Advisory Committee for Persons with Disabilities
REPORT 09-006
4:00 p.m.
Tuesday, September 8, 2009
Committee Room 207
Hamilton Convention Centre
One Summer’s Lane

Present: T. Nolan (Chair)
Councillor B. Morelli
D. Burkett, R. Cameron, B. Helwig, B. Lane, A. Mallett, T.
Manzuk, K. Nolan, R. Semkow, M. Smithson

Absent with Regrets: P. Cameron, F. Chesney, S. Derkach, T. Wallis

Also Present: M. Carter, M. Nuyaba, Customer Service, Access & Equity
M. Meyer, City Clerk’s Office

THE ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES PRESENTS
REPORT 09-006 AND RESPECTFULLY RECOMMENDS:

1. Comments on the Draft Built Environment Standard under the
   Accessibility for Ontarians with Disabilities Act

   That the comments respecting the Draft Built Environment Standard under the
   AODA, attached hereto as Appendix A, be approved and forwarded to the
   Accessibility Directorate of Ontario.

FOR THE INFORMATION OF COMMITTEE:

(f) Correspondence from AMO Respecting the Draft Built Environment
   Standard (Item 6.1)

   Correspondence from AMO Respecting the Draft Built Environment Standard
   was referred to ACPD for response by Council on

   Committee discussed options for getting a response back to Council in time to
   meet the Ministry’s deadlines for comments.
The Committee approved the following motion:
That comments respecting the Draft Built Environment Standard be submitted by e-mail to Maxine Carter, Access and Equity Coordinator, by September 24, 2009 and that the e-mail comments be compiled for submission to the October 13, 2009 Committee of the Whole meeting.

Respectfully submitted,

Tim Nolan, Chair
Advisory Committee for Persons with Disabilities

Mary-Ann Meyer
Legislative Assistant
September 8, 2009
September 29, 2009

Mayor and Members of Council,

Please find attached the brief from the Accessibility Advisory Committee for Persons with Disabilities (ACPD) for your consideration and submission to the Ontario government respecting the proposed Built Environment Standard under the Accessibility for Ontarians with Disabilities Act (AODA, 2005).

ACPD has taken a great interest on matters related to the built environment within City facilities over the past few years, and in anticipation of pending regulations under the AODA. The built environment poses one of the greatest challenges to full participation by persons with disabilities in our community, which then requires significant attention if we are to achieve the goals of the AODA by the stated year 2025.

Comments provided herein address many of the barriers committee members themselves face, those committee members understand through their community and personal relationships, and those that come to its attention from city reports and citizen complaints. If Hamilton is to truly be “the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities”, then the city needs to ensure that the physical environment promotes that mission for all its citizens.

ACPD requests Council give full consideration to this submission as well as commit to its adoption within the city.

Respectfully,

Tim Nolan,
Chair, ACPD
General Comments

The committee recognizes that this proposed standards document is a very large and lengthy document that requires much more time to review than the three months that were given by the Accessible Directorate. It was not enough time to give thoughtful, effective and comprehensive comments regarding the proposed document. We recommend that Minister Meilleur provide adequate time for community members who are not familiar with the language of technical documents be given adequate time and support to provide meaningful comments.

The committee feels strongly that there must be harmonization of legislation so as to ensure various regulations such as but not limited to the building code, heritage requirements and health and safety do not conflict with the new standards. The Standards Development Committee should also consider standards in other jurisdictions such as the Canadian Standards Association or those that are under Federal responsibility as it can cause contradictions for a number of organizations that are caught by both requirements.

It is imperative that the Ministry works with industry to ensure that they adapt and catch up with the regulation requirements prior to the standards coming into effect. Industries currently mass produce products that will be not up to the new standards so having some lead time to make these changes will reduce the gap that will inevitably exist for some time.

It should be made clear that businesses and organizations cannot lease a facility unless it is fully accessible as the committee feels that this may provide an opt out option for them.
Questions posed by the Standards Development Committee

1. How will the proposed standard help to improve accessibility for people with disabilities?

We feel that the proposed standard can help to improve accessibility for persons with disability because it will force organizations, government and private sector to ensure that persons with disabilities are being considered when building or renovating their facilities. We are encouraged by the fact that there are considerations regarding accessibility for all public service buildings regardless of the sector.

