

---

**Josie Scioli**  
Deputy City Manager, Corporate Services

**Corporate Services**  
2nd fl., 55 John Street  
Toronto ON M5V 3C6

Tel: (416) 392-7223  
Patrick.matozzo@toronto.ca  
www.toronto.ca

---

## 2019 CAPITAL BUDGET BRIEFING NOTE

### Capital Plan for AODA Delivery Program – Facilities Management

---

#### Issue/Background:

In August 2009, City Council adopted 2009.EX33 "Accessibility Requirements: Accessibility for Ontarians with Disabilities Act, 2005 (AODA)," endorsing a Statement of Commitment that the City supports the goals of AODA and will establish policies, practices and procedures that are consistent with the accessibility standards established under AODA.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX33.4>

Facilities Management (FM) has implemented measures to streamline implementation of an AODA compliance program. Of the 469 facilities within the FM capital portfolio, 427 require accessibility upgrades to ensure completion by 2025. The remaining 42 are either AODA compliant or not required due to building type or use.

#### Key Points:

- To address City Council's mandate, an AODA compliance program was initiated by FM. The program covers facilities within the FM portfolio where FM has capital maintenance responsibilities and where accessibility upgrades are required. Staff have implemented numerous measures to ensure on-time delivery of this program.
- FM conducted a jurisdictional scan of industry best practices for the implementation of large-scale multi-year construction programs. Based on the findings of the jurisdictional scan, FM developed a robust implementation plan and realigned capital funding requirements to implement this plan. This plan includes the development of a master service agreement for design services and bundling of tenders that will ensure efficient project delivery and minimize the likelihood of project delays.
- Accessibility audits of all facilities were completed in 2018. This work will support the development of the scope of work for each location, thereby reducing the time spent on site investigation during the design phase.
- In order to comply with the 2025 deadline, the design and construction phases will occur simultaneously over the next six years.

- A design consultant is expected to be retained in the second quarter of 2019 and will be funded from the approved AODA capital project budget. This consultant is expected to provide an average of ten tender-ready designs monthly over the next six years.
- The construction phase is scheduled to start in the fourth quarter of 2019. Contractors will be pre-qualified to mitigate the risk of procurement delays.
- The total estimated budget of \$192.5 million is required to implement the AODA program across the FM portfolio where accessibility upgrades are required. The following table outlines the capital plan for 2019 to 2024:

	<b>2019 Total</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025- 2028</b>	<b>2019-2028 Total</b>
2018-2027 Approved	22,614	34,819	38,073	38,073	34,960	24,000		192,539
2019-2028 Realignment	(18,614)	(20,106)	5,565	12,500	14,835	5,820		
<b>Total Realigned AODA Program Budget</b>	<b>4,000</b>	<b>14,713</b>	<b>43,638</b>	<b>50,573</b>	<b>49,795</b>	<b>29,820</b>		<b>192,539</b>

### Questions & Answers:

1. Does the cash flow realignment put the City at risk of being out of compliance with the province mandated deadline?

**Answer:** The multiple year budget allocation was based on the implementation of the AODA program at FM sites where accessibility upgrades were required, with most of the construction expected to occur between the 2021 and 2023. The cash flows requested in the 2019 budget submission reflect the implementation plan developed following a jurisdictional scan and due diligence.

FM has implemented measures to mitigate risk of delays and ensure program completion by 2025. Completion of accessibility audits at each site will reduce the time required to complete design work, while the bundling of tenders will streamline the procurement process. Furthermore, the approval of multi-year funding is expected to mitigate any risk to program delivery due to inadequate funding.

2. What penalty could the City incur if it does not comply with AODA requirements by 2025?

**Answer:** The People, Equity & Human Rights (PEHR) Division is responsible for submitting, on behalf of the City, compliance reports to the Province of Ontario on the status of the AODA requirements every two years. The next report will be submitted in December 2019.

Provincial regulations (O. Reg. 191/11) allow for administrative penalties up to a daily maximum of \$100,000 for organizations in cases of major contraventions of the Act. In addition, the impact to the City of not meeting its AODA requirements include:

- Potential financial liability from fines and penalties resulting from violations of the Human Rights Code and related Tribunal complaints.
- Individuals with accessibility needs not having access to City services.
- Reputational risk.

---

**Prepared by:** Ryan MacNeil, Manager Project Delivery, Facilities Management

**Further information:** Frank Molinari, Acting Director – Project Management Office, Facilities Management, 416-392-6322

**Date:** February 11, 2019