

MEMORANDUM

TO: Members of Community and Health Services Committee

FROM: Adelina Urbanski, Commissioner of Community and Health Services

DATE: October 10, 2012

RE: *Accessibility for Ontarians with Disabilities Act, 2005 Update –
Proposed Design of Public Spaces Standards*

This memorandum provides an update on the recent posting of the proposed amendments to the *Integrated Accessibility Standards Regulation* (IASR) under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) that include the *Design of Public Spaces Standards* and minor technical amendments to the IASR. This document also provides an overview of the implications for York Region.

The goal of the proposed standards is to remove accessibility barriers in public spaces and buildings

The proposed standards address planning for accessibility in a range of public spaces, including trails/beach access routes, playgrounds, accessible parking, exterior paths of travel including sidewalks and accessibility pedestrian signals and service counters. Accessibility standards for buildings will be released at a later date through Ontario's Building Code. If the proposed standards become law, designated public sector organizations will be required to apply these standards to new construction and planned redevelopment on or after January 1, 2016. This will mainly impact the Region's public facilities, Housing and Long Term Care buildings, forest trails and transportation services. The proposed standards also include minor technical amendments to the IASR to clarify some of the requirements and make it easier for organizations to implement them.

The proposed *Design of Public Spaces Standards* were posted for a 45-day public review period concluding on October 1, 2012

The Provincial Standard Development Committee for this standard will consider the input from the public review before submitting the proposed standard to the Minister for consideration to be passed into law.

York Region provided recommendations to enhance the proposed standards

York Region continues to support the objectives and spirit of the AODA. The Regional Chairman and CEO, Bill Fisch sent a response on behalf of the Region to the Minister of Community and Social Services outlining proposed recommendations to meet the AODA objectives in a way that reflects local issues and needs, respects municipal capacity, resources and the progressive work the Region has done to better serve people with disabilities. A copy of this response is attached.

Overall, York Region is on track to meet the requirements proposed in the standards. Many of the requirements have already been implemented or planned as part of the Region's ongoing work under the accessibility legislations.



Adelina Urbanski
Commissioner, Community and Health Services

LG/ld

Attachment - 1



Bill Fisch, B.Com., LLB, J.D.
Chairman and CEO

The Regional Municipality of York
17250 Yonge Street, Box 147
Newmarket, Ontario L3Y 6Z1

Tel: 905-895-1231
905-731-0201

email: bill.fisch@york.ca

September 20, 2012

Honourable John Milloy
Ministry of Community and Social Services
6th Floor, Hepburn Block
80 Grosvenor Street
Toronto ON M7A 1E9

Dear Minister Milloy:

Re: Comments on the Proposed Design for Public Spaces Standards

I am writing to highlight issues and recommendations from The Regional Municipality of York regarding the proposed amendments to the *Integrated Accessibility Standards Regulation* (IASR) under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) that include the *Design of Public Spaces Standards*.

York Region continues to support the objectives and spirit of the AODA and would like to provide recommendations to enhance the proposed *Design of Public Spaces Standards* and the overall implementation of the AODA. The Region requests that the Government consider the following recommendations when finalizing the proposed amendments:

Clarity

Without limiting obligated organizations' ability to respond to local needs, it is recommended that ambiguous wording throughout the document be clarified. For instance, the terms "public space," "outdoor playing space" and "adjacent to water" can be interpreted in many ways and require clarification.

Service Related Elements

The proposed standards do not provide technical requirements for service counters and fixed queuing guides. This may lead to inconsistent application and levels of accessibility across the Province. It is recommended to include specific technical requirements for service counters and fixed queuing guides to encourage equal access.

Accessible Parking

While York Region acknowledges the value of prescriptive requirements for consistent implementation, in the case of the requirement for four per cent accessible parking spaces, the Province should consider allowing for discretion in application to meet local needs.

Alignment with Other Standards

The proposed *Exterior paths of travel, curb ramps* standards (Section 80.25(1)) and the *Ontario Provincial Standard Drawing* (OPSD) (Section 310.030) do not align. The OPSD provides technical guidelines that were adopted as best practice by many municipalities, including York Region. The proposed standard prescribes a maximum cross slope of curb ramps below the OPSD threshold, which may lead to hazardous conditions. It is recommended to align the proposed standards with the OPSD and any other applicable provincial guidelines.

Accessible Pedestrian Signals

The proposed requirement prescribes the installation of accessible pedestrian signals at all new pedestrian street crossings and when replacing existing pedestrian signals. In some rural areas, there are intersections that do not have pedestrian paths of travel leading to it. It is recommended to exempt from this requirement pedestrian crossings that are not connected by a pedestrian path of travel because they are not being utilized by pedestrians.

In addition, York Region supports the requirement to provide announcements where two pushbutton assemblies are installed on a single post. However, it is suggested that the intended objective would be better achieved through the use of a tone or vibration signal rather than verbal announcement to accommodate people with all types of sensory disabilities.

Reporting Requirements

The proposed standards increase the reporting requirements and include reporting on maintenance procedures in the multi-year accessibility plans and the steps taken to comply with the IASR requirements within status reports. These reporting requirements and those in the IASR and the *Ontarians with Disabilities Act* (ODA) are administratively burdensome. Currently, York Region is required to submit a multi-year accessibility plan, annual accessibility status report and provide an accessibility report to the Province within the next two years. Some consideration should be given to the timely repeal of the ODA and the frequency of reporting requirements to allow municipalities to focus resources on implementation.

Priority Seating

York Region is pleased with the proposed change of the term “courtesy seating” to “priority seating.” This is a welcomed amendment that will allow for fair service and alignment with the spirit of the Ontario Human Rights Code which ensures that every person, regardless of abilities, has the right to equal treatment with respect to service, goods and facilities.

Municipal Funding

The proposed standards will impose additional financial costs on municipalities without the accompanying funding to implement them. York Region recommends that the Government consider a funding formula that cost-shares implementation expenditures in a way that does not place undue burden on local municipal budgets and staffing resources.

I am pleased to report that York Region has been breaking barriers to accessibility by integrating accessibility into business practices and processes across the Region. Since 2005, York Region

has implemented over 700 accessibility initiatives making Regional programs, services and facilities more accessible.

In 2012, York Region received the Excellence Canada – Ontario Accessibility Award from People Access, recognizing excellence in implementing the requirements of the *Accessibility Standards for Customer Service Regulation* under the AODA and for going above and beyond to serve people with disabilities. York Region takes pride in its reputation as an industry leader and accessibility champion.

In conclusion, York Region is committed to the successful implementation of the AODA. These recommendations have been provided to help ensure that AODA objectives are met in a way that reflects local issues and needs, respects municipal capacity, resources and the progressive work we have done to better serve people with disabilities. We appreciate the opportunity to provide input on the proposed *Design for Public Spaces Standards* and amendments to the IASR as we move one step closer to an accessible Ontario.

Yours truly,

A handwritten signature in black ink, appearing to read "Bill Fisch". The signature is written in a cursive, flowing style.

Bill Fisch
Chairman and CEO