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Loi de 2000 sur les normes techniques et la sécurité

ONTARIO REGULATION 211/01
PROPANE STORAGE AND HANDLING

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This Regulation is made in English only.

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Interpretation

1. (1) In this Regulation,

“appliance” means a device that consumes or is intended to consume propane and includes all valves, fittings, controls and components attached or to be attached to it;

“approved” means,

- (a) with respect to a standard or a laboratory test report, that it is listed in “Titles of Standards and Laboratory Test Reports Authorized in the Province of Ontario under the Act” as published by the designated administrative authority from time to time,

- (b) with respect to an appliance, equipment, a component or an accessory, that it bears the label or symbol of a designated testing organization or a label or symbol authorized by the director, certifying that it complies with an approved standard or laboratory test report,
 - (c) with respect to an installation or work, that it complies with this Regulation or, where the installation or work was installed before this Regulation came into force, that it complies with the predecessor to this Regulation as it existed when the installation or work was carried out;
- “certificate” means a certificate issued under Ontario Regulation 215/01 (Fuel Industry Certificates);
- “code adoption document” means the “Propane Code Adoption Document” adopted as part of this Regulation under Ontario Regulation 223/01;
- “contractor” means a person who carries on, in whole or in part, the business of installing, removing, repairing, altering or servicing appliances or equipment, and includes a person or an agent of the person who agrees to install, remove, repair, alter or service appliances or equipment sold or leased by the person;
- “cylinder handling facility” means a facility where propane in refillable cylinders is sold or otherwise distributed to end users;
- “distributor” means a person who conveys or supplies propane to an end user, but does not include a person who supplies propane to a vehicle or cylinder, and “distribute” and “distribution” have corresponding meanings;
- “engineering services” means design and review services and includes services for reviewing plans or drawings, services relating to requests for variances or approvals, services for monitoring field development projects and services relating to site remediation and general consultation;
- “equipment” means a device that is used in venting propane or in the handling of propane;
- “facility” means a retail outlet, filling plant, cardlock/keylock, private outlet, vehicle conversion centre or cylinder handling facility where propane is handled;
- “filling plant” means a filling plant as defined in the CAN/CGA-B149.2-00, “Propane Installation Code”, as amended from time to time;
- “fire service”, with respect to an area, means,
- (a) if the area is a municipality and the municipality has established a fire department under clause 2 (2) (b) of the *Fire Protection and Prevention Act, 1997*, that fire department,
 - (b) if the area is a municipality and the municipality has contracted with the fire department of another municipality to receive fire protection services under clause 2 (5) (b) of the *Fire Protection and Prevention Act, 1997*, that fire department,
 - (c) if the area is a municipality and neither clause (a) nor clause (b) applies, the community safety officer or community safety team appointed under clause 2 (2) (a) of the *Fire Protection and Prevention Act, 1997*, or
 - (d) if the area is a territory without municipal organization that has a fire department established by an agreement under clause 3 (2) (b) of the *Fire Protection and Prevention Act, 1997*, that fire department;
- “fuel features” means parts that use propane, handle propane, govern combustion or vent combustion products and the features of construction and installation that relate to the safe use and handling of propane;
- “handling” means the storing, transporting or distributing propane, and includes putting propane into a container or the fuel tank of a motor vehicle and “handle” and “handler” have corresponding meanings;
- “install” includes placing an appliance or equipment in position for permanent or temporary use, venting it and connecting piping to it, and “installation” has a corresponding meaning;
- “maintenance” includes,
- (a) the repair or servicing of equipment or its replacement with identical equipment,
 - (b) the replacement of equipment with equipment that has similar performance specifications where it is not necessary to change the layout perimeters directly associated with the equipment, or
 - (c) subject to clause (b), the performance of any concrete work required to allow installation of a pump or dispenser;
- “modification” means a reduction, expansion or other layout change or a change in the operation of a facility, but does not include maintenance;
- “private outlet” means any premises, other than a retail outlet, where propane is put into the fuel tanks of motor vehicles or into cylinders;
- “professional engineer” means a person who is licensed under the *Professional Engineers Act*;
- “propane” means propane as defined in the code adoption document;

“propane vehicle” means a vehicle that is designed to travel only or primarily on land and is propelled by an engine fuelled by propane;

“retail outlet” means any premises to which the public is invited at which propane is sold and is put into the fuel tanks of motor vehicles or into portable containers with a capacity exceeding 0.5 kg.;

“risk and safety management plan” means a risk and safety management plan that sets out the safe operation of a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre and that meets the requirements of subsection 3.1 (1);

“ROT” means a record of training under Ontario Regulation 215/01 (Fuel Industry Certificates);

“total capacity” means the total volume of fixed, portable, mobile and all other transient storage at a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre, including the total volume of all cylinders or tanks in which propane is stored and any tanker trucks or rail cars that stay at the retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre for longer than it takes for the propane to be transferred;

“transport” means to convey propane, exclusive of the fuel carried for use in the vehicle, other than by pipeline to a distributor, and “transporting” and “transportation” have corresponding meanings;

“USWG” means volume in U.S. water gallons;

“vehicle conversion centre” means any place where a person carries on the business of, or whose business includes,

- (a) converting a vehicle designed to travel primarily on highway and propelled by a non-propane engine so that the vehicle’s engine is fuelled by propane, or
- (b) repairing, removing, altering or servicing the propane fuel system of a propane vehicle;

“work” means a facility used in the handling of propane. O. Reg. 211/01, s. 1 (1); O. Reg. 440/08, s. 1; O. Reg. 331/10, s. 1.

(2) In the event of a conflict between a provision of this Regulation and the code adoption document, this Regulation prevails. O. Reg. 211/01, s. 1 (2).

