



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council Meeting on February 12, 2014

Minutes of the Elevating Devices Advisory Council (EDAC) meeting of the Technical Standards and Safety Authority (TSSA) held in Boardrooms 1433/34, 14th Floor, Centre Tower, 3300 Bloor Street West, Toronto, Ontario at 8:30 a.m. on the 12th day of February, 2014

Present: Kelly Leitch, KONE Inc., (Chair), Hugh Richards (Tony Grilli), Otis Inc., Patricia Jensen, Consumers Advisory Council, Stan Jones, Northam Realty, Ernie Cox (Rick Sokoloff), Quality, Allied Elevator Inc., Derek Petri, York Region District School Board, Chris Rastin, Savaria Corp., Dan Vinette, International Union of Elevator Constructors (IUEC), and Phil Warne, Canadian Elevator Contractors Associations (CECA).

In attendance: Michael Beard, President and CEO, (all items except 19), Erin Estok, Stakeholder Relations (all items 1-15), Roland Hadaller, Director, (all items except 19), Maram Khalif, Council Coordinator (all items except 19), , David Scriven, VP Research and Corporate Secretary (items 16 and 18), Richard Smart, Chief Financial & Information Officer (item 7), Joshua Sorman, Advisor (item 15), David Witt, Registration Engineer (item 9), and Peter Wong, VP of Operations (all items except 19).

Guests: Richard Hustwick, Senior Advisory, Ministry of Consumers Services (MCS) and Hussein Lalani, Manager, MCS.

Regrets: Cliff Ayling, Brookfield Properties c/o ACSI, Joe Kerr, ThyssenKrupp Elevator (Canada) Ltd., and Paul Melady, Berkley Property Management Inc.

1. Constitution of Meeting

K. Leitch, Chair, welcomed council members and called the meeting to order. Three new permanent members were introduced as follows: D. Petri of York Region District School Board, C. Rastin of Savaria Corp., and D. Vinette of IUEC. A roundtable introduction followed.

2. Approval of Agenda

Council approved the agenda of the meeting as presented.

3. Approval of the Minutes

Council members approved the minutes of the November 13, 2013 EDAC meeting as drafted, as being a true and correct record of that meeting.

4. Review Action Items from Last Meeting

R. Hadaller noted that all highlighted action items were completed. The outstanding items were updated as follows:

- Risk Based Scheduling was still in progress and will be updated once completed.
- Council portal will be updated under item 18 of today's agenda.
- D. Lisle will be invited to present information around user behavior research and public education as it relates to the ED Safety Program at the next meeting taking place in June 2014 and will be added to the agenda. The invitation to council to join the fee review subcommittee is no longer needed, as TSSA will now be exploring research around an options paper for the fee framework



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which will be spearheaded by the Research and Education Department. Council will be contacted on “as needed” basis during the research and therefore, this item is closed.

- Action items regarding draft orders for single speed devices and Director’s Orders will be updated under item 9 of today’s agenda.
- TSSA’s reinforcement of the Maintenance Control Program (MCP) will be updated under item 10 of today’s agenda.
- Action item regarding retrofit for all existing devices without a proper apron plate, a Director’s Order has been drafted and circulated among council for comments in December 2013. This will be finalized by the end of February 2014 and will be posted accordingly.

5. Council Chair’s Report

The Chair noted that the Committee of Council Chairs had low participation. He highlighted some of the issues that were brought forward to the committee.

A revised councils’ matrix and memberships to allow broader range of sectors was presented to the committee. Chairs’ focus on councils’ participation and engaging all council members in their respective meetings was highlighted.

TSSA’s social media strategy including new ways of communicating with its stakeholders was presented. This will include a revamp of the public site and allowing for future improvements to include e-commerce.

The progress update around the council portal was also provided.

TSSA’s options fee review and framework was also launched and more details are provided under item 7 of today’s agenda.

6. TSSA President and CEO’s Report

As part of the advanced materials for this meeting, members received a report from the President and CEO regarding TSSA’s key activities over the last quarter, which was treated as read.

7. Options Paper for Fee Framework

With the aid of a PowerPoint presentation which forms part of the record of the meeting, R. Smart presented an options review including lessons learned from the last fee review and framework process and implementation; initial “kick-off” of a comprehensive review of options for future implementation; engagement of various stakeholders; and focus on value-for-money and innovation.

The options paper for fee review will address those issues important to council and customers, such as, transparency and communication. It will also provide simplicity, fairness and clarity, as well as allow improvements, where needed in the future.

From lessons learned, it was determined that fees alone may influence change of behaviors of non-compliance but it does not change such behaviors completely. As a result, a third party consultant will be recruited to focus on this area and research ways to address customers’ service expectations, fee impact, and compare analysis of best practice of fee policies in other similar organizations in the non-profit sector.

The benefits of utilizing the Declaration of Compliance program were highlighted. In regards to innovation, the prospect of implementing e-commerce was thoroughly discussed. Leveraging Risk Informed Decision



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Making (RIDM), utilizing standardized orders and aiming for each program to be self sufficient were also discussed.

