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### **UPDATE ON THE INITIAL PROPOSED ACCESSIBLE BUILT ENVIRONMENT STANDARD UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005**

The Community and Health Services Committee recommends the adoption of the recommendations contained in the following report dated November 26, 2009, from the Commissioner of Community and Health Services and the Commissioner of Corporate Services, subject to amending recommendation 1 to read as follows:

1. The Regional Chair write a letter to the Minister of Community and Social Services *and to Charles Beer*, supporting the Association of Municipalities of Ontario and outlining York Region's concerns and recommendations regarding the implementation of the proposed Accessible Built Environment Standard and on the overall implementation of the *Accessibility for Ontarians with Disabilities Act, 2005* in York Region; *and that the letter also include a request for funding.*

#### **1. RECOMMENDATIONS**

It is recommended that:

1. The Regional Chair write a letter to the Minister of Community and Social Services supporting the Association of Municipalities of Ontario and outlining York Region's concerns and recommendations regarding the implementation of the proposed Accessible Built Environment Standard and on the overall implementation of the *Accessibility for Ontarians with Disabilities Act, 2005* in York Region.
2. The Regional Clerk forward this report to the local municipalities and their local Accessibility Advisory Committees and to the York Region Accessibility Advisory Committee for their information.

#### **2. PURPOSE**

The purpose of this report is to provide information on the initial proposed Accessible Built Environment Standard under the *Accessibility for Ontarians with Disabilities Act, 2005* including outlining the financial implications and regional plans for implementing the requirements of this standard.

### **3. BACKGROUND**

#### ***Accessibility for Ontarians with Disabilities Act, 2005***

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) came into effect on June 13, 2005. The AODA applies to both the public and private sectors and covers every aspect of life except private homes. The goal of the AODA is to ensure that all Ontarians with disabilities have full and equal access to goods, services, facilities, accommodation, employment, buildings, structures and premises by January 1, 2025. This goal will be achieved through the development, implementation and enforcement of provincially-set accessibility standards. Both public and private sector organizations will be required to implement these standards in phases.

The AODA will eventually replace the *Ontarians with Disabilities Act, 2001* (ODA), however the Province has indicated that the ODA will remain in effect for the foreseeable future. Until the Province repeals the ODA, all public sector organizations, including municipalities and the Region, must continue to implement both Acts simultaneously.

#### **Development of five proposed accessibility standards under the AODA continues**

Under the AODA, Provincial Standard Development Committees were established for each of the five accessibility standards: Customer Service, Transportation, Built Environment, Employment, and Information and Communications.

Each Standard Development Committee is responsible for the development of a proposed accessibility standard to submit to the Minister of Community and Social Services for public review and input. After a specified time of review, the public input is collected and the Standard Development Committee then considers changes to the proposed standard before submitting it again to the Minister for consideration to be passed into law. To date, the Accessibility Standards for Customer Service (*Ontario Regulation 429/7*) has been passed into regulation and the remaining four are in varying stages of development.

#### **Charles Beer's independent review of the AODA is underway**

In June 2009, the Province appointed Charles Beer to conduct an independent review of the AODA. Under the Act, the Lieutenant Governor must appoint someone to conduct an independent review of the legislation and regulations within four years of it coming into force. The purpose of the review is to make sure the legislation is effective for people with disabilities and organizations.

The final report from the independent review will reflect consultations with people across Ontario. It is anticipated that the review may include recommendations to improve the legislation and a strategy to repeal the ODA. A final report outlining these consultations will be submitted to the Minister of Community and Social Services by the end of 2009.

#### **4. ANALYSIS AND OPTIONS**

##### **The initial proposed Accessible Built Environment Standard establishes mandatory requirements for York Region and other public service organizations**

If the proposed standard becomes law in Ontario, both public and private sector businesses and organizations will have to use the standard to identify, remove and prevent barriers to accessibility in the built environment, on a go-forward basis. At this time, the proposed standard would apply to all new construction and buildings undergoing major renovations.

