

Bill 114, Municipal Action on Accessibility for Persons With Disabilities Act, 2015



Hatfield, Percy

Current Status: First Reading Carried

View the Bill

Bill 114

2015

An Act to require municipalities to take action with respect to accessibility for persons with disabilities

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“accessible format” may include, but is not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities; (“format accessible”)

“accessible website” means a website that conforms with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, at Level AA; (“site Web accessible”)

“disability” has the same meaning as in section 2 of the Accessibility for Ontarians with Disabilities Act, 2005; (“handicap”)

Prohibition

2. (1) Despite the Municipal Act, 2001 and the City of Toronto Act, 2006, no municipality shall take any action that impedes a person who offers an item mentioned in subsection (2) to the public from improving accessibility to the items for Ontarians with disabilities.

Same

(2) For the purposes of subsection (1), the items are goods, services, facilities, accommodation, employment, buildings, structures, premises or any other thing that is prescribed for the purposes of clause 6 (6) (a) of the Accessibility for Ontarians with Disabilities Act, 2005.

Exception

(3) Subsection (1) does not apply if the municipality’s action is required to achieve a pressing and substantial objective that is in the public interest and that cannot be achieved in any other manner.

Review

3. (1) No later than six months after this Act receives Royal Assent, each municipality shall review its by-laws and other instruments for the purpose set out in subsection (2).

Purpose

(2) The purpose of the review is to identify any by-laws or other instruments, the enforcement or implementation of which could result in the municipality impeding a person who offers items mentioned in subsection 2 (2) to the public from improving accessibility to the goods, services or facilities for Ontarians with disabilities.

Consultation

(3) As part of the review, a municipality shall consult with persons with disabilities and representatives of persons who offer items mentioned in subsection 2 (2) to the public.

Report

4. (1) Each municipality shall make the results of the review under section 3 available to the public in a report in an accessible format and by posting it on an accessible website immediately.

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(2) The report shall include a summary of the feedback received as part of the consultation and a list of the by-laws and other instruments identified.

Plan

5. (1) No later than nine months after this Act receives Royal Assent, each municipality shall make available to the public in an accessible format and by posting it on an accessible website a plan that sets out the following:

1. A description of how the municipality will amend the by-laws or other instruments identified during the review under section 3 in order to ensure that the municipality complies with section 2.
2. A description of a process for a person who offers items mentioned in subsection 2 (2) to the public to obtain an exemption from a by-law or other instrument for the purpose of improving accessibility for Ontarians with disabilities to the items.
3. Guidelines explaining how persons may seek an exemption described in paragraph 2.

4. A description of training that will be provided to employees of the municipality regarding the rights of persons with disabilities to equal treatment without discrimination in accordance with the Human Rights Code and the Canadian Charter of Rights and Freedoms, and in particular regarding the enforcement and implementation of the by-laws and other instruments of the municipality.

Implementation

(2) No later than one year after this Act comes into force, a municipality shall implement its plan in its entirety.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the Municipal Action on Accessibility for Persons with Disabilities Act, 2015.

EXPLANATORY NOTE

The Bill prohibits municipalities from taking any action that impedes a person who offers items, including goods, services and facilities, from improving accessibility to the items for Ontarians with disabilities. The Bill requires municipalities to conduct a review of their by-laws and other instruments and to report and plan in respect of complying with the Bill.