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**Review of the SDC's
Proposed Accessible Built Environment Standard
Ministry of Community and Social Services
Accessibility Directorate of Ontario**

PART ONE: RESPONDENT PROFILE INFORMATION

General Info

Contact First Name: Kim

Contact Last Name: Steele

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Are you an individual or are you submitting feedback on behalf of an organization?
Organization.

Organization

If you are an organization, complete this section.

Organization name: Multiple Sclerosis Society of Canada

Primary or Head office location: Toronto, Ontario

Approximately how many employees does your organization have in Ontario?
The MS Society has approximately 180 employees in Ontario. This number may increase or decrease slightly throughout the year, based on seasonal and/or temporary employees.

Is your organization primarily Ontario-based?
The Multiple Sclerosis Society of Canada is a national health charity that supports research to find the cause, prevention and cure for MS, that provides services and programs for persons with MS and their families and caregivers, and that educates the public about the disease.

The Ontario Division and national offices are co-located in Toronto, and there are 40 local chapters, extending the Society's reach into bigger and smaller communities throughout the province. There are seven divisional offices of the Society throughout the country, with the Ontario Division being the largest, having the most employees, volunteers and clients than any other division.

Are you a representative association or disability interest group?

Yes.

If yes, please describe what particular type of stakeholder, membership or group that you are representing:

- Disability - multiple sclerosis

The primary clients of the MS Society of Canada are people who are:

- Living with a diagnosis of MS
- Waiting for a diagnosis with respect to MS
- Close to a person with MS, such as family and friends
- Caregivers to a person with MS, who may also include family and friends

In addition to serving its primary clients, MS Society volunteers and staff also provide information and support to health professionals, employers, institutions and students.

Are you a public funded or non-profit organization?

The MS Society of Canada is a non-profit, registered national health charity.

The MS Society is pleased to provide feedback into the proposed Accessible Built Environment Standard. Given the needs of Ontarians with disabilities and among those affected by MS, the establishment and enforcement of this standard – as well as other accessibility standards - are vital. Accessible environments are paramount to facilitating the full inclusion of Ontarians with disabilities in their communities and in the work force. Further, they enable active participation in hobbies, leisure activities and other important aspects that allow an improved quality of life.

The MS Society applauds the Government of Ontario, the Ministry of Community and Social Services, the Accessibility Directorate of Ontario, and the Accessible Built Environment Standards Development Committee (SDC) for the leadership and commitment they have shown in advancing accessibility in Ontario, and we are pleased to have had opportunity to work closely with our volunteer representatives on the SDC in the development of the proposed standard.

The MS Society views the proposed standard through two lenses: that of providing a representative voice for Ontarians affected by multiple sclerosis, and that of an organization required to comply with the proposed standard. Our responses are provided with these two perspectives in mind.

From the perspective of representing Ontarians affected by multiple sclerosis, we strongly support the standard and Ontario's broader accessibility agenda. We are pleased to partner with the Government of Ontario to ensure that our province is accessible to all of its citizens by 2025.

With this context in mind, the MS Society provides the following feedback to the proposed Accessible Built Environment Standard.

1. How will the proposed standard help to improve accessibility for people with disabilities?

The proposed standard will improve accessibility for people with disabilities in the areas of new construction and major renovation, and it could begin to do so in the next three to five years if the timelines recommended by the SDC in these areas (a 12 month compliance window for new build and a 12 to 36 compliance window for major renovations after the regulations come into force) are adopted by the Government of Ontario.

However, in order to truly improve accessibility the issue of retrofit must be addressed. While the proposed standard offers recommendations in this area – and in housing, another important area – a clear directive has been sent by the Minister that the areas of retrofit and housing will be removed from the proposed standard and will be addressed through a separate Standards Development Committee process.

These pieces of work are crucial to fully determine if the proposed Accessible Built Environment Standard – and any associated standards – will, in fact, improve accessibility for the citizens of Ontario. Indeed, the buildings and spaces that currently exist in communities across the province pose significant accessibility

challenges to people with disabilities. Unless existing barriers are dealt with, Ontario will fall short of its goal of ensure that our province is accessible to all of its citizens by 2025.

