



City of Markham

Report of the Auditor General Accessibility Audit

March 21, 2022



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Background

As a large Ontario municipality, the City of Markham ("the City") must comply with the Accessibility for Ontarians with Disabilities Act, 2005 ("AODA") and its standards as defined in the Integrated Accessibility Standards Regulation ("IASR").

These standards have come into force in a phased manner over the past decade with several deadlines that have already passed along with ongoing and upcoming deadlines.

The City undertook this review to identify the gaps related to their implementation of the AODA to obtain recommendations for remediation prior to submitting the City's annual Accessibility Compliance Report at the end of 2021.

Audit Objective & Scope

Objective

To assess the City's compliance with the AODA and the standards defined in the IASR in order to identify gaps in compliance, the associated risks with non-compliance, and recommendations for improvement.

Scope

The scope of this review focused on assessing compliance to the following applicable areas of the IASR:

- General Accessibility Requirements
- Customer Service
- Information and Communication
- Employment
- Transportation
- Design of Public Spaces

Audit Approach

1. Project Planning

- Define objectives and scope.
- Confirm project duration and schedule.
- Assign team members and develop team structure.
- Describe deliverables.
- Create Audit Planning Memo and distribute to stakeholders.



2. Project Execution

- Obtain existing policies, process descriptions and relevant documentation.
- Conduct interviews / discussions.
- Evaluate current state and identify compliance gaps.



3. Project Reporting

- Identify improvement opportunities.
- Prepare draft report with observations and recommendations.
- Validate and present recommendations.
- Issue final report.

Audit Observations - Strengths

Area	Observation
Leadership and Commitment	<ul style="list-style-type: none">City leadership demonstrated consistent commitment to accessibility and to meeting their compliance obligations to the IASR.The City has many accessibility practices and protocols go above and beyond the AODA compliance requirements.
Training	<ul style="list-style-type: none">Mandatory AODA training is in place and the City has also developed supplemental, role specific training to further enhance accessibility throughout the organization.
Accessibility Design Guidelines	<ul style="list-style-type: none">Accessibility Design Guidelines are in place and were updated in 2021 with a focus on ensuring all requirements in the Design of Public Spaces standard of the IASR are included.The Guidelines are an excellent tool for ensuring future construction and design projects align with the IASR.
Accessibility Advisory Committee	<ul style="list-style-type: none">The Accessibility Advisory Committee ("AAC") advises Council on improving opportunities for persons with disabilities and on reducing and/or eliminating accessibility barriers for all residents.The City works closely with the AAC and uses the committee as a forum for discussing and gathering input on accessibility initiatives occurring within the City's departments.The AAC provides input based on their lived experience as people with disabilities and/or as caretakers to people with disabilities, which has played an integral role in helping the City identify and solution accessibility needs.

Conclusion

Observation Rating Scale

Rating	Non-Compliance Severity Rating Description
Low (L)	The observation presents an opportunity to further enhance and mature overall accessibility to become compliant with the AODA and IASR.
Medium (M)	The observation should be addressed with focus on fully developing or updating the element to address gap(s) to become compliant with the AODA and IASR.
High (H)	The observation should be given immediate attention to reduce associated or imminent risks and to become compliant with the AODA and IASR.

Overall 1 **High**, 4 **Medium** and 3 **Low** priority observations were identified.

1. Outdoor Play Spaces

HIGH

Observation:

The Accessibility Design Guidelines (from 2011 and the updated 2021 version) indicate that a stable ground surface is required for the City's inclusive play spaces, in alignment with Section 80.20(b) the IASR. However, in practice, City staff noted that there have been redevelopments to play structures since 2016 where the ground surface is still comprised of sand. This does not constitute a stable ground surface and is not in compliance with the IASR.

Recommendation:

A review of the outdoor play spaces where the ground surface is not compliant with Section 80.20(b) of the IASR should be completed with an assessment to determine the extent of non-compliance and plan for required remediation.

1. Outdoor Play Spaces

Management Response:

HIGH

Management supports the Auditor General's recommendation.

