

An in-depth review of the
**Buildings Accessibility Act
and Regulations**

Draft



**Buildings Accessibility
Advisory Board**

March 2004

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1.0 Background

In March 2000 the provincial government of Newfoundland and Labrador appointed members to a Building Accessibility Advisory Board (BAAB) as per Section 18 of the Building Accessibility Act (O.C. 96-865). The appointees included representatives of government, the architectural design/engineering sector, legal counsel, as well as a number of members of persons with disabilities. The role of this board was to advise the Minister on the application of the Building Accessibility Act and Regulations, and specifically in this instance to undertake a comprehensive review of the legislation with a view to identifying and recommending specific changes. The legislation in question is over 20 years old and it was felt a review was necessary in order to reflect current needs of the disabled community, both from the perspective of new building design and technology, but also to recognize the increased number of people with some form of disability including the growing number of seniors.

Since the appointment of the initial board in 2000, there have been a number of membership changes but in general the board has maintained consistent representation of persons with disabilities including mobility impaired, visually impaired and hearing impaired, and a member of the Coalition of Persons With Disabilities (COD).

The members responsible for this report are:

Mr. Robert Osmond, P. Eng.	Chairman, Building Design Industry
Ms. Cecilia Carroll	Independent Living Resource Centre
Ms. Marie White	Coalition of Persons with Disabilities
Mr. Rick Turner	People with Visual Impairments
Mr. Randy Hawkins	Secretary
Mr. Guy Perry, Regional Director	Government Services
Mr. Brian Winsor	Legal Counsel
Mr. Leon Mills	Canadian Hard of Hearing Association and
Ms. Michelle Craig, P.Eng.	Technical Advisor to the Board, Government Services

2.0 Methodology

The committee has met on a regular basis during the past two years and has undertaken a line by line review of the Building Accessibility Act and Regulations. The review included comparison of our existing legislation with that of other regions of Canada. Also, various groups representing the disabled community were written and invited to provide comments and input into the process.

Detailed tables in Appendices A and B reflect the various recommended changes to both the Act and Regulations. Included in this table, as well, is the rationale for each recommendation made by the Board.

Several sections of the Act and Regulations warranted more discussion than others and could not be resolved in a single definitive recommended change. These items can be found in Section 3.0 of this report. General discussion from the group has been included in each item. Section 4.0 addresses areas of the Act where it is felt that drafting of additional provisions need to occur. It was suggested by the advisory board that these be in the form of internal policy manuals.

3.0 Discussion Items

3.1 Group F Occupancies, Section 6.(1), Buildings Accessibility Regulations, 1992

The committee discussed this item at great length. Some of the main points that were made included the potential cost and safety implications if the Buildings Accessibility Act was revised to require that all facilities be registered under the Act. Currently, if an application is made for a Group F building, it is automatically granted an exemption. Some arguments were made that these applications should be given more scrutiny to determine if some portion of the facility could be made accessible. This review could then be based on the functionality of the building and potential safety concerns with making the facility accessible.

3.2 50 % Rule, Section 9.(2), Buildings Accessibility Regulations, 1992

As with the Group F occupancies, Section 9 “*Reconstructions and Additions*” of the Buildings Accessibility Regulations generated much discussion. Most of the discussion was centred around whether or not 50% of the replacement cost of a building was a suitable point at which a building should require registration. Another concern raised was that current legislation does not require that the existing building be upgraded outside the scope of the proposed renovation work to accommodate the new work. For example, consider a school where a new wing extension has been proposed. The school is prior to 1981 and therefore qualifies for an exemption but it has been requested that the new extension be fully accessible in its design. The conflict is now between an inaccessible entrance and washroom facilities in the older section of the building and a fully accessible section in the newer portion of the building. While the committee did not specify a new percentage that should dictate registration of a building or facility, it was decided that this area of the regulations warranted further review and discussion. Some items to be considered in the review would be potential cost implications with requiring accessibility of a facility and any retrofitting that would need to be undertaken to ensure that the renovations would meet the intent of the Act. It was also suggested that projects undertaking major renovations be further scrutinized to determine what areas in the existing building could be easily upgraded to meet accessibility requirements and these changes indicated to the owner or agent prior to review of the drawings. It may be possible at this early stage to include this additional work with minimal cost in the renovations and greatly increase accessibility of the entire facility.

3.3 Publicly-owned buildings

This item was addressed by the Buildings Accessibility Legislative Review Committee in January 1988. The views of the current committee have not changed and are reiterated by this committee. Quoted directly from the 1988 report,

“Over the years, and throughout the Committee’s review of the legislation, many people and groups have expressed the concern that many existing government buildings, buildings leased by government departments and schools, are not accessible. While the Committee appreciates the difficulty of legislating that buildings erected prior to the Act retroactively be made accessible, we, nonetheless, believe that government has a responsibility to attempt to have important services located in accessible facilities. It is important for government to lead the way to ensure accessibility. The matter of schools is of particular concern and we encourage that all reasonable efforts be made by school boards to work toward accessible design, even in existing schools. This is particularly important in small communities where schools are often the centre of community activity.”¹

3.4 Residential Construction

As the current Buildings Accessibility Act and Regulations are intended for public buildings, it is the recommendation of this advisory board that a separate document be developed to address the issues of accessibility in a residence. It was also suggested that members of the contracting industry, ie: house designers, contractors, and planners, be approached to develop the guidelines and technical design standards required. This would remain as a separate document from the Buildings Accessibility Act and Regulations, but could be adopted in its design of apartment and condominium buildings.

4.0 Policy Guidelines

4.1 Daycares

The “*Centre-Based Child Care Policy Document*” currently in use by the Department of Health and Community Services, and referenced in the review process at the Government Service Centre, should be included in Section 3.0 “*Codes and Standards*”. All items concerning building accessibility, including access to the outdoor play space, will then be adequately addressed.

¹January 1988, “The Report of the Buildings Accessibility Legislative Review Committee”, St. John’s, Newfoundland, pg. 18.

4.2 Personal Care Homes

The “*Policy Directive Manual Governing Personal Care Homes*” currently in use by the Department of Health and Community Services, and referenced in the review process at the Government Service Centre, should be included in Section 3.0 “*Codes and Standards*”. All items outside those requirements currently in the Buildings Accessibility Act and Regulations (ratio of number of accessible bedrooms and requirements for strobe lighting) will then be adequately addressed.

4.3 Hospitals

Facilities that have been determined to be inadequately addressed in the current Buildings Accessibility Act and Regulations are hospitals and medical facilities. While generally being applicable in most sections of the technical guidelines of Schedule “A”, individual design items such as patient rooms (complete with washrooms) and specific function rooms (tub and shower rooms) need more specific guidelines. Positioning of grab bars, for example, becomes specific for the use of the room. Furniture and fixture placement are other items that become critical to determining whether a patient room can serve its designated purpose. Based on the many functions and services that a hospital is designed to address, the advisory board recommends that policy guidelines be developed specifically for a “hospital-type” environment.

4.4 Schools

Schools, especially primary and elementary levels, do not fit into the technical design standards indicated under the current Buildings Accessibility Act and Regulations. Accommodations must be made in areas such as washroom design, in particular sink and toilet heights and centreline spacing, and counter and drinking fountain heights for children of this age group. As a result, the Buildings Accessibility Advisory Board recommends that a policy manual be developed to allow design review staff some flexibility in plan review and approvals.

4.5 Departmental Interpretations

Currently, there are 24 interpretations to the Buildings Accessibility Act and Regulations in use by design review staff. When a design is submitted and the design review technician is unsure whether the proposed design meets the intent of the Act, a “Request for Interpretation” is made to the Director based on the specific section of the Act that is being questioned. These interpretations are then circulated to the technical staff to aid in their review. The Building Accessibility Advisory Board recommends that a control system be developed to ensure that these departmental interpretations are issued in a timely manner to the design industry.

5.0 *Conclusions and Recommendations*

In summary, the committee recommends the following:

1. Changes as indicated in the tables of Appendix A and B be incorporated into the next rewriting of the Buildings Accessibility Act and Regulations;
2. Contentious areas of the Act, in particular Group F occupancies and the 50% rule, be further studied by a smaller working group to determine how improvements could be made in these areas to benefit the public without imposing excessive cost on the owner;
3. Specifically, with respect to hearing disabilities, where assistive listening devices are available, it should be a requirement to advertise their availability in the way of distinct signage, pamphlets, etc. Signs and information should clearly indicate that this building is hearing accessible and how they can access. One of the biggest barriers for people is that they are unaware of what is available and how they can access it;
4. Internal policy manuals be developed for specific facilities, ie: daycares, personal care homes, schools and hospitals, to give plans review staff more direction and detail to aid in their review;
5. A separate document be developed to address the issues of accessibility in a residence; and
6. A control system be developed to ensure that these departmental interpretations are issued in a timely manner to the design industry.

Mr. Robert Osmond, P. Eng.

Ms. Cecilia Carroll

Ms. Marie White

Mr. Rick Turner

Mr. Randy Hawkins

Mr. Guy Perry

Mr. Brian Winsor

Mr. Leon Mills

Ms. Michelle Craig, P.Eng.

Appendix A

An Evaluation of the Buildings Accessibility Act

April 24, 2003	Appendix A: An Evaluation of the Buildings Accessibility Act		
Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
B-10	<p style="text-align: center;">CHAPTER B-10 AN ACT RESPECTING ACCESSIBILITY TO BUILDINGS FOR PHYSICALLY DISABLED PERSONS</p>	<p style="text-align: center;">CHAPTER B-10 AN ACT RESPECTING ACCESSIBILITY TO BUILDINGS FOR PERSONS WITH DISABILITIES</p>	To update terminology.
1 Short title	This Act may be cited as the <i>Buildings Accessibility Act</i> . 1981 c90 s1	No change	
2 Definitions	In this Act	No change	
2(a)	“apartment-type building” means a building intended for residential purposes in whole or in part that contains more than 4 residential units, and whether consisting in whole or in part of condominium units or rental units;	No change	
2(b)	“board” means the advisory board established by Section 18;	No change	
2(c)	“building” means (i) a public building (ii) an apartment-type building (iii) a hotel, and (iv) a building link;	No change	
2(d)	“building link” means a structure which connects a building to another building;	No change	
2(e)	“condominium” means a condominium within the meaning of the <i>Condominium Act</i> ;	No change	
2(f)	“department” means the Department of Employment and Labour Relations;	Update as appropriate.	

