

# **Submission to the Public Consultation on the Ontario Building Code Accessibility Requirements**

Prepared by the Social Planning Council Kitchener-Waterloo  
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The Social Planning Council of Kitchener-Waterloo engaged a community working group of citizens to review the recommendations for the Ontario Building Code Accessibility Requirements. This submission is based on the input received from these community members, most of whom have mobility or sensory disabilities which affect whether they can access and navigate all of their community. Further, these community members have been involved in either the Kitchener-Waterloo Disabilities and Human Rights or Livable and Inclusive Community Groups which have addressed related accessibility issues over a number of years. This submission builds on input provided by these local groups in a previous submission to the draft AODA Built Environment Standards.

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## Comments on Potential Changes to the Ontario Building Code

Code Proposal Number (Proposed Change)	Code Provision (Building Code Reference)	Description	Working Group Comments
A-01-04-02	1.4.1.2.(1)	Add new definition of Public Entrance. Public entrance means a building entrance that is made available for public use and does not include a service entrance or controlled entrance.	We support this improved definition as the lack of accessible public entrances has often resulted in those with disabilities having to use a back or service entrance, which shows disrespect for people with disabilities.
B-03-02-02	3.2.4.22.(13)	Add a visual component to smoke alarms. <b>(13)</b> Smoke alarms shall have a visual component consisting of, (a) a xenon strobe type lamp, (b) a white or clear light, (c) a flash rate between 1 and 2 Hz, with a maximum duration of 0.2 s, and (d) an effective intensity of not less than 175 cd and not more than 1 000 cd.	Technical requirements for visual fire alarms are well done and are in compliance with requirements for those with epilepsy.
B-03-04-01	3.4.6.1.(1)(a) and (b)	Add Appendix note regarding slip resistant surfaces. While not defined the note below will give guidance to selecting surfaces that are slip resistant. An appendix note will guide designers, owners, and contractors as to what slip resistant is depending on the application. For example, if the application is in a pool change room where the floor may be constantly wet, the table shows the slip resistance when wet as well.	We are in agreement with these proposed changes
B-03-04-02	3.4.6.1.	Add prescriptive requirements for tactile indicators at the surfaces of stairs, ramps, and platforms. Tactile walking surface indicators can provide important cues for persons with little or no vision. These surfaces can alert all pedestrians to potential hazards, such as stairs, ramps or p	We are in agreement with these proposed changes

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B-03-04-03	3.4.6.5.	Add requirements for handrails to be on both sides of stairs and to be continuous to increase occupant safety. Single handrails on one side of a stair or ramp may not provide sufficient support or guidance to people with ambulatory or sensory disabilities.	We are in agreement with these proposed changes
B-03-08-01	3.8.1.1.(1)	Clarify exemption from the requirements of 3.8 for housing for seasonal and temporary and emergency workers. Add in barrier-free requirements for all construction even if no barrier-free path of travel is provided. Not all disabilities are mobility disabilities and certain barrier-free features should be provided in all buildings, even where a barrier-free path of travel is not required.	Numbers are inadequate and inconsistent; numbers of accessible stalls increase with number of water closets but the number of universal toilet rooms does not. If occupancy increases, it stands to reason that all types of facilities should increase. These facilities are used by various people: families with young children, individuals requiring attendant care, individuals using mobility devices; obese individuals, those with service animals, etc.
B-03-08-02	3.8.1.2.(1)	Require the public entrance to a building to be barrier-free and exempt Rapid Transit Stations from the requirement of Table 3.8.1.2. Not all building entrances are easily identified or accessed by people with disabilities or accessible entrances may be separated from entrances most commonly used by other building occupants resulting in the segregation of people with disabilities with respect to building access.	The exemption of Rapid Transit stations from the requirement for barrier free entrances is regressive. The Building Code must ensure consistency with other regulations such as the but not limited to: Transportation Canada, Ministry of Transportation, and Transportation Safety Board of Canada
B-03-08-03	3.8.1.3.(4)	Amend to require every barrier-free path of travel less than 1 600 mm in width be provided with an unobstructed space of not less than 1 800 mm in width and 1800 mm in length, located not more than 30 m apart. It may be difficult for persons using a wheel chair or service animal to pass other persons in the hallway.	The required width should be 1830 mm so two wheelchairs can pass each other easily.

