



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT 20-007**

4:00 p.m.

Tuesday, December 8, 2020

**Due to COVID-19 and the Closure of City Hall,
this meeting was held virtually.**

Present: A. Mallet (Chair), P. Kilburn (Vice-Chair), S. Aaron,
P. Cameron, J. Cardno, M. Dent, L. Dingman,
A. Frisina, J. Kemp, T. Manzuk, C. McBride,
M. McNeil, T. Murphy, K. Nolan and T. Nolan

Absent

with regrets: S. Geffros and M. Sinclair

Also Present: J. Bowen, Supervisor, Diversity and Inclusion

**THE ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES PRESENTS REPORT 20-007 AND
RESPECTFULLY RECOMMENDS:**

- 1. Appointment of Committee Chair and Vice-Chair for 2021
(Item 1)**
 - (a) That Aznive Mallett be appointed as Chair of the
Advisory Committee for Persons with Disabilities for

2021; and,

- (b) That Paula Kilburn be appointed as Vice-Chair of the Advisory Committee for Persons with Disabilities for 2021.

2. Reduction in the Advisory Committee for Persons with Disabilities' Transportation Working Group & Built Environment Working Group Memberships (Item 9.1)

WHEREAS, as per the Advisory Committee Procedural Handbook, the number of Committee Members participating in a Working Group should be less than the quorum number of the Committee membership;

WHEREAS, the quorum number for the Advisory Committee for Persons with Disabilities is 10 members, based on the membership composition outlined in the Terms of Reference which specify that the Advisory Committee for Persons with Disabilities shall be comprised of up to 18 citizen members and one Member of Council;

WHEREAS, the Transportation Working Group has 10 members, which is equal to quorum for the Advisory Committee for Persons with Disabilities;

WHEREAS, the Built Environment Working Group has 11 members, which is greater than quorum for the Advisory Committee for Persons with Disabilities; and,

WHEREAS, the membership of the Transportation Working Group and the Built Environment Working Group need to be reduced to a maximum of 9 members to be less than the quorum number of the Committee membership;

THEREFORE, BE IT RESOLVED:

- (a) That the resignation of Tom Manzuk from the Transportation Working Group of the Advisory Committee for Persons with Disabilities, be received; and,
- (b) That the resignations of Michele Dent and Mary Sinclair from the Built Environment Working Group of the Advisory Committee for Persons with Disabilities, be received.

3. Housing Issues Working Group *Work Plan* (Item 7.2(b))

That the Housing Issues Working Group Work Plan, attached as Appendix “A” to Advisory Committee for Persons with Disabilities Report 20-007, be approved.

4. Accessible Housing (City Wide) (Item 7.2(c))

WHEREAS, the need for accessible affordable housing is at a crisis level;

WHEREAS, more than 22% of Canadians have a disability;

WHEREAS, anyone can be born with a disability which can afflict them without warning, at any time in their lives and anyone of any age can be struck by illness or accident which creates a temporary or lasting disability;

WHEREAS, there is currently no law requiring that housing be accessible. The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) does not mention housing;

WHEREAS, the Ontario Building Code only requires that 15% of new apartments be “visitable”, not accessible enough to live there;

WHEREAS, both the AODA and the Ontario Building Code are in contravention of the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code and United Nations Convention on the Rights of Persons with Disabilities. Barrier free housing is a human right;

WHEREAS, Hamilton does not need to wait for the provincial government to make changes to the laws. Change can be made at the municipal level by mandating universal design in all future City projects or any new development built with tax dollars and/or land made available by the City, and through agreements with developers. All new and renovated Hamilton community housing units must also be made accessible;

WHEREAS, the current Housing Unit Modification Guide focuses mainly on addressing the issues of people with mobility devices like wheelchairs, power chairs and scooters for example; there is a need to revise the current guide to include the needs of other disabilities, both visible and otherwise, in what is called Universal Accessible Design. This can include things like high contrast paint jobs in kitchens and bathrooms to make it easier for the visually impaired, audible and visible alarms as well as door bells, tuned so as not to trigger seizure disorders, and textured switches to name a few;

