.com/licensing](http://www.esasafe.com/licensing) or by calling ESA at 1-877-372-7233.

### MINIMUM OF ONE DME IS REQUIRED

Subsection 4(2) of the *Regulation* [page 66] requires an electrical contractor to designate **at least one** licensed ME who has been assigned the DME role and responsibility to oversee the carrying out of electrical work on behalf of the business; and to assume the responsibilities for personal planning, direct supervision, and ensuring compliance with the OESC, worker safety, consumer protection and other applicable laws. An electrical contractor may themselves be the DME if they also hold a valid ME licence, or they must employ at least one DME. Refer to subsection 3.2 of this Guideline [page 21] for more information on the responsibilities of a DME.

In the case of a sole proprietor or small electrical contracting business this generally means that the owner must be licensed as both the DME and the LEC.

### MORE THAN ONE DME IS PERMITTED

Sometimes it may be prudent for an LEC to designate more than one ME. As the *Regulation* does not specifically prescribe when an LEC is required to have multiple DMEs, it is thus the LEC's responsibility to determine and be satisfied that the number

A LEC is required to have a minimum of **one** licensed DME designated to the business.

The LEC themselves may be the DME or they must **employ at least one** DME.

A LEC is permitted to have multiple DMEs.

The LEC is responsible to determine the appropriate number of DMEs the business requires.

The *Regulation* requires an LEC to keep records of the effective dates and the scope of all DME designations.

Refer to subsection 2.4 of this Guideline [page 15] for additional details on the requirements for maintaining records.

of DMEs they have on staff is sufficient to fulfil the oversight responsibilities for the electrical work carried out on behalf of the business.

Examples of when employing and designating more than one DME may be appropriate:

The DME must hold a valid ME licence issued by ESA.

The DME must also be **actively employed** by the designating LEC and cannot act as the DME for more than one LEC at the same time.

- Where an LEC has multiple lines of business, they may choose to have a separate DME responsible for the oversight of each line of business.
- Where an LEC has a large project, they may choose to designate multiple DMEs, each to oversee and be responsible for specific parts of the project.
- Where an LEC has multiple ongoing projects, they may choose to designate multiple DMEs, each to oversee and be responsible for specific projects.
- Where an LEC employs multiple MEs, the LEC may choose to designate all or several individual MEs as DMEs to share in the responsibility and oversight of electrical work on behalf of the business.

#### DME MUST BE ACTIVELY EMPLOYED BY THE LEC

It is important to be aware that subsection 7(1) of the *Regulation* [page 67] specifically requires that the DME be **actively employed** by the LEC and not through an arrangement as an independent contractor. Subsection 4(3) of the *Regulation* [page 66] states that an LEC shall not designate an ME if the designation will result in the ME acting as a DME on behalf of more than one LEC at the same time.

#### LOSS OF A DME DURING THE CURRENCY OF A LICENCE

Section 22 of the *Regulation* [page 72] requires an LEC to notify ESA of any changes to information, such as a loss or departure of a DME, during the currency of their licence **within 5 business days** of the occurrence, regardless of the number of DMEs the LEC employs.

Although the *Regulation* requires an LEC to have a minimum of

An LEC is required to notify ESA if they lose a DME.

Upon notifying ESA's Director of Licensing of the loss of their last (only) DME, an LEC may continue to operate without any DME for a period of 60 days after the loss in order to find and employ a replacement DME; upon written application to ESA's Director of Licensing, the LEC may be granted up to an additional 60-day search period.

one DME employed at all times, in circumstances where an LEC had only one DME and experiences a loss of that DME, the LEC will be permitted to continue to operate for a period of 60 calendar days after the date of the loss or departure of their last (only) DME in order to search for and designate a replacement DME, if they have notified ESA's Director of Licensing within 5 business days of the occurrence. The LEC is also required to notify ESA when a new DME has been employed and the new DME is required to complete an *Acknowledgement of Responsibility* form and submit it to ESA.

Prior to the expiry of the initial 60-day search period, an LEC may apply for an extension of time by way of a **written request** to ESA's Director of Licensing. The Director may grant up to an additional 60 calendar days on being satisfied that the LEC has made all reasonable efforts to employ a new DME during the first 60-day period; **and** it is likely that the LEC will be able to employ a new DME within the period of the extension.

Where an LEC fails to employ at least one DME, either within the initial 60-day period or within a granted extension period, the LEC must immediately cease to operate the business for which the EC licence was granted until such time as a DME has been employed and the LEC has notified ESA of the new designation.

*Refer to subsections 14(2) through to (6) of the Regulation [page 70].*

Forms for notifying ESA of the loss, departure or new designation of a DME can be found on ESA's website at [www.esasafe.com/licensing](http://www.esasafe.com/licensing) or by calling ESA at 1-877-372-7233.

A LEC must immediately cease to operate if they fail to employ a new DME within the initial 60-day search period or extension period, if granted; and is not permitted to resume operations until a new DME has been employed and ESA has been notified.

Sub-contractors are required to hold an EC licence if performing electrical work covered by the OESC and licensing regulation.

LECs should ensure that the sub-contractors they hire have an EC licence if required by the *Regulation*.

### III) SUB-CONTRACTING ELECTRICAL WORK

Examples of contracting businesses that may be permitted to undertake **limited** electrical work without an EC licence include; work done by authorized persons within the scope of practice of a refrigeration and air conditioning systems mechanic or a sprinkler and fire protection installer.

*Refer to subsection 2.2 of this Guideline [page 7] for more information relating to licensing exemptions.*

The LEC who holds the electrical permit for a jobsite is responsible and liable for all aspects of the electrical work being carried out, including work performed by a sub-contractor, unless the sub-contractor has taken out a permit for the electrical work they are performing.

The practice of sub-contracting is complex and many of the legal requirements extend beyond the scope of the contractor licensing legislation. LECs need to ensure they are familiar with all laws that apply when sub-contracting electrical work.

The sections below describe the legal requirements established in the *Electricity Act*, *Licensing Regulation* and *OESC* pertaining to the sub-contracting of electrical work.

#### SUB-CONTRACTORS MUST BE LICENSED ACCORDINGLY

Subsection 113.2(1) of the *Electricity Act* [page 43] and section 3 of the *Regulation* [page 66] requires any person operating a contracting business that is proposing to carry out or is engaged in carrying out electrical work to hold an EC licence in accordance with the *Regulation*.

Therefore, a person with a contracting business to whom electrical work has been subcontracted is required to have an EC licence in order to undertake the work, provided the work is **not exempt** by section 2 of the *Regulation* [page 65].

#### RESPONSIBILITY AND LIABILITY FOR THE ELECTRICAL WORK

The LEC who holds the electrical permit for a jobsite is responsible and will be held liable by ESA for all aspects of the electrical work being carried out. This would include the electrical work being performed by a sub-contractor unless the sub-contractor has taken out their own permit for the portion of electrical work that they are responsible for.

The LEC holding the permit will also be held accountable for matters relating to consumer protection such as having the contractual agreement with the customer, issuing the invoice for the electrical work, as well as being held accountable for remedying any defects identified with the electrical installation, **regardless of whether they were created by the sub-contractor working under the LEC's permit.**

**It's important to also be aware that an LEC is prohibited from taking out electrical permits for unlicensed persons or businesses, or allowing unlicensed persons or businesses to operate under his/her EC Licence.**

The failure to follow any of these requirements could result in an LEC, including a sub-contractor, being found in non-compliance with the legislation which could result in disciplinary action or, in some cases, prosecution. *Refer to section 5 of this Guideline [page 29] for more information on the reasons a licence may be refused, suspended or revoked.*

## **2.4 ADMINISTRATIVE REQUIREMENTS AND CONDITIONS**

Sections 17 to 24 of the *Regulation* [page 73] set out a number of administrative requirements that are conditions of an EC licence. These are important requirements for ensuring that the EC licence remains in good standing and that customers and the general public can be confident that they are hiring an electrical contractor that is qualified and licensed.

To ensure a licence is in good standing, appointed ESA staff and Inspectors have the authority to verify that LECs are satisfying the conditions and requirements of their licence.

### **I) BUSINESS NAME**

A LEC is only permitted to conduct business in the name(s) that are indicated on their EC licence certificate issued by ESA.

Where a business has more than one legal name, such as a numbered company that also uses an operating name, this information and supporting documentation must be submitted at the time of application so that all legal operating names can be listed on the EC licence.

All names under which a LEC operates must be indicated on their ESA issued EC licence certificate.

## II) LICENCE POSTING AND DISPLAY REQUIREMENTS

A LEC is required to prominently post their EC licence at their principal place of business and to post a copy at any other location from which they carry on business.

### LICENCE CERTIFICATE TO BE PROMINENTLY POSTED AT PLACE OF BUSINESS

A LEC is required to post their EC licence at their principal place of business in a prominent location where the public is likely to see it. If an LEC has more than one location from which they carry on business, a copy of the EC licence must also be prominently posted at each location.

### LICENCE NUMBER REQUIRED ON ALL CORRESPONDENCE

The *Regulation* requires an LEC to prominently display their EC licence number in all correspondence, contracts and advertisements, on business vehicles and, generally, in all situations where they are communicating with the public.

Examples of correspondence include; business cards, invoices, quotes, estimates, receipts, letters, websites, etc.

A LEC is required to display their EC licence number in all communications with the public; including correspondence, contracts, advertisements, and on business vehicles.

### LICENCE NUMBER REQUIRED ON BUSINESS VEHICLES

The *Regulation* also requires an LEC to have their EC licence number posted on their business vehicles.

ESA has established the following guidelines for the display (placement) of the LEC's licence number on business vehicles:

- Minimum size is one inch high.
- Must be in either black or white lettering so that the licence number is easily visible.
- Can be placed either on the back of the vehicle or on both sides.
- Must say **ECRA/ESA Lic** or **ECRA/ESA** before the number unless the ECRA/ESA Logo is incorporated into the design.
- The name of the company should also be displayed on the vehicle.
- If the name of the company does not appear on the vehicle then the ECRA/ESA Logo may not be used.



For further guidelines relating to the display and placement of the EC licence number on business vehicles, the usage of the ECRA/ESA Logo, or for copies of approved logos, visit [www.esasafe.com/licensing](http://www.esasafe.com/licensing).

ESA recognizes that a newly licensed EC will require a period of time in order to meet the posting and display requirements, thus ESA has granted a 90-day period from the date the EC licence is issued to be in compliance with these requirements.

### III) MAINTAINING RECORDS

The *Regulation* requires an LEC to retain and maintain certain records associated with their EC licence, this includes the following:

#### APPLICATION INFORMATION

An electrical contractor is required to keep every document provided in the initial application or renewal of the EC licence until the expiry of the licence or renewal.

#### LIST OF DMEs

A LEC must keep a record of each DME at their company. The record must include the name of the DME, the date on which the designation was made, the period of time for which the designation is effective, and the scope of designation as it relates to the responsibilities prescribed by section 6 of the *Regulation* [page 66].

A LEC is required to notify ESA of any loss or departure of DMEs **within 5 business days of the occurrence**, as well as promptly notify ESA of any newly designated DMEs.

A LEC is required to keep records of all DMEs; including their name, the date and period of time for which the designation is effective and the scope of designation relating to the responsibilities in section 6 of the *Regulation* [page 66].

LECs must also retain a copy of all documents provided to ESA as part of the application or renewal of their licence.

## IV) REQUIREMENT TO NOTIFY ESA

A LEC must notify ESA within **5 business days** in the event that any information changes from their application or renewal.

This includes:

- address or phone number
- business name or business structure
- company owners or principle officers
- insurance coverage or WSIB account number
- loss or change in primary electrical trade CofQ holder
- loss or change of DME

LECs are required to keep ESA informed about changes to information related to their EC licence. Providing notice about key changes is a legal requirement under the *Regulation* that must be adhered to within specified timeframes. Failure to do so could result in the LEC being in breach of the legislation which could result in disciplinary action. *Refer to section 5 of this Guideline [page 29] for more information on the reasons a licence may be refused, suspended or revoked.*

### NOTICE OF CHANGES TO INFORMATION

A LEC is required to notify ESA of any change to the information provided on the application or renewal of licence application form within **5 business days of the change**.

This requirement includes any change to licence information such as: address and/or contact information; business registration; business name; business ownership; business structure where the authorizing principles change; insurance provider; insurance coverage; number of electrical trade employees; WSIB account number; OCOT electrical trade certificate holder for the company; change of DME; or the death of an owner.

*Notice of Change to Information* forms are available on ESA's website at [www.esasafe.com/licensing](http://www.esasafe.com/licensing) or by calling ESA at 1-877-372-7233.

### NOTICE OF FAILURE TO MEET LICENCE REQUIREMENTS

If at any time during the course of the validity period of the licence, the LEC no longer meets any of the licence requirements as set out in sections 8 of the *Regulation* [page 67]; such as failing to maintain the required liability insurance, failing to be registered with WSIB as required, or is in default with business taxes or money owing ESA; they **must immediately notify ESA's Director of Licensing and must cease to operate** until such time as the Director is satisfied that the LEC once again meets the necessary requirements for being issued a licence.

## NOTICE OF LOSS OF DME

Despite the above section, if at any time during the course of the validity period of the licence, the LEC no longer meets the requirement to employ at least one DME, notification must be provided to ESA **within 5 business days of the occurrence**, upon which the LEC will be granted 60 calendar days to continue to operate in order to try and meet the DME requirement, before they will be required to cease to operate. *Refer to [page 12](#) of this Guideline for detailed information beyond the notification requirements relating to the Loss of a DME.*

## V) RETURN OF LICENCE

When an electrical contractor decides to close their business, retire or otherwise cease operations, they are required to return their EC licence certificate to ESA as it remains the property of ESA.

Additionally, the EC licence certificate must be returned to ESA within **5 business days** of it being suspended or revoked; or having expired – unless the intent is to renew the expired EC licence. *Refer to subsection 4.1 of this Guideline [[page 28](#)] for information on renewing an expired licence.*

For information on how to return a licence, please contact ESA at 1-877-372-7233.

A LEC must **immediately notify** ESA in the event that they no longer meet any of the requirements for holding an EC licence and must **immediately cease to operate** until the necessary requirements are met.

This includes:

- Not having the required liability insurance.
- Not being registered with WSIB.
- Being in default with arrangements to pay any business taxes.
- Being in default with arrangements to pay any money owing to ESA.

## 3. Master Electrician (ME) LICENCE

Any person who plans on assuming the responsibilities for overseeing the electrical work carried out on behalf of an electrical contractor must obtain an ME licence issued by ESA and be designated as a DME by the LEC.