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B-03-08-04	3.8.1.4.(3)	<p>Require that areas of a building served by moving walkways also have a parallel barrier-free path of travel.</p> <p>Any area within the building that is served by a moving walk needs to have a barrier free path of travel. As there can be safety issues with using moving walkways especially for those using mobility devices.</p>	<p>The requirement to have a parallel barrier-free path next to moving walkways is a good step towards accessibility.</p>
B-03-08-05	3.8.1.5.	<p>Modify requirements to provide access to controls for people with disabilities.</p> <p>Light switches, intercom and similar devices should be located between 1 000 mm and 1 200 mm above the finish flooring. Electrical outlets should be located approximately 650 mm to 800 mm to create less bending for everyone. To ensure adequate comfort thermostats should be located approximately 1200 mm above finish floor.</p>	<p>Accepted as proposed as long as the requirements are in line with other regulations</p>
B-03-08-06	3.8.2.1.	<p>Modify Sentence (1) and (2) to determine where a barrier-free paths of travel is required and provide for exemptions where required. Add expanded requirements based on occupancy for barrier-free travel for multi-storey buildings. Certain occupancies, such as assembly, should have greater requirements for having a barrier-free path of travel due to their usage by the general public.</p>	<p>Private business with public access should not be exempt. The Building code must ensure consistency with other regulations such as the Day Nurseries Act, Transportation Canada, Ministry of Transportation, Technical Standards, and Safety Authority. When there is too much fragmentation of the requirements, it can result in accountability being difficult or impossible to determine</p>
B-03-08-08	3.8.2.1.(4) to (6)	<p>Require a barrier-free path of travel into a bedroom and a bathroom on the same level as the suite entrance and provide a clear space at least 1500 mm in diameter or a T-shaped turning space to accommodate and wheeled mobility device.</p> <p>The Building Code currently requires the barrier-free washroom to have a minimum size; however, a clear space to permit maneuvering with a mobility device is not required. Fixtures and fittings may</p>	<p>The requirement should be for circular space rather than T-shaped turning space as turning space must accommodate electric mobility devices such as scooters and power wheelchairs and allow for attendants and service animals. We suggest increasing the</p>

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		<p>reduce the space available. This change will provide a minimum 1 500 mm turning radius or the new T-shaped turning area for wheelchairs to turn around. Requirements have been modified so that the barrier-free path of travel is required into one bathroom, one bedroom and the kitchen on the entry level. This will require that the doors to those spaces will also be barrier-free (currently 850 mm and proposed to 860 mm) as opposed to the minimum door sizes specified in Sentence 9.6.3.3. (1) which can be significantly smaller.</p>	<p>clear turning space to 2 m.</p>
B-03-08-09	3.8.2.2.(2)	<p>Increase of clear height for accessible vehicles headroom at entrance to and within parking garages along an access route connecting to, and located at, barrier-free path of travel all that provides parking spaces designated for accessible vans. Increase space for passenger loading areas and establish minimum height where weather protection is provided at exterior passenger loading zones.</p> <p>Vans are becoming more common as a method for those with disabilities to travel. These vans can be larger than regular vehicles. Additional clear height is required to accommodate these vehicles. Para transit is also becoming more widespread and accessible buses and taxis require larger areas for passenger loading and unloading. Parking space sizes will be set out in the Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act (AODA) and this provision will ensure that there is a minimum height to accommodate accessible vans.</p>	<p>Increasing the heights in parking garages to accommodate accessible vehicles will help increase access and safety if the vehicles have issues. Currently, if accessible vehicles run into issues in parking garages, tow trucks cannot enter to provide assistance.</p>
B-03-08-10	3.8.2.3.(1)	<p>Establish the minimum number of accessible stalls in washrooms and universal toilet rooms required.</p> <p>Where washrooms are provided, a minimum of one universal toilet room per building.2) For multi-storey buildings, at least 1 UTR for every 3 floors.</p>	<p>Numbers are inadequate and inconsistent; numbers of accessible stalls increase with number of water closets but the number of universal toilet rooms does not. If occupancy increases, it stands to reason that all types of facilities should increase. These facilities are used by various people: families with young</p>

