



STAFF REPORT ACTION REQUIRED

Facilities Management Accessibility for Ontarians with Disabilities Act (AODA) Update

Date:	September 26, 2016
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	all
Reference Number:	P:\2016\Internal Services\FAC\Gm16013fac (AFS # 22682)

SUMMARY

The report provides an update on the Chief Corporate Officer Office ("CCOO") and Facilities Management Division ("FM") efforts to work toward compliance with the Accessibility for Ontarians with Disabilities Act ("AODA") Standards and Ontario Building Code ("OBC") requirements by 2025. In particular, it highlights work currently underway to revise the 2004 City of Toronto Accessibility Design Guidelines and details the key elements and requirements of the FM plan to ensure compliance with AODA by 2025 for facilities in its portfolio.

The completion of the City of Toronto Accessibility Design Guidelines in 2017 is an important milestone for the City's overall compliance with AODA. The Guidelines will set enforceable City-wide standards and benchmarks for determining accessibility upgrade requirements across city buildings. The Guidelines will also be referenced in the upcoming new Corporate Accessibility Policy.

In addition, FM is currently conducting accessibility audits to assess the 433 properties within its portfolio. The audits will include determining budget requirements for the City to meet its objectives for AODA compliance by 2025. Pending completion of the accessibility audits in 2018, preliminary estimates project that the FM AODA Program could comprise of approximately 400 projects and require \$200 million in estimated funding.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. The Government Management Committee receives this report for information.

Financial Impact

Preliminary estimates project that the FM AODA Program could comprise of approximately 400 projects and require \$200 million in estimated funding, inclusive of currently approved funding below. Approved funding included in the Facilities Management, Real Estate, Environment & Energy (FREEE) 2016 Council Approved Capital Budget and 2017-2025 Capital Plan for the AODA Program is \$6.160 million.

Future funding for the AODA Program (\$193.84 million) will be addressed through future years' capital budget process for Council consideration.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting on June 2, 2015, the Disability, Access and Inclusion Advisory Committee received for information a presentation from Facilities Management Division on the City of Toronto Accessibility Design Guidelines. The presentation is available online at: <http://www.toronto.ca/legdocs/mmis/2015/di/bgrd/backgroundfile-80439.pdf>

At its meeting on March 31, 2015, City Council directed the City Manager to work with City divisions and stakeholders, including the Disability Issues Committee, on updating the Accessibility Design Guidelines, and report back in the third quarter of 2015 and to work with City divisions to ensure that City by-laws, policies, and protocols align with standards for the built environment and design of public space under the Accessibility for Ontarians with Disabilities Act and Ontario Building Code, by the end of 2015, and report to Council, where required, on any changes that are needed. The Motion is available on line at:

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78511.pdf>

At its meeting on August 5 2009, City Council endorsed the Statement of Commitment Regarding Persons with Disabilities to Creating an Accessible City. The Statement affirms that the City supports the goals of the AODA, and will establish policies, practices and procedures which are consistent with the accessibility standards established under the AODA, including accessible customer service, information and communication, employment, the built environment and transportation.

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-21489.pdf>

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-22615.pdf>

At its meeting on May 18, 19 and 20, 2004, City Council adopted without amendment the report from the Chief Administrative Officer entitled "*Submission of the City of Toronto*

Accessibility Design Guidelines" as a clause embodied in Report No. 4 of the Policy and Finance Committee. This report is available on line at:

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040518/pof4rpt/cl002.pdf>

The 2004 City of Toronto Accessibility Design Guidelines can be found at:

http://www1.toronto.ca/static_files/equity_diversity_and_human_rights_office/pdf/accessibility_design_guidelines.pdf

ISSUE BACKGROUND

The City of Toronto compliance with the Accessibility for Ontario with Disabilities Act ("AODA") is overseen by the Equity, Diversity and Human Rights Division ("EDHR"). EDHR is currently drafting a new Corporate Accessibility Policy that will address all legislated AODA requirements and City accessibility commitments, as well as updating the City Multi-Year Accessibility Plan. The Chief Corporate Officer Office ("CCOO") and Facilities Management Division ("FM") are supporting the City's efforts to comply with AODA by assisting with the revision of the 2004 City of Toronto Accessibility Design Guidelines and ensuring the facilities in the FM portfolio are complying with the Act and accessibility standards by 2025.

The Accessibility for Ontario with Disabilities Act ("AODA") was passed in 2005 by the Province of Ontario. The goal is to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises by January 1, 2025. Under AODA, the government of Ontario developed five mandatory accessibility standards that identify, remove and prevent barriers for people with disabilities in key areas of daily living.

