



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

BY EMAIL AND WEB POSTING

May 1, 2025

**To: All Licensed Unit Sub-Meter Providers
All Other Participants in EB-2023-0345
All Other Interested Parties**

**Re: Notice of Hearing for Cost Awards
Review of Consumer Protection Framework for Customers of Unit Sub-Meter Providers (USMPs)
OEB File No.: EB-2023-0345**

Background

On December 18, 2023, the OEB initiated a review of the consumer protection framework for customers of USMPs (Review). The Review was undertaken in response to recommendations contained in the Office of the Auditor General of Ontario's 2022 Value-for-Money Audit report entitled [Ontario Energy Board: Electricity Sector Regulatory Oversight and Consumer Protection](#). In a [letter](#) issued April 8, 2024, the OEB invited stakeholders to a meeting with OEB staff for the purpose of discussing the framework and deemed the following parties to be eligible for an award of costs (collectively referred to as eligible participants):

- Advocacy Centre for Tenants Ontario;
- Building Owners and Managers Association of the Greater Toronto Area;
- Consumers Council of Canada;
- Federation of Rental-housing Providers of Ontario;
- Greater Toronto Apartment Association;
- London Property Management Association;
- Ontario Aboriginal Housing Services; and
- Vulnerable Energy Consumers Coalition.

On December 5, 2024, the OEB issued a [Notice of Proposal to Amend the Unit Sub-Metering Code](#) (December Notice) for comment that included proposed amendments to the Unit Sub-Metering Code (USM Code). In conjunction with the December Notice, the OEB also issued an OEB report entitled [Review of Consumer Protection Framework for Customers of Unit Sub-Meter Providers](#).

In Appendix B of the December Notice, the OEB indicated that any participant previously found eligible for an award of costs, as set out in the OEB's April 8th letter, would also be eligible for an award of costs in relation to comments on the proposed USM Code amendments and need not reapply. The OEB also provided an opportunity for any party that was not previously deemed eligible for costs to file a written submission with the OEB identifying the nature of their interest in this process and the grounds on which they are eligible for cost awards. No new parties submitted a request to be eligible for costs. On March 17, 2025, the OEB issued its final [Notice of Amendments to the Unit Sub-Metering Code](#).

In its April 8th letter, the OEB indicated that cost awards will be available under section 30 of the *Ontario Energy Board Act, 1998*, in relation to participation in one of the stakeholder meetings up to a maximum of eight hours for one representative per organization, for preparation and participation in the meeting. The OEB also indicated that employees of an eligible participant are not eligible for cost awards. Furthermore, the OEB indicated that costs awarded will be recovered from all licensed USMPs based on customer numbers. In the December Notice, the OEB indicated that cost awards will be available in relation to providing comments on the proposed amendments to a maximum of eight hours.

Notice of Hearing

The OEB is initiating a hearing on its own motion to determine the cost awards to eligible participants for participating in one of the stakeholder meetings held in May 2024 and for providing written comments on the December Notice.

The decision on costs will be made by an employee of the OEB with delegated authority under section 6 of the *Ontario Energy Board Act, 1998*. The hearing will follow the process set out below.

1. An eligible participant seeking a cost award shall submit its cost claim by **May 15, 2025**. The cost claim must be filed with the OEB and one copy is to be served on each licensed USMP. The cost claim must be completed in accordance with section 10 of the OEB's [Practice Direction on Cost Awards](#).

2. Licensed USMPs will have until **May 26, 2025** to object to any aspect of the costs claimed. The objection must be filed with the OEB and one copy must be served on the eligible participant against whose claim the objection is being made.
3. The eligible participant whose cost claim was objected to will have until **June 5, 2025** to file its reply submission, if any, with the OEB, with a copy of the reply submission to be served on the objecting party.
4. The OEB will then issue its decision on cost awards.

The OEB will use the process set out in section 12 of the Practice Direction on Cost Awards to implement the payment of the cost awards. The OEB will therefore act as a clearing house for all payments of cost awards in this process.

How to File Materials

Stakeholders are responsible for ensuring that any documents they file with the OEB **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number **EB-2023-0345** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Stakeholders are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are now filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the Practice Direction on Cost Awards.

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include USMPreview@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

ONTARIO ENERGY BOARD

Brian Hewson
Vice President, Consumer Protection & Industry Performance