

NY2.27.1

## North York Community Council

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**From:** Manulak, Christina <CManulak@blg.com>  
**Sent:** January 14, 2019 1:08 PM  
**To:** North York Community Council  
**Cc:** Tang, Isaac  
**Subject:** Letter of Objection - NYCC Agenda Item NY2.27 - Application to Remove a City Tree - 82 Cameron Avenue (North York Community Council - January 15, 2019)  
**Attachments:** Letter of Objection - NYCC Agenda Item NY2.27 - 82 Cameron Avenue.pdf

Good afternoon Ms. Adamo,

Further to Mr. Isaac Tang's request to make a deputation at tomorrow's North York Community Council Meeting, please find attached our submission to be circulated to the Members of North York Community Council.

May we ask you to kindly acknowledge receipt of this submission and to please confirm that the attached submission will be circulated by you to the Members of North York Community Council.

We trust you find the attached in order and look forward to hearing from you in this regard.

Thanks kindly,

**Christina Manulak**

**Practice Assistant to Stephen F. Waqué and Isaac Tang**

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January 14, 2019

**Delivered by Email (nycc@toronto.ca)**

North York Community Council  
City Clerk's Office, Ground Floor  
North York Civic Centre  
5100 Yonge Street  
Toronto, ON M2N 5V7

Attention: Francine Adamo, Committee Administrator

Dear Ms. Adamo:

**Re: Letter of Objection - NYCC Agenda Item NY2.27  
Application to Remove a City Tree - 82 Cameron Avenue  
Report for Action (Ward 18)  
City File No. 16 216777 STE 28 OZ  
North York Community Council meeting on January 15, 2019**

We are the solicitors for Mohamad Mazaheri, Hoori Mansouri-Gilani and Reza Mazaheri. Messrs. Mohamad Mazaheri and Reza Mazaheri are the builders and owner, respectively, of the property municipally known as 82 Cameron Avenue in the City of Toronto ("**Subject Property**"). Ms. Mansouri-Gilani is Mr. Mohamad Mazaheri's wife and Mr. Reza Mazaheri's mother. For over two years, she has suffered from a severe physical disability that prevents her from using stairs.

On behalf of our clients, we respectfully request that the members of the North York Community Council reconsider urban forestry staff's recommendations and grant the application to remove the City-owned tree located immediately adjacent to the Subject Property. The sole reason for the removal of the tree is to facilitate access to the newly-constructed house that exists on the Subject Property; specifically, to allow Ms. Mansouri-Gilani to access her son's home.

If the tree removal permit is not granted, the provision of access to the Subject Property will create a hazard to not only our clients, but to the greater public and is not in the public interest. Further, in our opinion, the City's decision to permit the tree removal permit is not only required to facilitate access to the Subject Property, but to comply with the provisions of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11 ("**AODA**") and is consistent with the City's duty to accommodate persons with disabilities under the Ontario Human Rights Code ("**HRC**").

**Tree Removal Permit Must Be Granted to Facilitate Access to the Subject Property and Avoid Creating a Hazardous Condition**

Residents are legally entitled to access to their home from the public right-of-way. The Subject Property was created through a severance granted by the City in 2013. Our clients received minor variance approvals in summer of 2015 with the original building permits issued in December 2015. The location of the walkway is identical to what was originally approved.

Currently, the walkway that provides access to the home is constructed with an approximate 19.5% slope. In order to comply with the provisions of the Ontario Building Code to meet accessibility standards, the slope must be reduced to 8%. This reduction in slope will require re-grading and cutting major structural roots of the tree. This will not only negatively impact the health of the tree and undermine the very purpose of preservation, but lead to destabilization, creating a “massive and immediate hazard both to people and property including the surrounding buildings, driveway, public pedestrian sidewalk and public roadway” as the tree will likely fall down in the next large wind event (see arborist letter dated January 14, 2019 at **Attachment 1**). Stairs from the street leading to an elevated walkway are not an option for accessibility reasons.

