



# An Accessibility & Inclusiveness Study For the District of Sooke

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Submitted to:

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## **I. Executive Summary**

In January 2008 the District of Sooke retained the Social Planning and Research Council of BC (SPARC BC) to undertake research for the preparation of a Plan for Accessibility and Inclusion at the District of Sooke. The plan focused on three key issue areas:

- Municipal Policies and Practices
- Physical Accessibility
  - Public Facilities
  - Parks and Recreation
  - Restaurants
  - Shopping, Entertainment, Tourism
  - Housing and Accommodation
- Volunteering and employment

To guide the study, the District of Sooke established a Steering Committee that included people with disabilities, and representation from local community groups, and disability organizations. An Open House and a Seniors' Focus Group was held in April to seek public input into the issues to be addressed by the study, and to develop an inventory of sites to be audited. In May, a workshop was held to give stakeholders an opportunity to review the audit results and set priorities for the District's Plan for Accessibility and Inclusion. This report presents the recommendations that resulted from the audit, the workshop, and the Steering Committee, for Council's consideration.

### **Study Objectives**

The purpose of the Study is to develop a comprehensive strategy to make the District of Sooke accessible and inclusive for people with disabilities. In particular, this Study:

- Inventories the existing conditions in the District of Sooke's built environment as they relate to accessibility and inclusion;
- Identifies issues and opportunities to improve accessibility and social inclusion in the District; and
- Presents a plan and implementation strategy for making the District of Sooke a model community for accessibility and inclusiveness.

### **Key findings**

In general, the District of Sooke does a good job of accessibility and inclusion. The District has provided leadership through Council's commitment to becoming a model community for accessibility and inclusiveness, and Municipal Council has adopted the 10X10 Challenge, committing the District to increasing employment of people with disabilities by ten percent by 2010.

In April 2008, the District's Measuring Up Advisory Committee staged an "Accessibility Challenge" for local community leaders, which raised awareness of accessibility and inclusion.

This summer, the District is constructing an accessible pathway to the waterfront at Ed MacGregor Park. The District of Sooke is also undertaking master planning processes in 2008 in the areas of Transportation and Parks & Trails, which will take into account accessibility considerations.

Despite of all that is going well at the District of Sooke, there is always room for improvement. Several minor and not so minor improvements are recommended to municipal facilities and municipal policies to demonstrate the District's ongoing commitment to accessibility.

The District can also play an important leadership role in the community in regards to accessibility. The Open House, Seniors' Focus Group and Audit identified a number of important community amenities that are not owned by the District of Sooke with accessibility challenges. It is recommended that the District partner with these community groups and assist them with applying for funding to upgrade the accessibility of these facilities.

## **Proposed Accessibility and Inclusion Plan**

Activities identified for Years 1-2 of the plan include:

- Establish an advisory committee on accessibility and inclusion;
- Develop a strategy for creating a safe pedestrian network;
- Encourage businesses in the District to become accessible, and to increase employment and volunteer opportunities for persons with disabilities;
- Focus on physical accessibility in municipal facilities;
- Focus on physical accessibility of non-District owned community facilities, and
- Make the Accessibility Challenge an annual event.

Years 2-5 activities include:

- Additional physical improvements to municipal facilities;
- Build awareness and capacity of municipal staff;
- Explore the development of an inclusive hiring practices policy;
- Explore development of guidelines for access to municipal information;
- Review emergency preparedness plans and emergency services; and
- Explore development of adaptable design guidelines for residential development.

Activities for beyond Year 5 include:

- Establish an accessibility and inclusion program with an annual implementation plan;
- Provide a consistent annual accessibility budget for implementation of plan;

- Work with other municipalities to advocate for changes to BC legislation relating to accessibility; and
- Consider additional accessibility policies.

## **II. Acknowledgements**

SPARC BC is pleased to submit the following Accessibility and Inclusiveness Study for the District of Sooke.

As part of this Study, SPARC BC engaged key stakeholders and the community at large in the processes of issue identification and developing solutions. In particular, we wish to acknowledge the contributions of the Steering Committee: Sheila Beech of the District of Sooke Council; Marlene Barry of the Community Health Initiative; Kim Collins of Worklink; Lee Hindrichs, a Sooke health practitioner; Judy Hoffman of the Canadian Cerebral Palsy Society (Sooke Chapter); Larry Hutchings of SEAPARC; Dana Lajeunesse, a local resident with a disability; Carroll Mallett of the Sooke Elderly Citizens Housing Society; and Joan Titus of the Sooke Crisis Centre.

We would like to thank other community members who have been engaged in the study process such as John Zarembo of the Sooke Harbour Chamber of Commerce; Kerrie MacLean of T'Souke Nation; Nina Linguanti of the Sooke Family Resource Society; Harry Connor of the Sooke Community Association; Judith Anne Gatto of the Royal Canadian Legion; Rebecca George of Sooke Harbour Employment Services and Rusi Johki of the Vancouver Island Regional Library (Sooke).

We would also like to thank the District of Sooke for this opportunity to work with the municipality to further the goals of accessibility and inclusiveness. In particular, we would like to thank Katherine Lesyshen, Planner at the District of Sooke, for her guidance and support during the study.

Moreover, we wish to thank the Province of British Columbia and the 2010 Legacies Now program for supporting this project at the District of Sooke.

## **III. Introduction**

The purpose of the Study is to develop a comprehensive strategy to make the District of Sooke accessible and inclusive for people with disabilities. In particular, this Study:

- Inventories the existing conditions in the District of Sooke's built environment as they relate to accessibility and inclusion;
- Identifies issues and opportunities to improve accessibility and social inclusion in the District; and
- Presents a plan and implementation strategy for making the District of Sooke a model community for accessibility and inclusiveness.

## **IV. The Context of the Project**

*Whether we are born with a disability, ... acquire a disability later in life, ... or are simply encountering the realities of old age, we are all only temporarily able-bodied.<sup>1</sup>*

The 2010 Legacies Now program is providing support to communities throughout BC to become more accessible and inclusive.<sup>2</sup> The District of Sooke has seized on this opportunity and has hired SPARC BC to evaluate the current level of accessibility and inclusion, engage the community in the development of local strategies to increase accessibility and inclusion, and to develop an Accessibility and Inclusiveness Action Plan. Through these actions, the District can position itself as a model community for accessibility and inclusiveness. The District's vision recognizes the potential of people with disabilities to contribute to their communities as active citizens and the importance of supporting an aging<sup>3</sup> population by creating a more inclusive community where everyone is able to live life more independently and participate more fully.

The District of Sooke has established a Measuring Up Advisory Committee to steer the development of the Accessibility and Inclusion Plan. They are playing a key role in identifying areas for improvement, identifying sites to be audited for accessibility, setting priorities for the Action Plan, and providing Council with advice on expenditures from the Accessibility and Inclusion budget.

