



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on September 29th, 2020

Minutes of the Elevating Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held virtually at 8:00 a.m. on September 29, 2020.

Present: Ahmad Husseini, TSSA's Consumer Advisory Council; Robert Devine, Schindler Elevator Corp.; Rob Isabelle, KJA Consultants Inc; Stan Jones (on Skype), BOMA & Northern Realty; Lisa Konnry, Schindler Elevator Corporation; John Egan, Schindler Elevator Corporation (Item15); 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 for Rick Sokoloff, Independent Elevator Contractors Association (IECA) & Quality Allied Elevator; Hugh Richards for Patrick Yeung, Otis Elevator Inc.; Patrick Yeung, Otis Canada Inc.; Nashir Jiwani, Senior Operations Consultant; Phil Warne, True Canadian Elevator Maintenance Co. Ltd (Item 15).

Bonnie Rose, President and CEO (Item 6); Robert Wiersma, Manager, Public Safety Risk Management; Roger Neate, Director, Elevating and Amusement Devices (Item 4, 13); Suba Ariyaretnam, Manager, General Accounting and Financial Reporting; Dan Brazier, Chief Financial Officer (item 11); Alexandra Campbell, VP, Communication & Stakeholder Relations (Item 8); Andrew Chin, Special Projects, Finance; Angelina Brew, Advisory Council Coordinator; Kristian Kennedy, Manager, Government Relations (Item 17); Rob Kremer, Engineering Manager, Elevating & Amusement Devices Program; Dean McLellan, Director (Interim), Elevating & Amusement Devices Program; Phil Simeon, Director, Regulatory Policy (item 7,10). Viola Dessanti, Director, Strategic Analytics (Item 12); Sandra Cooke, Manager, Compliance and Legal (Item 9); Nameer Rahman, Policy Advisor.

Guests: Erick Morales, Senior Policy and Program Analyst, Technical Safety Unit, MGCS (Item 14); Allison Nicholls, Policy Advisor, Technical Safety Unit, MGCS (Item 14); Mitch Thibault, Policy Advisor, Technical Safety Unit, MGCS (Item 14).

Regrets: Trevor Doell, Thyssenkrupp Elevator LTD

Due to technical oversight, Cliff Ayling, PCL Constructors Canada Inc. did not receive the invitation.

1. Constitution of Meeting

The Chair called the meeting to order at 8:00 a.m., everyone was welcomed.

a) Safety Moment

For the safety moment, Alexandra Campbell spoke briefly about TSSA's carbon monoxide campaign. A video on TSSA's 2015 Safety Award winner, John Gignac, was to be shown but could not be due to technical difficulties.

b) Moment of Silence

Council members observed a moment of silence for Rick Sokoloff.

2. Approval of September 29, 2020 Agenda

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Council approved the agenda of as presented. The Chair advised that the Council welcomes TSSA engagement and encouraged members to put items forth for the agenda topics for subsequent meetings.

3. Approval of February 19, 2020 minutes

Council approved the minutes as presented.

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.

There were no questions or comments from Council.

5. Chair's Update

K. Leitch spoke to this item, advising that he submitted his annual report to TSSA and treated it as a consent item.

There were no questions or comments related to his report.

6. TSSA President & CEO's Report

B. Rose provided a brief overview and opened the floor to questions. A. Hussein sent a York Region news clipping to the Chair about new physical distancing requirements during COVID-19. B. Rose said she would be keen to hear more information on the impact of the pandemic on the industry. K. Leitch said particularly in residential buildings they are working on health and safety solutions in response to the pandemic but commented that the sector is in this for the long-haul as far as the elevating devices fleet is concerned. R. Neate commented that he has spoken to some members about the issue of the pandemic in relation to the elevating devices sector.

7. Outcome-Based Regulator

P. Simeon spoke to this item and provided Council with an update on the progress being made on TSSA's transformation to becoming an outcome-based regulator.

H. Nuri noted that the compliance support and inspection report samples that are visual are easier to follow. He pointed out that a building owner who knows little about the equipment would benefit from this visual graphic format.

The Council was informed that a working group will be struck for the escalator compliance standard. For the working group, P. Simeon indicated that the ED program will be working to collect names of potential participants. He gave a sense of the time commitment, which will take approximately six hours. R. Neate will coordinate member recruitment. TSSA would like to have a working group composed in approximately two weeks.

Action: R. Neate to seek members for the working group on the escalator compliance support.

8. Stakeholder Engagement

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A. Campbell detailed the need for review of the advisory council Terms of Reference (TOR). She then went into the key findings of the TOR review.

