

February 8, 2013

**CL 2-2013, February 7, 2013**  
**ICPC 2-2013, January 30, 2013**  
**Report ICP 8-2013**

Bonnie Nistico-Dunk, City Clerk  
City of St. Catharines  
P.O. Box 3012  
St. Catharines, ON L2R 7C2

***SENT ELECTRONICALLY***

*Accessibility for Ontarians with Disabilities Act (2005)*  
proposed draft Built Environment Standard  
**ICP 8-2013**

Dear Ms. Nistico-Dunk,

Regional Council, at its meeting of February 7, 2013, approved the following recommendations of its Integrated Community Planning Committee:

That Report ICP 8-2013, January 30, 2013, respecting *Accessibility for Ontarians with Disabilities Act (2005)* proposed draft Built Environment Standard, **BE RECEIVED**;

That the feedback on the draft Built Environment Standard relating to outdoor space as coordinated through the Niagara Region's Accessibility Advisory Committee **BE ENDORSED** for submission to the Ministry of Municipal Affairs and Housing, and **CIRCULATED** to all local municipalities, Niagara Peninsula Conservation Authority, Niagara Regional Housing and Niagara Regional Police Service.

A copy of Report ICP 8-2013 is enclosed for your information.

Yours truly,



Janet Pilon  
Regional Clerk  
:nld

cc: P. Robson, Commissioner, Integrated Community Planning  
K. Weaver, Director, Community & Corporate Planning  
S. Murphy, Accessibility Advisory Coordinator  
S. McPetrie, Administrative Assistant, Integrated Community Planning  
N. Smagata, Administrative Assistant  
J. Feren, Legal Services  
M. L. Macara, Legal Services



**REPORT TO:** Integrated Community Planning Committee

**SUBJECT:** *Accessibility for Ontarians with Disabilities Act (2005)*  
proposed draft Built Environment Standard

---

## **RECOMMENDATION**

That the feedback on the draft Built Environment Standard relating to outdoor space as co-ordinated through the Niagara Region's Accessibility Advisory Committee **BE ENDORSED** for submission to Ministry of Municipal Affairs and Housing, and circulated to all local municipalities, Niagara Peninsula Conservation Authority, Niagara Regional Housing and Niagara Regional Police Services.

## **PURPOSE**

To seek endorsement of feedback to draft legislation regarding Built Environment Standard – *Accessibility for Ontarians with Disabilities Act (2005)* relating to Public Spaces Prepared by the Niagara Region's Accessibility Advisory Committee.

This report supports Council Business Plan Theme 2 – Healthy Community.

## **BUSINESS IMPLICATIONS**

There are no financial implications to the Niagara Region at this point as a result of the proposed draft legislation pertaining to the Built Environment Standard of the *Accessibility for Ontarians with Disabilities Act (2005)*.

Currently, implementation of the existing standards of the *Accessibility for Ontarians with Disabilities Act (2005)* has no additional financial impact on the Niagara Region. Future regulations may result in a need for financial resources to be redirected in order to attain mandated compliance with future legislated standards. Any such implications will be reported to committee and Council as they arise.

## **REPORT**

This report has been submitted by the Niagara Region's Accessibility Advisory Coordinator after collaborating with the members of the Niagara Region's Accessibility Advisory Committee. This Committee has community and staff representation from departments directly involved in attaining mandated compliance. (i.e. Facilities, Public Health, Integrated Community Planning, *Provincial Offences Act*, Niagara Regional Housing, Community Services, community agency representatives, and members of the public).

The new proposed Built Environment Standard contains new accessibility requirements for municipalities, as part of the broader public sector identified in the Integrated Accessibility Standard (IAS) regulations, to incorporate into the design of the following public spaces:

1. Recreational Trails and Beach Access Routes
2. Outdoor Public-Use Eating Areas (e.g. rest stops or picnic areas)
3. Outdoor Play Spaces (e.g. playgrounds)
4. Exterior Paths of Travel (e.g. sidewalks, ramps, stairs, curb ramps)
5. Accessible parking (on and off-street)
6. Obtaining Services (e.g. services counters, waiting areas)
7. Maintenance (of accessibility-related equipment and features in public spaces)

**General comments that arose from consultation are as follows:**

**Section 4** of the regulation states that two or more designated public sector organizations who are required to comply with the requirements with respect to Accessibility Plans set out in Subsection (1) may submit a joint plan.

#### **Comment**

There is no mention of any restriction around the sizes, types or locations of the organizations or whether they need to be adjacent or have any relationship with each other. The initial draft release did not differentiate between municipalities, school boards, colleges, universities, agencies, boards, commissions or hospitals as organizations mandated to comply with the *Accessibility for Ontarians with Disabilities Act (2005)*.

#### **Definition Amended**

Since the initial release of this standard this definition has been amended to state that an upper tier municipality may combine efforts with a lower tier municipality that is within the upper tier's boundaries.

**Section 2** of the regulation is amended to define "mobility device" as a device used to transport, in a seated position, a person with a disability.

#### **Comment**

More clarity is needed here if the intent is to limit the devices covered by this regulation. Some walkers have wheels and folding seats does this apply to them also?

#### **Definition Amended**

The definition of "Mobility Device" has been amended to include cane, walker or similar aid.

## **Particular comments on Technical Requirements:**

**Section 80.8 (1) 5** refers to edge protection constituting an elevated barrier on a recreational trail constructed adjacent to water of a minimum of 50 mm in height.

### **Comment**

An elevated barrier may be an additional tripping hazard and the situation may be remedied by designation of minimal widths for paths and trails constructed adjacent to water thereby allowing mobility devices to pass each other without a minimum 50 mm barrier that may serve to restrict admission to trails in certain areas.

### **Definition Amended**

Despite section 80.8 (1) 5, where there is a protective barrier that runs along the edge of a recreational trail that is constructed adjacent to water or a drop-off, edge protection does not have to be provided.

**Section 80.35 (3)** addresses the minimum number of Type A and B accessible parking spaces required for an off street parking facility.

- Type A parking spaces require no additional room but rather a preferred location in order to assist persons with limited mobility to access an accessible pedestrian path of travel.
- Type B parking spaces are those adjacent to a vacant space used to allow persons with mobility devices to unload from a side door onto a scooter, wheelchair or other mobility device.

### **Comment**

What is not addressed is the need to connect the Accessible parking spaces to a barrier free path of travel for pedestrians in order to minimize the need for persons using mobility devices to cross parking lots after disembarking from side and rear loading vehicles.

### **Conclusion**

The Niagara Region is committed to removing barriers while looking to exceed minimal standards for *Accessibility for Ontarians with Disabilities Act (2005)* compliance. We appreciate the opportunity to provide feedback to the Draft Requirements for the Design of Public Spaces and look forward to all opportunities to participate in this collaborative consultation process.

**REPORTS PERTINENT TO THIS MATTER**

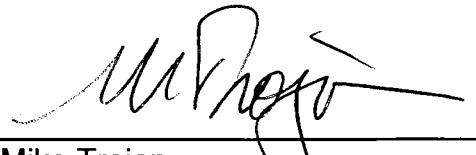
- n/a

**Submitted by:**



Patrick Robson  
Commissioner  
Integrated Community Planning

**Approved by:**



Mike Trojan  
Chief Administrative Officer

*This report was prepared by Steve Murphy, Accessibility Advisory Coordinator, with input from Niagara Region's Accessibility Advisory Committee, and reviewed by Kirk Weaver, Director, Community & Corporate Planning.*