

**UNDERSTANDING IMPACT AND OPPORTUNITIES FOR COMMERCIAL LANDLORDS AND
TENANTS:**

ACCESSIBILITY LEGAL FRAMEWORKS IN CANADA

Ian Sutherland and Jamie Gamblin

ICSC+CANADIAN LAW

Toronto Ontario

September 22, 2022

1. INTRODUCTION

In the 21st century the prevalence of disability and the need for accessible design in Canada's built environment has gained much needed recognition by law makers at the federal and provincial levels. The statistics on these issues paint a clear portrait. 6,246,640 Canadians over the age of 15 reported having some form of disability according to Statistics Canada's 2017 *Canadian Survey on Disability*.¹ 55.8% of Canadians with disabilities reported having a mobility, flexibility or dexterity disability. Accessible design in our built environments is more important than ever as 44.9% of persons with physical disabilities required at least one type of aid, assistive device or accessibility feature at home. Rates of disability are much higher for older age groups, reaching as high as 47% for Canadians over the age of 75. With Canada's rapidly aging population, the number and proportion of Canadians living with disabilities is expected to grow in the coming decades. Faced with the demographic reality described above, Canadian lawmakers have been actively looking for ways to ensure that our built environments and public spaces are accessible.

The need for accessible design has also been recognized at the international level. The United Nations' Convention on Rights of Persons with Disabilities was ratified by Canada in 2010 (the "CRPD"). Article 1 of the CRPD sets out the far-reaching purpose of the CRPD:

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.*²

The Government of Canada engaged in consultations with Canadians in the years following the ratification of the CRPD with the intention of developing federal accessibility legislation. After years of consultation and development, the *Accessible Canada Act* came into force in July 2019.³

A number of legislative frameworks have historically impacted accessibility and the rights of persons with disabilities at the provincial and federal levels. Notably, these legislative areas include human rights legislation, the *Charter of Rights and Freedoms*, employment legislation, as well as workers' compensation laws. Despite the protections offered by these legal frameworks, Canadian lawmakers have enacted dedicated accessibility legislation over the last twenty years. Existing human rights regimes at the federal and provincial levels are largely based on the

¹ Statistics Canada, *Canadian Survey on Disability*, "Persons with and without disabilities aged 15 years and over, by age group and sex, Canada, provinces and territories" Online: <<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310037401>>; The *Canadian Survey on Disability* categorizes a person as having a "disability" based on how they answer the Disability Screening Questions (DSQ), which are based on the social model of disability. The DSQ first measure the degree to which difficulties are experienced across 10 domains of functioning, then ask how often daily activities are limited by these difficulties. Only persons who report a limitation in their day-to-day activities are identified as having a disability.

² United Nations, *Convention on the Rights of Persons with Disabilities*, Article 1 – Purpose.

³ *Accessible Canada Act*, SC 2019, c 10, online: <<https://laws-lois.justice.gc.ca/eng/acts/a-0.6/FullText.html#h-1154869>>

principals of anti-discrimination and accommodation.⁴ In contrast, the purpose of dedicated accessibility laws has been in to impose proactive obligations on public and private actors to remove barriers to accessibility. Dedicated provincial accessibility legislation has come into force in the following common law provinces: Ontario (2005)⁵; Manitoba (2013)⁶; Nova Scotia (2017)⁷; Newfoundland and Labrador (2021)⁸; and British Columbia (2022)⁹. In Quebec, *an Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration*, CQLR c E-20.1 (Rights of Handicapped Persons Act) predates other provincial laws having come into force in 1978. This law applies only to public sector entities in Quebec and does not provide for accessibility standards in the same manner as the other provinces. The Quebec law will not be examined in this paper.