In calling for a comprehensive study of both accessibility and social inclusion, the District has taken note of what the disabled community has told all British Columbians – namely that the active participation of disabled community members depends on two things. The first, accessibility, is about removing physical or structural barriers to participation (largely but not entirely in the built environment) – ‘it’s what gets you in the room,’ advocates say. The second, inclusion, goes further – ‘it’s knowing that once you are in the room, your presence, participation and contributions are recognized.’<sup>4</sup> Working towards participation of this kind on the part of everyone in Sooke clearly meets the District's goal for this project – “to make Sooke more accessible and inclusive.”

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<sup>1</sup> Patrice Pratt and Jonathan Ross/TDH Strategies (2005) *The Accessible/Inclusive Cities and Communities Project (Draft Report)*, p. 2.

<sup>2</sup> Distinguishing between ‘accessibility’ and inclusion’ serves to draw out two dimensions of active participation in a community. Accessibility is about removing physical or structural barriers to participation—it’s what gets you in the room. Inclusion goes further—it’s knowing that once you are in the room, your presence, participation and contributions are recognized.

<sup>3</sup> In Canada, by the year 2011, the age group of 44-64 year olds will number 10.2 million, up from 6.4 million today. Significant potential during the next decade will be with the 75+ age group

<sup>4</sup> Avril Orloff (2005) *Measuring Up: A 2020 Vision for Inclusive Cities*, *Abilities*, No. 64, p. 32. See also SPARC BC (1996) *Making Space for Everyone: A Guide to Creating Accessible Cities*; Inclusive Cities Canada (2004) *Background Paper and Project Overview, Phase I*; SPARC BC (2006) *Everybody's Welcome: A Social Inclusion Approach to Program Planning and Development for Recreation and Parks Services*; and Patrice Pratt and Jonathan Ross/TDH Strategies (2005) *The Accessible/Inclusive Cities and Communities Project (Draft Report)*.

Sooke enjoys a mild climate and stunning natural environment, as well as a sheltered marine harbour. These attributes, as well as Sooke's location, a scenic half hour drive from the capital city of Victoria, has supported a thriving tourist industry. Therefore, this plan for accessibility and inclusion must address accessible tourism. At the same time, the Sooke region still has a small town atmosphere, with approximately 12,000 residents. This likely means that the action plan for improving accessibility and inclusiveness needs to be a plan that can be implemented on a small scale and on a step-by-step basis.

The District of Sooke recognizes that local knowledge is key to a successful plan, and engaging the community in identifying the issues and developing the solutions is critical to the success of this study. Thus, community collaboration and input played an important role in the development of this plan.

## **V. Project Methodology**

### **1. Literature Scan**

The literature scan covered four topics: (1) legislative authority for municipalities to introduce bylaws and procedures to promote accessibility; (2) funding opportunities for programs that promote accessibility and inclusion; (3) the District of Sooke's accessibility/inclusion policies and actions to date; and (4) the most recent best practices in the accessibility/inclusion field.

The first part of the literature review involved an examination of the two Acts governing municipal authority: the *Community Charter* and *The Local Government Act*. The second part of the literature review involved a scan of federal and provincial programs to support people with disabilities. The third part of the scan involved a key document review of reports and documents related to accessibility and social inclusion in the District of Sooke. The final part of the review involved research into best practices in the field of accessibility and inclusion in Canada and elsewhere, and built upon work SPARC BC has already done in this area.

In particular, the literature review was employed to:

- determine the District of Sooke's current stage of development in relation to municipal accessibility/inclusion policies and practices;
- set a baseline to chart the municipality's progress towards the accessibility/inclusion goals it set for itself during the public participation process;
- present best practices and lessons learned in other municipalities; and
- set realistic goals for improvement in the future.

## 2. Working with the Steering Committee

During the course of the Accessibility and Inclusion Study, SPARC BC worked with a Steering Committee made up of stakeholders representing community organizations, disability organizations, and consumers. Their first task was to identify the key members of the community that needed to be involved in the project. The second task was to identify problem areas and issues for examination during the accessibility inventory/audit. Their third task was to map out the precise areas to be covered in the inventory/audit. Five members of the Steering Committee also volunteered to assist in conducting the inventory/audit. The Steering Committee provided feedback on the findings, and identified further recommendations at the priority-setting workshop. They also reviewed the draft report.

## 3. Open House/Seniors Focus Group

In order to gather the perceptions, experiences and considered input of the community members who are most closely involved with accessibility and social inclusion issues in District of Sooke, an Open House was held on April 12, 2008 and a Seniors' Focus Group was held on April 15, 2008. The Open House was advertised on the website and through the Chamber of Commerce listserv. Individual email invitations were sent out to various community groups as well (see attachment 3). The Open House received media coverage in the local paper (*Sooke News Mirror*). Following the Open House, the comment sheets were posted online for anyone who was unable to attend the Open House and wanted to participate in the process. The Seniors Focus Group was scheduled for an hour prior to most frequented event of the week, BINGO, and all seniors present were invited to participate in the discussion.

The purpose of the Open House and Seniors' Focus Group was to gather information to establish the nature, extent and location of the barriers and structural constraints currently faced by District of Sooke residents with disabilities. 16 people attended the Open House and 5 persons participated in the Seniors Focus Group. Participants were invited to comment on District of Sooke's level of accessibility in several key areas including parks and recreation; leisure, entertainment, shopping and tourism; housing and accommodation; working and volunteering; getting involved in the community; and other accessibility issues (including emergency preparedness, transportation issues, and education). The participants spoke about the District's strengths and identified areas that require improvement.

## 4. The Accessibility Inventory/Audit

The inventory sites included the sites identified by the Steering Committee and those identified by stakeholders during the Open House and Seniors' Focus Group. Because the Steering Committee wanted the audit to have a community focus and did not want the audit to be limited to sites owned by the District of Sooke, many non-District sites

were audited, such as important public facilities and community amenities, restaurants and shopping areas.

The audit was divided into 4 major theme areas:

- Municipal buildings/facilities
- Parks and Recreation facilities
- Restaurants
- Retail

While housing was selected as an initial theme area, housing was not part of the inventory. Housing policies however, are addressed in the proposed Accessibility and Inclusion Plan, along with major policy areas like employment and access to information.

Standard procedures were used for conducting, photographing and recording the audit of the physical and built environment. The literature review revealed that very few comprehensive (city-wide) audits have been conducted and most previous audits (at least in the US and Canada) have focused on one building or street at a time. However, there were some good checklists and methodological templates available.<sup>5</sup> For the purposes of the Sooke Accessibility and Inclusion Audit, SPARC BC developed our own checklist, which allowed us to quickly and efficiently review a number of facilities over a relatively short period of time (See Checklist, Attachment 1). This tool can be used by the District of Sooke if they wish to audit additional facilities.