Information on the application and eligibility requirements for an ME licence, including the ME exam requirements, can be found on ESA's website at [www.esasafe.com/licensing](http://www.esasafe.com/licensing) or by calling ESA at 1-877-372-7233.

Subsections 4(2) and 4(3) of the *Regulation* [page 66] define that a prerequisite for obtaining an EC licence includes the requirement to employ at least one individual with an ME licence who has been designated with the responsibilities defined in section 6 of the *Regulation* [page 66] for overseeing the electrical work carried out on behalf of the electrical contractor.

In the case of a sole proprietor and for most small electrical contracting businesses, this will mean that the owner must be licensed as both the Designated Master Electrician (DME) and the Licensed Electrical Contractor (LEC).

As part of the process for designating an ME, candidates are required to complete an *Acknowledgement of Responsibility* form that asks the designated person to affirm that they are actively employed by the LEC and that they assume the responsibilities that come with the position, such as the personal planning and direct supervision of electrical work, and ensuring applicable laws are followed.

The designation forms must be submitted at the time of applying for the EC licence or upon any changes of designation associated to a current EC licence. Designation and change forms can be found on ESA's website [www.esasafe.com/licensing](http://www.esasafe.com/licensing) or by calling ESA at 1-877-372-7233.

### 3.1 DME MUST BE LICENSED

Section 5 of the *Regulation* [page 66] requires that any person who plans to assume the responsibilities set out in section 6 of the *Regulation* [page 66] for the carrying out of electrical work on behalf of an electrical contractor must have an ME licence issued by ESA prior to being designated by the LEC.

## 3.2 RESPONSIBILITIES OF A DME

The position of DME is an essential and mandatory requirement for LECs who engage in the electrical contracting business in Ontario. The *Regulation* places a great deal of importance on the role of a DME as a key person or persons within the LEC's business responsible to help ensure that supervisory, administrative, and safety requirements relating to the carrying out of electrical work are being followed by the LEC at all times.

The requirement for each LEC to have **at least one** DME helps to provide a standard level of qualification, expertise, and professionalism in the industry by ensuring that qualified experts are employed to oversee the planning, supervisory and safety-related responsibilities that are detailed in this section.

Where the owner of an LEC designates an employee as a DME, it is important to remain aware that both the LEC and the DME have specific legal duties and responsibilities for safety matters as well as other requirements set out under the *Regulation*. Effective communication and decision-making on legal and safety compliance matters should be established to ensure all parties can successfully fulfil their duties and responsibilities and that these are well understood by everyone within the business.

Two **key responsibilities** of a DME as established by section 6 of the *Regulation* [[page 66](#)] include:

- Personal planning and direct supervision of electrical work.
- Ensuring electrical work is carried out in accordance with applicable laws.

The position of DME is an essential and mandatory requirement for LECs who engage in the electrical contracting business in Ontario.

The DME is a key person within the LEC's business who is responsible to help ensure that supervisory, administrative and safety requirements relating to the carrying out of electrical work are being followed by the LEC at all times.

## I) PERSONAL PLANNING AND DIRECT SUPERVISION OF ELECTRICAL WORK

Subsection 6(a) of the *Regulation* [page 67] states that the DME is responsible for the “*personal planning and direct supervision*” of electrical work carried out on behalf of the LEC. As the specific details of these duties are not further prescribed by the *Regulation* it is therefore the LEC’s and DME(s)’s responsibility to determine and put in place the practices that they deem appropriate to be able to fulfil this legal obligation.

Below are some examples of good industry practices that have been provided by established LECs. Note that these are **only examples** and not a prescriptive checklist; each LEC must have their own systems and plans in place to ensure these responsibilities are fulfilled and well understood within their own business.

### EXAMPLES OF PERSONAL PLANNING

- Providing guidance and mentoring of electrical workers to enhance their skills and judgment in performing high quality and safe electrical work.
- Ensure the proper training and use of personal protective equipment.
- Communicating requirements for the isolation of energy, lockout tagout test before touch, and the limitations for working on energized electrical equipment for protection from arc flash and shock, as well as other related hazards and energized work permits.
- Ensuring compliance with the Ontario Electrical Safety Code;
- Overseeing of electrical installations performed by all electrical workers on a jobsite.
- Having management plans and plans for dealing with hazards and high risk activities.

- Ensuring agendas are set for weekly site meetings, track any issues identified and resolving those issues in a timely manner, e.g. safety issues or feedback from workers.
- Setting out daily, weekly & monthly 'to do lists' and ensure they are carried out in a timely manner.
- Keeping a log book outlining day-to-day activities, such as ordering materials, job site meetings, correspondence with site superintendent(s), discipline, incidents and near miss reporting.
- Ensuring all applicable permits are taken out correctly and any defects are corrected in a timely manner.
- Planning, coordinating and carrying out prescribed work as set out by the LEC.

#### EXAMPLES OF DIRECT SUPERVISION

- Maintaining an on-site presence, being available to respond to employee or customer needs, and keeping in regular communication with the job foreman or lead hand as appropriate.
- Ensuring all workers are qualified to complete the job at hand and ensuring all training and safety certificates are up to date.
- Monitoring the execution of activities to ensure work is being carried out in a manner so that consumers and workers are protected and safe from harm.
- Tracking and maintaining all records such as employee safety training, man hours, expenditures, job materials to ensure uniformity throughout the project, and other records that show appropriate due diligence.
- Having knowledge of or access to the records pertaining to all electrical work being undertaken by the LEC up to and including 'his/her' LEC designated DME responsibilities.

Additional guidance on how to maintain a health and safety focused Internal Responsibility System can be found on a number of agency websites, including:

- Ministry of Labour  
[www.labour.gov.on.ca/english/hs/index.php](http://www.labour.gov.on.ca/english/hs/index.php)
- Workplace Safety and Insurance Board  
[www.wsib.on.ca/](http://www.wsib.on.ca/)
- Infrastructure Health & Safety Association  
[www.ihsa.ca/](http://www.ihsa.ca/)

## II) ENSURE ELECTRICAL WORK IS CARRIED OUT IN ACCORDANCE WITH APPLICABLE LAW

In addition to the LEC, a DME also has responsibilities for ensuring that the electrical work being carried out on behalf of the LEC is being carried out in accordance with specific laws relating to electrical safety, health and safety, and consumer protection.

Subsection 6(b) of the *Regulation* [page 67] sets out that the DME has responsibilities on behalf of the electrical contractor for ensuring that the electrical work is carried out in accordance with applicable law, including the OESC, and the laws relating to health and safety and consumer protection such as:

- Ontario Electrical Safety Code
- *Electricity Act*, 1998 Part VIII
- Ontario Regulation 570/05 (Licensing of Electrical Contractors and Master Electricians)
- *Ontario College of Trades and Apprenticeship Act* and associated regulations
- *Workplace Safety and Insurance Act* and associated regulations
- *Occupational Health and Safety Act* and associated regulations
- *Consumer Protection Act* and associated regulations

These and other laws can be found online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

While the DME has a responsibility for ensuring that electrical work is being carried out in accordance with applicable laws as noted above, subsection 4(1) of the *Regulation* [page 66] sets out that the LEC has a responsibility for also ensuring that the electrical work carried out on the electrical contractor's behalf is carried out in accordance with all applicable laws, including those noted above, as well as laws relating to employment standards, and business tax and business practices.

*Refer to subsection 2.3 of this Guideline [page 9] for more information on the duties of an LEC.*



### 3.3 PROHIBITIONS OF A LICENSED DME/ME

Section 7 of the *Regulation* [page 67] also places certain stipulations on when an ME can accept a designation from an electrical contractor and the type of electrical work that a DME/ME is permitted to carry out.

#### I) A DME MUST BE ACTIVELY EMPLOYED BY THE DESIGNATING LEC

It is important to be aware that subsection 7(1) of the *Regulation* [page 67] specifically prohibits an ME from accepting a designation unless they are **actively employed** by the designating electrical contractor.

Subsection 1(2) of the *Regulation* [page 65] states that “*the use in this Regulation of “employ” and “employee” refers to the employer-employee relationship and not to an arrangement whereby a person engages an independent contractor to work on the person’s behalf.*”

This requirement is consistent with the employer-employee relationship guidance provided by the Canada Revenue Agency (CRA) and ESA must be assured that all DMEs fit within these definitions.

#### II) A DME CAN ONLY BE DESIGNATED TO ONE LEC AT A TIME

Subsection 7(2) of the *Regulation* [page 67] specifically prohibits an ME from accepting or acting in the capacity of a DME for more than one LEC at the same time. This requirement helps to ensure that the focus of the DME is exclusively on the safety and workers of a single electrical contracting business.

A DME must be **actively employed** by the designating LEC.

Some examples of practices that are **not permitted** include:

- A LEC designating an ME who is not an employee.
- A LEC designating an ME who is on contract as an independent contractor.
- A LEC designating an ME who is employed only on a part-time basis but has supervisory, planning and safety responsibilities for workers who are employed full-time.
- A LEC designating an ME who has no means or authority to actively carry out the DME responsibilities on behalf of the designating LEC.

A ME can only assume the responsibilities of a DME on behalf of one LEC at a time.

An ME licence does not authorize the holder to perform electrical work, he/she must also hold a valid OCOT electrical trade certificate of qualification for the type of electrical work being carried out.

### III) A DME/ME CAN ONLY CARRY OUT ELECTRICAL WORK FOR WHICH THEY ARE CERTIFIED

Subsection 7(3) of the *Regulation* [page 67] strictly prohibits a DME/ME from carrying out electrical work unless he or she also holds a valid electrical trade certificate of qualification as required under the *Ontario College of Trades and Apprenticeship Act, 2009*.

Although an individual may hold an ME licence from ESA, this does not authorize the individual to perform electrical work. The ability to undertake electrical work is directly tied to the scope of work permitted by the ME licence holder's underlying professional or trade qualification.

## 3.4 ADMINISTRATIVE REQUIREMENTS AND CONDITIONS

A DME is required to carry their ME licence and ID card while engaged in activities as a DME.

A DME/ME must also retain a copy of all documents provided to ESA as part of their ME licence application or renewal.

Sections 26 to 30 of the *Regulation* [page 73] set out a number of administrative requirements that are conditions of a DME/ME licence. These are important requirements for ensuring that the licence remains in good standing and as proof that an individual is authorized to carry out the activities granted to a licensed DME/ME.

### I) CARRYING OF LICENCE

A DME is required to carry the ESA issued licence and ID card while engaged in activities requiring the licence, for example when they are on a jobsite and providing oversight of the electrical installation.

### II) MAINTAINING RECORDS

The *Regulation* requires a DME/ME to keep every document provided in the initial application or renewal of the licence until the expiry of the licence or renewal.

### III) REQUIREMENTS TO NOTIFY ESA

#### NOTICE OF CHANGES TO INFORMATION

A DME/ME is required to notify ESA of any change to the information provided on the application or renewal of licence application form **within 5 business days of the change**.

This requirement includes any change to information such as: address and/or contact information, or a change in designation by or to an LEC.

*Notice of Change to Information* forms are available on ESA's website at [www.esasafe.com/licensing](http://www.esasafe.com/licensing) or by calling ESA at 1-877-372-7233.

#### NOTICE OF FAILURE TO MEET LICENCE REQUIREMENTS

If at any time during the course of the validity period of the licence, an ME no longer meets the requirements of the licence; such as no longer having a valid trade certificate or professional qualification, or is in default of money owing ESA; they must **immediately notify ESA's Director of Licensing**. If the ME is also a DME for an LEC, they must **immediately cease being the DME**, until such times as they have met the licence requirements and notified ESA.

### IV) RETURN OF LICENCE

A ME licence and ID card must be returned to ESA **within 5 business days** of it being suspended or revoked; or having expired – unless the intent is to renew the expired ME licence. *Refer to subsection 4.1 [page 28] of this Guideline for information on renewing an expired licence.*

For information on how to return a licence, please contact ESA at 1-877-372-7233.

A DME/ME must notify ESA **within 5 business days** in the event that any information changes from their licence application or renewal.

This includes items such as:

- address, email, or phone number changes
- a change in DME designation by or to an LEC

An ME must **immediately notify** ESA if they no longer meet the requirements of a licence, such as holding a valid trade certificate or professional qualification.

## 4. EXPIRY AND RENEWAL OF LICENCES

All licence holders must apply for their licence renewal no later than **30 days prior** to the licence expiry date to ensure that they maintain a valid licence and to avoid any late penalties.

Electrical Contractors cannot continue to operate with an expired licence.

Master Electricians cannot act as a DME with an expired licence.

A licence expires and ceases to be valid on the date indicated on the licence.

Section 15 of the *Regulation* [page 70] requires all licence holders to apply for the renewal of their licence at least **30 days in advance** of the expiry date indicated on the licence. This requirement is to provide ESA enough time to process the renewal and have the renewed licence back in the hands of the licence holder prior to the expiry of the current one.

It is important to note that an electrical contractor is **not permitted to continue to operate their business with an expired EC licence**; likewise, it is important to be aware that an expired ME licence will impact the validity of the LEC's licence that the ME has been designated to, as an **ME with an expired licence is not permitted to carry out activities of being a DME** on behalf of an LEC.

### 4.1 RENEWAL OF A LICENCE AFTER THE EXPIRY DATE

A licence that has been expired for more than one year cannot be renewed.

A new licence application must be submitted and all requirements as a new applicant must be met, including, in the case of a ME licence, the requirement to write and pass the Master Electrician exam.

The *Regulation* provides a number of grace periods after the expiry date of a licence in order to apply and qualify for a licence renewal, some with and some without penalty.

- a) **Less than 30 days before but no more than 14 days after the licence expiry date** - Where a licence holder applies for a renewal less than 30 days before the licence expiry date but no more than 14 days after that date, no additional late fees will be applied. The fee is calculated from the expiry date of the licence.

- b) **More than 14 days after but less than one year after the licence expiry date** – Where a licence holder applies for a renewal more than 14 days after the licence expiry date but less than one year after that date, a late filing fee along with the annual licence fee calculated from the expiry date will be required.
- c) **More than one year after the licence expiry date** – Where an application for a renewal of a licence is submitted more than one year after the licence expiry date, it will be treated as a new application and all requirements relating to new applications apply, including the requirement for a Master Electrician to pass the qualifying Master Electrician examination.