Our clients have made substantial efforts to try to preserve the tree and have incurred significant delays and costs in doing so. This includes spending upwards of \$250,000 to construct the home using cranes and hand tools and retaining an on-site arborist to oversee the underground servicing of the home. Unfortunately, given the narrow frontage of the Subject Property, location of the tree and minimum Tree Preservation Zone (see Site Grading Plan and Appendix A to **Attachment 1**), the tree must be removed to allow the construction of the accessible walkway.

**Tree Removal Permit Must Be Granted to Comply with the AODA:**

In 2009, the City adopted a Statement of Commitment to Creating an Accessible City which states, among other things:

The City of Toronto supports the goals of the Accessibility for Ontarians with Disabilities Act (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. [...]

In working towards its goals under this Statement, **the City of Toronto is committed to meeting the requirements of existing legislation and to its own policies and goals related to the identification, removal and prevention of barriers to people with disabilities** and becoming a barrier free city.

This commitment was re-affirmed in 2014 unanimously by City Council by motion of Councillor Nunziata, which directed staff to review the City’s sidewalk cross-slope standards to assess whether it should go above and beyond the AODA standards to enhance accessibility to all (see **Attachment 2**).

Most recently, the City adopted its Corporate Accessibility Policy in June 2018. This Policy defines “public spaces” as including “outdoor paths of travel” and recognizes that in order to comply with the AODA, the City must “accommodate the accessibility needs of people with disabilities to ensure they can obtain, use or benefit from City goods, services, and facilities, and that they can do so in a timely manner, at a cost no greater than the cost for people without disabilities.” This commitment is reinforced in Section 10, “Built Environment and Public Spaces Requirements,” which states that the City will “ensure accessibility at all its facilities and public spaces by designing with accessibility in mind.” (see **Attachment 3**)

Clearly, City Council has treated sidewalks as public spaces that would be required to comply with the AODA and its regulations. Exterior paths of travel, such as the portion of the walkway connecting the Subject Property to Cameron Avenue, are subject to regulations which require a reduction of the slope such that cutting the tree’s roots would be required to facilitate access.

### **Tree Removal Permit Must Be Granted to Comply with the HRC**

The HRC is premised on ensuring that persons are not discriminated under protected grounds, including accommodation (i.e. housing) and goods, services and facilities. The HRC applies directly to the actions of the City of Toronto.

In this case, the HRC requires that Ms. Mansouri-Gilani be reasonably accommodated as it relates to the City’s regulation of the lands leading to her son’s home, unless this accommodation would result in undue hardship. This “duty to accommodate” imposes a responsibility on the City to adapt or adjust facilities or services to meet her needs and requires “more than mere negligible effort” on the part of the City.

If the City decides not to grant the tree removal permit, its actions may be construed as discrimination contrary to the principles of the HRC. Without removing the tree, the only way to access the home is to force our clients to construct stairs, thereby denying access for Ms. Mansouri-Gilani to visit her son and family. The City’s refusal to grant a tree removal permit in this circumstance is all the more concerning as tree removal permits are regularly issued by the City and can “reasonably be accommodated” in accordance with the City’s Municipal Code, as further described below.

### **Compliance with the City’s Municipal Code and Requested Relief**

The City has supported the removal of City-owned trees with conditions in appropriate circumstances. We submit that this is one of those appropriate circumstances.

Chapter 813 of the City’s Municipal Code states that as a condition for removing a City tree, the General Manager of Parks, Forestry and Recreation “may require payment of the appraised value of any trees to be removed plus removal and replacement costs and a minimum of one replacement tree to be planted on site for each tree removed” (see § 813-10.B(1)). Should City Council approve our clients’ request, urban forestry staff have recommended that the owner provide the appraised value and at least five (5) replacement trees through a combination of on-site planting and cash-in lieu of planting.