Further discussions highlighted some of the challenges learned since the implementation of the fee changes, such as, complexity and understanding of invoicing process; effectiveness of fee incentive and deterrents; program imbalances resulting from cross subsidization; and the use of technology in general.

The next steps include sharing the options paper for fee review and framework with all councils in the next few months. The research results from the Research and Education Department will be shared with the Committee of Council Chairs at the meeting in September 2014, and subsequently, it will be shared with the rest of the council.

8. Ministry of Consumers Services (MCS)

H. Lalani provided the following areas of focus for MCS involving TSSA as follows:

- Propane safety panel's proposal has been posted on the Government's Regulatory Registry website for public comments.
- Administrative Authority (AA) Oversight Guideline focusing on consistency of reporting for all AAs organizations.
- Administrative Monetary Penalties has been proposed to be available to all AAs organizations.
- Open Government which is one of the Premier's priorities which is to focus on enhancing public trust and confidence in the government.

He also highlighted that most of MCS's involvement with TSSA were included in the CEO report.

9. Priority Safety Issues:

Single Speed Elevators: D. Witt provided an update around this topic as per discussions at the last Field Advisory Committee. The focus was on leveling to address tripping hazards. An Enforcement Safety Bulletin has been drafted and was sent for feedback and input from industry. The comments close by end of February and implementation will follow.

It was suggested that the compliance requirements should be staggered into a larger number of smaller groups over a longer compliance period, possibly breaking the total number of units into four groups and advance the first compliance date to January 1, 2017. If we assume that 10% of the approximately 1900 units are voluntarily upgraded in each of next two years, which will leave 1420 units that will need to be upgraded in each of the four years January 1, 2016 to January 1, 2020 (330 per year). This is a far more manageable number than the 1000 to 1300 units that could potentially be back logged into the final 18 to 24 months of a two stage compliance scheme.

Some council members suggested different ways of scheduling the implementation to allow flexibility and avoid backlogs in the industry. TSSA will explore ways to break up the timelines and may consider extending the deadline, if necessary.

Anti-creep/leveling requirement for B355 Vertical Platform Lifts: D. Witt, on behalf of R. Kremer, reported to council that a Director's Order had been drafted to set the minimum requirements for anti-creep/leveling and is expected to be sent for comments shortly.

Director's Order and other bulletins update: As part of the advanced materials for this meeting, members received a progress update highlighting the status of each Director Safety Orders and enforcement procedure bulletins, which was treated as read.



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Discussion ensued around the clarity of the 3" allowance for the apron plate requirement impacting existing and/or extended devices. TSSA will ensure it is clear to state what the allowance is for all aprons – existing and those that have been extended.

ACTION: R. Kremer to follow up to ensure the Director's Order is clear on the 3" allowance requirement for all apron plates (both existing and extended ones) before finalizing the order.

10. Priority Safety Issues:

Communication to Owners/Managers and the roll out of the Maintenance Control Program (MCP): As part of the advanced materials for this meeting, members received January 2014 issue of Owners/Managers communication bulletin, which was treated as read.

R. Hadaller reported to council that the owners communication has been posted to the TSSA website and emailed to all those who have registered to receive ED notifications. The communication is also in the process of being mailed to approximately 15,000 licensees. This communication was the result of some of the concerns expressed at the last council meeting and the need to engage with owners on the roll out of the MCP initiative

The challenges of ensuring the communication gets to the right person were discussed. If the communication was sent with an invoice it may not pass the accounting department and if it was emailed it may be considered spam or irrelevant by some and might be deleted without reading.

Any comments or feedback from the industry to improve the process of sending and ensuring the right person is receiving the Owner/manager communication would be greatly appreciated. Leveraging TSSA's social media strategy to inform the industry was also encouraged.

Further discussion ensued around MCP roll out. The difference between a log book and MCP implementation was thoroughly discussed. The looming deadline and the previous requests from the industry for extension that have been granted were also noted. Starting in April 2014, inspectors will be verifying the existence of MCP and new log book during inspections, however, will not be evaluating the MCP itself. If the MCP cannot be found, TSSA's shut down process will be initiated.

The benefits of having electronic log books (paperless) versus hard copy was also discussed indicating that some of the industry was moving forward by implementing online log books.

The use of technology by the industry and TSSA's innovation committee to focus on improving its technology were noted as an important step to ensure public safety. MCS' perspective was that regulations should not be impeding or limiting efficiency and technology were also highlighted.

The question of whether the MCP must be on site was raised. R. Hadaller advised that he would check the CAD requirements and provide an answer in the minutes of the meeting.

Building Owners' perspective: S. Jones presented to council building owners perspectives regarding communication from TSSA and contractors. He highlighted challenges facing the industry in commercial and financial areas, especially in the area of budget planning when the communications from TSSA does not reach the owners or managers of buildings in a timely manner. He also highlighted the benefits of having partnership with building owners to enhance the communication channels.