The Chair said the Field Advisory Committee (FAC) contribution to TSSA is key. The name of it may change, but he emphasized that engagement is very strong through FAC. A. Campbell asked what works so well in FAC, because some TSSA Risk Reduction Groups do not work well. J. Egan said FAC is well-attended, with 80 per cent representation across segments, active discussion, good feedback on the review process and execution of action items post-meeting. J. Egan noted that a thorough review was done of FAC's TOR and he has no objection to membership limits. On member limits on advisory councils, one of the revisions A. Campbell detailed, the Chair agreed with the idea that council members can be considered for continued membership after two terms only if no other new, qualified stakeholders are interested in joining the council.

9. Ombudsman Update

S. Cooke gave an update, noting that from May 1, 2019 to April 30, 2020, the Ombudsman Office received 145 external contacts and 18 internal contacts. There were eighteen reported cases in FY2020. All cases were addressed and closed. Although the Whistle Blowing service was primarily designed to confidentially report alleged TSSA wrongdoings, it has had the added benefit of providing an independent external service so that persons can confidentially and securely report alleged wrongdoings by parties regulated by TSSA. Sixteen of the eighteen cases pertained to regulated parties and the remaining two concerned TSSA employees. S. Cooke offered to do presentations to industry.

There were no questions or comments related to S. Cooke's report.

10. CAD Update

P. Simeon spoke to what is guiding the CAD review. He went through the five fundamental objectives, including a standardized approach and process across TSSA, alignment with other provinces through the adoption of national codes, minimized Ontario only amendments, effective participation on national code committees and responsive implementation timelines. He then walked through the CAD amendment timeline.

The Chair asked when the code will get adopted. R. Neate said R. Kremer is working toward the latest code, the 2019 code. R. Kremer noted the language in the CAD amendment is being drafted. P. Simeon added that once this version is adopted, TSSA can proactively plan so that once national codes are published, TSSA can be ready after that to adopt sooner and be more responsive. R. Kremer noted that he mentioned at the last FAC that TSSA is working on the latest CAD amendments. He added that he wants less CAD text and more national code text going forward.

11. Business Model Update

D. Brazier treated this as a consent item but spoke to how TSSA modified the business model approach after consultation. TSSA's fees were revisited and revised for elevators so that the fees for each category aligned more closely with the five-year historical averages. Additionally, D. Brazier drew attention to the next steps of the business model, noting in particular that the new fee structure effective date is early 2021.

P. Warne noted the concern of contractors about an increase in contractor registration fees. He asked if there was any feedback on the increases from contractors. D. Brazier said there were discussions about it



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and those have not wrapped up yet. Right now, it is a very low fee, and TSSA has heard it is a significant increase. TSSA is trying to scale it to contractor size, noting that it is critical for regulated entities to pay for the safety infrastructure on the basis of size. H. Nuri asked if there is a roadmap on where TSSA would like to be and how it will evaluate success in the future, say 2-5 years. D. Brazier replied that the new business model will allow for more flexibility; it will allow TSSA to reduce high risk devices in the province. That will in turn reduce harms. The business model will help TSSA move activities toward safety risks designed to address high-risk safety services.

S. Jones said owners are missing-in-action from the meeting, as not enough of them attended, so TSSA should circle back and have a regroup about the fee structure changes. Overall, S. Jones commented, the feeling was that owners would have cost increases. Many stakeholders felt that if it resulted in a more streamlined system and improved safety, everyone would be fine with the cost increases. He listed several industry concerns from his sector. The risk model is not clearly understood, and cross-subsidization continues. The Chair added that there is a feeling that TSSA had not made a clear connection but made a leap of faith to a new regulatory model. D. Brazier recommended a follow-up meeting so TSSA can clear up the details. He added that higher-risk players will be paying more; they will get extra inspections, which means higher fees. B. Rose added that the Council should think back to the outcome-based regulator presentation for information about how the risk-model aligns up with the business model.

L. Konnry said there was no connecting back with contractors by TSSA. She said the fee change is not going to go well, and everyone is being hit financially during the COVID-19 pandemic. An increase in fees is going to be seen as very insensitive. It is going to hit contractors, who are going to pass on to users. She wondered if there is an opportunity to revisit the business model changes. The Chair said that for the record, the industry never heard back until A. Campbell responded the day prior to the meeting. There has never really been closure, other than saying fees will go up ten-fold, he added. D. Brazier offered to put something in writing. He reiterated that fees are not going up; it is a revenue-neutral fee structure change. A. Campbell added that this council meeting was important to have first – the outcome-based regulator presentation was important to understand where TSSA is going, so hopefully, this is starting to answer council members questions. TSSA will commit to expanding an understanding of those connections.