The MS Society therefore recommends that the Ministry of Community and Social Services adopt the compliance timelines recommended by the SDC in the areas of new build (2.4.1) and extensive renovations and change of use (2.4.2).

The MS Society further recommends that the Ministry of Community and Social Services build upon the work done by the Accessible Built Environment Standards Development Committee and fast-track the development of standards in the areas of retrofit and housing.

2. What do you like or dislike about the proposed standard?

The MS Society greatly appreciates the clarity provided through the technical requirements of the proposed standard. It is evident that a good deal of thought and consideration was put into its development.

As noted above, however, there will be gaps in the standard with respect to retrofit and housing. It is disappointing that the Standards Development Committee took time and effort to develop recommendations in the areas of retrofit and housing that will not be included in the final version of the standard. While we appreciate the opportunity to review these recommendations, we feel strongly that the Government of Ontario must prioritize development of accessibility standards in these areas in order to truly make Ontario accessible by 2025.

3. Is the proposed standard clear and understandable?

Yes, the standards are easy to understand and are presented in a way that provides greater clarity than previous sets of standards.

However, as with other standards, it is unclear how compliance of this standard will be measured and enforced. When the final standard is communicated to the public it will be important to provide information on compliance monitoring and enforcement to ensure that organizations and businesses have a clearer understanding of their duties and obligations.

As well, it will be important to ensure that adequate resources are allocated at the Accessibility Directorate of Ontario to monitor and enforce compliance, but foremost to provide education and support throughout the implementation period.

4. What are your views about the scope and application of the proposed standard?

Overall, the scope and application of the proposed standard is appropriate. However, there are some key areas that could benefit from greater clarity, definition, and further development.

Application of Standard to Owners and Governors of Buildings and Spaces

More details are needed to clarify to whom the standard applies. While it is understood that the standards will apply to “owners and operators” of public and private spaces and buildings, these terms should be defined.

The standard should be particularly clear in the areas of its application to landlords, property managers, condo boards, and co-ops, who may or may not “own” buildings and associated spaces, but who most certainly “operate” them.

These individuals may or may not be “employees” of a business or organization – they may be volunteers and/or officers - and they may not have the same legal obligations to ensuring that the public spaces they operate and/or govern that “owners” do.

It is particularly important to ensure that these above mentioned groups understand their obligations to provide accessible access to the buildings and spaces they operate, and that the relationship they have with their tenants and owners (for example, a condo or business owner who lives/operates out of a condo building) is clarified.

A case in point: a gentleman with MS asked his condo board to install an outdoor ramp to help him access his condo building. Rather than install the ramp, the condo board challenged him and noted that this was not their responsibility, that they were not “bound by law” to make this external entryway space accessible. This has gone on for several years, while his degree of disability has progressed, and no resolution has been achieved. The condo board has involved its lawyers in an attempt to demonstrate that this is not their legal duty. In response, the gentleman has taken this issue to the Human Rights Tribunal and is seeking resolution, which could take several years.

This type of situation could likely be avoided if the standards, regulations, and laws that govern the relationships and duties that “operators” and “governors” of buildings and public spaces – be they voluntary or employed – provided greater clarity of the relationships they have with, and the duties they have to, the people who occupy their spaces.

Infrastructure to Support the use of Accessible Transportation

There are also concerns in the area of built environment transportation-related infrastructure. The Built Environment Standard and Transportation Standard overlap in the area of infrastructure required to support use of accessible fixed route transit services. Yet, neither standard addresses the issues of bus pads or bus shelters.