Application

2. (1) This Regulation applies to,

- (a) the storage, handling, transportation and transfer of propane;
- (b) the installation of appliances, equipment, components, accessories and containers on highway vehicles, recreational vehicles, mobile housing, outdoor food service units, and wash-mobiles when propane is to be used for fuel purposes;
- (c) the installation of containers and equipment to be used for propane in distribution locations and filling plants and on tank trucks, tank trailers, and cargo liners; and
- (d) the conversion of highway and industrial vehicles to propane from gasoline or other hydrocarbon fuels. O. Reg. 211/01, s. 2 (1).

(2) This Regulation does not apply to,

- (a) the installation of appliances, equipment, components and accessories in residential, commercial or industrial premises, within the scope of CSA B149.1-00, “Natural Gas and Propane Installation Code”, as amended from time to time;
- (b) pipeline terminals;
- (c) petroleum refineries;
- (d) propane when used as a feedstock in chemical plants;
- (e) utility pipeline distribution and transmission pipelines;
- (f) underground reservoirs for propane;
- (g) propane used on boats;
- (h) propane used as propellant in aerosol containers;
- (i) butane fuel cylinders of 250 g capacity or less;
- (j) propane used as refrigerant; and
- (k) the installation of propane fuel systems and containers during the manufacture of original equipment manufactured (OEM) vehicles when approved under Canadian Federal Government Standard MVSS301. O. Reg. 211/01, s. 2 (2).

General requirement for compliance

3. (1) Every person engaged in an activity, use of equipment, process or procedure to which the Act and this Regulation apply shall comply with the Act and this Regulation. O. Reg. 211/01, s. 3 (1).

(2) For the purposes of subsection (1), the reference to an activity, use of equipment, process or procedure includes, but is not limited to design, construction, erection, activation, maintenance, alteration, repair, service or disposal. O. Reg. 211/01, s. 3 (2).

Risk and safety management plan, certain facilities

3.1 (1) A person who holds a licence to operate a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre shall prepare a risk and safety management plan, which shall, at a minimum, address the following matters:

1. A hazard analysis that identifies possible hazardous scenarios, the frequency of those scenarios and their consequences, and that takes into account,
 - i. the most severe incident or situation that could occur at the referenced facility based on the total capacity of propane at the referenced facility, and
 - ii. any less severe incident or situation that could occur at the referenced facility.
2. A risk assessment that is based on the single largest transient, mobile, portable, or fixed propane storage vessel, as the case may be, at the referenced facility and that,
 - i. estimates the injury or death that would likely be caused to people at or in the vicinity of the referenced facility as a result of an incident or situation described in paragraph 1,
 - ii. reasonably estimates the hazard distance applicable to the referenced facility, and
 - iii. concludes that the assessed risk is acceptable based on the measures described in paragraphs 3 and 4.
3. A risk mitigation and control plan that is based on the reasonable measures taken to limit the risks assessed in subparagraphs 2 i and ii. Where total capacity at the referenced facility exceeds 5,000 USWG, the risk mitigation and control plan, in addition to accounting for the matters in subparagraph 2 i, shall also consider nearby land use.
4. An emergency response and preparedness plan that provides for onsite and offsite procedures, including evacuation procedures, to be followed in the event of an incident or situation described in paragraph 1. O. Reg. 440/08, s. 2.

(2) The risk and safety management plan shall be prepared,

- (a) by a professional engineer, where the total capacity of propane at the retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre is 120,000 litres or more (30,000 USWG); or
- (b) by a person who has specialized knowledge in the field of risk management, where the total capacity of the retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre is less than 120,000 litres (30,000 USWG). O. Reg. 440/08, s. 2.

(3) On receipt of the risk and safety management plan, the director shall confirm that the plan meets the requirements of this section. O. Reg. 440/08, s. 2.

(4) The director shall make available to the public, in print or electronic form, the evacuation procedures set out in the risk and safety management plan. O. Reg. 440/08, s. 2.

(5) No person shall operate a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre unless the person has submitted a risk and safety management plan to the director that meets the requirements of this section and the risk and safety management plan is kept current in accordance with this section. O. Reg. 440/08, s. 2.

(6) No person shall operate a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre,

- (a) except in accordance with the risk and safety management plan; and
- (b) unless the person has implemented,
 - (i) the measures set out in the risk mitigation and control plan required under paragraph 3 of subsection (1), and
 - (ii) the emergency response and preparedness plan required under paragraph 4 of subsection (1). O. Reg. 440/08, s. 2.

(7) No person shall operate a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre with fixed, portable, mobile or transient storage, or any combination of them, in excess of that provided for under the risk and safety management plan. O. Reg. 440/08, s. 2.

(8) A person who operates a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre shall maintain an up-to-date account of any changes to identified hazards, assessed risks and the emergency response and preparedness plan and shall conduct a full review of the risk and safety management plan at least annually. O. Reg. 440/08, s. 2.

(9) A person who operates a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre,

- (a) shall give written notice to the director within 15 days of a change to any of the information contained in the risk and safety management plan;

- (b) shall update the risk and safety management plan to reflect the change; and
 - (c) shall implement any risk mitigation and control measures and emergency response and preparedness measures identified as part of the update. O. Reg. 440/08, s. 2.
- (10) Operators of retail outlets, filling plants, cardlocks/keylocks, private outlets or container refill centres shall prepare and submit their risk and safety management plans in accordance with the following schedule:
1. Operators in possession of a licence on or before December 31, 2008, shall submit their risk and safety management plan on the first renewal of their licence after December 31, 2010.
 2. Operators in possession of a licence on or before December 31, 2008 who are seeking a modification of their licence,
 - i. shall submit their risk and safety management plan on the first renewal of their licence after December 31, 2010, if the application for modification of their licence is made on or before December 31, 2009, and
 - ii. shall submit their risk and safety management plan when they are applying to modify their licence, if the application for modification of their licence is made after December 31, 2009.
 3. Persons who do not hold a licence on or before December 31, 2008,
 - i. shall submit their risk and safety management plan on the first renewal of their licence after December 31, 2010, if their application for a licence is made on or before December 31, 2009, and
 - ii. shall submit their risk and safety management plan when they apply for their licence, if their application for a licence is made after December 31, 2009. O. Reg. 440/08, s. 2.