It is critical that commercial landlords and tenants understand the structure, obligations and opportunities that arise from accessibility legislative frameworks. As these regimes become mature and proliferate in other provinces, commercial landlords and tenants should expect to be bound by accessibility standards as organizations responsible for the built environment. With a focus on commercial landlords this paper will examine the following areas related to dedicated accessibility legal frameworks:

1. Purpose and scope;
2. Application;
3. Standard Development Processes;
4. Standards Developed to Date;
5. Reporting Obligations;

This paper examines similarities and differences within the structure of the five broad areas listed above. This paper will not provide an in-depth examination of all dedicated accessibility legal frameworks at the provincial and federal levels, nor will it examine the impact of other legislative frameworks such as human rights. The paper will focus on the impact of accessibility standards concerning the built environment on commercial landlords and tenants.

We wish to acknowledge that the language we use to describe persons with disabilities has evolved over time as we have moved away from ableist language. In addition, we acknowledge it is the right of each individual to determine how they wish to be identified and particular, some persons with disabilities prefer 'identity-first' language while others prefer 'person-first' language. Accessibility legislation in Canada uses "person-first" language and generally refers to

⁴ Practical Law, *Workplace Accessibility Laws: Overview*, Thomson Reuters, online: <[https://ca.practicallaw.thomsonreuters.com/Document/15c25a0bf3f711e9adfea82903531a62/View/FullText.html?originationContext=typeAhead&transitionType=Default&contextData=\(sc.Default\)>](https://ca.practicallaw.thomsonreuters.com/Document/15c25a0bf3f711e9adfea82903531a62/View/FullText.html?originationContext=typeAhead&transitionType=Default&contextData=(sc.Default)>)

⁵ *Accessibility for Ontarians with Disabilities Act*, 2005 SO 2005, c 11 ("AODA").

⁶ *The Accessibility for Manitobans Act*, CCSM c A1.7.

⁷ *Accessibility Act*, SNS 2017, c 2.

⁸ *Accessibility Act*, SNL 2021, c A-1.001.

⁹ *Accessible British Columbia Act*, SBC 2021, c 19.

“persons with disabilities” and for consistency, the authors have used the term “persons with disabilities” language in this paper.

2. PURPOSE AND SCOPE

Modern accessibility legislation in Canada provides for both proactive and remedial solutions to accessibility issues in Canada. These laws provide for the creation of accessibility standards that both prevent accessibility barriers and remove existing barriers that prevent disabled persons from fully participating in society. Accessibility standards are intended to reach most areas of public life including the following broad areas:

1. The provision of goods and services;
2. Information and communication;
3. Public transportation and infrastructure;
4. Employment;
5. The built environment;
6. Education;
7. Accommodation;

In most cases, lists providing for the intended reach of accessibility legislation are non-exhaustive, leaving governments with the ability to add other prescribed areas or activities by way of regulation.¹⁰

2.1 What is “Disability”?

In all cases, save for Manitoba which does not provide a definition, “disability” is defined in a very broad manner across Canadian accessibility laws as evidenced in Figure 1, below.

¹⁰ See: NS (s.2(vii)); NL (s.3(i)); BC (s.13(3)); ACA (s.5(g));

Figure 2.1

Jurisdiction	Definition of “Disability”
Ontario	<p><i>“disability” means,</i></p> <p><i>(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,</i></p> <p><i>(b) a condition of mental impairment or a developmental disability,</i></p> <p><i>(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,</i></p> <p><i>(d) a mental disorder, or</i></p> <p><i>(e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”)</i></p>
Manitoba	Does not define “disabled” or “disability”
Nova Scotia	<p><i>“disability” includes a physical, mental, intellectual, learning or sensory impairment, including an episodic disability, that, in interaction with a barrier, hinders an individual’s full and effective participation in society;</i></p>
Newfoundland and Labrador	<p><i>“disability” includes a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation that is permanent, temporary or episodic in nature, that, in interaction with a barrier, prevents a person from fully participating in society;</i></p>
British Columbia	<p><i>“disability” means an inability to participate fully and equally in society as a result of the interaction of an impairment and a barrier;</i></p>

Jurisdiction	Definition of “Disability”
Canada	<i>means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society. (handicap)</i>

2.2 What is a “Barrier”?

Across the provincial laws as well the federal *Accessible Canada Act*, the definition of “barrier” is substantially uniform. For example, a “barrier” under the ACODA is as follows:

“barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice;¹¹

Definitions of “barrier” are broad and inclusive. For commercial landlords and tenants, many listed barriers could be of importance, however physical and architectural barriers are noteworthy. Accessibility standards developed to address these barriers have the potential to impact development and redevelopment of commercial spaces across the country.

