



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on February 3, 2021

Minutes of the Elevating Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held virtually at 9:00 a.m. on February 3, 2021.

Present: Cliff Ayling, PCL Constructors Canada Inc.; Ahmad Hussein, TSSA's Consumer Advisory Council; Trevor Doell, Thyssenkrupp Elevator LTD; Rob Isabelle, KJA Consultants Inc; Stan Jones, BOMA & Northern Realty; Lisa Konnry, Schindler Elevator Corporation; John Egan, Schindler Elevator Corporation (Item 13); Kelly Leitch (Chair), Kone Inc; Jim Miller, International Union of Elevator Constructors (IUEC); Chris Kelesis for Haroon Nuri, Toronto Transit Commission; Derek Petri, York Region District School Board; Michael Sentenai, Del Property Management & AMCO; Steve Sokoloff, Quality Allied Elevator; Hugh Richards for Patrick Yeung, Otis Elevator Inc.; Patrick Yeung, Otis Canada Inc.; Phil Warne, True Canadian Elevator Maintenance Co. Ltd.

Bonnie Rose, President and CEO; Robert Wiersma, Manager, Public Safety Risk Management (Item 12); Roger Neate, Director, Elevating and Amusement Devices (Item 4); Dan Brazier, Chief Financial Officer (Item 11); Alexandra Campbell, VP, Communication & Stakeholder Relations (Item 9); Andrew Chin, Special Projects, Finance (Item 11); Angelina Brew, Advisory Council Coordinator; Kristian Kennedy, Manager, Government Relations (Item 15); Rob Kremer, Engineering Manager, Elevating & Amusement Devices Program; Dean McLellan, Incident Management Specialist, Elevating & Amusement Devices Program; Phil Simeon, Director, Regulatory Policy.

Guests: Allison Nicholls, Policy Advisor, Technical Safety Unit, MGCS (item 10); Mitch Thibault, Policy Advisor, Technical Safety Unit, MGCS (Item 10).

Regrets: Robert Devine, Schindler Elevator Corp.

1. Constitution of Meeting

The Chair called the meeting to order at 9:00 a.m., everyone was welcomed.

a) Safety Moment

For the safety moment, K. Kennedy noted that last week was Radon Awareness Week and spoke to the importance of radon testing in homes.

2. Approval of February 3, 2021 Agenda

Council approved the agenda of as presented. The agenda was approved.

3. Approval of September 29, 2020 minutes

Council approved the minutes as presented. The chair's only ask is to continue to strive for the timely review and approval of minutes. The minutes were approved as written.

4. Review of Action Items from Last Meeting

R. Neate noted that all action items were accounted for in the minutes and the appendices attached to the minutes. He noted the first item on electronic logbooks is held pending the implementation of the new system. He recommended A. Brew will revise the action items to remove the 20/20 reference. He spoke to other action items, all of which are actioned at this meeting.

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There were no questions or comments from Council.

Action: A. Brew to update the action item to reflect the name change from 20/20 to OASIS.

5. Chair's Update

K. Leitch spoke to this item, asking if there were any questions on his annual report.

There were no questions or comments related to his report.

6. TSSA President & CEO's Report

B. Rose had no updates but was happy to take questions. She is very pleased with elements of strategic plan that are tracking well and being implemented. Overall, TSSA is making progress on its strategic plan.

7. Outcome-Based Regulator

P. Simeon noted that four standards rolled out in the fuels program. Three standards are ready for rollout 2021 (escalators, ski lifts, pipelines). He underscored that compliance standards for elevators (traction and hydraulic) are to be developed in 2021.

When the new business model goes live in May 2021 any authorization that lapses will be followed up the first phase will include devices in the elevators program and facilities in the fuels program.

P. Simeon provided the council with a recap of the feedback provided on compliance standards and inspection reports at the autumn council meetings.

He then revisited enhanced authorizations. TSSA is enhancing authorizations so that they become a one-window service, with an authorization renewal process that is comprehensive. Enhanced authorizations are part of a safety value chain in which risk score determines next steps as a modern regulator. If necessary, TSSA will take progressive enforcement action if non-compliance persists.