The purpose of the proposed standard is to take the first steps to prevent and remove barriers in the built environment by 2025. It focuses on the first five years after the standard becomes law, as follows:

- New construction would have to comply within 12 months after the standard is law.
- Extensive renovations and changes in the use of a built environment would have to comply within 12 to 36 months after the standard is law.

Although the proposed standard as posted includes sections relating to retrofitting and a requirement to make existing or new housing accessible, the Province has indicated that the final standard will not include these requirements. The Province plans to take a more focused, subsequent look at how to deal with the issue of retrofitting existing buildings and making housing accessible through a separate standard development committee process.

##### **The proposed standard sets out technical requirements for 11 groups of building elements**

The proposed standard sets out technical requirements for 11 groups of building elements including transportation elements (e.g. bus shelters). Currently, the proposed standard will include a transportation elements section; however, this section is still under development. The requirements relating to housing (e.g. exteriors, entrances, interior mobility, etc. of single detached houses) are also included in the proposed standard, but the Province has indicated that the final standard will not include these requirements at this time.

A building element is part of a building or an indoor or outdoor space. The remaining building elements contained in the proposed standard are:

- common access and circulation (e.g. doors and doorways, etc.)
- interior accessible routes (e.g. ramps, stairs, etc.)
- exterior spaces (e.g. pedestrian crossings, street furniture, etc.)

- communication elements and facilities (e.g. signage, wayfinding, public address systems, etc.)
- plumbing elements and facilities (e.g. washrooms, shower areas, drinking fountains, etc.)
- building performance and maintenance (e.g. air quality, property maintenance, interior lighting, etc.)
- special rooms, spaces or other elements (e.g. courtrooms, kitchens, libraries, parking, passenger loading areas, etc.)
- transient residential (e.g. hotels, motels, student residences, etc.)
- recreational elements and facilities (e.g. amusement parks, paths and trails, etc.)

### **Implications of the initial proposed Accessible Built Environment Standard for York Region**

The initial proposed Accessible Built Environment Standard will make great advances in making our communities more accessible. There are, however, some areas of concern that have been expressed by organizations across the Province that need to be addressed before the standard is finalized. These concerns are also shared by York Region and several are highlighted below.

The inclusion of retrofit requirements in the standard would cause an excessive financial burden for York Region and other municipalities. Though retrofit requirements will not be included at this time, when and if they are, and without financial support from the Province, imposing retrofit requirements on public sector organizations could result in significant financial strain. Further, in some cases, retrofit requirements may be neither financially nor technically possible.

The proposed standard acknowledges that there are a number of critical sections which have been left blank as “placeholders,” such as security systems, transit terminals, bus shelters and bus stops, and waiting line-up areas. These clauses may have significant implications on organizations and it is important that they are given adequate consideration and public debate before the standard becomes law.

The proposed standard is also not clear on administrative processes and responsibilities, including whether administration should be vested in existing government regulatory processes or whether a dedicated authority should be created. It is possible that some administrative functions may fall to existing inspection responsibilities at the municipal level.

## **The public review period for the initial proposed Accessible Built Environment Standard has concluded**

On July 14, 2009, the Ontario government released the initial proposed Accessible Built Environment Standard for public review. The initial proposed standard sets out specific requirements for making the built environment in Ontario accessible, including all new construction. The review period concluded October 16, 2009.

York Region staff provided feedback to the initial proposed standard in a number of ways including: participation on the Association of Municipalities of Ontario Standard Development Resource Team, the Association of Municipalities of Ontario Barrier-Free Working Group, attendance at government-led public review focus group sessions and through other professional organizations and coalitions.

The Accessible Built Environment Standard Development Committee will use the feedback received during the review period to shape the final proposed standard before submitting it to the government for consideration as law. The Minister of Community and Social Services then has 90 days to decide whether the proposed standard should be adopted as law or requires further development.

