



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on November 2nd, 2021

Minutes of the Elevating Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held by teleconference at 8:00 a.m. on the 2nd day of November 2021.

Present: Cliff Ayling, PCL Constructors Canada Inc; Trevor Doell, Thyssenkrupp Elevator Ltd; Ahmad Hussein, TSSA's Consumers Advisory Council; Rob Isabelle, KJA Consultants Inc; Stan Jones, BOMA & Northam Realty; Lisa Konnry, Schindler Elevator Corporation; Kelly Leitch (Chair), Kone Inc.; Derek Petri, York Region District School Board; Michael Sentenai, AMCO & Del Property Management; Hugh Richards alt. for Patrick Yeung, Otis Canada Inc.; Phil Warne, CECA.

Alexandra Campbell, VP, Communications & Stakeholder Relations; Danielle Fernandes, Advisory Council Coordinator; Kristian Kennedy, Manager, Government Relations; Dean McLellan, Regional Supervisor, Elevating Devices Safety Program; Roger Neate, Director, Elevating Devices Safety Program; David Witt, Regional Supervisory, Elevating Devices Safety Program.

Guests: Doug Guderian, CECA; John Egan, Schindler Elevator

Regrets: Jim Miller, IUEC; Haroon Nuri, Toronto Transit Commission.

1. Constitution of Meeting

The Chair called the meeting to order at 8:05 a.m. K. Kennedy provided an overview of the meeting format and stressed the importance of using the agenda item request forms for issue submission in advance of meetings. He advised that the objective of the meeting was to hear from council on priority issues and for TSSA to take issues back for further assessment and analysis and to report back to council accordingly.

a) Safety Moment

For the safety moment, Council was shown a short video on workplace safety as a shared responsibility.

2. Approval of the November 2nd, 2021, agenda

Council approved the agenda as presented.

3. Approval of February 3, 2021 minutes

Chair noted that timely distribution of minutes is critical for review purposed. Minutes were approved as presented.

4. Review of Action items from last meeting

R. Neate spoke to pending action items noted that electronic logs will be considered as part of the fourth phase of OASIS, adding that the action item will remain open for updates at subsequent meetings. In relation to other action items, R. Neate advised that they would be discussed later in the meeting or are considered closed.

The Chair requested for TSSA to provide the EDAC council with key/important dates for initiatives underway at TSSA that would impact the elevator industry.

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Action: TSSA to circulate key/ important dates for initiatives underway at TSSA that would impact the elevator industry.

5. Chair's Update

The Chair spoke to his report to the CEO which was circulated to council in advance of the meeting.

There were no questions or comments from council.

6. Council Administration

a. Membership Matrix

D. Fernandes detailed the purpose of the membership matrix review, namely, to ensure alignment with industry. She detailed a proposal for changes to the matrix and provided council with the rationale associated with each of the proposed amendments. The proposal included the following:

Overall:

- Removed maximum numbers for all categories
- Merged Contractor category with Manufacturers
- New association category with examples for recruitment
- Removed language related to "designers" from Manufacturer & Contractor category

Owners:

- Added long term care homes as an example under the institutions sub-category

Manufacturers & Contractors:

- Removed NEEA
- Removed IEAC
- Added (1) minimum position for small contractors: 2000 or less devices
- Added (1) minimum position for large contractors: 2000 or more devices
- Added (1) minimum position for Construction hoists

Mechanics:

- Removed requirement for mechanic to be part of the IUEC

There was significant discussion on this topic. It was noted that the Independent Elevator Contractors Association (IECA) is still in operation and was originally on the matrix as representing small contractors. Council was uncertain if IECA membership is representative enough of industry, given that most members are also apart of Canadian Elevator Contractors Association (CECA). There was additionally concern that CECA and Building Office Managers Association (BOMA) memberships were not guaranteed positions within the new proposal and that open calls for nominations would be issued when members leave. Members representing CECA and BOMA advised that these associations have wide reach within the stakeholder groups and would want to ensure that this is a consideration when TSSA considers membership. D. Fernandes advised that preference for associations is already embedded in the Terms of Reference for the Advisory Councils and so instituting it in the matrix is duplicative and unnecessary. K. Kennedy noted that the changes proposed allows for the council to be flexible to changes and so more reflective of industry. Additionally, he noted that the proposal only calls for minimum positions and so if council deems it appropriate to increase or decrease the size of a particular category this opens a discussion and dialogue and ultimately approval by TSSA's CEO. Responding to a question about why associations do not have a guaranteed seat at the table, A. Campbell advised that the process needs to be as open and transparent as possible, noting that posting the position publicly allows for the most suitable candidate to participate on council. There were additional questions about alternates, K. Kennedy advised that the current Terms of Reference do outline the roles and responsibilities of alternates and advised that alternates should only join a meeting when a sitting member is not

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present, adding that alternates are also not guaranteed the member's position should the member choose to not renew.