R. Isabelle noted that it is difficult to renew at TSSA. Clients have problems, indeed, but it is not just one-sided. Part of the problem is TSSA. P. Simeon noted that that is precisely what TSSA is working to do with enhanced authorizations. He also asked if TSSA is considering renewing every two years instead of annually. It would be less onerous if it were not per annum. P. Simeon noted that some renewals are set in the regulations, which TSSA would have to take under advisement for future change.

S. Jones asked how the risk score will be calculated. P. Simeon said he cannot speak to risk score but did speak to TSSA's usual process of dealing with risk scores to come up with an assessment. S. Jones is struggling to understand how a contractor's performance is linked to the owner's score. For a long time, owners have been asking TSSA for contractor compliance information. The two are linked, and he would like to understand how that will impact risk scores.

P. Warne stated that possibly risk can be broken down so that it would be a more valuable rating than wrapping the two together. It is important that the risk score allows the contractor and the owner to assess their own performance. S. Jones agreed with P. Warne.

S. Jones asked what sort of information would be on the renewal package and how far in advance would it be sent out. P. Simeon responded that TSSA needs to understand why renewals are not being made



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before we decide what will be included in the renewal packages. TSSA will need to strike a balance between too much information and not enough. As for how soon in advance, he advised that it should not be too far in advance that the renewal is forgotten. S. Jones commented that this approach will drive compliance on an annual basis, and he hopes we can all accomplish it.

P. Warne commented that full compliance before renewal, based on previous risk ratings, could be problematic because of 80 per cent noncompliance rates. Improving compliance in a short time-frame might not be feasible. He noted that many in industry are still not clear with where TSSA is going with compliance standards, enhanced authorizations and outcome-based regulator generally.

D. McLellan gave a quick update on the Escalator Compliance Standard. He detailed how he consulted internally with inspectors, engineering and the risk team and built the compliance standard around the relevant orders. TSSA reached a stage where it was able to meet with stakeholders. Stakeholder representation was diverse, including industry and mechanics. TSSA created one for owners, another for contractors since certain things are unsafe for owners to check. There are 14 high-risk items in the standards for owners, 43 for contractors. The TSSA Communications team is working on the website version. It will be downloadable and accessible on electronic devices. In total, 80 per cent of the items are driven by data, and the remainder is an expert opinion (TSSA and stakeholder).

C. Ayling asked what was meant by the number of orders cited being reduced by 63 per cent. D. McLellan and P. Simeon explained that what it means is that TSSA is only following up on high-risk orders. Other orders are now safety tasks, which explains the reduction.

M. Sentenai added that often the problems are in connection with missing paperwork, for example, annual testing. He asked how missing records will be categorized. D. McLellan responded that the inspection will determine whether a specific area of paperwork will be cited as a safety task or not.

C. Kelesis asked if a list of the total list can be provided so they can better understand the risk. Sometimes inspector consistency varies, with inspectors interpreting safety tasks and high-risk orders differently. D. McLellan responded that the Compliance Standard includes the high-risk orders. R. Neate added that the compliance standards and the inspector's reports are focused on key high-risk items so that consistency is guaranteed. It is not open to inspector discretion, as in the past. He added that this is a starting point to get everyone on the same page; it is a living document that can change if industry and TSSA decide safety tasks and high-risk orders need to change.

P. Warne noted that from earlier presentations on outcome-based regulator he got the impression that part of the plan was forewarning on an inspection to make sure contractor work is up-to-date. D. McLellan noted compliance standards are available and inspectors will warn contractors ahead of time.

The chair asked if there was a timeline and a summary of the work done. B. Rose indicated that timing will be shared at the next meeting in light of IT dependencies.

Action: D. McLellan to share with the meeting minutes background material on the escalator compliance standard.

8. Code Adoption Document Update

There have been six online consultations on CAD amendments. Late March is when TSSA anticipates posting the Elevating Devices Code Adoption Document amendments. P. Simeon noted TSSA will share the CAD amendments, once posted, and will communicate widely. He encouraged council members to share it widely.