WHEREAS, the extra cost of incorporating universal design is less than one percent more when planned from the design stage. It is the renovation of existing housing that is costly; and,

WHEREAS, making all new housing accessible will reduce the City's costs for future long-term care and residential care facilities by providing more independent living choices;

THEREFORE, BE IT RESOLVED:

- (a) That the Advisory Committee for Persons with Disabilities respectfully requests that the City of Hamilton make all future and retrofitted housing accessible; and,
- (b) That the Advisory Committee for Persons with Disabilities respectfully requests that the City of Hamilton expand its Housing Unit Modification Guide to incorporate universal design in order to address the accessibility needs of those not yet represented.

**5. Ban of Electric Scooters from Public Property (City Wide)
(Item 7.4(a))**

WHEREAS, the Advisory Committee for Persons with Disabilities was requested by Council to give our advice regarding whether they should allow rental electric scooters (also known as e-scooters or kick scooters) to operate in the City of Hamilton;

WHEREAS, the Transportation Working Group of the Advisory Committee for Persons with Disabilities has researched the impact of permitting the operation of electric scooters in other cities, including Montreal, Calgary and Ottawa;

WHEREAS, it is the opinion of the Advisory Committee for Persons with Disabilities that electric scooters pose a serious danger to persons with disabilities. Allowing

unlicensed, untrained people of varying ages and maturity levels to operate silent, high speed vehicles without regulation is an unnecessary safety risk to all pedestrians, but it is of particular concern to seniors and the disabled as they might not see or hear them, nor would they be able to move out of the way quick enough to avoid injury;

WHEREAS, rental electric scooters do not require a docking station and their congestion, abandonment and improper parking in dense urban areas can cause serious issues such as blocked sidewalks, curb cuts, business entrances, wheelchair ramps, etc. and pose a serious obstruction or tripping hazard when they are left on the ground, especially for persons with vision loss;

WHEREAS, other Canadian cities such as Montreal and Toronto have implemented a ban on the use of electric scooters in their communities;

WHEREAS, the province of Ontario has permitted Ontario cities to self-determine whether to permit electric scooters on its roads and sidewalks;

WHEREAS, there are no provincial regulations in place, especially for commercially rented electric scooters, regarding the use of electric scooters on roads and sidewalks apart from an age limit of 16 years to operate;

WHEREAS, electric scooters can run at a speed of close to, or in excess of, 30km/hour posing a significant safety risk to persons with disabilities particularly those with mobility or sensory disabilities;

WHEREAS, there are no provincial regulations requiring operators of electric scooters, particularly rental electric scooters, to possess either a license or insurance to operate;

WHEREAS, the province does not require operators of electric scooters, especially rental electric scooters, to undertake any specific or regulated training in order to own or operate an electric scooter;

WHEREAS, other disability advisory committees in the Province of Ontario have recommended a ban on the use of electric scooters, particularly rental electric scooters, on municipal sidewalks and roadways because of their risk to safety of others, particularly persons with physical and sensory disabilities; and,

WHEREAS, the term e-scooter (rented or owned) refers to vehicles typically intended for transportation, and not mobility due to disability, so power wheelchairs and mobility scooters (3- or 4-wheel devices) do not fall within the scope of this motion;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities for the City of Hamilton respectfully requests that City Council ban the use of electric and commercial rental electric scooters on all City roads, sidewalks, pathways and in all other areas of the City until such time that electric scooters, particularly commercial rental electric scooters, and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario.

6. HSR / ATS / DARTS Passenger Policies for Persons with Disabilities (City Wide) (Item 7.4(b))

WHEREAS, the City of Hamilton as the municipality with oversight and obligation for delivery of accessible transportation services according to *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) regulations (O. Reg. 191/11: INTEGRATED ACCESSIBILITY STANDARDS);

WHEREAS, AODA regulations require that organizations and municipalities establish policies respecting the needs of persons with disabilities (O. Reg. 191/11: INTEGRATED ACCESSIBILITY STANDARDS);

WHEREAS, the Advisory Committee for Persons with Disabilities has worked with Accessible Transportation Services (ATS) of the Hamilton Street Railway (HSR) over the past 17 years to formulate accessible passenger policies in support of passengers with disabilities and the ATS and Disabled and Aged Regional Transportation System (DARTS) services;

