



ORDER NUMBER

G-16-22

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

APT Utility Corp
Complaint filed by W.H.

BEFORE:

B. A. Magnan, Commissioner

January 21, 2022

ORDER

WHEREAS:

- A. On September 9, 2021, W.H. filed a complaint regarding electricity and gas charges billed by APT Utility Corp (APT) (Complaint);
- B. In the Complaint, W.H. stated he was resident at Holly Lodge (HL), an apartment rental building with 84 units, located at 1210 Jervis St., Vancouver, BC. HL is owned by Pacific Investments Corporation (PIC) and leased to Vancouver Apartment Rentals Ltd. (VAR). The director of PIC formed APT in March 2021;
- C. According to W.H., HL tenants who are renewing their leases and new tenants entering a lease for HL were required to register with APT for their utilities. APT would then bill the registered tenants for utilities;
- D. Further, W.H. stated that APT would bill the tenants based on the size of their suite, and the bill includes the cost of the electricity and gas, and delivery charges for each item;
- E. On November 3, 2021, APT filed its response to the Complaint submitting that its customers comprised of certain tenants at HL. Further, APT stated that BC Hydro and FortisBC Energy Inc. (FEI) supplied electricity and gas to HL, respectively, and that APT then billed these charges to its customers along with delivery and administrative costs. APT submitted it did not have a resale agreement with either BC Hydro or FEI;
- F. Further, APT stated the delivery charges billed to its customers were to offset sixty percent of the property taxes for HL. APT stated that as HL is a rent-controlled building, PIC has been unable to recover these expenses from rent; and
- G. The BCUC has reviewed the Complaint and considers further process is warranted.

NOW THEREFORE, pursuant to section 83 of the UCA, the BCUC orders as follows:

1. The BCUC initiates a proceeding to determine if APT is a public utility.
2. The Complaint is suspended pending the outcome of the proceeding to determine if APT is a public utility.

DATED at the City of Vancouver, in the Province of British Columbia, this 21st day of January 2022.

BY ORDER

Original signed by:

B. A. Magnan
Commissioner