



ORDER NUMBER
G-228-22

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

APT Utility Corp.
Status as a Public Utility

BEFORE:

B. A. Magnan, Panel Chair
E. B. Lockhart, Commissioner
A. Pape-Salmon, Commissioner

on August 16, 2022

ORDER

WHEREAS:

- A. By email on September 9, 2021, a complaint was filed with the British Columbia Utilities Commission (BCUC) concerning, amongst other things, electricity charges offered by APT Utility Corp. (APT) at Holly Lodge (HL) in Vancouver and whether APT had been approved to resell electricity (Complaint);
- B. HL is an apartment rental building containing 83 units, located at 1210 Jervis Street, Vancouver, British Columbia (BC) owned by Pacific Investment Corporation Limited (PIC);
- C. PIC leases most of the HL apartments on a unit by unit basis to Vancouver Apartment Rentals Ltd. (VAR) and VAR subleases these apartments to residents in the building;
- D. APT was established by a director of PIC in March 2021 and is owned by PIC;
- E. According to the complainant, HL tenants who are renewing their leases and new tenants entering a lease for HL are required to register with APT for their utilities and APT bills the tenants for the cost of the electricity and gas, and delivery charges for each item;
- F. On November 3, 2021, APT filed its response to the Complaint submitting that its customers comprise certain tenants at HL. APT states that BC Hydro and FortisBC Energy Inc. (FEI) supply electricity and gas to HL and that APT then bills these charges to its customers along with delivery and administrative costs. APT submits it does not have a resale agreement with either BC Hydro or FEI;

G. Section 1 of the *Utilities Commission Act* defines a public utility, in part, as:

A person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for the (a) production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation; and

H. On January 21, 2022, by Order G-16-22, the BCUC suspended the Complaint pending the outcome of a proceeding to determine if APT is a public utility.

NOW THEREFORE the BCUC orders as follows:

1. A hearing to review the status of APT as a public utility is established in accordance with the regulatory timetable attached as Appendix A to this order.
2. APT is directed to provide, by Thursday, August 25, 2022, a copy of this order and the public notice attached as Appendix B to this order, by email and in printed form, to the residents of Holly Lodge, the Residential Tenancy Branch, and all other APT customers.
3. APT is directed to post, by Thursday, August 25, 2022, a copy of the public notice, in clearly visible locations in the Holly Lodge building including the lobby, stairwell(s) and elevator(s).
4. APT is directed to provide to the BCUC, by Monday, August 29, 2022, a list of all parties notified of the proceeding, as directed in Directive 2 of this order.
5. Stakeholders are invited to submit letters of comment relating to APT's service or status as a public utility. Letters of comment must be received by the BCUC by the deadline date included in the proceeding's regulatory timetable, unless the BCUC directs otherwise. Letters of comment must be in the Letter of Comment Form available on the BCUC's website at <https://www.bcuc.com/Forms/LetterOfComment>, and submitted by email to commission.secretary@bcuc.com.

DATED at the City of Vancouver, in the Province of British Columbia, this 16th day of August, 2022.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner

Attachment

APT Utility Corp.
Status as a Public Utility

REGULATORY TIMETABLE

Action	Date
APT to provide Public Notice	Thursday, August 25
BCUC Information Request No.1 to APT	Thursday, August 25
APT to provide a list of all parties notified	Monday, August 29
APT response to Information Request No.1	Thursday, September 8
Deadline to submit Letters of Comment	Thursday, September 15
APT response to Letters of Comment	Thursday, September 22
Further process	To be determined



We want to hear from you

Investigation into APT Utility Corp's Status as a Public Utility

The British Columbia Utilities Commission (BCUC) has launched an investigation into APT Utility Corp's (APT) status as a public utility. APT was established by the owner of the Holly Lodge building in Vancouver, BC, to provide electricity and gas utilities to some tenants in Holly Lodge.

In September 2021, the BCUC received a complaint from an APT customer about APT's billing practices and other matters. Following its review of the complaint as well as response submissions from APT, the BCUC initiated an open and transparent public hearing to determine whether APT is operating as a public utility.

HOW TO PARTICIPATE

- **Submit a letter of comment**
- **Register as an interested party**




IMPORTANT DATES

1. **Thursday, September 15, 2022** – Deadline to submit a Letter of Comment with the BCUC




For more information about the Application, please visit the [Proceeding Webpage](#) on bcuc.com under "Our Work – Proceedings". To learn more about getting involved, please visit our website at www.bcuc.com/get-involved or contact us at the information below.

GET MORE INFORMATION

APT Utility Corp

-  645 Bute Street
Vancouver, BC V6E 3M2
-  E: info@aptutility.ca
-  P: n/a

British Columbia Utilities Commission

-  Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
-  E: Commission.Secretary@bcuc.com
-  P: 604.660.4700