As part of the AODA, the Design of Public Spaces Standards were legislated under Ontario Regulation 413/12. The Ministry of Municipal Affairs and Housing administers the Ontario Building Code 2012 ("OBC"). OBC Barrier Free Requirements were amended by Ontario Regulation 368/13 (effective as of January 1, 2015). These legislated requirements are applicable to new construction and major renovations of buildings and public spaces. They are not retroactive for existing buildings and public spaces, where no work is planned. However, the AODA requires the City to identify, remove and prevent barriers, and under the Human Rights Code the City has a duty to accommodate accessibility requests to the point of undue hardship.

COMMENTS

The report provides an update on the CCOO and FM efforts to work toward compliance with the AODA Standards and OBC requirements by 2025. In particular, it highlights work currently underway to revise the 2004 City of Toronto Accessibility Design Guidelines and details the key elements and requirements of the FM plan to ensure compliance with AODA by 2025 for facilities in its portfolio.

Toronto Accessibility Design Guidelines

The Facilities Management Division has been delegated responsibility to revise the Toronto Accessibility Design Guidelines ("TADG") on behalf of Equity Diversity and

Human Rights Division. FM is staffed with subject-matter experts in relevant fields, including building design, construction, project management, and maintenance. The Division has carriage over core City of Toronto corporate facilities, including publicly accessible sites like City Hall, Metro Hall, and Civic Centres. FM is also well positioned to complete the current TADG, having been responsible for the 2004 Guidelines.

Based on the needs of the City population and the high public use of City facilities, the revised guidelines will meet the most current AODA legislation and provincial Building Code requirements for the built environment, and will incorporate existing industry best practice information and publications, where applicable. By consolidating all of the current legislated and best practice requirements into one single reference document, the City of Toronto staff and consultants designing new and retrofitting existing City owned properties, will be able to ensure consistency and adherence to high accessibility standards across all City facilities and across all Divisions.

Process and Consultation

FM retained the services of an accessibility consultant to complete the TADG update. The consultant was tasked with coordinating and administering the project; filtering stakeholder feedback and drafting revised guidelines, working with the TADG Project Team, the Advisory Stakeholder Group and the Technical Decision Committee. The Project Team is responsible for keeping TADG progress on track, ensuring ongoing communication with stakeholders, and engaging relevant subject matter experts from city Divisions and agencies/boards and public non-profit organizations.

The Advisory Stakeholder Group was formed to gather feedback from a diverse range of individuals and organizations with expertise in the field of accessible design. Stakeholder participants included representation from City Divisions, City Agency, Boards and Commissions, non-profit organizations and private citizens.

Stakeholders provide technical feedback on the contents of the Guidelines at each stage of its completion (50%, 75%, 90%, 100%) as well as policy feedback on the application of the TADG within the City and their own organization. They also are tasked with engaging staff and colleagues who will be impacted by the TADG in their lives or projects and collected their comments. Full day workshops are conducted with the Advisory Stakeholder Group members, going through subject areas in detail and comparing the different potential standards that could be chosen.

The Technical Decision Committee is made up of a select group of members of the Advisory Stakeholder Group. The Committee works to streamline the technical feedback and communication process with the TADG project team. In addition to their advisory role, Committee members review feedback; make key technical decisions for adoption; evaluate any future or ongoing issues brought forward; provide technical support in their area of expertise; meet regularly and consult with Advisory Stakeholder Group and consultant team; and provide regular project updates to City Divisions, committees, and senior management.

The Project Team has engaged with the Disability, Access, and Inclusion Advisory Committee, and the Executive Management Committee throughout the process.

Timeline and Milestones

2014	2015	2016	2017
<ul style="list-style-type: none"> • Stakeholder Committee created • RFQ issued • Consultant review of scope • Workshop meetings conducted • Consultant prepared 50% draft guidelines 	<ul style="list-style-type: none"> • 50% guidelines reviewed by stakeholders • Workshop meetings conducted • Guidelines developed to 75% 	<ul style="list-style-type: none"> • 75% guidelines reviewed by stakeholders • Develop guidelines to 90% and issue for stakeholder review • Develop guidelines to 100% • Develop City Policy for TADG • 100% guidelines issued for approval 	<ul style="list-style-type: none"> • Implement staff training + support • Council endorsement of 100% draft guidelines • Ongoing monitoring + enforcement

The revised 100% technical TADG will be completed by the end of 2016 and will be brought forward to City Council for endorsement during the first quarter of 2017 by EDHR. The TADG will align with the Corporate Accessibility Policy that will address all legislated AODA requirements and City accessibility commitments.