Regulated activities

4. No person shall operate, install, alter, repair, service or remove any appliance or equipment or any other thing employed or to be employed in the handling or use of propane or use, supply, transport, store, handle or transfer propane except in accordance with this Regulation. O. Reg. 211/01, s. 4.

Duty of employer

5. (1) Every person who operates, installs, removes, repairs, alters or services appliances or works shall instruct the person's employees to comply with the Act and this Regulation. O. Reg. 211/01, s. 5 (1).

(2) Every person who employs a person to carry out any activity referred to in subsection (1) shall take every precaution that is reasonable in the circumstances to ensure that the employee complies with the Act and this Regulation. O. Reg. 211/01, s. 5 (2).

(3) Every person who is licensed to operate a facility under this Regulation shall ensure that their employees or agents are trained in the facility's emergency management procedures and shall ensure that they are trained at least annually in emergency management procedures. O. Reg. 440/08, s. 3 (1).

(4) Every person who is licensed to operate a facility under this Regulation shall ensure that new employees or agents receive the training required by subsection (3) as soon as is practical after they commence their responsibilities. O. Reg. 440/08, s. 3 (1).

(5) Every person who is licensed to operate a facility under this Regulation shall ensure that certificate holders or persons with a ROT, who perform functions at the facility, are provided with site-specific training and shall keep a record of the persons who were trained and the dates on which they were trained and the name of the trainer on each date. O. Reg. 440/08, s. 3 (2).

(6) Every person who is licensed to operate a facility under this Regulation shall keep,

- (a) records of the dates on which the fire protection devices, equipment or systems were serviced, maintained, repaired or tested; and
- (b) the results of those tests. O. Reg. 440/08, s. 3 (2).

Certificate required to handle propane

6. (1) No person shall handle propane unless the person is the holder of a certificate or ROT for that purpose. O. Reg. 211/01, s. 6.

(2) Any person who is required to hold a certificate or ROT under this Regulation shall produce it on demand of the director, an inspector, or any other person. O. Reg. 440/08, s. 4.

Registration of contractor

7. No person shall act as a contractor unless the person is registered as a contractor. O. Reg. 211/01, s. 7.

Certificate required for various activities

8. (1) No person shall install, alter, purge, activate, repair, service or remove any appliance or equipment or other thing employed or to be employed in the handling or use of propane unless the person is the holder of a certificate or ROT for that purpose. O. Reg. 211/01, s. 8 (1).

(2) Subsection (1) does not apply where the installing, altering, purging, activation, repair, service or removal is done by a person without a required certificate in the actual presence of a holder of a certificate for that purpose. O. Reg. 211/01, s. 8 (2).

Initial putting into use

9. (1) Where premises are connected to a supply of propane for the first time, no person shall put into use for the first time an appliance in the premises that is connected to a propane supply until the distributor has examined the installation of the appliance and is satisfied that the installation and use of the appliance are in compliance with the Act and this Regulation. O. Reg. 211/01, s. 9 (1).

(2) An examination under subsection (1) shall include the examination of all appliances to be installed at the time of occupation of the premises. O. Reg. 211/01, s. 9 (2).

Distributor to have access

10. A distributor shall have access, at all reasonable times and upon reasonable notice, to all parts of every premises to which the distributor supplies propane for the purpose of,

- (a) examining any appliance or equipment in or on the premises and disconnecting the appliance or equipment if it, its installation or its use does not conform with this Regulation or a predecessor of this Regulation; and
- (b) placing, protecting, setting, shutting off, removing, repairing or altering any meter or regulator owned by the distributor in or on the premises. O. Reg. 211/01, s. 10.

No interference with propane piping system

11. No person shall interfere with or damage any propane piping system without authority to do so. O. Reg. 211/01, s. 11.

Prohibited activities

12. (1) Where this Regulation requires that an appliance or any equipment be approved, no person shall,

- (a) offer for sale, sell, rent or buy;
- (b) install;
- (c) use; or
- (d) supply propane to,

an appliance or equipment unless it is approved or will be approved prior to being put into use. O. Reg. 211/01, s. 12 (1).

(2) Despite subsection (1), a person may take any of the actions set out in subsection (1) with respect to any of the following appliances or equipment even if they are not approved:

- 1. Manually operated industrial appliances that have an input of not more than 6 kilowatts (20,000 British thermal units per hour).
- 2. Bunsen burners.
- 3. Stationary propane engines, and portable propane engines, that are not part of a vehicle.
- 4. Portable propane equipment used for construction or repair of a road.
- 5. Propane hand torches connected to a cylinder having a propane capacity of not more than five pounds by weight.
- 6. Appliances connected to a container having a propane capacity of not more than 0.45 pounds by weight.
- 7. Mobile asphalt or tar pots that are heated with propane.
- 8. Propane vehicles. O. Reg. 211/01, s. 12 (2).

No operation or transport without licence

13. (1) No person shall operate a retail outlet, a filling plant, a vehicle conversion centre, a cylinder handling facility or a container refill centre without the appropriate licence. O. Reg. 211/01, s. 13 (1).

(2) No person shall transport propane without a licence. O. Reg. 211/01, s. 13 (2).

(3) No person shall operate a new or modified facility unless they have first contacted the fire service where the facility is located to provide the fire service with an opportunity to attend at the site and to become familiar with the facility. O. Reg. 440/08, s. 5.

Activities prohibited unless equipment approved

14. Where this Regulation requires the approval of an appliance or equipment or other thing employed or to be employed in the handling or use of propane, no person shall offer for sale, sell, lease, rent, buy or install the appliance or equipment or other thing unless it is approved or will be approved prior to activation. O. Reg. 211/01, s. 14.

Occurrence or accident

15. (1) Where it appears that carbon monoxide poisoning, asphyxiation, explosion or fire has occurred or an accidental release, vent or spill has occurred because of the use, handling or storage of propane, the registration, licence, certificate or ROT holder shall notify forthwith an inspector of the occurrence by telephone, facsimile or any other form of electronic transmission and a registration or licence holder shall have in place procedures for such notification. O. Reg. 211/01, s. 15 (1).