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P. Warne said one issue for contractors with CAD amendments is implementation time. Logbooks are calendar year; therefore, midyear implementation of the CAD amendments is a challenge. P. Simeon explained that TSSA would take that under advisement.

9. Stakeholder Engagement Update

A. Campbell noted the item related to following up from the autumn council sessions. TSSA is reviewing its stakeholder engagement mechanisms. TSSA needs to make sure engagement is flexible in relation to outcome-based regulator timelines. She noted that TSSA will be posting the changes on its online platform. She underscored why the changes are being contemplated, notably aligning strategic objectives, clarity on member and chair roles, and clarity on confidentiality and membership term limits.

Separate from the terms of reference, A. Campbell noted that there are nine councils and the presentations we are delivering are applicable across all programs and sectors. For that reason, we are holding joint meetings of fuels councils and boilers and pressure vessels with operating engineers. She added that this was not done with Elevating and Amusement Devices and Ski Lifts.

P. Warne requested an email reminder of when the consultation is posted online.

10. Ministry of Government and Consumer Services Update

A Nicholls noted that from July to August 2020, the ministry consulted with industry on proposed regulatory changes to support elevator safety and availability via Ontario's Regulatory Registry and, as needed, held follow-up conversations with stakeholders in Fall 2020 to discuss the proposal in more detail and solicit feedback from different perspectives in the elevators sector. The proposed regulatory changes being considered are based on previous work on elevator availability that resulted in specific legislative changes being made to the Technical Standards and Safety Act, 2000 in 2018 which are not yet in force. These include enabling TSSA to impose administrative monetary penalties for non-compliance with elevator safety laws under the Act and its regulations and requiring elevator availability data to be reported to TSSA and requiring TSSA to make this data publicly available online for easy access.

A Nicholls also gave an update on the Elevator Education Project. The session's goal is to share general information with elevator owners intended to help lead to better planning, improved working relationships between contractors and owners, and is part of a larger effort to enhance elevator reliability and availability.

The Chair asked how AMPs would change what TSSA currently has within its realm. He indicated there has been very little detail, for example about appeals. A Nicholls indicated that the intention is to include an appeals mechanism, using an existing body in legislation. The Chair asked if TSSA understands how to bring this forward. A Campbell said TSSA is working with the Ministry on the proposed regulation. B. Rose indicated that AMPs are really part of an enforcement hierarchy. After repeat orders, AMPs are contemplated. TSSA will come back to the council in the autumn with more detail on the AMPs.

P. Warne noted that CECA met with MGCS about AMPs and agrees it is a work in progress.

Action: AMPs to be included on the agenda for the autumn 2021.

11. Business Model Update

D. Brazier noted that TSSA has started communicating to the broader customer base explaining the business model changes to all customers. He detailed the various other implementation steps leading up to May 1, 2021.



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The Chair asked if there is a requiring to pay in March and then receive a prorated fee in May. D. Brazier clarified that that is the way it will roll out. D. Petri noted he did not have any added comments. P. Warne explained that fees will be paid in March using old rates and then a prorated one later. D. Brazier confirmed that this is an accurate description of implementation. P. Warne also asked if slightly smaller group categories have been considered. D. Brazier noted discussions with industry did take place. TSSA still has to get the proposed new categories approved by the government. It is not guaranteed because TSSA has to engage government first formally.

12. Safety & Compliance Report

R. Wiersma presented this item as an alternate for V. Dessanti. He walked through the key data points in the report. There is a lot less activity in the sector due to the coronavirus pandemic. Elevators have seen a decrease in the number of occurrences and injuries since last year, likely due to reduced usage because of the pandemic. No fatalities were recorded. For escalators and moving walks there has been a decrease in the number of occurrences and injuries since last year, likely due to reduced usage because of the pandemic. The number of high-risk devices has decreased, presumably because they are on a risk-based inspection schedule.