The audit tool was not used to undertake a full access audit of each building but was designed to assess the major barriers to access. It concentrated on the following elements:

- Designated accessible parking
- Accessible entrances
- Circulation (corridor width, obstructions, flooring material, width of doorways, thresholds)
- Service counters
- Accessible washrooms
- Access to all facilities and amenities
- Signage
- Seating
- Accessible elevators

In addition to the checklists, audit tools included a digital camera and a tape measure.

The Village centre was assessed through a technique that can be compared to “window shopping”: the consultants walked through the area and noted whether or not the shop entrances were accessible, and evaluated whether the aisles were sufficiently wide (and

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<sup>5</sup> We adapted our checklists primarily from the following sources: Canadian Abilities Foundation Access Guide Canada ([www.abilities.ca/aggc](http://www.abilities.ca/aggc)), and Mobility International USA

free of obstructions) to allow for easy wheelchair passage. Special visits were made to “key services” such as financial institutions and pharmacies. Stores and restaurants with public washrooms were subject to a more thorough review. When a manager was available and time permitted, the audit team also assessed staff areas to determine their accessibility for employees with disabilities.

### **User involvement:**

For the vast majority of sites, at least one person with a wheelchair participated in the audit. Based on the audit, the Consultants developed a list of recommendations for the District. While businesses were audited as part of the study, the recommendations made to private businesses are not included in the Consultant’s Report. Instead, the findings were sent directly to the manager or owner of the business.

## **5. Priority Setting Workshop**

A workshop on May 14, 2008 was held to present the findings of the audit to stakeholders, and to engage the stakeholders in setting priorities for the District of Sooke’s Plan for Accessibility & Inclusiveness. An invitation to the workshop was sent to everyone who attended (or was invited to) the April Open House and Seniors Focus Group. Individual invitations were extended to community organizations that owned public facilities that were visited during the April Audit. Thirteen stakeholders attended the workshop. During the workshop, participants identified a few new issues that had not been documented by the consultants. These issues were added to the list of recommendations. The consultants’ recommendations were posted on tables of the meeting room, and the participants were invited to select their priority recommendations through a technique known as “dotmocracy”. Each participant was given a strip of 24 red dots, which they were asked to place on their top priority items. Participants were permitted to place more than one dot on a recommendation, but were asked to place no more than 3 dots on one item.

## **VI. STUDY FINDINGS**

### **Literature Review**

#### **1. Legislative Framework for Accessibility**

Municipal governments are delegated responsibilities and powers from the Provincial government. In BC, regulations governing municipal responsibilities are outlined in the *Local Government Act* and the *Community Charter*. A brief outline of the regulations that impact on a municipality’s authority to introduce bylaws and other regulations to promote accessibility follows. For a detailed discussion of municipal authority in the

area of accessibility, see SPARC BC's *Model Municipal Bylaws for Accessibility* (forthcoming)<sup>6</sup>.

## The Community Charter

Section 7 of the *Community Charter* establishes what the legislature considers to be the purposes of a municipality. These include: (a) providing for good government of a community; (b) providing for services, laws and other matters for community benefit; (c) providing for stewardship of the public assets of the community; and (d) fostering the economic, social and environmental well-being of the community. Section 8 of the *Community Charter* establishes the broad categories of powers that municipalities in British Columbia possess. Under Section 8(3)(1), municipalities are prevented from developing and enforcing building standards that are more stringent than those in the building code. This is a crucial clause, as it restricts the municipality's ability to pass bylaws requiring accessible, adaptable or visitable<sup>7</sup> buildings and structures. The response of many municipalities has been to develop voluntary guidelines for developers, along with some incentives that are further discussed later in this report.

Section 10 further spells out the limits of municipal jurisdiction in relation to provincial law, confirming that a municipal bylaw has no effect if it is inconsistent with a Provincial enactment. This means that if a person can only comply with a bylaw by violating provincial law, then the bylaw is invalid.

Section 12(1) gives municipalities the power to differentiate between people, places and circumstances. This is a helpful tool in developing accessible bylaws. For instance, it allows municipalities to designate people with disabilities as a class of people who can then become beneficiaries of bylaws designed to enhance their interests. The full section reads:

12 (1) A municipal bylaw under this Act may do one or more of the following:

- (a) make different provisions for different areas, times, conditions or circumstances as described by bylaw;
- (b) establish different classes of persons, places, activities, property or things;
- (c) make different provisions, including exceptions, for different classes established under paragraph (b).

12 (2) A council may, in exercising its powers under section 8 (1) [natural person powers], establish any terms and conditions it considers appropriate.

This section allows municipalities to make special provisions for target groups, such as people with disabilities (for example, designating certain parking spaces).

Section 15(1) of the *Community Charter* allows for municipalities to control the issuance of licenses, permits or approvals, by establishing standards, codes or rules. Municipal licensing powers are some of the strongest tools available to a municipal council. For

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<sup>6</sup> This Report will be made available to the District of Sooke upon completion

<sup>7</sup> See Attachment 2 for definitions of terms used throughout this report.

example, a municipality can require that gas stations serve people with disabilities by providing a full service option to customers in order to receive a license to sell gasoline.

Part 5 of the Community Charter authorizes councils to establish advisory committees for public consultation. One member of a select committee must be a council member. Section 904 of the *Local Government Act* allows municipal governments to establish different density regulations for a zone, one of which is generally applicable and another, higher density one which will apply if the owner meets certain conditions, such as the provision of amenities or affordable and special needs housing.

## **The Local Government Act**

Section 905 of the Local Government Act gives municipal governments the power to enter into “housing agreements” to make sure that a certain percentage of houses are accessible for people with disabilities. However, such an agreement will not vary the use or density from that permitted in the applicable zoning bylaw.

Section 906(1) allows municipalities to require that parking spaces be reserved for people with disabilities. The section reads:

- 906 (1) A local government may, by bylaw, require owners or occupiers of any land, building or structure to provide off-street parking and loading spaces for the use, building or structure, including spaces for use by disabled persons, and may
- (a) classify uses, buildings and other structures and differentiate and discriminate between classes with respect to the amount of space provided,
  - (b) exempt from any requirement of a bylaw made under this subsection or subsections (2) and (3),
    - (i) a class of use, building or structure, or
    - (ii) a use, building or structure existing at the time of the adoption of a bylaw under this subsection,
  - (c) impose different requirements for different areas and zones or different uses within a zone, and
  - (d) establish design standards, including the size, surfacing, lighting and numbering of the spaces.

The *Local Government Act* also gives municipalities the power to engage in community planning. The power is primarily established in section 876 of the Act.<sup>8</sup> Section 878(1)(a) is also important because it gives municipalities the power to include “policies of the local government relating to social needs, social well-being and social development.” It is this clause which authorizes municipalities to develop an accessibility plan as part of their community plan.