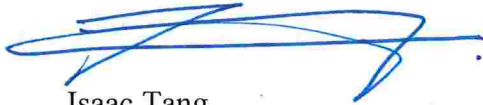
The Subject Property is narrow and cannot reasonably support the planting of five new trees. There are also no reasons given as to why the standard 1:1 ratio for tree replacement has been significantly increased to 1:5. That being said, our clients support the City's tree preservation efforts and would accept cash-in-lieu for the appraised value of the tree and replacement trees instead of on-site planting at the Subject Property.

**Accordingly, we request that Community Council grant the application for a permit to remove one (1) City-owned tree located at 82 Cameron Avenue on the condition that the Owner agrees to provide cash-in-lieu for the appraised value of the tree and five (5) replacement trees.**

In conclusion, our clients appreciate and support the City's mandate to increase the tree canopy. However, this mandate must be balanced with the City's other mandates, including providing accessibility to all, and should be applied on a case-by-case basis. In this case, the preservation of a single tree should not outweigh a resident's legal right to accessing his or her property, the AODA, the City's accessibility policies and the HRC.

We will be in attendance at the Community Council meeting tomorrow to respond to any questions Council may have and thank you for your time in considering our request.

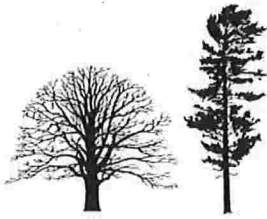
Yours very truly,  
**BORDEN LADNER GERVAIS LLP**



Isaac Tang  
IT/cm

/Encl.

Cc: Clients  
All Members of North York Community Council



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14 January 2019

**Isaac Tang, Partner**  
**Borden Ladner Gervais LLP**

Bay Adelaide Centre, East Tower, 22 Adelaide St W, Toronto, ON, Canada M5H 4E3

Re. 82 Cameron Ave., Toronto - Arborist Letter for NYCC Submission

Mr. Isaac Tang,

Kuntz Forestry Consulting Inc. (KFCI) has been retained by the owner of 82 Cameron Avenue to prepare this letter outlining preservation options of Tree 1 respecting reconstruction of the approved and existing pathway on the west side of the tree. KFCI has been involved in this project throughout from drafting the original Tree Inventory and Preservation Plan (TIPP) report (Dec. 2015) to the Addendum Letter (Jan. 2016) and finally documentation of mitigation measures employed during construction to demonstrate compliance to the original TIPP (re. Stop Work Order, Feb. 2017), and the June 4, 2018 letter explaining the dilemma situation for proper access to the newly constructed home.

It is our understanding that a 3m portion of the newly installed pathway (motorcycle driveway) on the west side of Tree 1 resides at 19.5% (E.W. Bowyer Inc., 5 June 2018) and as such does not conform to both the Ontario Building Code (8.3 % slope or 12:1 ratio maximum is permitted) or the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) (slope is excessive and path cannot include steps).

**Existing Conditions**

1. Tree was re-evaluated for condition on 1 June 2018, post construction.
  - a. Species: Silver Maple (*Acer saccharinum*)
  - b. Diameter: 124.5 cm at breast height (1.4m from base of tree at grade).
  - c. Condition: Trunk Integrity = Fair, Crown Structure = Fair & Crown Vigour = Poor - Fair.
  - d. Crown Dieback = ~40%
  - e. Category 5 tree.
  - f. Defects:
    - i. Poor Union near base with included bark, leaky seams, reaction wood on two main trunks
    - ii. Pruning wounds: moderate (to trim previous dead wood)
    - iii. Fallen branches through winter of 2016 and 2017
    - iv. Epicormic branching: light
    - v. New Crown Dieback: ~20%
  - g. Comments: Intrusions to mTPZ: (minimum Tree Preservation Zone):
    - i. Excavation for installation of foundation of new house.
    - ii. Horizontal excavation of tunnel below tree for installation of services; water and sewer. Vertical excavation from tunnel for installation (by City) of sewer and water clean-outs. Roots left unpruned in vertical pit. Tunnel filled in with Ufill Concrete.



