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May 27, 2020  
File: SR 2833752

VIA EMAIL

JENNIFER KELLEY  
KILALLY 24-7 INC.  
2085 SHIRLEY DR SUITE 201  
KITCHENER ON N2B 3X4  
[jkelly@kingsleyca.com](mailto:jkelly@kingsleyca.com)

Dear JENNIFER KELLEY,

**Re: Application for a Variance from Clause 2.4.2.1 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 1255 KILALLY RD LONDON**

You have requested permission to leave an unused double-wall FRP underground tank in the ground until construction of the gas station can be completed, hopefully by December 31, 2020.

The tank was installed in June 2017, but the facility was never opened and the tank was never commissioned since the construction of the site (i.e. the C-store) is not complete. The underground tank has never contained fuel and you have indicated that you have been maintaining the site in accordance with the temporary disuse requirements in clause 2.4.1.2 of the Liquid Fuels Handling Code.

Your variance application dated April 15, 2020, has been approved. Prior to commissioning the tank, you shall

- ensure that all monitoring systems, inventory control systems, spill containment devices, and overfill protection devices operate in accordance with the manufacturer's instructions and this Code;
- conduct a precision leak test on the tank and associated piping to ensure that they are not leaking before returning the system to service; and
- ensure that the vent is free of obstruction.

**Please be advised that this variance will not take effect until 15 days from the date of posting the decision on the environmental registry. This decision of the Director is subject to a right of appeal, under the Environmental Bill of Rights, if such an appeal is filed within 15 days from date of posting. In the event an appeal is filed, this decision of the director may be subsequently stayed, disallowed or significantly altered. Notice of an appeal will be placed on the Environmental Bill of Rights registry.**

This variance is allowed under the authority of subsection 36.(3)(c) of the *Technical Standards and Safety Act, 2000*, (the "Act") and subject to such conditions as may be specified herein, being that:

- Non-conformity with the conditions specified shall thereby cause the allowed variance to become null and void;
- The applicant accepts full responsibility for any and all damages resulting from the use of the thing to which the variance applies. The applicant further accepts full responsibility for any impacts to the health and safety of any person in consequence of the allowance of the variance or of non-conformity with the conditions specified. The Technical Standards and Safety Authority

accepts no responsibility for any such damages or impacts;

- In the event of any claims against the Technical Standards and Safety Authority arising from allowance of the variance or non-conformity with the conditions specified, the applicant agrees to indemnify the Technical Standards and Safety Authority and agrees to hold it harmless from such claims and attendant costs;
- The variance process is subject to public access under the TSSA Access and Privacy Code (available upon request). The fact that a variance has been granted, and information about any public conditions, such as a requirement to post a sign, may be released on request. Subject to law and the TSSA Access and Privacy Code, proprietary information will not be subject to release;
- The applicant shall pay the fee associated with the review of the variance; and
- A copy of the variance letter shall always be kept readily available and permanently legible in the vicinity of the appliance/equipment.

This variance only relates to the Act and regulations made thereunder and does not exempt you from compliance with other applicable regulatory requirements. The installation will be subject to an inspection to ensure compliance with the terms of the variance. Please contact Charlie Landriault at 519.871.5827 to arrange for the inspection.

Should you have any questions or require further assistance, please contact Ann-Marie Barker at 416.734.3354 or by e-mail at [abarker@tssa.org](mailto:abarker@tssa.org). When contacting TSSA regarding this file, please refer to the Service Request number provided above.

Yours truly,



John R. Marshall  
Director, Fuels Safety Program

c. Charlie Landriault, TSSA, [clandriault@tssa.org](mailto:clandriault@tssa.org)