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**SUBJECT:** Replacement of City Playgrounds for AODA Compliance  
**PREPARED BY:** David Plant ext: 4893

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**RECOMMENDATION:**

- 1) THAT the report “Replacement of City Playgrounds for AODA (*Accessibility for Ontarians with Disabilities Act*) Compliance” be received;
- 2) THAT Council endorse the “Replacement of City Playgrounds for AODA Compliance” plan for an estimated amount of \$935,817 in 2023, \$977,643 in 2024, \$917,923 in 2025 and \$571,441 in 2026 plus related Consulting and Contingency for a total of \$3,751,613 to address the AODA playgrounds compliant timelines from 2023 to the end of 2026; and,
- 3) THAT the Playground Replacement for AODA Compliance be funded from the Facility Ramp Up Reserve, subject to Council approval of future budgets; and,
- 4) THAT the incremental operating budget for engineered wood fiber top-up be increased in the amount of \$4,554 in 2024, \$9,522 in 2025, \$14,766 in 2026 and \$18,124 in 2027 respectively subject to Council approval; and,
- 5) THAT as part of the 2023 Capital Budget Pre-Approval process, staff will present for Council consideration:
  - a. a 2023 capital project with a proposed budget of \$935,817 in accordance with the Playground Replacement for AODA Compliance program;
  - b. a 2023 capital project with a proposed budget of \$170,141 to engage the services of an external consultant to prepare site drawings and specifications for tender, project oversight and contract administration as well as inspections over four years, and,
- 6) THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to inform Council of the actions, timelines, and associated costs required to retrofit City playgrounds to ensure compliance with AODA legislation following the independent City AODA audit conducted by MNP and the management response which was provided to Council in relation to the audit recommendations. City playgrounds built or refurbished with sand safety surfacing from 2016 onwards are not in compliance with the AODA legislation and must be retrofitted with an AODA compliant safety surfacing, ramps/curbs and pathways by the end of the calendar year 2025.

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**BACKGROUND:**

The City currently owns 237 play structures which are required to be CSA (Canadian Standards Association CAN/CSA-Z614-07) certified and in compliance with the AODA legislation at the time of installation, and throughout their useful life. Through the recent audit conducted by the City's General Auditor, MNP, the City has been informed that City playgrounds which use sand as the safety surfacing do not meet the criteria for a firm surface in accordance with section 80.20(b) of the Integrated Accessibility Standards Regulation (IASR) . It has been recommended that all playgrounds and aspects associated with public outdoor play spaces that were constructed or refurbished from 2016 forward be retrofitted and brought into AODA compliance by December 31, 2025.

Recommendations made in the MNP audit indicate that the timelines associated with compliance are subject to the municipality developing and implementing a plan to ensure compliance. Given the scale of this project and the timeframe associated with each stage, the City will begin these works in 2023 for completion in 2026.

In addition to the play space surface requirements outlined in O. Reg. 191/11 Integrated Accessibility Standards (IASR), there are also requirements for pathways to reach public play spaces which have a ground surface that is firm and accessible. The accessible play pit requires an entry ramp in the case of Engineered Wood Fiber (EWF) or a level surface in the case of rubberized surfacing.

Playgrounds newly constructed and refurbished between 2016 and 2018 used granite sand or rubberized surfacing as the City standard for playground safety surfacing. From 2019 to 2020, Urban Design Parks & Open Space Development within the Planning Department adopted a different surface design and constructed new playgrounds with EWF or rubberized surfacing. Operations – Parks refurbishments continued like for like replacements using the City standard granite sand or rubberized surface in the absence of an approved corporate AODA parks design policy or standards.

Operations and Planning completed a City-wide inventory and confirmed there were 80 playground locations constructed and/or refurbished from 2016 to 2020 that required AODA retrofit, excluding 7 parks under development in 2015. Following a review of City amenities, the MNP audit made the following recommendation;

“The City should review the list of parks where the ground surface is not compliant with Section 80.20(b) of the IASR and allocate the appropriate budget to ensure City staff can adhere to this requirement as they move forward with future developments.”

MNP identified that the City does not have design specification guidelines nor an official policy/procedure document within the City Accessibility Design Guidelines for IASR as it relates to the construction of new public play spaces or the refurbishment of existing public play spaces. As an outcome of their findings, recommended design specifications for City-wide use are currently being developed by Urban Design Parks and Open Space Development and are anticipated to be completed in Q1 of 2022.