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	Proposed New Definition	2(g) “existing building” means a completed building or partially completed or proposed building for which plans have been approved before December 24, 1981;	Section 5 “Application to existing buildings” makes reference to “buildings existing on December 24, 1981” but the definitions do not incorporate “existing building”. By providing a definition of “existing building”, the terms under which the Buildings Accessibility Act and Regulations can be applied with respect to Sections 9 “Reconstructions and Additions” and 10 “Exemption” become clearer.
2(g)	“director” means the director appointed under section 8;	No change	
2(h)	“hotel” means a building or facility in which lodging, with or without food or beverage, is provided to guests for a fee and includes a cabin, cottage, housekeeping unit, inn, lodge or motel;	No change	
2(i)	“inspector” means an inspector appointed under Section 9 and includes the director;	No change	
2(j)	“minister” means the Minister of Employment and Labour Relations;	Update as appropriate.	
2(k)	“owner” or “person who owns” includes in relation to a building under construction, the contractor or person responsible for the construction of that building;	No change	

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	Proposed New Definition	2(l) “persons with disabilities” means persons with physical and/or sensory disabilities;	Clarity.
	Proposed New Definition	2(m) “persons with physical disabilities” means persons with mobility impairments, whether they are ambulatory or use a wheelchair, and/or persons with reaching and manipulation disabilities;	Clarity.
	Proposed New Definition	2(n) “persons with sensory disabilities” means persons with visual and/or hearing disabilities;	Clarity.
2(l)	“physically disabled persons” means persons who are subject to a physiological defect or deficiency, regardless of cause, nature or extent and whether they are ambulatory or use a wheelchair;	Remove. See “Persons with Physical Disabilities” 2(l) above.	Clarity.
2(m)	“public building” means a building and includes the parking, walkway or other facilities of that building to which the public and employees employed in the building are admitted but does not include those buildings in a group prescribed in the regulations; and	2(o) Section remains but renumber Section 2(m).	
2(n)	“tribunal” means the appeal tribunal appointed under Section 20. 1981 c90 s2; 1984 c40 Sch B; 1989 c12 s4; 1989 c25 Sch B; 1990 c55 s1	2(p) Section remains but renumber Section 2(n).	
3 Purpose of Act	The purpose of this Act is to require	No change	

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3(a)	in the case of public buildings, the entrances, parking, walkway and other facilities available to and accessible by members of the public for lawful purposes and employees employed in the building, to be available to and accessible by physically disabled persons;	in the case of public buildings, the building itself including, but not limited to , the entrances, parking, walkway and other facilities available to and accessible by members of the public for lawful purposes and employees employed in the building, to be available to and accessible by persons with disabilities ;	To avoid limiting access within a facility, the clarification of these clauses ensures that all areas will be required to be accessible.
3(b)	in the case of apartment-type buildings, the entrances, including the entrance to each individual residential unit, parking, walkways, and other common facilities, not including facilities contained within the residential units, to be available to and accessible by physically disabled persons;	in the case of apartment-type buildings, the building itself including, but not limited to , the entrances, including the entrance to each individual residential unit, parking, walkways, and other common facilities, not including facilities contained within the residential units, to be available to and accessible by persons with disabilities ;	To avoid limiting access within a facility, the clarification of these clauses ensures that all areas will be required to be accessible.
3(c)	in the case of hotels, the entrances, parking, walkway and other facilities available to and accessible by employees and members of the public for fee or otherwise to be available to and accessible by physically disabled persons; and	in the case of hotels, the building itself including, but not limited to , the entrances, parking, walkway and other facilities available to and accessible by employees and members of the public for a fee or otherwise to be available to and accessible by persons with disabilities ; and	To avoid limiting access within a facility, the clarification of these clauses ensures that all areas will be required to be accessible.
3(d)	in the case of building links, that access to or from a building on or over a building link to be available to and accessible by physically disabled persons. 1990 c55 s2; 1992 c43 s1	in the case of building links, the building link itself including but not limited to the access to and from the buildings be available to and accessible by persons with disabilities . 1990 c55 s2; 1992 c43 s1	To avoid limiting access within a facility, the clarification of these clauses ensures that all areas will be required to be accessible.

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4 Non-application of Act	Nothing in this Act shall be construed to apply this Act or to enable this Act to apply to private homes, foster homes, boarding houses, lodging houses except a lodging house or boarding house in which sleeping accommodation is provided for more than 10 boarders or lodgers. 1981 c90 s4	Nothing in this Act shall be construed to apply this Act or to enable this Act to apply to private homes, foster homes, boarding houses, lodging houses or except a lodging house, boarding house or bed and breakfast containing more than 4 rooms for sleeping accommodations. 1981 c90 s4	The Act does not make provisions for “bed and breakfast” type of accommodations. These are becoming a very popular trend in today’s society and as such, the Act must be updated to include such accommodations.
5(1) Application to existing buildings	This Act does not apply to buildings existing on December 24, 1981, except the buildings or class of buildings that the Lieutenant-Governor in Council may prescribe.	This Act does not apply to buildings existing on December 24, 1981, except the buildings or class of buildings that the Lieutenant-Governor in Council may prescribe by regulation .	To eliminate subjectivity.
5(2)	Where, on December 24, 1981, a building conforms to the requirements of this Act and the regulations, the director shall, if of the opinion that the person who owns the building is causing it to stop conforming with that requirement, direct that person to provide, within the reasonable time period that the director may specify and in a manner satisfactory to him or her, the access or facilities in respect of which the building previously conformed to a requirement of this Act and the regulations. 1981 c90 s5	Where, on December 24, 1981, a building conforms to the requirements of this Act and the regulations, the director shall, if any person is causing it to stop conforming with that requirement, direct that person to provide, within the reasonable time period that the director shall specify, the access or facilities in respect of which the building previously conformed to the requirement(s) of this Act and the regulations.	To eliminate subjectivity.
5(3)	Proposed New Section	Where any person chooses to make an existing building accessible in part or in whole, the owner must comply with the requirements of this Act and regulations.	Safety considerations.

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6(1) Prohibition	A person shall not build, construct, occupy or own a building unless that building complies with the requirements of this Act and the regulations.	No change	
6(2)	A permit, licence or other authorization for the construction of a building shall not be issued unless the design of the building has been registered with the department.	No change	
6(3)	A permit to occupy a building shall not be issued until an inspector makes a final inspection and states in writing that he or she is satisfied that the building complies with the requirements of this Act and the regulations. 1981 c90 s6; 1990 c55 s3; 1992 c43 s2	No change	
7(1) Reconstructed buildings	A person shall not reconstruct, add, or change the use of a building unless provision is made to have the building comply afterward with the requirements of this Act and the regulations.	A person shall not reconstruct, add, or change the use of a building or existing building unless provision is made to have the building comply afterward with the requirements of this Act and the regulations.	To include existing buildings as per revised definition.
7(2)	A person shall not issue a permit, licence or other authorization to reconstruct, add to or change the use of a building unless the design of the reconstruction, addition to or change of use of that building is registered with the department. 1990 c55 s4	A person shall not issue a permit, licence or other authorization to reconstruct, add to or change the use of a building or existing building unless the design of the reconstruction, addition to or change of use of that building is registered with the department.	To include existing buildings as per revised definition.
8(1) Director	The minister may appoint an officer of the department to be a director for the purposes of this Act.	No change	

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8(2)	The minister may appoint a person to be acting director in the place of the director in the case of illness or absence of the director or of a vacancy in the office. 1981 c90 s8	The minister may appoint a person to be acting director in the place of the director in the case of illness, absence, or vacancy in the office.	Requires rewording to clarify that the vacancy indicated in current legislation references the Director's position. Makes clearer the terms under which the Minister may appoint a person to the position of "Acting Director".
9(1) Inspectors	The minister may, in the manner authorized by law, appoint those persons as officers and inspectors that may be necessary for the purpose of this Act and the regulations.	No change	
9(b)	A person may not be an officer or inspector if that person has a financial interest in the manufacture, sale, installation or maintenance of machinery, equipment, building material, or another item used to provide compliance with the requirements of this Act and the regulations. 1981 c90 s9	No change	
10(1) Powers of director	The director shall require the submission of the prescribed drawings and specifications of a building or part of them and may require from the person who owns or operates a building further information in relation to that building.	No change	
10(2)	The director may require an inspection of a building or part of it either at a stage during or upon completion of construction of the building or part of it.	No change	

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10(3)	The director may require an inspection of a reconstruction of or addition to a building or part of it either at a stage during or upon completion of the reconstruction of or addition to the building or part of it.	No change	
10(4)	Notwithstanding section 14, the director may determine for the purpose of the occupancy of a building or part of a building that the submissions and inspections required by this Act have been completed if the director is satisfied that the equipment, device, work, or fixture to be installed or completed is fully installed or completed within a prescribed period. 1981 c90 s10; 1990 c55 s5	No change	
11 Delegation of power	The director may authorize 1 or more officers or inspectors to exercise or perform his or her powers or duties upon the conditions or in the circumstances that the director may prescribe. 1981 c90 s11	No change	
12(1) Power of inspector	An inspector may, for the purposes of this Act and the regulations, and at all reasonable times, on production of proof of his or her appointment as inspector enter a building or property for the purpose of inspection or investigation to ensure compliance with this Act and the regulations.	An inspector may, for the purposes of this Act and the regulations, and at all reasonable times, on production of proof of his or her appointment as inspector, enter a building or property for the purpose of inspection or investigation to ensure compliance with this Act and the regulations.	Grammatical Correction (insertion of a comma after “appointment as inspector”)

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12(2)	An inspector may, by written notice, countersigned by the director, require the attendance before the director of a person at the noted time and place and examine the person under oath or affirmation in relation to an inspection or investigation carried out under this Act and the regulations. 1981 c90 s12	No change	
13 Duties of inspector	It is the duty of an inspector who makes an inspection under this Act and the regulations to satisfy himself or herself by reasonable examination that the requirements of this Act and the regulations have been complied with. 1981 c90 s13	No change	
14(1) Order of inspector	Where an inspector is not satisfied with the design, construction or installation of items being surveyed, inspected or investigated under this Act, the inspector shall	No change	
	(a) order in writing the change to be made to the building or part of it within a specified period so that there will be compliance with this Act and the regulations; and	No change	
	(b) report a failure to meet the requirements of this Act and the regulations to the director.	No change	
14(2)	Where an inspector issues an order under this section, the person to whom the order is issued shall comply with the order within the specified time in the order.	No change	
14(3)	Where an inspector has issued an order under this section, a person shall not occupy that building until the person who owns the building has	No change	

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	(a) complied with the order of the inspector; and	No change	
	(b) notified the inspector that the order has been complied with. 1981 c90 s14; 1992 c43 s3	No change	
15 Notice to the director	A person who owns a building shall notify the director of the construction, reconstruction of or addition to a building before and immediately after that construction, reconstruction, or addition. 1981 c90 s15	A person who owns a building or existing building, or that person's designated agent , shall notify the director of the construction, reconstruction of or addition to a building before and immediately after that construction, reconstruction, or addition.	Allows a specified person to act on behalf of the owner.
16 Fees	A person who owns a building shall pay the fees, expenses, charges or levies in accordance with this Act and as prescribed by the minister. 1981 c90 s16; 1997 c13 s4	A person who owns a building or existing building , or that person's designated agent , shall pay the fees, expenses, charges or levies in accordance with this Act and as prescribed by the minister.	Allows a specified person to act on behalf of the owner.
17(1) Appeal to director	Where a person is aggrieved by a notice, decision, direction or order of an inspector under this Act or the regulations, that person may appeal to the director in writing, within 7 days of that notice, decision, direction or order.	Where any person , is aggrieved by a notice, decision, direction or order of an inspector under this Act or the regulations, that person may appeal to the director in writing, within 7 days of that notice, decision, direction or order.	To enable a person, other than the owner of the building or facility, to aggrieve a decision under the Buildings Accessibility Act and Regulations.
17(2)	The director shall begin his or her inspection of the appeal within 24 hours of the director's receipt of it.	No change	
17(3)	The director may confirm, revoke or vary the notice, decision, direction, or order. 1981 c90 s17	The director may confirm, revoke or vary the notice, decision, direction, or order and must provide written reasons for such which would likely include the background and rationale.	To ensure that the director's decision remains a matter of public record.

