



Licensed to Bill: Sub-Metering in Condominiums

By Jason Rivait December 15, 2011

The famous Thomas Edison once said “I shall make electricity so cheap that only the rich can afford to burn candles”. While we are still very far away from seeing Mr. Edison’s statement come to fruition, the provincial government has introduced legislation that purports to enhance consumer protection and energy conservation through a new regulatory framework that, in part, governs electricity retailers and condominium corporations. In particular, the [Energy Consumer Protection Act, 2010](#) (the “Act”) and [Ontario Regulation 389/10](#) made thereunder came into force on January 1, 2011.



The Act requires that all newly constructed condominium buildings have suite meters (otherwise known as sub-meters) installed for all the units in the condominium prior to the units being occupied.

In addition, the Act permits existing condominium corporations to enter into agreements with service providers to install suite meters for all the units in the condominium despite any declaration provision to the contrary. Existing condominium corporations should be open and transparent with the owners of a condominium corporation prior to entering into suite metering agreements even though the Act gives the Board of Directors the authority to enter into these types of agreements without the approval of owners. In particular, condominium corporations should let the owners know that they will be required to pay administrative fees relating to the suite metering (in addition to the fees for electricity consumption).

Condominium corporations should be aware that the authority to enter into suite metering agreements does not equate to the authority to read suite meters and invoice owners for the consumption or use of electricity. The [Ontario Energy Board Act, 1998](#), the [Electricity Act, 1998](#) and the Act (collectively the “Suite Metering Acts”) govern the administration of suite metering and suite metering services. The Suite Metering Acts provide that only licensed service providers can bill and collect payment from owners of a condominium corporation for the consumption or use of electricity. As a result, board members, property managers and any other employees of a condominium corporation should not be reading suite meters and invoicing the owners of a condominium corporation for the consumption or use of electricity.

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