2.3 The Built Environment

For commercial landlords and tenants, the built environment is among the most important areas of society captured by modern accessibility laws. Nova Scotia, Newfoundland and Labrador and Manitoba have defined the term. In Nova Scotia “built environment” is defined as follows:

“built environment” means the human-made space in which people live, work, learn and play and includes buildings, rights-of-way and outdoor spaces;¹²

Newfoundland and Labrador as well as Manitoba define “built environment” as follows:

- (e) *“built environment” includes*
 - (i) *facilities, buildings, structures and premises, and*
 - (ii) *public transportation and transportation infrastructure;¹³*

British Columbia and the federal government employ the term but leave its interpretation open-ended by not to providing a definition. While ADOA does not employ the term it similarly notes

¹¹ *Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c 11, s 2,*

¹² *Accessibility Act, SNS 2017, c 2, s 3(e).*

¹³ *Accessibility Act, SNL 2021, c A-1.001, s.2(e).*

the applicability of the legislation to the owners of “buildings structures or premises.”¹⁴ The proceeding section will highlight that accessibility standards may be applicable to private as well as public custodians of the built environment.

3. APPLICATION

Due to the Canada’s constitutional division of powers, the *Accessible Canada Act*, has limited application covering areas of federal government jurisdiction including:

1. Federal Government Departments, Agencies, Board, Commissions, Crown Corporations
2. The Canadian Forces
3. Private entities engaged in activities under a federal jurisdiction (transportation, banking, defence etc.);
4. Parliamentary entities.

Below, Figure 3.1 outlines which individuals and entities are captured by provincial accessibility laws.

Figure 3.1

Province	Application
Ontario	<p><u>Application of standards</u></p> <p><i>6(2) An accessibility standard shall name or describe the persons or organizations to which it applies. 2005, c. 11, s. 6 (2).</i></p> <p><i>6(3) An accessibility standard may apply only to a person or organization that,</i></p> <p><i>(a) provides goods, services or facilities;</i></p> <p><i>(b) employs persons in Ontario;</i></p> <p><i>(c) offers accommodation;</i></p> <p><i>(d) owns or occupies a building, structure or premises; or</i></p> <p><i>[Emphasis Added]</i></p> <p><i>(e) is engaged in a prescribed business, activity or undertaking or meets such other requirements as may be prescribed. 2005, c. 11, s. 6 (3).¹⁵</i></p>
Manitoba	<u>Application</u>

¹⁴ ACODA, s.3(d).

¹⁵ ACODA, ss. 6(2), 6(3).

Province	Application
	<p>6(3)</p> <p><i>An accessibility standard may apply only to a person or organization that</i></p> <ul style="list-style-type: none"> <i>(a) employs persons;</i> <i>(b) offers accommodation;</i> <i>(c) owns, operates, maintains or controls an aspect of the built environment, including</i> <ul style="list-style-type: none"> <i>(i) a facility, building, structure or premises, or</i> <i>(ii) public transportation or transportation infrastructure;</i> <i>(d) provides goods, services or information; or</i> <i>(e) is engaged in a prescribed activity or undertaking or meets other prescribed requirements.</i>
Nova Scotia	<p><u><i>Application to individuals or organizations</i></u></p> <p><i>29 Accessibility standards may apply to individuals or organizations that</i></p> <ul style="list-style-type: none"> <i>(a) employ others;</i> <i>(b) offer accommodation;</i> <i>(c) own, operate, maintain or control an aspect of the built environment other than a private residence with three or fewer dwelling units;</i> <i>(d) provide goods, services or information to the public; or</i> <i>(e) engage in a prescribed activity or undertaking or meet other prescribed requirements. 2017, c. 2, s. 29</i>
Newfound land and Labrador	<p><i>15(2) An accessibility standard may apply to an individual, an organization or a public body that</i></p> <ul style="list-style-type: none"> <i>(a) designs and delivers programs and services;</i> <i>(b) provides information or communication;</i> <i>(c) procures goods, services and facilities;</i> <i>(d) offers accommodations;</i>

