



EB-2012-0283

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, (Schedule B) (the “Act”);

AND IN THE MATTER OF a Notice of Intention to Make an
Order for Compliance and an Administrative Penalty against
Onit Energy Ltd., Licence Number ER-2008-0008.

ORDER

WHEREAS, pursuant to sections 112.2, 112.3 and 112.5 of the Act, the Board issued a Notice of Intention to Make an Order for Compliance and the payment of an Administrative Penalty (the “Notice”) against Onit Energy Ltd. (“Onit”) on July 10, 2012;

AND WHEREAS, Onit was informed that it had fifteen days after receiving the Notice to give notice to the Board requiring the Board to hold a hearing and Onit did not request a hearing;

AND WHEREAS, the Notice provided that the Board intends to make an Order under sections 112.3 and 112.5 of the Act requiring Onit to comply with a number of enforceable provisions as defined in section 3 of the Act and to pay an administrative penalty in the amount of \$20,000 for breaches of enforceable provisions.

AND WHEREAS, Onit has agreed to pay the penalty in the amount of \$20,000.

THE BOARD HEREBY FINDS that Onit has contravened:

1. Section 12 of the *Energy Consumer Protection Act, 2010* (the “ECPA”) ;
2. Sections 7(1)(2), 7(1)(8), 7(1)(9), 7(1)(10), 7(1)(11), 7(1)(12) and 7(1)(13) of Ontario Regulation 389/10;

3. Section 3 of Ontario Regulation 90/99; and
4. Section 6.1 of the Electricity Retailer Code of Conduct.

NOW THEREFORE THE BOARD ORDERS THAT:

1. Pursuant to section 112.3 of the Act and being satisfied that Onit has contravened a number of enforceable provisions as defined in section 3 of the Act, Onit shall:
 - a. In respect of the contraventions listed as numbers 1 through 7 in the Notice, immediately amend its standard form electricity contract:
 - i. to state the licence number of Onit Energy Ltd.; in accordance with section 12 of the ECPA and section 7(1)(2) of Ontario Regulation 389/10.
 - ii. to state that the consumer has the right under the Act to cancel the contract without cost or penalty up to 10 days after the consumer acknowledges receipt or is deemed to acknowledge receipt of a text-based copy of the contract; in accordance with section 12 of the ECPA and section 7(1)(8) of Ontario Regulation 389/10.
 - iii. to state that if the consumer cancels the contract within that 10-day period, the consumer is entitled to a full refund of all amounts paid under the contract; in accordance with section 12 of the ECPA and section 7(1)(9) of Ontario Regulation 389/10.
 - iv. to contain a statement that the consumer may cancel the contract without cost or penalty up to 30 days after receiving the first bill under the contract; in accordance with section 12 of the ECPA and section 7(1)(10) of Ontario Regulation 389/10.
 - v. to contain a statement that “nothing in the contract negates or varies the consumer’s rights to cancel the contract under and in accordance with the Act and this Part”; in accordance with section 12 of the ECPA and section 7(1)(11) of Ontario Regulation 389/10.
 - vi. to state that if the consumer permanently moves out of the premises to which the electricity is provided under the contract, the consumer may, without cost or penalty, cancel the contract; in accordance with section 12 of the ECPA and section 7(1)(12) of Ontario Regulation 389/10.

- vii. to include the applicable conditions/rights under section 21(a), (b), and (e) of Ontario Regulation 389/10; in accordance with section 12 of the ECPA and section 7(1)(13) of Ontario Regulation 389/10.
2. Pursuant to section 112.5 of the Act and being satisfied that Onit has contravened enforceable provisions of the Act, Onit shall forthwith pay an administrative penalty in the amount of \$20,000 by certified cheque payable to the Ontario Energy Board.

ISSUED at Toronto, July 31, 2012
ONTARIO ENERGY BOARD

Original signed by

Rosemarie T. Leclair
Chair and CEO