## **The Association of Municipalities of Ontario (AMO) expresses concerns about aspects of the proposed standard**

AMO's response to the Accessible Built Environment Standard Development Committee states that they continue to support the objectives of the AODA but continue to express key concerns with the lack of harmonization across all standards and with other existing legislations (such as the *Ontario Building Code*), with the overall scope and application of the standard (inclusion of retrofitting and renovations, maintenance, technical feasibility, and administration) and the applicability of the costing report accompanying the proposed standard. (*See Attachment 1*)

AMO recently sent a letter to all municipalities encouraging municipalities to communicate directly with the Minister of Community and Social Services outlining their concerns and recommendations regarding the implementation of the Accessible Built Environment Standard and the overall implementation of the AODA. This request from AMO is in response to the fact that all standards have now been posted for public review and, therefore, the next opportunity for feedback and change will be at the next legislated five-year review mark. It is important that the municipal voice and concerns continue to be heard. To date, York Region has provided feedback through other organizations such as AMO and has not offered direct feedback to the Minister on the AODA.

This report recommends that York Region write a letter directly to the Minister of Community and Social Services in support of AMO's position and outlining York Region's concerns and recommendations regarding the implementation of the proposed Accessible Built Environment Standard and the overall implementation of the AODA as

outlined above under the heading “Implications of the initial proposed Accessible Built Environment Standard for York Region”.

### **Implementation roles and responsibilities for the Accessible Built Environment Standard within York Region**

The Corporate Services Department, specifically Property Services, is responsible for leading and monitoring the implementation of the Accessible Built Environment Standard across the corporation. The Community and Health Services Department will be responsible for the coordination and development of corporate policies, as well as reviewing Regional departments’ compliance with this standard and all other regulations under the AODA.

The Corporate Services Department and the Community and Health Services Department will work collaboratively with other impacted departments to develop an implementation framework once the final Accessible Built Environment Standard is passed. Together, they will determine the required actions that will need to be taken within each Regional department, conduct an assessment of potential cost implications, and provide information to senior management and Regional Council, as appropriate.

## **5. FINANCIAL IMPLICATIONS**

### **There is no provincial funding to support the implementation of standards under the AODA**

The Province has provided estimated costs of compliance for each draft standard, however as these standards are passed into law, costs will have to be reassessed to determine the actual costs of compliance for York Region.

The Province retained IBI Group to prepare a cost analysis report for the initial proposed Accessible Built Environment Standard. The report focuses on new construction and retrofit, but does not address the cost impact of renovation construction or the requirements of the housing section of the standard. In this way, the costing report does not accurately or adequately reflect the potential financial impact of the standard.

According to the IBI Group report, it is estimated that for new construction, accessibility requirements will add, on average, for civic buildings, an additional 4.2 per cent to the total construction cost. To put into context, a 4.2 per cent increase in new construction cost estimates for the proposed Central Services Centre Project in Newmarket would increase the cost by approximately \$11 per square foot.

Though the government does not intend to regulate retrofit requirements at this time, the costing report gauged that the proposed standard retrofit requirements could add 45

percent to 100 percent to the usual annual investments in capital repairs and replacements.

## **6. LOCAL MUNICIPAL IMPACT**

Local municipalities will face many of the same cost and resource implementation challenges as York Region in implementing the initial proposed Accessible Built Environment Standard.

The Municipal Staff Reference Group, which is led by the Region, is comprised of those responsible for implementing the requirements of the ODA and the AODA in all nine local municipalities and broader sectors such as hospitals and school boards. The group meets to exchange information and share ideas regarding implementation activities. York Region will continue to meet with and share reports and information with the Municipal Staff Reference Group and their Accessibility Advisory Committees on the Accessible Built Environment Standard and other standards as they are developed and released.