## 5. LICENCE REFUSAL, SUSPENSION OR REVOCATION

### 5.1 REASONS THE DIRECTOR MAY PROPOSE TO TAKE ACTION ON A LICENCE

ESA's Directors of Licensing are responsible, among other things, for authorizing the issuance of an EC or ME licence in accordance with the *Act* and *Regulation*. However, as specified in subsection 113.2(2) of the *Act* [page 43], an ESA Director may also refuse, suspend or revoke a licence in a number of circumstances where the Director has reason to believe that an applicant or licence holder may not be meeting or is in breach of a legal requirement. The Director may also impose a restriction, limitation or condition on a licence under certain circumstances as specified in subsection 113.2(3) of the *Act* [page 44].

An ESA Director may refuse, suspend or revoke, or impose a restriction, limitation or condition on a licence in circumstances where the Director has reason to believe that a licence holder is not meeting or is in breach of a legal requirement.

Examples of what may constitute unlawful activities:

- Carrying out electrical work without a valid electrical trade certificate of qualification.
- Permitting unregistered apprentices or uncertified trades persons to undertake electrical work.
- Performing electrical installations contrary to the requirements of the OESC.
- Failure to maintain the safety of workers as required by health and safety laws.
- Failure to acknowledge the rights of consumers or follow applicable consumer protection laws.
- Continuing to operate with an expired licence.
- Falsifying inspection documentation.

ESA takes great care to work with licence holders to help them ensure or come into compliance with their legal requirements. However, should the Director become aware of any unlawful activities which fail to be corrected or are repetitive in nature, or where the licence holder has violated other safety laws and regulations, progressive compliance steps may be undertaken which may include actions relating to their licence.

In assessing the level and type of compliance action(s) appropriate under the circumstances, each case will be assessed individually as each may be unique in its circumstances and/or its effect. However, consideration of a number of standard factors in each assessment will be undertaken to help identify similar situations, and ensure that similar approaches are undertaken in such cases. The factors routinely considered in assessing the appropriate compliance action(s) required include, but are not limited to:

- a) The seriousness of the offence.
- b) The risk to public safety.
- c) The extent of any injury to persons or damage to property.
- d) The past record of the offender and their willingness to comply.

The sections below describe the circumstances when a Director may propose to initiate action with respect to a licence.

## I) CARRY OUT ACTIVITIES IN ACCORDANCE WITH THE LAW

A licence holder is expected to carry out all activities relating to their licence in accordance with applicable laws. Should the Director have reason to believe that a licence holder is not carrying out the activities of the licence in accordance with the law, the Director may propose to take action against the licence holder.

Section 4 of the *Regulation* [page 66] imposes a duty on LECs to ensure all electrical work is carried out in accordance with all applicable laws “including the *Electrical Safety Code* and the laws relating to health and safety, employment standards, consumer protection, business tax and business practices.”

Likewise, section 6 of the *Regulation* [page 66] imposes a duty on DMEs to ensure applicable laws are followed on behalf of the LEC “including the *Electrical Safety Code* and the laws relating to health and safety and consumer protection.”

Licence holders are expected to be aware of the requirements of safety laws and codes such as the *Ontario Electrical Safety Code*, the *Occupational Health and Safety Act*, the *Ontario College of Trades and Apprenticeship Act* and other work place and employment standards. The Director must remain satisfied that a licence holder operates within these and any other applicable safety laws.

The *Regulation* also states the need for LECs and DMEs to follow other laws that create consumer protection and establish business practice rules. One example is the *Consumer Protection Act, 2002 (CPA)* and regulations. The *CPA* establishes a framework requiring a fair and safe marketplace when it comes to consumer transactions. It sets out requirements that help to ensure consumers are not subject to ambiguities, misrepresentations, substitutions, unsolicited goods or services, or unfair business practices.

## II) CARRY OUT ACTIVITIES SAFELY

A licence holder is expected to carry out all activities relating to their licence safely and in a manner that protects the health and safety of workers and the public. Should the Director have reason to believe that a licence holder is not carrying out the activities of their licence safely, the Director may propose to take action against the licence holder.

Section 4 and section 6 of the *Regulation* [pages 66 and 67] impose duties on the LEC and DME, respectively, to ensure that all electrical work carried out on behalf of the electrical contractor is carried out safely in accordance with the *Electrical Safety Code* and other rules relating to workplace and worker safety.

The province’s safety system relies on the integrity and expertise of the electrical contracting profession. The use of electricity and electrical equipment can cause harm to people in the form of shocks, electrocutions, arc flashes, fires and significant property damage.

Examples of what may constitute unsafe activities:

- Unnecessarily working with energized equipment that poses a risk to safety for themselves, other workers, or the public.
- Failure to use proper personal protective equipment.
- Failure to follow lockout/tagout requirements.
- Repeated pattern of performing work that fails to conform to the OESC requirements or any incident where non-compliance is sufficiently serious to potentially cause harm to property and/or the public.
- Failure to take out all electrical permits and request inspections where required by the OESC.

Licence holders are expected to follow all safety laws; including the rules set out in the OESC, not just the technical rules for how an electrical installation is done, but also the administrative rules for taking out permits, applying for inspections where required, and reporting hazardous electrical incidents. Failing to follow these rules could result in electrical defects being left undetected and unrepaired, potentially resulting in serious harm to persons or property.

### III) BASIC RESOURCES, TRAINING, EXPERIENCE, QUALIFICATIONS, SKILLS TO CARRY OUT ACTIVITIES

“Basic Resources” refers to such things as the minimum assets, supplies or possessions required for an LEC to safely and lawfully carry out his/her duties and the activities requiring a licence in order to protect workers and consumers.

A licence holder is expected to have the basic resources, training, experience, qualifications, and skills necessary to carry out the activities of the licence. Should the Director have reason to believe that a licence holder lacks any of these requirements, the Director may propose to take action against the licence holder.

The term “basic resources” refers to such things as the minimum assets, supplies or possessions required for an LEC to safely and lawfully carry out his/her duties and the activities requiring a licence in order to protect workers and consumers.

#### **Examples of what may constitute lacking the basic resources:**

- Evidence of a lack of basic administrative capabilities such as an inability to consistently follow required processes for permit application.
- Inability to provide workers with training and related materials, or minimum safety equipment.
- Evidence that the business is unable to carry out work obligations, is inadequately staffed, is financially negligent or has declared bankruptcy.

It is also expected that a licence holder has the required training, experience, qualifications and skills required to carry out the activities relating to the licence.



## Examples of lacking the training, experience, qualifications, or skills that may be relevant to the Director:

- Not having or using proper personal protective equipment.
- Not having a working knowledge of the current rules of the electrical safety code and the regulations.
- Undertaking electrical work for which a licence holder is not qualified to do.
- Not holding or employing someone with a valid certificate or membership for the trade or profession with which the ME or EC licence was obtained.

### IV) CONSUMER PROTECTION AND ACT WITH HONESTY AND INTEGRITY

Licence holders are expected to conduct themselves with honesty and integrity and to follow the laws and principles established for safeguarding consumers. Should the Director have reason to believe that a licence holder is not conducting activities in accordance with these principles, the Director may propose to take action against the licence holder.

Trust in the electrical contracting trade is established in part by businesses acting with honesty and integrity, and following the rules that protect consumers from harm.

Licence holders have a responsible role in our communities. They are invited into consumers' homes and businesses, their advice to consumers is trusted, and the professional reputation of the industry relies on public confidence in the honesty, integrity, and quality of business practices established by all licensed professionals.

Ontario laws provide a minimum standard of protection for consumers. It is important that licence holders know, respect and honour the basic legal rights of consumers as established in the *Consumer Protection Act*. The laws focus on practices considered to be unreasonable, misleading and unfair (including unreasonable pricing); what disclosures are necessary in order for consumers to have accurate and sufficient information (including pricing) to enter into contracts with informed consent; and what remedies are available when something goes wrong.

Examples of what may constitute not protecting consumers or failing to act with honesty and integrity:

- Charging a consumer for services not provided, or misrepresenting the need for a repair.
- Invoicing for original or new parts while installing inferior or different parts.
- Charging a consumer for permit fees when a permit was not taken out or not required.
- Taking advantage of a consumer in an emergency situation and/or charging prices that greatly exceed the price at which similar goods and services are readily available to like consumers.
- Refusing to report unsafe/unlicensed activity.

Additional information relating to consumer rights and the *Consumer Protection Act* can be found on the Ministry of Government and Consumer Services website [www.sse.gov.on.ca/mcs/en/pages/default.aspx](http://www.sse.gov.on.ca/mcs/en/pages/default.aspx).

## V) UNAUTHORIZED PERSONS CARRYING OUT ACTIVITIES THAT REQUIRE A LICENCE

Examples of what may constitute unauthorized persons carrying out electrical work:

- Substituting unqualified persons to perform electrical work such as general labourers in place of certified trade employees.
- An LEC taking out a permit for an unlicensed person or business in order for them to undertake electrical work without a licence.

A licence holder is not permitted to allow an unauthorized person to carry out activities requiring a licence. Should the Director have reason to believe that a licence holder permitted unauthorized persons to carry out activities requiring a licence, the Director may propose to take action against the licence holder.

Licence holders have a duty set out in subsections 4(1) and 6(b) of the *Regulation* [page 66 and 67] to ensure that all electrical work carried out on the LEC's behalf is carried out in accordance with applicable laws. This includes ensuring employees are qualified to carry out electrical work and that workers are in full compliance with the trade qualification requirements established through the Ontario College of Trades.

A licence holder must ensure that they use only qualified persons or businesses to carry out electrical work on their behalf. Should an LEC choose to sub-contract electrical work they are responsible to make sure that the sub-contractor also holds an EC licence if performing electrical work that requires a licence according to the *Regulation*.

Work by unauthorized persons poses a potential risk to public and worker safety. It also undermines the professionalism of the industry and can harm the trust held by members of the public toward the profession.

## VI) MEET LICENSING REQUIREMENTS AND COMPLY WITH RESTRICTIONS, LIMITATIONS OR CONDITIONS

Licence holders are expected to comply with all legal obligations for holding a licence. This includes ensuring that all licensing requirements are maintained during the currency of the licence as well as complying with any restrictions, limitations or conditions placed on a licence by the Director. Should the Director have reason to believe that a licence holder failed to meet or comply with a licence requirement, or a restriction, limitation, or condition imposed on a licence; the Director may propose to take action against the licence holder.

## VII) LICENCE OBTAINED THROUGH MISREPRESENTATION OR FRAUD

Licence holders are expected to provide accurate and factual information and documentation. ESA's application and renewal forms require applicants and licence holders to attest that the information provided and contained within the application and renewal is accurate and truthful. Should the Director have reason to believe that a licence was obtained through misrepresentation or fraud, the Director may propose to take action against the licence holder.

## 5.2 APPEAL OF A DIRECTOR'S PROPOSAL TO REFUSE, SUSPEND OR REVOKE A LICENCE

### I) NOTICE OF PROPOSAL (NOP) REQUIRED

In accordance with subsection 113.3(1) of the *Act* [page 44], the Director is required to issue a Notice of Proposal (NOP), with written reasons, to a licence holder anytime he or she is considering actions of refusal, suspension, revocation, or the imposition of a condition, limitation, or restriction on a licence.

Examples of what may constitute a failure to meet or comply with a requirement, restriction, limitation or condition:

- An LEC not having a DME designated as required by the *Regulation*.
- A DME not actively employed by an LEC.
- An LEC not maintaining the required liability insurance.
- An LEC undertaking electrical work outside the scope of a licence limitation (e.g. A LEC limited to undertaking industrial work found to be performing residential wiring).

Examples of what may constitute obtaining a licence through misrepresentation or fraud:

- Including false or misleading information on a licence or renewal application.
- Providing false or altered documentation or certifications with a licence or renewal application.
- Designating an ME who is not actively employed by an LEC.

The Notice of Proposal affords the licence holder the right to an appeal and hearing of the matter, pursuant to subsection 113.4 of the *Act* [page 45], prior to the Director proceeding with the proposed action against the licence holder.

## II) EXCEPTIONS – NOP NOT REQUIRED

A Notice of Proposal (NOP), with written reasons, will be issued to the licence holder by the ESA Director whenever he or she is considering action of refusal, suspension, or revocation of a licence.

A person named in a Notice has the right to appeal the proposal.

As defined in subsection 113.3(2) of the *Act* [page 45], there are certain circumstances where a Director is not required to issue a NOP prior to taking action against a licence holder.

### a) **Threat to Safety** - section 113.5 of the *Act* [page 46]

The Director may “provisionally” (immediately) suspend or refuse a licence where the Director is of the opinion that by allowing the licence holder to continue to operate it would pose an immediate threat to public safety or the safety of any person.

The Director is required to give the licence holder Notice of the Provisional Suspension or Refusal (Notice). The licence holder is entitled to a hearing of the matter, however the licence holder is not permitted to continue to operate until after the hearing has been held and a final decision rendered.

### b) **Default in Payment** – section 113.6 of the *Act* [page 47]

The Director may refuse to grant or to renew a licence or may suspend a licence, without giving notice or holding a hearing, if the licence holder is in default of the payment of a fee, an administrative penalty, a cost or other charge owing ESA; or is in default of payment of a fine imposed on conviction for an offence under the *Act*.

Upon providing proof to the Director that the licence holder is no longer in default of payment, the Director will grant or reinstate the licence.

An ESA Director is not required to issue a Notice of Proposal prior to taking action against a licence holder where there is deemed to be a threat to safety or where a licence holder is in default of a payment to ESA.

### III) APPEAL AND RIGHT TO A HEARING

The appeals process is a formal hearing process whereby a person named in a NOP or Notice, if they choose, may file an appeal with the Director of Appeals within 15 business days of its issuance.

Requesting an appeal of the matter “stays” (postpones) the Director’s action against the licence holder until a decision has been rendered at the conclusion of the appeals process, **except** where there is deemed to be an immediate threat to safety in which case the Director may “provisionally” (immediately) suspend or refuse the licence. In such cases the licence holder is required to immediately cease to operate until after a hearing has been held and a decision rendered.

Should a licence holder not file an appeal of the NOP within the prescribed timeframe, the Director will be entitled to carry out the proposed action without holding a hearing of the matter.

There are three progressive steps available in the appeal process:

**Step 1** – Appeal before the ESA Director

**Step 2** – Appeal before the independent Review Panel

**Step 3** – Appeal to Divisional Court

Further information on the licensing appeal process may be found on ESA’s website at [www.esasafe.com/about-esa/appeals/](http://www.esasafe.com/about-esa/appeals/).

