

REQUEST FOR DECISION

Subject: Building Accessibility in Banff



Presented to: Council

Date: March 27, 2023

Submitted by: Darren Enns, Director of
Planning and Development

Item #: 7.4

RECOMMENDATION

That Council provide direction to Administration on pursuing future initiatives with respect to building accessibility in Banff.

BACKGROUND

Reason for Report

The 2022 Council Workplan identifies that this report should be prepared for Council:

Return with a report on options and implications that exceeds the Alberta Building Code regarding building accessibility in the community.

Summary of Issue

Regulatory Mechanisms

Issues around accessibility and building accessibility have been raised several times by public delegations over the past years. The regulatory environment around accessibility is varied and includes obligations for the Town with respect to the public realm (e.g. sidewalks, roads), Town of Banff facilities, and private buildings. This report is intended to focus on accessibility in buildings, and in particular to buildings intended to be accessed by the public (e.g. public facilities and commercial buildings).

The Alberta Building Code (ABC) is the primary regulatory tool with respect to building accessibility in Alberta. The Provincial Government synthesizes the various regulatory requirements from the ABC in a 186-page document titled “Barrier Free Design Guide” which is a user-friendly guide to ABC requirements. The document also notes that:

Section 3.8 of the Alberta Building Code (ABC) 2014 sets forth the technical requirements for barrier-free design. Section 3.8 and other applicable Codes apply to all new construction, additions to existing buildings, buildings undergoing renovation, or changes in use. The current requirements in the ABC are not applied retroactively to existing buildings.

This statement is a good summary of how and when accessible design requirements are triggered during the development and construction process. Some examples of application of these requirements include:

Year	Project	Type	Notes
2013	Park Distillery	Major Renovation	Improved wheelchair ramp grades; Accessible washrooms
2020	Hello Sunshine / Lola Building	New Building	Created fully accessible building through redevelopment
2015	Moose Hotel	New Building	Replaced non-accessible hotel with accessible hotel

In addition to these private sector initiatives, numerous Town of Banff capital projects have addressed accessibility issues within the community including Bear Street (fully accessible building face to building face environment), the Nancy Pauw Pedestrian Bridge (minimal grades on approach to address wheelchair accessibility), and the Recreation Grounds pavilion (fully accessible and pursuing 3rd party accreditation in this area).

Alberta's *Safety Codes Act* also stipulates that:

66(1) Except as provided in this section, a bylaw of a municipality that purports to regulate a matter that is regulated by this Act is inoperative

This clause effectively negates municipalities from engaging in the regulation of matters covered under the Safety Codes Act. One recent exemption from this requirement can be found in Edmonton's and Calgary's "City Charters" which state:

(2) In the Safety Codes Act, in section 66, the following is added after subsection (3):

(4) Notwithstanding subsection (1), the City may make bylaws relating to environmental matters, including, without limitation, matters relating to energy consumption and heat retention, but only to the extent those bylaws are consistent with all regulations made under this section and section 65.01 and all codes declared in force by those regulations.

While this clause isn't of direct application to the Town of Banff, it is an example of a municipality being allowed to legislate on matters overlapping with the safety codes. In Banff's case, an amendment to the Incorporation Agreement would be an avenue to allow for the municipality to go above and beyond building code requirements.

Non-Regulatory Mechanisms

Outside of regulatory tools, the Town could also pursue non-regulatory avenues to encourage building owners to address accessibility issues. Examples would be:

- A municipal grant or loan program to fund accessibility improvements in buildings (e.g. elevator installations). This would likely involve the establishment of financial tools (e.g. a reserve) and associated funding criteria;
- Establishing guidelines for Town of Banff capital projects around accessibility requirements (e.g. tactile paving solutions) similar to existing policies which speak to environmental performance;
- Provide direction on encroachments into the public realm (e.g. sidewalks; lanes) to address accessibility. These tactics could increase accessibility opportunities within Town, but could

also have unintended consequences such as creating new accessibility challenges for sidewalk users, or creating a perception of municipal responsibility for private property upgrades; or,

- Develop an award / recognition program similar to Zero Waste that recognizes leaders and innovators in community.

Depending on Council direction, additional information could be produced on one or several of the above tactics, likely at Service Review in December, 2023.

Response Options

Council could:

- Provide direction to administration to return with a report on grant programs which could support private sector accessibility initiatives;
- Provide direction to administration to return with a new Service Level Request to develop universal construction and design guidelines for future capital projects and infrastructure improvements;
- Provide direction to administration to move forward requesting an Incorporation Agreement amendment from the federal government to enable additional building code authority; or,
- Take no further action.

IMPLICATIONS OF DECISION

Budget

The Service Review process is the recommended point for Council to define any recommendations or new initiatives.

Internal Resources

Depending on Council's direction it would be determined which department would move forward with any actions.

ATTACHMENTS

None

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