For example, he shared challenges experienced by the building owners in regards to communication regarding the MCP changes and its magnitude on financial impacts. The communication from the



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contractors was acknowledged and appreciated but the need for more direct dialogue with the owners is still needed.

Some building owners are keen in developing partnerships and providing education to riders of elevator devices. He recommended that TSSA and the Toronto Building Owners & Manager Association (BOMA) explore partnership opportunities.

ACTION: R. Hadaller to provide in the minutes, an answer to the question: must the MCP be on site?

{Answer: Requirements for the maintenance control program (MCP) are detailed in CAD amendment 261-13r1.

The MCP must be implemented for all existing B44 devices by March 1, 2014 per CAD 3.3.2(b).

Per CAD clause 8.6.1.2.1(a), the MCP for each unit shall be viewable on site by elevator personnel at all times (see the text below in italic).

8.6.1.2 General Maintenance Requirements

8.6.1.2.1 A written Maintenance Control Program where implemented shall be in place to maintain the equipment in compliance with the requirements of 8.6 and the following, otherwise the requirements of 8.6.1.1.1(b) apply. The MCP shall specify examinations, tests, cleaning, lubrication, and adjustments to applicable components at regular intervals (see definition for maintenance) and shall comply with the following:

*(a) A Maintenance Control Program for each unit (see 8.6.1.1.1) shall be provided by the person(s) and/or firm maintaining the equipment and **shall be viewable on site by elevator personnel at all times** from time of acceptance inspection and test or from the time of equipment installation or alteration (see 8.10.1.5).}*

The MCP must be on site and viewable by elevator personnel (mechanics and inspectors).

ACTION: BOMA (S. Jones) will contact R. Hadaller to start a dialogue around partnership opportunities between TSSA and Toronto BOMA.

11. Priority Safety Issue:

Public Education and awareness: This item was deferred to the next meeting for an update.

12. Elevating Devices Safety and Compliance Report

With the aid of a PowerPoint presentation which forms part of the record of the meeting, R. Hadaller presented the ED safety compliance data.

As requested at the last council meeting, compliance rates during the recent labour dispute (May to June 2013) were presented. The data showed that compliance rates for elevators during the labour disruption were low. Data for Q2 after the labour disruption showed improved compliance rates for elevators, but was still showing a decreasing trend. Incident data was also presented. Council suggested that future presentations show the number of incidents reported in each quarter and the number of incidents completed, as well as the number of incidents still under investigation. Concern was expressed around the predicted fatality equivalent number for elevators and the fact that 87 was showing as an increasing trend.



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ACTION: R. Hadaller will present the total number of incidents received, completed and still under investigation at the next council meeting.

13. Priority Safety Issues: Compliance Rates

This item was discussed under item 12.

14. Field Advisory Committee (FAC) Update

J. Egan provided a handout at the meeting highlighting issues that was being dealt with by the FAC. He acknowledged that TSSA was now providing administrative assistance for the committee. The committee will be active and will continue to meet three times per year. Attendance was great and discussions were found beneficial for the industry.

15. Training and Certification Advisory Board (TCAB) Update

J. Sorman provided an update around the current issues being discussed at ED-TCAB. TCAB met on January 23, 2014 and the minutes will be shared with council at the next meeting.

He noted that there have been a few subcommittees focusing on specific issues. The membership review subcommittee is focusing on how to approach new members who can lend their expertise to the committee. The mechanics passport subcommittee is focusing on creating a system to document credits accurately and the draft is currently under editorial. The continuing education subcommittee is focusing on developing a curriculum for the next round of continuing education required for mechanic certification renewal. The curriculum will be effective January 2015.

The outstanding issue with the Ontario College of Trades (OCOT) regarding overlapping regulations was discussed. TCAB provided its proposal to the MCS and currently TSSA, MCS, OCOT, and Ministry of Training Colleges and Universities are in dialogue to develop a Memorandum of Understanding.

The issue of labour mobility was raised and it will be taken back to the TCAB for further discussion.

16. Council Votes on Priority Safety Issues for 2013 to 2015

As part of the advanced materials for this meeting, council received the record of their votes from the last meeting held on November 13, 2013, which were treated as read.

17. Industry Discussion

Chair reinforced bringing agenda items to the meeting and planning to participate and present issues affecting each council's sector.

18. Question on Information Items and Other Business

As part of the advanced materials for this meeting, council received the revised matrix and membership documents, which were treated as read.



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Council acknowledged the changes.

Council Portal: With the aid of slide presentations, D. Scriven provided an update around the development of council portal and highlighted some of the features that may enhance communication among council and TSSA between meetings. The portal is scheduled to be in service by the next meeting date. For Council members who are not familiar with the tool, training will be provided.

19. In Camera

Council met in camera without TSSA's management and guests.

20. Termination

The meeting was terminated at 12:40 p.m. The next meeting is scheduled for June 18, 2014 at 8:30 A.M.