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Sunrise Propane reaches \$23M settlement over 2008 Toronto explosion that evacuated a neighbourhood and left one dead

By Katrina Clarke

Video footage of the explosion showed a fireball in the night sky. Mr. Pitch said his clients were 'blown out of their homes'

Sunrise Propane has reached a settlement deal in a lawsuit over a fatal explosion in Toronto in August 2008.

In the proposed settlement, subject to court approval, Sunrise Propane and defendants will pay \$23-million to claimants. The settlement is on behalf of the 6,500 people affected by the explosion.

"The first thing these people said to me is, 'Thank God it's over,'" said Harvin Pitch, a lawyer with Teplitzky Colson, appointed by the court on behalf of the claimants.

It was nearly six years ago when a blast at a Sunrise Propane distribution plant killed one Sunrise employee and forced 12,500 people from their homes in the Downsview community. A firefighter also suffered a fatal heart attack battling the blaze.

Video footage of the explosion showed a fireball in the night sky. Mr. Pitch said his clients were "blown out of their homes."

The proposed settlement is directed at class members who "were present or owned or leased or rented or occupied properties" in the area bordered by Keele Street, Highway 401, Sheppard Avenue and Dufferin Street on Aug. 10, 2008.



The document was approved by courts on June 24 and was filed as part of a court order on June 25, said Mr. Pitch.

A court hearing to approve the settlement is set for Aug. 7. An approved settlement ends the case against Sunrise Propane and all defendants, he said.

"In a settlement nobody jumps and down and says 'eureka' because it's a compromise," said Mr. Pitch. "The class members... they're all happy in the sense that it's settled. There's finality, there's resolution, there's compensation."

An Ontario Fire Marshal's report at the time suggested the company performed an illicit truck-to-truck transfer, which is banned from the practice.

A notice of the proposed settlement states the defendants and third parties do not admit wrongdoing or responsibility and the settlement is a compromise of disputed claims.

In the proposed deal's settlement terms, class members who lived in the affected area are told they can claim \$200 for the first night they were out of their homes and \$50 per day thereafter. Class members can also claim for property damage expenses not covered by insurance and for lost employment or business income.

People who sustained "physical or psychiatric" injuries can claim for compensation between \$500 to \$50,000, depending on severity.

The Ontario Ministry of Health and Long-Term Care will also be partially compensated for services provided to those affected.

If additional funds are left over, they will be paid proportionately to class members.



Three town hall meetings to explain the settlement to class members will be held on July 15, 16 and 29 at 7 p.m. at the Northwood Community Centre. The "grid" of compensation will be explained at these meetings, said Mr. Pitch.

Sunrise Propane and its directors, Shay Ben-Moshe and Valery Belahov, were found guilty of nine provincial-offences charges in connection with the explosion in June 2013.

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