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18(1) Advisory board	The Buildings Accessibility Advisory Board to be appointed by the Lieutenant-Governor in Council, consisting of the following members, a chairperson, representatives of physically disabled persons , 1 representative of the department, other than the director, and those other members that the Lieutenant-Governor in Council may appoint is continued.	The Buildings Accessibility Advisory Board to be appointed by the Lieutenant-Governor in Council, consisting of the following members, a chairperson, representatives of persons with disabilities , 1 representative of the department, other than the director, and those other members that the Lieutenant-Governor in Council may appoint is continued.	To update terminology.
18(2)	The members of the board shall be appointed for a period of 2 years from the date of appointment and are eligible for reappointment.	No change	
18(3)	All members of the board, other than the members of the public service, may be paid for services the remuneration that the Lieutenant-Governor in Council fixes and all members of the board are entitled to be paid for travelling and other expenses necessarily incurred in connection with the business of the board. 1981 c90 s18	No change	
19 Duties of board	The board shall report to and advise the minister on the application of this Act and the regulations, and on other matters in relation to this Act and the regulations that may be assigned to the board by the minister. 1981 c90 s19	No change	
20(1) Appeal tribunal	The Lieutenant-Governor in Council may appoint an appeal tribunal consisting of a chairperson, a vice-chairperson, and 3 persons, 1 of whom will be a representative of the physically disabled.	The Lieutenant-Governor in Council may appoint an appeal tribunal consisting of a chairperson, a vice-chairperson, and 3 persons, 1 of whom will be a representative of persons with disabilities .	To update terminology.

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20(2)	A member of the tribunal shall not be a public employee of the province.	No change	
20(3)	A member may be reappointed to the tribunal when his or her term of office has expired.	The members of the tribunal shall be appointed for a period of 2 years from the date of appointment and are eligible for reappointment.	Current practice is to specify a term of office for appointments.
20(4)	Where a member of the tribunal resigns or his or her term of office expires, in relation to a matter before the tribunal in which that member was involved before that resignation or expiry, that member may continue to exercise his or her powers and perform his or her duties with regard to that matter as if he or she had not resigned or the term had not expired. 1990 c55 s6	No change	
21(1) Remuneration and expenses	The Lieutenant-Governor in Council (a) shall determine the terms of office, remuneration and allowable expenses of members of the tribunal; and (b) may by regulation determine the rules of procedure respecting the proceedings of the tribunal.	No change	

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21(2)	All expenses incurred in the administration of the tribunal shall be paid out of the Consolidated Revenue Fund. 1990 c55 s6	No change	
22(1) Chairperson	The chairperson of the tribunal shall preside at all appeals attended by the chairperson.	No change	
22(2)	Where the chairperson cannot attend or act the vice-chairperson shall act for the chairperson and shall have all the powers of the chairperson. 1990 c55 s6	No change	
23(1) Appeal	A notice, decision, direction, or order confirmed or varied by the director under section 17 may be appealed to the tribunal by written notice of appeal within 30 days after notice, decision, direction or order.	A notice, decision, direction, or order confirmed or varied by the director under section 17 may be appealed to the tribunal by written notice of appeal within 30 days after the director's notice, decision, direction or order.	To clarify the process of appeal.
23(2)	Upon receipt of a notice under subsection (1) the tribunal shall hear the appeal not later than 30 days after the receipt of that notice.	Upon receipt of a notice under subsection (1) the tribunal shall hear the appeal not later than 30 days after the receipt of that notice and must render a written decision within 45 days after hearing the appeal.	Specify the time frame required for a written decision of the tribunal hearing.
23(3)	A notice or other document required to be served on the tribunal may be served on the chairperson or the vice-chairperson of the tribunal. 1990 c55 s6	A notice or other document required to be served on the tribunal shall be served personally on the chairperson or the vice-chairperson of the tribunal via personal service. 1990 c55 s6	To ensure documents are not misplaced.

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Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
24(1) Powers	For the purpose of an appeal under section 23, the tribunal has all the powers that are conferred on a commissioner by the <i>Public Inquiries Act</i> .	No change	
24(2)	The tribunal shall, after it has heard an appeal, confirm, revoke or vary the action taken by the director under section 17, and may specify a period of time by which the action must be taken. 1990 c55 s6	No change	
25 Right to counsel	The director and the person who has given notice of the appeal may appear and may be represented by counsel at an appeal before the tribunal. 1990 c55 s6	No change	
26(1) Appeal to Trial Division	An appeal lies to the Trial Division from an order, ruling, or decision of the tribunal.	No change	
26(2)	An appeal under subsection (1) shall be made within 30 days from the date of the order, ruling or decision appealed from. 1990 c55 s6	No change	
27 Protection from liability	An action does not lie against an inspector, the director or a member of the tribunal for anything done in good faith under this Act or the regulations. 1990 c55 s6	No change	

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Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
28 Conflict of interest	A member of the tribunal may not participate in the hearing of an appeal in which that member has a direct or personal interest or in which the chairperson determines there is a conflict of interest. 1990 c55 s6	No change	
29 Effect of appeal	An appeal under section 17, 23, or 26 shall not affect the notice, decision, direction or order appealed against and that notice, decision, direction or order shall remain in force pending the outcome of the appeal. 1990 c55 s6	No change	
30(1) General regulations	The Lieutenant-Governor in Council may make regulations	The Lieutenant-Governor in Council may make regulations under this Act.	To ensure the Buildings Accessibility Act is referenced.
	(a) exempting certain buildings from this Act either generally or in particular respects;	No change	
	(b) prescribing different classifications of buildings in relation to the description of occupancy in them;	No change	
	(c) prescribing what will constitute reconstruction of or addition to a building for the purposes of this Act;	No change	
	(d) fixing standards for the design and construction of machinery, equipment or facilities required for compliance with the requirements of this Act and the regulations;	No change	

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Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
	(e) prescribing the machinery, equipment or facilities required for compliance with the requirements of this Act and the regulations;	No change	
	(f) prescribing the symbols to be used to designate an access to entrances or to facilities in buildings for the convenience of physically disabled persons;	(f) prescribing the symbols to be used to designate an access to entrances or to facilities in buildings for persons with disabilities ;	Update terminology.
	(g) prescribing the drawings and specifications that shall accompany an application for registration of a design of a building;	No change	
	(h) prescribing the areas within the building or premises in which the symbols are to be located in order to designate the access to facilities in relation to a building for the convenience of physically disabled persons;	(h) prescribing the areas within the building or premises in which the symbols are to be located in order to designate the access to facilities in relation to a building for persons with disabilities ;	Update terminology.
	(i) prescribing the agencies who will be considered as acceptable to conduct inspections required by this Act on behalf of the department;	No change	
	(j) prescribing the manner in which inspections are to be carried out on buildings prior to occupancy;	No change	
	(k) respecting the procedure to be followed in the hearing of appeals under this Act;	No change	
	(l) respecting equipment, devices, works or fixtures to be installed or completed under subsection 10(4);	No change	

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Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
	(m) prescribing requirements for the location, type, placement and manner of installation of accessible entrances, elevators, vertical or other lifts; and	No change	
	(n) prescribing the matters that are required to be prescribed by the regulations.	No change	
30(2)	Regulations may be in relation to buildings generally or in to particular prescribed classifications of buildings. 1981 c90 s22; 1990 c55 s7	The board recommends removal of this subsection altogether.	Subsection found to be limiting.
31 Fees	The minister may set fees for the purpose of this Act. 1997 c13 s4	No change	
32(1) Adoption of codes and standards	For the purposes of carrying out this Act and the regulations, the director may adopt by reference a code or standard fixed by the National Research Council of Canada, the Canadian Standards Association, or another recognized association or standards-writing organization as they relate to the accessibility to a building with respect to design, construction, installation and inspection.	No change	
32(2)	Codes or standards adopted under subsection (1) may be adopted with or without modification and may include amendments that are prescribed by the director or prescribed by the regulations. 1981 c90 s24; 1990 c55 s8	No change	

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Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
	New Subsection	32(3) Codes or standards adopted under subsection (1) shall not in any way lower the standards of accessibility as prescribed under this Act.	Allows flexibility in adopting other codes and standards to enhance accessibility while ensuring current standards, as specified in this Act, are not diminished.
33(1) Offences	A person is guilty of an offence who	No change	
	(a) contravenes or fails to comply with this Act or the regulations, or an order;	(a) contravenes or fails to comply with this Act or the regulations;	Redundant. Contravention of an order is automatically contravention of the Act.
	(b) hinders or obstructs an inspector, in the performance of duties under this Act or the regulations;	No change	
	(c) wilfully makes a false or misleading statement in supplying information required by the minister, director or inspector under this Act or the regulations; or	No change	
	(d) refuses to give the information to the minister, director or inspector as required for the purposes of this Act or the regulations.	No change	

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Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
33(2)	A natural person who is guilty of an offence is liable on summary conviction to a fine of not less than \$100 and not more than \$1,000 and as well shall as ordered to have the building which is the subject-matter of the action comply with the requirements prescribed by the Act and regulations within a specified time.	A natural person who is guilty of an offence is liable on summary conviction to a fine of not less than \$500 and not more than \$5,000 and as well shall be ordered to have the building which is the subject-matter of the action comply with the requirements prescribed by the Act and regulations within a specified time.	Encourage compliance.
33(3)	A corporation that is guilty of an offence is liable on summary conviction to a fine of not less than \$200 and not more than \$5,000 and as well shall as ordered to have the building which is the subject-matter of the action comply with the requirements prescribed by the Act and regulations within a specified time.	A corporation that is guilty of an offence is liable on summary conviction to a fine of not less than \$1,000 and not more than \$25,000 and as well shall be ordered to have the building which is the subject-matter of the action comply with the requirements prescribed by the Act and regulations within a specified time.	Encourage compliance.
33(4)	A natural person or corporation that is guilty of an offence is liable on summary conviction to a fine, in addition to a fine imposed under subsection (2) or (3), of not less than \$100 and not greater than \$1,000 a day for every day beyond the time specified for correction of the offence during which the offence continues.	A natural person or corporation that is guilty of an offence is liable on summary conviction to a fine, in addition to a fine imposed under subsection (2) or (3), of not less than \$500 and not greater than \$5,000 a day for every day beyond the time specified for correction of the offence during which the offence continues.	Encourage compliance.
34 Act binds Crown	This Act binds the Crown. 1981 c90 s26	No change	