Requesting an appeal of the matter “stays” (postpones) the Director’s action against the licence holder until a decision has been rendered at the conclusion of the appeals process, **except** where there is deemed to be an immediate threat to safety in which case the Director may “provisionally” suspend or refuse the licence. In such cases the licence holder is required to immediately cease to operate until after a hearing has been held and a decision rendered.

# APPENDIX A – ORIGINS OF CONTRACTOR LICENSING IN ONTARIO

Prior to the enactment of Ontario Regulation 570/05 (Licensing of Electrical Contractors and Master Electricians), Ontario did not have a consistent province-wide system for licensing electrical contracting businesses. At the time, each municipality was responsible to establish the licensing criteria in their jurisdiction.

In 1991, the Electrical Contractors Association of Ontario (ECAO), with the support and participation of the Ontario Electrical League (OEL) and Ontario Hydro's former Electrical Inspection Division (later to become the Electrical Safety Authority), created the Electrical Contractor Registration Agency (ECRA).

ECRA's vision and dedicated efforts played a central role in promoting professionalism across the industry through the creation and administration of Master Electrician exams, courses, building municipal reciprocal recognition programs, and, ultimately, in supporting the case for province-wide standards.

With the provincial government's passage into law of Ontario Regulation 570/05 and updates to Part VIII of the *Electricity Act*, a province-wide licensing program has been in place since 2007. Provincial licensing helps to create a level-playing field that recognizes the professional qualifications of electricians, promotes the protection of consumers, and, most importantly, helps to protect the public, workers, and consumers from the potential dangers associated with electrical work.

The Electrical Safety Authority is responsible for administering the licensing of electrical contractors and Master Electricians in the Province of Ontario. ECRA continues to support the licensing program through their ongoing development of Master Electrician examinations and their role in developing and recommending guidelines and policies to ESA to strengthen the licensing of electrical contractors in the province.

# APPENDIX B – ELECTRICITY ACT 1998, PART VIII; LICENSING S.112.1 TO S.113.22

## Electricity Act, 1998

S.O. 1998, CHAPTER 15  
Schedule A

**Consolidation Period:** From December 14, 2017 to the e-Laws currency date.  
Last amendment: 2017, c. 34, Sched. 46, s. 13.

## PART VIII ELECTRICAL SAFETY

### Definitions

**112.1** In this Part,

“Authority” means the Electrical Safety Authority; (“Office”)

“authorization” means a licence, certificate or registration issued under this Part, despite the definition of “licence” in subsection 2 (1); (“autorisation”)

“Director” means a person appointed as a Director under this Part; (“directeur”)

“inspector” means an inspector appointed under this Part; (“inspecteur”)

“investigator” means an investigator appointed under this Part; (“enquêteur”)

“person” means an individual, a corporation, an association, a partnership or any other entity; (“personne”)

“regulations” means the regulations made under this Part, despite the definition of “regulations” in subsection 2 (1). (“règlements”) 2004, c. 19, s. 12 (2); 2006, c. 34, s. 12 (1).

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

#### Electrical Safety

Regulations, LG in C

**113** (1) The Lieutenant Governor in Council may make regulations,

(a) prescribing the design, construction, installation, protection, use, maintenance, repair,

extension, alteration, connection and disconnection of all works, matters and things used or to be used in the generation, transmission, distribution, retail or use of electricity in Ontario;

(b) prohibiting the use, advertising, display, offering for sale, or other disposal, and the sale or other disposal, publicly or privately, in Ontario, of any such works, matters and things unless and until they have been inspected and approved, or deemed approved;

(c) prescribing the precautions to be taken in the sale or other disposal of such works, matters and things and the warnings and instructions to be given to purchasers and others in advertisements, by circular, labelling, including by tag, seal or other form of labelling, or otherwise, to prevent their use in such manner or under such conditions as may be likely to result in undue hazard to persons or property;

(d) providing for the inspection, test and approval of such works, matters and things before being used in the generation, transmission, distribution, retail or use of electricity in Ontario, and for a process for granting, renewing, suspending, revoking and reinstating approvals for the works, matters and things before they are used for any of those purposes;

(e) requiring compliance with any code, standard, guideline or procedure under a rule of a person retailing electricity to such works, matters and things. 2006, c. 34, s. 12 (2).

### **Regulations, Minister**

(2) The Minister may make regulations,

(a) adopting by reference, in whole or in part, with such changes as the Minister considers necessary or advisable, any code or standard that governs any matter set out in subsection (1) and requiring compliance with any code or standard that is so adopted;

(b) establishing a code of ethics and a committee for the purpose of governing the conduct of authorization holders. 2006, c. 34, s. 12 (2).

### **Rolling incorporation**

(3) If a regulation under clause (2) (a) so provides, a code or standard adopted by reference shall be a reference to it, as amended from time to time, whether before or after the regulation is made. 2006, c. 34, s. 12 (2); 2009, c. 33, Sched. 10, s. 6.

### **Delegation**

(4) Despite subsection 3 (4) of the Safety and Consumer Statutes Administration Act, 1996, the Minister may, by regulation, delegate to the Authority the power to make some or all of the regulations under clause (2) (a) or (b). 2006, c. 34, s. 12 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (4) is repealed. See: 2012, c. 8, Sched. 11, ss. 46 (1), 54 (1).**

Temporary codes, testing organizations, variations

(5) A director may, in writing,

(a) authorize, subject to such conditions as may be specified and for a limited time, the use of codes, standards, guidelines, plans, specifications and procedures or changes to codes,



standards, guidelines, plans, specifications and procedures necessary to accommodate new developments or technological advances and require compliance with them and permit, subject to such conditions as may be specified, variances from them;

(b) designate organizations to test any thing for which standards, plans or specifications are established under this Part and provide for and require the placing of the organization's label on the thing or any parts of the thing that conform to the standards, plans or specifications;

(c) subject to such conditions as he or she may specify, allow a variance from any regulation made by the Minister under clause (2) (a) if, in his or her opinion, the variance would not detrimentally affect the safe use of the thing to which the regulation applies or the health or safety of any person. 2006, c. 34, s. 12 (2).

### **Legislation Act, 2006, Part III**

(6) Part III (Regulations) of the Legislation Act, 2006 does not apply to subsection (5). 2006, c. 34, s. 12 (2, 19).

### **Issuing of plans and specifications**

(7) The Authority may, in accordance with the regulations, prepare and issue plans and specifications governing the design, construction and test of works, matters and things used or to be used in the generation, transmission, distribution, retail or use of electricity in Ontario, and may alter such plans and specifications. 2006, c. 34, s. 12 (2).

### **Appointment of persons to inspect and test**

(8) The Authority may appoint persons, associations or organizations having, in the opinion of the Authority, special knowledge and facilities to inspect, test and report on any works, matters and things mentioned in subsection (1). 2006, c. 34, s. 12 (2).

### **Prohibition on holding out**

(9) No person shall hold themselves out as a person who has been appointed under subsection (8) if the person has not been so appointed. 2006, c. 34, s. 12 (2).

### **Approval by adoption of report**

(10) The Authority may approve any work, matter and thing mentioned in subsection (1) by adopting a report made under subsection (8), or otherwise, as the Authority considers advisable. 2006, c. 34, s. 12 (2).

### **Orders relating to installations, alterations, etc.**

(11) The Authority may issue such orders relating to work to be done, or the removal of things used, in the installation, removal, alteration, repair, protection, connection or disconnection of any of the works, matters and things mentioned in subsection (1) as the Authority considers necessary or advisable for the safety of persons or the protection of property and, in any such order or after having made it, the Authority may order any person to cease and desist from doing anything intended or likely to interfere with the terms of the order. 2006, c. 34, s. 12 (2).

## Offences

(12) Every person,

(a) disturbing or interfering with an inspector or other officer in the performance of the inspector's or officer's duty under this section is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both;

(b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made under its authority, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both;

(c) refusing or neglecting to comply with an order issued by the Authority under subsection (11) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, and a further fine of not more than \$5,000 for each day upon which such refusal or neglect is repeated or continued. 2006, c. 34, s. 12 (2).

### Same, corporation

(13) A corporation that is guilty of an offence described in subsection (12) is liable, on conviction, to a fine of not more than \$1,000,000. 2006, c. 34, s. 12 (2).

Section not to apply to mines

(14) This section does not apply to a mine as defined in the Mining Act, save only as regards any dwelling house or other building not connected with or required for mining operations or purposes or used for the treatment of ore or mineral. 2006, c. 34, s. 12 (2).

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

### Prohibitions

#### Causing damage

**113.0.1** (1) No person shall damage or cause any damage to any work, matter or thing used or to be used in the generation, transmission, distribution, retail or use of electricity in Ontario. 2006, c. 34, s. 12 (3).

#### Interference

(2) No person shall interfere with any work, matter or thing used or to be used in the generation, transmission, distribution, retail or use of electricity in Ontario in the course of alterations or repairs to non-electrical equipment or structures except where it is necessary to disconnect or move components of an electrical installation, in which event it shall be the responsibility of the person carrying out the alterations or repairs to ensure that the electrical installation is restored to a safe operating condition as soon as the progress of the alterations or repairs permits. 2006, c. 34, s. 12 (3).

## **Removal of labels**

(3) No person shall, without the consent of the Director, remove any label, tag, seal or warning, as prescribed by the regulations, applied by the Authority to any work, matter or thing used or to be used in the generation, transmission, distribution, retail or use of electricity in Ontario. 2006, c. 34, s. 12 (3).

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

### **Director**

**113.1** (1) The Authority may appoint one or more Directors for the purposes of this Part. 2004, c. 19, s. 12 (5).

### **Restrictions**

(2) An appointment is subject to the restrictions, limitations and conditions that the Authority sets out in it. 2004, c. 19, s. 12 (5).

### **Powers**

(3) Unless otherwise stated in the appointment, a Director,

(a) may supervise and direct inspectors and other persons responsible for administering or enforcing this Part, the regulations or an order of the Authority; and

(b) is an inspector and may exercise any of the powers and perform any of the duties of an inspector. 2004, c. 19, s. 12 (5).

### **Delegation**

(4) A Director may delegate in writing any of his or her powers or duties to any person, subject to the restrictions, limitations and conditions that the Director sets out in the delegation. 2004, c. 19, s. 12 (5).

### **Document of appointment**

(5) The Authority shall issue to each Director a document establishing his or her appointment, and the Director shall produce it on request. 2004, c. 19, s. 12 (5).

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

### **Authorization**

**113.2** (1) Except as provided in the regulations, no person shall carry out or propose to carry out, or permit or employ another person to carry out, an activity referred to in the regulations as requiring an authorization without first obtaining an authorization in accordance with this Part and the regulations. 2006, c. 34, s. 12 (4).

### **Refusal, suspension, etc.**

(2) A Director may refuse to grant an applicant an authorization for the carrying out of activities or may refuse to renew, may suspend or may revoke an authorization holder's authorization for the carrying out of activities, if the Director has reason to believe that,

- (a) the applicant or authorization holder will not carry out the activities in accordance with the law;
- (b) the applicant or authorization holder will not carry out the activities safely;
- (c) the applicant or authorization holder lacks the basic resources necessary to carry out the activities;
- (d) the applicant or authorization holder will not conduct himself or herself with honesty and integrity or in accordance with the principle of protecting consumers;
- (e) the applicant or authorization holder lacks the training, experience, qualifications or skills prescribed by the regulations;
- (f) the applicant or authorization holder failed to comply with or to meet a requirement of this Part, the regulations or an order of the Authority;
- (g) the authorization holder failed to comply with a restriction, limitation or condition of the authorization;
- (h) the authorization holder obtained the authorization through misrepresentation or fraud; or
- (i) the authorization holder permitted an unauthorized person to carry out the activities. 2004, c. 19, s. 12 (5).

### **Conditions**

- (3) An authorization is subject to,
  - (a) the restrictions, limitations and conditions that are prescribed by the regulations; and
  - (b) the restrictions, limitations and conditions that are imposed by a Director. 2004, c. 19, s. 12 (5).

### **Compliance with regulations**

(4) In imposing a restriction, limitation or condition on an authorization, a Director shall comply with the rules prescribed by the regulations. 2004, c. 19, s. 12 (5).

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

#### **Notice of proposal**

**113.3** (1) Subject to subsection (2), a Director who proposes any of the following shall serve notice of the proposal, together with written reasons, on the applicant or authorization holder:

1. To grant an authorization subject to restrictions, limitations or conditions imposed on it by the Director.
2. To renew an authorization subject to restrictions, limitations or conditions imposed on it by the Director.
3. To refuse to grant an authorization.
4. To refuse to renew an authorization.

5. To suspend an authorization.
6. To revoke an authorization. 2004, c. 19, s. 12 (5).

### **Exceptions**

- (2) A notice of proposal is not required,
  - (a) in the case of a provisional suspension of an authorization, or a provisional refusal to renew an authorization, under section 113.5;
  - (b) in the case of a refusal to grant or renew an authorization, or a suspension of an authorization, under section 113.6. 2004, c. 19, s. 12 (5).

### **Service of notice**

(3) The Director may serve the notice of proposal personally or by registered mail addressed to the applicant or authorization holder at the last address known to the Director, by fax or by any other form of electronic transmission if there is a record that the notice has been sent. 2004, c. 19, s. 12 (5).

### **Deemed service, registered mail**

(4) If registered mail is used, the notice shall be deemed to have been served on the third day after the day of mailing, unless the person on whom notice is being served satisfies the Director that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. 2004, c. 19, s. 12 (5).

### **Deemed service, electronic transmission**

(5) If a fax or any other form of electronic transmission is used, the notice shall be deemed to have been served on the day after the fax was sent or the other transmission was made, unless the person on whom notice is being served satisfies the Director that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. 2004, c. 19, s. 12 (5).

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

#### **Hearing**

**113.4** (1) A notice of proposal shall inform the applicant or authorization holder that the applicant or holder has a right to a hearing before the Director if the applicant or holder applies to the Director for the hearing within 15 days after being served with the notice. 2004, c. 19, s. 12 (5).

#### **Extension of time**

- (2) The Director may extend the time for applying for a hearing, either before or after the 15-day period expires, if he or she is satisfied that,
  - (a) there are reasonable grounds for granting the extension; and
  - (b) there are apparent grounds for granting to the applicant or authorization holder the relief sought at the hearing. 2004, c. 19, s. 12 (5).

## **Directions**

(3) In granting an extension, the Director may give any directions he or she considers appropriate. 2004, c. 19, s. 12 (5).

If no hearing requested

(4) If the applicant or authorization holder does not apply for a hearing in accordance with this section, the Director may carry out the proposal stated in the notice of proposal. 2004, c. 19, s. 12 (5).