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			children, individuals requiring attendant care, individuals using mobility devices; obese individuals, those with service animals, etc.
B-03-08-11	3.8.2.4.	Expand requirements of barrier-free hotel rooms and eliminate the maximum number of barrier-free suites as previously contained within the Building Code. This expands the requirements that are unique to hotel guest rooms. It also increases the maximum number of rooms that must be barrier-free. It also requires the suite to be located close to the elevator or area of refuge in case of emergencies. Also integrates the turning radius required in other washrooms.	Same concerns as previously – minimum door width of 914 mm and ensure that non-slip surfaces are required in baths in hotel rooms.
B-03-08-12	3.8.3.1.	Address signage on a barrier-free route and offer appendix notes to offer best practices to be considered.	The requirements for height of signs and accessible passenger loading zones are good, as are the changes to have measurements from the middle of the sign and post the international accessibility sign.
B-03-08-13	3.8.3.2.	Modify curb ramp requirements and add in outdoor pool decks to require barrier-free path of travel. Add requirement for heating cables on a ramp in an exterior barrier-free path of travel.	The cost of a heated ramp could be very cost prohibitive to install
B-03-08-14	3.8.3.3.	Revise doorway requirements including widening the clear width, configuration of door handles, modifying power door operators and where they are required, providing for maneuvering space for sliding doors, modifying requirements for vestibules, and requiring a barrier-free path of travel where gates or turnstiles are present. Rough-ins for power door operators are being proposed for residential suites would also be required.	Wording is unclear for sentence “Rough-ins for power door operators are being proposed for residential suites would also be required - “remove the words “are being proposed.” See previous comments re width of doorways

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			Eliminate “special access” for people with mobility issues i.e. find a suitable alternative for turnstiles that isn’t just providing an alternate path.
B-03-08-15	3.8.3.4.	Modify width, slope, and landing requirements for ramps. Add intermediate handrails for wider ramps. (1) Ramps located in a barrier-free path of travel shall, (a) have a minimum width of 1 100 mm between handrails, (b) have a maximum (i) running slope of 1 in 15, and (ii) cross slope of 1:50,	See comments for B-03-08-03 where 1830 mm is recommended so two wheelchairs can pass each other. Slope is 1:15 or 3.8%, which is very gentle and will help prevent accidents. Other modifications are good.
B-03-08-16	3.8.3.6.	Establish requirements for floor space at, and approaching, the accessible seats and the location of those seats and space for storage of mobility devices. (1) Spaces designated for wheelchair use in Sentence 3.8.2.1.(3) shall be, (a) clear and level or level with removable seats, (b) not less than 900 mm wide and 2 200 mm long to permit a wheelchair to enter from a side approach, and 1370 mm long where the wheelchair enters from the front or rear of the space, (c) arranged so that at least two designated spaces are side by side, (d) located adjoining a barrier-free path of travel without infringing on egress from any row of seating or any aisle requirements, (e) situated, as part of the designated seating plan, to provide a choice of viewing location and a clear view of the event taking place, and (f) arranged to have at least one companion seat located adjacent to the designated wheelchair seating. (See Appendix A)	These requirements are excellent and will improve the viewing experience of many people who use mobility devices. However, some consideration should be given to seating locations for those who are hearing impaired or hard of hearing, to ensure that they are able to hear the event as well as see it. The requirement for storage of mobility devices is also good, but there would need to be steps taken to ensure the security of these devices from theft that may be difficult to achieve.

Code Proposal Number (Proposed Change)	Code Provision (Building Code Reference)	Description	Working Group Comments
B-03-08-17	3.8.3.8. and 3.8.3.9.	Increase dimensions in water closet stalls to permit a clear floor area (exclusive of fixtures) of 1 500 mm in diameter or to permit a T-turn, enlarge minimum required area when the door swings in, modify grab bar requirements and provide options for a fold down grab bar. Add requirements for an ambulatory stall.	Require circular space rather than T-shaped turning space; must accommodate electric mobility devices such as scooters and power wheelchairs; allow for attendants and service animals; increase clear space to 2 m
B-03-08-18	3.8.3.10.	Add requirements for urinals in a barrier-free washroom.	Support this requirement provided it does not detract from numbers of accessible stalls and universal toilet rooms
B-03-08-19	3.8.3.11.	Amend requirements for lavatories and accessories when installed in a washroom required to be barrier-free.	Excellent - clarifies a standard for determining the reaching distance for soap dispenser and towel access
B-03-08-20	3.8.3.12.(1) to (5)	Amend and add to requirements to universal toilet rooms. Editorial correction regarding space beside door to be on latch side not hinged side.	Require circular space rather than T-shaped turning space; must accommodate electric mobility devices such as scooters and power wheelchairs; allow for attendants and service animals; increase clear space to 2 m
B-03-08-21	3.8.3.13.(1)	Amend requirements for showers and bathtubs to allow for some variance in seat height and add grab bar requirements.	Generally, we are in support of this section. Add in requirements for grab bars and non-slip floors in all showers, bathtubs, Jacuzzis, and hot tubs to increase safety and accessibility.