J. Egan added that a response to their letters would be appropriate. S. Jones asked if it is time-sensitive and if they need to move ahead soon. D. Brazier recommended we should connect fairly soon. S. Jones asked if it is safe to say that the Ministry is aware of the feedback from owners and contractors. D. Brazier said TSSA put industry concerns in the business case to the Minister. A. Campbell said other sectors are generally supportive. Even this industry appears able to accept it. The Chair said clear responses back to sector to close the loop will be helpful. He repeated that this is a bit of a leap of faith, but industry shares the principle behind it.

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. He spoke to a rise in incidents that TSSA is monitoring on elevators. Reporting has done much to explain good data on escalators, which is also confirmed in high risk results in hospitals, which have a strong reporting culture.

The Chair said he is happy to see escalator reporting similar to reporting levels in the industry. On high risk versus low risk, he commented that there is a disconnect on what is high risk in the presentation. The Chair also asked about user behavior, especially on escalators. R. Wiersma commented that most risk TSSA sees is from user behavior. R. Isabelle asked if TSSA has data from other provinces so it can compare with other provinces. R. Wiersma said a like-for-like comparison is difficult: executing and scheduling inspections is different in other jurisdictions. TSSA has not made a comparison with other



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jurisdictions – maybe something TSSA can look into. R. Isabelle added that he is aware of four different approaches in several provinces. R. Wiersma said he will take it away for consideration.

(b) COVID learnings

R. Neate spoke to this item. First, the key learning was communication with staff and industry. Changes to processes were instituted, and TSSA phoned ahead to sites. D. MacLellan said inspectors have noticed there is not much social distancing and personal protective equipment (PPE) at construction sites. He recommended industry connect with their contacts about health guidelines. The Chair said their contractors are anxious on construction sites and that industry can only make sure front-line teams are fully supported.

J. Miller commented that he had seen sites following guidelines completely, others had no Personal Protective Equipment (PPE) or followed protocol. S. Jones said one learning experience was rotating elevators. The Chair said that despite company protocols, technical staff are running up against variations on sites. R. Isabelle said technologies are coming online to deal with the pandemic, such as non-touch devices. He asked if this is a time to scale back barriers to new innovations, including one that TSSA declared was a pinching hazard. Devices may not be perfect, but maybe TSSA should relax barriers blocking certain technologies.

13. Incidents/Issues Report

R. Neate reported that there have been no major incidents or issues.

14. Ministry of Government & Consumer Services Update

The Ministry treated its report as read.

a) Elevator Availability Update

The Ministry spoke to administrative monetary penalties and data collection regulations that are in the works. It was mentioned that consultations were undertaken; the Ministry is reviewing the feedback and will follow-up with some responses and follow-up questions. The Chair commented that at a time when everyone is trying to streamline administration, the data collection approach being pursued will add costs to industry. P. Warne asked about owner education. A. Nicholls added that her colleague, D. Bosnjak is working on the education and outreach file. P. Warne said other Council members may not be aware of the initiative, so A. Nicholls explained that the education file is part of the Cunningham report and is about educating property managers and the public about contracts. K. Kennedy offered to circulate D. Bosnjak's contact information to council members.

15. Field Advisory Committee Update/ CECA update

J. Egan gave an overview of the last FAC meeting. FAC worked on the CAD amendment, several industry items and the impact of COVID-19 on various aspects of the sector. The minutes are available, which he will submit to the Council for review.

There was no CECA update. D. MacLellan expects an update at the next meeting.

16. Questions and Other Business

There were no questions or other business.



17. Council Administration

a. Membership renewal – Patrick Yeung

H. Richards indicated that P. Yeung wishes to renew. He was unable to attend.

Action: A. Brew to update the membership list accordingly.

b) Advisory Council Portal

K. Kennedy provided background and an overview of the options for a council portal or for sticking to the status quo of using email and Outlook calendars for meeting coordination.

The Chair said he has had no problems using Outlook alone. TSSA staff are responsive via email, and he sees no benefit of a portal. He does not recommend TSSA take on new initiatives, like a portal. S. Jones said existed communications are satisfactory.

18. Adjournment

The meeting adjourned at approximately 1:05 p.m. Council held a Council-only in-camera session without TSSA staff or guests.



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Appendix

The Safety Moment on TSSA's Carbon Monoxide campaign can be found [here](#).

FAC Meeting Minutes can be both found [here](#) and attached to this document.