Province	Application
	<p><i>(e) provides education;</i></p> <p><i>(f) provides healthcare;</i></p> <p><i>(g) employs persons;</i></p> <p><i>(h) owns, operates, maintains or controls an aspect of the built environment other than a private residence with 3 or less residential units; or</i></p> <p><i>(i) conducts an activity or undertaking prescribed in the regulations.</i></p>
British Columbia	<p><i>8 This Part applies to the following organizations:</i></p> <p><i>(a) the government;</i></p> <p><i>(b) a prescribed organization and an organization in a prescribed class of organizations.</i></p>

As outlined above, accessibility standards may apply to private as well as public entities. In the case of British Columbia, the application of standards has been left entirely to the discretion of the government through the enactment of regulations. By regulations, British Columbia has established that certain provincial authorities, boards, agencies and commissions will be prescribed organizations beginning in 2023 or 2024 depending on the entity and has established that the following will be prescribed organizations effective September 1, 2023:

1. francophone school districts;
2. independent schools;
3. municipal police departments;
4. municipalities;
5. post-secondary education institutions;
6. public libraries;
7. regional districts;
8. school districts;

Provincial health authorities will be prescribed organizations effective September 1, 2024.¹⁶

¹⁶ *Accessible British Columbia Regulation*, BC Reg 105/2022

4. DEVELOPMENT OF STANDARDS

All dedicated accessibility laws are structured to provide for the development of accessibility standards that are to be passed by way of regulation. In most cases, the development processes begin with the appointment of an advisory board by the applicable minister. The advisory boards then appoint specific accessibility standard development committees based on the industries, sectors of the economy or areas of society being targeted by the accessibility standard. At a minimum, standards development committees must be composed of:

1. Persons with disabilities or their representatives; and
2. Representatives of organizations and classes of organizations likely to be affected by the standard being developed.

Accordingly, it is important for commercial landlords to understand that accessibility standards are not developed in isolation and imposed on organizations. Organizations have the opportunity to be directly involved in the development of the standards. In most cases, once an accessibility standard has been developed and provided to the applicable Minister for approval, there are mechanisms for the proposed standard to be made public for comment before the standard is incorporated into regulation. Schedule 4.1 sets out the how standards development boards and committees are established as well as applicable public consultation mechanisms in each jurisdiction.

5. BUILT ENVIRONMENT STANDARDS DEVELOPED TO DATE OR IN DEVELOPMENT

Through regulation, Ontario has established built environment standards applicable to certain designated public spaces that are newly constructed or redeveloped.¹⁷ To date the following standards have been developed for public spaces:

1. Recreational Trails
2. Beach access routes
3. Outdoor public use eating areas;
4. Outdoor play spaces
5. Exterior paths of travel;
6. Accessible parking

It is notable that the applicability of built environment standards for commercial landlords is somewhat limited to date appearing more applicable to public sector rather than private sector organizations. It is also notable that the above standards are focused on exterior built environment elements rather than indoor elements.