(2) No person shall interfere with or disturb any wreckage, article or thing at the scene of an occurrence that is connected with it except in the interest of public safety, saving a life, relieving human suffering, continuity of service or preservation of property. O. Reg. 211/01, s. 15 (2).

(3) Where it is permitted to interfere with or disturb wreckage, an article or a thing under subsection (2), no person shall carry away or destroy wreckage, an article or thing unless an inspector gives permission to do so. O. Reg. 211/01, s. 15 (3).

Supply and use of propane

16. No person shall knowingly supply propane to or use an appliance, a container, equipment, a propane vehicle, a work or other thing employed in the handling or use of propane that does not comply with this Regulation or, where it was installed before this Regulation came into force, that does not comply with the requirements of the predecessor to this Regulation as it existed when it was installed. O. Reg. 211/01, s. 16.

Safe operating condition

17. (1) An owner and every person responsible for the operation of an appliance, a container, equipment, a work or any other thing employed in the handling or use of propane shall ensure that it is maintained in a safe operating condition. O. Reg. 211/01, s. 17 (1).

(2) No person shall operate or permit to be operated, an appliance or work unless it is maintained in a safe operating condition and it complies with this Regulation or, where it was installed before this Regulation came into force, that it complies with the requirements of the predecessor to this Regulation as it existed when it was installed. O. Reg. 211/01, s. 17 (2).

Operation of an appliance or work

18. (1) No distributor shall supply propane to a container that is connected to an appliance or work unless the distributor is satisfied that the installation and use of the appliance or work complies with the Act and this Regulation and,

- (a) unless the distributor has inspected the appliance or work at least once within the previous 10 years; or
- (b) unless the distributor has inspected the appliance or work in accordance with a quality assurance inspection program. O. Reg. 211/01, s. 18 (1).

(2) A distributor shall prepare a report of every inspection made under subsection (1) and shall retain the report until the next inspection and report are completed. O. Reg. 211/01, s. 18 (2).

(3) This section does not apply to propane vehicles, industrial vehicles or to appliances on highway vehicles or recreational vehicles. O. Reg. 211/01, s. 18 (3).

(4) An inspection shall only be carried out by a person who is the holder of a certificate for that purpose. O. Reg. 211/01, s. 18 (4).

(5) When the holder of a certificate installs an appliance, the appliance shall not be put into use until the distributor is notified and has verified compliance with this section. O. Reg. 211/01, s. 18 (5).

Unacceptable condition – immediate hazard

19. (1) In this section and in section 20,

“unacceptable condition” means,

- (a) with respect to an appliance, container or work, that it is being used for a purpose other than that for which it was authorized,
- (b) with respect to an appliance, container or work, that an alteration to it, by the addition of a device or attachment or in any other way, or any deterioration of it, is likely to impair its safe operation, or
- (c) with respect to an appliance or work, that the condition of piping, tubing or hoses, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible matter is likely to impair its safe operation or does not meet the requirements of this Regulation or, where it was installed before this Regulation came into force, that it does not meet the requirements of the predecessor to this Regulation as it existed when the appliance or work was installed. O. Reg. 211/01, s. 19 (1).

(2) Where a distributor finds that an appliance or work is in an unacceptable condition and that it constitutes an immediate hazard, the distributor shall,

- (a) immediately shut off the supply of propane to the appliance or work;
- (b) promptly notify the user in writing of the unacceptable condition, including a direction that the appliance or work not be used until the condition is corrected; and
- (c) affix a notice containing the information required under clause (b) to the appliance or work. O. Reg. 211/01, s. 19 (2).

(3) A user to whom notice has been given under subsection (2) shall not use the appliance or work or permit its use until the condition has been corrected and a distributor or certificate holder has determined on re-inspection that the condition has been corrected. O. Reg. 211/01, s. 19 (3).

(4) A holder of a certificate or ROT who finds that an unacceptable condition of an appliance or work constitutes an immediate hazard shall,

- (a) immediately shut off the supply of propane to the appliance or work;
- (b) promptly give oral notice of the actions taken under clause (a) to the propane distributor;
- (c) promptly give a written notice to the user,
 - (i) describing the condition that constitutes the immediate hazard, and
 - (ii) that contains a statement indicating that the appliance or work shall not be used until the condition is corrected;
- (d) within 14 days of finding the condition, give written notice of the condition to the distributor, including notice that the supply of propane has been shut off; and
- (e) affix a notice containing the information required by clause (c) to the appliance or work. O. Reg. 211/01, s. 19 (4).

(5) No owner or user to whom a notice has been given under this section shall use the appliance or work or permit its use until the condition is corrected. O. Reg. 211/01, s. 19 (5).

Unacceptable condition – no immediate hazard

20. (1) Where a distributor finds that an appliance or work is in an unacceptable condition but that it does not constitute an immediate hazard, the distributor shall,

- (a) promptly give the user a written notice describing the condition and indicate in the notice that the distributor will shut off the supply of propane to the appliance or work, unless the contractor notifies the distributor that the condition has been corrected, within the period of time specified in the notice, which shall not be greater than 90 days; and
- (b) affix a notice containing the information required under clause (a) to the appliance or work. O. Reg. 211/01, s. 20 (1).

(2) A distributor who gives a notice under subsection (1) shall shut off the supply of propane to the appliance or work if the unacceptable condition described in the notice is not corrected within the period of time specified in the notice, which period shall be within 90 days. O. Reg. 211/01, s. 20 (2).

(3) No user to whom notice has been given under subsection (1) shall use, or permit to be used, the appliance or work after the expiry of the period of time specified in the notice for correcting the condition, unless the condition has been corrected. O. Reg. 211/01, s. 20 (3).

