

# Out of court settlement proposed in Sunrise Propane suit

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**Jeff Green and his mother, Dianne Green, were among the thousands of North York residents forced to flee their homes because of the Sunrise Propane explosion in 2008. (Photo courtesy Jeff Green)**

TORONTO - A proposed \$23-million out-of-court settlement may end a class action lawsuit launched by some North York residents in the wake of the massive Sunrise Propane explosion.

But one man, whose family was among the thousands forced out of their homes by the deadly blast near Keele St. and Wilson Ave. six years ago, says the money won't quell his fears of another disaster.

"It's never been about money for us," Jeff Green told the Toronto Sun recently, adding "no amount of money can compensate us for what we went through."

He received an e-mail this week from his lawyer outlining the proposed settlement for plaintiffs in the class action.

The notice says the defendants — Sunrise Propane, the Technical Standards and Safety Authority and others — will pay \$23,345,000 for "a dismissal of the class action and the individual actions arising out of the explosion."

"The defendants and third parties do not admit wrongdoing or liability," the notice states. "This settlement is a compromise of disputed claims."

Sunrise was convicted last year of offences under the Occupational Health and Safety Act and the Environmental Protection Act.

And two of the company's directors were found guilty of failing to take proper safety measures prior to the illegal truck-to-truck propane transfer, which led to the explosion that caused \$25 million in damage and also killed a Sunrise worker. A Toronto firefighter also died during the ensuing efforts by emergency services workers to make sure the neighbourhood was safe .

Sunrise faces a maximum penalty of \$18 million while the directors face fines of up to \$550,000 when sentencing resumes later this year.

During the 2013 trial, court heard the TSSA had ordered Sunrise to stop tank-to-tank transfers because they were illegal.

And Justice Leslie Chapin found a TSSA inspector failed to enforce that order after learning such transfers were still being done.

That failure is what troubles Green most and he wonders if the industry has truly learned from the 2008 blast.

"I'm concerned there will be more explosions and more lives may be lost," he said, pointing out Brampton was rocked by a blast at Air Liquide Canada just two months ago.

TSSA spokesman Wilson Lee wasn't able to comment on the proposed settlement but he defended the industry saying it has always held itself to a high standard and since Sunrise many changes have been made to make the sector even "safer."

Lee said a panel of experts convened after the Sunrise incident made 40 recommendations in their report, Propane Safety Review.

"A vast majority of those recommendations have been implemented or are in the process of being implemented," he said.

Inspecting facilities annually instead of every three years, looking at higher-risk operators more often and ensuring senior officers at facilities undergo propane safety training are among a few of those changes.

Lee said while propane is "generally a very safe fuel" accidents "do happen" and the challenge is to mitigate the risks as much as possible.

Lawyer Harvin Pitch said the recent Brampton explosion illustrates more work still needs to be done.

But improving safety was not the focus of the class action spearheaded by his firm, Stevensons LLP, and two others.

"We believe this is a good settlement," Pitch said. "This was a very emotional experience for many people and a lot of them want closure."

The settlement, which he is "optimistic" will be approved, provides that closure, Pitch said.

A chunk of the proposed \$23,345,000 will cover legal fees, compensate insurers and the Ministry of Health. Nearly \$8 million is earmarked to victims for costs incurred while they were displaced, lost income, insurance deductibles, damage not covered by insurance and physical or psychological injuries.

Town hall meetings will be held July 15, 16 and 29 at Northwood Community Centre on Clubhouse Ct. at 7 p.m. to answer class action members' questions.

An approval hearing is scheduled for Aug. 7.

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