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October 7, 2020
File: SR 2913614

CHRIS GUY
GUY FUELS & PROPANE INC
12041 DAWLEY DR BOX 347
WINCHESTER ON K0C 2K0
chrisguy@guyfuels.com

Dear CHRIS GUY,

Re: Application for a Variance from Clause 5.4.2 of the Liquid Fuels Handling Code, Technical Standards & Safety Act R.S.O. 2000 for 12041 DAWLEY DR WINCHESTER

Guy Fuels has requested permission to operate its cardlock with the gasoline and diesel dispensers in their current location. The gasoline and diesel dispensers are less than six metres apart and are not interlocked as is required by clause 5.4.2. of the Liquid Fuels Handling Code (LFHC). This clause is intended to prevent gasoline vapours being ignited by a running diesel engine.

To provide equivalent safety, Guy Fuels requires its cardlock customers to turn off their engines when fueling (similar to a self-serve gas station); Guy Fuels has signs posted to that effect, and the requirement is documented in an agreement that customers must sign.

This cardlock (which operates 24/7) is located on the same site as the Guy Fuels office; staff are on site between 6:30 a.m. and 4:30 p.m., when the bulk of the business occurs (outside of office hours, it is unlikely that more than one vehicle would fuel at the cardlock at the same time). Since the cardlock began operating in 2003, there have been no incidents or near-misses at Guy Fuels.

Your variance application dated August 21, 2020, to has been approved.

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 David Barclay at 613-808-2727 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. 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. David Barclay, TSSA, dbarclay@tssa.org