



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 22, 2021
<b>SUBJECT/REPORT NO:</b>	Costs of Accessibility for Ontarians with Disabilities Act (AODA) Exclusions Listed in Report (HUR21010) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
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<b>SUBMITTED BY:</b>	Lora Fontana Executive Director Human Resources
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

At the September 11, 2018, General Issues Committee, staff were directed to:

Report back to the General Issues Committee with an outline of the costs for the exclusions listed in Report PW18064, respecting the Implications of the Accessibility for Ontarians with Disabilities Act (AODA) Legislation, which included the following:

- Culture and Heritage
- Water
- City Housing Hamilton
- Lodge Facilities

## INFORMATION

The Senior Leadership Team appointed designates from their respective areas to provide the information requested for compilation.

**SUBJECT: Costs of Accessibility for Ontarians with Disabilities Act (AODA)  
Exclusions Listed in Report (HUR21010) (City Wide) - Page 2 of 4**

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Based on the information provided by staff, the cost of AODA exclusions remains undetermined given the individualised use of space in each respective area. Three of the four areas that were excluded from the initial report - Culture and Heritage, CityHousing Hamilton and Lodge Facilities - indicated that in order to provide an approximate estimate, they would require an external consultant to adequately review and assess the existing facilities in their respective areas. In addition, financial and human resources would be required to support the consultant through the review process.

In addition to the need for a consultant in the excluded areas, staff identified the following with respect to the cost of exclusions:

**Culture and Heritage:**

It is important to note that Heritage buildings may have restraints as to what can be done to them without damaging heritage features, and since these buildings are quite old there may be structural issues found at the time of construction that could increase the cost substantially.

Additionally, the Ontario Building Code (OBC) cannot retroactively require a building to be brought up to current standards (including Barrier-Free Design) if no construction is being proposed. In other words, the OBC requirements only apply to an area under construction/renovation that would require the issuance of a Building Permit. While the OBC would require updating of Barrier-Free requirements to any area being renovated, it should be noted that under the OBC a permit applicant could request that a compliance alternative (usually a reduced substitute for a requirement in the OBC) be applied to the Barrier-Free Design of an existing building where it can be shown that compliance with the requirements of the OBC would be impracticable because it is detrimental to the preservation of a heritage building.

**CityHousing Hamilton (CHH):**

A consultant audit would most likely be for all CHH public spaces both indoors and outdoors. This would include parking lots, building access, lighting, laundry rooms, lounges, entryways, etcetera.

It is of note to consider that inside suite accessibility can be quite complicated as each tenant has individualised needs and requirements. These types of needs normally go through a request and approval process directly with CHH.

**SUBJECT: Costs of Accessibility for Ontarians with Disabilities Act (AODA)  
Exclusions Listed in Report (HUR21010) (City Wide) - Page 3 of 4**

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**Lodge Facilities:**

Given the information contained in the PW 18064 Report, including reference to accessible parking, passenger loading zones, access entrances, accessible common use rooms, accessible individual use space, accessible and universal washrooms, the Lodges have many of these requirements already in place.

The one area where deficiencies may exist is related to universal washrooms. There are universal washrooms available within the facility however, they were built to the building code requirements at the time of construction and would not meet the current accessibility criteria under the OBC, AODA's Design of Public Spaces Standard (DOPS) or the City's Barrier Free Design Guidelines (BFDG).

The oldest Resident area within the Lodges was built in 1954 and renovated in 1985 and would not meet accessibility requirements based on present standards. There are plans currently underway for a major build of a new Resident area at Macassa Lodge in the next 3-5 years. When this new area is built, this oldest area will either be fully renovated and repurposed or demolished.

**Hamilton Water:**

Hamilton Water representatives identified that the cost of the exclusions listed in Report PW18064, respecting the Implications of the Accessibility for Ontarians with Disabilities Act (AODA) Legislation are approximately 2 million dollars. The scope for this estimated cost included Hamilton Water facilities which house administrative and office staff.

A cost for each facility was based on square footage of the administrative space and the year it was built using costs from Appendix A to PW Report PW18064 for Yards.

**Considerations:**

Estimating the cost of exclusions remains a challenge without a more detailed review and assessment of each area, given the individualised use of space. In an area such as the lodges, the needs of the residents and nature of the service provided have required in many respects a higher a level of accessibility as it relates to the built environment that may not have been previously required in other spaces. Whereas an area such as CityHousing provides accommodation to tenants on an individualised and case-by-case basis in each living space. A further challenge that presents itself in determining such costs is that the AODA Standards cover a very limited area as it relates to the built environment. The requirements under the DOPS focuses on the removal of barriers in public spaces such as trails, beach access routes and exterior paths of travel. They do not include areas that are covered by the Ontario Building Code (OBC).

**SUBJECT: Costs of Accessibility for Ontarians with Disabilities Act (AODA)  
Exclusions Listed in Report (HUR21010) (City Wide) - Page 4 of 4**

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The cost of exclusions under the AODA would be quite specific and on its own would include the additional built environment requirements that are incorporated under the AODA, OBC and the City's own BFDG.

In order to provide a more accurate projection of the cost of exclusions, consideration could be given to the following:

- a) Engage a consult to conduct an accessibility audit for Lodge Facilities, CityHousing Hamilton and Culture and Heritage buildings.
- b) Review and update the Barrier Free Design Guidelines and/ or develop Universal Design Guidelines to be applied to every Capital project and major renovation in order to ensure that going forward each project meets compliance requirements and incorporates universal design best practices for the highest levels of accessibility for all.