WHEREAS, these policies have been approved by Council in years previous;

WHEREAS, there have been many staffing changes in the HSR and ATS and member changes on the ACPD since these policies were last reviewed by City Council and these changes reflect differing and new ways of thinking about accessible transportation services delivery to persons with disabilities in the City of Hamilton;

WHEREAS, there is a commitment within AODA and ODA legislation that the province of Ontario be fully accessible by the year 2025; and,

WHEREAS, the effect of the Covid-19 virus upon the delivery of transportation services to persons with disabilities throughout 2020 and its effect upon passengers with disabilities, ATS, DARTS and the HSR has been significant;

THEREFORE, BE IT RESOLVED:

- (a) That the Advisory Committee for Persons with Disabilities respectfully requests that City Council direct HSR and ATS staff to work directly to review and amend the full slate of existing policies, and compose a full slate of new policies in compliance with AODA requirements;
- (b) That these policies upon their completion be forwarded to City Council for review and adoption;
- (c) That HSR and ATS staff fully assist the Advisory Committee for Persons with Disabilities in this policy review and composition including staffing and resource allocation; and,
- (d) That these policies be reviewed by the HSR and ATS staff in consultation with the Advisory Committee for Persons with Disabilities regularly, and at the very least every 5 (five) years in order that these policies remain current.

7. Acoustic Vehicle Alerting System Requirement for Electric Scooters (City Wide) (Added Item 7.4(c))

WHEREAS, e-scooters are a nearly silent form of transportation due to the electric motor and the low speeds at which they operate;

WHEREAS, pedestrians, in particular, persons with visual impairment and those with mobility devices, rely on their ability to hear traffic and to react in time to avoid collisions;

WHEREAS, it has been proven that electric engines need to reach speeds over 20 kph before they become audible enough to hear at a relatively safe distance. This is close to the top speed of e-scooters;

WHEREAS, the technology exists to artificially produce sound on electric vehicles in order to mitigate the risk to pedestrians, especially those with visual impairments and mobility issues. These devices can reproduce engine sounds through a variety of means, i.e. resonator tubes, fan created noise makers and more comical sound makers; and,
WHEREAS, these devices are relatively low cost and can be fitted on to E-scooters either pre- or post- manufacture;

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities respectfully requests that Hamilton City Council require acoustic vehicle alerting systems to be installed on all e-scooters (Kick Scooters) that operate within the City of Hamilton.

8. Strategic Planning Working Group Update (Item 7.5)

That Jayne Cardno be appointed to the Strategic Planning Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 Term of Council.

FOR INFORMATION:

P. Kilburn assumed the Chair at 4:00 p.m., until A. Mallett assumed the Chair at 6:13 p.m.

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

- 5.3 Correspondence from Michelle Martin, HSR, respecting Virtual Transit Accessibility Public Consultation Event

Recommendation: Be received.

7. CONSENT ITEMS

- 7.3 Outreach Working Group Update

- 7.3(a) Outreach Working Group Meeting Notes
- October 5, 2020

- 7.4 Transportation Working Group Update

- 7.4(c) Acoustic Vehicle Alerting System
Requirement for Electric Scooters (City
Wide)

CHANGES TO THE ORDER OF ITEMS:

That the following items be moved up on the agenda to be considered immediately following the Approval of Minutes of the Previous Meeting:

- 9.1 Reduction in ACPD's Transportation Working Group & Built Environment Working Group Memberships
- 9.2 ACPD Working Group Support
- 9.3 ACPD Working Group's Terms of Reference

The agenda for the December 8, 2020 meeting of the Advisory Committee for Persons with Disabilities was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) November 10, 2020 (Item 4.1)

The minutes of the November 10, 2020 meeting of the Advisory Committee for Persons with Disabilities, were approved, as presented.

(d) DISCUSSION ITEMS (Item 9)

- (i) Reduction in the Advisory Committee for Persons with Disabilities' Transportation Working Group &**

Built Environment Working Group Memberships (Item 9.1)

Janet Pilon, Deputy Clerk, was present and assisted in answering questions of Committee on this matter.