## **7. CONCLUSION**

York Region continues to demonstrate support of accessibility for all of its residents and is proud of the progress made to date to make the Region more inclusive and welcoming of people with disabilities.

In moving forward in implementing the standards under the AODA, the Region will continue to integrate accessibility planning into business practices and processes across all departments.

For more information on this report, please contact Cordelia Abankwa-Harris, Managing Director, Strategic Service Integration and Policy Branch at Ext. 2150.

The Senior Management Group has reviewed this report.

*(The attachment referred to in this clause is attached to this report).*



Association of  
Municipalities of Ontario

*Office of the President*

October 16, 2009

**AMO Response to Built Environment Standard Development Committee  
on Draft Initial Built Environment Standard**

Dear Standard Development Committee members:

While the public review process is guided by six questions, please note that AMO's substantive responses are captured under question 2. You will find that the questions the Committee is seeking clarification on are answered within the discussion on "what you like or dislike about the standard".

As you see, our submission also includes a proposed model for moving forward on the harmonization of the AODA standards. This model will likely not be new to many of the members; however we do ask that you consider the model in light of the clarification we provide under question two. Specifically, the model does not propose that municipalities create their own standards and then back end load them in the last few years leading up to 2025.

In fact, the model proposes, that municipalities work with their Accessibility Advisory Committees, community stakeholders and others to prioritize the immediate, medium term and long term accessibility needs of their communities, and then set about implementing them based on approved plans.

AMO is advocating that all standards be implemented, but in a way that reflects the needs of communities - especially smaller municipalities that will not have the means to implement the standards that we have seen so far - and reflects the human and financial resources of municipalities.

AMO believes this model will ensure that the objectives of the Act will be achieved successfully.

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

AMO believes that the successful implementation of the act will require standards and regulations that are achievable, manageable and affordable – standards and regulations that will allow us to make timely progress toward our shared and ultimate goal of an accessible Ontario.



AMO and its members have consistently stated that we support the objectives of the Act and we remain committed to the successful implementation of the Act. The provincial legislature has given the government and its partners a mandate to complete the task by 2025. While we believe that great strides can be made in the meantime, we do have until 2025 to accomplish everything that needs to be done.

While it is understandable that some have proposed that we should be forced to do overnight what the legislature has given us two decades to achieve. That route will surely lead to failure. And no one benefits if the Government fails at this important task.

AMO and its members remain optimistic that the objectives of the AODA will be realized in a manner that is reflective of the fiscal and human resource capacity of all municipalities across the province.

In general, the Initial Proposed Accessible Built Environment Standard may help to improve accessibility for people with disabilities. The proposed standard includes a number of requirements which will make elements in the built environment more accessible for individuals of all ages and abilities. We also support that this proposed standard raises awareness about the importance of accessibility in the built environment.

However, the level and degree of prescriptive technical requirements, the continued lack of harmonization across standards and existing legislation threatens the realization of the objectives of the Act.

In addition, it is important to note, that the financial burden and expectations the proposed standard places on municipalities would not only undermine the objectives of the Act and the potential for greater accessibility for all Ontarians, but conflict with the provincial objective of "*Open for Business*". The timelines, requirements and cost of implementing all of the requirements proposed in the standard could undermine Ontario's competitiveness.

Bearing this in mind, it is unclear the degree to which the proposed standard as written will improve accessibility for people with disabilities.

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

AMO continues to support the need for increased and improved accessibility for Ontarians in all aspects of community and civic life. AMO believes that since the enactment of the AODA four years ago, important advancements have been made in discussions on the key barriers to achieving accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

AMO also appreciates the government's inclusive approach to the standard development process and at the same time appreciates the challenges associated with reaching "consensus" on issues in a process where common ground has not been clearly defined.

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However, with the release of the recent initial draft Built Environment Standard, AMO remains concerned that the Act as a whole, as defined by the individual standards will, in its entirety, fall short in achieving the objectives of the AODA in implementation.