- iii. Minor excavation of root zone for installation of pathway on grade (paving stones) on west side of tree.

## Tree Valuation

A valuation was calculated for Tree 1. The valuation is provided below.

### Methodology

The tree valuation spreadsheet is provided in Appendix B. The value was calculated using the Trunk Formula Method. This method is described in the Guide to Plant Appraisal, 9<sup>th</sup> Edition (2000). The Ontario Supplement (2003) provides regionally relevant data pertaining to species ratings, and basic costs for trees.

### Trunk Formula Method:

This method is used for trees that are larger than what is commonly available for transplant from a nursery. The Tree Cost of the replacement tree is derived from a survey of nurseries. For this project, three nurseries were consulted for current costs of 60-90mm trees including installation. An average cost was calculated and this value was used in the valuation.

The Basic Tree Cost is calculated using the following equation:

$$\text{Basic Tree Cost} = \text{Installed Tree Cost} + (\text{Unit Tree Cost} \times \text{Appraised Tree Trunk Increase})$$

To determine the Basic Tree Cost, the method calculates the increase in cost due to size by multiplying the Unit Tree Cost by the difference in cross sectional area (at 1.4m) between the appraised tree and the replacement tree (Appraised Tree Trunk Increase). In Ontario, the Unit Tree Cost has been set at \$6.51/cm<sup>2</sup> (Ontario Supplement, 2003). The Installed Tree Cost is added to the calculated cost for the difference in size to give the Basic Tree Cost. The Appraised Value is calculated using the following equation:

$$\text{Appraised Value} = \text{Basic Tree Cost} \times \text{Species Rating} \times \text{Condition Rating} \times \text{Location Rating}$$

The Basic Tree Cost is multiplied by the species, condition and location ratings to give the Appraised Value.

Species ratings are provided in the Ontario Supplement (2003) to the Guide to Plant Appraisal, 9<sup>th</sup> Edition (2000).

Location ratings are calculated according to the methods outlined in the guide. This rating reflects the relatively high landscape value of the tree as it resides in an urban neighbourhood. The placement value rates the performance of the tree's intended function in the landscape.

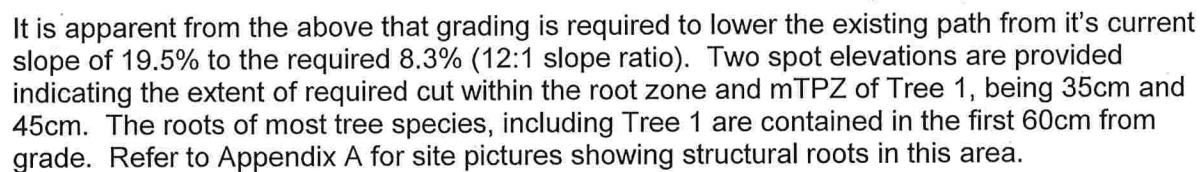
Condition ratings were calculated based on the assessed condition of the trees on the site.

### Results

Refer to Appendix B for individual tree value computation. The total appraised value of the Tree 1 was calculated to be \$13,603.00.

Tree 1 is low vigour, large specimen tree with limited life expectancy. It has only increased in diameter 3.5cm diameter at breast height since 2012 when the original assessment of the tree was made for Ms. Hoori Gilani by Al Miley & Associates. Since 2012, the tree has endured considerable disturbance in it's mTPZ as outlined above as permitted by the City in construction of the house.

The following is a snipped portion of the current Site Grading Plan (E.W. Bowyer, OLS, 9 January 2019).