For further disposition of this matter, refer to Item 2.

P. Kilburn wished to be recorded as opposed.

(ii) Advisory Committee for Persons with Disabilities' Working Group Support (Item 9.2)

Members of the Transportation Working Group and the Built Environment Working Group expressed that there is a lack of support staff attending working group meetings for the purposes of agenda preparation, note-taking and provision of subject-matter expertise.

Janet Pilon, Deputy Clerk, advised that City staff and/or resources may not be available to working groups and consequently, the preparation of agendas, minutes and meeting requirements are the responsibility of the working group, if required. Support staff are not required to attend working group meetings, as per the Advisory Committee Procedural Handbook. Working groups are permitted to request assistance, information and expertise from volunteers as required.

Jessica Bowen, Supervisor, Diversity and Inclusion, committed to attending future meetings of both the Transportation Working Group and the Built Environment Working Group in order to identify and discuss their respective accommodation needs and investigate potential supportive measures.

The discussion, respecting Advisory Committee for Persons with Disabilities Working Group Support, was received.

(iii) ACPD Working Group's Terms of Reference (Item 9.3)

The Built Environment Working Group is in the process of reviewing and revising the Working Group's Terms of Reference. Questions were raised respecting the requirement of a working group to have a Terms of Reference and, if so, whether the Advisory Committee for Persons with Disabilities must approve it.

Janet Pilon, Deputy Clerk, advised that working groups are not required to have a Terms of Reference, as they are created to assist in the research or review of a given item and report the findings back to the Committee.

Members expressed that having a Terms of Reference for the various working groups of the Advisory Committee for Persons with Disabilities would help to establish continuity and ensure that new working group members are setup for success.

Janet Pilon, Deputy Clerk, stated that a working group can elect to develop a Terms of Reference if desired, but the document would be better termed a work plan. Work plans should be approved by the Advisory Committee for Persons with Disabilities so that the working group knows it's headed in the right direction and is providing the Committee with the information it needs to move forward.

The discussion, respecting Advisory Committee for Persons with Disabilities Working Group's Terms of Reference, was received.

(e) COMMUNICATIONS (Item 5)

Communication Items 5.1 - 5.3 were received, as presented, as follows:

- (i) Correspondence from Chris Schafer, Bird Canada, respecting Item 7.4(a) - Ban of Electric Scooters from Public Property (City Wide) (Item 5.1)

Recommendation: Be received and referred to the consideration of Item 7.4(a) - Ban of Electric Scooters from Public Property (City Wide).

- (ii) Correspondence from Staff Sergeant Jo-Ann Savoie, Hamilton Police Service, respecting Item 7.4(a) - Ban of Electric Scooters from Public Property (City Wide) (Item 5.2)

Recommendation: Be received and referred to the consideration of Item 7.4(a) - Ban of Electric Scooters from Public Property (City Wide).

- (iii) Correspondence from Michelle Martin, HSR, respecting Virtual Transit Accessibility Public Consultation Event (Item 5.3)

Recommendation: Be received.

(f) CONSENT ITEMS (Item 7)

(i) Built Environment Working Group Update (Item 7.1)

(a) Built Environment Working Group Meeting Notes - November 3, 2020 (Item 7.1(a))

The Built Environment Working Group Meeting Notes of November 3, 2020, were received.

(ii) Housing Issues Working Group Update (Item 7.2)

(a) Housing Issues Working Group Meeting Notes - October 20, 2020 (Item 7.2(a))

The Housing Issues Working Group Meeting Notes of October 20, 2020, were received.

(b) Housing Issues Working Group Terms of Reference (Item 7.2(b))

WHEREAS, the Deputy Clerk advised that a working group can elect to develop a Terms of Reference if desired, but the document would be better termed a work plan;

THEREFORE, BE IT RESOLVED:

That the Item and document title be amended to replace the words Terms of Reference with Work Plan.

For further disposition of this matter, refer to Item 3.

(c) Accessible Housing (City Wide) (Item 7.2(c))

For further disposition of this matter, refer to Item 4.