Indeed, the proposed Accessible Transportation Standard deals only with the following:

Boarding/de-boarding assistance

The transportation provider of single-unit conveyances shall ensure that operators:

- a) *provide boarding/de-boarding assistance to a person with a disability such that the health and safety of the operator or the person with a disability is not jeopardized;*
- b) *offer to secure transportable mobility aids where securement systems exist; and*
- c) *do not deploy boarding/de-boarding lifting devices, ramps, or portable bridge plates if the operator deems the location or stop to be unsafe for deployment because of a barrier;*
- d) *report locations or stops deemed unsafe for deployment to the transportation provider*

Boarding/de-boarding stops

Where a passenger is unable to board/de-board a conveyance because the stop is not yet accessible or because of a temporary barrier, the transportation provider shall ensure that the operator allows passengers to board/de-board at the closest available safe location on the same route acceptable to the operator and passenger.

While the proposed Accessible Built Environment Standard notes the following under section 12.0 regarding Transportation Elements with respect to transit stations, bus shelters, and bus stops:

The technical requirements for this section are not included at this time because either a), they have not yet been developed by the Accessible Built Environment Development Committee; or b) there are other Provincial codes or standards in place – amalgamation and consolidation requires further study and is beyond the scope of work of the current Standard Development Committee.

This is a serious oversight and is one that must be addressed in this standard, as current codes or standards do not adequately deal with this issue. Accessible transportation as outlined in the Accessible Transportation Standard cannot be used by people with disabilities if there is not appropriate infrastructure to ensure users and their mobility devices (for example, wheelchairs) can safely board and de-board.

Interaction with Other Provincial and Municipal Legislation, Codes, Standards, and Regulations

Clarity is needed to understand how the proposed Accessible Built Environment Standard will interact with related provincial and municipal legislation, codes (such as building codes and the Human Rights Code), standards (such as the Accessible Transportation Standard), and regulations.

The proposed Accessible Built Environment Standard notes that “the initial proposed standard covers elements currently regulated by the Building Code (Ontario Regulation 350/06) and also elements that are not currently regulated by the Building Code such as play areas and amusement parks” (Section 2.2).

However, the proposed standard does not state whether the elements that it contains that differ from or do not currently exist in the Building Code will be entrenched in the Building Code during its next review process. While it has been explained that this will be the case, this should be made explicit in the proposed Accessible Built Environment Standard as there seems to be some confusion across stakeholder groups about this relationship. There will also be a need to clearly articulate this in any supporting communication materials released with the Accessible Built Environment Standard.

Curb Ramps and Pedestrian Crossings

Sections 5.2 and 5.3 deal with curb ramps and pedestrian crossings. In addition to the technical requirements recommended, the MS Society recommends that ramp and pedestrian crossing lines be required to be painted in yellow. This will allow people with low vision to see these lines better in the winter when snow is on the ground. Snow blends in with the white lines that are presently painted on the roads.

5. What will be some of the potential positive or negative effects on your organization?

All people - including those with a disability – should have the opportunity to live with independence, dignity, self respect and to participate fully in society.

The MS Society's members, clients, and stakeholders across Ontario will ultimately benefit from improved accessible spaces, particularly if given the assurance that compliance of the standard will be monitored, evaluated, and enforced, and provided that the recommended timelines are adhered to and, in some instances, advanced.

However, until a better understanding of how retrofit and housing will be dealt with in standards, it is difficult to envision a truly accessible Ontario.

6. Are the requirements of the proposed standard appropriate in terms of scope, application, technical feasibility and timelines for implementation?

While we recognize the challenges associated making Ontario accessible, there is concern among the MS Society's stakeholders the timelines outlined may be too far into the future.

To help address these concerns, the Government of Ontario should consider providing incentives to builders, owners, and operators who wish to lead the way on retrofitting and/or building accessible buildings and spaces in accordance with the standard.

Financial assistance could be offered to those that improve their buildings/spaces, or the plans for their buildings/spaces, in accordance with the standard *in advance* of the prescribed deadlines. An extension of -

or the creation of a fund similar to - the *Enabling Change Partnership Fund* would do much to provide builders, owners, and operators with the financial means and technical guidance and advice to implement the standard sooner rather than later.

The MS Society appreciates the opportunity to provide feedback into the proposed Accessible Built Environment Standard. Thank you.