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Sections	Current Legislation	Recommended Changes to Existing Legislation	Rationale
35 Limitation from period	Notwithstanding section 8 of the <i>Summary Proceedings Act</i> , an information or complaint under section 33 shall be laid or made within 2 years from the date that the alleged offence is brought to the attention of the director. 1992 c43 s6	No change	

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Appendix B

*An Evaluation of the Buildings
Accessibility Regulations*

CONSOLIDATED NEWFOUNDLAND REGULATION 1140/96

Buildings Accessibility Regulations
under the
Buildings Accessibility Act
(O.C. 96-865)

Appendix B: An Evaluation of the Buildings Accessibility Regulations

Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
1 Short title	These regulations may be cited as the Buildings Accessibility Regulations.	No change	
2 Definitions	In these regulations	No change	
	(a) "Act" means the Buildings Accessibility Act;	No change	
	(b) "architect" means an architect registered in accordance with the Architects Act;	No change	
	(c) "assembly occupancy" means the occupancy or the use of a building or part of it by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(d) “barrier free” means that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities;	(d) “barrier free” means that a building and its facilities can be approached, entered and used by persons with disabilities ;	Requires rewording to update terminology and include all disabilities. The term “physical or sensory disabilities” may be limiting and may not address all areas of disabilities for which the Buildings Accessibility Act and Regulations are intended.
	(e) “building addition” means an increase in the size of the building;	No change	
	(f) “curb ramp” means a ramp cut in the sidewalk having flared sides with the lower edge of the ramp blending to the common surface of the finished grade;	No change	
	(g) “existing building” means a completed building or partially completed or proposed building for which plans have been approved and a permit issued before December 24, 1981;	No change	
	(h) “exit” means that part of a means of egress, including doorways, that leads from the floor area it serves to a separate building, an open public thoroughfare or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(i) “firewall” means a type of fire separation of noncombustible construction which subdivides a building or separates adjoining buildings to resist the spread of fire and which has a fire-resistant rating as prescribed in the National Building Code of Canada 1990 and has structural stability to remain intact under fire conditions for the required fire-rated time;	No change	
	(j) “first storey” means the uppermost storey having its floor level not more than 2 metres above grade;	No change	
	(k) “floor area” means the space on the storey of a building between exterior walls and firewalls if provided including the space occupied by interior walls, partitions, shaftways, and stairways;	No change	
	(l) “guard” means a protective barrier around openings in floors or at the open sides of stairs, landing, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another and that barrier may or may not have openings through it;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(m) “industrial occupation” means the occupancy or use of a building or part of it for the assembling, fabricating, manufacturing, processing, repairing, or storing of goods and materials;	No change	
	(n) “inspection agency” means an inspection agency prescribed in accordance with paragraph 30(1)(i) of the Act;	No change	
	(o) “major occupancy” means the principal occupancy for which a building or part of it is used or intended to be used and shall be considered to include the subsidiary occupancies which are an integral part of the principal occupancy;	(o) “major occupancy” means the principal occupancy for which a building or part of it is used or intended to be used and shall include the subsidiary occupancies;	Ensure inclusion of all occupancies in a building.
	(p) “mercantile occupancy” means the occupancy or use of a building or part of it for the displaying or selling of retail goods, wares or merchandise;	No change	
	(q) “occupancy” means the use or intended use of a building or part of it for the shelter or support of persons, animals or property;	No change	
	(r) “permit” means a permit issued by the permit issuing authority;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(s) “principal entrance” means the entrance intended for general use by the public and employees employed in the building;	(s) “principal entrance” means the entrance(s) intended for primary use by the public and employees employed in the building;	Requires rewording to clarify that the main entrance is considered the principal entrance to a building. Also considered here are the circumstances under which the staff for the building would have a dedicated staff entrance which may or may not be the same as the main entrance used by the general public.
	(t) “professional engineer” means an engineer registered in accordance with the <i>Engineers and Geoscientists Act</i> ;	No change	
	(u) “public corridor” means a corridor that provides access to exit from more than one suite;	(u) “public corridor” means a corridor that provides access to an exit from more than one suite;	Grammatical Correction.
	(v) “residential occupancy” means the occupancy or use of a building or part of it by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained;	No change	
	(w) “sprinklered” means that the building or part of it is equipped with an automatic sprinkler system;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(x) “storey” means that portion of a building which is situated between the top of a floor and the top of a floor next above it and if there is not a floor above it, that portion between the top of the floor and the ceiling above it; and	No change	
	(y) “suite” means a single room or series of rooms of complementary use operated under a single tenancy and includes dwelling units, individual guests rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies. 176/92 s2	No change	
3 Codes and standards	N.R.C.C. No. 30619 the National Building Code of Canada, 1990 and Canadian Standards Association Can/CSA - B651-M90 Barrier-Free Design as modified and amended in the Schedule shall constitute part of these regulations. 176/92 s2	N.R.C.C. the National Building Code of Canada, 1990 and Canadian Standards Association Can/CSA - B651-M90 Barrier-Free Design (latest edition) as modified and amended in Schedule A shall constitute part of these regulations. 176/92 s2	To ensure that the most recent editions of the National Building Code is referenced, the phrase “ <i>latest edition</i> ” has been included.

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	Appendix B: An Evaluation of the Buildings Accessibility Regulations		
Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
4(1) Building requirements	A public building having a total floor area, incorporating all storeys, between the exterior walls of greater than 600 square metres measured from and including the lowest floor to which the public and employees employed in the building have access shall	A public building having a total floor area, incorporating all storeys, between the exterior walls of greater than 600 metres squared measured from and including the lowest floor to which the public and employees employed in the building have access shall	Correction in mathematical definitions to ensure appropriate area is referenced.
	(a) from an entrance that is ordinarily used by the public and employees employed in the building and capable of accommodating physically disabled persons provide an acceptable means of making accessible to physically disabled persons all floors to which the public and employees employed in the building have lawful access; and	(a) from an entrance that is ordinarily used by the public and employees employed in the building and capable of accommodating persons with disabilities provide an acceptable means of making accessible to persons with disabilities all floors to which the public and employees employed in the building have lawful access; and	To update terminology and ensure persons with disabilities have the same access as other members of the general public.
	(b) in respect of floors that are required to be accessible to physically disabled persons, have those floors at the same level throughout or have any levels of those floors connected by a ramp.	(b) in respect of floors that are required to be accessible to persons with disabilities , have those floors at the same level throughout or have any levels of those floors connected by a ramp.	To update terminology and ensure persons with disabilities have the same access as other members of the general public.
4(2)	An apartment type building that contains 15 or more residential units shall	An apartment type building that contains 10 or more residential units shall	Lowers the number of units to ensure greater accessibility.

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(a) from an entrance that is ordinarily used by the public and occupants and capable of accommodating physically disabled persons, provide an acceptable means of making accessible to physically disabled persons all floors to which the public and occupants have lawful access;	(a) from an entrance that is ordinarily used by the public and occupants and capable of accommodating persons with disabilities , provide an acceptable means of making accessible to persons with disabilities all floors to which the public and occupants have lawful access;	To update terminology.
	(b) in respect to floors that are required to be accessible to physically disabled persons, have those floors at the same level throughout or have any levels of those floors connected by a ramp; and	(b) in respect to floors that are required to be accessible to persons with disabilities , have those floors at the same level throughout or have any levels of those floors connected by a ramp; and	To update terminology.
	(c) have at least one residential unit which is accessible to physically disabled persons.	(c) have at least one residential unit which is accessible to persons with disabilities for every 10 units or part thereof .	To update terminology and ensure adequate representation of accessible units.
4(3)	An apartment-type building that contains more than 4 and less than 15 residential units shall have at least one residential unit in which all rooms are on the same level or which are connected by a ramp.	An apartment-type building that contains more than 4 and less than 10 residential units shall have at least one residential unit in which all rooms are on the same level or which are connected by a ramp.	Lowering the requirement for the number of units ensures that the accessible units are included first.
4(4)	A hotel shall have at least one accessible suite, but not less than one accessible suite in every 20 suites.	A hotel shall have at least one accessible suite, but not less than one accessible suite in every 15 suites.	Increases the number of accessible rooms.

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
4(5)	A lodging house or boarding house which accommodates more than 10 boarders or lodgers shall have	A lodging house, boarding house or bed and breakfast containing more than 4 but less than 15 rooms for sleeping accommodation shall have	To ensure inclusion of “bed and breakfast” type of accommodations in the legislation.
	(a) at least one room with sleeping accommodations that are accessible to physically disabled persons; and	No change	
	(b) the entrance and facilities normally used by the boarders or lodgers shall be accessible to disabled persons.	(b) the entrance and facilities normally used by the boarders, lodgers or guests shall be accessible to persons with disabilities .	To update terminology.
5(1) Subdivision of building	Where a building is subdivided or divided by fire walls and where there is no physical connection between subdivisions, each portion of the building so divided or subdivided shall be considered to be a separate building.	No change	
5(2)	Where a connection is made between the 2 separate subdivisions or divisions after the final inspection, those subdivisions or divisions shall then be considered to be one building. 176/92 s5	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
6(1) Exemption	A public building classified as Group F, Division 1 under subsection 1(3) of the Schedule is exempt from the requirements of the Act and regulations.	A public building may be exempted from the requirements of the Act and the regulations if compliance with the Act and regulations impedes the operations of that public building and such an exemption shall be at the discretion of the Director.	At present, all Group F, Division 1 buildings are automatically exempted from the Buildings Accessibility Act and Regulations. This, however, may not be practical and may automatically exempt buildings that could be fully operational and accessible at the same time. By requiring that each Group F building be given further scrutiny and individual screening based on the operations of the facility, some of these buildings may warrant accessibility registration without interfering with any safety considerations of the daily operation.
6(2)	Where a building contains multiple occupancies and one of those occupancies is exempted by subsection (1), only that portion of the building in the exempted category is excluded from the determination of the 600 square metres calculation for access to floors other than the entry level. 176/92 s6		No change.

