



The bi-monthly bulletin of the Low-Income Energy Network (LIEN)

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- **LIEN victory at Divisional Court - but low-income consumers still face fight for affordable energy rates**

The Ontario Energy Board (OEB) issued a decision on April 26, 2007 that it did not have the jurisdiction to consider and implement rate affordability programs for low-income consumers. The matter came before the OEB as a result of LIEN's intervention in the Enbridge Gas Distribution 2007 Rates proceeding and the submission of LIEN's proposal for an **Ontario Home Energy Affordability Program** for low-income consumers.

LIEN appealed this decision to Divisional Court and won. While the Court ruled on May 16, 2008 that "the Board has the jurisdiction to establish a rate affordability assistance program for low-income consumers", they did not also determine that the Board *must* exercise their discretion to set affordable rates. LIEN wants the OEB to hold a generic hearing to establish a low-income rate assistance program.

- **Register now for June 10<sup>th</sup> LIEN annual conference**

LIEN's annual conference will take place on Tuesday, June 10<sup>th</sup> in Toronto at Oakham House, Ryerson University. There is no charge to attend the conference and the agenda will be very useful for connecting income security, energy poverty, and energy sustainability issues. For more information, including registration and the agenda, please go to the LIEN website.

- **Workshop: low-income tenants taking the lead to conserve energy**

On June 11, 2008, the day after the LIEN annual conference, LIEN and Toronto Environmental Alliance (TEA), a steering committee member, will hold a regional workshop in Toronto on how people can organize a low-income tenant-led energy conservation program in their community. The workshop, entitled Low-Income Tenants' Step-by-Step Guide to Energy Savings and Neighbourhood Action, will look at the lessons learned from past tenant-led programs in Toronto and develop ways to engage tenants in energy conservation at both the household and community level. For more information and to register, please go to the LIEN or TEA website.

- **Ontario's Chief Energy Conservation Officer examines smart sub-metering in multi-residential rental sector**

On May 8, 2008, LIEN met with Ontario's Chief Energy Conservation Officer Peter Love who is examining smart sub-metering in the multi-residential rental sector as he prepares recommendations for promoting electricity conservation in his fall annual report. LIEN shared its concerns about the potential negative impact of smart sub-metering, combined with time-of-use rates, on low-income tenants, especially those who are at home during the day and have little choice but to consume energy during peak use hours when rates are highest, for example, seniors, unemployed persons, single parents with young children, and people with disabilities.

We pointed out that smart sub-metering may result in lost conservation opportunities if there are no financial incentives or requirements on landlords to improve and maintain the energy efficiency of individual rental

units when tenants take on the costs of electricity service directly and separately from their monthly rent. In addition, there is little clarity or guidance in existing legislation for calculating fair rent reductions when payment for in-suite electricity service is taken on by tenants. Housing affordability may be eroded as tenants end up paying more for their housing costs (monthly rent and monthly electricity bill) after smart sub-metering.

- **LIEN on-the-road - raising public awareness in Eastern Ontario**

As part of its mission to increase awareness of low-income energy issues, LIEN regularly makes presentations in communities, and to organizations, across Ontario. Through this outreach, direct service providers, community organizations and community legal clinics are better equipped to help low-income people who are having trouble paying their energy bills, and to join in advocacy for a comprehensive, long-term, environmentally sustainable strategy to address energy poverty.

On May 23, 2008, LIEN's "*Closing the energy affordability gap: a comprehensive approach to reducing energy poverty in Ontario*" presentation was made at the Eastern Region community legal clinics' Spring training in Picton. The presentation reviewed what assistance is currently available to help low-income people stay warm and conserve energy. We highlighted the policy gaps and discussed LIEN's advocacy work for a comprehensive strategy to ensure low-income people have affordable access to energy, as well as access to conservation programs. We also discussed the impact of smart sub-metering on housing affordability for tenants across Ontario.

- **Affordability of utilities on agenda at energy regulators' national conference**

LIEN was invited to attend the 2008 annual conference of the Canadian Association of Members of Public Utility Tribunals (CAMPUT) held from April 20 to 23 in Banff, Alberta where the affordability of utilities was discussed on a variety of panels including representatives of energy regulators around the country. Staff from ACTO, who co-represented LIEN in its appeal of the OEB decision not to inquire into the affordability of rates, was invited to speak to participants at the Canadian Energy Law Forum in Lake Louise after the CAMPUT conference, and debated the developments in law. The Divisional Court decision was not released at the time, but participants at the forum were very interested in the outcome. Now that the Divisional Court has made its decision that the OEB does have the jurisdiction to set affordable rates for residential energy consumers, other low-income energy consumer advocates in provinces like Nova Scotia and B.C. are encouraged in their own litigation on this front.

*LIEN Currents* is issued bi-monthly by the Low-Income Energy Network for members and others interested in solutions to energy poverty in Ontario. For more information, contact the LIEN Coordinator at [bhanjiz@lao.on.ca](mailto:bhanjiz@lao.on.ca) or 416-597-5855 ext. 5167 or toll-free at 1-866-245-4182 ext. 5167. You can also visit our website at [www.lowincomeenergy.ca](http://www.lowincomeenergy.ca)

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