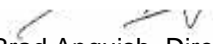


**TO:** Chair and Members of Transportation Standing Committee

*Original Signed*

**SUBMITTED BY:**

  
Brad Anguish, Director, Community & Recreation Services

**DATE:** September 23, 2014

**SUBJECT:** Construction Regulations for Accessibility and Adaptability in Dwelling Units

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## **ORIGIN**

- January 15, 2014 Transportation Standing Committee:  
MOVED by Councillor Watts, seconded by Councillor Mason, that the Transportation Standing Committee request a staff report to inform the process for requesting changes for the provincial building code specific to accessibility in new homes. The report should include other municipal jurisdictions that have made changes to regulations for homes such as those that require lever type handles on doors and facets; height of light switches; and mechanisms for improving access to barrier-free units in larger residential buildings.
- Letter to the Municipal Clerk from NS Municipal Affairs dated July 15, 2014, seeking HRM's interest in nominating three members knowledgeable on accessibility in buildings to sit on the Nova Scotia Building Advisory Committee Ad Hoc Committee on Accessibility.

## **LEGISLATIVE AUTHORITY**

Building Code Act, R.S.N.S. 1989, c. 46 and Nova Scotia Building Code Regulations  
HRM By-law B-201 Respecting the Building Code

## **RECOMMENDATION**

It is recommended that the Transportation Standing Committee recommend that Halifax Regional Council:

- (1) Nominate three representatives, knowledgeable on accessibility in buildings, to the Nova Scotia Building Advisory Committee Ad Hoc Committee on Accessibility, as requested by the Province as follows:
  - a) two representatives recommended by the Accessibility Advisory Committee; and

- b) one HRM staff representative appointed by the Chief Administrative Officer.
- (2) Upon conclusion of the work of the Provincial Ad Hoc Committee, direct HRM's Committee members to report back through the Transportation Standing Committee with findings/recommendations of the Ad Hoc Committee to determine if those are recommendations that Regional Council wishes to endorse.

## **BACKGROUND**

Adopted in 1986, the *Building Code Act* (BCA) provides construction regulations for all municipal jurisdictions in Nova Scotia. Regulations made in association with the BCA are amended from the National Building Code of Canada and called the Nova Scotia Building Code Regulations (NSBCR). The NSBCR incorporates its own Nova Scotia specific barrier-free requirements for the construction of new buildings in this province. The Nova Scotia Building Code is regarded as having some of the most progressive requirements for the provision of barrier-free design in Canada. Those provisions, however, do not extend to residential buildings of 3 and fewer units.

The *Nova Scotia Building Code Act* sets a single prescriptive regulation for the construction of new and renovated buildings throughout Nova Scotia. HRM By-law B-201 Respecting the Building Code is enabled by the BCA and provides specific administrative requirements to support the provincial regulations such as those for types of Permits, the terms of issuance of Permits, and fees.

The BCA requires that all municipalities both appoint a Building Official and create a By-law to enable administrative support for the Nova Scotia Building Code Regulations. The BCA does not allow the creation of technical regulations within municipal by-laws without approval of the Minister. The Minister considers both amendments for the Provincial Regulation and requests for creation of new construction regulation in municipal jurisdictions through an advisory group known as the Nova Scotia Building Advisory Committee (NSBAC). The roles, responsibilities, membership and scope of jurisdiction of the NSBAC are also all derived from the *Building Code Act*.

A request was made by the HRM Accessibility Advisory Committee (AAC) to receive a presentation from the Building Standards' division regarding current construction regulations for residences in Halifax. On December 16, 2013, Jim Donovan, Manager of Municipal Compliance, presented to the Committee explaining the regulations of the Nova Scotia Provincial Building Code for residential and commercial building construction. That presentation included information regarding the applicability of the construction regulations to buildings by type and size, as well as the specific differences between the Nova Scotia Regulations and the National Building Code.

At the January 15, 2014 meeting of the Transportation Standing Committee, it was moved that staff investigate the construction regulations for residential occupancies locally and nationally and report upon the process and opportunities for changing or enhancing barrier-free regulations.

Further, on July 15, 2014, the Municipal Clerk received a letter from NS Municipal Affairs (Appendix A) seeking HRM's interest in nominating three members knowledgeable on accessibility in buildings to sit on the Nova Scotia Building Advisory Committee Ad Hoc Committee on Accessibility.

