

City Council

Notice of Motion

MM5.4	ACTION			Ward: All
--------------	--------	--	--	-----------

Improving Accessibility by Closing the Gap - Capitalizing on Sidewalk Repair Contracts to Achieve Small Business Accessibility for Ontarians with Disabilities Act Compliance - by Councillor Kristyn Wong-Tam, seconded by Councillor Shelley Carroll

** Notice of this Motion has been given.
 * This Motion is subject to referral to the Infrastructure and Environment Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Shelley Carroll, recommends that:

1. City Council direct the Deputy City Manager, Infrastructure and Development Services, and the General Manager, Transportation Services, consulting with other divisions as necessary, to report on the viability and requisite steps to create a program that incentivizes businesses and commercial property owners to achieve Accessibility for Ontarians with Disabilities Act compliance through the coordination of City sidewalk construction, utility upgrades, and repair contracts with private, commercial property improvements and, using the Priority Lead Water Service Replacement Program as a reference, to report back to the September 9, 2019 meeting of the Infrastructure and Environment Committee on the following items:

- a. the feasibility of commercial property owners using contractors hired by the City to undertake minor work on their own sites to achieve Accessibility for Ontarians with Disabilities Act compliance, including the requisite legal framework necessary to indemnify the City from work carried out as part of these separate contracts;
- b. the feasibility of commercial property Accessibility for Ontarians with Disabilities Act improvements being completed through the extension or expansion of City contracts with private owners only paying for the added costs;
- c. how notice can be provided to commercial operators and commercial property owners in advance of appropriate sidewalk construction and repair projects to allow for sufficient time to secure contractors to complete Accessibility for Ontarians with Disabilities Act improvements on their sites; and
- d. how the City can facilitate the effective coordination of City-hired and privately secured contractors to work in the same approximate area to complete Accessibility for Ontarians

with Disabilities Act improvements on private property simultaneously with public realm improvements, including sidewalk repairs and construction.

2. City Council direct the Deputy City Manager, Infrastructure and Development Services, and the General Manager, Transportation Services to provide an interim report for feedback to the July 12, 2019 meeting of the Toronto Accessibility Advisory Committee.

Summary

Every year, the City of Toronto carries out numerous sidewalk repairs, re-paving projects, and boulevard enhancements in response to general wear-and-tear, to restore utility cuts, and to achieve higher design standards. Toronto is also subject to the Accessibility for Ontarians with Disabilities Act, 2005, which requires that all businesses provide access to individuals with disabilities so that they may obtain, use and benefit from their goods and services by 2025. Many businesses have had difficulty achieving Accessibility for Ontarians with Disabilities Act compliance for patrons using mobility devices and have turned to innovative interim measures, such as StopGap temporary ramps, as a solution. Although designed to be a temporary solution, these ramps are not deployed and removed as needed, but are not objects placed permanently on sidewalks, creating new maintenance challenges, especially for those blind and living with visual impairments walking into unexpected interruptions in the pedestrian space. Unfortunately, this results in businesses running afoul of the Toronto Municipal Code, Chapter 743, by obstructing boulevards and creating new barriers to access by reducing the pedestrian right-of-way and the interim condition is not sufficient to constitute compliance with the Accessibility for Ontarians with Disabilities Act in most cases.

It is incumbent upon the City of Toronto to determine if it can take advantage of existing contracts and scheduled sidewalk repairs to assist businesses in achieving long-term Accessibility for Ontarians with Disabilities Act compliance. Similar synergies have been achieved in other areas, such as completing water utility upgrades on private properties while Toronto Water improves substandard City assets up to the property line. This can facilitate reduced costs on the part of private property owners, as well as reduced disruption, by coordinating work and mobilizing only once for both the public and private components.

Background Information (City Council)

Member Motion MM5.4