

THE CANADIAN HEARING SOCIETY



**RESPONSE TO THE  
ONTARIO MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

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**A CONSULTATION ON BARRIER-FREE ACCESS REQUIREMENTS  
IN THE ONTARIO BUILDING CODE**

**JANUARY 2002**

**SUBMITTED BY  
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## **INTRODUCTION**

Founded in Toronto in 1940, the Canadian Hearing Society (CHS) is a community-based, multi-service, non-profit agency serving the needs of the deaf, deafened and hard of hearing communities throughout Ontario. It is the only agency of its kind in the province. It employs approximately 350 individuals in 12 regional offices and 16 sub-offices. A significant part of CHS's early mandate continues to this day, namely, advocating for and promoting the rights of deaf, deafened and hard of hearing consumers.

CHS has prepared this brief to assist the Ontario Ministry of Municipal Affairs and Housing in its deliberations on barrier-free access requirements in the Ontario Building Code. We are pleased that the Ministry is moving forward with this review. It will address concerns and make recommendations regarding access and health and safety issues in Ontario buildings. The review will also consider the recommendations to prohibit landlords, real estate sellers, condominium management companies and homeowners' associations from discrimination based on disability. The review will ensure that no one may refuse to rent or sell housing, or make housing unavailable, or set different rules or conditions for sale or rental or use of housing, because of disability.

In addition, the Ministry's consultations and the policy decisions that will eventually result from them should serve to help deaf, deafened and hard of hearing consumers and also hearing children of deaf and hard of hearing parents who face barriers to housing and accessibility issues in Ontario's buildings. The results should increase public awareness about the negative stereotypes and attitudes associated with access to information and communication as required by deaf, deafened and hard of hearing consumers. These consumers are tenants and users of provincial and municipal government buildings, public and private schools, colleges and universities, hospitals, nursing homes, public and private housing units, apartments, condominiums, hotels and motels.

According to Statistics Canada, in 2001 there were 1.47 million Ontarians over age 65 with hearing loss; by 2026 that number will rise to 2.9 million — a 100 percent increase. Furthermore, according to Health Canada, approximately 10 percent of the general population has a significant hearing problem. Also, at least 80 percent of the elderly in nursing homes have impaired hearing.

## **BARRIERS FACING DEAF, DEAFENED AND HARD OF HEARING CONSUMERS**

Ontario Building Code violations are commonplace throughout the Ontario government. Few politicians and bureaucrats accept responsibility for providing access to our consumers. For example:

- TTYs and amplified telephones for deaf, deafened and hard of hearing callers are often not available in hospitals, nursing homes, and other public and private buildings such as public housing, motels, hotels, and government offices.
- TTYs have been installed in many government offices; however, frequently individual employees are not trained in their use. We often find that the devices are disconnected or are unused by new staff who do not know their purpose.
- TTYs and amplified telephones are rarely installed in public telephone booths in public buildings. This hinders deaf, deafened and hard of hearing callers in reporting emergency situations or potentially harmful incidents.
- FM, infra-red and audio loop sound amplification systems are not available in most public places. These systems assist people with hearing loss by bridging the sound to the individual's ear, helping to overcome problems of distance and background noise with which hearing aids cannot cope.
- Typically, there are no visual fire alarms and emergency alerting systems for deaf, deafened and hard of hearing callers or respondents in public housing, nursing homes, apartments, condominiums, and municipal and provincial buildings.
- There is a lack of visual alerting devices for deaf, deafened and hard of hearing seniors and vulnerable persons that would control strangers or guests from entering nursing homes, public housing, apartments and condominium buildings.
- Most buildings lack public announcement systems for alerting deaf, deafened and hard of hearing persons to emergency situations, such as fires, floods, and violent crimes.
- Property managers and service providers in Ontario buildings are often insensitive to the needs of deaf, deafened and hard of hearing consumers. These needs include auxiliary aids at events held in public places and special accommodation in hospitals, nursing homes, public housing, hospitality industry, municipal and provincial buildings, including the provision of TTYs, flashing alarms, permanent signage and adequate sound buffers.
- Few facilities will go to the expense of providing anti-static treatment to their carpets or increasing air humidity, both of which would help to reduce the electrical interference that adversely affects wearers of hearing aids and cochlear implants.