## **DISCUSSION**

Based upon the motion of Transportation Standing Committee, staff engaged a team to research and review best practice and regulations nationally. There are several technical manuals available for reference, those being CSA B651-12, the Nova Scotia Building Code, the National Building Code of Canada, the American Disabilities Act (ADA) Compliance Guidelines, and the City of Vancouver Building

By-law. Specific barrier-free technical requirements for residential dwellings are not provided in these manuals, however, discussion focuses principally upon:

- lever type door and faucet controls
- main floor corridor widths
- minimum entry and main floor door widths
- electrical control and receptacle configuration
- plumbing configuration
- provision of structural reinforcing
- door swing of main floor washrooms

In accordance with the current Nova Scotia Building Code, provision for enhanced accessibility is not a requirement for dwellings of fewer than 4 units. Any proposed barrier-free amendments to the Nova Scotia Building Code must be considered by the Nova Scotia Building Code Advisory Committee.

Subsequent to discussions with staff at NS Municipal Affairs, current issues of accessibility, aging in place and livability within dwelling units, as raised by HRM's Accessibility Advisory Committee, were discussed in the June meeting of the NSBCA. The Committee has determined it necessary to inform the Minister regarding this issue and has formed an Ad Hoc Committee to investigate and respond. The Terms of Reference for this Committee are attached as Appendix B. The NSBAC is proposing that Regional Council nominate three representatives to its Ad Hoc Committee, including the Manager of Municipal Compliance, a member of the AAC, and a member representing the barrier-free community at large. Staff supports this proposed collaborative approach with the Province to improve accessibility for residential dwellings throughout HRM.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **COMMUNITY ENGAGEMENT**

Information regarding the regulatory frame work for new construction in Nova Scotia and the technical provisions typically designed in dwellings to facilitate adaptability, including the processes necessary to amend regulations, has been shared via consultations and information sessions. Sessions have been held with the Management Team of the Nova Scotia Rehabilitation Center (NSRC) and Canadian Home Builders Association Central Nova (CHBA) membership.

The NSRC management is an interdisciplinary team of health care professionals who prepare persons with disabilities for resettlement in the community following illness or trauma. The CHBA is the national organization representing Canada's residential construction industry; Central Nova is the Halifax Region's Membership representation.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

### **ALTERNATIVES**

- 1) The Committee may choose not to participate in the Ad Hoc Committee.
- 2) The Committee may choose to nominate alternative designates.
- 3) The Committee may choose to appoint more or fewer designates.

**ATTACHMENTS**

Appendix A Correspondence from Ted Ross, Executive Secretary, NSBAC dated July 16, 2014

Appendix B Draft Terms of Reference – The Nova Scotia Building Advisory Committee's Ad Hoc Committee on Accessibility

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jim Donovan, Manager, Municipal Compliance, 490-6224

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## Appendix A

16 July 2014

Ms. Cathy Mellett, Clerk  
Halifax Regional Municipality  
PO Box 1649  
Halifax NS

Dear Ms. Mellett,

Re: Nova Scotia Building Advisory Committee Ad Hoc Committee on Accessibility

Jim Donovan spoke with me last fall and more recently this spring as the Executive Secretary to the Nova Scotia Building Advisory Committee {NSBAC} to inform me of work initiated by Halifax Regional Municipality's Accessibility Advisory Committee [AAC]. The NSBAC provides recommendations to the Minister responsible for the Building Code.

Mr. Donovan and I had some preliminary discussions on the work of the ACC on accessibility issues and whether there was any provincial interest in reviewing the current requirements made under the Nova Scotia Building Code. As you may be aware the Building Code Part 3.8 provides among the most stringent requirements in Canada for barrier free access in all new construction. The last significant review of the NS barrier free requirements was made in 2006 following an extensive broad public consultation.

I brought forward the idea that it would be timely to initiate a review of our current regulation to the NSBAC, as the Committee has heard a few presentations from building developers and others on the impact of our current requirements. I am also aware that the Canadian Commission on Building and Fire Codes, the author of the National Building Code of Canada, has initiated a review of the National Building Code of Canada based on best practices nationally and internationally in light of Canada's signing the United Nations Convention on the Rights of Persons with Disabilities.

At the most recent meeting of the NSBAC a motion was adopted to establish an Ad Hoc Working Group on Accessibility to carry out a formal review of our current Code requirements and any proposed amendments the Halifax Regional Municipality may wish to have considered.

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The motion established the membership representing the NSBAC. These are Dave Bateman, NS Home and Building Designers Assoc., who has agreed to Chair, Richard Lind, NS Home Builders Association, and Jon Mullin, Construction Association of NS.

It is the preference of the NSBAC to keep Ad Hoc working groups relatively small, as their recommendations go to the full NSBAC for review, and before being adopted into the Code we conduct a broad public review and consultation.

In the discussion on the motion, I was directed to seek HRM participation on the Ad Hoc Committee. Ideally at least one of the HRM's representatives should represent the disabled community, one representing the Accessible Advisory Committee and the third be Jim Donovan, Manager, Municipal Compliance, Community & Recreation Services or his nominee.