If hearing requested

(5) If the applicant or authorization holder applies for a hearing in accordance with this section, the Director shall set a time for and hold the hearing, after issuing a notice of hearing to the applicant or authorization holder. 2004, c. 19, s. 12 (5).

## **Findings of fact**

(6) The findings of fact made by the Director upon the hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the Statutory Powers Procedure Act. 2004, c. 19, s. 12 (5).

## **Decision**

(7) After the hearing, the Director may carry out the proposal stated in the notice of proposal if,

(a) in the case of a proposal mentioned in paragraph 3, 4, 5 or 6 of subsection 113.3 (1), the Director is satisfied that any of the grounds set out in subsection 113.2 (2) exists; or

(b) in the case of a proposal mentioned in paragraph 1 or 2 of subsection 113.3 (1), the Director is satisfied that the imposition of the restrictions, limitations and conditions complies with the rules mentioned in subsection 113.2 (4). 2004, c. 19, s. 12 (5).

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

### **Provisional suspension or refusal to renew if safety involved**

**113.5** (1) A Director may, by serving notice on an authorization holder and without a hearing, provisionally suspend or provisionally refuse to renew the holder's authorization if, in the Director's opinion, the carrying on of the activities under the authorization is an immediate threat to public safety or the safety of any person. 2004, c. 19, s. 12 (5).

## **Notice**

(2) A notice under subsection (1) shall state the Director's reasons for the decision to provisionally suspend or provisionally refuse to renew the authorization and shall inform the authorization holder that the holder has a right to a hearing before the Director if the holder applies to the Director for the hearing within 15 days after being served with the notice. 2004, c. 19, s. 12 (5).

## **Application of provisions**

(3) Subsections 113.3 (3), (4) and (5) apply with respect to a notice under this section and subsections 113.4 (2), (3), (5) and (6) apply for the purposes of a hearing under this section. 2004, c. 19, s. 12 (5).

## **Decision**

(4) After the hearing,

(a) if the Director is satisfied that a ground set out in subsection 113.2 (2) exists, the Director may suspend, revoke or refuse to renew the authorization;

(b) if the Director is satisfied that no ground set out in subsection 113.2 (2) exists, the Director,

(i) shall reinstate the suspended authorization, or

(ii) shall renew the authorization and may impose restrictions, limitations or conditions on the authorization in accordance with subsection 113.2 (4). 2004, c. 19, s. 12 (5).

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

### **Default in payment**

**113.6** (1) A Director may refuse to grant or to renew an authorization or may suspend an authorization, if,

(a) the applicant or authorization holder is in default of the payment of a fee, an administrative penalty, a cost or another charge owing to the Authority; or

(b) the applicant or authorization holder is in default of the payment of a fine imposed on conviction for an offence under this Part. 2004, c. 19, s. 12 (5).

### **Notice and hearing not required**

(2) A Director is not required to give notice or to hold a hearing before acting under subsection (1). 2004, c. 19, s. 12 (5).

### **Granting of authorization or renewal**

(3) If an application for an authorization or for the renewal of an authorization is refused under subsection (1), the applicant is entitled to the authorization or renewal on providing proof to the Director that the applicant is no longer in default. 2004, c. 19, s. 12 (5).

### **Reinstatement of suspended authorization**

(4) If an authorization is suspended under subsection (1), the authorization holder is entitled to have the authorization reinstated on providing proof to the Director that the authorization holder is no longer in default. 2004, c. 19, s. 12 (5).

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

### **Opportunities before hearing**

**113.7** (1) A notice of hearing issued by a Director under this Part shall afford to the applicant or authorization holder a reasonable opportunity to show or to achieve, before the hearing, compliance with all lawful requirements for the granting, retention or renewal of the authorization. 2004, c. 19, s. 12 (5).

## **Examination of documentary evidence**

(2) The applicant or authorization holder shall be given an opportunity to examine, before a hearing by a Director under this Part, any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 2004, c. 19, s. 12 (5).

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

### **Recording of evidence**

**113.8** (1) The oral evidence taken before a Director at a hearing under this Part shall be recorded at the request of the applicant, the authorization holder or the Director, and the recording shall be at the cost of the person making the request. 2004, c. 19, s. 12 (5).

### **Transcript**

(2) If copies of the transcript are requested, they shall be provided at the cost of the person making the request. 2004, c. 19, s. 12 (5).

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

### **Conflict**

**113.9** If, under the Safety and Consumer Statutes Administration Act, 1996, this Part is designated legislation to be administered by a designated administrative authority, and if a regulation made under clause 15 (1) (c) of that Act requires that, before an appeal to the Divisional Court is made under section 113.10 of this Act, a review panel must review the decision made by a Director after a hearing under this Act, that regulation prevails over this Part to the extent of any conflict. 2004, c. 19, s. 12 (5).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 113.9 is repealed and the following substituted:**

### **Conflict**

**113.9** (1) A regulation made under clause 42 (1) (a) of the Delegated Administrative Authorities Act, 2012, requiring a review panel to review a Director's decision before the decision may be appealed to the Divisional Court under section 113.10 of this Act, prevails over this Part to the extent of any conflict. 2012, c. 8, Sched. 11, s. 46 (2).

### **Application of subs. (1)**

(2) Subsection (1) applies only if this Part is delegated legislation to be administered by a delegated administrative authority under the Delegated Administrative Authorities Act, 2012. 2012, c. 8, Sched. 11, s. 46 (2).

**See: 2012, c. 8, Sched. 11, ss. 46 (2), 54 (1).**

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

### **Appeal after hearing**

**113.10** (1) An applicant or authorization holder may appeal to the Divisional Court if, after a



hearing, a Director does any of the following:

1. Grants the authorization subject to restrictions, limitations or conditions imposed on it by the Director.
2. Renews the authorization subject to restrictions, limitations or conditions imposed on it by the Director.
3. Refuses to grant the authorization.
4. Refuses to renew the authorization.
5. Suspends the authorization.
6. Revokes the authorization. 2004, c. 19, s. 12 (5).

### **How to appeal**

(2) To appeal under this section, the applicant or authorization holder must file a notice of appeal with the court within 30 days after receiving notice of the Director's decision. 2004, c. 19, s. 12 (5).

### **Director is party**

(3) The Director is a party to the appeal. 2004, c. 19, s. 12 (5).

### **Decision**

(4) In deciding the appeal, the court may order the Director to take such action as the court considers proper. 2004, c. 19, s. 12 (5).

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

#### **Continuation of authorization**

#### **Continuation upon renewal application**

**113.11** (1) If, within the time prescribed by the regulations, or, if no time is prescribed, before the expiry of the authorization, an authorization holder applies to a Director for renewal of the authorization, the authorization continues to be valid,

- (a) until the Director renews the authorization, unless clause (b), (c) or (d) applies;
- (b) until the Director provisionally refuses to renew the authorization under subsection 113.5 (1);
- (c) until the Director refuses to renew the authorization under subsection 113.6 (1);
- (d) subject to subsection (3), if the authorization holder is served with a notice under section 113.3 that the Director proposes to refuse to renew the authorization, or if the Director refuses to renew the authorization under subsection 113.5 (4),

(i) until the time for applying for a hearing by the Director under section 113.4 or 113.5 expires, unless subclause (ii) applies,

(ii) if the holder applies for a hearing in accordance with section 113.4 or 113.5,

- (A) until the Director renews the authorization following the hearing, or

(B) if the Director refuses to renew the authorization following the hearing,

(1) until the time for filing a notice of appeal with the Divisional Court under section 113.10 expires, unless sub-sub-subclause 2 applies,

(2) if the holder files a notice of appeal with the Divisional Court in accordance with section 113.10, until the final disposition of the appeal. 2004, c. 19, s. 12 (5).

### **Continuation after suspension, revocation**

(2) Subject to subsection (3), if a Director suspends or revokes an authorization under subsection 113.4 (7) or 113.5 (4), the suspension or revocation does not take effect,

(a) until the time for filing a notice of appeal with the Divisional Court under section 113.10 expires, unless clause (b) applies;

(b) if a notice of appeal is filed with the Divisional Court in accordance with section 113.10, until the final disposition of the appeal. 2004, c. 19, s. 12 (5).

### **Threat to safety**

(3) If, in a Director's opinion, there is or may be a threat to public safety or to the safety of any person, the Director may specify that,

(a) the authorization in respect of which the renewal application has been made ceases to be valid earlier than the time specified in clause (1) (d); or

(b) the suspension or revocation referred to in subsection (2) takes effect earlier than the time specified in subsection (2). 2004, c. 19, s. 12 (5).

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

#### **Compliance order**

**113.12** (1) If it appears to a Director that a person is not complying with subsection 113.2 (1), with a regulation made under the authority of clause 113.22 (1) (e) or with a restriction, limitation or condition of an authorization, the Director may apply to a judge of the Superior Court of Justice for an order directing compliance. 2004, c. 19, s. 12 (5).

#### **Same**

(2) The judge may make any order he or she considers just. 2004, c. 19, s. 12 (5).

#### **Clarification**

(3) A Director may make an application under subsection (1) even if a penalty or another sanction has been applied against the person in respect of the failure to comply and regardless of any other rights the person may have. 2004, c. 19, s. 12 (5).

#### **Appeal**

(4) An appeal lies to the Divisional Court from an order made under subsection (2). 2004, c. 19, s. 12 (5).

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

## Definition

**113.12.1** In sections 113.13 to 113.14.3,

“electrical product or device” means any thing used or to be used in the generation, transmission, distribution, retail or use of electricity. 2006, c. 34, s. 12 (5).

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

### Inspections

**113.13** (1) The Authority or a person appointed as an inspector in writing by the Authority may conduct an inspection and may, as part of that inspection, enter and inspect at any reasonable time any land or premises, including the business premises of an authorization holder, for the purpose of,

- (a) ensuring compliance with this Act and the regulations; or
- (b) determining that the authorization holder remains entitled to the authorization. 2006, c. 34, s. 12 (6).

### Limitations on power to enter

- (2) An inspector shall not,
  - (a) use force to enter and inspect land and premises under this section; or
  - (b) enter any part of premises that are being used as a dwelling, except with the consent of the owner or occupier. 2006, c. 34, s. 12 (6).

### Identification

(3) An inspector shall produce, on request, evidence of his or her appointment as an inspector. 2006, c. 34, s. 12 (6).

### Powers on inspection

- (4) An inspector conducting an inspection on any land or in any premises, including premises of an authorization holder, may,
  - (a) examine all documents, records, electrical products, devices and other things that are relevant to the inspection;
  - (b) require a person on the premises being inspected to produce a document, record or other thing that is relevant to the inspection;
  - (c) use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or a record that is relevant to the inspection and that is in any form; and
  - (d) subject to subsection (5), on giving a receipt for it, remove any thing relevant to the inspection, including a document, a record, a data storage disk or a retrieval device needed to produce information. 2006, c. 34, s. 12 (6).

### **Electrical product not included**

(5) An electrical product or device may not be removed under clause (4) (d). 2006, c. 34, s. 12 (6).

### **Obligation to produce and assist**

(6) A person who is required to produce a document, record, electrical product or device, or other thing under clause (4) (b) shall produce it and shall, on request by the inspector, provide any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce information or a record that is relevant to the inspection and that is in any form. 2006, c. 34, s. 12 (6).

### **Obstruction prohibited**

(7) No person shall obstruct an inspector executing his or her duties or withhold from him or her or conceal, alter or destroy any document, record, electrical product or device or other thing that is relevant to the inspection. 2006, c. 34, s. 12 (6).

### **Copy and return of removed things**

(8) An inspector who removes any document, record or other thing under clause (4) (d) may make a copy of it and shall promptly return it to the person being inspected. 2006, c. 34, s. 12 (6).

### **Admissibility of copies**

(9) A copy of a document or record certified by an inspector to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2006, c. 34, s. 12 (6).

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

#### **Order to turn over or retain electrical product or device**

**113.13.1** (1) An inspector who is lawfully present in a place and who believes on reasonable grounds that an electrical product or device in the place is being sold or offered for sale in contravention of this Part or the regulations may order, orally or in writing, a person in the place,

(a) to turn the electrical product or device over to the inspector; or

(b) to retain and preserve the electrical product or device in accordance with the regulations. 2006, c. 34, s. 12 (6).

#### **Obligation to retain electrical product or device**

(2) A person who fails to immediately comply with an order to turn over the electrical product or device issued under subsection (1) shall retain and preserve the electrical product or device that was the subject of the order in accordance with the regulations. 2006, c. 34, s. 12 (6).

#### **Inspector to inform director**

(3) When an inspector issues an order under subsection (1), he or she shall promptly inform the director and, where the order is in writing, provide him or her with a copy of the order. 2006, c. 34, s. 12 (6).

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

### **Warrant to seize electrical product or device**

**113.13.2** (1) On application made without notice by an inspector appointed under subsection 113.13 (1), a justice of the peace may issue a warrant if he or she is satisfied on information under oath that there is reasonable ground for believing that,

- (a) an inspector issued an order to turn over an electrical product or device or to retain and preserve such a product or device under subsection 113.13.1 (1);
- (b) the person who was issued the order failed to comply with it; and
- (c) the electrical product or device was being sold or offered for sale in contravention of this Part or the regulations. 2006, c. 34, s. 12 (6).

### **Powers under warrant**

(2) Subject to any conditions contained in the warrant, a warrant issued under subsection (1) authorizes an inspector appointed under subsection 113.13 (1) to,

- (a) enter or access the place in which a person is required to retain and preserve the electrical product or device under clause 113.13.1 (1) (b) and subsection 113.13.1 (2);
- (b) require a person to produce the electrical product or device in question; and
- (c) seize the electrical product or device in question. 2006, c. 34, s. 12 (6).

### **Obligation to produce and assist**

(3) A person who is required to do so by an inspector under clause (2) (b) shall produce the electrical product or device in question. 2006, c. 34, s. 12 (6).

### **Entry of dwelling**

(4) Despite subsection (2), an inspector shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling unless,

- (a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and
- (b) the justice of the peace authorizes the entry into the dwelling. 2006, c. 34, s. 12 (6).

### **Conditions on search warrant**

(5) A warrant shall contain such conditions as the justice of the peace considers advisable to ensure that any entry and seizure authorized by the warrant is reasonable in the circumstances. 2006, c. 34, s. 12 (6).

### **Assistance**

(6) A warrant may authorize persons who have special, expert or professional knowledge, and such other persons as may be necessary, to accompany and assist the inspector in respect of the

execution of the warrant. 2006, c. 34, s. 12 (6).