Manitoba has developed accessibility standards in the areas of employment and customer service, while a built environment standard is being developed that:

¹⁷ O. Reg. 191/11: *Integrated Accessibility Standards*

*will deal with access to those areas outside the jurisdiction of The Manitoba Building Code, such as sidewalks, pathways, parks and other aspects of the environment that we design and construct.*¹⁸

In Nova Scotia, the first built environment standard recommendations were submitted by the Accessibility Advisory Board to the Minister of Justice in August 2021. The recommendations provided for a number of regulatory and building code revisions and guidelines covering the following areas:

1. Exterior approaches;
2. Interior spaces;
3. Housing;
4. Parks and Recreation;
5. Wayfinding and Signage;
6. School and Public Libraries

Newfoundland and Labrador and British Columbia have not enacted accessibility standards concerning the built environment to date, with these laws coming into force in 2021 and 2022 respectively.

At the federal level, Accessibility Standards Canada has established a technical committee for the development model standard for the built environment. The areas of focus for the technical committee include:

1. Building entrances;
2. Paths of travel;
3. Access to storeys;
4. Parking and loading zones;
5. Controls;
6. Power door operators;
7. Assistive listening devices;
8. Signage;

¹⁸ Manitoba Accessibility Office, "Accessibility Standards", online: < <https://accessibilitymb.ca/accessibility-standards.html> >

9. Washrooms and universal washrooms (including showers).¹⁹

Similar to the existing Ontario built environment standards, Accessibility Standards Canada has indicated that its priority area for built environment standards will initially be outdoor spaces.²⁰

6. REPORTING OBLIGATIONS

A number of jurisdictions require organizations subject to accessibility standards to develop accessibility plans in order to promote the removal of barriers and regulatory compliance.

Ontario provides that organizations subject to accessibility standards must create accessibility reports which are to be filed with the Accessibility Directorate and made public.²¹ Additionally, the Government of Ontario, Legislative Assembly, designated public sector organizations and large organizations (with more than fifty employees) are obligated by regulation to develop multi-year accessibility plans, post the plans on their website, and review and update the plan once every five years.²²

In Manitoba, Nova Scotia and Newfoundland and Labrador, applicable public sector organizations must develop accessibility plans. These plans must be updated every three years in Nova Scotia and Newfoundland and Labrador and every two years in Manitoba.

7. CONCLUSION:

The development and proliferation of accessibility standards across Canada has the potential to dramatically impact the operations of commercial landlords and tenants as custodians of the built environment. To date, built environment accessibility standards, either established or in development, have primarily focused on outdoor public spaces. On balance, these standards have also been targeted in the direction of public rather than private sector entities. Despite this, the applicable legal frameworks provide broad authority for the development of accessibility standards that touch on most areas of public life in Canada. With the benefit of time, we can expect boards and standards committees to develop new standards more broadly applicable to private sector entities and indoor spaces. As these regulatory regimes mature, it is also likely that standards will be developed faster as provinces and the federal government cooperate by sharing knowledge and best-practices.

Commercial landlords and tenants have an opportunity to work with government boards and committees and persons with disabilities to develop standards that remove barriers. Additionally, where organizations, or their tenants, are looking to develop or redevelop space, accessible design and the removal of barriers should be considered proactively even in the absence of built environment standards being in force. This is particularly important for mixed use projects with a tenant mix that includes public sector entities as we can reasonably expect they will be subject to built environment accessibility standards within a shorter period of time.

¹⁹ Accessibility Standards Canada, “Technical committee for a model standard for the built environment – accessibility”, online: <<https://accessible.canada.ca/creating-accessibility-standards/technical-committee-built-environment>>

²⁰ Accessibility Standards Canada, “Help Shape Canada’s accessibility standards”, online: <<https://accessible.canada.ca/consultations/2020-2022-priorities>>

²¹ ACODA, s. 14;