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**OPTIONS/ DISCUSSION:**

Of the 80 locations requiring AODA retrofitting, 21 playgrounds were newly constructed (7 are exempt as they were designed pre-2016) and 66 playgrounds were refurbished from 2016 to 2020. In addition to the 80 locations, AODA compliant refurbishments will be added to each playground replacement capital project from 2021 forward to ensure ongoing AODA compliance and the cost effective management of these City assets.

The scope of the 80-backlog refurbishment project is very large and requires external consulting services to prepare drawings to address grade, drainage, access ramps, curbing, pathways, contractor access, and signage to notify the public. Additionally the consultant will provide contract administration and project management inclusive of inspections and payment certificates. Staff are recommending that the backlog of 80 playgrounds be phased over a 4 year period from 2023 to 2026 running in parallel with the capital playground replacement project for the identified years to potentially realize some economies of scale for contractors.

Following the suggestion from MNP, staff has analyzed the current City playgrounds by ward for accessibility and has approached refurbishment of the backlog from an equity perspective rather than a chronological order perspective. The entire backlog locations have been accounted for and are scheduled based on the least accessible wards first.

**FINANCIAL CONSIDERATIONS:**

The following table compiled by Operations and Urban Design Parks and Open Space Development states the number of City playgrounds either newly constructed or refurbished from 2016 to 2020;

<b>Project Year</b>	<b>Constructed with Sand</b>	<b>Refurbished with Sand</b>
2016	10	6
2017	4	19
2018	0	15
2019	0	16
2020	0	10
<b>TOTAL</b>	<b>14</b>	<b>66</b>

The following table outlines the proposed refurbishment timing and estimated cost by ward using an equity lens;

Year	Ward	Total Locations	Estimated Cost of AODA Refurbishment	
2023	4,8	19	\$	935,817.00
2024	1	20	\$	977,643.00
2025	2,6,4, part of 3	25	\$	917,923.00
2026	3,7	16	\$	571,441.00
<b>TOTAL Refurbishment Cost</b>			<b>\$</b>	<b>3,402,824.00</b>
2023-2026		Consulting Cost	\$	170,141.20
<b>TOTAL Project Cost</b>			<b>\$</b>	<b>3,572,965.20</b>
			Contingency (5%)	\$ 178,648.26
<b>TOTAL</b>		<b>80</b>	<b>\$</b>	<b>3,751,613.46</b>

In addition, the consulting cost of 5% of the total estimated project cost or \$170,141.20 is required to cover the services of the external consultant.

The cost to refurbish playground surfaces to AODA's standards and consulting costs for the four-year project will be fully funded through the Facility Ramp-up reserves. Staff will table the capital project funding for Council consideration in the applicable budget years.

#### OPERATING and LIFE CYCLE IMPACT

Year	Total area (m²)	Total area to Top-up-5% (m²)	Incremental Operating Cost (\$)	
2023	1,980		No top-up required for year of installation	
2024	2,155	99	\$	4,554.00
2025*	2,287	207	\$	9,522.00
2026*	1,472	321	\$	14,766.00
2027*		395	\$	18,124.00
<b>TOTAL</b>	<b>7,894</b>	<b>1,022</b>	<b>\$</b>	<b>46,966.00</b>

\*2025 to 2027 incremental operating cost are subject to change

Future replacement of EWF safety surface and EWF removal in the amount of \$2,223,487 will be added to the Life Cycle Reserve Study as part of the 2022 update. EWF safety surfacing will require an annual top-up of approximately 5% after the year of installation and a complete replacement every 9 years.

The operating budget will be adjusted for an annual EWF top-up incremental cost as part of the 2024 Operating budget subject to Council approval.

**MUNICIPAL BENCHMARKING:**

Staff has reached out to neighboring municipalities to inquire about their state of compliance and have only received feedback from a small number who report being in a similar situation as Markham and are either working on or engaging consultants to develop refurbishment plans.

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Municipal Services; Parks, Recreation, Culture and Library Master Plan/Public Safety and Diversity including Accessibility.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Urban Design Parks and Open Space Development, Finance and Human Resources

**RECOMMENDED BY:**

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**Alice Lam – Director of Operations**

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**Date**

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**Morgan Jones – Commissioner Community Services**

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**Date****ATTACHMENTS:**

N/A