K. Nolan and T. Nolan wished to be recorded as opposed.

(iii) Outreach Working Group Update (Item 7.3)

**(a) Outreach Working Group Meeting Notes -
October 5, 2020 (Added Item 7.3(a))**

The Outreach Working Group Meeting Notes of October 5, 2020, were received.

(iv) Transportation Working Group Update (Item 7.4)

For disposition of this matter, refer to Items 6 and 7.

**(a) Ban of Electric Scooters from Public Property
(City Wide) (Item 7.4(a))**

For further disposition of this matter, refer to Item 5.

J. Cardno wished to be recorded as opposed.

(v) Strategic Planning Working Group Update (Item 7.5)

No update. The Strategic Planning Working Group has not yet scheduled their inaugural meeting.

For further disposition of this matter, refer to Item 8.

(g) DISCUSSION ITEMS (Item 8) (CONTINUED)

**(i) Update on COVID-19 and Persons with Disabilities
(Item 9.4)**

At the September 8, 2020 Advisory for Persons with Disabilities (ACPD) meeting, the Committee authorized T. Nolan and T. Manzuk to delegate at the General Issues Committee on behalf of ACPD respecting all matters related to the COVID-19 pandemic & its impact on persons with disabilities, including recommendations for improved policies & procedures.

At the November 10, 2020 Advisory for Persons with Disabilities (ACPD) meeting, T. Nolan and T. Manzuk indicated that they were still in the process of collecting feedback from Committee members, but would send out a comprehensive list of feedback that they have received to date.

T. Nolan and T. Manzuk advised that they have collated all feedback from Committee members respecting this matter. The comprehensive list of feedback will be included on the January 12, 2021 Advisory Committee for Persons with Disabilities meeting agenda for review. Assuming the content is approved, T. Nolan and T. Manzuk will aim to delegate at the February 3, 2021 General Issues Committee meeting.

The discussion respecting an Update on COVID-19 and Persons with Disabilities, was received.

(ii) Sidewalk Snow Removal for Persons with Disabilities (Item 9.5)

The Built Environment Working Group advised that they intend to invite relevant City Staff from Planning, Licensing and By-law Services and Public Works to a future working group meeting to discuss and advance work on additional issues beyond sidewalk snow removal, including snow removal at intersections and bicycle paths.

The discussion, respecting Sidewalk Snow Removal for Persons with Disabilities, was received.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 12)

(i) Presenters List for the Advisory Committee for Persons with Disabilities (Item 12.3)

(a) The following presenters were removed from the Presenters List for the Advisory Committee for Persons with Disabilities:

(i) General Manager of Healthy and Safe Communities (or their designate); and,

(ii) Project Manager of CityLAB Hamilton (or their designate)

(a) The following items were deferred to the January 12, 2021 Advisory Committee for Persons with Disabilities meeting due to time constraints:

(i) Accessibility Complaints to the City of Hamilton (Item 12.1)

- (ii) *Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Update (Item 12.2)*
- (iii) Review of Advisory Committee for Persons with Disabilities Outstanding Business List (deferred from the November 10, 2020 meeting) (Item 12.4)

(i) ADJOURNMENT (Item 13)

There being no further business, the Advisory Committee for Persons with Disabilities was adjourned at 6:02 p.m.

Respectfully submitted,

A. Mallet, Chair
Advisory Committee for
Persons with Disabilities

Alicia Davenport
Legislative Coordinator
Office of the City Clerk

Advisory Committee for Persons with Disabilities

Housing Issues Working Group Work Plan

Vision Statement

Everyone can live independently, with stability, equality, dignity and respect.

Mandate

To advise Council on the following issues:

1. Identifying and pursuing the removal of barriers to housing.
2. Preventing the creation of new barriers in housing.
3. Defining the needs of the disabled in the accessible housing system in order to be more inclusive.
4. Highlighting deficiencies in the accessible housing system and seeking solutions to address them.
5. Anticipating accessible housing needs for the future.
6. Making Housing in Place with services recognizing equality.

Mission Statement

We are a voice for the needs of the disabled in order to provide stable and accessible housing for all citizens.