### **Time of execution**

(7) An entry or access under a warrant shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise. 2006, c. 34, s. 12 (6).

### **Expiry of warrant**

(8) A warrant shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may, on application without notice by the inspector, extend the date of expiry for an additional period of no more than 30 days. 2006, c. 34, s. 12 (6).

### **Use of force**

(9) An inspector may call upon police officers for assistance in executing a warrant and the inspector may use whatever force is reasonably necessary to execute the warrant. 2006, c. 34, s. 12 (6).

### **Obstruction**

(10) No person shall obstruct an inspector executing a warrant. 2006, c. 34, s. 12 (6).

### **Inspector to inform director**

(11) When an inspector seizes an electrical product or device under this section, he or she shall promptly inform the director. 2006, c. 34, s. 12 (6).

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

### **Release or Forfeiture of Electrical Product or Device**

#### **Application of section**

**113.13.3** (1) This section applies in respect of an electrical product or device that,

(a) was turned over to an inspector in response to an order issued under subsection 113.13.1 (1);

(b) was retained and preserved in response to an order issued under subsection 113.13.1 (1), or in accordance with subsection 113.13.1 (2); or

(c) was seized by an inspector in accordance with the regulations under a warrant issued under subsection 113.13.2 (1). 2006, c. 34, s. 12 (6).

#### **Application for release of electrical product or device**

(2) Within 10 days of an electrical product or device being turned over or seized or ordered to be retained and preserved, a person who claims an interest in the electrical product or device may apply to the director for the release of the electrical product or device. 2006, c. 34, s. 12 (6).

### **Hearing**

(3) Subject to subsection (4), a person who applies for the release of the electrical product or device within the time permitted under subsection (2) is entitled to a hearing before the Director. 2006, c. 34, s. 12 (6).

### **Director may refuse hearing**

(4) The director may refuse to hold a hearing if the person who applies for the release of the electrical product or device is not the person who turned over the electrical product or device, who retained and preserved it or from whom it was seized and the director is not satisfied that the person has an interest in the electrical product or device. 2006, c. 34, s. 12 (6).

### **Director's determination**

(5) After a hearing, the director may,

(a) release to the person the electrical product or device that he or she determines was not sold or offered for sale in contravention of this Part or the regulations; or

(b) direct that the electrical product or device that he or she determines was sold or offered for sale in contravention of this Part or the regulations is forfeited to the Crown. 2006, c. 34, s. 12 (6).

### **Forfeiture in other circumstances**

(6) The director may direct that the electrical product or device is forfeited to the Crown if,

(a) no person applies for the release of the electrical product or device within the time permitted under subsection (2);

(b) the director refuses to hold a hearing under subsection (4); or

(c) the person who applied for the release of the electrical product or device does not appear at the hearing. 2006, c. 34, s. 12 (6).

### **Decision final**

(7) Any determination or direction made by the director under this section is final. 2006, c. 34, s. 12 (6).

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

#### **Appointment of investigators**

**113.14** (1) The Authority may appoint persons to be investigators for the purpose of conducting investigations. 2006, c. 34, s. 12 (6).

#### **Identification**

(2) An investigator shall produce, on request, evidence of his or her appointment as an investigator. 2006, c. 34, s. 12 (6).

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

#### **Search warrant**

**113.14.1** (1) On application made without notice by an investigator, a justice of the peace may issue a warrant, if he or she is satisfied on information under oath that there is reasonable ground for believing that,

(a) a person has contravened or is contravening this Part or the regulations or has committed

an offence that is relevant to the person's fitness for holding an authorization under this Part;  
and

(b) there is,

(i) on any land or in any building, dwelling, container or place any thing relating to the contravention of this Part or the regulations or to the person's fitness for holding an authorization, or

(ii) information or evidence relating to the contravention of this Part or the regulations or the person's fitness for holding an authorization that may be obtained through the use of an investigative technique or procedure or the doing of anything described in the warrant. 2006, c. 34, s. 12 (6).

### **Powers under warrant**

(2) Subject to any conditions contained in the warrant, a warrant issued under subsection (1) authorizes an investigator to,

(a) enter or access the land, building, dwelling, container or place specified in the warrant, and examine and seize any thing described in the warrant;

(b) use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form;

(c) require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant; and

(d) use any investigative technique or procedure described in the warrant or do anything described in the warrant. 2006, c. 34, s. 12 (6).

### **Obligation to produce and assist**

(3) A person who is required to do so by an investigator under clause (2) (c) shall produce information or evidence described in the warrant and shall provide whatever assistance is reasonably necessary to produce the information or evidence in any form. 2006, c. 34, s. 12 (6).

### **Entry of dwelling**

(4) Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling unless,

(a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and

(b) the justice of the peace authorizes the entry into the dwelling. 2006, c. 34, s. 12 (6).

### **Conditions on search warrant**

(5) A warrant shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances. 2006, c. 34, s. 12 (6).



## **Assistance**

(6) A warrant may authorize persons who have special, expert or professional knowledge, and such other persons as may be necessary, to accompany and assist the investigator in respect of the execution of the warrant. 2006, c. 34, s. 12 (6).

## **Time of execution**

(7) An entry or access under a warrant shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise. 2006, c. 34, s. 12 (6).

## **Expiry of warrant**

(8) A warrant shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may, on application without notice by the investigator, extend the date of expiry for an additional period of no more than 30 days. 2006, c. 34, s. 12 (6).

## **Use of force**

(9) An investigator may call upon police officers for assistance in executing a warrant and the investigator may use whatever force is reasonably necessary to execute the warrant. 2006, c. 34, s. 12 (6).

## **Obstruction**

(10) No person shall obstruct an investigator executing a warrant or withhold from him or her or conceal, alter or destroy anything relevant to the investigation. 2006, c. 34, s. 12 (6).

## **Return of seized things**

(11) Subject to subsection (12), an inspector who seizes any thing under this section may make a copy of it and shall return it within a reasonable time. 2006, c. 34, s. 12 (6).

## **Return of seized things not required**

(12) An investigator is not required to return an electrical product or device seized under this section where the investigator believes on reasonable grounds that the electrical product or device was sold or offered for sale in contravention of this Part or the regulations. 2006, c. 34, s. 12 (6).

## **Admissibility of copies**

(13) A copy of a document or record certified by an inspector to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2006, c. 34, s. 12 (6).

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

### **No warrant required in exigent circumstances**

**113.14.2** (1) Although a warrant issued under subsection 113.14.1 (1) would otherwise be required, an investigator may exercise any of the powers described in subsection 113.14.1 (2) without a warrant if the conditions for obtaining the warrant exist but because of exigent circumstances it would be impracticable to obtain the warrant. 2006, c. 34, s. 12 (6).

## **Dwellings**

(2) Subsection (1) does not apply to any part of a building that is being used as a dwelling. 2006, c. 34, s. 12 (6).

## **Use of force**

(3) An investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary. 2006, c. 34, s. 12 (6).

## **Application of other provisions**

(4) Subsections 113.14.1 (6), (10), (11), (12) and (13) apply, with necessary modifications, to the exercise of powers under this section. 2006, c. 34, s. 12 (6).

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

### **Seizure of things in plain view**

**113.14.3** (1) An investigator who is lawfully present in a place under a warrant may seize any thing that is in plain view if the investigator believes on reasonable grounds that the thing will afford evidence of a contravention of this Part or the regulations. 2006, c. 34, s. 12 (6).

### **Return of seized thing**

(2) Subsections 113.14.1 (11), (12) and (13) apply, with necessary modifications, to any thing seized under this section. 2006, c. 34, s. 12 (6).

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

### **Information confidential**

**113.15** (1) This section applies to a document or information obtained in the course of an inspection conducted for a purpose set out in clause 113.13 (1) (a) or (b). 2004, c. 19, s. 12 (5); 2006, c. 34, s. 12 (7).

### **Disclosure prohibited**

(2) Subject to subsection (3), an inspector shall not disclose any document or information obtained in the course of an inspection except,

(a) for the purposes of carrying out his or her duties under this Act; or

(b) as authorized under the Regulatory Modernization Act, 2007. 2007, c. 4, s. 29.

### **Compellability in civil proceeding**

(3) Subject to subsection (4), an inspector is a compellable witness in a civil proceeding respecting any document or information obtained in the course of an inspection. 2004, c. 19, s. 12 (5).

### **Refusal or conditional permission**

(4) A Director may,

(a) on reasonable grounds, refuse to permit an inspector to attend as a witness; or

(b) require that an inspector's attendance as a witness be subject to such conditions as are reasonable and necessary for the proper administration of this Part and the regulations. 2004, c. 19, s. 12 (5).

### **Limitation**

- (5) Subsection (4) does not apply if,
- (a) the court orders that the inspector attend as a witness;
  - (b) the proceeding is a proceeding under the Provincial Offences Act; or
  - (c) the Authority is a party to the proceeding. 2004, c. 19, s. 12 (5).

### **Written decision**

(6) A Director who makes a decision referred to in subsection (4) shall issue the decision in writing. 2004, c. 19, s. 12 (5).

### **Disclosure by Director**

(7) A Director may publish or otherwise disclose documents or information obtained under the powers conferred on the Director under this Part. 2004, c. 19, s. 12 (5).

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

#### **Director's confirmation**

- 113.16** (1) A Director may issue a written confirmation with respect to,
- (a) the granting or non-granting of an authorization, the renewal or non-renewal of an authorization, or the revocation or suspension of an authorization;
  - (b) the restrictions, limitations and conditions to which an authorization is subject;
  - (c) the filing or non-filing of any document or material required or permitted to be filed with the Director; or
  - (d) any other matter prescribed by the regulations. 2004, c. 19, s. 12 (5).

#### **Effect of confirmation**

(2) A confirmation that purports to have been issued by a Director is proof, in the absence of evidence to the contrary, of the facts stated in it, without any proof of appointment or signature. 2004, c. 19, s. 12 (5).

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

#### **Fees, etc.**

**113.17** (1) If the Authority does so in accordance with the process and criteria that it establishes and that the Minister responsible for the administration of this Part has approved, the Authority may establish fees, administrative penalties, costs or other charges related to the administration of this Part and may require that such fees, administrative penalties, costs and other charges be paid at the times and in the manner directed by it. 2004, c. 19, s. 12 (5).

## Collection and application of fees

(2) The Authority shall collect the fees, administrative penalties, costs and other charges that it requires to be paid under this section and shall apply them to the expenses incurred by the Authority in administering this Part. 2004, c. 19, s. 12 (5).

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

### Agreement to exercise Authority's powers

**113.18** The Authority may enter into agreements with any person or body prescribed by the regulations authorizing the person or body to exercise and perform any of the powers and duties of the Authority under subsection 113 (11) or section 113.13 or 113.17 and, for that purpose, a reference in section 113.19 or 113.20 to the Authority shall be deemed to be a reference to the person or body. 2004, c. 19, s. 12 (5); 2006, c. 34, s. 12 (8).

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

### Liability

**113.19** (1) No action or other civil proceeding shall be commenced against a director, an officer, an employee or an agent of the Authority, or a Director, an inspector or an officer appointed under this Part, for any act done in good faith in the exercise or performance or the intended exercise or performance of a power or duty under this Part, or for any neglect or default in the exercise or performance in good faith of such a power or duty. 2004, c. 19, s. 12 (5).

### Same

(2) Subsection (1) does not relieve the Authority of any liability to which it would otherwise be subject in respect of a cause of action arising from any act, neglect or default referred to in subsection (1). 2004, c. 19, s. 12 (5).

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

### Offences

**113.20** (1) Every person,

(a) that refuses or neglects to comply with section 113 or with any regulation, plan or specification made under its authority is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both;

(b) that refuses or neglects to comply with an order issued by the Authority under subsection 113 (11) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, and a further fine of not more than \$5,000 for each day upon which the refusal or neglect is repeated or continued;

(c) that refuses or neglects to comply with subsection 113.13 (6), 113.13.1 (2), 113.13.2 (3) or 113.14.1 (3) or (10) or disturbs or interferes with an inspector, investigator or other officer in the performance of a duty the inspector, investigator or officer was appointed to perform under this Part is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both;

(c.1) that contravenes or fails to comply with section 113.0.1 is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both;

(d) that contravenes or fails to comply with subsection 113.2 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, and a further fine of not more than \$5,000 for each day upon which the offence is repeated or continued;

(e) that contravenes or fails to comply with any regulation made under the authority of clause 113.22 (1) (a), (e), (e.1) or (j) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, and a further fine of not more than \$5,000 for each day upon which the offence is repeated or continued;

((f) that contravenes or fails to comply with a restriction, limitation or condition of an authorization is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, and a further fine of not more than \$5,000 for each day upon which the offence is repeated or continued;

(g) that knowingly makes a false statement or furnishes false information to a Director under this Part is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both;

(h) that knowingly holds out as genuine any document, certificate, identification card or any other document issued under this Part or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both;

(i) that holds themselves out as a holder of an authorization, an inspector, investigator or other official under this Part is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. 2005, c. 33, s. 7 (3); 2006, c. 34, s. 12 (9-13).

### **Same, corporations**

(2) A corporation that is guilty of an offence described in subsection (1) is liable, on conviction, to a fine of not more than \$1,000,000. 2005, c. 33, s. 7 (3).

### **Duty of director or officer**

(3) Every director or officer of a corporation has a duty to take all reasonable care to prevent it from committing an offence under subsection (2). 2006, c. 34, s. 12 (14).

### **Offence**

(4) Every director or officer who has a duty under subsection (3) and fails to carry out that duty is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. 2006, c. 34, s. 12 (14).

## Separate offence

(5) Where a person contravenes any of the provisions of this Part, the regulations or any notice or order made under them on more than one day, the continuance of the contravention on each day shall be deemed to constitute a separate offence. 2006, c. 34, s. 12 (14).

## Administrative penalty

(6) A person against whom an administrative penalty has been levied by a designated administrative authority or, in the absence of such authority, by the Minister does not preclude a person from being charged with, and convicted of, an offence under this Part for the same matter. 2006, c. 34, s. 12 (14).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6) is repealed and the following substituted:**

## Administrative penalty

(6) The fact that an administrative penalty has been levied against a person by a delegated administrative authority or, in the absence of such authority, by the Minister does not preclude the person from being charged with, and convicted of, an offence under this Part for the same matter. 2012, c. 8, Sched. 11, s. 46 (3).

See: 2012, c. 8, Sched. 11, ss. 46 (3), 54 (1).

