

Is Information on the OBC Accessibility (Barrier-Free) Changes Readily Accessible?

The issuance of the new barrier-free requirements in the Ontario Building Code (OBC) has resulted in much confusion and many unanswered questions within the construction and design industry, especially within the Ontario Association of Architects (OAA).

The OAA has received complaints from architects about the difficulties in complying with the accessibility requirements of the OBC that came into effect on Jan. 1, 2015. Last month, the OAA asked its members to identify any “insurmountable issues” so that examples could be collected and passed on to the Ministry of Municipal Affairs and Housing. A part of the problem with the new barrier-free requirements is that they were issued, re-issued and further revised in five stages over a period of 13 months, as listed below:

Stage #1 was the filing of Ontario Regulation 368/13 on Dec. 27, 2013. This regulation amended the OBC but did not come into force until Jan. 1, 2015.

Stage #2 was the publication of Amendment Package #2 to the 2012 Building Code Compendium that is available from Service Ontario Publications. This amendment package included:

- replacement pages for the Building Code parts of the Compendium document pertaining to Ontario Regulation 368/13;
- replacement pages for the Appendix Notes, including new notes explaining the barrier-free requirements.

Although this amendment package became available only at the end of July 2014, the amendment pages are dated Jan. 1, 2014.

Stage #3 was the filing of Ontario Regulation 191/14 on Sept. 23, 2014. A popular misconception is that this regulation only amended the OBC to permit mid-rise combustible construction. In fact, this regulation also made substantial changes to the barrier-free amendments that were contained in Ontario Regulation 368/13.

Stage #4 was the publication of Amendment Package #3 to the 2012 Building Code Compendium. This amendment package included:

- replacement pages for the Building Code parts of the Compendium document pertaining to Ontario Regulation 191/14;
- replacement pages for the Appendix Notes for the barrier-free requirements that had been issued earlier as part of Amendment Package #2.

This amendment package became available in December 2014 and the amendment pages are dated Oct. 24, 2014.

Stage #5 was the addition of 16 errata pages at the beginning of Amendment Package #3 in late January 2015. These amendment pages are dated January 12, 2015. The errata pages

included:

- replacement pages for the Building Code parts of the Compendium document that had been issued earlier as part of Amendment Package #3;
- replacement pages for the Appendix Notes for the barrier-free requirements that had been issued earlier as part of Amendment Package #3.

To add to the confusion, since January, recent OBC interpretations indicate that the barrier-free path of travel requirements do not apply to Group F industrial occupancies, other than certain levels of a parking garage. Other recent interpretations suggest most mezzanines are not subject to the barrier-free path of travel requirements if they are not served by an elevator.

Unfortunately, no general list of these questions and answers has been provided by the Ministry of Municipal Affairs and Housing to assist code-enforcement officials and the construction and design industry in understanding the new barrier-free requirements in a consistent manner. Historically, this type of information was made available to anyone who asked (without cost).

Earlier this year, a formal request under the *Freedom of Information and Protection of Privacy Act* was filed with the Ministry of Municipal Affairs and Housing to obtain a listing of barrier-free questions and responses that the ministry had provided to individuals and organizations in 2014. The Ministry responded to the formal request by indicating that this information, which had been freely disseminated to individuals in 2014, was available at a cost of **\$800 for a printed copy or \$600 for a CD**. Upon appeal, the ministry offered to reduce the fee to \$550 for the CD.

If you feel that you would benefit from obtaining a listing of barrier-free questions and responses that the ministry had provided to individuals and organizations in 2014, contact your construction or design association to sponsor and contribute to the release of this information. If enough organizations contribute to the \$550 cost to release this information, I will publish this information and identify your organization as a sponsor.

For the longer term, the ministry's response raises new questions:

- Is this new requirement for payment applicable to all future requests for OBC information from the branch?
- Will it be necessary to file formal requests under the **Freedom of Information and Protection of Privacy Act** to obtain OBC information?

Government and industry need to overcome the current gap in technical support that is depriving code-enforcement officials and industry members of information they require to ensure that the new requirements for accessibility can be interpreted and applied in a uniform manner throughout the Province.

Need a Building Code Opinion from the ministry?

If you wish to obtain information concerning the OBC on your own, the ministry provides you with a number of options:

- call the ministry directly at 416-585-6666
- send an email to codeinfo@ontario.ca

- post your question online by visiting the Ministry’s “Ask A Building Code or A Building Code Act Question” webpage at <http://www.mah.gov.on.ca/Page9014.aspx>

I cannot guarantee how soon you will obtain a response or how much it will cost.

Good luck!

About the author: Alek Antoniuk is best known for co-ordinating and managing the technical development of the 2006 and the 2012 editions of the Ontario Building Code. He also played a lead role in managing the code advisory services of the Ontario Ministry of Municipal Affairs and Housing since 1989. He is a building code consultant, a policy advisor, and the publisher of a web site for information about construction codes at: www.codenews.ca.