Management Action	Completion Date
The City has identified 80 playgrounds that were either newly constructed or refurbished since 2016, where the ground surface is not compliant with the IASR standard. A corporate standard for relevant design specifications is being developed in compliance with the standards. The standard will be included in the updated Accessibility Design Guidelines document.	Q1/2022
The City Life Cycle Reserve Study is being updated to include engineered wood fiber safety surfacing materials.	Q4/2022
A plan for refurbishment of the non-compliant playgrounds will be developed and implemented over a four year period starting 2023 to the end of 2026. Provisions are being made 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 for the project.	Q4/2026

2. Design of Public Spaces

MEDIUM

Observation:

Part IV of the IASR outlines the Design of Public Spaces standards (formally Accessibility Standards for the Built Environment) which came into effect in 2016. It applies to new construction projects and redevelopments. The City developed detailed Accessibility Design Guidelines in 2011, which are currently being updated to ensure they are fully compliant with the most recent Design of Public Spaces standards outlined in the IASR. However, there is a possibility that new construction or redevelopment projects completed between 2016 and 2021 are not fully compliant with the IASR.

Recommendation:

The City should assess any new construction and development of elements in public spaces since 2016 to determine which areas require remediation.

Training of the updated 2021 Accessibility Design Guidelines should be provided to all staff that oversee new construction or redevelopment of elements in public spaces to ensure compliance. Any training should highlight which portions of the guidelines have been taken from the IASR and therefore must be adhered to in future projects. The City should ensure accountability is assigned for oversight and compliance with this portion of the IASR.

2. Design of Public Spaces

MEDIUM

Management Response:

Management supports the Auditor General's recommendation.

Management Action	Completion Date
The Planning and Urban Design Department will update the Accessibility Design Guidelines to ensure compliance with AODA/IASR and will roll out the new guidelines across the City with training to ensure Staff understand legislated requirements.	Q1/2022 Training: Q4/2022
Building Standards has added permit condition language to the building permit card, alerting Owners of their responsibility to comply with the latest AODA/IASR regulations. This is similar to the practice that is followed for other regulations that are in addition to the Ontario Building Code.	Jan. 2022
An advisory committee will be established with relevant departments to provide technical oversight and ensure sustained compliance.	Q2/2022

3. Accessible Parking

MEDIUM

Observation:

The City's Zoning Bylaw includes requires for Type B spaces, but not Type A spaces (which are wider accessible parking spaces for vans) and is therefore not in compliance with the IASR. In addition, MNP reviewed two site plans to verify off-street parking requirements for accessible parking. Both site plans had the City's minimum 5% of accessible parking spaces identified (above the 4% mandatory in the IASR), but neither site plan included labels indicating whether these spots were Type A or Type B.

Recommendation:

A review of all off-street parking facilities that were built or redeveloped since 2016 should be completed to determine whether the minimum number of Type A parking spaces have been provided. The requirements for Type A parking spaces should also be included in any future updates to the Zoning Bylaw.

3. Accessible Parking

MEDIUM

Management Response:

Management supports the Auditor General's recommendation.

Management Action	Completion Date
An amendment to the relevant zoning By-law will be made to ensure compliance with section 80.34 of the IASR (requirements for types of accessible parking spaces). IASR Type A and B parking space requirements will be included in the amendment.	Q2/2022
In the meantime, Planning and Urban Design will provide written and documented direction to site plan review staff to ensure that parking components of applications are in compliance with IASR accessible parking provisions.	Q1/2022
The City will review new and rehabilitated City parking space assets constructed since 2016 and develop and execute plans to remediate identified accessibility parking space compliance issues against IASR requirements.	2023

4. Duties of Taxicabs and Municipalities

MEDIUM

Observation:

Even though the City does not currently license accessible taxicabs, the City is still required to actively monitor to ensure that taxi drivers are complying with Section 80 of the IASR, which it has not been completing. Section 80 of the IASR mandates that drivers are prohibited from charging higher fares or additional fees to persons with disabilities and that vehicle regulation and identification information be provided in an accessible format to persons with disabilities who are passengers.

Recommendation:

The Taxi Bylaw currently in development should include that taxicab and Private Transportation Company (PTC) drivers must comply with the requirements of the IASR under Section 80.

4. Duties of Taxicabs and Municipalities

MEDIUM

Management Response:

Management supports the Auditor General's recommendation. While the City does not currently license accessible taxicabs, the current by-law contains regulations requiring brokers, owners and operators to comply with IASR Section 80.