Facilities Management AODA 10-Year Capital Plan

In addition to its efforts to draft the revised Toronto Accessibility Design Guidelines, the Facilities Management Division is responsible for ensuring the 433 properties in its portfolio are upgraded to meet the City's goal of becoming an accessible City in alignment with AODA by 2025. This section provides an overview of the FM AODA Capital 10-year Plan and work completed to date to support AODA compliance. It is important to note that the FM Capital Plan comprises only facilities and properties for which Facilities Management Division has responsibilities.

Some Divisions (such as Parks, Forestry & Recreation) with facilities responsibilities have their own capital construction teams to facilitate accessibility improvements to their facility portfolio and are not included in the timelines and capital expenditures mentioned below. However many other Divisions (such as Public Health and Fire Services) require the services of FM staff to assist them with their facilities' accessibility audits and compliance requirements. Audits and AODA support are handled on a per request basis and these costs are not included in the FM Capital Plan. FM will reach out to other Divisions moving forward to share information and coordinate City-wide AODA implementation commitments in support of the City Multi-Year Accessibility Plan.

(1) Accessibility Audits and Prioritization

FM is currently conducting accessibility audits to determine the complete scope of work under the AODA Plan. FM plans to integrate the audits into its Building Condition Assessments ("BCA"). Forming part of the overall report, this will ensure a more efficient auditing process, while emphasizing that accessibility is an integral aspect of overall building condition. By conducting systematic accessibility audits, FM will be able to extract results for larger analysis focused on accessibility. Similarly, already completed audits or future audits completed independently will be able to easily integrate with the BCAs. FM is planning to build subject matter expertise within the Division's Project Management Office to oversee and manage the accessibility audits internally. In 2016, FM is projecting to complete:

- 45 audits for Toronto Police properties
- 90 audits for other City properties

In order to achieve City Council's mandated AODA compliance by the year 2025, it is essential that a strategic action plan be developed using a priority system based on building function/public access that incorporates a phased approach to implementation. FM estimates that there would be approximately 400 projects ranging in cost from \$200,000 to \$1,000,000 per project implemented over the ten year period (2016-2025).

Prioritization is being undertaken through the audits on all properties. Audits will assign one of three priority levels:

- Priority 1 – Refers to the highest priority and includes health and safety and legislative compliance; access/egress, circulation including ramps and stairs, and washrooms. These are issues that affect most people with disabilities.
- Priority 2 – Assigned to recommendations that involve elements driven by Universal Design and other best practices. These are issues that affect some people with disabilities, or issues that affect a whole building such as door knobs, colour contrast, signage, lighting, and glare.
- Priority 3 – Major alterations (e.g. adding universal washroom), staff areas (staff areas would also be remediated as required to accommodate an employee), and marginally non-compliant (e.g. meets older barrier free requirements but should be updated at some point).

FM projects to have all applicable accessibility audits completed by 2018. As audits continue to be done, FM is integrating AODA considerations in its design and construction projects for 2016 and 2017. Projects include barrier free entrances, accessible washrooms and accessible doors upgrades.

(2) AODA Capital Plan Projections

Preliminary estimates done by FM project that the FM AODA Capital Program could require an estimated \$200M (inclusive of currently approved funding below) over the next nine years (to 2025), pending completion of the accessibility audits. FM will be able to establish costs requirements with more certainty after completing all of the required accessibility audits.

Approved funding included in the Facilities Management, Real Estate, Environment & Energy (FREEE) 2016 Council Approved Capital Budget and 2017-2025 Capital Plan for the AODA Program is \$6.160 million.

Future funding for the AODA Program will be addressed through future years' capital budget process for Council consideration.

(3) Moving forward toward AODA compliance

FM is already directing resources to ensure compliance with AODA by 2025. Anticipating future funding requirements will be key in achieving AODA compliance. Budget allocations to implement accessibility-related capital upgrades will need to ramp up in coming years, beyond current levels and state of good repairs ("SOGR") current funding allocations.

In addition to design and construction projects for its own portfolio, FM needs to prepare for the projected increased requests from client Divisions for support in their AODA compliance projects. City Council will also face increased pressure to fund accessibility capital upgrade projects from other Divisions, as well as Agencies, Boards and Commissions.

The completion of the Toronto Accessibility Design Guidelines in 2017 is an important milestone for the City's overall compliance with AODA. They will set enforceable City-wide standards and benchmarks for determining accessibility upgrade requirements.

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SIGNATURE

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