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DATE 8 July 1996

TO/DEST. Co-ordinator, Community Services Committee

FROM/EXP. Acting Medical Officer of Health

SUBJECT/OBJET **RESPONSE TO INQUIRY NO. 27 RE: CHANGES TO THE
ONTARIO BUILDING CODE**

REPORT RECOMMENDATION

That the Community Services Committee receive this report for information.

BACKGROUND

In January 1996, the provincial government circulated a consultation paper entitled Back to Basics, outlining four principles to guide changes to the 1997 Ontario Building Code (OBC). The paper was circulated to community groups and stakeholders for their consideration. Comments were requested on the general direction suggested for the OBC, along with submissions for changes that would make the building code more cost-effective, particularly where it would not affect health and safety goals.

There is widespread concern among those who are disabled, and the elderly, and those who work with the disabled and the elderly, about the impact of changes to the OBC. Local community groups, notably the Disabled Persons Community Resources (DPCR) centre and the Council on Aging, feel that the principles contained in the Back to Basics document could delete accessibility requirements from the OBC, thus negating much of the progress toward barrier-free access that has been made since the 1975 version of the code. The position of these groups reflected the same concerns as the Coalition for Barrier-Free Access and the Canadian Paraplegic Association Ontario. In its submission concerning OBC changes, the Ottawa-Carleton Fall Prevention Coalition (OCFPC) highlighted the need for changes to the code concerning stairs. A motion endorsing the position of the OCFPC was passed at the May 2, 1996 meeting of the Community Services Committee.

DPCR is concerned that the Ontario government’s commitment to return Ontario to prosperity could be at the expense of one of the most vulnerable groups, those with physical disability. The Council on Aging fully concurs with the DPCR position, and notes that seniors, many of whom have accessibility needs, are a rapidly growing segment of the population.

“BACK TO BASICS” DOCUMENT

The Back to Basics consultation paper places the proposed revisions within a context of “returning Ontario to prosperity,” defining what core government business is, and proposing a decrease in regulatory functions. In the case of the OBC, this is viewed as a return to primarily a health, fire and safety code that would be harmonized with the National Building Code (NBC). In the present OBC, barrier-free access goes beyond access provisions in the NBC. The primary emphasis in the consultation paper is to look for changes that would make the Ontario Building Code more cost-effective.

The consultation paper outlines four basic principles. Each of the principles has raised concerns in the community. The chart below summarizes the principles, the rationale for the principles and community concerns.

“Back to Basics” Principle	Issues and Concerns
<p>The Building Code should focus primarily on setting minimum standards which address health and safety.</p> <p>Changes to the OBC since 1975 have been widened to include energy conservation, requirements for disabled accessibility, and security provisions. The document proposes that these provisions receive “increased scrutiny” where they go beyond the main focus of health and safety.</p>	<p>If this principle is adopted, the gains in barrier-free design since 1975 are placed in jeopardy. Accessibility to buildings is an issue for an increasing number of people and the trend will continue. The population is aging, and more people with disabilities are living in the community.</p>
<p>Significant Building Code provisions should be justified based on cost-effectiveness.</p> <p>The principle calls for quantifiable goals/rationale for OBC proposals. The costs of construction and capital costs, and future operating costs are to be compared to benefits for industry and consumers. Benefits must be “roughly commensurate” with the cost.</p>	<p>The proposed Decision Framework for OBC changes is based entirely on direct cost considerations that relate to building and maintaining built structures. It lacks any means of addressing the interests of consumers, including those who are concerned about access.</p> <p>OBC addresses only initial costs. Retrofitting of existing buildings is much more costly, and there is an increasing demand for accessible buildings.</p>

“Back to Basics” Principle	Issues and Concerns
<p>For the 1997 Edition of the OBC, amendments which could lead to major increases in construction costs should be seriously questioned.</p> <p>The construction industry was one of the sectors most affected by the recession. Recovery has been slow. Recent OBC amendments have added to building costs, thus any new additions should be subject to “rigorous scrutiny”.</p>	<p>The primary concern in this principle is construction costs and the impact on construction industry. The emphasis is on supporting business interests, possibly at the expense of the consumer. Most costs related to accessibility are not major costs, however given the intent of this principle, there is a very real risk that they might be considered to be outside the requirements of the code.</p>
<p>Ontario will harmonize with the National Building Code to the greatest extent possible, except where this is in conflict with other provincial goals.</p> <p>Harmonization with the National Building Code, which becomes law when adopted by provinces, will enable wider marketplace participation by construction firms, materials manufacturers and building and design professionals.</p>	<p>In keeping with most other provinces, the Ontario code goes beyond the National Building Code in several areas, e.g. Ontario building regulation goals; flexible requirements for renovations; matters such as hotel fires not covered in National Code.</p>

DISCUSSION

Responses from community groups and individuals show their concern that the interests of construction and other businesses will take precedence over barrier-free access. The community is also concerned that the gains that have been made do not go far enough, leaving many areas exempt. For example, under the National Building Code, federal, provincial and municipal government buildings and universities are exempt. The code only applies to new construction, not renovations. Community groups also expressed concern that changes could result in violation of the Human Rights legislation. It guarantees accessibility for the disabled; however, the implications of having to invoke Human Rights legislation to ensure access are both costly and regressive.

Given both changing demographics and the more community-based delivery of health services, there is a need for the Ontario Building Code to expand barrier-free access. As both DPCR and the Council on Aging noted, the proportion of the population that has accessibility needs is rapidly increasing. More people are living longer. To live independently in community settings, locations such as shopping malls, government buildings and professional offices must be barrier-free. The trend away from health care delivery in institutional settings will also continue, putting more people with accessibility requirements in the community.

The community groups responding to the Back to Basics consultation paper speak with a unified voice against the approach being proposed by the current provincial government with respect to changes to the Ontario Building Code.

PUBLIC CONSULTATION

To prepare this report, contact was made with the Disabled Persons Community Resource Centre, the Council on Aging, and several personal contacts that were identified through these two agencies. Two contacts were willing to be contacted further if more information is needed. These names can be provided on request. Contact was also made with a member of the staff at the Rehabilitation Centre.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Earlier this year the provincial government circulated a consultation paper entitled Back to Basics. It outlined four principles that would be used in the preparation of the 1997 version of the Ontario Building Code. The primary motivation behind these principles is economic. Gains made since the first building code of 1975 including barrier-free design and other modifications to buildings are placed at risk if these principles are applied without balancing them against accessibility considerations.

*Approved by
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