Management Action	Completion Date
As part of the current review of the Mobile Licensing By-law, several amendments are being recommended to bring the City into compliance with all IASR regulations related to operators and drivers of taxicabs and private transportation companies (PTCs).	Q1/2022
Mandatory driver training, by a company approved by the City will be undertaken contingent on a vendor providing this service	Q4 2022
Brokers/private transport companies to ensure all drivers complete the training as a condition of their employment	Q4/2022
Brokers/private transport companies will be prohibited from charging persons with disabilities fees over and above those for able bodied users	Completed
As part of annual licensing, the City will require operators/drivers to have information available to users with disabilities in accessible formats	Completed
Staff are developing a formal complaints process for ground transportation services in the City of Markham. Once approved, the process will be posted on the website, and communicated publicly.	Q3/2022
Staff will also perform random inspections of vehicles licensed under the Mobile Licensing By-law throughout the year to ensure compliance with the By-law and IASR Section 80.	Ongoing, starting 2022

5. Accessible Web Content

MEDIUM

Observation:

During the review, MNP noted that the third-party that the City contracted to assist with website and web content accessibility only performed testing on a sample of pages, and not the entirety of the City website and web content. Due to the limited scope of the third-party report, MNP reviewed the public website for compliance, as well as completed accessibility testing on five PDF documents contained on the public website. MNP found accessibility issues with each of the five documents, which included some parts being improperly tagged, some images/objects missing alt text, issues with lists, and improper nesting of headings, resulting in non-compliance to the Web Content Accessibility Guidelines (WCAG) requirements for web content.

Recommendation:

The City should work to reassess and update all pages on the website to ensure the page and all content is accessible. The City should also continue its training program to ensure staff are able to create and remediate accessible documents.

5. Accessible Web Content

MEDIUM

Management Response:

Management supports the Auditor General's recommendation.

Management Action	Completion Date
<p>The City worked with a third party vendor to make the portal accessible per WCAG focusing on the portal content pages and ensuring that the pages and documents were readable by screen readers and other accessibility tools. As part of this process, over 1,300 PDF documents on the portal were reviewed and enhanced.</p> <p>A work plan is being developed to further address accessibility compliance issues related to PDF documents on the portal and will include content author training, ongoing spot checks by the external vendor, awareness communication with the public, and remediation of PDF documents.</p>	<p>Workplan: Q4/2022 Implementation: 2023</p>

6. Notice of Temporary Disruptions

LOW

Observation:

The City has a process in place to identify when a temporary disruption occurs and a notice needs to be posted. MNP noted that appropriate notices are routinely posted and City staff are fully aware of this process, however, the process itself is not documented.

Recommendation:

The process and procedures related to preparing notices of temporary disruption should be formally documented. Once complete, the document should be made available to any person upon request as per section 80.48(3).

6. Notice of Temporary Disruptions

LOW

Management Response:

Management supports the Auditor General's recommendation.

Management Action	Completion Date
The City will formally document the current processes and procedures related to preparing notices of temporary disruption and disseminate to relevant departments and facilities.	Q3/2022

7. Accessibility Policies

LOW

Observation:

The City has not updated and maintained both the IASR Policy and the Customer Service Policy, as per each policy's review cycle.

Recommendation:

A review and update of both the IASR Policy and the Customer Service Policy should be completed. When performing the review and update, the City should consider consulting with the AAC for feedback and input. The City should also set a cycle or cadence for the next review period, and work to keep the policies updated, relevant and effective going forward.

7. Accessibility Policies

LOW

Management Response:

Management supports the Auditor General's recommendation.

Management Action	Completion Date
The City will review & update the IASR and Accessible Customer Service policies to ensure alignment with IASR requirements and confirm review cycle moving forward	Updated IASR policy and review cycle: Q4/2022 Accessible customer service policy and review cycle: Q1/2023

8. Annual Reporting

LOW

Observation:

Annual reports on the City's progress towards its goals identified within the Accessibility Plan have not been prepared. Section 4 of the IASR requires an organization to comply with this requirement and to post the status report on their website.

Recommendation:

A process to prepare annual reporting on the progress made towards goals identified in the Accessibility Plan should be developed and implemented. Once annual reports have been prepared, they should be posted on the public website, and should be provided in accessible format upon request.

8. Annual Reporting

LOW

Management Response:

Management supports the Auditor General's recommendation.

Management Action	Completion Date
The City will develop a process to prepare annual reporting on progress made towards goals identified in the 2020 to 2023 Accessibility Plan.	Q3/2022

Overall Recommendation

The Auditor General recommends that:

1. The AODA Accessibility Compliance Review Presentation be received.

Acknowledgement

MNP extends our appreciation to the staff and management of the City for their co-operation and assistance throughout the engagement.