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
7 Principal entrance	Where a building has a total floor area of less than 600 square metres, a principle entrance shall provide barrier free access to the storey which, in the opinion of the director, constitutes the major occupancy. 176/92 s7		No change.
8 Parking	In a parking area provided for a building there shall be at least one lot or 1% of the total lots, whichever is greater, designed and designated for use by physically disabled persons. 176/92 s8	In a parking area provided for a building there shall be at least one lot or 5% of the total lots, whichever is greater, designed and designated for use by physically disabled persons.	The need has been demonstrated for additional accessible parking in areas such as hospitals and schools. A minor increase in the percentage of parking spaces required for physically disabled persons would substantially increase the available parking in large lots.
9(1) Reconstructions and additions	The Act and these regulations shall apply to the reconstruction of an existing building where the cost of reconstruction of the building is equal to or exceeds 50% of the cost of erecting a new building of the same character and dimensions, that cost being calculated without including the cost of reconstructing basements, cellars or chimneys or the cost of site alterations.	This item is discussed in Section 3.2 of this report.	
9(2)	Where building additions take place at the same time as reconstruction, those building additions will be included in the 50% calculation.	No change	
9(3)	The Act and these regulations shall apply to the addition to a building where	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
9(3)(a)	(a) the building addition contains a principal entrance or the building addition affects other areas of the buildings where the building addition is greater than 300 square metres;	9(3)(a) the building addition contains a principal entrance;	Clarity.
	Insert new section	9(3)(b) the building addition affects other areas of the buildings where the building addition is greater than 300 square metres.	Clarity.
9(3)(b)	(b) the building addition changes or reclassifies a building or section of it from the previously exempted occupancy.	Section to be renumbered 9(3)(c)	
9(4)	Where a building addition is covered by the regulations there shall be an available and accessible washroom.	No change	
9(5)	Each building addition and reconstruction of a building shall be considered cumulative and shall comply with the provisions of the Act and the regulations.	No change	
9(6)	Reconstruction or additions to a building shall be registered with department. 176/92 s9	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
Section to be numbered and titled later	Proposed New Section 9(7)	The Act and these Regulations shall apply to a building, including an existing building, where the use of the building changes or reclassifies the building or a section of it from the previously exempted occupancy.	Occupancy classification in a building frequently changes following reconstruction or renovation work. If the function of a building changes sufficiently to change the occupancy classification, this clause allows registration of a previously exempted building.
10 Exemption	An existing building is exempt from the provisions of the Act and regulations. 176/92 s10	Except as otherwise provided for in this Act , an existing building is exempt from the provisions of this Act and Regulations.	Rewording of this section leads to clarification on the intent of the Act and Regulations as they would be applied in the section.
11 Non-application	These regulations do not apply to	No change	
	(a) service rooms;	No change	
	(b) elevator machine rooms;	No change	
	(c) service spaces, which may include limited commercial storage space;	No change	
	(d) catwalks;	No change	
	(e) loading docks; and	No change	
	(f) raised or lowered portions of floor areas within a single area provided that the inaccessible area is	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(i) for security or security observation and not more than 12 metres squared, or	Remove Section (f)(i)	Current technology negates the requirement for raised floor areas for the purpose of security monitoring.
	(ii) minor in proportion to the area and provided the function or service available in the inaccessible portion is equally available in the adjacent accessible area. 176/92 s11	No change	
12 Elevators and lifts	Where an elevating device is provided, independent operation shall be possible without the assistance of keys or personnel. 176/92 s12	Rename section - Elevating Devices	Section 24 of Schedule A of these Regulations is also called “Elevators”. Renaming of this section would distinguish between the two.
13 Public telephones	Where public telephones are provided,	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
13(a)	at least one of those telephones shall be accessible to persons using a wheelchair and as in subsection 34(1) of the Schedule;	13(a)(i) at least one of those telephones shall be accessible to persons using a wheelchair and as in subsection 34(1) of the Schedule;	Elimination of ambiguity. Under the present legislation, only one telephone is required to be barrier-free. This may be in any area of a building where telephones are located. This new clause ensures that where there are more than one bank of telephones in a facility, an accessible phone shall be located in each bank. As an example, in an airport, there may be banks of telephones located in the main check-in area, the departure area and any waiting areas. The requirements of the present legislation would be met if only one of these telephones was accessible. This may not be practical in this type of facility and the new clauses would ensure that there was an accessible telephone in all areas.
	Proposed New Section	13(a)(ii) at least one telephone per bank of telephones shall be accessible to persons in a wheelchair and as in Section 34(1) of the Schedule.	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
13(b)	at least one of those telephones shall be equipped for use by deaf or hard of hearing persons as in subsection 34(2) of the Schedule. 176/92 s13	13(b)(i) at least one of those telephones shall be equipped for use by deaf or hard of hearing persons as in subsection 34(2) of the Schedule. 176/92 s13	Elimination of ambiguity. Under the present legislation, only one telephone is required to be barrier-free. This may be in any area of a building where telephones are located. This new clause ensures that where there are more than one bank of telephones in a facility, an accessible phone shall be located in each bank. As an example, in an airport, there may be banks of telephones located in the main check-in area, the departure area and any waiting areas. The requirements of the present legislation would be met if only one of these telephones was accessible. This may not be practical in this type of facility and the new clauses would ensure that there was an accessible telephone in all areas.
	Proposed New Section	13(b)(ii) at least one telephone per bank of telephones shall be equipped for use by deaf or hard of hearing persons as in subsection 34(2) of the Schedule. 176/92 s13	
14(1) Drawings and specifications	Three copies of drawings and specifications of design shall be submitted by the owner to the director for all buildings and reconstruction of or additions to which the Act applies.	Prior to any construction taking place three copies of drawings and specifications of design shall be submitted by the owner to the director for all buildings and reconstruction of or additions to which the Act applies.	There are numerous occasions that drawing are received and reviewed following construction of a facility. This rewording would ensure that drawings are received by the design staff and reviewed for compliance under the Act prior to construction.
14(2)	The drawings and specifications in relation to a building shall include	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(a) the classifications of major occupancies as in section 1 of the Schedule;	No change	
	(b) the number of storeys;	No change	
	(c) the total floor area and, where applicable, the number of residential units;	No change	
	(d) the location of the building on the site, indicating its relationship to sidewalks, parking and other ancillary service areas;	No change	
	(e) the location of stairways, ramps, elevating devices, washrooms, lights, switches and telephones within the building as applicable;	No change	
	(f) the details of all other facilities required to ensure compliance with the requirements of the Act and regulations;	No change	
	(g) the name and address of the permit issuing authority for the area where the building is intended to be constructed, added to or reconstructed;	No change	
	(h) the height of the entrance level above the grade; and	No change	
	(i) the division of the building by firewalls.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
14(3)	Where the building and facilities are designed by a professional engineer or architect, the drawings, specifications and information referred to in subsection (2) shall bear the signature and seal of the person responsible for the design.	No change	
14(4)	Drawings and specifications submitted with the application for registration shall be provided with a 10.2 centimetre by 10.2 centimetre blank space on which an official registration stamp may be placed.	No change	
14(5)	Drawings shall be drawn to scale and shall indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish that the design is in conformance with the regulations. 176/92 s14	No change	
15(1) Compliance of drawings and specifications	The director shall examine the drawings and specifications submitted to him or her under subsection 14(1) and determine whether they comply with the Act and the regulations.	No change	
15(2)	Where the director determines that drawings and specifications submitted under subsection 14(1) comply with the Act and regulations, he or she shall register them and return a stamped copy to the owner.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
15(3)	Where the director determines that drawings and specifications submitted under subsection 14(1) do not conform to the requirement of the Act and regulations, he or she shall notify the owner that they do not so conform and that new or amended drawings and specifications are required.	No change	
15(4)	Where the director registers drawings and specifications submitted to him or her under subsection 14(1), he or she shall notify the permit issuing authority for the area where the building is located that the drawings and specifications have been so registered and that permits required to be issued by the permit issuing authority for the area may now be issued.	No change	
15(5)	Registration of drawings and specifications does not relieve the owner of responsibility for ensuring that the building is constructed, added to or reconstructed in accordance with the Act and regulations. 176/92 s15	Registration of drawings and specifications does not relieve the owner, or designated agent , of responsibility for ensuring that the building is constructed, added to or reconstructed in accordance with the Act and regulations.	Drawings are frequently submitted to the Government Service Centre by an agent, ie: architect or engineer, acting on behalf of the owner. Following a review and subsequent registration, a letter is returned to the agent with the intent that the agent notify the owner of the facility of any additional requirements or conditions that must be met.

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
16 Inspectors	In addition to inspectors employed by the department, the following, if employed as an inspector or employing inspectors appointed under section 9 of the Act, may function as inspection agencies for the purposes of the Act and regulations.	No change	
	(a) the City of St. John's;	No change	
	(b) the City of Corner Brook;	No change	
	(c) the City of Mount Pearl;	No change	
	(d) a Municipality as defined in the Municipalities Act; or	No change	
	(e) a legal entity. 176/92 s16	No change	
17 Eligibility	To be eligible for appointment as an inspector a person shall satisfy the minister that he or she is qualified to so act by appropriate 176/96 s17	No change	
	(a) technical training; or	No change	
	(b) work experience.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
18(1) Building construction, additions or reconstruction	An inspector shall during the construction of, addition to, or reconstruction of a building make periodic inspections for the purposes of ensuring that the requirements of the Act and regulations are being complied with.	No change	
18(2)	Where the director receives notification under section 15 of the Act that the construction of, addition to, or reconstruction of a building has been completed, he or she shall order a final inspection to be made.	No change	
18(3)	Upon completion of a final inspection, the inspector shall issue, in a form prescribed by the director, an inspection report and provide the owner, the director and the appropriate permit issuing authority with copies. 176/92 s18	No change	
19 Liabilities	An inspection carried out under the Act and regulations does not relieve an owner of responsibility for ensuring that a building is constructed, reconstructed or enlarged in accordance with the requirements of the Act and regulations. 176/92 s19	No change	

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Sections		Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
20(1) Fees		Every application made to the director for registration of the design for the construction of, addition to, or reconstruction of a building shall be accompanied by a fee for registration as prescribed by the minister.	No change	
20(2)		A fee paid under subsection (1) is not refundable if the drawings and specifications required under subsection 15(1) are rejected for registration. 176/92 s20	No change	
21 Repeal		The Buildings Accessibility Regulations, 1992, Newfoundland Regulation 176/92, are repealed.	No change	
Buildings Accessibility Regulations Schedule				
1(1) Classification of buildings		Except as provided in subsections (3) to (6), every building or part of it shall be classified according to its major occupancy as belonging to one of the groups or divisions described in Table 1.	No change	
Table 1				
Group	Division	Existing Description of Major Occupancies	No change	
A	1	Assembly occupancies intended for the production and viewing performing arts	No change	
A	2	Assembly occupancies not elsewhere classified in Group A	No change	

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Sections		Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
A	3	Assembly occupancies of the arena type	No change	
A	4	Assembly occupancies in which provision is made for the congregation or gathering of persons for the purposes of participating in or viewing open air activities	No change	
B	1	Institutional occupancies in which persons are under restraint or are incapable of self-preservation because of security measures not under their control	No change	
B	2	Institutional occupancies in which persons because of mental or physical limitations require special care or treatment	No change	
C		Residential occupancies	No change	
D		Business and personal services occupancies	No change	
E		Mercantile occupancies.	No change	
1(2)		A building intended for use by more than one major occupancy shall be classified according to all major occupancies for which it is used or intended to be used.	No change	
1(3)		For the purposes of the Act and regulations, the following “buildings” are considered to be classified as Group F, Division 1.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	<ul style="list-style-type: none"> Bulk plants for flammable liquids Aircraft hangers Bulk storage warehouse for hazardous substances Detention quarters in penitentiaries, jails and police stations Cereal mills Cold storage plants Chemical manufacturing or processing plants Electrical substations Distilleries Freight depots Dry cleaning plants Helicopter landing areas on roofs Feed mills Laundries, except self-service Flour mills Planning mills Grain elevators Repair garages Lacquer factories Storage rooms Mattress factories Creameries Paint, varnish pyroxylin product factories Power plants Rubber processing plants Automatic telephone exchanges 		

