



## STAFF REPORT ACTION REQUIRED

### Response to the Ontario Building Code Accessible Building Environment Consultation

<b>Date:</b>	March 20, 2013
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official and Executive Director, Toronto Building
<b>Wards:</b>	All
<b>Reference Number:</b>	PG13001

#### SUMMARY

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The Ministry of Municipal Affairs and Housing recently conducted a consultation on improving accessibility in buildings as part of the Ontario Government's development of accessible built environment standards. The Ontario Government is developing the standards to support the implementation of the *Accessibility for Ontarians with Disabilities Act, 2005*. The consultation requested feedback from the public and municipal governments on 52 amendments to the Building Code and ran from December 21, 2012 to March 1, 2013. The purpose of this report is to provide City Council with background on proposed changes to the accessibility requirements of Ontario's Building Code and to request Council to endorse staff recommendations.

In addition to conducting a technical staff review of the proposed Building Code amendments, Toronto Building has consulted with a number of City Divisions in the preparation of the response. The comments submitted to the Province reflect these discussions. Key areas of consultation are: barrier-free paths of travel and washrooms, visitable suites and multi-unit residential buildings, visual fire alarms, and adaptable design and construction.

## RECOMMENDATIONS

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The Chief Building Official and Executive Director, Toronto Building recommends that:

1. City Council support the changes to the barrier-free and accessibility requirements, as they are a significant positive step towards improving the accessibility requirements of the Building Code,
2. City Council endorse the staff comments in response to the Provincial consultation on potential changes to the Building Code, contained in Appendix A to this report;
3. City Council request the Ministry of Municipal Affairs and Housing to further consider the feasibility of requiring all suites in new Class C residential buildings to be accessible, and
4. City Council request the Ministry of Municipal Affairs and Housing to publish an illustrated guideline to the barrier-free and accessibility provisions of the Building Code.

### Financial Impact

There are no financial implications.

## DECISION HISTORY

Toronto Building has reported on changes to the Ontario Building Code Accessibility Requirements in the past.

At its meeting of May 17, 18, and 19, 2011, City Council encouraged the Province to consult with stakeholders on the draft Built Environment Standard prior to inclusion in the Building Code.

<http://www.toronto.ca/legdocs/mmis/2011/pg/bgrd/backgroundfile-37472.pdf>

## ISSUE BACKGROUND

### The Accessibility for Ontarians with Disabilities Act

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) prescribes mechanisms for the development of accessibility standards. With the introduction of the AODA, the provincial government committed to establishing standards in the following five key areas:

1. Customer service
2. Information and communication
3. Employment
4. Transportation
5. Built environment (buildings and public spaces)

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 (the Ministry) is responsible for administering the building requirements as potential amendments to the Building Code.

This report is in response to the Ministry's ongoing process of considering the building requirements as potential amendments to the Building Code.

## **The Building Code**

Ontario's Building Code is a regulation authorized under the *Building Code Act*. It establishes the minimum standards for the construction of buildings. The Building Code helps people throughout the province stay safe while allowing for the advancement of the provincial government's key priorities, including accessibility. The Building Code has included barrier-free design and basic accessibility requirements for new construction since its development in 1975. In general, with each new addition of the Building Code, the Ministry has enhanced accessibility requirements.

The Ministry released the most recent edition of the Building Code in November 2012, which will come into force January 1, 2014. The updates included in this edition of the Building Code focus mostly on energy efficiency and water conservation. The Ministry advised that following a public consultation on accessibility requirements that it would amend the 2012 Building Code to include updated accessibility provisions in time for the January 1, 2014 implementation.

On December 21, 2012, the public consultation on accessibility requirements began. As part of the consultation, the Ministry posted proposed amendments to the barrier-free design requirements of the Building Code and released a consultation paper (Appendix B). The consultation paper provides a summary of the proposed changes in a plain language format. These proposed changes focus on the following key areas:

1. Renovations
2. Barrier-free path of travel (common access and circulation)
3. Vertical access (elevators)
4. Visitable suites (in multi-unit residential buildings)
5. Adaptable design and construction
6. Visual fire alarms
7. Washrooms
8. Use of guidelines

The proposed changes to the Building Code are the outcome of a five-year review process. In 2007, the Minister of Community and Social Services appointed an Accessible Built Environment Standards Committee to develop proposed standards. The Committee submitted the [\*Final Proposed Accessible Building Environment Standards\*](#) to the Ministry of Community and Social Services in July 2010.