Department staff will provide support for the work of the Ad Hoc Committee.

Would you please advise if Halifax Regional Municipality would be willing to nominate three members knowledgeable on accessibility in buildings to sit on this body, and if so provide up to three persons to participate in these important deliberations.

I have attached a preliminary Terms of Reference for the NSBAC Ad Hoc Working Group on Accessibility.

I look forward to hearing from you at your earliest convenience.

Best Regards,

Ted Ross

*Original Signed*

Executive Secretary  
NSBAC

cc Chair, NSBAC  
Brad Anguish, P Eng, Director  
Jim Donovan, Manager Municipal Compliance  
C&RS Halifax Regional Municipality

## Appendix B

### DRAFT Terms of Reference The Nova Scotia Building Advisory Committee's Ad Hoc Committee on Accessibility Nova Scotia Building Code Act and Regulations

#### Background

The Nova Scotia Building Advisory Committee received a request from staff of Municipal Affairs to review the accessibility requirements of the Nova Scotia Building Code Act. The purpose of the review is to determine if their use meets the intended goals and to identify regulatory or other improvements which could be made.

The Halifax Regional Municipality Accessibility Advisory Committee and its Transportation Standing Committee has been investigating on a number of issues which would be of broad interest to all Nova Scotians

Discussions between staff of the Department have led to belief that there would be synergy's to strike and Ad Hoc committee with representatives from both to provide policy advice to the Nova Scotia Building Advisory Committee and recommendations for amendments to the Nova Scotia Building Code.

#### Objectives:

The objective of this working group is to review proposals under review by Halifax Regional Municipality, and recommendations that may come forward from the Canadian Commission on Building and Fire Codes related to their work on accessibility.

#### Purpose:

The purpose of the Ad Hoc Committee is to make recommendations to achieve improvements regulation of the barrier free design in the Nova Scotia Building Code.

The Ad Hoc Committee is to review recommendations and propose amendments on:

- Concerns raised since 2006 when the Code was amended to require one suite of residential occupancy be designed as a barrier free suite for every twenty or part thereof in all multi-unit residential buildings.
- The issue of visitability and or accessibility in all residential dwellings.
- Exemptions for some buildings of classifications of buildings.
- The work of the Canadian Commission on Building and Fire Codes working group on accessibility in the National Building Code of Canada.
- The work of other Canadian jurisdictions on barrier free access.
- In addition, the Ad Hoc Committee may make whatever recommendations it may agree upon.

Recommendations on the Act and or Regulation will take the form of draft amendments with rationales for each amendment. Recommended draft Appendix Notes will be made as deemed necessary to explain amendments to the regulation.

**Tasks:**

The working group will

a) analyze and assess accessibility in buildings by examining the following concerns, including but not limited to:

- reviewing medical information, statistics and circumstances of injuries
- determining demographics and occupancies that are most at risk.

b) review relevant requirements in standards, the NPC, the NBC, and in other countries

c) develop alternatives

d) examine technical alternatives to consider:

- health and safety issues
- technical feasibility and reliability
- cost implications
- enforcement implications
- retrofit situations.

e) make recommendations to the NSBAC, including but not limited to:

- drafting appropriate code changes
- examining implications on reference standards
- examining exceptions to be considered.

**Membership**

The initial membership of the Ad Hoc Committee was confirmed by motion of the NSBAC on June 11, 2104. The members are David Bateman, Chair, Jon Mullin, and Richard Lind. The NSBAC directed staff to seek an equal number of representatives from Halifax Regional Municipality. Ideally at least one representative of the disabled community, one representative of the HRM Accessibility Advisory Committee and a staff member from HRM knowledgeable on the Codes and related policy matters.

The Ad Hoc Committee may invite additional participants whose expertise may assist it in its deliberations.

Chair	David Bateman	NSH&BD	NSBAC
	Jon Mullin	CANS	NSBAC
	Richard Lind	NSHBA	NSBAC
To be nominated			HRM
To be nominated			HRM
To be nominated			HRM



Staff Advisor: Ted Ross Municipal Affairs

**Initial Work Plan:**

Initial Meeting September 2014

- Review and revise the terms of reference
- Review membership
- Clarify additional work necessary and create a work plan

Review recommendations for changes to Letters of Undertaking.

It is anticipated this work could be completed by December, 2015.

**Reporting**

The Working Group will report on progress at each meeting of the NSBAC.

Staff Advisor Ted Ross

**Additional MEMBERS:**

As the Working Group may determine

**RESOURCES**

No of meetings: TBA

Target completion: December 2015