



<b>Fuels Safety Program</b>	Ref. No.: FS – 122 - 08	Rev. No.:
<b>ADVISORY</b>	Date: March 6, 2008	Date:

**Subject:** Use of Existing Unapproved Equipment (Commercial / Industrial) \*  
**Sent to:** Posted on TSSA Web-Site

All equipment covered under Ontario Regulation 212/01 – “Gaseous Fuels”, Ontario Regulation 211-01 – “Propane Storage and Handling” or Ontario Regulation 213-01 – “Fuel Oil” shall be approved. These regulations state: “No person shall offer for sale, sell, lease, rent or install an appliance, equipment or thing unless it is approved or will be approved prior to being put into use.

The Technical Standards and Safety Authority (TSSA) recognizes that there may be existing equipment operating in Ontario which may not have the appropriate approval. In an effort to enforce the regulations, promote safety and recognizing the need for companies to continue with their daily business, TSSA will consider variances which will allow companies to operate their unapproved equipment until the appropriate approval is obtained. Normally, this approval is a TSSA Field Approval. For further information on the field approval program, click on the attached link: [www.tssa.org/regulated/fuels/fuelsField.asp](http://www.tssa.org/regulated/fuels/fuelsField.asp).

Any certificate holder that finds an unacceptable condition, such as unapproved equipment, and does not consider it to pose immediate hazard, shall promptly notify the user, in writing, describing the condition and indicate in the notice that the distributor will shut off the supply of gas to the appliance if the unacceptable condition has not been corrected within the period of time specified in the notice. This time shall not be greater than 90 days. In this case, if the equipment cannot be approved within the time specified, the user may apply for a variance to allow the continued operation of the equipment. Please note, if the certificate holder believes the condition of the equipment poses an immediate hazard, the fuel supply shall be terminated immediately.

To apply for a variance to operate unapproved equipment, submit a completed variance application form along with the required deposit. Only the owner of the equipment or an employee of the facility where the equipment is located shall apply for the variance. The application form shall reference one of the following.

For Gaseous Fuels – CSA-B149.1-05, Section 4.2.1, and or  
Ontario Installation Code For Oil Burning Equipment – 1<sup>st</sup> Edition 2006, Section 3.1.1.

Along with the application form, a brief description of the equipment, an estimate how long it has been operating and any technical specifications available shall be included. Once received, a site visit by TSSA will be conducted in order to obtain a better understanding of the equipment and its installation. Any item(s) determined to be an immediate hazard shall be corrected immediately. Further documentation may be requested at the time of this visit. Following this visit, the variance application will be presented to the variance committee for review and consideration.

Approved variances will contain the following minimum conditions:

- A schedule which provides a timeline for the unapproved equipment to get the appropriate approval.
- The unapproved equipment shall be re-inspected by an appropriate TSSA licensed certificate holder in the presence of a TSSA inspector. Typically this is required within two weeks of the variance acceptance. This inspection is to ensure the equipment is in safe operating condition and it does not present an immediate hazard. The functionality and safety controls will be checked. Any item determined to be an immediate hazard shall be corrected immediately.
- The unapproved equipment shall be re-inspected by an appropriate TSSA licensed certificate holder at least once every 90 days, to confirm it remains in a safe working condition and does not present an immediate hazard. The inspection report shall be forwarded to TSSA within 10 days of the inspection. At a minimum the report shall state that all limits and operating controls have been checked and are working satisfactory and the equipment does not pose any immediate safety concerns.

\* For Mobile Food Service Equipment, see advisory FS-056-06.