### *Impacts of proposed re-grading for pathway*

The roots of Tree 1 and most tree species are contained within the first 60cm from grade. Refer to Appendix A for site pictures. It is evident from the pictures in Appendix A that there are major structural roots within the mTPZ of Tree 1 as expected and in the vicinity of the proposed grading/regrading of the existing pathway. Cutting these roots will have the following effects on Tree 1:

- Excessive root pruning within the mTPZ will destabilize the tree posing a massive and immediate hazard both to people and property including the surrounding buildings, driveway, public pedestrian sidewalk and public roadway (Cameron Ave.). Severing the structural roots on the west side of the tree within the mTPZ will result in a situation where the next large wind event could and likely will cause the entire tree to fail and fall in an easterly direction.
- Excessive root pruning will negatively impact the health of tree beyond destabilization of the tree. The tree vigour is noted to be in Poor-Fair condition. Additional impacts to structural and feeder roots of this tree will lower the vigour of the tree significantly.

### **Conclusion**

Kuntz Forestry Consulting Inc. (KFCI) has been retained by the owner of 82 Cameron Avenue to prepare this letter outlining preservation options of Tree 1 respecting reconstruction of the approved and existing pathway on the west side of the tree.

It is our understanding that a 3m portion of the newly installed pathway (motorcycle driveway) on the west side of Tree 1 resides at 19.5% (E.W. Bowyer Inc., 5 June 2018) and as such does not conform to both the Ontario Building Code (8.3 % slope or 12:1 ratio maximum is permitted) or the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) (slope is excessive and path cannot include steps).

Tree 1 is low vigour, large specimen tree with limited life expectancy that has sustained considerable disturbance in its mTPZ through the construction of the house and installation of required services. Installation of the pathway (access) to the house that is legally conforming would require further disturbance to major structural and feeder roots within the mTPZ of the tree, requiring severing of same resulting in destabilizing of the tree and likely failure of the tree in the next large wind event. This situation would pose tremendous hazard potential to both people and property, to nearby homes, pedestrian sidewalk on Cameron Avenue and to cars travelling on Cameron Avenue itself.

It is our considered opinion that the tree be removed to facilitate installation of the required access way from the house to the sidewalk on Cameron Avenue.

Sincerely,

**Kuntz Forestry Consulting Inc.**

Peter Kuntz

Peter Kuntz, H.B.Sc.F., R.P.F.  
Principal, Consulting Professional Forester

## References

Guide for Plant Appraisal, 9<sup>th</sup> Edition, 2000. Council of Landscape and Tree Appraisers.  
International Society of Arboriculture, Champaign, Illinois. 143 pp.

Ontario Supplement to the Guide for Plant Appraisal- 8<sup>th</sup> Edition, 1997. ISA Ontario. International  
Society of Arboriculture, Champaign, Illinois. 26 pp. Updated 2003.

# **Appendix A**

## **Site Pictures**



Pic 1. Current existing pathway (motorcycle driveway) on west side of Tree 1.





Pic 2. Tree 1. Vertical excavation by City to install clean out pipes for services. Note extensive structural roots in center of picture.



Pic 3. Waste water sewer and water services installation in mTPZ of tree. Note exposed roots left unpruned in exposed pit. Work performed by City contractor.



## **Appendix B**

### **Tree Valuation (Trunk Formula Method)**

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11



## Item

## Attachment 2

## Tracking Status

- [City Council](#) adopted this item on August 25, 2014 without amendments.

## City Council consideration on August 25, 2014

MM55.50	ACTION	Adopted		Ward: All
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### Enhancing Accessibility on Sidewalks in the City of Toronto - by Councillor Frances Nunziata, seconded by Councillor Peter Leon

## City Council Decision

City Council on August 25, 26, 27 and 28, 2014, adopted the following:

1. City Council request the Executive Director, Engineering and Construction Services, in consultation with the Director, Equity, Diversity and Human Rights and the General Manager, Transportation Services, to review current standards as they relate to sidewalk cross-slopes and to report to the Public Works and Infrastructure Committee on whether current standards should be amended to reduce the maximum allowable cross-slope on sidewalks constructed in the City of Toronto to enhance accessibility for all.

## Background Information (City Council)

Revised Member Motion MM55.50

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-72992.pdf>)

## Motions (City Council)

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM55.50 be referred to the Public Works and Infrastructure Committee. A two-thirds vote of the Council Members present is required to waive referral.

