



Fuels Safety Program	Ref. No.: FS-122-08	Rev. No. 3
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Subject: Use of Existing Unapproved Equipment (Commercial/Industrial)

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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 there may be existing equipment operating in Ontario that may not have the appropriate approval. To be considered “existing equipment”, the equipment must have been operating *in situ* for a considerable period of time.

In an effort to enforce the regulations, promote safety and recognize the need for companies to continue with their daily business, TSSA will consider variances that will allow companies to operate their unapproved existing equipment until the appropriate approval is obtained from TSSA.

Any certificate holder that finds an unacceptable condition, such as unapproved equipment, and does not consider it to pose an 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 the case of existing equipment, if the equipment cannot be approved within the specified time, the user may apply for a variance to allow the continued operation of the equipment. Please note that 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 existing equipment, submit a completed variance application form along with the required deposit.

Along with the application form, a brief description of the equipment, an estimate of how long it has been operating and any technical specifications available shall be included. Once received, a site visit by TSSA will be conducted 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 that 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 issuance of the variance letter. This inspection is to ensure the equipment is in safe operating condition and 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 every 180 days or as ordered by a TSSA manager or director, to confirm it remains in a safe working condition and does not present an immediate hazard. The inspection report shall be kept available for TSSA Audit. At a minimum, the report shall state that all limits and operating controls have been checked and are working satisfactorily and the equipment does not pose any immediate

safety concerns.

- For Mobile Food Service Equipment, see advisory FS-056-06 R1.

Normally, this approval is a TSSA Field Approval. For further information on the field approval program, click on the attached link:

[Field Approval Program | TSSA](#)

NOTE: This advisory does not apply to newly installed unapproved appliances. Unapproved appliances can not be activated for operation until they have been approved and inspected by TSSA.