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<sup>8</sup> 876 (1) A local government may, by bylaw, adopt one or more official community plans.

(2) An official community plan

(a) must be included in the adopting bylaw as a schedule, and

(b) must designate the area covered by the plan.

(3) In developing an official community plan, the local government must consider any applicable guidelines under section 870 [provincial policy guidelines].

Section 36(11) of the *Motor Vehicle Act* grants legislative authority for a municipal government to regulate taxi companies.<sup>9</sup> A regulation under the Act establishes rules for accessible taxis.<sup>10</sup> This means that municipalities, having the power to regulate and license taxis, can require taxi companies to provide some taxis which meet the provincial accessibility requirements.

## 2. Funding for Accessibility and Inclusion Initiatives

The District of Sooke's Accessibility and Inclusion Plan corresponds to Phase 2 of the 2010 Legacies *Measuring Up* Program. Additional funding is available through Phase 3 of *Measuring Up* (to a maximum of \$25,000) for implementation of accessibility initiatives identified during Phase 2. It is recommended that the District of Sooke apply for Phase 3 funding to implement this Accessibility and Inclusion Plan. Another program that the District of Sooke can apply to for funding is the Province's new "Let's Play" program, which offers up to \$50,000 for accessible playgrounds. In addition to these funding programs, Federal and Provincial programs support social development, employment initiatives, and housing for people with disabilities. The District of Sooke can encourage businesses in the municipality to employ people with disabilities, and provide them with information about the programs that are available to facilitate this employment. The municipality itself can take advantage of these programs, including those that help employers find qualified employee prospects. See Attachment 6 for a summary of federal and provincial programs that support accessibility and inclusion, and links to additional information.

## 3. District of Sooke's Accessibility and Inclusion Policies and Practices

Over the past few years, the District of Sooke has provided a much needed leadership role in the area of accessibility and inclusion. The Municipality has made a commitment to becoming a model community for accessibility and inclusiveness, and Municipal Council has adopted the 10X10 Challenge, committing the Municipality to increasing employment of people with disabilities by ten percent by 2010.

The Official Community Plan incorporates ideas of social sustainability, inclusion and accessibility. The District of Sooke Design Guidelines (2005) references the concept of barrier free sites and buildings.

In April 2008, the Measuring Up Advisory Committee organized an "Accessibility Challenge" to raise awareness of accessibility and inclusion. The District is currently constructing an accessible pathway at Ed MacGregor Park to provide access to the Marine Boardwalk and Sooke's waterfront. In 2008, the District is undertaking master

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<sup>9</sup> s. 36(11) The council of a municipality may by bylaw provide for the regulation, in accordance with this section, of chauffeurs in the municipality and for the issue of permits to chauffeurs by the chief of police.

<sup>10</sup> B.C. Reg. 26/58, *Motor Vehicle Act*

planning processes for Transportation, as well as for Parks and Trails, which will incorporate accessibility recommendations. See Attachment 6 for a full listing of Sooke policies and practices that enhance Accessibility.

In addition to these initiatives, the Municipality has recognized the need for a systematic approach to addressing accessibility and inclusion and is one of the first municipalities in the province to undertake an accessibility and inclusiveness study.

#### 4. Best Practices in Accessibility and Inclusion

Best practices in the areas of community planning and policy development, physical access, accessible tourism and employment were examined during the literature review. In the realm of physical access, standards for public facilities, streets and pedestrian circulation, parking, and municipal parks and recreation were explored. The Province of Ontario has more rigorous accessibility requirements than does British Columbia and has thus provided a wealth of resources. Bylaws adopted by various British Columbia municipalities also proved to be invaluable. For a full discussion of best practices and model bylaws, see SPARC BC's *Model Municipal Bylaws for Accessibility* (forthcoming)<sup>11</sup>.

The District of Sooke is well on its way to being a leader in accessibility and inclusion, but there is plenty to learn from other jurisdictions. The Ontarians with Disabilities Act requires municipalities to develop an annual accessibility plan. The Act requires that municipalities create an advisory committee, conduct an accessibility audit, and develop an accessibility plan. Areas that are generally addressed in these plans include physical accessibility, access to information, accessible programs and services, hiring practices, and municipal grant programs. The District of Sooke, in absence of a similar act in British Columbia, has implemented all the requirements contained in the Ontario Act. The Council of the District of Sooke may, however, wish to advocate for a similar Act for British Columbia.

While the District of Sooke established a Steering Committee for the development of the Accessibility and Inclusiveness Plan, it is recommended that the District of Sooke use an advisory committee to guide the implementation of the Plan as well. These committees assist the municipality in conducting accessibility audits of municipal practices, programs and the built environment, develop accessibility plans and conduct an annual review and update of the plan, provide guidance on the development of policies and regulations related to accessibility, and help municipal staff review development applications for accessibility. An accessibility advisory committee should include people with a broad range of disabilities, although they can also include other people such as business and health sector representatives.

Progressive municipalities in BC have adopted policies and regulations in the following areas:

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<sup>11</sup> This Report will be made available to the District of Sooke upon completion

- Accessible municipal literature/Access to information
- Accessible parking bylaws
- Pedestrian access
- Adaptable, universal and accessible design
- Hiring practices
- Taxi bylaws
- Street and traffic bylaws
- Housing policy (including accessible design and density bonusing)
- Full service provisions for gas stations.

## **Audit Findings**

The District of Sooke is on its way to becoming an accessible community. Because the municipality is newly incorporated, most of the municipal facilities are new and built to a relatively high level of accessibility. The main accessibility challenge in the community is the lack of sidewalks, which poses an accessibility challenge for persons of all abilities. Efforts have been made to make the major parks accessible, but there are varying degrees of accessibility in the smaller community parks (See attachment 7).

Since Sooke is a relatively new municipality some of the important community facilities and public buildings predate incorporation and are not owned by the District of Sooke. The audit team visited a few of these sites because they are viewed to be important community amenities that would be visited by every person in the community. Many of these facilities are older and were built before the building code took into consideration mobility and physical accessibility; thus, some accessibility challenges were identified. The audit team also noted that community groups have been taking a leadership role in regards to accessibility over the years, and have already made efforts to install elevators, and ramps, and other accessibility features as funding has become available (see attachment 8).