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
1(4)	An arena type building intended for occasional use for trade shows and similar exhibition purposed shall be classified as Group A, Division 3 occupancy.	No change	
1(5)	Police stations with detention quarters are permitted to be classified as Group B, Division 2 major occupancies provided those stations are not more than one storey in building height and 600 millimetres squared in floor area.	Police stations with detention quarters are permitted to be classified as Group B, Division 2 major occupancies provided those stations are not more than one storey in building height and 600 square metres in floor area.	Clarity. Correction in mathematical definitions to ensure appropriate area is referenced.
1(6)	Convalescent homes and children’s custodial homes are permitted to be classified as Group C occupancies provided that occupants are ambulatory and live as a single housekeeping unit in a dwelling unit with sleep accommodation for not more than 10 persons.	No change	
2 Occupancies of same classifications	A building is considered to be occupied by a single major occupancy, notwithstanding its use for more than one major occupancy, provided that those occupancies are classified as belonging to the same group classification or, where the group is divided into division, as belonging to the same division classification in Table 1.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
3(1) Entrances	Except as required by subsection (2), every building should have at least one entrance intended for general use by the public, occupants or employees employed in the building designed in conformance with and opening to the outdoors at sidewall level or to a ramp leading to a sidewall.	No change	
3(2)	Where a suite is located in a storey to which a barrier-free path of travel is provided and is completely separate from the remainder of the building so that there is no access to the remainder of the building, such suites shall have at least one barrier-free entrance in conformance with subsection (1).	No change	
4 Barrier-free path	Where a barrier-free path of travel is provided above or below the first storey in a building that is not sprinklered, every floor area having a barrier-free path of travel shall conform to the requirements of Article 3.3.1.7 of the National Building Code of Canada, 1990.	No change	
5(1) Corridors	The minimum unobstructed width of every public corridor shall be 1100 millimetres.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
5(2)	Except as provided in subsection (3), obstructions located within 1980 millimetres of the floor shall not project more than 100 millimetres horizontally into exit passageways, public corridors, corridors used by the public or corridors serving classrooms or patients' sleeping rooms in a manner that would create a hazard for visually impaired persons travelling adjacent to walls.	No change	
5(3)	The horizontal projection of an obstruction described in subsection (2) is permitted to be more than 100 millimetres where it extends to less than 680 millimetres above the floor.	No change	
5(4)	A dead end corridor exceeding 3000 millimetres in length shall have an area measuring 1500 millimetres by 1500 millimetres located at the dead end of the corridor.	No change	
6 Post or turnstiles	Post or turnstiles shall not restrict the barrier-free path of travel to less than 750 millimetres into or throughout a building unless an alternative means of access is provided adjacent to and is plainly visible from the restricted access.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
7(1) Interior barrier-free path of travel	Except as permitted in sections 18, 19, 24, 27, and 30 of this Schedule, every barrier-free path of travel shall provide an obstructed width of not less than 920 millimetres for the passage of wheelchairs.	No change	
7(2)	Floor surfaces along a barrier-free path of travel shall have no opening that will permit the passage of a sphere more than 13 millimetres in diameter.	No change	
7(3)	A barrier-free path of travel is permitted to include ramps, elevators or other platform elevating devices where there exists a difference in elevation.	No change	
8 Exterior barrier-free path of travel	All exterior paths of travel shall	No change	
	(a) be a continuous plane, uninterrupted by steps or abrupt changes in elevation, with a gradient not exceeding one in 20;	No change	
	(b) be at least 1100 millimetres in width;	No change	
	(c) where an accessible route has less than 1500 millimetres clear width, have passing spaces 1500 millimetres by 1500 millimetres located at intervals not to exceed 60 metres;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(d) where 2 routes intersect having a passing space 1500 millimetres by 1500 millimetres;	No change	
	(e) have a level area adjacent to the entrance doorway at least 1500 millimetres by 1500 millimetres that extends at least 600 millimetres beyond the latch side of the door opening;	No change	
	(f) have a stable, firm and slip-resistant surface;	No change	
	(g) have a minimum 1100 millimetres wide walk of a different texture to that surrounding it where the line of travel is level and even with adjacent walking surfaces;	No change	
	(h) be free from obstructions from the full width of the walks to a minimum height of 1980 millimetres, except where handrails are permitted to project not more than 100 millimetres from either side or both sides into the clear area;	No change	
	(i) avoid the use of gratings wherever possible and when used, gratings must have no space greater than 13 millimetres wide in one direction and elongated openings must be placed at right angles to the direction of travel;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(j) when precast units such as brick paver, concrete slabs or tiles are used all joints shall be approximately flush with a tolerance level of 6 millimetres;	No change	
	(k) have changes in elevation between 6 and 13 millimetres bevelled with a slope not greater than one in 2;	No change	
	(l) have changes in elevation greater than 13 millimetres accomplished by means of a ramp.	No change	
9(1) Curb ramps	Curb ramps located in a barrier-free path of travel shall	No change	
	(a) have a width of not less than 1200 millimetres exclusive of flared sides;	No change	
	(b) have a gradient of not more than one in 10;	No change	
	(c) have flared sides with a slope of not more than one in 10;	No change	
	(d) have a level walking space at the top of the ramp of 920 millimetres to the nearest obstruction;	No change	
	(e) have the surfaces of the ramp slip-resistant with a detectable warning surface that is colour and texture contrasted with the adjacent surfaces.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
9(2)	Built up curb ramps projecting into the roadway or parking lot are not permitted.	No change	
10 Storeys served by escalators	Where escalators provide access to storeys above or below the first storey, a barrier-free path of travel shall be provided to those storeys serviced by escalators.	No change	
11 Controls	Except as provided in section 24 of the Schedule for elevators controls for the operations of building services or safety devices located in a barrier-free path of travel and intended to be operated by an occupant or employee, including electrical switches, thermostats and intercom switches, shall be accessible to persons using a wheelchair and shall be mounted not more than 1400 millimetres above the floor.	No change	
12(1) Areas requiring barrier-free path of travel	Barrier-free path of travel shall be provided in the entrance storey and in each storey serviced by a passenger elevator or other platform equipped passenger elevating device from the entrance described in section 3 of this Schedule	No change	
	(a) throughout each suite;	No change	
	(b) throughout rooms or areas that serve the public and employees employed in the building or are designated for use by visitors, including areas in assembly occupancies with fixed seats, display areas and merchandising departments;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(c) throughout rooms or areas for student use in assembly occupancies;	No change	
	(d) throughout general working areas including office areas;	No change	
	(e) throughout general use or general service areas, including shared laundry areas in residential occupancies, recreational areas, cafeterias, lounge rooms or lunch rooms;	No change	
	(f) throughout patients or resident's bedrooms;	No change	
	(g) into at least one passenger elevator or platform-equipped passenger elevating device if the building is equipped with one or more passenger elevator or elevating device;	No change	
	(h) throughout a facility required to accommodate persons with physical disabilities;	No change	
	(i) onto a balcony installed to satisfy the requirements for fire protection for floor areas with barrier-free access;	No change	
	(j) to ticket counters, refreshment stands, drinking fountains, public telephones, banking machines and checkout counters;	No change	
	(k) through turnstiles or post restrictions;	No change	
	(l) into at least one change room;	No change	

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Sections	Current Regulations		Recommended Changes to Existing Regulations	Rationale for Changes
	(m) to patios and courtyards; and		No change	
	(n) into at least one washroom designed for adults.		No change	
12(2)	The number of spaces designated for wheelchair use in the rooms and areas referred to in paragraph (1)(b) shall conform to Table II.		The number of spaces designated for wheelchair use in the rooms and areas referred to in paragraph (1)(b) shall be a minimum of 2 spaces or a minimum of three percent (3%) of the total number of fixed seats, whichever is greater.	The need has been determined for additional seating.
Table II	Number of Fixed Seats in Seating Area up to 200 201 to 300 301 to 400 401 to 600 601 to 800 801 to 1000 over 1000	Number of Spaces Required for Wheelchairs 2 3 4 5 6 7 8 plus one for each additional increment of 1000 seats to a maximum of 20		
13 Access to parking areas	A barrier-free path of travel shall be provided from the entrance described in section 3 of this Schedule to		No change	
	(b) at least one parking level where a passenger elevator serves an indoor parking level.		No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
14 Parking spaces	Parking spaces designated for physically disabled persons	No change	
	(a) that service to a specific building shall be located on the shortest possible accessible route to the principal entrances of the building;	No change	
	(b) in separate parking structures or lots that do not serve a particular building shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility;	No change	
	(c) may have 2 accessible parking spaces sharing a common access aisle;	(c) may have 2 accessible parking spaces sharing a common access aisle and colour ;	To eliminate parking in the access aisles between two designated accessible parking spaces.
	(d) shall have the access aisle(s) marked as a “no parking” area and meet the criteria for an exterior path of travel;	No change	
	(e) shall be at least 2400 millimetres wide and shall have an adjacent access aisle that is at least 1500 millimetres wide adjacent and parallel to the vehicle parking space.	No change	
15(1) Parking space signs	Accessible parking spaces shall be designated as reserved for use by physically disabled persons by the	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(a) uniform traffic control sign mounted vertically; and	No change	
	(b) international symbol of access on the pavement of the space.	No change	
15(2)	Vertical signs shall be	No change	
	(a) at least 300 millimetres by 600 millimetres; and	No change	
	(b) install at the height of 1500 millimetres from the ground or floor surface to the centre of the sign.	No change	
15(3)	Symbol on the pavement shall be	No change	
	(a) at least 1000 millimetres long;	No change	
	(b) located in the centre of the space; and	No change	
	(c) in a colour strongly contrasting with the background pavement.	No change	
15(4)	Proposed New Section	Where there exists accessible parking spaces with a common access aisle, the access aisle shall be designated by the international colour of access on the pavement of the space.	To eliminate parking in the access aisles between two designated accessible parking spaces.