While there is recognition from the Built Environment Standard Development Committee that “the approach to removing and preventing barriers has to work within the fiscal, economic and technical realities we are facing”, a review of the elements of the initial proposed Standard does not support this statement. In fact, as drafted, the standard, in some areas, is technically infeasible and potentially economically disastrous for municipalities.

AMO’s key concerns focus on the following:

- Lack of harmonization across standards;
- Overall scope and application of the Standard:
  - inclusion of retrofitting and renovations;
  - maintenance
  - technical feasibility
  - administration
- Applicability of IBI Group costing report

*Lack of Harmonization across AODA Standards:*

AMO has consistently expressed concern with the lack of harmonization across the emerging standards as well as with existing legislation and regulations.

AMO’s rationale for arguing this point has been that, given the scope and breadth of the AODA, implementing individual standards will impact on every facet of municipal operations. This impact will vary according to the size and nature of a municipality. Given this, it is necessary that the AODA is implemented in an efficient and streamlined way that reflects local issues and needs while respecting municipal capacity and resources.

Given that the AODA standards will, to varying degrees, impact all areas of the municipal business and operations, the most effective and efficient manner in which to address compliance with the AODA requirements is from a holistic perspective that supports:

- understanding the current environment as it relates to all aspects of the organization
  - considering/assessing all requirements collectively
  - developing a logical, supportive, prioritized implementation strategy that is reflective of local priorities and maximizes the use of the 5 year review periods as set out in the AODA legislation
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- implementing the strategy consistent with fiscal and operational capacity consistent with Premier McGuinty's statement to the Large Urban Mayors Caucus of Ontario (LUMCO) that "2025 was chosen as the target year by which standards are to be phased in, giving businesses and public organizations sufficient time to spread out their accessibility investments as part of their normal business and capital planning cycles"
- follow up and monitoring, including reporting of results

Based on the above, AMO proposes that the Government review the attached model: *The Case for the Harmonization of AODA Standards*. The model provides a comprehensive and phased approach to the planning and implementation of the standards that provides the flexibility for organizations to assess the standard requirements and then prioritize and implement the changes necessary to achieve compliance in a manner that is specific to their business and local priorities and that will be achievable.

The model addresses the key concerns consistently raised by AMO regarding the harmonization of standards and appropriate timelines for implementing what will be a cost and human resource heavy initiative.

By proposing the model as an opportunity to improve the implementation and realization of standards, AMO is not proposing a way out for municipalities around implementing the standards – rather - we are looking for a solution to ensure, that the standards - as passed - are implemented up until, and fully, by 2025.

To clarify, the model does not propose that municipalities create their own standards and then "back end load" them in the last few years leading up to 2025.

In fact, the model proposes, that municipalities work with their Accessibility Advisory Committees, community stakeholders and others to prioritize the immediate, medium term and long term accessibility needs of their communities, and then set about implementing them based on approved plans.

AMO is advocating that all standards be implemented, but in a way that reflects the needs of communities - especially smaller municipalities that will not have the means to implement the standards that we have seen so far - and reflects the human and financial resources of municipalities.

AMO believes this model will ensure that the objectives of the Act will be achieved successfully.

***Recommendation:***

***The Government should establish a working group to develop an implementation plan based on the proposed model: A Case for Harmonization of AODA Standards.***

*Overall Scope and Application of the Proposed Built Environment Standard:*

At the beginning stages of the built environment standard process, the scope of the standard was being developed on a “go-forward basis” that did not include prescriptive technical standards.

The proposed standard however, includes arbitrary prescriptive technical requirements, introduced late in the process and not fully vetted by the committee or by technical experts. The final product is far more prescriptive and moves away from a performance based approach as can be found in complimentary legislation such as the Ontario Building Code (OBC).

