

Consideration of the StopGap Ramp Initiative in meeting AODA Compliance Requirements

Date:	May 14, 2013
To:	Disability Issues Committee
From:	City Manager
Wards:	All
Reference Number:	

SUMMARY

On October 2, 2012 City Council adopted a motion requesting a report to the Disability Issues Committee on how the StopGap Ramp Initiative can be supported by the City of Toronto and incorporated into its implementation of accessibility standards established under the Accessibility for Ontarians with Disabilities Act (AODA).

This report provides background on the StopGap Ramp Initiative in relation to the AODA; summarizes feedback from discussions with staff from a number of City divisions and requests the Disability Issues Committee to endorse staff recommendations.

The StopGap Ramp Initiative is a program that provides free, non-permanent ramps, which enable temporary access to buildings with a one-step entrance. The colourful ramps are in use in some of the City's Business Improvement Areas (BIAs), e.g. Kensington Market, Roncesvalles, the Junction. The Ramp Initiative has been advertised in the Toronto Association of Business Improvement Areas (TABIA) Newsletter which is distributed to all of the City's BIAs.

The City of Toronto is committed to meeting its legislated obligations consistent with AODA accessibility standards and the Ontario Building Code in order to provide the best possible service and to promote an accessible, supportive, healthy and safe service environment for the public and its employees.

This report finds that the program is not a fit for the City since use of the ramp does not constitute compliance with the AODA, and should not be viewed as such. In addition, possible health and safety risks may be associated with its use. However, there may be a possibility for use of the ramps by non-profit organizations with a Below Market Rent agreement and small businesses as a temporary measure.

RECOMMENDATIONS

The City Manager recommends that:

1. The Disability Issues Committee receive this report for information.
2. The Disability Issues Committee commend Luke Anderson, founder of the StopGap Ramp Initiative for bringing a focus to the physical barriers in the environment and raising awareness of the need for universal design.

Financial Impact

There are no financial implications.

Disclaimer

StopGap is an organization that is not affiliated with the City. As such, this report does not speak to the quality of the work done by the organization. It is recommended that any group that wishes to use the services of StopGap should ensure that they are satisfied with the nature and quality of the services that StopGap provides.

ISSUE BACKGROUND

City Council adopted MM26.13 at their October 2, 2013 meeting and requested a report on how the StopGap Ramp initiative could be incorporated into the City's implementation of the AODA brings a focus to an innovative community project which provides inexpensive, temporary access ramps to businesses with one-step entries but is also a reminder that while the City is committed to creating a barrier free City, it also has legal obligations to provide a safe service environment.

StopGap Ramp Initiative

StopGap was founded by Luke Anderson, Blackwell Structural Engineers. This initiative has been successful in raising awareness and demonstrating how a simple ramp can provide access to buildings with a one-step barrier to entry and exit. The ramps may also offer an inexpensive but temporary solution to private sector small business owners for short-term use and entry to their storefront.

It is noted that the City's Accessibility Design Guidelines, adopted by City Council, 2004 support universal design principles which not only optimize independent access for people with different abilities but also to improve access for all. The Guidelines advise that all work for City buildings must comply with the Ontario *Human Rights Code*, the AODA and the Ontario Building Code. The Code describes a minimum mandatory level of design standards for accessibility.

The ramps are in use in several Southern Ontario communities, including some Toronto neighbourhoods. The project and production of free temporary ramps is dependent on community volunteers and the participation of hardware stores (e.g. Home Depot) who will donate all required building materials. Interested communities and BIAs are provided with a Ramp Project Kit which includes electronic copies of Project brochures, handbook, video construction demonstration and other outreach materials.

The brightly coloured ramp can be offered to anyone requiring access to a business or shop which has one-step entry. It is portable and is constructed with a rope handle on either side so the ramp can be brought inside the building when not in use. The ramp does not include the installation of handrails.

Provincial Legislation

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

The City of Toronto is committed to creating an accessible City and meets its obligations under the accessibility standards established under the AODA and also the Ontario Building Code in consideration of building requirements.

The AODA establishes standards in the following five key areas:

1. Customer Service
2. Information and Communication
3. Employment
4. Transportation
5. Built Environment (buildings and public space)

The Province began developing requirements for the fifth key area, the built environment, in 2007. The Ministry of Community and Social Services is responsible for public space requirements under the Integrated Accessibility Standards Regulation, while the Ministry of Municipal Affairs and Housing is responsible for administering the building requirements through potential amendments to the Ontario Building Code.