## Vote (Waive Referral)

Aug-26-2014 4:32 PM

Result: Carried	Two-Thirds Required - MM55.50 - Waive referral
Yes: 37	Paul Ainslie, Ana Bailão, Shelley Carroll, Raymond Cho, Josh Colle, Gary

	Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Filion, Doug Ford, Rob Ford, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Chin Lee, Peter Leon, Gloria Lindsay Luby, James Maloney, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Ceta Ramkhalawansingh, David Shiner, Karen Stintz, Michael Thompson, Kristyn Wong-Tam
No: 1	John Parker
Absent: 7	Maria Augimeri, Michelle Berardinetti, Mike Del Grande, Paula Fletcher, Giorgio Mammoliti, Denzil Minnan-Wong, Jaye Robinson

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Aug-26-2014 4:33 PM

<b>Result: Carried</b>	Majority Required - MM55.50 - Adopt the item
Yes: 38	Paul Ainslie, Ana Bailão, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Filion, Doug Ford, Rob Ford, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Chin Lee, Peter Leon, Gloria Lindsay Luby, James Maloney, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, John Parker, James Pasternak, Gord Perks, Anthony Perruzza, Ceta Ramkhalawansingh, David Shiner, Karen Stintz, Michael Thompson, Kristyn Wong-Tam
No: 0	
Absent: 7	Maria Augimeri, Michelle Berardinetti, Mike Del Grande, Paula Fletcher, Giorgio Mammoliti, Denzil Minnan-Wong, Jaye Robinson

Source: Toronto City Clerk at [www.toronto.ca/council](http://www.toronto.ca/council)



# **City of Toronto**

## **Corporate Accessibility Policy**

Spring 2018

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## 1 Policy Statement

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The City of Toronto Corporate Accessibility Policy (hereafter referred to as the "Policy") establishes a framework for compliance with the City's commitment to accessibility, requirements of the [Accessibility for Ontarians with Disabilities Act, 2005](#) (AODA), requirements of the [Integrated Accessibility Standards Regulation](#) (IASR) under the AODA, and additional City requirements.

The City of Toronto is committed to building an inclusive society that values the contributions of people with disabilities. It is committed to providing an accessible environment in which people with disabilities can access the City's goods, services, and facilities, including all buildings, public spaces, information and communications, in a way that meets their individual needs. The City is committed to the identification, removal and prevention of accessibility barriers, including attitudinal, systemic, information, communications and technology, and built environment and physical barriers.

The AODA provides for development, implementation and enforcement of accessibility standards in order to achieve accessibility for persons with disabilities in all aspects of society. All City policies, procedures, bylaws, standards and guidelines must comply with the AODA, and provide for dignity, independence, integration and equal opportunity for people with disabilities. **As required by the AODA, the City must:**

- identify, prevent and remove barriers people with disabilities face in accessing the City's goods, services, and facilities
- **accommodate the accessibility needs of people with disabilities to ensure they can obtain, use or benefit from City goods, services, and facilities, and that they can do so in a timely manner, at a cost no greater than the cost for people without disabilities**
- develop and train City employees on providing accessible goods, services, and facilities.

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## 2 Scope

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This Policy applies to all City employees, volunteers, and accountability offices.

Any individual or third party organization that provides goods, services, and facilities to the public on behalf of the City is also required to demonstrate compliance with AODA.

The Employment Standards Requirements in Section 8 apply only to employees of the City.



Owners and operators of vehicles-for-hire licensed by the City of Toronto are prohibited from charging an additional fee for persons with disabilities, or a higher fare than for persons without disabilities for the same trip. At no time will a fee be charged for the storage of mobility aids or mobility assistive devices.