Code Proposal Number (Proposed Change)	Code Provision (Building Code Reference)	Description	Working Group Comments
B-03-08-22	3.8.3.15.	<p>Amend shelf dimensions, approach/knee space and mounting height for shelves for public telephones <b>(1)</b> Where public telephones are provided, a built-in shelves or counters they shall be provided level and shall,</p> <p>(a) be level and not less than 500 mm wide by 350 mm deep, and</p> <p>(b) have, for each telephone provided, a clear space not less than 810 mm wide and 1370 mm deep centred on the telephone and having no obstruction within 250 mm above the surface.</p> <p><b>(2)</b> The top surface of a section of the shelf or counter described in Sentence (1) serving at least one telephone shall,</p> <p>(a) located between 775 mm and 875 mm from the floor, and</p> <p>(b) have a knee space not less than 740 mm high.</p>	<p>Good step forward</p> <p>Clarify how will this requirement be consistent with MCSS Checklist: public telephones, coat racks or display shelves are accessible to and useable by patrons with various disabilities e.g. wheelchair users, persons with low vision or hearing loss</p> <p>Making buildings and spaces accessible</p>
B-03-08-23	3.8.3.16	<p>Modify accessibility requirements for barrier-free drinking fountains.</p> <p>(1) Where drinking fountains are provided, at least one shall be barrier-free and shall,</p> <p>(a) have a spout located near the front of the unit not more than 915 mm above the floor, and</p> <p>(b) be equipped with controls that are easily operated from a wheelchair using one hand with a force of not more than 22 N or be automatically operable,</p> <p>(c) project the water at least 100 mm high,</p> <p>(d) have the water stream provided at a vertical angle of either,</p> <p>(i) 30° maximum, where water spouts are located less than 75 mm from the front of the unit, or</p> <p>(ii) 15° maximum, where the water spouts are located between 75 mm and 125 mm from the front of the unit.</p> <p>(e) be located adjacent to a barrier-free path of travel.</p> <p>(2) Where cantilevered drinking fountains are provided, they shall</p> <p>(a) be mounted between 700 mm and 900 mm above the finished floor and provide a knee clearance of at least 700 mm,</p> <p>(b) have a clear depth under the drinking fountain of at least 500</p>	<p>Generally, these proposed changes are useful, as there are accessibility challenges using water fountains based on the ability to access, force, and angle of the water, etc. No mention of hydration stations where you fill your own container – these are becoming more common than regular drinking fountains.</p>

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		<p>mm,                      (c) have a clear width under the drinking fountain of at least 760 mm,                      (d) have a toe clearance height under the drinking fountain of at least 350 mm above the finished floor from a point 300 mm back from the front edge to the wall,                      (e) have a depth at the base of the drinking fountain of at least 700 mm, and                      (f) where not recessed or otherwise located out of the circulation route, be cane-detectable at or below 680 mm above the finished floor.</p>	
B-03-11-02	3.11.3.1.(14)	<p>Provide a tactile surface indicator at the edge of the pool. (14)                      Except for a modified pool and wave action pool, the perimeter of the pool deck shall be clearly delineated by a tactile surface indicator around the pool deck or other means where any area contiguous to the pool deck may be confused with the deck.</p>	<p>This requirement will allow individuals to adequately judge the edge of the pool and prevent falls and accidents.</p>
B-05-11-01	5.11.	<p>Add new Section Environmental Separation Systems and Assemblies. (1) Exterior insulation and finish systems and their components shall comply with                      (a) Part 5, or                      (b) CAN/ULC-S716.1, “Exterior Insulation and Finish Systems (EIFS) – Materials and Systems,” where covered in the scope of the standard, while also meeting the performance requirements of Part 5. (See Appendix A).</p>	<p>EIFS – IS A FINISH APPLIED TO EXTERIOR BUILDINGS – When applying EIFS over existing exterior walls - it is very important that there be strict regulations regarding the application of this product. Any moisture between the existing exterior wall and the EIFS allows for mould or insects, etc. An important detail.</p>
B-09-05-01	9.5.2.3.	<p>Add a provision to ensure kitchen cabinets can be installed at any height that may be required within a kitchen in a dwelling unit.</p>	<p>We are in support of these proposed changes.</p>