The audit team also visited a number of private businesses (10 restaurants, 13 retail stores, 2 places of accommodation, a doctor's office) in an effort to assess the current level of accessibility in the community and to increase awareness of accessibility among business owners. There were varying degrees of accessibility within the business community. The following section provides highlights of the findings. Some establishments are completely accessible and were designed with mobility needs in mind. Other businesses are completely inaccessible because there is a steep flight of stairs leading up to the only entrance. Most businesses have designated accessible parking spaces; although some of the parking spaces are located on sloped terrain and are thus unsafe. Most businesses have at least one curb cut leading up to their front entrance; however, in some cases a parked car could easily block the only curb cut. Only a few businesses have automatic door openers, but most entrances were relatively accessible because the door tension was light and they had lever or loop style handles. In some cases, thick mats by the entryway made it difficult for someone in wheelchair to roll through. Most pathways, aisles in stores and restaurants were wide enough to be

passable by a wheelchair (36 in, 91.5 cm); however, aisle displays sometimes blocked the path of travel. Newer buildings had relatively accessible washrooms, but some of the older facilities lacked accessible features such as: a raised toilet seat; a grab bar adjacent to the toilet; sufficient transfer space alongside the toilet; lowered mirrors, coat hooks, soap and paper dispensers; levered door handles and faucets. One inn is completely accessible, while another B&B has some accessible features.

## **Results of Priority-setting Workshop**

At the May Workshop, Municipal infrastructure and amenities emerged as top priorities. Participants placed a high priority on the maintenance and development of accessible parks. The maintenance of the accessible Whiffin Spit pathway, the creation of a continuous accessible pathway at MacGregor Park, and the construction of accessible public washrooms at both parks were prioritized highly. Participants also identified that addressing the lack of sidewalks, safe pedestrian crossings, and pedestrian right of ways should be a top priority for the District of Sooke. The workshop results suggest that providing accessible parking by the entrance to the second level of Municipal Hall is also important.

Participants placed a high priority on engaging with the business community on accessibility issues. Not only was it considered important to encourage businesses to provide physical accessibility for consumers with disabilities, but also workshop participants would like the District and Measuring Up Committee to educate businesses on employing persons with disabilities. Some specific approaches that were suggested include: asking the Chamber of Commerce to introduce an award for most accessible business; providing accessibility resources to businesses on the District website, introducing supportive employment services and pre-employment programs in Sooke, as well as creating a Gold Star program to recognize businesses that have achieved a high level of accessibility.

A number of accessibility recommendations for non-District owned sites in the community were also identified as being a top priority. Installing an elevator in the Legion was considered to be the highest priority. This was followed by three other recommendations that were prioritized equally: installing an automatic door at the public library; retrofitting the SEAPARC arena washrooms for accessibility; renovating the upstairs washrooms at the Legion to create accessible washrooms. The fifth highest priority among the non-District sites was to install an automatic door at the front entrance of the Legion. For a complete list of prioritized items, see Attachment 9.

## **VII. DISTRICT OF SOOKE PLAN FOR ACCESSIBILITY & INCLUSIVENESS**

In all, 76 recommendations for improving accessibility in the District of Sooke were identified as a result of the Open House, Audit, and Workshop. The review of best practices resulted in a list of potential municipal policy responses, as well as municipal practices for promoting inclusion. While some of the recommendations can be implemented at little or no cost, some do have cost and resource implications, and the reality of municipal budgets and work loads means that these initiatives will need to be phased. Even when all proposed improvements are made, advances in technology and building techniques and standards are likely to mean accessibility is never “done”, but is a process of ongoing improvement. Now that the accessibility audit and draft plan are complete, an annual review of progress and development of an annual implementation plan will ensure that the District of Sooke stays on track and becomes a model community for accessibility and inclusiveness.

A proposed Plan for Accessibility and Inclusiveness is presented here for Council consideration. Some of the Year 1 items may need to be postponed to subsequent years due to budget limitations. Access to new funding sources and shifting community priorities could result in changes to the plan, but an annual review can ensure that the plan continues to be responsive to community needs.

### **YEARS 1-2**

#### **1. Establish an advisory committee or a community coalition on accessibility and inclusion**

It is important to provide ongoing opportunities for community involvement and seek consumer<sup>12</sup> advice in the implementation of the District of Sooke Accessibility and Inclusion Plan. One approach to achieving these objectives is to establish a municipal advisory committee.

An advisory committee on accessibility and inclusion should include District of Sooke residents with a wide range of disabilities, as well as a Council representative. It should include at least one member of municipal staff (e.g. from Planning, Parks and Recreation, or Engineering, for example), and it is advisable to include members of the business community or service agencies. The District of Sooke can also invite the members of the Steering Committee who assisted in the development of this plan, to sit on a new Accessibility and Inclusion Committee.

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<sup>12</sup> People with disabilities are generally referred to as ‘consumers’ when a support service for people with disabilities is being planned, and it is customary for people with a wide range of disabilities to be consulted during the planning phase to ensure that the service meets their various needs.

While the responsibilities of the Committee can vary, at the minimum, the Committee should assist the Municipality in monitoring the implementation of the Accessibility Program and Plan, and provide guidance on policy development. An advisory committee can also review development applications for accessibility. A proposed Terms of Reference modelled on the North Shore Advisory Committee on Disability Issues is attached (Attachment 10).

There may be interest in making the Accessibility and Inclusion initiative broader than just a municipal program. With this in mind, the advisory body could take the form of a coalition of community groups and organizations that are interested in accessibility and inclusion. Other community based models include developing a community accessibility planning table (modelled on the Child Care Planning Tables that are operating in many municipalities), or actually forming a new non-profit society with membership from various stakeholder groups and with consumer representation.

## 2. Develop a strategy for creating a safe pedestrian network

A reoccurring theme from the Open House, Seniors' Focus Group, Prioritization Workshop, and Steering Committee is that the lack of sidewalks, safe pedestrian crossings and pedestrian right of ways throughout the community is an accessibility barrier for persons of all abilities.

### Follow up with pedestrian/non-motorized modes of transportation safety in 2008 master plan processes

This is a substantive issue that is too broad for the scope of this study. Thus, this accessibility consideration will be examined in greater detail as part of the 2008 Transportation Master Plan and the 2008 Parks and Trails Master Plan. These studies should ensure that trail and transportation networks are constructed with accessibility in mind.

### Explore development of an accessible street bylaw

As part of the master transportation plan, the District should explore introducing an accessible street bylaw. An accessible street bylaw is designed to make the transportation infrastructure of the municipality more accessible and user friendly for people with a variety of different disabilities. A model bylaw is contained in Attachment 12, and is based upon accessibility plan guidelines developed by the City of Toronto.<sup>13</sup> The bylaw states that "all pedestrian routes shall be safe and easy to use by a wide range of persons with disabilities. Pedestrian routes shall be easily identifiable, clearly separated from vehicular routes, and free of obstacles at all times of the year." The bylaw then establishes guidelines to make numerous aspects of municipal streets more accessible. The bylaw's guidelines should be implemented with all new construction,

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<sup>13</sup> City of Toronto: Accessibility Plan Guidelines, <http://www.toronto.ca/diversity/accessibilityplan2003>

and in other areas in accordance with the municipality's accessibility plan. Areas covered by this bylaw include: bridges; crosswalks; curb ramps/curb cuts; grades and elevation changes; lay-bys for vehicles; paths, sidewalks and walkways; pedestrian routes; ramps; stairs and steps; traffic islands on public right of way; bus/public transit shelters; bus stops; emergency vehicle access; street furniture and vending machines; passenger loading zones; boardwalks; crosswalk/pedestrian signals; lighting for exterior areas not including roads; traffic signals; garbage cans and recycling bins; benches and seats; bicycle racks; and mail boxes.