## Time limit

(7) No proceeding in respect of an alleged offence under this Part may be commenced after two years following the date on which the facts that gave rise to the alleged offence first came to the attention of the Director. 2006, c. 34, s. 12 (14).

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

### Conflict

**113.21** This Part and the regulations prevail over any municipal by-law. 2004, c. 19, s. 12 (5).

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

### Regulations

**113.22** (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing activities that require an authorization, classifying the activities, the persons who carry out the activities and the authorizations, and prescribing the classes of authorizations that are required for different classes of activities or for different classes of persons;
- (b) prescribing the training, experience, qualifications or skills that persons must have and the other requirements that persons must meet in order to obtain and retain a class of authorization;
- (c) prescribing the period, or the manner of determining the period, for which a class of

authorization is valid;

(d) governing applications for authorization and applications for renewal of authorization, including prescribing procedures and timing requirements for making such applications;

(e) prescribing duties, powers and prohibitions that apply to holders of an authorization;

(e.1) governing the documents and records that must be kept by holders of authorizations, including the manner and location in which they are kept and the time periods for retaining such information and authorizing the Director to specify the location at which they must be kept;

(f) prescribing rules with which a Director must comply in imposing a restriction, limitation or condition on an authorization;

(g) prescribing anything that must or may by this Part be done in accordance with the regulations or that is referred to in this Part as prescribed by, required by, provided in or referred to in the regulations;

(h) exempting any person, work, matter or thing from any provision of this Part or the regulations;

(i) defining electrical incidents or accidents and classes of incidents or accidents;

(j) providing for the reporting to the Authority of the electrical incidents or accidents referred to in clause (i), including the manner and time for reporting, and prescribing classes of persons who are required to make such reports;

(k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. 2004, c. 19, s. 12 (5); 2006, c. 34, s. 12 (15, 16).

### **General or particular**

(2) A regulation made under subsection (1) may be general or particular in its application. 2004, c. 19, s. 12 (5).

# APPENDIX C – ONTARIO REGULATION 570/05

Electricity Act, 1998  
Loi de 1998 sur l'électricité

## ONTARIO REGULATION 570/05 LICENSING OF ELECTRICAL CONTRACTORS AND MASTER ELECTRICIANS

**Consolidation Period:** From January 1, 2018 to the e-Laws currency date.

Last amendment: 221/17.

Legislative History: 187/11, 439/12, 221/17.

*This Regulation is made in English only.*

### INTERPRETATION AND APPLICATION

#### Definitions

1. (1) In this Regulation,

“certificate of qualification” means a certificate of qualification issued under the Ontario College of Trades and Apprenticeship Act, 2009;

“electrical contracting business” means a business that is engaged in the carrying out of electrical work;

“electrical contractor” means a person who is licensed to operate an electrical contracting business under this Regulation;

“electrical equipment” means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any of such materials or things may be mechanical, metallic or non-electric in origin;

“electrical installation” means the installation of any wiring in or upon any land, building or premises from the point or points where electric power or energy can be supplied from any source to the point or points where such power or energy can be used in or on the land, building or premises by any electrical equipment, including the connection of any such wiring with any of that equipment, and



any part of the wiring, and the maintenance, alteration, extension and repair of such wiring;

“Electrical Safety Code” means the Electrical Safety Code adopted by reference in section 1 of Ontario Regulation 164/99 (Electrical Safety Code) made under the Act;

“electrical work” means work within the scope of the Electrical Safety Code that consists of constructing, installing, protecting, maintaining, repairing, extending, altering, connecting or disconnecting any electrical installation or electrical equipment;

“industrial establishment” means an office building, factory, arena, shop or office, and any land, buildings and structures appertaining thereto;

“master electrician” means an individual who is licensed under this Regulation to assume the responsibilities set out in section 6 for the carrying out of electrical work on behalf of an electrical contractor;

“professional engineer” means a holder of licence, a limited licence or a temporary licence issued under the Professional Engineers Act. O. Reg. 570/05, s. 1 (1); O. Reg. 439/12, s. 1; O. Reg. 221/17, s. 1.

[2] The use in this Regulation of “employ” and “employee” refers to the employer-employee relationship and not to an arrangement whereby a person engages an independent contractor to work on the person’s behalf. O. Reg. 570/05, s. 1 (2).

## **Non-application of regulation**

**2.** This Regulation does not apply to a person engaged in the following types of electrical work:

1. Work done on original equipment of a manufacturer if done by an employee or agent of the original equipment manufacturer who has been trained by the manufacturer to perform maintenance, service or repair on the equipment and if the work being done does not include extending or altering the equipment or installing, extending, altering or repairing any electrical wiring connected to that equipment.
2. Work done on equipment or electrical installations within an industrial establishment or on a farm if done by an owner, an operator or an employee of the owner or operator.
3. Work done on electrical equipment or installations within a residential dwelling if done by an owner or occupant of the dwelling.
4. Work done within the scope of practice for the trade of refrigeration and air conditioning systems mechanic or residential air conditioning systems mechanic by a person authorized under the Ontario College of Trades and Apprenticeship Act, 2009 to practise the applicable trade.
5. Work done within the scope of practice for the trade of sprinkler and fire protection installer by a person authorized under the Ontario College of Trades and Apprenticeship Act, 2009 to practise that trade.
6. Work done on elevators and escalators by a person authorized to do such work under Ontario

Regulation 209/01 (Elevating Devices) made under the Technical Standards and Safety Act, 2000.

7. Work done on electrical components of appliances by a person authorized to do such work under Ontario Regulation 210/01 (Oil and Gas Pipeline Systems), Ontario Regulation 211/01 (Propane Storage and Handling) and Ontario Regulation 215/01 (Fuel Industry Certificates) made under the Technical Standards and Safety Act, 2000.
8. Work done on electrical equipment that plugs into an electrical source if the work being done constitutes maintenance, service or repair of the equipment that does not include extending or altering the equipment or installing, extending, altering or repairing any electrical wiring connected to that equipment.
9. Work done that falls within the scope of Ontario Regulation 22/04 (Electrical Distribution Safety) made under the Electricity Act, 1998.
10. Work done on any electrical equipment or electrical installation that is specifically excluded by Rule 2-000 of the Electrical Safety Code. O. Reg. 570/05, s. 2; O. Reg. 439/12, s. 2.

## LICENCES

### **Licence required, electrical contractor**

3. No person shall operate an electrical contracting business without an electrical contractor licence issued under this Regulation. O. Reg. 570/05, s. 3.

### **Duties of electrical contractor**

4. (1) An electrical contractor shall ensure that all electrical work carried out on the electrical contractor's behalf is carried out in accordance with all applicable laws, including the Electrical Safety Code and the laws relating to health and safety, employment standards, consumer protection, business tax and business practices. O. Reg. 570/05, s. 4 (1).
- (2) An electrical contractor shall designate one or more master electricians to assume the responsibilities set out in section 6 for the carrying out of electrical work on the contractor's behalf. O. Reg. 570/05, s. 4 (2).
- (3) An electrical contractor shall not designate a master electrician under subsection (2) if the designation will result in the master electrician acting as a designated master electrician on behalf of more than one electrical contractor at the same time. O. Reg. 570/05, s. 4 (3).

### **Licence required, master electrician**

5. No person shall assume the responsibilities set out in section 6 for the carrying out of electrical work on behalf of an electrical contractor without a master electrician licence issued under this Regulation. O. Reg. 570/05, s. 5.

### **Responsibilities of designated master electrician**

6. A master electrician designated by an electrical contractor is, within the scope of the designation, responsible,

- (a) for the personal planning and direct supervision of electrical work carried out on behalf of the electrical contractor;
- (b) for ensuring that the electrical work is carried out in accordance with applicable law, including the Electrical Safety Code and the laws relating to health and safety and consumer protection, on behalf of the electrical contractor; and
- (c) for other matters of a similar nature. O. Reg. 570/05, s. 6.

### **Prohibitions, master electrician**

- 7.** (1) A master electrician shall not accept a designation from an electrical contractor unless the master electrician is actively employed by the designating electrical contractor. O. Reg. 570/05, s. 7 (1).
- (2) A master electrician designated by an electrical contractor shall not accept a designation from another electrical contractor if accepting the second designation will result in the master electrician acting in this capacity on behalf of more than one electrical contractor at the same time. O. Reg. 570/05, s. 7 (2).
- (3) A master electrician shall not carry out electrical work unless he or she holds a certificate of qualification that is not suspended and that authorizes the carrying out of the electrical work. O. Reg. 439/12, s. 3.

### **Electrical contractor licence: requirements**

- 8.** A person who applies for an electrical contractor licence shall not be issued the licence unless the applicant,
- (a) in the case of an individual, is at least 18 years old;
  - (b) is a master electrician or, if the applicant is not a master electrician, the applicant employs at least one master electrician whom the applicant has designated as having the responsibilities set out in section 6 for the carrying out of electrical work on the applicant's behalf;
  - (c) has an address for service in Ontario;
  - (d) has public liability and property damage insurance coverage of at least \$2,000,000;
  - (e) has registered with the Workplace Safety and Insurance Board, if the applicant is required to register under the *Workplace Safety and Insurance Act, 1997*;
  - (f) is not in default of filing a return with the Minister of Finance or the Canada Revenue Agency or of paying any tax, penalty or interest assessed under the Excise Tax Act (Canada), the *Retail Sales Tax Act* or the *Corporations Tax Act*, if applicable, for which payment arrangements have not been made; and
  - (g) does not owe the Authority any money for which payment arrangements have not been made. O. Reg. 570/05, s. 8; O. Reg. 221/17, s. 2.

## Application for electrical contractor licence

- 9.** An application for an electrical contractor licence shall,
- (a) be in the form established by the Authority under clause 12 (1) (a) of the *Safety and Consumer Statutes Administration Act, 1996* and be completed in full;
  - (b) be accompanied by the fee set by and payable to the Authority;
  - (c) include a certificate of insurance for public liability and property damage insurance coverage of at least \$2,000,000;
  - (d) include the applicant's employer account number issued by the Workplace Safety and Insurance Board if the applicant is required to have one. O. Reg. 570/05, s. 9.

**10., 10.1 REVOKED:** O. Reg. 221/17, s. 3.

## Master electrician licence: requirements

- 11.** An individual who applies for a master electrician licence shall not be issued the licence unless the applicant,
- (a) is at least 18 years old;
  - (b) demonstrates at least three years experience,
    - (i) practising the trade of electrician — construction and maintenance, electrician — domestic and rural or industrial electrician under a certificate of qualification in the applicable trade that is not suspended,
    - (ii) working for an electrical contractor as a licensed professional engineer registered with the Professional Engineers of Ontario,
    - (iii) working for an electrical contractor in the capacity of a certified engineering technician or a certified engineering technologist registered with the Ontario Association of Certified Engineering Technicians and Technologists, or
    - (iv) practising the trade of powerline technician under a certificate of qualification in that trade that is not suspended;
  - (c) has passed the master electrician qualifying examination within the 12-month period preceding the date of the application; and
  - (d) does not owe the Authority any money for which payment arrangements have not been made. O. Reg. 570/05, s. 11; O. Reg. 187/11, s. 3; O. Reg. 439/12, s. 4.

## Application for master electrician licence

- 12.** An application for a master electrician licence shall,
- (a) be in a form established by the Authority under clause 12 (1) (a) of the *Safety and Consumer Statutes Administration Act, 1996* and be completed in full;

- (b) be accompanied by the fee set by and payable to the Authority;
- (c) include proof that the applicant passed the master electrician qualifying examination within the 12-month period preceding the date of the application;
- (d) if the applicant practises the trade of electrician — construction and maintenance, electrician — domestic and rural, industrial electrician or powerline technician, include a copy of a certificate of qualification in the applicable trade that is not suspended and proof of at least three years experience in practising that trade;
- (e) if the applicant is a licensed professional engineer, include a copy of a valid licence issued under the Professional Engineers Act and proof of at least three years experience working for an electrical contractor as a professional engineer; and
- (f) if the applicant is a certified engineering technician or a certified engineering technologist, include a copy of a valid certificate indicating that the applicant is a certified engineering technician or a certified engineering technologist, a copy of a valid registration with the Ontario Association of Certified Engineering Technicians and Technologists and proof of at least three years experience working for an electrical contractor as a certified engineering technician or a certified engineering technologist. O. Reg. 570/05, s. 12; O. Reg. 439/12, s. 5.

## Licences

**13.** (1) An electrical contractor licence shall be in the form of a certificate that includes the following information:

1. REVOKED: O. Reg. 221/17, s. 4 (2).
2. The legal name of the business and the name under which it operates.
3. The number of the licence.
4. The date the licence takes effect and its expiry date. O. Reg. 570/05, s. 13 (1); O. Reg. 221/17, s. 4 (1-3).

(2) A master electrician licence shall be in the form of a card bearing a recent photograph of the licence holder, that includes the following information:

1. The name of the licence holder.
2. The type of certificate or licence relied upon by the licence holder to obtain the licence under this Regulation.
3. The number of the licence.
4. The date the licence takes effect and its expiry date. O. Reg. 570/05, s. 13 (2).

(3) A licence is valid throughout Ontario. O. Reg. 570/05, s. 13 (3).

(4) A licence is not transferable. O. Reg. 570/05, s. 13 (4).

(5) REVOKED: O. Reg. 221/17, s. 4 (4).

## **Contractor failure to continue to meet requirements for licence**

**14.** (1) The holder of an electrical contractor licence shall immediately cease to operate the electrical contracting business in respect of which the licence is issued if any of the requirements for obtaining the licence, as set out in section 8, or a restriction, limitation or condition of the licence that is imposed by a Director or specified in sections 17 to 24 ceases to be met during the currency of the licence. O. Reg. 221/17, s. 5 (1).

(2) Subsection (1) does not apply to the holder of an electrical contractor licence who ceases to meet the requirement to employ at least one designated master electrician, as set out in clause 8 (b) if the electrical contractor notifies the Director of the loss of the last designated master electrician within five days of the occurrence, in which case the electrical contractor may continue to operate for a period of 60 days after the occurrence. O. Reg. 570/05, s. 14 (2); O. Reg. 221/17, s. 5 (2).

(3) Despite subsection (2), if the expiry date indicated on the licence falls within the 60-day period and the electrical contractor has been unable to employ and designate a master electrician before the expiry date indicated on the licence, the licence expires on the expiry date. O. Reg. 570/05, s. 14 (3).

(4) If, within the 60-day period, the electrical contractor employs and designates a master electrician and notifies the Director of the designation, the electrical contractor may continue to operate beyond the end of the 60-day period. O. Reg. 570/05, s. 14 (4).