Code Proposal Number (Proposed Change)	Code Provision (Building Code Reference)	Description	Working Group Comments
B-09-08-02	9.8.7.1.	<p>Modify handrail requirements in Part 9 (1) Except as permitted in Sentences (2) and (3), a handrail shall be provided,</p> <p>(a) on 2 sides of curved stairs or curved ramps of any width, except curved stairs within dwelling units, and</p> <p>(b) on 2 sides of stairs or ramps (2) Handrails are not required for,</p> <p>(a) interior stairs having not more than 2 risers and serving a single dwelling unit,</p> <p>(b) exterior stairs having not more than 3 risers and serving a single dwelling unit,</p> <p>(c) ramps with a slope of not less than 1 in 12, or</p> <p>(d) ramps rising not more than 400 mm (15 5/8 in)</p> <p>(3) Only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve a single dwelling unit.</p>	<p>All slopes and all stairs (interior and exterior) require handrails on both sides to improve accessibility for all. No exceptions.</p>
B-09-08-03	9.8.7.4.	<p>Modify the minimum handrail height requirements in Part 9. (1) The height of handrails on stairs and ramps shall be measured vertically from the top of the handrail to</p> <p>(a) a line drawn through the leading edge of the stair treads served by the handrail, or</p> <p>(b) the surface of the ramp, floor or landing served by the handrail.</p> <p>(2) Except as provided in Sentence (3), the height of handrails on stairs and ramps shall be,</p> <p>(a) not less 865 mm (2 ft 10 in) and</p> <p>(b) not more than 965 mm (3 ft 2 in).</p> <p>(3) Where guards are required, handrails required on landings shall be not more than 1 070 mm (3 ft 6 in) in height.</p>	<p>Good. Consistent with 2010 National Model Construction Codes</p>

## General Comments

Overall, the perspective of individuals with disabilities or who are ageing is not adequately taken into account in the proposed changes to the Ontario Building Code. The consultation document includes statements of concern about the potential impact of changes to the Code on contractors, designers, enforcement authorities, retailers, building owners and operators. However, this same level of concern is not raised about the ultimate impact the Code will have on those living, working and playing in the buildings and facilities that are built or renovated according to a well-formulated Code.

### **1. The Ontario Building Code consultation document is not accessible and nor is the consultation process inclusive.**

The consultation proved to be a difficult process for a lay citizen group. The Kitchener-Waterloo working group assessed that the consultation was intended for only a limited segment of the Ontario population and not for the average citizen or those who would have the most at stake.

The consultation document and accompanying material is a challenge to review. The language used in the document and supporting materials is often unclear and confusing. Many terms are not defined, and at times seem to be used inconsistently. It is often difficult to locate definitions to be sure that the intention of the potential change to the Code was understood.

Multiple cross references requires frequent switching between sections within the document and appendices. This makes it difficult to follow the points being made or referenced. Similarly, references are to documents not included in the consultation material, making it necessary to track these down. In some cases, the referenced document was not to be found even after extensive searching.

The documents provided for this consultation should comply with the AODA communications standards. For example, the document format is confusing; sections and subsections would be easier to navigate if these were more clearly identified with page numbers and an index for easier referencing.

Furthermore, there needs to be clearer cross-references to legislation and requirements under other jurisdictions. Having multiple and inconsistent definitions and exemptions is difficult to follow and is a challenge to understanding what truly could be expected to change. Accountability is difficult and sometimes impossible to determine when similar building classifications are regulated under various laws and acts. A glossary of terms, summary of regulations and references to these would allow these to be more readily accessed and reviewed.

## **2. Ontario's Building Code Must Uphold the Human Rights Code and Ensure Principles of Inclusion and Accessibility are Primary Requirements**

The Building Code must be harmonized with both the Ontario Human Rights Code and the Ontario AODA Built Environment Standards for full accessibility. Accessible design must be required for all new buildings and renovations without exception. Suggestions, guidelines, or support for some types of accessible design features is not enough for any building unless that building could justifiably **never** be accessed by anyone with any limiting condition. Undue hardship should never be acceptable as a reason for not meeting Building Code requirements.

### **Conclusion**

The minimum standards for the construction of buildings as regulated by the Ontario Building Code are essential for the advancement of the provincial government's key priorities for inclusion and accessibility. Implementing appropriate changes to the Code will make significant steps forward toward that goal. Truly inclusive accessibility requirements in the Code are feasible and will make the difference between success and failure. We anticipate success. Ontarians deserve nothing less.