

City of Ottawa Proposed Design of Public Spaces Compliance Plan Agreement Update

Attention: AODA.compliance@ontario.ca

To whom it may concern,

Please accept the following as the City of Ottawa's proposed compliance plan regarding the non-compliance reported in question 10.a of the 2023 Accessibility Compliance Report.

This year, the City undertook a fulsome review of all Design of Public Spaces Standard (DOPS) elements which have been redeveloped or newly constructed since January 1, 2016. It is the City's understanding as indicated by the Province that question 10.a of the Accessibility Compliance Report is inclusive of all elements under the DOPS.

Background on Accessibility-Related Standards and City Programs

The City is committed to achieve compliance with Section 80.5 of the *Integrated Accessibility Standards Regulation* of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) which states that obligated organizations shall meet the requirements set out in the DOPS by January 1, 2016.

As such, all City of Ottawa new and redeveloped public spaces, including their various elements, must be constructed in compliance with the applicable standards of the *Integrated Accessibility Standards Regulation* under the AODA.

Such public spaces must also meet applicable City of Ottawa Council-approved Accessibility Design Standards, which further reinforce the *Integrated Accessibility Standards Regulation* and, in some instances exceed them.

Accessibility Requirements in Construction (ARC) Project

Starting in 2022, the City began an extensive project to examine all construction programs to assess whether their activities could be classified as maintenance or redevelopment within the meaning of the *Integrated Accessibility Standards Regulation*. A full assessment of the scope of each program was conducted with support from the Accessibility Office and Legal Services to ensure the program is classified correctly. The progress and outcomes of this project are included in the 2023 City of Ottawa Municipal

Accessibility Plan Update Report, and an update will also be provided via this report to Council in the Spring of 2024.

During this review, it was found that the implementation of certain traffic measures such as an All-Way Stop Control (AWSC), a Pedestrian Crossover (PXO) or Adult School Crossing Guard (ASCG) may constitute redevelopment if a new element is added to an existing public space, or the functionality of an existing public space is significantly altered as a result. In these instances, the City must comply with the applicable DOPS and the City's Accessibility Design Standards. To achieve compliance with the *Integrated Accessibility Standards Regulation* of the AODA, the intersection must meet the accessibility standards prescribed in sections 80.23, 80.26 and 80.27 related to exterior paths of travel.

Given this clarification, it was discovered that some projects delivered since 2016, which included the implementation of AWSC's, PXO's, and ASCG's did not meet the AODA at the time of implementation and remain non-compliant. Depending on the location, some of the intersections may be missing various elements included in sections 80.23, 80.26 and 80.27, related to curb ramps, depressed curbs and tactile walking surface indicators. There are a total of 97 non-compliant locations. These non-compliant locations will be remediated by 2029.

Next Steps

The City is committed to provide accessible infrastructure for residents and will ensure that future projects with an imminent public safety concern that trigger the application of the AODA will be prioritized and will meet the applicable accessibility standards at the time of implementation. Any new warranted traffic measures will only be implemented when compliance with the AODA can be achieved. Staff, as a result of education through ARC Project discussions lead by the Accessibility Office and supported by Legal Services, are now better equipped to determine when the regulatory standards are triggered and take necessary steps to ensure compliance with the legislation.

As described above, the actions taken through the ARC Project and the plans to bring these locations into compliance demonstrate the City's commitment to meeting the standards of the AODA. The City remains committed to achieve compliance with the DOPS requirements and to promote accessibility for persons with disabilities. Should this proposed compliance plan be acceptable to the Province, the City will provide progress updates upon request by the Province.

I trust that this summary is satisfactory for your purposes.

Regards,

David

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