It is generally accepted that the existing barrier free requirements in the OBC are limited and do not meet the needs of most people with disabilities. New minimum and expanded standards do need to be established but they should not be as prescriptive as proposed in the draft standard. A reasonable balance needs to be achieved to allow municipalities the opportunity to manage enhanced accessibility in a fiscally responsible and timely manner and the flexibility to permit municipalities to move above and beyond new minimum standards to meet local community needs

During discussions at the standard development committee, AMO recommended the following principles to guide the development process of the built environment standard:

- The standard (and ultimately the regulations created pursuant thereto) should be to the greatest extent possible, objective-based, realistic, achievable, measurable, enforceable and maintainable.
  - The standard should not result in the degradation of access to goods, services, programs, facilities, buildings, structures, premises, accommodation, and employment to the community as a whole.
  - The standard should encourage the pursuit of innovation and continuous quality improvement based on technologies, building science and engineering best practices that are feasible for use within the Province of Ontario.
  - The standard shall apply to all newly designed and newly constructed elements of the built environment.
  - The standard shall apply to significant renovations of existing elements of the built environment and shall allow for a reduction in the minimum requirements where, in a retrofit situation, the requirements of the standard are technically infeasible to implement due to exceptional circumstances.
  - The determination of the extent to which retrofitting may be required will be based on technical and fiscal feasibility.
  - The standard shall apply to Heritage elements of the built environment, taking into consideration allowances under the Ontario Human Rights Code for modifications to the defining features of a Heritage facility which are deemed to alter the essential nature of the enterprise. Application of the standard to Heritage elements should be assessed for compliance on an individual basis to determine the most effective and least disruptive means of retrofit, where required.
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**Recommendation:**

***As the Government moves forward on creating future standard development committees, AMO recommends standards be developed based on agreed upon principles and guidelines versus overly prescriptive standards that are not fiscally manageable or technically supported.***

**Retrofits:**

The proposed standard includes retrofitting as a requirement. The government has indicated that it *"does not plan to require all existing buildings to be retrofitted to meet accessibility requirements in the final accessible built environment standard at this time"*.

The government also indicated that it does *"not intend to require Ontarians to make their existing or new houses accessible in the final accessible built environment standard at this time"*.

The government has indicated that these issues will be addressed through a future standard development process.

However, AMO is including comments on this section for consideration to respond to the standard as released for public review and comment and also for future consideration in the development on standards for renovations and retrofits.

As currently drafted, municipalities would be unfairly burdened by the renovation and retrofit requirements. Essentially, the expectation appears to be that municipalities would be responsible for hundreds of years of infrastructure.

Including retrofit requirements in the proposed standard would cause excessive financial burden for municipalities that would be exacerbated by the current economic climate. Including retrofit requirements in the standard would result in the potential degradation of other municipal services.

Given the very broad cost impact analysis conducted to support the proposed built environment standard, the true financial implications of requiring retrofits to be carried out is not known. It would be imprudent for the government to support this aspect of the standard as proposed by the standard development committees at this or any future time.

**Recommendation:**

***The province should reject retrofit requirements. In addition, the government should conduct a thorough impact analysis on the economic implications of implementing the standard as proposed.***

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*Renovations:*

The proposed standard calls for accessibility requirements to be implemented when carrying out extensive renovations and change of use. While including accessible standards in new construction and change of use makes sense, renovations can be far more complex and costly, for example, when carrying out work on historic buildings or interiors of buildings.

AMO recommends that these issues should be dealt with separately with unique exemptions for each section. Furthermore, the definition for renovation and changes of use are far too broad including terms such as "rearrangement, historic restoration, and resurfacing". A clearly defined, high minimum threshold should be set for renovations and changes of use before they would be required to comply. AMO also recommends that these thresholds be developed in consultation appropriate technical expertise.