In addition to meeting AODA requirements, vehicles-for-hire must adhere to the City bylaw Chapter 546, which includes that:

- each vehicle-for-hire driver operating an accessible vehicle must complete an accessible vehicle training program, and an accessibility refresher training program every four years, that meets the criteria established by the City; and
- each vehicle-for-hire driver of an accessible vehicle must notify the passenger that he or she has arrived at the pick-up point, and provide appropriate assistance to the passenger when requested; and properly and safely handle customer mobility aides.

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## 10 Built Environment and Public Spaces Requirements

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The City will ensure accessibility at all its facilities and public spaces by designing with accessibility in mind.

### 10.1 Accessibility Requirements in Codes and Standards

The *Ontario Building Code*, which has a section on Barrier-Free Design, and the AODA, IASR Design of Public Spaces Standards are both standards to which the City must adhere. These standards establish the minimum threshold for accessibility in the built environment.

### 10.2 Toronto Accessibility Design Guidelines

The City maintains the Toronto Accessibility Design Guidelines (TADG). The TADG acts as a guiding standard of excellence in accessibility for building and renovating City facilities and public spaces. Updated periodically to address changing legislation and industry best practices, the TADG aims to meet or exceed the *Ontario Building Code* (OBC) Barrier-Free Requirements, and the AODA Design of Public Spaces Standards. The TADG is the mandatory, guiding accessibility standard for City renovations and newly constructed buildings and public spaces.

### 10.3 AODA Design of Public Spaces, Additional Requirements

In addition to technical design requirements for making public spaces accessible, the AODA also establishes requirements for service environments, maintenance of accessible elements and for the consultation of people with disabilities on accessibility of public spaces.

### 10.3.1 Obtaining Services

When constructing or replacing service counters, fixed queuing guides and waiting areas, the AODA requires the City to make them accessible to people with disabilities.

### 10.3.2 Maintenance of Accessible Elements

The AODA requires the City to develop and implement procedures for preventative and emergency maintenance and temporary disruptions of accessible elements in public spaces.

### 10.3.3 Public Consultation

The AODA requires the City to provide opportunity for public consultation on the development or re-development of public spaces, including:

- recreation trails
- outdoor play spaces
- rest areas along exterior paths
- on-street parking

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## 11 AODA Reporting Requirements

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The City must submit completed compliance reports to the Province every two years, in accordance with the schedule set out in the AODA.

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## 12 Contraventions

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Failure to comply with this Policy may result in disciplinary action, up to and including dismissal. The City's failure to comply with AODA may result in significant fines and reputational damage.

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## 13 Definitions

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### **Accessibility**

A concept integral to human rights that refers to the absence of barriers that prevent individuals and/or groups from fully participating in all social, economic, political and cultural aspects of society. The term is often linked to people with disabilities and their rights to access, and also refers to design characteristics of products, devices, information, services, facilities or public spaces that enable independent use, or support when required, and access by people with a variety of disabilities.

**Public Spaces**

Refers to outdoor recreational trails, beach access routes, boardwalks, ramps, outdoor public use eating areas, outdoor play spaces, outdoor paths of travel, accessible parking and service counters.

**Redeployment**

Assigning an employee to another job or department within the organization as an alternative to layoff, when a particular job or department within the organization has been downsized or eliminated.

**Service Animals**

Defined by Section 80.45 (4) of the AODA Customer Service Standards (O.Reg 165/16) as follows:

"an animal is a service animal for a person with a disability if the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or the person provides documentation from one of the following regulated health professional confirming that the person requires the animal for reasons relating to the disability:

- A member of the College of Audiologists and Speech-Language Pathologists of Ontario
- A member of the College of Chiropractors of Ontario
- A member of the College of Nurses of Ontario
- A member of the College of Occupational Therapists of Ontario
- A member of the College of Optometrists of Ontario
- A member of the College of Physicians and Surgeons of Ontario
- A member of the College of Physiotherapists of Ontario
- A member of the College of Psychologists of Ontario
- A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

**Support Person**

An individual who accompanies a person with a disability to help with communication, mobility, personal care or medical needs or with access to goods or services.