Ontario Building Code

Ontario's Building Code (Code) is a regulation authorized under the Building Code Act. The Code establishes the minimum standards for the construction of buildings. The Building Code helps people throughout Ontario stay safe while allowing for the advancement of the provincial government's key priorities, including accessibility. The AODA accessibility requirements relate to new buildings or major renovations and must comply with the Code.

Temporary solutions such as the StopGap Ramp do not fall within the scope of the upcoming amendments to the Code which comes into force in January 2014; and would not be included in the City's multi-year accessibility plan, a requirement of the AODA.

COMMENTS

The Equity, Diversity and Human Rights Division consulted with a number of City Divisions in the preparation of this response, including Facilities Design and Construction, Parks, Forestry and Recreation (PFR), Economic Development and Culture (EDC); and Social Development, Finance and Administration (SDFA). Generally, there is agreement that the temporary ramp creates a highly visible reminder of the physical barriers related to access to City services and programs. However, there are also concerns associated with its use:

Concerns/risks of a Temporary Ramp

- Perception by the public that a temporary ramp (installed by the City) constitutes compliance with AODA
- Possible tripping hazard if located in a path of travel
- Installation on a uneven surface may cause ramp to be unstable
- Lack of handrails – especially on a longer ramp
- Weather, slope and condition of the ramp may present a risk of liability for slip/trip/step-off hazard.
- Possible health and safety issues due to weight and use by motorized wheelchairs /scooters
- Requires staff to be on-site to monitor the placement, condition and storage of the ramp
- Possible health and safety issues affecting staff if required to regularly lift/move the ramps
- Possible use of ramp as projectile if not removed and stored at night

Further to the concerns above, the premise of the StopGap Ramp Initiative is that community volunteers build the ramps for use by businesses and organizations. Communities can access an on-line Ramp Project Kit which provides instruction and outreach materials. It is noted that the StopGap organization, which is not affiliated with the City of Toronto, does not provide a guarantee of quality and safety of workmanship in the construction of the temporary ramp.

Accessibility of City Buildings

Access issues in PFR buildings are being addressed in priority, based on request, as a component of the Division's Accessibility Upgrade program and in the implementation of PFR capital projects. There are a few minor buildings such as washroom buildings in parks but these are generally not staffed.

In the Culture portfolio, directly operated heritage buildings have no step ground floor access or already have ramps in place.

The SDFA Division manages a Below-Market-Rent Portfolio (BMR) where City-owned property may be rented to non-profit organizations that carry out services as approved by City Council. BMR agreements require that the organization is responsible for

operating/maintenance costs including retrofits. Information about the Ramp Project may be provided to those organizations already contemplating renovations as an interim measure to provide access to front door entry. Unfortunately, there may be barriers to access internally, which will limit the usefulness of a ramp.

Legal Services, Transportation Services and Toronto Building were also consulted in the preparation of this report.

CONCLUSION

The StopGap Ramp Initiative is an innovative project creating ramps which make approaching and entering a building or structure easier. However, use of the temporary ramp must also provide an equivalent level of safety for everyone.

In addition to the concerns identified earlier, safety provisions are needed for the person who uses the ramp for entry and exit, as well as the person who needs an unobstructed path of travel across the threshold of buildings. For example, public pedestrian routes should ensure the comfort and safety of all persons regardless of age or ability. According to the City's Accessibility Design Guidelines, active routes should have ample clearance to accommodate persons using mobility aids, walkers or persons accompanied by guide dogs/service animals. Similarly, routes should be free of protruding obstacles in the walking area to aid persons with visual limitations.

The built environment does impose numerous obstacles that limit people of different abilities to move about freely and safely without concern. The StopGap Ramp Initiative resolves the issue of the single-step barrier to access and may best be used by small business owners with consideration of environmental variables and health and safety issues identified in this report. The City is proceeding to meet its requirements under the AODA and its compliance measures will not include the StopGap Ramp Initiative.

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SIGNATURE

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ATTACHMENTS

Community Ramp Project: <http://stopgapblog.blogspot.ca/p/community-ramp-project.html>

The Ramp Project Handbook