***Recommendation:***

***AMO recommends that if the standard is to include compliance when undertaking renovations, flexibility must be provided in recognition that in some cases compliance is not feasible. Rather than a specific definition for compliance, degrees of accommodation should be considered. However, prior to any acceptance of the standard into regulation, high minimum thresholds for compliance must be developed in consultation with appropriate technical expertise.***

*Maintenance:*

The proposed standard requires "routine maintenance and repair of the built environment that includes all activities performed to return the element back to the condition that it was originally intended for". This includes, as examples, the removal of snow, removal of graffiti or debris, pruning of over grown vegetation cleaning or restoring the operation or function of the element, replacing deteriorated/damaged/vandalized elements or parts of elements, changes to mechanical or electrical systems, re-roofing, painting or wallpapering.

It is recommended that the above aspects are beyond the scope of the built environment and addressing these concerns is governed by other existing standards such as municipal by-laws. This section is a clear example for the need for harmonization across standards and existing legislation.

In addition, the cost and human resource implications must be better understood.

***Recommendation:***

***AMO recommends that maintenance be removed from the proposed built environment standard as standards currently exist in municipal by-laws and provincial legislation such as the Highway Traffic Act.***

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*Technical feasibility:*

As discussed, the standard as proposed contains a number of arbitrary and technically prescriptive components. The inclusions of these aspects clearly do not consider cost implications, technical feasibility or existing best practices. To site a few examples;

- Sec. 3.2.9-Power doors: with the exception of Clause 3.2.7 Door Opening Force, all doors along and within an accessible interior route shall have a power door operator that automatically opens/closes the door;
- Sec. 4.1.-Interior access routes: every accessible interior route shall have an unobstructed width of at least 1200 mm (47 in) except where exceptions apply;
- Sec. 4.1.12-Convex mirrors: all facilities shall have convex mirrors installed at hallway intersections along an accessible interior route to allow people who are Deaf, deafened or hard of hearing to see oncoming pedestrian traffic.
- Sec. 7.7-Universal toilets: a universal toilet shall be provided on every occupied floor of a building;
- Sec. 8.6.1 & 2-location and light levels of exterior pedestrian lighting: exterior pedestrian lighting shall be provided on all accessible exterior routes, on all accessible routes leading to public buildings, at accessible building entrances, passenger loading zones and accessible parking facilities. Exterior lightings shall also be evenly distributed over accessible routes, be positioned not to cause obstructions, protrusions or tripping hazards and shall illuminate walk ways at 100 lux and measured at ground level.
- Sec 9.18-Passenger Loading Areas: all buildings should have a barrier free passenger loading areas which provides an accessible route to a building;

While providing only a few examples from an extensive array of examples, a number of issues are clear. First, the cost implications for implementing a fraction of the requirements will be enormous. Second, a number of the requirements are arbitrary, ignoring existing standards and suggested in the absence of industry consultation and recommendation.

For example, lighting levels ignore existing Illuminating Engineering Society of North America standards as well as the governments' green energy initiatives, security and safety concerns to mention a few conflicts. It should also be mentioned that the lighting standard was developed at the standard development committee in the absence of expertise among the membership.

***Recommendation:***

***AMO recommends that the technical requirements set out in the proposed standard be reviewed by industry experts prior to finalizing any aspects of the standard. AMO also recommends that the cost implications be understood by way of an impact analysis and that the cost implications be considered in timelines to implement as well as through appropriate provincial funding.***

*Administration of requirements:*

The proposed standard is not clear on how the regulation is to be administered, and indicates that the Standard Development Committee did not reach consensus on whether administration should be vested in existing government regulatory processes or create a dedicated authority. While there is merit in having organizations file compliance plans to ensure accountability and public disclosure, creating an administrative body to review or approve these plans would be unduly onerous.

The proposed standard provides that the duties of administration would include reviewing compliance plans and making determinations on exemption requests and claims of undue hardship. Given that this standard applies to all public and private organizations in Ontario, this is a tremendous administrative workload with little resulting benefit for people with disabilities. AMO recommends that administration responsibilities be significantly reduced and be integrated into existing Provincial government processes. If it is the Ministry's intention to make administration of the regulation the responsibility of municipal Chief Building Officials, municipalities would require significant financial support to provide for additional staff and training.

