

Friday, July 2, 2008

To: The Chair and Members of the Municipal
Licensing and Standards Committee

From: Howard Moscoe

Re: Public Washrooms in Retail Stores

In May I wrote to the Planning and Growth Management Committee requesting that they require new retail stores to provide public washrooms for their customers.

I asked that this matter be referred to staff for a report to a subsequent meeting of the Committee.

Later, I was advised by an anonymous caller, an architect, that this was already a requirement of Section 3748(2) of the Building Code. This has been confirmed by Ann Borooah, our chief building official and her staff.

It would appear that for many years large retail businesses have kept their requirement to provide public washrooms secret. They have closed these washrooms to the public and simply not made them available to customers. It has now reached the point that most people in Ontario are just not aware that they have a right to demand access to washrooms in retail stores and supermarkets.

Nobody would argue that washrooms are not a basic human necessity but it would appear that with an aging population and for families with young children the need is even more acutely felt. This weekend I visited three Shoppers Drug Marts and asked to use the washroom. In all cases I was advised that the company does not provide public washrooms. The store washrooms were behind doors labeled "employees only" and entry was by way of an access code.

Staff have advised that, "Since there is no provision in the code to 'identify' that a given washroom is provided for public use, enforcement after the fact becomes difficult". The fact is that nobody seems to have been assigned the responsibility for this enforcement nor has anyone bothered to do so. I have attached a copy of the

Building Code requirements for public washrooms in Mercantile Occupancies.

Staff have further suggested that some simple amendments to the Property Standards Bylaw will significantly enhance the enforceability of this provision of the building code. Please note that, while many may wish to do so, **no retail business will have to build an additional washroom to be compliant.**

I am recommending that:

1. Staff draft an amendment to our property standards bylaw that will enable MLS inspectors to enforce the building code requirements for mercantile occupancies to provide washrooms to which customers have access.
2. The bylaw amendments include requirements for open customer access and appropriate signage.
3. That this matter be tabled for the statutory public hearing at the October committee meeting.
4. That the bylaw changes allow for no more than 6 months for compliance.
5. That in drafting the bylaw the Executive Director of Licensing and Standards consult with the Chief Building Official and the Medical Officer of Health.

Howard Moscoe
Chair

Building Code requirements for public washroom in Mercantile Occupancies

Number of Fixtures Required

The number of plumbing fixtures required is based on size and occupancy load mercantile facility. Division B, Subsection 3.1.17. sets our the criteria to establish the occupant load.

If the total area of the mercantile occupancy (not counting the basement if there is one) is not more than 6,460 sq. ft., then only one water closet for each sex is required.

A single water closet serving both sexes is all that is required if the total area of the mercantile occupancy (not counting the basement if there is one) is not more than 3,230 sq. ft or an established occupancy load of not more than 9 persons.

Where the above conditions do not apply, one water closet is required for each 300 males and one water closet for each 150 females of the established occupancy load.

Restaurants are special cases: A restaurant is permitted to be classified as a Group E major occupancy (Mercantile) provided the restaurant is designed to accommodate not more that 30 persons consuming food or drink. Otherwise it must be considered Assembly occupancy. The building code has established a table to calculate the number of fixture requirements for restaurants.

Signage

No requirement to identify washrooms for public.