

**SUMMARY OF DISCUSSION  
OF THE DESIGN OF PUBLIC SPACES  
STANDARD DEVELOPMENT COMMITTEE  
1:30 P.M. – 3:30 P.M., DECEMBER 12, 2018  
SECOND FLOOR EXECUTIVE BOARDROOM  
NORQUAY BUILDING, 401 YORK AVENUE**

**Present:** Glen Manning (Chairperson), Bob Somers, Judy Redmond, Kris Cowley, Rebecca Luhn-Jensen, Lisa Richards, Colin Mathison, Colin Marnoch, John Wyndels (Secretary)

**Absent:** Norman Garcia (OFC)

An excel spreadsheet was created with the Ontario Design of Public Spaces on the left and the nine benchmark resource materials listed vertically. Committee members have been tasked with filling in all areas identified in the Ontario standard according to the resource material they have been asked to review.

One of the issues that will be brought to the DM's attention is Manitoba's decision to defer adoption of National Building Code 2015, which offers an enhanced set of regulations and processes with relation to accessibility.

Individuals from the committee spoke of progress and observations from their source material assignments. While some were relatively early in their review of assigned source materials, a number of members provided updates. Depending on the stated intent of the source materials, the number of specific areas covered and rationale for technical information provided may be different.

The conversion of measurement between imperial to metric sparked a conversation related to rounding to the closest millimeter, and making sure we conform to dimensional materials. There was also a conversation of gaps in the ground, which would include gaps in wood slats or imperfections in hard surfaces.

One member said that the Ontario standard was poorly organized and we suggested we lay-out our document in a different manner. The structure of the Ontario standard doesn't provide any understanding of why particular sections are where they are, whether it be "paths of travel" or "endangered species". It doesn't tell the reader how we should be using it as it is consumed. It was agreed that if source materials are structured in a particular fashion, we should acknowledge it because it can play a role when we determine how the proposed standard is laid out.

Reviewers were encouraged to make editorial comments in a separate column in the spreadsheet. These are not required for compilation, but would be for each reviewer's use when presenting his or her findings to the committee. Reviewers were also asked to

pay attention to the structure of their standard and the general approach/philosophy that informed it, and include this in the discussion at the next meeting.

There was discussion of the public consultation process and the period for public comment. Once the Accessibility Advisory Council has finalized the committee's proposed standard, it will be posted at the DIO website for a minimum 30 days before public consultations are initiated. A non-individualized email will receive all public comments forwarded regarding the proposed standard. There are concerns regarding the public consultation portion of the process. In order to simply go through the proposed standard would take a substantial period of time. It was suggested that the proposed standard be made widely available so people have the opportunity to contribute comments on-line rather than the public consultation route. That was seen as a more effective way for interested parties and stakeholders to put forward their ideas.

The discussion paper will also require graphics to illustrate the accessibility features the proposed standard is contemplating. The illustrations found in source materials are copyrighted and would require permission in order to be used. The Secretary will contact Ontario to see how they handled the public consultations of the Design of Public Spaces and what they prepared regarding graphics.

The next meeting of the Design of Public Spaces Standard Development Committee will be Thursday, January 3 from 1:30 p.m. – 3:30 p.m. in the Second Floor Executive Boardroom of the Norquay Building, 401 York Avenue.

## Memorandum

### Some Implications of Withholding Adoption of the National Building Code 2015

Submitted by Brian Everton, member of the Design of Public Spaces Standard Development Committee

December 18, 2018

It is important that this committee be fully aware of what the intent is of the National Building Code of Canada (NBC) with regards to accessibility as there was an indication by the Chief Building Official, Candice Russell-Summers at the last meeting that the MB government is going to wait for the federal model code (NBC) to deliver a uniform / standardized level of accessibility.