(4) A holder of a certificate or ROT who finds that an appliance or work is in an unacceptable condition but that it does not constitute an immediate hazard shall,

- (a) immediately give oral notice of the condition to the distributor of propane regarding the appliance or work;
- (b) immediately give written notice to the user of the appliance or work describing the condition and advising that notice of the condition has been given to the distributor;
- (c) within 14 days of finding the condition, give written notice of the condition to the distributor; and
- (d) affix a notice containing the information required in clause (b) to the appliance or work. O. Reg. 211/01, s. 20 (4).

(5) A distributor who receives a notice under subsection (1) or (4) shall inspect the appliance or work and take the action required under section 19. O. Reg. 211/01, s. 20 (5).

(6) Where portable containers are connected to an appliance or equipment by a person other than a distributor, the distributor is exempt from section 19. O. Reg. 211/01, s. 20 (6).

(7) Where the holder of a certificate or ROT finds an unacceptable condition in circumstances where subsection 19 (5) applies, the certificate or ROT holder shall notify the owner of the equipment of the unacceptable condition. O. Reg. 211/01, s. 20 (7).

Off-site testing and approval

21. (1) This section applies only to the testing of an appliance, equipment, a component or an accessory that is carried out at a place other than the place where the appliance, equipment, component or accessory is installed for its intended use. O. Reg. 211/01, s. 21 (1).

(2) A person may apply to a designated testing organization to have an appliance, equipment, a component or an accessory tested under this section. O. Reg. 211/01, s. 21 (2).

(3) Organizations accredited by the Standards Council of Canada are designated organizations to test equipment, components and accessories to applicable approved standards or laboratory test reports for the purposes of this Regulation. O. Reg. 211/01, s. 21 (3).

(4) A designated testing organization accredited by the Standards Council of Canada that tests an appliance, equipment, a component or an accessory under this section shall place its label or symbol on it if it conforms to the applicable approved standards or laboratory test report. O. Reg. 211/01, s. 21 (4).

On-site testing and approval

22. (1) This section applies only to the testing of an appliance, equipment, a component or an accessory that is carried out at the place where the appliance, equipment, component or accessory is installed for its intended use. O. Reg. 211/01, s. 22 (1).

(2) A person may apply to the director or an inspector designated by the director to have an appliance, equipment, a component or an accessory tested under this section. O. Reg. 211/01, s. 22 (2).

(3) The director or inspector may refuse to test the appliance, equipment, component or accessory if its design is substantially the same as one that has been tested and approved by a designated testing organization. O. Reg. 211/01, s. 22 (3).

(4) The director or inspector may test the appliance, equipment, component or accessory to applicable approved standards or laboratory test reports for the purposes of the code adoption document. O. Reg. 211/01, s. 22 (4).

(5) If an appliance, equipment, component or accessory tested under subsection (4) conforms to the applicable approved standards or laboratory test reports, the director or inspector shall place an approved label or symbol on it. O. Reg. 211/01, s. 22 (5).

(6) If an appliance, equipment, component or accessory is tested under this section, the director or inspector shall,

(a) determine whether its fuel features comply with the approved standards and this Regulation; and

(b) affix or cause to be affixed a label or symbol approved by the director to the appliance, equipment, component or accessory, if the director or inspector determines that its fuel features comply with the approved standards and this Regulation. O. Reg. 211/01, s. 22 (6).

(7) The applicant shall provide to the director or inspector all information, and conduct or cause to be conducted all tests required to determine whether the appliance, equipment, component or accessory complies with clause (6) (a). O. Reg. 211/01, s. 22 (7).

(8) An applicant who applies to have an appliance, equipment, a component or an accessory tested and approved under this section shall pay the fees set by the designated administrative authority for the time reasonably spent,

(a) in reviewing information about the thing to be tested;

(b) in inspecting its fuel features;

(c) in observing any test of the fuel features to determine if they comply with this Regulation; and

(d) in using the thing during testing. O. Reg. 211/01, s. 22 (8).

Registration as contractor

23. (1) No person shall act as a contractor or operate a vehicle conversion centre unless the person is registered for the purpose. O. Reg. 211/01, s. 23 (1).

(2) An application for registration as a contractor or a propane vehicle conversion contractor shall be made to the director in the form published by the designated administrative authority and shall be accompanied by the fee set by the authority. O. Reg. 211/01, s. 23 (2).

(3) An applicant under subsection (2) shall make separate applications to the director,

(a) for a registration as a propane vehicle conversion contractor in respect of each vehicle conversion centre the applicant operates, if any; and

(b) for a registration as a contractor in respect of operations other than the operation of a vehicle conversion centre. O. Reg. 211/01, s. 23 (3).

(4) An applicant under clause (3) (a) shall submit with the application for each vehicle conversion centre,

- (a) a letter from the municipality where the centre is located indicating that the use of the centre for its intended purpose does not contravene the zoning by-laws of the municipality;
 - (b) a plan in triplicate showing,
 - (i) each building located within 75 feet of the vehicle conversion centre, and
 - (ii) any other reasonable information requested by the director;
 - (c) a written statement identifying at least one person who is the holder of a valid internal combustion alternate fuel technician (ICE) certificate and who performs work at the applicant's vehicle conversion centre; and
 - (d) confirmation that the site complies with the code adoption document. O. Reg. 211/01, s. 23 (4).
- (5) The director shall issue a registration to a person if the person complies with subsections (2), (3) and (4). O. Reg. 211/01, s. 23 (5).
- (6) A registration expires one year after the date of its issue. O. Reg. 211/01, s. 23 (6).
- (7) A propane vehicle conversion contractor may operate a vehicle conversion centre only at the location set out in the registration. O. Reg. 211/01, s. 23 (7).
- (8) The holder of a registration shall display the original or a copy of the registration such that it is readily visible at the business address set out on the registration. O. Reg. 211/01, s. 23 (8).
- (9) A registration is not transferable. O. Reg. 211/01, s. 23 (9).