²² O. Reg. 191/11: *Integrated Accessibility Standards*, s.4

SCHEDULE 4.1

Province	Standards Development Processes
Ontario	<p><u>Process for development of standards</u></p> <p>7. The Minister is responsible for establishing and overseeing a process to develop and implement all accessibility standards necessary to achieving the purposes of this Act. 2005, c. 11, s. 7.</p> <p><u>Standards development committees</u></p> <p>8. (1) As part of the process referred to in section 7, the Minister shall establish standards development committees to develop proposed accessibility standards which shall be considered for adoption by regulation under section 6. 2005, c. 11, s. 8 (1).</p> <p><u>Responsibility for specified industries, etc.</u></p> <p>(2) Each standards development committee is responsible for,</p> <p>(a) developing proposed accessibility standards for such industries, sectors of the economy or classes of persons or organizations as the Minister may specify; and</p> <p>(b) further defining the persons or organizations that are part of the industry, sector of the economy or class specified by the Minister under clause (a). 2005, c. 11, s. 8 (2).</p> <p><u>Consultation with ministries</u></p> <p>(3) Before establishing a standards development committee for a particular industry, sector of the economy or class of persons or organizations, the Minister shall consult with other ministers having responsibilities relating to that industry, sector or class of persons or organizations. 2005, c. 11, s. 8 (3).</p> <p><u>Composition of standards development committee</u></p> <p>(4) The Minister shall invite the following persons or entities to participate as members of a standards development committee:</p> <ol style="list-style-type: none"> 1. Persons with disabilities or their representatives. 2. Representatives of the industries, sectors of the economy or classes of persons or organizations to which the accessibility standard is intended to apply. 3. Representatives of ministries that have responsibilities relating to the industries, sectors of the economy or classes of

Province	Standards Development Processes
	<p><i>persons or organizations to which the accessibility standard is intended to apply.</i></p> <p><i>4. Such other persons or organizations as the Minister may consider advisable. 2005, c. 11, s. 8 (4).</i></p> <p><u><i>Proposed standards made public</i></u></p> <p><i>10. (1) Upon receiving a proposed accessibility standard from a standards development committee under subsection 9 (5) or clause 9 (9) (c), the Minister shall make it available to the public by posting it on a government internet site and by such other means as the Minister considers advisable. 2005, c. 11, s. 10 (1).</i></p> <p><u><i>Comments</i></u></p> <p><i>(2) Within 45 days after a proposed accessibility standard is made available to the public in accordance with subsection (1) or within such other period of time as may be specified by the Minister, any person may submit comments with respect to a proposed accessibility standard to the appropriate standards development committee. 2005, c. 11, s. 10 (2).</i></p>
Manitoba	<p><u><i>Accessibility Advisory Council</i></u></p> <p><i>13 The Accessibility Advisory Council, established under The Accessibility Advisory Council Act, is continued under this Act.</i></p> <p><u><i>Criteria</i></u></p> <p><i>15(2)</i></p> <p><i>In appointing members to the council, the Lieutenant Governor in Council must include</i></p> <p><i>(a) persons disabled by barriers or representatives from organizations of persons disabled by barriers; and</i></p> <p><i>(b) representatives of those engaged in activities or undertakings, the sectors or the persons or organizations that may be made subject to the accessibility standard.</i></p> <p><u><i>Activities to be made public</i></u></p> <p><i>15(7)</i></p> <p><i>The council must publish a report after each meeting that summarizes the discussions and any actions taken at the</i></p>

