



Digital Government and Service NL

Buildings Accessibility Appeal Tribunal

Annual Activity Report 2020-21

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REFERENCE PERIOD

This report covers the period April 1, 2020 through March 31, 2021, the fiscal year of the Buildings Accessibility Appeal Tribunal.

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Chairperson's Message

As Chairperson of the Buildings Accessibility Appeal Tribunal, I am pleased to submit the Annual Activity Report for 2020-21. This report is prepared in compliance with the **Transparency and Accountability Act**, which categorizes the tribunal as a Category three government entity and requires the tribunal to submit an annual report. The tribunal is accountable for the preparation of this report and for the results reported.

The tribunal's objective is to process all appeals in accordance with the requirements of the **Buildings Accessibility Act** and its associated regulations.

Yours Truly,



Michael Duffy
Chairperson

Overview

The Buildings Accessibility Appeal Tribunal (the "tribunal") is an independent, quasi-judicial body which has the function of hearing and adjudicating an appeal made under section 23 of the **Buildings Accessibility Act** (the Act). The tribunal, after hearing an appeal, may confirm, revoke or vary the action taken by the Director (as appointed under section 8(1) of the Act) of Engineering and Inspection Services with respect to the administration of the Act and Regulations. The tribunal is appointed by the Lieutenant-Governor in Council under the authority of section 20 of the Act. It is comprised of five members including a chairperson, a vice- chairperson and three persons, one of whom shall be a representative of persons with disabilities. Members of the tribunal for 2020-21 were:

- Michael Duffy, Chairperson
- Derrick House, Vice-Chairperson
- Emily Mayne
- Stephen Burbridge
- Brenda Kelleher-Flight

Mandate

The tribunal's mandate is to hear and adjudicate appeals of notices, decisions, directions or orders confirmed or varied by the Director (as appointed under section 8(1) of the Act) with respect to buildings accessibility. Decisions of the tribunal are based on a review of written and oral submissions and documents and may be appealed to the courts. The tribunal convenes only when an appeal has been filed.

Vision

The tribunal works to ensure the fair and equitable application of its mandate as outlined in the legislation (i.e. advising the Minister).

Revenues and Expenditures

The Buildings Accessibility Appeal Tribunal has no revenues. The tribunal is funded through the operating budget of the Department of Digital Government and Service NL. The tribunal is not required to submit audited financial statements.

Report on Performance

The tribunal meets only when an appeal has been filed pursuant to section 23 of the Act.

Objective: By March 31, 2021, 2022 and 2023, the tribunal will have processed all appeals it has received in accordance with the requirements of the **Buildings Accessibility Act**.

Indicators:

- Number of appeal hearings commenced not later than 30 days after receipt of written notice of appeal.
- Number appeal decisions provided to appellant in writing within 45 days of hearing appeal.

No appeals were filed with the tribunal during the 2020-21 fiscal year, and the tribunal heard no appeals over the same time period.

Opportunities and Challenges Ahead

- COVID-19 issues have presented a unique challenge for all sectors of the economy affected by buildings accessibility. Improvements to buildings (i.e., accessibility) have been delayed or halted. This is expected to remain a challenge for these sectors and may continue to be a challenge for the tribunal.
- The province recently signed a harmonization agreement to adopt the National Building Code, which would eventually align many construction practices across all Canadian jurisdictions. This move toward regulatory cooperation may lead to an increase in appeals in the coming years.

Financial Statements

The Buildings Accessibility Appeal Tribunal is not required to submit audited financial statements.