Council approved the proposed changes to the matrix with the following amendment:

Increase the association category to a minimum of two (2) members with a minimum of one (1) association representing owners and one (1) representing contractors.

Action: D. Fernandes to amend the propose to reflect the change proposed by council.

Action: D. Fernandes to present the amended proposal to the CEO for approval.

b. Membership Renewal

D. Fernandes confirmed the renewal of K. Leitch and S. Jones for another 3-year term. She advised the K. Leitch would be staying on as Chair of the council. Additionally, she advised council that P. Warne was retiring from council and thanked him for his participation. The Chair, Director, and the rest of council echoed the sentiment.

Action: D. Fernandes to update membership terms for K. Leitch and S. Jones.

7. EDAC Issues Prioritization

a. Elevator Availability

D. Witt spoke to this item referencing material shared with council in advance of the meeting. He noted that the purpose of the presentation was to provide council with an update on the project as well as to seek council feedback. He provided council with an overview of the background, presented the prototype of the data collection tool, and advised council on the types on information that would be collected.

There was some discussion on this topic. Responding to a question from a few council members about what the data is going to be used for, specifically the policy direction, R. Neate advise that the data being collected were considered key drivers in the Cunningham report. He noted that TSSA's mandate is to collect the data, adding that the ultimate policy direction at this point is will be evidence-driven based on what the data shows. K. Kennedy noted that a key consideration in this initiative is also consumer protection. The data is supposed to be transparent enough for consumers to have information the status of elevator availability in their residential units or when purchasing a new residential unit. There was additional discussion about what information would be made public, TSSA's enforcement capability and follow-up capacity. R. Neate advised that given that this is a regulatory requirement, TSSA would enforce it like any other requirement and would have the full suite of tools for enforcement at its disposal from communication to prosecution. It was suggested by a few council members that TSSA consider the feasibility of allowing contractors to view, verify, and dispute outage information provided by owners. Additionally, it was recommended by council members that TSSA consider the feasibility of user reporting (a "snitch line") in addition to owner reporting obligations as this may be more accurate. D. Witt advised that the regulation speaks solely to owner reporting and noted it would be very difficult to police data submitted by members of the public. The Chair advised that communication to owners is critical sooner rather than later.

b. Administrative Monetary Penalties (AMPs)

N. Rahman provided council with an update on the status of TSSA's AMP framework. He explained that there are three concurrent streams of work currently under way. First, development of the AMPs

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standard operating procedure (SOP), advising that this will inform the decisions for triggering AMPs and will include a series of check and balances to ensure appropriateness. Additionally, he noted that AMPs would be issued by the Director and not inspectors. Second, ensuring AMP integration with TSSA's outcome-based regulator (OBR) framework to ensure compliance continuity; and third, the development of compliance standards which can be a trigger for AMPs. He advised that AMPs would go live with release 3 of OASIS in the latter half of 2022.

There was a comment from a council member that the details would be interesting to see, noting that in general the proposal is sound. N. Rahman noted that the focus for TSSA is on risk and ensuring that data drives decision-making.

c. Industry Discussion on Vaccine Policies

R. Neate provided council with an overview of TSSA's vaccination policy and advised council that the policy is posted on the website. Responding to a question from council about the method for advising TSSA of the vaccination status, R. Neate advised that TSSA requires an attestation. S. Jones advised that for his sector, mandatory vaccination attestation is required, noting that individuals must be double vaccinated. D. McLellan reminded council to check the website regularly for the most current version of the vaccination policy given that it is subject to change.

Action: D. Fernandes to share the link to TSSA's vaccination policy with council after the meeting and to append it to the minutes.

8. Adjournment

The meeting adjourned at approximately 9:45 a.m. The Chair thanked everyone for their attendance and contribution at the meeting.



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Appendix

1) Important Dates

TSSA Initiative	Date
OASIS Launch for EDADSKI Program	November 2022
Elevator Availability Data Collection Implementation	July 2021
AMPs Implementation	TBD

2) Link to TSSA's Vaccination Policy

[TSSA Response to Novel Coronavirus - TSSA](#)