### 3. Encourage businesses in the District of Sooke to become accessible, and to increase employment of people with disabilities.

#### Introduce a Gold Star Program for accessible businesses

At the priority-setting workshop, stakeholders identified increasing the physical accessibility of businesses as a high priority. Municipalities are limited in their ability to demand accessibility initiatives from private operators and land owners, but can encourage businesses to become more accessible in a number of ways.

As part of the Accessibility and Inclusion Study, the consultants have conducted audits of restaurants, major commercial areas, and B&B's in the Municipality, and suggestions will be sent to business owners/managers.

The District of Sooke can encourage Businesses to take measures to address the accessibility issues that were identified, by creating a "Gold Star Program" that recognizes accessible businesses (See attachment 1). Businesses that were not part of the original audit could be encouraged to contact the District of Sooke if they wish to participate in the Gold Star Program by undertaking a free accessibility audit.

Those facilities that already meet accessibility requirements and those that follow the suggestions arising out of the audit can be recognized by the Municipality with a "Gold Star" accessibility designation. The Municipality can recognize these businesses publicly at a Council meeting, and publicize the accessible facilities on their web site, in publications and also add them to the Canadian Abilities Foundation *Access Guide* web site (see <http://www.abilities.ca/agc/index3.php?pid=2&cid=287>).

Accessibility resources could also be provided on the District website which educate businesses about how to make their business more accessible and eligible for the "Gold Star" rating. The District may wish to link to SPARC BC's 2008 "Access Is Everyone's Business" resources; these can be found on the SPARC BC website, [www.sparc.bc.ca](http://www.sparc.bc.ca)

The District could also partner with the Sooke Harbour Chamber of Commerce to introduce a most accessible business award, which would increase awareness of accessibility within the business community.

## Provide grants for accessibility initiatives

In order to assist businesses and organizations in addressing the accessibility issues identified during the audit, the District of Sooke can implement a grant program. While municipalities cannot provide grants or other forms of assistance directly to businesses, they can indirectly provide grants to businesses. A grant could be provided to a non-profit organization such as the Rick Hansen Wheels in Motion and the recipient organization could work in partnership with selected businesses to retrofit existing buildings for accessibility. A possible source of funding for this could be the Phase 3 funds of the Measuring Up Program of 2010 Legacies Now. The Rick Hansen Foundation may also have funds available for this purpose.

## Encourage businesses to hire people with disabilities, and expand volunteer opportunities for persons with disabilities

The District of Sooke can work with the steering committee, Worklink, Sooke Harbour Employment Services, Triumph Vocational Services, and the Sooke Harbour Chamber of Commerce to facilitate the development of employment and volunteer options for persons with disabilities. Worklink and Sooke Harbour Employment Services are local organizations which provide a range of employment services, including referrals to disability specific programs. Triumph Vocational Services sends a representative to Sooke once a week and provides services specifically for persons with disabilities. The Sooke Harbour Chamber of Commerce represents the local business community.

Interviews with representatives from Worklink and Sooke Harbour Employment Services suggest that one of the main barriers to the employment of persons of disabilities is a lack of awareness of the benefits of hiring persons with disabilities as well as a lack of awareness of the funding and supports in place to assist businesses who are looking to hire a person with a disability. Through a partnership the organizations can improve awareness within the business community of the benefits of hiring persons with disabilities and an understanding of the available resources and supports.

These organizations can also explore introducing a volunteer registry in Sooke. As one study participant stated, “for many persons with disabilities, volunteering is a way to keep them alive and vibrant.” The District could support one of the employment services groups in developing a volunteer registry that would connect persons with disabilities to organizations seeking volunteer assistance.

Because these organizations represent the business community and employment service agencies in Sooke, they may also identify gaps in current services that prevent

the integration of persons with disabilities into the labour market. For instance, the prioritization workshop identified a lack of pre-employment programs and supportive employment programs in Sooke. The above groups could partner with disability groups to develop these programs in Sooke.

#### 4. Focus on physical accessibility in municipal facilities

76 recommendations to improve physical accessibility in the community of Sooke were identified during the study, and stakeholders prioritized these recommendations during the May workshop. It is recommended that the Municipality “start at home” by undertaking several improvements to municipal facilities. The following list of recommendations for municipal facilities received high priority ratings during the May workshop:

- Regularly maintain Whiffin Spit pathway to minimize amount of loose gravel;
- Construct a paved, accessible pathway that connects all activity areas in MacGregor park;
- Provide accessible parking by the entrance to the 2<sup>nd</sup> level of Municipal Hall where the entrance to Council Chambers and the Fire Hall is located;
- Construct an accessible washroom at MacGregor Park;
- Construct an accessible washroom at Whiffin Spit Park.

#### 5. Focus on physical accessibility of non-District owned community facilities

Because the District of Sooke incorporated relatively recently, there are a number of community facilities that are not owned by the District of Sooke. Many of these buildings are considered to be important community amenities in Sooke and are visited by almost everyone in the community. Because of the integral role that these facilities play in community life, they were included in the community accessibility audit. As a result, many of the accessibility barriers identified by the Steering Committee, and Open House participants are located in community facilities that are not owned by the District of Sooke.

The audit findings suggest that community groups that own these facilities have already undertaken some efforts over the years to make their facilities and services more accessible for persons with disabilities. Nonetheless, there are a number of accessibility barriers in sites not owned by the District of Sooke. This is largely due to the fact that the facilities are older buildings that were constructed before the BC Building Code took into consideration mobility needs.

Because retrofitting existing facilities can be relatively expensive and most community organizations have limited resources available, it is recommended that the District of

Sooke partner with the community organizations that own these facilities to apply for federal and provincial grants to upgrade the accessibility of these buildings. The following list of recommendations for non-District owned sites received high priority ratings during the May workshop:<sup>14</sup>

- Install elevator in the Legion which provides access to the upstairs hall and upstairs functions
- Install automatic door at the front entrance of the Vancouver Island Regional Library
- Retrofit SEAPARC Arena washrooms with accessibility in mind
- Retrofit Legion upstairs washrooms with accessibility in mind
- Install automatic door at the front entrance of the Legion

## 6. Make the Accessibility Challenge an annual event

In April 2008, the Measuring Up Advisory Committee organized an "Accessibility Challenge" to raise awareness about accessibility and inclusion, which was a great success. Shaw Cable and the *Sooke News Mirror* participated in the event; as a result, the event was a spotlight on the front page of the newspaper and the story was aired on "The Daily" by Shaw. Local decision makers also had a chance to participate in the event, and everyone that participated seemed to have a new understanding of what daily life might be like for someone with a physical impairment. Having this event take place annually would help raise awareness of accessibility and keep this issue in the public eye.

