

Dear Mayor Bob Bratina and Hamilton City Council,

I'm writing on behalf of CNIB, Canada's leading provider of services and supports for Canadians who are blind or partially sighted. To learn more about CNIB, please visit www.cnib.ca.

This letter is in regard to the Hamilton Council to adopt the recommendations from the October 2012 Community Services Committee meeting concerning fair parity on Burlington Transit.

Council voted to eliminate the transit subsidy provided to CNIB card holders who are blind and partially sighted. We believe this decision was taken based on a misinterpretation of the legal requirements associated with the Accessibility for Ontarians with Disabilities Act (AODA), and we are deeply concerned about how this decision may negatively impact CNIB clients.

We regret contacting you so long after Council made its decision on this issue. Unfortunately, CNIB was not consulted during the process leading up to the decision, and we only recently, as a result of a similar decision taken by Hamilton City Council, learned of the November 5 decision by the Burlington City Council.

The main rationale for eliminating the transit subsidy seems to be that such a move is required by Section 66 of the Integrated Accessibility Standards Regulations (IASR) of the AODA. However, interpretation guidelines on the website of the Accessibility Directorate of Ontario (ADO) as well as communications from the Ministry of Community and Social Services strongly suggest that elimination of the CNIB card subsidy is not required by the AODA.

On its website, the ADO offers policy guidelines that assist those trying to comply with the AODA to know what is and is not required by the law. Concerning Section 66 (the "Fare Parity" section) of the IASR, the ADO writes:

"This provision recognizes unique circumstances, such as conventional transportation service providers offering free travel on a new conventional route for promotional reasons, or conventional transportation service providers offering reduced fares for people with disabilities who can use the conventional services."



Furthermore, a spokesperson for the Ministry of Community and Social Services, Charlotte Wilkinson, was quoted in a Burlington Post article saying the following:

"Providers of conventional transportation services may make the decision to charge less to a person with a disability than what is charged to passengers without disabilities as the City of Burlington has chosen to do in the past ... the establishment of fares remains fully under the jurisdiction of municipalities. The goal of the transportation standard under the AODA (is) to ensure fare parity between people with disabilities and those without."

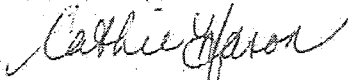
Based on this evidence, contrary to what was suggested to the Community Services Committee and Council, it seems quite clear that the elimination of the conventional transit subsidy for passengers who are blind and partially sighted is not required by the AODA.

We believe that if this decision is not revisited, Hamiltonians who are blind and partially sighted will experience a serious reduction in their ability to access employment and participate in their communities. Without access to affordable transit, Hamiltonians who are blind or partially sighted are likely to experience reduced independence, higher unemployment, fewer educational and recreational opportunities, and increased isolation and depression.

We urge Hamilton City Council to revisit this issue, to further investigate the legal requirements of the AODA, and to ensure that all of the costs and benefits, both financial and social, are weighed carefully before a decision is made.

CNIB would be delighted to offer its expertise and research findings on these matters to assist with any future deliberations. Please don't hesitate to contact me for clarification on anything I've written here.

Sincerely,



Cathie Mason
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CNIB Hamilton
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