Propane vehicle conversions

- 24.** (1) A propane vehicle conversion contractor who operates a vehicle conversion centre shall ensure that each vehicle converted to propane at the centre is converted such that it complies with this Regulation and has affixed to it the labels required by the code adoption document. O. Reg. 211/01, s. 24 (1).
- (2) A contractor shall pay to the director the fee for the labels set by the designated administrative authority. O. Reg. 211/01, s. 24 (2).

Vehicle operation

- 25.** (1) No person shall operate, or permit to be operated, a vehicle that is converted to use propane after this Regulation comes into force unless the labels required by the code adoption document are affixed to the vehicle. O. Reg. 211/01, s. 25 (1).
- (2) No person shall operate, or permit to be operated, a vehicle that is converted to use propane unless the propane fuel system complies with this Regulation or, where the vehicle was converted before this Regulation came into force, unless it complies with the requirements of the predecessor to this Regulation as it existed when it was converted. O. Reg. 211/01, s. 25 (2).
- (3) No person shall connect, or permit to be connected, a gasoline or propane fuelling nozzle to the fuel fill point of a vehicle equipped with a propane appliance unless the supply of propane to the main burners and pilot burners of the appliance is shut off. O. Reg. 211/01, s. 25 (3).
- (4) An operator of a vehicle with a propane appliance installed on it shall shut off, or cause to be shut off, the supply of propane to the main burner and pilot burner of the appliance before a gasoline or propane fuelling nozzle is connected by anyone to the fuel fill point of the vehicle. O. Reg. 211/01, s. 25 (4).
- (5) Except as permitted by the code adoption document, no person shall park a propane vehicle intended primarily for highway use inside a building if a cylinder containing propane is mounted, installed or stored in or on the vehicle. O. Reg. 211/01, s. 25 (5).
- (6) No person shall supply propane to a tank installed on a propane vehicle unless the fixed liquid level gauge of the tank remains open during the filling operation. O. Reg. 211/01, s. 25 (6).
- (7) A person filling a tank using a fixed liquid level gauge shall immediately stop filling and close the gauge when liquid propane appears at the outlet of the gauge. O. Reg. 211/01, s. 25 (7).
- (8) No person shall transfer propane to the tank of a propane vehicle on a highway except in accordance with a procedure that has been accepted as being consistent with public safety. O. Reg. 211/01, s. 25 (8).
- (9) No person shall operate a propane vehicle unless the service valve of the propane tank on the vehicle is fully open when the engine of the vehicle is operating on propane fuel. O. Reg. 211/01, s. 25 (9).

Cylinder handling facility

- 26.** (1) No person shall operate a cylinder handling facility unless the cylinder handling facility is licensed. O. Reg. 211/01, s. 26 (1).
- (2) An application for a licence for a cylinder handling facility shall be made to the director and, except as set out in subsection (3), separate applications shall be made for each facility. O. Reg. 211/01, s. 26 (2).

(3) Separate applications are not required where the person intends to permit the operation of a filling plant or a container refill centre that contains a cylinder handling facility. O. Reg. 211/01, s. 26 (3).

(4) An applicant for a licence under subsection (2) shall,

(a) submit the application in the form published by the designated administrative authority;

(b) pay the fee set by the authority; and

(c) provide a letter from the municipality where the applicant's cylinder handling facility is located indicating that the use of the facility for its intended purpose does not contravene the zoning by-laws of the municipality. O. Reg. 211/01, s. 26 (4).

(5) The director shall issue a licence for a cylinder handling facility to an applicant who,

(a) complies with subsection (4);

(b) pays the required fee for any engineering services or inspection services provided in connection with the application; and

(c) complies with the applicable provisions of the code adoption document in respect of cylinder handling facilities. O. Reg. 211/01, s. 26 (5).

(6) A holder of a licence for a cylinder handling facility shall not make a modification to the facility unless the holder has applied for and received the written permission of the director. O. Reg. 211/01, s. 26 (6).

(7) The director shall give written permission under subsection (6) if the modification meets the requirements of this Regulation. O. Reg. 211/01, s. 26 (7).

(8) An applicant for permission shall provide a letter from the municipality required under clause (4) (c) if the modification affects compliance with the municipality's zoning by-laws. O. Reg. 211/01, s. 26 (8).

(9) No person shall operate a cylinder handling facility if a modification to it is made without the director's written permission. O. Reg. 211/01, s. 26 (9).

(10) A licence to operate a cylinder handling facility expires one year after the date of its issue. O. Reg. 211/01, s. 26 (10).

(11) A holder of a licence to operate a cylinder handling facility shall display the original or a copy of the licence such that it is readily visible at the business address set out on the registration. O. Reg. 211/01, s. 26 (11).

Filling plants and container refill centres

27. (1) No person shall operate a container refill centre or filling plant, as defined in the code adoption document, unless the container refill centre or filling plant is licensed. O. Reg. 211/01, s. 27 (1).

(2) An application for a licence for a container refill centre or filling plant shall be made to the director. O. Reg. 211/01, s. 27 (2).

(3) An applicant shall,

(a) submit the application in the form published by the designated administrative authority;

(b) pay the fee set by the authority;

(c) provide a letter from the municipality where the container refill centre or filling plant is located indicating that the use of it for its intended purpose does not contravene the zoning by-laws of the municipality;

(d) subject to subsections (15) and (16), prepare and submit a legible plan in triplicate that shows,

(i) the location of each propane storage tank, cylinder storage facility, underground piping or tubing and other propane handling facilities within the container refill centre or filling plant,

(ii) the location of parking spaces designated by the applicant for tanker truck parking,

(iii) the distance from each propane storage tank and cylinder storage facility to the property lines of the centre or plant,

(iv) each building or structure located within 50 feet of a propane storage tank,

(v) the location of each site where flammable or combustible substances are stored,

(vi) the capacity in USWG of each propane storage tank within the centre or plant, and

(vii) any other relevant information requested by the director that is necessary to ensure that the installation is safe and complies with this Regulation; and

(e) submit a pre-installation site check sheet that confirms that the site complies with the code adoption document. O. Reg. 211/01, s. 27 (3); O. Reg. 440/08, s. 6.