***Recommendation:***

***AMO recommends that administration responsibilities be significantly reduced and be integrated into existing Provincial government processes. And, that increased administrative costs and impacts resulting from implementation and compliance review of the standard be paid for by the provincial government.***

*Applicability of IBI Group costing report:*

As with the costing reports released under previously proposed standards, the IBI Group costing report on implementing the proposed built environment standard does not adequately reflect the potential financial impact of the Initial Proposed Accessible Built Environment Standard. The costing report focused solely on new construction and retrofit, but did not address the impact of the renovation construction or the housing section of the proposed standard. Furthermore, the report did not include any actual cost estimates short of vague premium estimates. For example, the report gauged that the proposed standard retrofit requirements could add 45% to 100% to the usual annual investments in capital repairs and replacements. The costing report does not provide a range of actual cost impacts as provided in costing reports released with previous draft standards.

Two examples demonstrate the shortcomings of the costing report:

- In the City of London's case, this is a significant range from \$17.5 million to \$39 million annually based on the applicable allocations in the 2009 approved capital replacement budget. The City's analysis however indicates that the cost of retrofit would far exceed this estimate. Compliance with clause 5.1, Accessible Exterior Route, in the City of

London for example would cost an estimated \$200 million to replace 1375km of sidewalks. Compliance with clause 5.1.14, Curb Ramps, would add on an additional \$25.5 million to retrofit approximately 7700 sidewalks raps. The cost for just these two clauses far exceeds the estimates according to the costing report.

- The Region of Peel estimated \$231,000,000 to upgrade 1375 km of sidewalks. This cost only includes the widening of existing sidewalks and not full replacements. For full replacements, Peel estimated a total cost of \$693,000,000. In addition they estimated \$4,851,000 to retrofit 7700 curb ramps.

As in previous costing reports provided with proposed draft standards, the analysis provided is insufficient in understanding the true cost implications of implementing the standard as currently proposed. It is appreciated that conducting a building/built environment of the province would be an arduous undertaking but it is unclear why sample communities and buildings were not considered.

***Recommendation:***

***AMO recommends in light of the potential province-wide financial impact of the proposed standard, further impact analysis is required to ensure that the government and the standard development committee is fully aware of the economic implications prior to the adoption of a regulation.***

While this feedback provides only a snapshot of the scope and requirements of the proposed standard - the implications are clear.

**3. Is the proposed standard clear and understandable?**

In terms of readability-yes, in terms of implications and other concerns as outlined above, more work is required around clarifying the impact of implementing the standard against existing government and industry standards, existing and developing AODA standards and against the varying size and capacity of municipalities.

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

Please see response to question 2-specifically, comments on technical feasibility, affordability, harmonization, impact on municipal viability, achieving the objectives of the AODA etc.

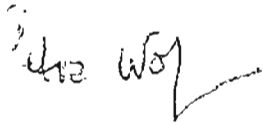
**5. What will be some of the negative or positive effects on your organization?**

Please see response to question 2.

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

Please see response to question 2-however, it is unclear to us, why this initiative is moving forward in a way that will not be a win for all Ontarians. AMO is hopeful that the concerns and recommendations provided in response to the draft initial built environment standard are seen not as an effort to undermine improved accessibility across the province, but rather as an opportunity to ensure the Act achieves its objectives. There has been considerable misunderstanding of the municipal interest in this matter. Municipal governments in Ontario have shown leadership on this issue for decades. AMO and its members have stated time and time again that we support the objectives of the Act and we are committed to the successful implementation of the act. We believe that the AODA can be a win for all.

Sincerely,

A handwritten signature in black ink, appearing to read 'Petra Wolfbeiss', with a stylized flourish at the end.

Petra Wolfbeiss  
Senior Policy Advisor, AMO