- There is a lack of appropriate or clear lighting in public places, especially in theatres, lecture halls and other places of assembly where deaf, deafened and hard of hearing persons depend on good lighting to facilitate speech reading and signing.
- Most movie theatres lack rear window captioning in their screening auditoriums, thereby effectively denying deaf, deafened and hard of hearing moviegoers access to this form of entertainment.
- Considerable information is available on barrier-free design to accommodate people with disabilities. However, very little of this material deals with the design needs of people who are deaf, deafened and hard of hearing. For example, intercom entry systems are frequently mentioned as a useful accommodation for people with mobility disabilities without any acknowledgement that such systems pose a barrier to deaf, deafened and hard of hearing persons.

## RESPONSES TO QUESTIONS

**What is the most important improvement that could be made to the barrier-free design requirements in the Ontario Building Code? What are the reasons that make this the top priority for you?**

The existing Code does not address the specific needs of deaf, deafened and hard of hearing Ontarians who require access to information and communication for health and safety reasons. The Code needs to be broadened to include signal alerting devices, permanent signage, public announcement systems and adequate sound buffers for deaf, deafened and hard of hearing persons.

- *CHS recommends that the Ministry of Municipal Affairs and Housing develop regulations and guidelines requiring landlords, businesses and agencies to install flashing alarm systems, permanent signage, adequate sound buffers, alarm and telephone systems (i.e., installation of TTYs and amplified telephones for deaf, deafened and hard of hearing callers) in their buildings to allow consumers to report and respond to emergency situations and potential health and safety incidents.*

Furthermore, maintenance staff, property managers and service providers who work in residential complexes need special training on accommodation for people with hearing loss. Their buildings must be fully accessible to deaf, deafened and hard of hearing people through the provision of TTYs (and public TTYs for visitors, too), captioning for public announcement systems, flashing alarms and alerting devices. It should not be up to the deaf and hard of hearing to bear the cost of this equipment.

In addition, the building design must facilitate visual communication, including open spaces, rounded corners, good lighting, restful wall coverings, flooring with enough “give” to enable foot-stamping to attract attention, clear signage, visual communication devices inside elevators and video cameras to identify guests coming into a building.

- *CHS recommends that the Accessibility Development and Buildings Branch of the Ministry of Municipal Affairs and Housing consult with service providers, such as the Bob Rumball Centre for the Deaf and The Canadian Hearing Society, regarding barrier-free housing and building design. These agencies are familiar with the housing and building needs of deaf, deafened and hard of hearing persons, including seniors.*

**Are the requirements of the barrier-free regulations in the Ontario Building Code adequately communicated? How should the language be changed to improve this?**

To be able to assert their rights, deaf, deafened and hard of hearing people need to know what the Code says and what building designers and property managers are obligated to provide. Parts of the existing Code are not accessible or understandable to deaf, deafened and hard of hearing people with low literacy levels. All written communication related to the Code must be in plain language. Further, computers are not yet part of every household. If the government develops communication programs for delivery on the Internet, it must ensure that there is easy access to computers, 24 hours a day, for all people, including those with disabilities.

Information must be available in a visual language format (American Sign Language or la langue des signes québécoise) for those who require it. For example, sign language video-conferencing should be available for person-to-person discussions, and ASL/LSQ-facilitated videotape transcripts should be produced of important legislation on the Ontario Building Code and its regulations.

Government needs to be sensitive to the needs of people with hearing loss and promote alternative forms of access to voice mail and voice recordings as the first point of entry to services. All videotaped materials should be captioned.

Furthermore, CHS would be happy to provide ongoing consultation and in-service training regionally and provincially to staff of the Ministry of Municipal Affairs and Housing to familiarize them with the needs of deaf, deafened and hard of hearing consumers and the challenges of working with people who use a different language and possess varying levels of communication skills.