As a member of the Codes Canada (NRC) Part 3 Use & Egress Standing Committee and a member of the Barrier Free Task Group for the NBC I feel it is important to clarify that the NBC is a model code that does deliver a uniform / standardized approach based upon the expressed benchmark standard of the minimum use of 90% of manually propelled wheeled mobility aids. There are no current NBC requirements to consider the anthropometric measurements necessary for power wheelchairs or scooters.

The current version of the NBC 2015 code does significantly enhance accessibility as the 2015 code development included an analysis and decision making process for the changes to take in the best practices being used by the various provinces and territories in Canada (an attempt to create a uniform standardized code regarding accessibility.) The vast majority of the current MB amendments to the 2010 code were adopted as well as numerous other enhancements that significantly raised the bar for accessibility within the current NBC 2015 model code. There were a small select number of the MB amendments that were not included as a result of determining a better / alternate approach. As well there were a very small number of the MB amendments that were not included in the 2015 based upon a cost determinant at that time.

Currently Manitoba continues to withhold adoption of NBC 2015 and Manitoba operating under NBC 2010 with the local amendments continues to fall behind the adoption of improved accessibility now in practice in many of the other provinces and territories.

Currently the Task Group and Standing Committee is completing the final additions to the 2020 NBC code. Again this version will be based upon the benchmark of the 90th percentile of all manually propelled wheeled mobility aids. There is no allusion that the NBC code has the intent of delivering an application and design standard that would be benchmarked to the much higher standard of "Universal Design".

As Candice Russell-Summers noted when she spoke at the last meeting, Manitoba is a member of the Provincial and Territorial Policy Advisory Committee on Codes (PTPACC), a committee made up of senior representatives appointed by provincial and

territorial deputy ministers that provides policy advice and sets priorities for further NBC code development. There has been no indication that “Universal Design” is an intended benchmark objective for NBC any time soon.

There is some discussions that are happening within Codes Canada (NRC) that is questioning if the model code should be driven to a higher standard like Universal Design, but this fundamental shift in the benchmark intent of the model national code will not happen for many months at the earliest. IF the discussions result in a policy change, the earliest possible application of a ‘higher’ accessibility objective could only potentially happen within the work cycle to develop the NBC 2025 code; +7 years from now. AND it is still an “**IF**”!!

The projected publishing of the NBC 2025 model code would be over 2 years passed the 2023 timeframe for significant change required under the Accessibility for Manitobans Act So this does seem to be a non-starter to suggest that the senior level of model code development should have any direct responsibility to deliver the required intent that our act states.

As a committee we need to keep in mind that:

The Accessibility for Manitobans Act clearly identifies the **(bold formatting added for emphasis)**

*Section 2(1): The purpose of this Act is to achieve accessibility by preventing and removing barriers that disable people with respect to*

*(a) employment;*

*(b) accommodation;*

*(c) the built environment, including*

*(i) **facilities, buildings, structures and premises,**  
and*

*(ii) public transportation and transportation.....*

*Principles*

*Section 2(2) In achieving accessibility, regard must be had for the following principles:*

*Access: Persons should have barrier-free access to places, events and other functions that are generally available in the community;*

*Equality: Persons should have barrier-free access to those things that will give them equality of opportunity and outcome;*

***Universal design: Access should be provided in a manner that does not establish or perpetuate differences based on a person's disability;***

*Systemic responsibility: The responsibility to prevent and remove barriers rests with the person or organization that is responsible for establishing or perpetuating the barrier.*

So although the application and design standards of the NBC model code does actually apply to **facilities, buildings, structures and premises**, the intent is to set the benchmark of accessibility based upon the 90<sup>th</sup> percentile of MANUAL wheeled mobility devices...NOT the significantly higher standard of **Universal design**

And as long as Manitoba continues to withhold adoption of the NBC 2015 then it holds back the progress that is being implemented throughout the other provinces and territories across Canada. It is even more misleading to be relying upon the NBC model code to deliver Universal Design in a matter of months rather than the likely timelines of years.