Province	Standards Development Processes
	<p><i>meeting. The report may be published in any manner the council determines, including electronically on a website.</i></p> <p><u><i>Establishing committees</i></u></p> <p>16(1)</p> <p><i>Subject to the approval of the minister, the council may establish one or more committees and assign to them the functions that it considers appropriate.</i></p>
Nova Scotia	<p><u><i>Board composition</i></u></p> <p><i>13 (1) There shall be an Accessibility Advisory Board consisting of 12 members appointed by the Governor in Council on the recommendation of the Minister.</i></p> <p><i>(2) In making recommendations to the Governor in Council for the purpose of subsection (1), the Minister shall take into consideration</i></p> <p><i>(a) the skills and assets the Minister considers necessary to ensure an effective and optimally functioning Board; and</i></p> <p><i>(b) representation by stakeholder groups that will be subject to the accessibility standards.</i></p> <p><i>(3) The majority of the members of the Board must be persons with disabilities. 2017, c. 2, s. 13</i></p> <p><u><i>Standard development committees</i></u></p> <p><i>18 (1) The Board shall, with the approval of the Minister, establish standard development committees to assist the Board with making recommendations to the Minister on the content and implementation of accessibility standards.</i></p> <p><u><i>Standard development committee composition</i></u></p> <p><i>19 (1) A standard development committee established under Section 18 must have</i></p> <p><i>(a) one half of its membership consist of persons with disabilities or representatives from organizations representing persons with disabilities;</i></p> <p><i>(b) representatives of organizations and classes of organizations likely to be affected by the standard being developed; and</i></p>

Province	Standards Development Processes
	<p><i>(c) representatives from departments of the Government that have responsibilities related to the standard being developed.</i></p> <p><u>Consultation</u></p> <p><i>23 When preparing recommendations under Sections 21 and 22, the Board shall ensure that the following persons have been consulted: (a) persons with disabilities; (b) representatives from organizations representing persons with disabilities; (c) representatives of those engaged in the activity or undertaking, or the individuals or organizations, or representatives of the class that may be made subject to the proposed accessibility standard; (d) representatives of government entities that have responsibilities relating to the activity, undertaking or class that may be made subject to the proposed accessibility standard; and (e) other individuals or organizations that the Minister considers advisable. 2017, c. 2, s. 23.</i></p>
Newfoundland and Labrador	<p><u>Accessibility Standards Advisory Board</u></p> <p><i>9. (1) There shall be established an Accessibility Standards Advisory Board.</i></p> <p><i>(2) The board shall advise and make recommendations to the minister respecting</i></p> <p><i>(a) priorities for the establishment of accessibility standards and, in accordance with sections 16 and 18, the content of accessibility standards and the time periods for their implementation;</i></p> <p><i>(b) measures, policies, practices and other requirements that may be implemented by the government to improve accessibility;</i></p> <p><i>(c) long-term accessibility objectives for furthering the purpose of this Act; and</i></p> <p><i>(d) any other matter relating to accessibility on which the minister seeks the board's advice.</i></p> <p><i>(3) The board shall consist of a minimum of 7 members and a maximum of 9 members appointed by the Lieutenant-Governor in Council on the recommendation of the minister and shall comply with the following requirements:</i></p> <p><i>(a) at least one half of the members are either</i></p> <p><i>(i) persons with disabilities, or</i></p>

Province	Standards Development Processes
	<p><i>(ii) representatives from organizations of or for persons with disabilities; and</i></p> <p><i>(b) at least one member shall be an Indigenous person.</i></p> <p><u><i>Standard development committees</i></u></p> <p><i>11. (1) Where the minister determines that an accessibility standard shall be developed, the minister shall direct the board to establish a standard development committee of technical experts and other individuals familiar with issues specific to the standard the minister is requesting be developed, to assist the board with making recommendations to the minister regarding the content and implementation of the accessibility standard.</i></p> <p><i>12. (1) A standard development committee established under section 11 shall consist of</i></p> <p><i>(a) persons with disabilities or representatives from organizations representing persons with disabilities;</i></p> <p><i>(b) representatives of organizations and public bodies and classes of organizations and public bodies that may be affected by the standard being developed; and</i></p> <p><i>(c) representatives from departments that have responsibilities related to the standard being developed.</i></p> <p><i>(2) At least one half of the members of a standard development committee shall be persons referred to in paragraph (1)(a).</i></p> <p><i>16 (3) In preparing its recommendation, the board shall consult with</i></p> <p><i>(a) persons with disabilities;</i></p> <p><i>(b) representatives from organizations of and for persons with disabilities;</i></p> <p><i>(c) representatives of those engaged in the activity or undertaking, or the individuals, organizations or public bodies, or representatives of the class that may be affected by the proposed accessibility standard;</i></p> <p><i>(d) representatives of the public bodies that have responsibilities relating to the activity, undertaking or class that may be affected by the proposed accessibility standard;</i></p>