**Are there any issues not covered by the Ontario Building Code that should be considered?**

The existing Ontario Building Code does not address the issue of discrimination against person with disabilities, prohibiting landlords, realtors, condominium management companies and homeowner” associations from discrimination based on disability. No one should be allowed to refuse to rent or sell housing, or make housing unavailable, or set different rules or conditions for sale or rental or use of housing, because of disability.

Furthermore, the Code should include reasonable accommodations in policies and services. The Ontario Building Code would be strengthened by requiring that landlords, homeowners' associations and condominium management companies make reasonable modifications to building operating procedures and systems to accommodate an individual's disability on an ongoing basis.

The Ontario Building Code should also identify the need for auxiliary aids to be made available at events held in places of public accommodation. For example, conference centres, hotels and motels might assume responsibility for providing equipment such as TTYs and sound amplification equipment for presentations, while the sponsor of the event might assume responsibility for providing sign language interpreter services.

- *CHS recommends that the Ministry of Municipal Affairs and Housing develop regulations and guidelines advising conference centres, hotels and motels of their obligation to provide auxiliary aids for deaf, deafened and hard of hearing persons attending events in these places.*

Few movie chains have installed rear window captioning in their screening auditoriums. The cost is US\$11,000 per rear window captioning board per auditorium, plus minor costs for installation and wiring and portable equipment called deflectors. There are no ongoing costs no matter how many movies are shown with rear window captions in that auditorium since another supplier captions the movies in exchange for the purchase of the original equipment.

- *CHS recommends that the Ontario Building Code be amended to ensure that both new and existing movie theatres provide rear window captioning in each screening auditorium.*

Public meeting spaces can be made accessible to deaf, deafened and hard of hearing persons by installing assistive listening systems, such as FM, infra-red, and audio loop systems. These systems help to overcome the problems of distance and background noise that impede the effective functioning of hearing aids and cochlear implants.

- *CHS recommends that the Ontario Building Code be amended to require theatres, lecture halls and other places of assembly to install assistive listening systems, such as FM, infra-red and audio loop systems, anti-static treatment of carpets and good lighting. These systems will help reduce electrical interference which can adversely affect hearing aids and cochlear implants as well for providing good lighting that will be essential to facilitate speech reading and signing.*

<b>What Code changes can be made to improve safety for people with disabilities?</b>
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There are no guidelines for communication accessibility in the Code to allow deaf, deafened and hard of hearing persons to report concerns or file complaints against property

managers for their failure to provide reasonable accommodations related to health and safety. The Code should clarify who is responsible for the cost of communication accommodations, such as sign language interpreters or real-time captioners, for deaf, deafened and hard of hearing persons who wish to report concerns or complaints to authorities.

- *CHS recommends that the Ministry of Municipal Affairs and Housing develop regulations and guidelines requiring businesses and agencies to remove barriers to communication by establishing accessibility and accommodation policies and providing information materials and workshops on communication needs and health and safety issues to deaf, deafened and hard of hearing persons.*

**Are there accessibility requirements in other jurisdictions' building codes that could make it easier for people with disabilities in Ontario? How could these approaches be applied in Ontario?**

In 1997, the Canadian Association of the Deaf published a report on housing design and the needs of deaf people. This excellent resource lists legislation, codes and standards on building design in other jurisdictions. As well, the *Americans with Disabilities Act* is an excellent source of information for minimum accessibility standards, including the removal of architectural barriers in existing buildings, new construction and renovation requirements.

- *CHS recommends that fire safety professionals, members of the deaf, deafened and hard of hearing communities and representatives of specialized service providers, such as The Canadian Hearing Society, meet to devise a strategy to increase the use of effective visible alarms.*
- *CHS recommends that the Ministry of Municipal Affairs and Housing work with consumer organizations, such as the Canadian Hard of Hearing Association (Ontario Chapter), the Ontario Association of the Deaf and service providers such as The Canadian Hearing Society, to develop and disseminate information on the revised Ontario Building Code.*

## CONCLUSION

The Canadian Hearing Society supports efforts to create an enforceable and effective Ontario Building Code. Our experience suggests that the existing Code is ineffective because it does not clarify who is responsible for providing and funding accommodation of an ongoing nature. Implementation of our recommendations will lead to equal access to buildings and services by deaf, deafened and hard of hearing people.