



**ORDER NUMBER  
G-76-23**

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 April 4, 2023

**ORDER**

**WHEREAS:**

- A. 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 in Vancouver and whether APT had been approved to resell electricity (Complaint);
- B. 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;
- C. On August 16, 2022, by Order G-228-22, the BCUC established a regulatory timetable to conduct the review of APT's status as a public utility (Proceeding). The timetable included, among other things, BCUC information requests to APT and a letter of comment deadline;
- D. On September 22, 2022, the Residential Tenancy Branch (RTB) filed a letter of comment with the BCUC noting an ongoing RTB investigation into Holly Lodge and stating that final determination as to whether APT is a "landlord" as defined in the *Residential Tenancy Act* had not been made;
- E. On January 26, 2023, by Order G-23-23, the BCUC established a further regulatory timetable for the Proceeding, including establishing a deadline for APT to file a final submission;
- F. On February 7, 2023, APT filed its final submission; and
- G. The Panel considers that adjourning the Proceeding pending the outcome of the RTB investigation into Holly Lodge and a final determination by the RTB with respect to APT's status as a landlord or whether its actions contravene the *Residential Tenancy Act* would support regulatory efficiency.

**NOW THEREFORE** the BCUC orders that the Proceeding is adjourned until the earlier of (i) a final determination by the RTB regarding APT's status as a landlord, or (ii) April 1, 2024.

**DATED** at the City of Vancouver, in the Province of British Columbia, this                    4<sup>th</sup>                    day of April 2023.

BY ORDER

*Original signed by:*

B. A. Magnan  
Commissioner