(5) If, within the 60-day period, the electrical contractor fails to employ and designate a master electrician, the electrical contractor shall cease to operate at the end of that period unless, at the request of the electrical contractor made at any time within the 60-day period, the Director permits the electrical contractor to continue to operate for up to 60 further days on being satisfied that,

(a) the electrical contractor has made all reasonable efforts to employ and designate a master electrician during the first 60-day period; and

(b) it is likely that the electrical contractor will be able to employ and designate a master electrician within the period of the extension. O. Reg. 570/05, s. 14 (5).

(6) If the period of operation is extended under subsection (5) and the electrical contractor fails to employ and designate a new master electrician within the extension period, the electrical contractor shall cease immediately to operate until a master electrician has again been employed and designated and the Director is notified of the designation. O. Reg. 570/05, s. 14 (6).

## **Expiry and renewal of licences**

**15.** (1) An electrical contractor licence expires on the date indicated on the licence. O. Reg. 570/05, s. 15 (1); O. Reg. 221/17, s. 6 (1).

(2) Despite subsection (1), the licence expires on the date the electrical contractor ceases to operate the business for which the licence was issued if that date is earlier than the expiry date

indicated on the licence. O. Reg. 570/05, s. 15 (2).

(3) A master electrician licence expires on the date indicated on the licence. O. Reg. 570/05, s. 15 (3).

(4) An application for the renewal of an electrical contractor licence or a master electrician licence shall be made no later than 30 days before the expiry date of the licence, shall be in the form established by the Authority and be accompanied by the fee set by and payable to the Authority. O. Reg. 570/05, s. 15 (4); O. Reg. 221/17, s. 6 (2).

(5) An applicant for the renewal of an electrical contractor licence shall meet the requirements set out in clauses 8 (b) to (g) and, for that purpose, shall provide the information and proof required by clauses 9 (c) and (d). O. Reg. 570/05, s. 15 (5); O. Reg. 221/17, s. 6 (3).

(6) REVOKED: O. Reg. 221/17, s. 6 (4).

(7) An applicant for the renewal of a master electrician licence shall meet the requirement set out in clause 11 (d) and provide a copy of a certificate of qualification in the trade of electrician — construction and maintenance, electrician — domestic and rural, industrial electrician or powerline technician under clause 12 (d), a valid licence under clause 12 (e) or a valid certificate and valid registration under clause 12 (f). O. Reg. 439/12, s. 6.

(8) If the licence holder applies for a renewal less than thirty days before the expiry date but no later than 14 days after that date, the licence holder shall submit the information or documents described in subsection (5) or (7), as applicable, and pay the renewal fee, calculated from the date of expiry of the expired licence. O. Reg. 570/05, s. 15 (8); O. Reg. 221/17, s. 6 (5).

(9) If the licence holder applies for a renewal more than 14 days but less than one year after the expiry date, the holder shall submit the information or documents described in subsection (5) or (7), as applicable, pay the renewal fee, calculated from the date of expiry of the expired licence, and the late filing fee established by the Authority. O. Reg. 570/05, s. 15 (9); O. Reg. 221/17, s. 6 (5).

(10) An application for a renewal of a master electrician licence submitted one year or more after the expiry date of the expired licence shall be treated as a new application and all requirements relating to new applications apply, including the requirement to pass the master electrician qualifying examination within the 12-month period preceding the date of the application. O. Reg. 570/05, s. 15 (10); O. Reg. 221/17, s. 6 (6).

(11) An application for a renewal of an electrical contractor licence submitted one year or more after the expiry date of the expired licence shall be treated as a new application and all requirements relating to new applications apply. O. Reg. 570/05, s. 15 (11).

(12), (13) REVOKED: O. Reg. 221/17, s. 6 (7).

## CONDITIONS OF LICENCES

### Conditions of electrical contractor licences

**16.** Sections 17 to 24 state conditions of an electrical contractor licence. O. Reg. 570/05, s. 16; O. Reg. 221/17, s. 7.

### Posting of licence

**17.** (1) An electrical contractor shall post the licence in a prominent location at the contractor's principal place of business in a manner that the public is likely to see it. O. Reg. 570/05, s. 17 (1).

(2) An electrical contractor shall post a copy of the licence in a prominent location at any other place of business at or from which the contractor carries on business. O. Reg. 570/05, s. 17 (2).

### Business name

**18.** An electrical contractor shall not carry on business in a name other than the name indicated on the licence. O. Reg. 570/05, s. 18.

### Display of licence number

**19.** An electrical contractor shall prominently display the licence number in all correspondence, contracts and advertisements, on business vehicles and, generally, in all situations where they are communicating with the public. O. Reg. 570/05, s. 19.

### Retention of application information

**20.** An electrical contractor shall retain every document provided in the application for the licence or a renewal of the licence until the expiry of the licence or renewal. O. Reg. 570/05, s. 20.

### Designations to be recorded

**21.** (1) An electrical contractor shall keep a record of all designations of master electricians, irrespective of the number of designations made. O. Reg. 570/05, s. 21 (1).

(2) The record mentioned in subsection (1) shall include the name of the designated master electrician, the date on which the designation is made, the period of time for which the designation is effective and the scope of the designation. O. Reg. 570/05, s. 21 (2).

### Notice of changes to information

**22.** An electrical contractor shall notify the Director in the form obtained from him or her of any change to the information provided in the licence application or renewal of licence application, including any change in the designated master electrician for the purpose of clause 8 (b), within five business days of the change. O. Reg. 570/05, s. 22; O. Reg. 221/17, s. 8.

### Notice of failure to meet licence requirements

**23.** An electrical contractor shall notify the Director immediately of any failure to continue to meet the requirements for the relevant type of electrical contractor licence during the currency of the licence. O. Reg. 570/05, s. 23.



### **Return of licence**

**24.** An electrical contractor shall return the electrical contractor licence to the Director within five business days of its suspension, revocation or expiry using a form of delivery that provides proof of delivery. O. Reg. 570/05, s. 24; O. Reg. 221/17, s. 9.

### **Conditions of master electrician licence**

**25.** Sections 26 to 28 state conditions of a master electrician licence. O. Reg. 570/05, s. 25.

### **Carrying of licence**

**26.** A master electrician shall carry the licence while engaged in activities requiring the licence. O. Reg. 570/05, s. 26.

### **Retention of application information**

**27.** A master electrician shall retain every document provided in the application for the licence or a renewal of the licence until the expiry of the licence or renewal. O. Reg. 570/05, s. 27.

### **Notice of changes to information**

**28.** A master electrician shall notify the Director in the form obtained from him or her of any change to the information provided in the licence application or renewal of licence application, including the fact of ceasing to act as a designated master electrician for an electrical contractor, within five business days of the change. O. Reg. 570/05, s. 28; O. Reg. 221/17, s. 10.

### **Notice of failure to meet licence requirements**

**29.** A master electrician shall notify the Director immediately of any failure to continue to meet the requirements for the licence during the currency of the licence. O. Reg. 570/05, s. 29.

### **Return of licence**

**30.** A master electrician shall return the master electrician licence to the Director by registered mail within five business days of its suspension, revocation or expiry. O. Reg. 570/05, s. 30.

**Note: On January 1, 2018, section 30 of the Regulation is revoked and the following substituted: (See: O. Reg. 221/17, s. 11)**

### **Return of licence**

**30.** A master electrician shall return the master electrician licence to the Director within five business days of its suspension, revocation or expiry, using a form of delivery that provides proof of delivery. O. Reg. 221/17, s. 11.

**31., 32. REVOKED:** O. Reg. 221/17, s. 12.

**33. OMITTED** (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 570/05, s. 33.

# APPENDIX D – LICENCE HOLDER STANDARDS OF CONDUCT



## Licence Holder Standards of Conduct

### Licensed Electrical Contractors and Master Electricians who are granted a licence are provided with a legal right to perform certain tasks related to electrical work.

In return for this right, licence holders are expected to conduct themselves in accordance with their associated legal obligations when carrying out such rights granted by their licence. Section 113.2(2) of the *Electricity Act*, 1998, R.S.O. c.15 formalizes such expectations by identifying nine categories of conduct which could result in disciplinary action against a licence holder by a Director if:

- a) The licence holder engages in one or more of the below listed categories of conduct in the course of performing tasks authorized by way of his or her licence; and
- b) The Director deems discipline to be an appropriate action under the particular circumstances involved.

More specifically, in accordance with the *Electricity Act* (s.113.2(2) (a) to (i)), **the Director may propose to take discipline action against a licence holder if the Director has reason to believe that,**

#### (a) the licence holder will not carry out the activities in accordance with the law;

A licence holder is expected to carry out all activities relating to their licence in accordance with all applicable laws, including but not limited to, the Ontario Electrical Safety Code, and the laws relating to health and safety, employment standards, consumer protection, business tax and business practices.

*Examples may include but are not limited to,*

- taking out applications for inspection (electrical permits) and requesting inspections where required by the Ontario Electrical Safety Code.
- ensuring electrical work is performed by those with a valid trade certificate of qualification or by registered apprentices.
- performing electrical installations in accordance with current Ontario Electrical Safety Code requirements.
- abiding by applicable consumer protection laws.
- only conducting electrical contracting business with a valid licence.
- obtaining any required utility and Electrical Safety Authority (“ESA”) authorization before reconnecting a consumer service.

#### (b) the licence holder will not carry out the activities safely;

A licence holder is expected to carry out all activities relating to their licence safely and in a manner that protects the health and safety of workers and the public.

*Examples may include but are not limited to,*

- working on energized equipment only when appropriate and when it does not pose a risk to safety for themselves, other workers, or the public.
- using proper personal protective equipment when performing electrical work.
- performing electrical work in accordance with the current Ontario Electrical Safety Code requirements.

#### (c) the licence holder lacks the basic resources necessary to carry out the activities;

A licence holder is expected to have the basic resources, training, experience, qualifications, and skills necessary to carry out the activities of the licence.

*Examples may include but are not limited to,*

- maintaining the essential resources, assets, supplies or possessions required to ensure that activities authorized by the licence are carried out safely and lawfully in order to protect workers and consumers.
- possessing administrative capabilities that allow the ability to consistently follow required processes for permit application.
- having the resources to provide workers with the necessary training and related materials, or required safety equipment.

#### (d) the licence holder will not conduct himself or herself with honesty and integrity or in accordance with the principle of protecting consumers;

Licence holders are expected to conduct themselves with honesty and integrity and to follow the laws and principles established for safeguarding consumers.

*Examples may include but are not limited to,*

- charging a consumer only for services actually provided.
- charging a consumer only for parts actually installed at the site.
- charging a consumer for a permit fee only when a permit was required to be taken out.
- not taking advantage of a consumer in an emergency situation and/or ensuring prices charged represent the price at which similar goods and services are readily available to like consumers.
- displaying the Electrical Contractor licence number in all correspondence, contracts and advertisements, on business vehicles and, generally, in all situations where the licence holder is communicating with the public.



## Licence Holder Standards of Conduct

### **(e) the licence holder lacks the training, experience, qualifications or skills prescribed by the regulations;**

It is expected that a licence holder has the required training, experience, qualifications and skills required to carry out the activities relating to the licence.

*Examples may include but are not limited to,*

- maintaining an appropriate working knowledge of the current rules of the Ontario Electrical Safety Code and the regulations.
- maintaining or employing someone with a valid licence (P.Eng or CET), certificate or membership (OCOT) for the trade or profession with which the Electrical Contractor or Master Electrician's licence was obtained.
- ensuring that all business activities engaged in are within the limits of the licence holder's and any employees' knowledge, experience, skill-level and qualifications.

### **(f) the licence holder failed to comply with or to meet a requirement of this Part (Electricity Act), the regulations or an order of the Authority (Electrical Safety Authority);**

Licence holders are expected to comply with all legal obligations for holding a licence.

*Examples may include but are not limited to,*

- actively employing a Designated Master Electrician as required.
- ensuring liability insurance and WSIB is maintained.
- carrying out responsibilities of an Electrical Contractor or Designated Master Electrician as defined in Regulation 570/05.
- cooperating with an inspection or investigation.

### **(g) the licence holder failed to comply with a restriction, limitation or condition of the authorization (licence);**

Licence holders are expected to ensure that all licence stipulations are maintained and adhered to.

*Examples may include but are not limited to,*

- ensuring that all activities engaged in under the licence are within the scope of any restriction, limitation or condition placed on the licence.
- only undertaking electrical work for which the licence is limited to.
- meeting a condition of the licence within the prescribed timeframe.
- only engaging in activities that the licence is restricted to.

### **(h) the licence holder obtained the authorization (licence) through misrepresentation or fraud; or**

Licence holders are expected to provide accurate and factual information and documentation on the licence application and renewal forms.

*Examples may include but are not limited to,*

- submitting truthful information on a licence or renewal application.
- providing factual and unaltered documentation or certifications with a licence or renewal application.
- truthfully attesting that a designated Master Electrician is actively employed by the Licensed Electrical Contractor.

### **(i) the licence holder permitted an unauthorized person to carry out the activities.**

A licence holder is not permitted to allow an unauthorized person to carry out activities that requires a licence. A licence holder is expected to ensure that they use only qualified persons or business to carry out electrical work on their behalf.

*Examples may include but are not limited to,*

- only taking out an application for inspection (electrical permit) for licensed persons or businesses in order for them to undertake electrical work.
- subcontracting electrical work only to licensed contractors.
- ensuring that employees/workers undertaking electrical work on behalf of the licence holder are qualified to carry out the electrical work and not substituting unqualified labourers in place of certified trade employees.

For further information on licence holder roles and responsibilities refer to the *"Guideline to the Duties and Responsibilities of Licensed Electrical Contractors and Designated Master Electricians"*.

This document has been prepared as a guideline only to assist Licensed Electrical Contractors, Designated Master Electricians, and prospective licence applicants with understanding their roles and responsibilities under Part VIII of the Electricity Act and the licensing regulation, Ontario Regulation 570/05. This document, provided by the Electrical Safety Authority (ESA), is intended for professional education and may be used for informational, non-commercial purposes only. Although the information and materials are carefully prepared and are believed to be reliable and accurate, the ESA does not accept any legal responsibility for the contents herein or for any consequences, including direct or indirect liability, arising from reliance on the information or use thereof. ESA does not provide any legal advice and users of the document should consult with their own lawyer for legal advice before relying on this document. The guidelines contained herein do not have the force of law. Where there is a conflict between information in this document and any legislation or regulation which may apply, the relevant law prevails. This document may be revised at any time without prior notice.



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