The Ministry of Municipal Affairs and Housing Building Code Technical Advisory Committee members reviewed the *Final Proposed Accessible Building Environment Standards*. The Technical Advisory Committee for barrier-free design includes independent representatives of stakeholder organizations, including organizations that represent people with disabilities, the building and design industry and regulators. A number of factors were included in developing the proposed standards:

- Technical feasibility of the potential change;
- Alignment with Building Code objectives (including barrier-free accessibility) and broader government priorities;
- Cost implications;
- Impact on design flexibility;
- Capacity of industry to implement the changes; and,
- The ability of municipalities and other local authorities to enforce any new requirements.

### **Costing Information**

The Ministry performed a costing analysis in order to understand the potential impact of the proposed requirements on construction costs in Ontario. The Ministry's costing analysis compared four generic building prototypes including 11 different occupancies against the same buildings with enhanced accessibility features. It also looked at cost differences between locating the buildings in Southern Ontario (Greater Toronto Area) versus Northern Ontario (Sudbury). The cost increases associated with the potential changes were analysed. The cost increases for each building prototype studied were identified as:

- |                                      |               |
|--------------------------------------|---------------|
| • Office building                    | 0.59 per cent |
| • Apartment building                 | 0.88 per cent |
| • Community school/recreation centre | 1.05 per cent |
| • College residence                  | 1.99 per cent |

The Ministry suggests additional construction cost may be offset by creating economic benefits as a result of increasing opportunities for people with disabilities and Ontario's ageing population to access retail, employment, and residential spaces.

## **City's Role in the Process**

Toronto Building led the City of Toronto's review of the proposed changes to the Building Code. Toronto Building technical staff reviewed the 52 proposed technical changes. Division staff also coordinated an inter-divisional discussion on the proposed amendments to provide a single city response to the technical changes, to ensure representation of the interests of all programme areas in the comments to the Province. The Affordable Housing Office, Children's Services, City Planning, Economic Development and Culture, Engineering and Construction Services, Facilities Management, the Office of Equity, Diversity and Human Rights, Parks Forestry and Recreation, and Public Health participated in the review of the proposed changes.

## **COMMENTS**

As with previous consultations on model national and provincial building codes, Toronto Building technical staff reviewed each of the proposed amendments. The consultation period ran from December 21, 2012 to March 1, 2013.

Based on this review and the consultations with the other Divisions, staff concluded the proposed requirements made to address accessibility would result in a significant improvement in accessibility over current minimum requirements. The Chief Building Official and Executive Director provided a detailed response to the Province that recommended a number of editorial and technical changes (Appendix A). The comments in this report provide Council with background on key areas of proposed changes and highlight issues for Council's attention.

### **1. Renovations**

A significant barrier to improving accessibility in the City of Toronto is the age of the building stock. Improving accessibility through the renovation of buildings is a challenge. Many buildings built decades or even a century ago have steps at the main entrance and do not have elevators. These buildings often have limited physical space to install ramps or to provide washrooms accessible on the main floor.

In 1997, the Ministry updated the Building Code and for the first time introduced new provisions that would require renovations of a certain size and meeting certain criteria to meet the Building Code's accessibility requirements for new construction. The intent was to improve accessibility in existing buildings where considerable construction is undertaken. The Ministry updated the Building Code again in 2006.

Currently, all extensive renovations in suites larger than 300 m<sup>2</sup> and located on an accessible floor level are subject to full barrier-free design requirements set out in the Building Code. The proposed requirement would extend some barrier-free requirements to all extensive renovations.

The proposed changes to the Building Code requirements are a significant step forward in improving accessibility through renovation, while balancing the challenges of renovating the building stock typical of older cities like Toronto. For example, in cases where extensive renovations are proposed but the suite is not on a fully accessible floor level (i.e. located on the ground floor but with several steps at the entranceway, or located on a higher storey in a building without barrier-free access to all storeys), renovations will be required to include:

- Wider clear door widths (minimum 860 mm clear space);
- Lever door handles;
- Visual cues for glass doors; and
- Provision of an “ambulatory accessible stall” in cases where a barrier-free stall or washroom is not required to be provided.

Ambulatory accessible stalls are slightly larger than standard washroom stalls and are equipped with parallel grab bars, a barrier-free water closet, widened clear door widths, and door latches. However, they do not include turning space required for individuals using wheelchairs.

While providing full barrier free access into existing buildings may not be practical, the proposed additional requirements require that every extensive renovation include improvements to accessibility. Staff support the proposed requirements as a positive step forward in improving the accessibility of the City of Toronto's new construction.

## **2. Visitable Suites in Multi-Unit Residential Buildings**

In 2006, the Building Code introduced provisions that require ten percent of suites in large residential building to be accessible. The Province is proposing changes to the Building Code that would increase the requirement to 15 percent of all suites.