## YEARS 2-5

### 1. Continue addressing physical barriers to accessibility in the District of Sooke

It will likely take several years for the District of Sooke to address all the issues of physical accessibility that were raised during the Open House, Seniors Focus Group, Audit and Workshop. The District of Sooke should work with the advisory body on accessibility and inclusion to develop an annual implementation plan, including the establishment of annual priorities for addressing physical accessibility. The results of the audit and prioritization workshop (Attachments 7, 8, 9) can assist the Municipality to select the projects to be implemented each year as the Municipal budget allows. The

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<sup>14</sup> Following the April Audit, the research team asked community groups for permission to include their audit results in the Prioritization Workshop and final report. There was a short time frame between the April Audit and the May workshop, which made it challenging for some organizations to approve their involvement in the process in time. As a result, the Sooke Community Association is included in this report, but its facilities were not covered in the Prioritization Workshop.

District should also continue to play a leadership role and continue to partner with community organizations to apply for grants that will enhance the accessibility of their facilities. However, other priority issues may arise, and the advisory body's guidance will be invaluable in this regard.

## 2. Build the capacity of municipal staff

### Provide customer service training for staff

Very often service providers are uncomfortable in direct contact situations with persons with disabilities because they don't know what is required from them. There is a range of disabilities which may have different implications for customer service. Usually, these customers require no additional assistance, although many of them will appreciate it. Staff training provides municipal staff with a level of comfort and skill in accommodating people with special needs. Even where the staff member may not know how to best meet the needs of a particular client, they will gain valuable skills in respectfully interacting with people with disabilities (particularly with people with communication barriers). Often, increased awareness and good communication skills on the part of staff are more important than knowing specifically how to best assist someone with a disability in any particular situation. Providing good service often means being willing to ask "What can I do to help you with this?" and just being willing to help as best as one can.

### Provide training for community planners and permit officers in universal/adaptable/visitable design principles

Courses and workshops are advertised on the Planning Institute of BC's web site, and PIBC members can gain credits for the compulsory Continuing Professional Development Program for attending a course on Universal or Adaptable Design or on the concept of "visitability". SFU's Urban Design Program has regular offerings in this regard.

## 3. Explore development of an inclusive hiring practices policy

People with disabilities are an untapped resource and can assist in addressing local labour shortages. The Canadian labour supply per capita is projected to decline beginning around 2012. New entrants into the labour market, such as people with disabilities, youth, and immigrants, could help to offset this situation.

A municipal inclusive hiring practices policy should include a commitment to employment equity, and a commitment to forward job postings to organizations that assist people with disabilities to find employment. See Attachment 11 for a model inclusive hiring practices policy.

The municipality can register with WorkAble Solutions, an initiative sponsored by the Minister's Council on Employment for Persons with Disabilities and BC Human Resources Management Association (HRMA).

The WorkAble Solutions website offers employers an exclusive site to post employment opportunities for persons with disabilities and search through lists of skilled job-seekers with disabilities. Employers and job-seekers with disabilities can also use the website to access resources and connect with community agencies that work with employers and persons with disabilities.

WorkAble Solutions also provides employers and Human Resources professionals with tools to support recruitment and retention. All the materials are easily accessible online at [www.workablesolutionsbc.ca](http://www.workablesolutionsbc.ca).

In addition to following its own employment equity policies, the municipality can follow procurement policies that favour doing business with organizations that support employment of people with disabilities.

#### 4. Explore development of guidelines for access to municipal information

In a knowledge-based economy where access to and exchange of information is almost essential to participating in society and in the economy, accessible communication is an increasingly important subject. A draft Guidelines for Access to Municipal Information is included in this report as Attachment 13. These Guidelines address readability and plain language, availability of alternative formats for printed material, and web accessibility standards.

It is anticipated that current and future advances in technology will allow the District of Sooke to increase accessibility of municipal information at reasonable cost. For example, programs that offer live captioning (for Council meetings and other public meetings), or programs that allow written text to be transcribed into audio format, will likely be available in the future at reasonable cost.

For an example of current voice to text technology, see <http://www accuraterealttime.com/about.aspx>.

For an example of current text to voice technology, see <http://www.nextup.com/TextAloud/index.html>

## 5. Review emergency preparedness plans and emergency services

The Municipal Emergency Preparedness Plan should address the needs of people with disabilities. First responders need to address the evacuation requirements for vulnerable people in the event of an emergency. Municipal emergency services often work in collaboration with municipal Geographic Information Systems specialists to identify households that include people with special needs. Emergency volunteer training should include a component on accommodating the needs of people with various disabilities. Local Block Watch captains can be invaluable resources in ensuring that the needs of people with disabilities in their neighbourhoods are addressed during an emergency. The municipal emergency management staff can also provide emergency training to residents to help them prepare for emergencies, including people with disabilities. Finally, municipal emergency evacuation plans for any municipally owned buildings should also address the needs of people with disabilities.

## 6. Explore development of adaptable design guidelines for residential development

Under Section 8(3)(1) of the Community Charter, municipalities are prevented from developing and enforcing building standards that are more stringent than those in the building code. This is a crucial clause, as it restricts the municipality's ability to pass bylaws requiring accessible, adaptable or visitable<sup>15</sup> buildings and structures. The response of many municipalities has been to develop voluntary guidelines for developers, along with incentives such as density bonusing for provision of accessible or adaptable suites. Examples of adaptable design guidelines from the City of North Vancouver and the District of North Vancouver are included as Attachment 14.

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<sup>15</sup> See Attachment 2 for definitions of terms used throughout this report.

## BEYOND YEAR 5

1. Establish an accessibility and inclusion program and an annual implementation plan with the guidance of the advisory committee/coalition on access and inclusion
2. Provide a consistent annual accessibility budget for implementation of the plan
3. Work with other municipalities to advocate for changes to BC legislation relating to accessibility.

People with disabilities ought, to the fullest extent possible, to enjoy the benefits of full citizenship, and municipal governments need to take proactive steps to ensure this goal's realization. This requires that the physical infrastructure, transportation networks, information systems, programs and services of a community be as accessible as possible and that policy development processes be inclusive. In British Columbia, municipalities have limited ability to meet these objectives. To fully realize accessibility, passing provincial legislation similar to Ontario's *Accessibility for Ontarians with Disabilities Act*<sup>16</sup> is imperative. Improvements can also be made to the BC Building Code<sup>17</sup>, and municipalities would benefit from legislation that permits them to enforce parking rules on private lots (such as shopping centres). It is recommended that the District of Sooke work with SPARC BC and other municipalities to advocate to the Union of BC Municipalities for changes to BC legislation governing accessibility for people with disabilities.