Province	Standards Development Processes
	<p><i>(e) representatives from Indigenous governments and organizations; and</i></p> <p><i>(f) other individuals, organizations or public bodies that the minister considers advisable.</i></p>
British Columbia	<p><u>Accessibility committee</u></p> <p>9 (1) <i>An organization must establish a committee to</i></p> <p><i>(a) assist the organization to identify barriers to individuals in or interacting with the organization, and</i></p> <p><i>(b) advise the organization on how to remove and prevent barriers to individuals in or interacting with the organization.</i></p> <p><i>(2) An accessibility committee must, to the extent possible, have members who are selected in accordance with the following goals:</i></p> <p><i>(a) at least half of the members are</i></p> <p><i>(i) persons with disabilities, or</i></p> <p><i>(ii) individuals who support, or are from organizations that support, persons with disabilities;</i></p> <p><i>(b) the members described in paragraph (a) reflect the diversity of persons with disabilities in British Columbia;</i></p> <p><i>(c) at least one of the members is an Indigenous person;</i></p> <p><i>(d) the committee reflects the diversity of persons in British Columbia.</i></p> <p><u>Provincial accessibility committee</u></p> <p>10 (1) <i>The provincial accessibility committee is to consist of up to 11 members appointed by the minister in accordance with section 9 (2) [accessibility committee] and this section.</i></p> <p><i>(2) An individual may be appointed under subsection (1) for a term of up to 4 years and may not be appointed for more than 2 consecutive terms.</i></p> <p><i>(3) The provincial accessibility committee is subject to the direction of the minister.</i></p> <p><u>Consultations</u></p>

Province	Standards Development Processes
	<p>16 In developing a proposed accessibility standard, the provincial accessibility committee must consult with representatives of at least the following groups:</p> <p>(a) persons with disabilities;</p> <p>(b) individuals and organizations that support persons with disabilities;</p> <p>(c) Indigenous peoples;</p> <p>(d) organizations that might be affected by the standard;</p> <p>(e) ministries of the government that might be affected by the standard.</p>
Canada	<p><u>Canadian Accessibility Standards Development Organization</u></p> <p>17 (1) A corporation is established to be known as the Canadian Accessibility Standards Development Organization.</p> <p><u>Mandate</u></p> <p>18 The Standards Organization's mandate is to contribute to the realization of a Canada without barriers, on or before January 1, 2040, through, among other things,</p> <p>(a) the development and revision of accessibility standards;</p> <p>(b) the recommendation of accessibility standards to the Minister;</p> <p>(c) the provision of information, products and services in relation to the accessibility standards that it has developed or revised;</p> <p>(d) the promotion, support and conduct of research into the identification and removal of barriers and the prevention of new barriers; and</p> <p>(e) the dissemination of information, including information about best practices, in relation to the identification and removal of barriers and the prevention of new barriers.</p> <p><u>Advisory and other committees</u></p> <p>28 The board of directors may, in accordance with the by-laws, appoint advisory or other committees.</p>

Province	Standards Development Processes
	<p data-bbox="516 279 878 310"><u>Appointment considerations</u></p> <p data-bbox="516 342 1325 411"><i>23(2) The appointment of directors is to be made having regard to the following considerations:</i></p> <p data-bbox="516 443 1325 512"><i>(a) that at all times, as far as possible, the majority of the directors are persons with disabilities;</i></p> <p data-bbox="516 543 1325 613"><i>(b) the importance of having directors that are representative of the diversity of Canadian society; and</i></p> <p data-bbox="516 644 1325 714"><i>(c) the importance of having directors that are representative of the diversity of disabilities faced by Canadians</i></p>