We do believe however that private homes must be looked at as this is another aspect of our lives that is not being addressed. We need to have access to homes where we visit family and friends and persons with disabilities should be able to chose where they want to live.

2. What do you like or dislike about the proposed standard?

What we like:

We like the recreation and parks section for the most part however there are some issues that need to be addressed.

What we don’t like:

The Guidelines lack graphics which help to understand the requirements and hence makes the document very difficult to follow. There are numerous instances in the document where many of us had difficulties understanding what was intended by the authors.

We did not like the numerous mentions to cost and the words “nice option to have” as this is inappropriate and gives too many instances for the users to opt out.

3. Is the proposed standard clear and understandable?
The document is generally confusing and often we could not figure out which elements belong in the Standards and which belong in the Ontario Building Code.

There are too many references to other standards which becomes very confusing for the lay person. A plan language user friendly document needs to be developed.

The standards makes references to see diagrams that are not in the document.

The section on curb cuts and intersections is also confusing and not clear. We strongly recommend graphics with clear instructions.

4. What are your views about the scope and application of the proposed standard?

We feel that the Standards should be more global and reflect the values and guidelines while the Ontario Building Code should actually address the application of the Standard.

The Standards Development Committee needs to develop principles to frame the document. This will help bridge the gap of understanding the intent or the regulations. We feel that the users of the document may have the tendency to consider accessibility separately instead of as a whole in it’s application hence may deem some of the requirements not feasible.

The Standards do not meet the continuum of the aging population and does not address levels of functionality. This is a major gap in the document.

5. What will be some of the potential positive or negative effects on your organization?

We feel that there are many positive effects on an organization as it creates opportunities for persons with disabilities to use services, programs and opportunities without barriers to access. We see it as a road to leveling the playing field.
The negative effects may be compliance or a willingness to comply with the standards mostly likely related to the costs of meeting the standards.

6. Are the requirements of the proposed standard appropriate in terms of scope, application, technical feasibility and timelines for implementation?

The initial proposed Built Environment Standards are quite reasonable in all areas except the for the timelines given the current design of the physical environment. The timeline should be more specific for each area. This is where funding is critical to ensuring that the regulations are operationalized and maintained.

Timelines for retrofitting must be considered essential because the longer the delay in regulations to require retrofit the greater the cost to meet accessibility. This can be done by providing tax incentives or create a regulation requiring that any capital renewal project valued at a specified percentage of the market value of a building will require a certain level of accessibility to be incorporated throughout the building. Retrofit issues become less feasible the longer the delay in compliance with the regulation and the costs will inevitably go up as the new Built Environment Standards become the norm.

The scope of housing is too narrow because it does not consider social housing and often defers to cost as opposed to need of those with disabilities. There were too many gaps in the housing section and yet this is one of the most important issues for people with disabilities.

We found it difficult to comment on the validity of the document as it was too lengthy, jargony and timing too short.

There seems to be no guarantee that the built environment will be barrier free by the year 2025.

Below are comments regarding specific sections:

Housing

The living space proposed is too cramped and narrow for a person using a wheelchair or scooter. It was noted that as the bathrooms became larger the rest of the living space was reduced in size. People with disabilities spend a lot of time in doors and reducing the size of
living space for someone who may be shut in for long periods intolerable.

We would recommend that you review Region of Peel’s Affordable Housing Guidelines for Barrier Free Interior Housing.

**Parks, Trails and Walkways**

The walkway locations are confusing and need clarity. Walkways should also have rest stops for people with disabilities to rest.

The turning radius should be specified and consistent not leaving it up to the designer to decide.

The transition of pathways and the distance to the washroom is too far and needs to be more realistic.

The description of the positioning of picnic tables is not appropriate for someone with a disability.

**Elevators:**

Should be required to always be open and operable and not require a key for operation.

**Ramps**

Ramps should be required to be wide enough to permit 2 passing chairs in opposite directions.

**Areas not included**

**Roundabouts** must be considered as they are being installed in many Ontario Cities and they do pose risks for many people including people with disabilities.

**Lighting** is not detailed with very little guidelines. This is a very big gap that needs to be addressed before the Standards are finalized.