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Sections	Current Regulations	Recommended Changes to Existing Regulations		Rationale for Changes
16(1) Washrooms required to be barrier-free	Where washrooms are provided in a storey to which a barrier-free path of travel is required, these washrooms shall be barrier-free in conformance with the appropriate requirements in sections 27 to 32 of this Schedule.	No change		
16(2)	Notwithstanding section (1), washrooms need not conform to the requirements in that subsection if other barrier-free washrooms are provided on the same floor area within 45 metres.	No change		
16(3)	In a building where a washroom is required, a barrier-free washroom shall be provided in the entrance storey except if a barrier-free path of travel is provided to a barrier-free washroom in another storey.	No change		
16(4)	Proposed New Section	16(4) The number of accessible toilet stalls for each sex shall be as follows:		Under the current legislation, only one accessible toilet stall is required for any number of toilets in a washroom. To ensure equal access to all, this new clause would increase the requirements in a facility where there were numerous toilet facilities.
		Number of Toilet Stalls	Number of Accessible Toilet Stalls	
		1-10 11-20 Over 20	1 2 3	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
17(1) Accessibility signs	A building entrance that is required to accommodate disabled persons shall have signs incorporating the international symbol of accessibility for disabled persons installed where necessary to indicate the location of that entrance.	No change	
17(2)	Where a washroom, elevator or parking area is required to accommodate disabled persons, it shall be identified by a sign consisting of the international symbol of accessibility for disabled persons and other graphic or written directions that are needed to indicate clearly the type of facility available.	No change	
17(3)	Where a washroom is not designed to accommodate disabled persons in a storey to which a barrier-free path of travel is required, signs shall be provided to indicate the location of barrier-free facilities.	No change	
18(1) Doorway and doors	Every doorway that is located in a barrier-free path of travel shall have a clear width of not less than 800 millimetres when the door is in the open position.	No change	
18(2)	The doorway to at least one bathroom within a suite of residential occupancy shall have a clear width of not less than 760 millimetres when the door is in the open position.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
18(3)	Door operating devices shall be of a design which does not require tight grasping and twisting of the wrist as the only means of operation.	No change	
18(4)	Thresholds for doorways referred to in subsection (1) and (2) shall not be more than 13 millimetres higher than the finished floor surface and shall be bevelled to facilitate the passage of wheelchairs.	No change	
18(5)	Except as permitted in subsection (6) the door for the entrance described in section 3 shall be equipped with a power door operated in	No change	
	(a) hotels;	No change	
	(b) buildings of Group B, Division 2 major occupancy; and	No change	
	(c) buildings of Group A, D or E major occupancy of more than 500 metres squared in the building area.	No change	
18(6)	The requirements in subsection (5) do not apply to an individual suite having an area of less than 500 metres squared in buildings having only suites of Group A, D or E occupancy where that suite is completely separated from the remainder of the building so that there is no access to the remainder of the building.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
18(7)	Except for doors with power operators, closers for doors in a barrier-free path of travel shall be designed to permit doors to open when a force of not more than 38 N is applied to the handles, push plates or latch-releasing devices in the case of exterior doors and 22 N in the case of interior doors.	No change	
18(8)	Closers for the interior doors in a barrier-free path of travel shall have a closing period of not less than 3 seconds measured from when the door is in an open position of 70 degrees to the doorway to when the door reaches a point 75 millimetres from the closed position measured from the leading edge of the latch side of the door.	No change	
18(9)	Every door in a barrier-free path of travel, except power operated, shall have a space beyond the latch side of not less than	No change	
	(a) 600 millimetres where the door swings towards the approach side; and	No change	
	(b) 300 millimetres where the door swings away from the approach side.	No change	
18(10)	On power operated doors, the operating controls shall be located outside the swing of the door unless the clearances in subsection (9) are provided.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
18(11)	Vestibules located in a barrier-free path of travel shall be arranged to allow the movement of wheelchairs between doors and shall provide a distance between 2 doors in series of not less than 1200 millimetres plus the width of a door that swings into the space of the path of travel from one door to another.	No change	
19(1) Ramps	Ramps located in a barrier-free path of travel shall	No change	
	(a) have a width of not less than 870 millimetres between handrails:	No change	
	(b) have a gradient of not more than one in 12;	No change	
	(c) have a level area not less than 1500 millimetres by 1500 millimetres at the top and bottom and at intermediate levels of a ramp leading to a door so that the level area extends not less than 600 millimetres beyond the latch side of the door opening except that where the door opens away from the ramp, the area extending beyond the latch side of the door opening may be reduced to 300 millimetres;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(d) if the door swings towards the top of the ramp, the ramp shall be located outside the swing of the door and have the level area in front of the ramp extend 920 millimetres outside the swing of the door, or provide a level area not less than 1200 millimetres long at the top of the ramp, outside the swing of the door;	No change	
	(e) have a level area not less than 1200 millimetres long and at least the same width as the ramp,	No change	
	(i) at intervals of not more than 9 metres along its length, and	No change	
	(ii) where there is an abrupt change in the direction of the ramp; and	No change	
	(f) except as provided in subsection (2), be equipped with handrails and guards conforming to sections 22 and 23 of this Schedule.	No change	
19(2)	Where a ramp services as an aisleway for fixed seating, the requirements for handrails in paragraph (1) (f) need not apply.	No change	
19(3)	Floors or walks in barrier-free path of travel having a slope steeper than one in 20 shall be designated as ramps.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
20 Slip resistance	Treads and landings of stairs and ramps shall have slip resistant strips which extend not more than one millimetre above the surface of the tread landing or ramp.	Treads and landings of stairs and ramps shall have slip resistant strips of a contrasting colour which extend not more than one millimetre above the surface of the tread landing or ramp.	To aid persons with visual impairments.
21(1) Stair treads and risers	Treads in every stair shall have a run of not less than 230 millimetres and not more than 355 millimetres exclusive of nosing and have a rise between successive treads of not less than 125 millimetres and not more than 200 millimetres.	No change	
21(2)	Treads and risers shall have a uniform run and rise in any one flight and shall not alter significantly in run and rise in successive flights in a stair system.	No change	
21(3)	Where a run of a tread in a stair is less than 250 millimetres, a nosing of not less than 25 millimetres shall be provided beyond the face of the riser or an equivalent back slope on the riser shall be provided.	No change	
22(1) Handrails	Every ramp or stairway shall have a handrail on at least one side and where 1100 millimetres or more in width shall have handrails on both sides.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
22(2)	Where the required width of the ramp or flight of stairs is more than 2200 millimetres, one or more intermediate handrails continuous between landings shall be provided and the number and position of these intermediate handrails shall be such that there will not be more than 1650 millimetres between handrails.	No change	
22(3)	Handrails shall be constructed so that there will be no obstruction on or above them which will break a hand hold and shall be easy to grasp having a circular section with a diameter of 30 to 40 millimetres.	No change	
22(4)	Handrails on stairs and ramps shall be not less than 800 millimetres and not more than 920 millimetres high measured vertically from a line drawing through the outside edges of the stair nosing or from the surface of the ramp, except that handrails not meeting these requirements are permitted providing they are installed in addition to the required handrail.	No change	
22(5)	At least one handrail shall be continuous throughout the length of the stairway, including landings, except where interrupted by doorways or newels at changes in direction.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
22(6)	Handrails shall be terminated by return to the wall, floor or post in a manner which will not obstruct pedestrian travel or create a hazard.	No change	
22(7)	Handrails at the side of a stairway or ramp shall extend horizontally not less than 300 millimetres beyond the top and bottom of the stairway or ramp.	No change	
22(8)	A clearance of not less than 40 millimetres shall be provided between every handrail and a wall to which it is fastened.	No change	
23(1) Guards	Every ramp, stairway or passageway shall have a wall or well-secured guard on each side.	No change	
23(2)	The height of guards on stairs shall not be less than 920 millimetres measured vertically to the top of the guard from a line drawn through the outside edges of the stair nosing and 1070 millimetres around landings.	No change	
23(3)	A guard not less than 1070 millimetres high shall be provided on ramps and their landings measured vertically to the top of the guard from the ramp surface where the difference in elevations is more than 600 millimetres.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
23(4)	Ramps and their landings having a difference in elevation of less than 600 millimetres shall have a handrail incorporating a guarding means between the ramp and the handrail with an edge protection not more than 75 millimetres from the surface of the ramp or landing.	No change	
23(5)	The size of an opening through guards shall be such as to prevent the passage of a spherical object having a diameter of 100 millimetres in buildings of residential occupancy and in daycare centres, nurseries and similar type occupancies and 200 millimetres in buildings of other occupancy except where the location and size of the openings that are more than this limit do not present a hazardous condition.	No change	
24(1) Elevators	Passenger elevators referred to in paragraph 12(1)(g) of this Schedule shall conform to Appendix E of CAN/CSA-B44-M, "Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks and Freight Platform Lifts".	No change	
24(2)	The platform equipped passenger elevator device referred to in paragraph 12(1)(g) of this Schedule shall conform to CAN/CSA-B44-M "Elevating Devices for Persons with Physical Disabilities".	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
25 Spaces in seating areas	Spaces designated for wheelchair use referred to in subsection 12(2) of this Schedule shall be	No change	
	(a) clear and level, or level with removable seats;	(a) clear and level, or level with removable seats; and/or with other flexible seating options ;	To accommodate other industry options.
	(b) not less than 840 millimetres wide and 1525 millimetres long to permit wheelchairs to enter from a side approach and 1220 millimetres long where the wheelchair enters from the front or rear of the space;	No change	
	(c) arranged so that at least 2 designated spaces are side by side and where fixed seating is provided be adjacent to comparable removable seats or the fixed seating;	No change	
	(d) located adjoining a barrier-free path of travel without infringing on egress from a row of seating or an aisle requirement; and	No change	
	(e) situated as part of the seating plan to provide a choice of viewing location.	No change	
26(1) Assistive listening devices	In buildings of assembly occupancy, all classrooms, auditoria, meeting rooms and theatres with an area of more than 100 metres squared shall be equipped with an assistive listening system encompassing the entire seating area.	In buildings of assembly occupancy, all classrooms, auditoria, meeting rooms and theatres with an area of more than 100 square metres shall be equipped with an assistive listening system encompassing the entire seating area.	Clarity. Correction in mathematical definitions to ensure appropriate area is referenced.

