



ORDER NUMBER
G-24-24

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

on January 25, 2024

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);
- 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 (RTB Investigation) 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 February 7, 2023, APT filed a final submission in the Proceeding;
- F. On April 4, 2023 by Order G-76-23, the BCUC adjourned the Proceeding until the earlier of (i) a final determination by the RTB regarding APT's status as a landlord, or (ii) April 1, 2024;
- G. On January 10, 2024, by letter, the BCUC requested an update from APT on the outcome of the RTB Investigation. The update was to include, at a minimum, the following information: (i) the outcome(s) of the RTB Investigation; (ii) a detailed explanation of the RTB's determination as to whether APT meets the definition of "landlord" under the Residential Tenancy Act; and (iii) a copy of any reports, letters, or other written documentation from the RTB detailing the outcome(s) of the RTB Investigation (Update Request);

- H. On January 23, 2024, by letter, APT responded to the Update Request, enclosing a copy of a September 22, 2023 letter from the RTB to Farris LLP (Investigation Outcome Letter);
- I. The BCUC has reviewed the Investigation Outcome Letter and (i) accepts it into the evidentiary record and (ii) determines that it is appropriate to resume the Proceeding.

NOW THEREFORE the BCUC orders that the review of APT's status as a public utility proceeding is resumed and a further regulatory timetable is established as set out in Appendix A to this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of January 2024.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner

Attachment

APT Utility Corp.
Status as a Public Utility

REGULATORY TIMETABLE

Action	Date (2024)
Deadline to submit Letters of Comment regarding the Investigation Outcome Letter	Thursday, February 8
APT reply submission (if any)	Thursday, February 15