- (4) The director shall issue a licence to operate a container refill centre or filling plant to an applicant if,
- (a) the applicant complies with subsection (3);
 - (b) the applicant pays the fee set by the designated administrative authority for any engineering services or inspection services provided in connection with the application; and
 - (c) the refill centre or filling plant complies with the code adoption document. O. Reg. 211/01, s. 27 (4).
- (5) A holder of a licence to operate a container refill centre or filling plant shall not make a modification to it unless the holder has applied for and received the written permission of the director. O. Reg. 211/01, s. 27 (5).
- (6) The director may give written permission under subsection (5) if the modification meets the requirements of this Regulation. O. Reg. 211/01, s. 27 (6).
- (7) An applicant under subsection (5) shall,
- (a) set out in the application all details of the modification proposed;
 - (b) provide a letter from the municipality under clause (3) (c) if the modification affects compliance with the municipality's zoning by-laws; and
 - (c) provide a new plan under clause (3) (d) if the modification entails any changes to the plan previously provided under that clause or a predecessor of it. O. Reg. 211/01, s. 27 (7).
- (8) No person shall operate a container refill centre or a filling plant if a modification to it is made without the director's written permission. O. Reg. 211/01, s. 27 (8).
- (9) A holder of a licence to operate a container refill centre or a filling plant shall ensure that each employee of the holder who handles propane, each person who is authorized to transfer propane to a container and each person to whom the holder issues an access code, card or key to dispense propane is trained,
- (a) in the safe handling of propane, including the safe operation and use of propane dispensing equipment; and
 - (b) in the use of emergency shut-down switches, valves and procedures in respect of propane. O. Reg. 211/01, s. 27 (9).
- (10) A licence to operate a container refill centre or a filling plant expires one year after the date of its issue. O. Reg. 211/01, s. 27 (10).
- (11) A holder of a licence to operate a container refill centre or filling plant shall display the original or a copy of the licence such that it is readily visible at the business address set out on the licence. O. Reg. 211/01, s. 27 (11).
- (12) An operator of a propane vehicle situated at a container refill centre or a filling plant shall ensure that the engine ignition of the vehicle is off during refuelling of the vehicle with propane. O. Reg. 211/01, s. 27 (12).
- (13) While a propane vehicle is being refuelled with propane, no person shall knowingly have in his or her possession lighted smoking material or any other ignited substance within 10 feet of,
- (a) the propane dispenser used to refuel the vehicle;
 - (b) the propane tank of the vehicle; or
 - (c) the propane fill point of the vehicle. O. Reg. 211/01, s. 27 (13).
- (14) No person shall knowingly refuel a propane vehicle with propane if,
- (a) the vehicle's engine ignition is on;
 - (b) the main-burner or pilot light of a fuel-fired appliance on board the vehicle is on; or
 - (c) any lit smoking material or other ignited substance is within 10 feet of,
 - (i) the propane dispenser used to refuel the vehicle,
 - (ii) the propane container of the vehicle, or
 - (iii) the propane fill point of the vehicle. O. Reg. 211/01, s. 27 (14).
- (15) An applicant may prepare plans and submit only one copy under subsection (3) (d) if,
- (a) the plans are reviewed by a professional engineer, are stamped with the engineer's seal and are signed by him or her;
 - (b) the professional engineer submits a written declaration to the director that the plans comply with the requirements of this Regulation; and
 - (c) the plans are kept at the facility at all times during its construction. O. Reg. 211/01, s. 27 (15).
- (16) Upon the request of an inspector, an applicant under subsection (15) shall produce the plans for inspection within 72 hours of the request. O. Reg. 211/01, s. 27 (16).

Licensing of certain facilities

27.1 (1) The director shall not consider an application for a licence for a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre or an application for an expansion of one, unless it is accompanied by an approval from the fire service responsible for the area where the referenced facility is located. O. Reg. 440/08, s. 7.

(2) The approval of the fire service shall indicate that the fire service has approved all components of the risk and safety management plan that address fire safety, fire protection and emergency preparedness. O. Reg. 440/08, s. 7.

(3) On application for a licence for a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre or on application for its renewal, the applicant shall ensure that at least one person referenced in subsection (4) holds a certificate or a ROT that is at least at the highest level of certificate or certificates or ROT required for the operation of the referenced facility. O. Reg. 440/08, s. 7.

(4) For the purposes of subsection (3) the person who must hold the certificate or ROT is,

(a) an officer or director, in the case of a corporation;

(b) a partner, in the case of a partnership; or

(c) the proprietor, in the case of a sole proprietorship. O. Reg. 440/08, s. 7.

(5) On application for a licence for a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre or on application for a modification, the applicant shall provide a letter from the municipality or, in the case of land within a planning area consisting of territory without municipal organization, the planning board where the referenced facility is located,

(a) indicating that the referenced facility's use for its intended purpose does not contravene the zoning by-laws of the municipality or of the planning board, as the case may be;

(b) confirming that the municipality or the planning board has been provided details of the proposal and has had the opportunity to comment to the applicant on the land use planning aspects of the proposal; and

(c) setting out any comments referred to in clause (b) and how the applicant intends to address those applicable to the applicant's risk and safety management plan. O. Reg. 440/08, s. 7.

(6) For the purposes of licensing or renewing the licence of a retail outlet, filling plant, cardlock/keylock, private outlet or container refill centre, the director shall consider its total capacity. O. Reg. 440/08, s. 7.

(7) The director shall cause retail outlets, filling plants, cardlocks/keylocks, private outlets and container refill centres to be inspected at least annually. O. Reg. 440/08, s. 8.

Tank trucks, cargo liners

28. (1) No person shall transport propane in tank trucks or cargo liners unless the tank truck or cargo liner, as defined in the code adoption document, is licensed. O. Reg. 211/01, s. 28 (1).

(2) An application for a licence to transport propane in tank trucks or cargo liners used in the person's business shall be made to the director and separate applications shall be made in respect of each tank truck or cargo liner. O. Reg. 211/01, s. 28 (2).