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
26(2)	Notwithstanding subsection (1), where assistive listening system required in the subsection is an induction loop system, only half the seating area in the room need be encompassed.	No change	
27 Toilet stalls	Where a washroom is required by section 16 of this Schedule to be barrier-free, at least one toilet stall or enclosure shall	No change	
	(a) be not less than 1500 millimetres wide by 1500 millimetres deep;	No change	
	(b) be equipped with a door which shall	No change	
	(i) be capable of being locked from the inside.	No change	
	(ii) provide a clear opening of not less than 760 millimetres with the door in the open position.	(ii) provide a clear opening of not less than 800 millimetres with the door in the open position.	Consistency in the minimum width required for doorways in a barrier-free path of travel.
	(iii) swing outward, unless sufficient room is provided within the stall or enclosure to permit the door to be closed without interfering with the wheelchair.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(iv) be provided on the inside with a door pull not less than 140 millimetres long located so that its midpoint is not less than 200 millimetres and not more than 300 millimetres from the hinged side of the door and not less than 900 millimetres and not more than 1000 millimetres from the floor, and	No change	
	(v) be provided with a door pull on the outside, near the latch side of the door;	No change	
	(c) have a toilet located so that its centre line is not less than 460 millimetres and not more than 480 millimetres from an adjacent side wall on one side;	No change	
	(d) be equipped with grab bars which shall	No change	
	(i) be mounted horizontally on the side wall closest to the toilet and shall extend not less than 450 millimetres in both directions from the forwardmost point of the toilet,	No change	
	(ii) be mounted on the wall behind the toilet so that it extends the full width of the toilet bowl or where a tank is provided the full width of the tank,	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(iii) be mounted not less than 840 millimetres and not more than 920 millimetres above the floor,	No change	
	(iv) be installed to resist a load of not less than 1.3 kN applied vertically or horizontally.	No change	
	(v) be not less than 30 millimetres and not more than 40 millimetres in diameter, and	No change	
	(vi) have a clearance of not less than 35 millimetres and not more than 45 millimetres from the wall;	No change	
	(e) be equipped with a coat hook mounted not more than 1400 millimetres above the floor on a side wall and projecting not more than 50 millimetres from the wall;	No change	
	(f) have a clearance of not less than 1700 millimetres between the outside of the stall face and face of an in-swinging washroom door and 1400 millimetres between the outside of the stall face and a wall-mounted fixture.	No change	
28 Toilets	Toilets for disabled persons shall	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(a) be equipped with seats located at not less than 400 millimetres and not more than 460 millimetres above the floor;	No change	
	(b) be equipped with hand-operated flushing controls that are easily accessible to a wheelchair user or be automatically operable;	No change	
	(c) be equipped with a back support such as a seat lid; and	No change	
	(d) not have a spring-actuated seat.	No change	
29(1) Sinks	Barrier-free washrooms shall be provided with a sink which shall	No change	
	(a) be located so that the distance between the centre line of the fixture and the side wall is not less than 460 millimetres;	No change	
	(b) have a top surface height of not more than 865 millimetres;	No change	
	(c) have a clearance beneath of not less than	No change	
	(i) 735 millimetres at the front edge of the sink.	No change	
	(ii) 685 millimetres at a point 205 millimetres back from the front edge, and	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(iii) 230 millimetres over the distance from a point 280 millimetres to a point 430 millimetres back from the front edge;	No change	
	(d) have a clear space of 750 millimetres wide by 1200 millimetres deep in front of the sink;	No change	
	(e) have insulated waste pipes where these pipes present a burn hazard;	No change	
	(f) be equipped with faucet handles of the lever type without spring loading, or be automatically operable.	No change	
29(2)	Shelves or other projections above sinks shall be located so they will not present a hazard to visually impaired persons.	Shelves or other projections above sinks shall be located so they will not present a hazard to persons with vision impairments .	To update terminology.
30 Individual washrooms	Where an individual washroom is provided for the use of disabled persons, those washrooms shall	Where an individual washroom is provided for the use of persons with disabilities , those washrooms shall	To update terminology.
	(a) be equipped with a door capable of being locked from the inside and released from the outside in case of emergency and which has	No change	
	(i) graspable latch operating and locking mechanisms located not less than 900 millimetres and not more than 1000 millimetres from the floor, and	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(ii) on outward swinging doors, a door pull not less than 140 millimetres long located on the inside so that its midpoint is not less than 200 millimetres and not more than 300 millimetres from the hinged side of the door and not less than 900 millimetres and not more than 1000 millimetres from the floor;	No change	
	(b) be provided with a sink conforming to section 29 of this Schedule;	No change	
	(c) be equipped with a toilet conforming to section 28 of this Schedule;	No change	
	(d) be equipped with grab bars conforming to section 27(d) of this Schedule;	No change	
	(e) have no dimension less than 1700 millimetres;	No change	
	(f) have a clear space of at least 900 millimetres wide adjacent to the toilet;	No change	
	(g) have fixture clearances conforming to the fixture clearances described in sections 27 to 29 of this Schedule;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(h) be equipped with a coat hook conforming to paragraph 27(e) of this Schedule and shelf located not more than 1200 millimetres above the floor; and	No change	
	(i) have a doorway conforming to section 18 of this Schedule.	No change	
31(1) Washroom accessories	Washrooms designated for use by disabled persons shall have soap, towel and other dispensers located not more than 1200 millimetres above the floor.	No change	
31(2)	Toilet paper dispensers shall be located below the grab bar and not less than 460 millimetres above the floor.	No change	
31(3)	Where a mirror is provided it shall be mounted so that the bottom edge is not more than 1000 millimetres above the floor.	No change	
32(1) Showers	Where showers are provided, at least one shower stall shall be barrier-free and shall	No change	
	(a) have interior dimensions of not less than 900 millimetres by 900 millimetres;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(b) have a clear floor space at the entrance to the shower not less than 900 millimetres deep and 1200 millimetres wide with the 1200 millimetres dimension parallel to the shower entrance, starting from the stall wall opposite the seat;	No change	
	(c) have a slip-resistant floor surface;	No change	
	(d) be equipped with a hinge seat that is not spring loaded or a fixed seat that is	No change	
	(i) not less than 450 millimetres wide extending the full depth of the stall, less a space allowed for the shower curtain,	No change	
	(ii) mounted 430 millimetres to 480 millimetres above the floor.	No change	
	(iii) not of wood construction, and	No change	
	(iv) designated to carry a minimum load of 1.3 kN:	No change	
	(e) be equipped with a horizontal grab bar which shall	No change	
	(i) be not less than 750 millimetres long,	No change	
	(ii) be mounted between 700 millimetres to 800 millimetres above the shower floor,	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(iii) be located on the wall opposite the seat, and	No change	
	(vi) have another grab bar at least 750 millimetres long installed vertically starting 80 millimetres to 120 millimetres from the front edge of the seat between 700 millimetres to 800 millimetres above the shower floor,	No change	
	(v) be not less than 30 millimetres and not more than 40 millimetres in diameter,	No change	
	(vi) have a clearance of not less than 35 millimetres and not more than 45 millimetres from the wall,	No change	
	(vii) be installed to resist a load of not less than 1.4kN applied vertically or horizontally;	No change	
	(f) have the temperature of the water controlled by a pressure-equalizing, or an automatic thermostatically controlled valve;	No change	
	(g) be equipped with faucets or other controls which can be operated with a closed fist from a seated position, or be electronically controlled;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(h) be equipped with a hand-held shower head with not less than 1500 millimetres of flexible hose located so that it can be reached from the seated position and equipped with a support so that it can operate as a fixed shower head, and	No change	
	(i) have fully recessed soap holders which can be reached from the seated position.	No change	
32(2)	Where a roll-in shower stall is provided, it shall	No change	
	(a) have interior dimensions of at least 750 millimetres by 1500 millimetres;	No change	
	(b) have a minimum clear floor space in front of the shower entrance of 900 millimetres by 1200 millimetres with the 1200 millimetres dimension parallel to the shower entrance;	No change	
	(c) have a slip-resistant floor surface;	No change	
	(d) have a bevelled threshold not more than 13 millimetres higher than the finished floor;	No change	
	(e) be equipped with one L-shaped bar or 2 grab bars in L-shaped configuration which shall	No change	
	(i) be not less than 750 millimetres by 900 millimetres with the 900 millimetres arm set horizontally between 700 millimetres to 800 millimetres from the shower floor,	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(ii) be mounted on the wall opposite the entrance to the shower so that not less than 300 millimetres of its length is at one side of the seat,	No change	
	(iii) shall conform to subparagraphs 27(d)(iv), (v) and (vi) of this Schedule;	No change	
	(f) be equipped with a seat conforming to paragraph (1)(d);	No change	
	(g) conform to paragraphs (1)(f), (g), (h) and (i).	No change	
33(1) Counters	All counters serving the public shall have at least one barrier-free section in conformance with subsections (2) and (3).	No change	
33(2)	Barrier-free counter surfaces shall not be more than 865 millimetres above the floor.	No change	
33(3)	Knee space beneath barrier-free counters intended to be used as work surfaces shall not be less than	No change	
	(a) 750 millimetres wide;	No change	
	(b) 680 millimetres high; and	No change	
	(c) 480 millimetres deep.	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
33(4)	A clear space not less than 750 millimetres by 1200 millimetres shall be provided in front of the barrier-free counter.	No change	
34(1) Telephones	Where public telephones are required to be accessible, they shall	No change	
	(a) have a clear counter space of 740 millimetres wide by 1200 millimetres deep provided in front of the telephone;	No change	
	(b) have a built in shelf or counter not less than 500 millimetres wide by 350 millimetres deep with not less than 250 millimetres clear space above the shelf or counter;	No change	
	(c) have clearances as specified in subsections 33(2) and (3) of this Schedule; and	No change	
	(d) be identified by the international symbol of access.	No change	
34(2)	In addition to subsection (1), for the deaf and hard of hearing persons, a public telephone shall	No change	
	(a) be equipped with a volume control;	No change	
	(b) have a flux coil;	No change	
	(c) have an electrical outlet for use of portable Telecommunications Device for the Deaf; and	34(2)(c) have a teletype (TTY); and	To update terminology.

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(d) be identified by international symbol of accessibility for the deaf and hard of hearing persons.	No change	
35 Drinking fountains	Where drinking fountains are provided, at least one shall be barrier-free and shall	No change	
	(a) have a spout located near the front of the unit not more than 915 millimetres above the floor; and	No change	
	(b) be equipped with controls that are easily operable from a wheelchair using one hand with a force of not more than 22 N or be automatically operable;	No change	
	(c) have a clear floor space of 750 millimetres deep by 1200 millimetres wide in front of the unit; and	No change	
	(d) have a horizontal projection conforming to the requirements of subsection 5(3) of this Schedule.	No change	
36 Floor numbering	Arabic numerals indicating the assigned floor number shall	No change	
	(a) be mounted permanently on the stair side of the wall at the latch side of doors to exit stair shafts;	No change	

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Sections	Current Regulations	Recommended Changes to Existing Regulations	Rationale for Changes
	(b) be not less than 60 millimetres high, raised approximately 0.7 millimetres above the surface;	No change	
	(c) be located 1500 millimetres from the finished floor and not more than 300 millimetres from the door; and	No change	
	(d) be contrasting in colour with the surface on which they are applied.	No change	
37 Visual alarm systems	Where a fire alarm system is provided, it shall have lights that	No change	
	(a) flash at a frequency of approximately one Hz in conjunction with the audible emergency alarm;	No change	
	(b) are visible throughout the floor area or portion of it in which they are installed;	No change	
	(c) are located on exits and exit stairs on each floor;	No change	
	(d) are installed in not less than one bedroom, sleeping area or dwelling unit and in not less than one for each 40 bedrooms, sleeping area or dwelling units; and	(d) are installed in not less than one bedroom, sleeping area or dwelling unit and in not less than one for each 40 bedrooms, sleeping area or dwelling units; and in each accessible room, where provided;	To update terminology.
	(e) are in public washrooms. 176/92 Sch	No change	

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