### 4. Consider additional accessibility policies

The District of Sooke has done a good job in making public facilities accessible. However, Council may wish to consider formalizing their commitment to full accessibility by adopting formal policies which set accessibility standards. Examples of model bylaws are available in SPARC BC's *Model Municipal Bylaws for Accessibility* (forthcoming)<sup>18</sup>.

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<sup>16</sup> *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11

<sup>17</sup> For example, the requirement for a higher accessible toilet has been removed from the BCBC, reducing accessibility

<sup>18</sup> This Report will be made available to the District of Sooke upon completion

## Accessible public facilities bylaw

An accessible public facilities bylaw (Attachment 16) aims to provide a set of ideas that municipalities can adopt to make their public facilities more accessible. The bylaw is aimed at municipally owned and operated facilities, as well as facilities that provide municipal services to the public. At this time, municipalities in British Columbia cannot impose stringent and intensive mandatory requirements upon other bodies because of B.C. Regulation 86/2004, imposed under the concurrent authority powers in section 9 of the *Community Charter*. However, municipalities could establish this bylaw as a set of requirements for all municipal buildings, and encourage developers of private commercial facilities and other buildings accessible to the public to voluntarily follow the municipality's example.

It is important to note that municipal bylaws must comply with the minimum requirements of the B.C. Building Code. If there remain any errors that do not meet the minimum requirements of the code, it should be noted that the minimum requirements of the code must be met or exceeded.

## Accessible parks bylaw

An accessible parks bylaw aims to make municipal parks and municipally-owned outdoor recreation facilities accessible for people with disabilities. Access to recreation, exercise, amusement and the cultural life of the community are fundamental human rights.<sup>19</sup> People with disabilities are entitled to enjoy infrastructure that the community develops to provide for those needs. The standards should be implemented in all new facilities, and upgrades to existing facilities should be implemented in accordance with the priorities outlined in the municipal accessibility plan. Areas covered by the bylaw include: campgrounds; docks; grandstands and viewing areas; outdoor swimming pools and wading pools; park play spaces; picnic areas; sports, fields and spectator areas; terraces and patios; trails and footbridges; viewing areas; waterfront areas; wilderness and conservation areas; outdoor public address systems; signage and way finding; garbage cans and recycling bins. See Attachment 17 for a model accessible parks bylaw.

## Accessible parking bylaw

Accessible parking is a crucial component of an accessible transportation system. Freedom of mobility and respect for equality rights should include structuring our transportation system in a way which ensures accessibility. While section 3.8.3.4.(2) of the B.C. Building Code has minimal requirements for the number of accessible parking

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<sup>19</sup> See Article 24 of the *Universal Declaration of Human Rights*, "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay," and Article 27(1), "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

stalls that must be provided, these are not sufficient to adequately meet the needs of people with disabilities. Under this section of the building code, an accessible parking space only has to be provided when more than 50 parking stalls are provided, and thereafter only at a ratio of 1 for every 100 or part thereof.<sup>20</sup> Section 3.8.3.4.(1) of the Code also establishes minimal requirements for the dimensions of accessible parking spaces. The District of Sooke may wish to consider adopting a bylaw similar to the City of Vancouver, which specifies the number of designated spaces depending upon the use of the facility. For example, special needs residential facilities in the City of Vancouver are required to make the first two parking spaces accessible, with 10% accessible spaces after that. See Attachment 18 for a model accessible parking bylaw.

The District of Sooke can work with the proposed advisory committee on access and inclusion to review the need for an accessible parking bylaw, including establishment of:

- minimum dimensions for the size of accessible parking stalls;
- different requirements for minimum numbers of accessible parking stalls depending on the type of facility the parking is adjacent to; and
- fines for parking without a valid parking permit.

## Accessible taxi bylaw

Another tool for ensuring that the transportation system is accessible for people with disabilities is a strong bylaw providing an adequate level of accessible taxi coverage and requiring that taxi companies respond to requests for service from people with disabilities. An accessible taxi bylaw authorizes the District to set the number of taxi licences that it will issue; and the proportion of these licences that will be accessible taxi licences (for example, 15%). An accessible taxi licence requires that a taxi comply with the regulations for accessible taxis that exist under the *Motor Vehicle Act*.<sup>21</sup>

Additional standards can be required for a company to maintain its taxi permit. For example, the bylaw may require the company to give priority service for accessible taxis to people with disabilities. Secondly, the bylaw can require permit holders to respond to requests for service from people with disabilities in a timely and efficient manner. One condition a driver often needs to meet to obtain a municipal licence is completion of training that teaches the operator how to meet the needs of people with disabilities. See Attachment 19 for a model taxi bylaw. These ideas are based on taxi bylaws in the Cities of Vancouver, Burnaby and North Vancouver.<sup>22</sup>

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<sup>20</sup> While the B.C. Building Code is not available to the public for free, there is an accessibility handbook on the internet which include section 3.8.3.4.(1) and (2) of the code. The section can be viewed at: <http://www.housing.gov.bc.ca/building/handbook/ramps.html#parking>

<sup>21</sup> *Motor Vehicle Act* [RSBC 1996] Chapter 318; *Motor Vehicle Act Regulations* B.C. Reg. 26/58, O.C. 1004/58

<sup>22</sup> City of Vancouver, Vehicles for Hire By-law No. 6066, <http://vancouver.ca/bylaws/79945.htm>; The Corporation of the District of Burnaby, Bylaw No. 3102, <http://burnaby.fileprosite.com/contentengine/launch.asp?ID=303&Action=bypass>; City of North

The municipality can assess penalties against the operator for failure to comply with the provisions of the bylaw, including suspension or cancellation of the permit to operate a taxi company.

## Accessible gasoline stations regulation

There is a growing trend towards having self-serve gasoline stations that do not provide a full service option. While many consumers benefit from self-serve because it saves them money, the absence of service can mean difficulties for some people with disabilities. Municipalities can remedy this problem through their power to regulate business under section 8(6) of the *Community Charter*, which can be used in conjunction with the licensing and standards authority that municipalities have under section 15 of the *Community Charter*.

The bylaw's primary requirement is that in order to receive a licence to sell gasoline in the municipality covered by the bylaw, a gasoline station must provide a full service option to customers who chose to use it. Failure to provide a full service option would be punishable by revocation of the licence (See a model fuel station bylaw in Attachment 15). Ideally, this service would be available to persons with disabilities at an equivalent cost to that of a self serve station so that they are not punished with the higher cost just because they are unable to fill up for themselves.

## **VIII. CONCLUSION**

The District of Sooke is one of the first municipalities to undertake a far-reaching accessibility audit, and develop a comprehensive plan for accessibility and inclusion. Developing and implementing an annual action plan for accessibility and inclusion will ensure that the District of Sooke remains a leader in accessibility and inclusion.