The Ministry provided the following rationale for increasing the requirement to 15 percent of all suites:

- According to 2006 Statistics Canada data, 2.93 million of Canadian adults (11.5 per cent) reported some limitations due to a mobility disability. This includes all reported mobility disabilities, classified as mild, moderate, severe, or very severe.
- In addition, 2006 data indicated that, 277,550 (or roughly 9.5 per cent of those reporting disabilities) Canadians used manual or electric wheelchairs or scooters as a mobility aid.
- A requirement for 15 per cent of suites to be visitable reflects statistical information on Canadian population characteristics.
- Requiring a higher number of accessible suites would likely increase the overall cost of buildings and reduce the number of suites permitted on a property.

Most provincial building codes currently provide a requirement for accessible residential suites. See Table 1.

**Table 1: Provincial code requirement for accessible residential suites**

<b>Jurisdiction</b>	<b>Building Code Requirement</b>
Alberta	Alberta requires a specified number of units in new government-funded residential projects to be ‘adaptable’. Requirement is: 2 or more units in a 10-25-unit project, 5 or more in a 26-50 unit project, 10 or more in 51-100, 15 or more in 101-200, and 20 or more in a 200+ unit-project.
British Columbia	British Columbia's Code does not specify a percentage of units required to be accessible. Instead, the Code sets out requirements which local government must use if they decide to pass a by-law requiring adaptable apartment units.
Manitoba	Approximately 20% of units built in Manitoba under the Affordable Housing Initiative (AHI) contain visitable design features.
New Brunswick	5% of units in new residential buildings
Newfoundland	Requires at least one accessible unit in all apartment-type buildings and barrier-free access to all floors in those with more than 15 units.
Nova Scotia	One suite for every 20 suites, or part thereof, required to be Barrier Free.
Prince Edward Island	Does not have a provincial building code.
Quebec	No current requirement for residential suites.
Saskatchewan	The Saskatchewan building code requires 5% of units in new rental buildings to be barrier-free.

Source: [Housing Accessibility Regulations in Canada](#)

Visitable suites and improved accessibility in large residential buildings is a significant priority for the City of Toronto as more than half of all dwelling units in the City are in apartment buildings and many of them are not accessible. The City of Toronto's Official Plan requires that apartment buildings, wherever possible, contain units that are accessible or adaptable for persons with physical disabilities.

The [Toronto Housing Charter](#) states that all residents should be able to live in their neighbourhood of choice without discrimination and all residents have the right to equal treatment in housing without discrimination as provided by the Ontario Human Rights Code, and to protect residents from discriminatory practices that limit their housing opportunities.

At its [meeting](#) of February 14, 2013, the Disabilities Issues Committee requested the Chief Building Official and Executive Director of Toronto Building to include in the comments to the Ministry a request that all new and retrofitted condominium and

apartments suites be visitable (Appendix C). The Committee includes 12 members appointed by the City Manager and three Members of Council. The Chief Building Official and Executive Director referred the Committee's comment to the Ministry in the submission.

The Chief Building Official and Executive Director of Toronto Building recommends that City Council request the Ministry to further consider the feasibility of requiring all suites in large residential (Class C) buildings to be accessible.

### **3. Cost and Enforcement of Proposed Requirements**

The Ministry expects the construction cost of community school and recreation centres to rise by 1.05 percent and of office buildings to rise by 0.59 per cent if the Ministry adopts the proposed requirements.

In May 2004, City Council endorsed [City of Toronto Accessibility Guidelines](#) as a resource guide on accessible design. Council recommended that all City of Toronto facilities comply with the guidelines. As most of the standards in the Accessibility Guidelines are similar or greater to the ones proposed for the Building Code, a minimal impact on the construction costs of City facilities and offices is expected.

Parks, Forestry and Recreation identified a concern with the proposed requirements that would require that exterior ramps include heating cables or other equivalent methods to minimize accumulation of ice and snow. The Chief Building Official and Executive Director requested the Province to provide further consideration to the provision and operational impact of requiring heating cables on exterior ramps, including the cost.

A priority for Toronto Building is ensuring that staff are properly trained and that architects, engineers, and designers can easily interpret the new requirements. The development of illustrated guidelines would aid in training, educating and in the enforcement of the new accessibility provision of the Building Code. Therefore, the Chief Building Official and Executive Director, Toronto Building, recommends that City Council request the Ministry of Municipal Affairs and Housing to publish an illustrated guideline to the barrier-free and accessibility provisions of the Building Code.



## Conclusion

The consultation provided an opportunity to comment on the proposed changes to the accessibility requirements of the Building Code. Staff in divisions across the City reviewed the proposed technical changes and determined that they present a significant positive step towards improving the accessibility requirements of the Building Code.

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## SIGNATURE

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## ATTACHMENTS

Appendix A: Summary of Response to the Province on the Final Proposed Accessible Built Environment Standard.

Appendix B: Building Code Consultation Paper Accessible Building Environment