(3) An applicant who applies for a licence under subsection (2) shall,

(a) submit an application in the form published by the designated administrative authority; and

(b) pay the fee set by the authority. O. Reg. 211/01, s. 28 (3).

(4) The director shall issue a licence to a person who,

(a) complies with subsection (3);

(b) pays the fee set by the designated administrative authority for any inspection services provided in connection with the application; and

(c) complies with the applicable provisions of the code adoption document in respect of the tank truck or cargo liner. O. Reg. 211/01, s. 28 (4).

(5) The licence expires one year after the date of its issue. O. Reg. 211/01, s. 28 (5).

(6) The licence shall be carried in or on the tank truck or cargo liner for which it is issued. O. Reg. 211/01, s. 28 (6).

(7) No person shall operate a tank truck or cargo liner unless the licence for it is in or on the tank truck or cargo liner. O. Reg. 211/01, s. 28 (7).

Inspections

29. (1) A person who operates a business using a tank truck, cargo liner or a facility shall inspect, or shall have the person's supplier of propane inspect, each of them at least once a year, to determine that they comply with this Regulation or, where an approval was granted to a tank truck, cargo liner or facility before this Regulation came into force, that it complies

with the approval requirements of the predecessor to this Regulation as it existed when the tank truck, cargo liner or facility was approved. O. Reg. 211/01, s. 29 (1).

(2) A person who makes an inspection under subsection (1) shall prepare a report of the inspection that is dated and signed by that person and that clearly identifies the person who carried out the inspection. O. Reg. 211/01, s. 29 (2).

(3) No person shall supply propane to a tank truck, cargo liner, filling plant, container refill centre or cylinder handling facility unless the report made under subsection (1) indicates that it complies with this Regulation or, where an approval was granted to a tank truck, cargo liner or facility before this Regulation came into force, that it complies with the approval requirements of the predecessor to this Regulation as it existed when the thing inspected was approved. O. Reg. 211/01, s. 29 (3).

(4) A person for whom an inspection is made under subsection (1) shall retain the report for at least three years from the date of inspection,

(a) at the filling plant, container refill centre or cylinder handling facility referred to in the report; or

(b) at the place of business set out on the person's licence. O. Reg. 211/01, s. 29 (4).

(5) A person who operates a filling plant or a container refill centre shall maintain records and plans of the location of the underground piping and tubing of the plant or centre, as the case may be, at the plant or centre and shall, on request, produce them for examination by an inspector. O. Reg. 211/01, s. 29 (5).

Renewals of registrations, licence

30. (1) The director may issue a renewal of a registration as a contractor or propane vehicle conversion contractor if the holder of the registration applies for a renewal in the form published by the designated administrative authority, pays the fee set by the designated administrative authority and is not in arrears of any such fees owed to the authority. O. Reg. 211/01, s. 30 (1).

(2) Subsections 23 (2), (3), (4) and (5) do not apply to an application for a renewal under subsection (1). O. Reg. 211/01, s. 30 (2).

(3) An application to renew a registration as a contractor or propane vehicle conversion contractor that is received by the director after the registration has expired shall be treated by the director as a new application and subsections 23 (2), (3), (4) and (5) apply to such an application. O. Reg. 211/01, s. 30 (3).

(4) The director shall issue a renewal of a licence for a cylinder handling facility, container refill centre, a filling plant, tank truck or cargo liner if the holder applies for a renewal and pays the fees set by the designated administrative authority that may be required for inspection services. O. Reg. 211/01, s. 30 (4).

(5) Subsections 26 (3) and clauses 26 (4) (b) and (c) do not apply to an application under subsection (4) to renew a licence to operate a cylinder handling facility. O. Reg. 211/01, s. 30 (5).

(6) Subsections 27 (2) and (3) and clauses 27 (4) (b) and (c) do not apply to an application under subsection (4) to renew a licence to operate a container refill centre or a filling plant. O. Reg. 211/01, s. 30 (6).

(7) Subsections 28 (2) and (3) and clauses 28 (4) (b) and (c) do not apply to an application under subsection (4) to renew a licence for a tank truck or cargo liner. O. Reg. 211/01, s. 30 (7).

(8) An application to renew a licence for a cylinder handling facility, a container refill centre, a filling plant, a tank truck or a cargo liner received by the director after the licence has expired shall be treated as a new application, in which case,

(a) subsections 26 (3) and clauses 26 (4) (b) and (c) apply with respect to the application to renew a licence for a cylinder handling facility;

(b) subsections 27 (2) and (3) and clauses 27 (4) (b) and (c) apply with respect to the application to renew a licence for a container refill centre or filling plant;

(c) subsections 28 (2) and (3) and clauses 28 (4) (b) and (c) apply to the application to renew a licence for a tank truck or cargo liner. O. Reg. 211/01, s. 30 (8).

(9) Subsections 27.1 (3) and (4) apply to an application to renew a licence for a container refill centre or a filling plant whether the application is made before or after the licence has expired. O. Reg. 440/08, s. 9.

No transfer of licence or registration

31. (1) A licence or registration is not transferable. O. Reg. 211/01, s. 31 (1).

(2) If a person who holds a licence or registration, as the case requires, changes his, her, or its name, or if a licence or registration is lost or destroyed, the holder shall promptly apply to the director for a licence or registration containing the new name or a duplicate, as the case requires, and such application shall be accompanied by the fee set by the designated administrative authority. O. Reg. 211/01, s. 31 (2).

(3) If the holder of a licence or registration changes the holder's address, the holder shall notify the director of the new address within 30 days of the change. O. Reg. 211/01, s. 31 (3).

(4) A registered contractor shall display the evidence of registration in a conspicuous place at the contractor's business premises and all field vehicles, other than delivery trucks, operated by the contractor, whether leased or owned, shall be clearly marked with the contractor's name and number. O. Reg. 211/01, s. 31 (4).

32. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 211/01, s. 32.

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