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Nova Scotia Human Rights Commission
6th Floor, Joseph Howe Building
1690 Hollis Street
P.O. Box 2221
Halifax, NS B3J 3C4

Dear Commissioners,

I am a person with a physical disability who must use a wheelchair. I do not claim to be an expert in building codes and permits and business permitting, but I am an expert on wheelchair use. There are far too many buildings and businesses in Halifax and elsewhere in Nova Scotia with substandard facilities for the physically disabled. I believe there are systemic inadequacies in the design and enforcement of building codes as administered by provincial and municipal authorities. As Thoreau said, "Some circumstantial evidence is very strong, as when you find a trout in the milk."

Under the Nova Scotia Human Rights Act (Chapter 214, section 5) discrimination in the provision of access ((5) 1a) against a person with a physical disability ((5) 1o) is prohibited. The Province's Human Rights legislation prevails over other legislation when a conflict exists. Moreover, pursuant to section 21, the act "binds Her Majesty in right of the Province and every servant and agent of Her Majesty," which I understand to mean that the provincial and municipal branches of government must abide by the Act.

Therefore, this letter is my complaint that my human rights have been violated by several governmental entities. Although I am willing to also use the "form prescribed by the Director" (s. 21) I have tried to particularize my allegations as follows:

1. I make a complaint against the Nova Scotia Alcohol and Gaming Authority, which licenses various public facilities, including restaurants. In particular, its requirement for washrooms, found at <http://www.gov.ns.ca/aga/licensesummaries.htm> (attached as A) makes no mention of facilities for patrons with disabilities.

Furthermore, the entire set of regulations of the Gaming Authority fails to recognize the interests of citizens with disabilities by omission of standards in access, safety and equity. Because of these acts and omissions, I believe the Authority is a party to the ongoing violation of my human rights as a person with a disability, and of the rights of other Nova Scotians like me.

2. In a similar way, I am bringing a complaint against the municipal licensing authorities of the Halifax Regional Municipality, who do not adhere to accessibility standards in issuing building renovation and occupancy permits for business and commercial developments. Evidently, they do not even require building permits under some circumstances which most affect disabled persons. By this lapse, certain business establishments are made unavailable to me and I am unable to participate fully in the life of my community. The wholesale granting of exemptions from accessibility standards for historic and other existing structures is totally without merit. Exceptions should be granted only after the most stringent and individual review.

I am attaching (as B) pictures of and comments about three recent renovations of high-traffic building exteriors. I am doubtful that under HRM's lax building permit policy important portions of these three projects were actually permitted.

Because of these acts and omissions, I believe the licensing and permitting authorities are party to the ongoing violation of my human rights as a person with a disability, and of the rights of other Nova Scotians like me.

3. I am bringing a complaint against the HRM Regional Planning Committee. Because the Draft Regional Plan, HRM's flagship physical planning document, fails to promote any useful accessibility standards, it does not equitably represent the interests of residents who are disabled. Although it advocates for clean water and clean air, it overlooks completely urban design standards which would improve accessibility. This document should be *the* authoritative reference for accessibility goals and principles and must be rewritten. (not attached, but available at:
http://www.halifax.ca/regionalplanning/documents/RMPS_FinalDraftApril06.pdf)

Because of these acts and omissions, I believe the Regional Planning Committee is a party to the ongoing violation of my human rights as a person with a disability, and of the rights of other Nova Scotians like me.

4. Finally, I am bringing a complaint against Halifax Regional Municipality in respect of the accessibility of its own facilities and infrastructure. City Hall, for example, has inaccessible washrooms and counters that are too high. Most importantly, wheelchair users must be let in through a side door, denying them the dignity of autonomous action. It is encouraging that City Hall has had some recent scrutiny, but dozens of other substandard facilities exist. Sidewalks are built with considerable variation and do not seem to be designed with a useful accessibility standard. There appears to be no coherent program to replace dangerous or inadequate curb cuts or to upgrade perilous intersections. It is evident that HRM has inadequate monitoring of its own compliance with Human Rights legislation.

Because of these acts and omissions, I believe the Municipality is a party to the ongoing violation of my human rights as a person with a disability, and of the rights of other Nova Scotians like me.

The fundamental argument is summed up in a brief by the Ontario Human Rights Commission:

“A revised *Building Code* is perhaps the most direct way to ensure that no new barriers to persons with disabilities are created. It can also, along with other mechanisms such as human rights complaints, address existing barriers to accessing facilities and services.....”

The complete text can be found at:

<http://www.ohrc.on.ca/english/publications/building-code-submission.shtml>

(attached as C)

Please let me know if I can provide further information or clarify my complaint in any way.

Yours very truly,

Warren C. Reed

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enclosures