C. Ayling asked about the reduced number of instances and asked R. Wiersma if there is any sense about how many devices are inactive. R. Wiersma noted he is not sure how many are voluntary shutdown. TSSA can look into it. He knows licenses are being retained. Often owners do not inform TSSA that their devices are not operating. C. Ayling commented that the numbers are misleading if many devices are not left in operation. In terms of market sector, C. Ayling asked, is it up in commercial or down in residential. R. Wiersma indicated that data will be included when TSSA does a deeper dive as part of its annual safety report. P. Warne commented that qualitatively there are drastically lower numbers of elevator trips per day. S. Jones commented that in his sector usage is down dramatically, even in the busiest areas of real estate. C. Ayling asked S. Jones if some devices are being made dormant. S. Jones said that some are shutdown rotationally in response to the traffic in the first wave of the pandemic. J. Miller how companies know companies, technicians and TSSA know how this information is captured when maintenance is not done in six months given dormancy, can a site afford to miss periodic intervals. D. McLellan commented that in the first wave commercial buildings informed TSSA about devices going dormant. TSSA sees notes in the logbook about devices going out of service.

13. Incidents/Issues Report

R. Neate reported that there has been one fatality related to an escalator in terms of more recent incidents after the Q2 period covered in R. Wiersma's report. TSSA is still investigating and working with the Coroner's Office but will most certainly have something by the next meeting. J. Miller asked where it occurred. R. Neate said it happened in Toronto but TSSA does not know if and how it involved the escalator.

14. Field Advisory Committee Update/ CECA update

J. Egan noted there was a January 20th, 2021 FAC meeting. The highlights are the new CAD amendments, a new flood form, a discussion about outcome-based regulation, notably the compliance standard, the emergency power testing form revisions.

The Chair asked if the FAC can meet during the period the CAD amendment consultation. J. Egan noted that the CAD amendment consultation will be posted for 60 days in which FAC members or others can comment. J. Miller asked if he can be invited to the FAC meeting to represent his association. J. Egan offered to add him to the mailing list. R. Neate clarified that CAD consultation is posted for 30 days.



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Kennedy clarified the standard operating procedure (SOP) for posting the CAD amendment is to send it to the Elevating devices subscribers list, notify the advisory councils, the FAC and risk reduction groups.

Action: A. Brew to append FAC January 20th, 2021 meeting minutes to the EDAC minutes.

15. Council Administration

a) Membership Renewal

Cliff Ayling renewed for two years only. Ahmad Hussein, Haroon Nuri and Jim Miller renewed for three year terms.

Action: A. Brew to update Council members renewal in the membership matrix.

b) Council and Customer Value Survey

K. Kennedy notified the council that both the council survey and the customer value survey will be launched this fiscal year.

The Chair asked if there was any additional business.

D. Petri advised TSSA that owners of multiple devices over multiple facilities are not aware of the ability to consolidate to have a common expiry date and customer number. Knowing that would greatly assist with the rollout of the business model.

J. Miller commented that IUEC is looking to establish a safety committee and would like to involve everybody interested. He will be sending invitations next week. R. Neate asked about the scope of the committee. J. Miller commented that it is mostly worker safety, rather than end-user safety, but it may evolve to end-user safety.

P. Warne asked R. Neate and D. McLellan to take back the issue of maintenance when devices go dormant. He also asked S. Jones to comment on the nature of the relationship with his contractor. S. Jones said they exercised a provision in the contract that allows for reduced occupancy in buildings. They came up with a process whereby the maintenance of devices continued – there was no reason to cease it. D. McLellan added that commercial sites tagged out their devices and maintenance stopped, but when they resorted to service, just like when any shutdown resumes service, maintenance recommences.

16. Adjournment

The meeting adjourned at approximately 11:12.am. Council held a Council-only in-camera session without TSSA staff or guests followed by an in camera session with B. Rose.



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Appendix

Health Canada's "Take Action on Radon" certified radon professional locator can be found [here](#).

FAC January 20th 2021 Meeting Minutes is both attached to this document and can be found here: [2021-01-20 FAC Minutes-20210127-final.pdf](#)