



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on February 19th, 2020

Minutes of the Elevating Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario at 9:00 a.m. on the 19th day of February 2020.

Present: Trevor Doell, Thyssenkrupp Elevator LTD; Ahmad Hussein, TSSA's Consumer Advisory Council; Rob Isabelle, KJA Consultants Inc; Stan Jones (on Skype), BOMA & Northern Realty; Lisa Konnry, Schindler Elevator Corporation; 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.

Suba Ariyaretnam, Dan Brazier, Chief Financial Officer (item 14); Alexandra Campbell, VP, Communication & Stakeholder Relations; Andrew Chin Danielle Fernandes, Advisory Council Coordinator; Kristian Kennedy, Manager, Government Relations; Rob Kremer, Engineering Manager, Elevating & Amusement Devices Program; Dean McLellan, Director (Interim), Elevating & Amusement Devices Program; Phil Simeon, Director, Regulatory Policy (item 7-9).

Guests: Alain Bennink, Mohawk College (item 16b) Angelo Cosco, Mohawk College (item 16b); Nathan Fahey, Manager, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS); Sarah Jeffrey-Hampton, Senior Policy & Program Analyst, Technical Safety Unit, MGCS; Mitch Thibault, Policy Development Intern, Technical Safety Unit, MGCS.

Regrets: Cliff Ayling, PCL Constructors Canada Inc; Phil Warne, True Canadian Elevator Maintenance Co. Ltd.

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, Council was shown a short video on winter weather safety and walking safely in icy conditions.

b) Advisory Council Ground Rules

A. Campbell spoke to this item. She explained that it is best practice to inform and remind members of appropriate conduct during meeting. Specifically, she noted the following ground rules for discussion purposes:

1. Each attendee is an equal participant in all aspects of council deliberations and should have the opportunity to openly share their expertise and knowledge to enhance public safety.
2. Respect the various positions of your peers and each meeting attendee.
3. Be open to exploring differing perspectives in order to have informed interactions that enhance public safety.
4. Refrain from speaking over others or inside conversations.
5. Remain objective and leave respective competitive strategies and goals outside of council meetings and represent to the best of your ability your stakeholder group.

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6. Respectful disagreement is okay; consider tone and approach when tabling concerns at councils.

She explained that she is open to refining these guiding principles and invited Council member to send TSSA material used by other organizations' committees, etc.

There were no questions or comments from Council.

2. Approval of the February 19th, 2020 agenda

Council approved the agenda of February 19th, 2020 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 September 17th, 2019 minutes

Council approved the minutes of September 17th, 2019 as presented.

4. Review of Action Items from Last Meeting

D. McLellan provided an overview of the action items circulated to Council prior to the meeting. He advised that all action items were administrative in nature and would either be covered under subsequent agenda items or have been provided to Council as information items with the package. As it relates to the action item for federal buildings, D. McLellan and R. Kremer noted that TSSA is currently working on a matrix to address questions related to elevators within federal jurisdiction. D. McLellan added that TSSA legal counsel would address any additional questions later in the meeting.

5. Chair's Update

K. Leitch spoke to this item, advising that he has nothing new to update Council on as many of the items are up for discussion on the agenda for this meeting. He noted that he will be submitting a report to the CEO at the end of March which will be circulated to Council.

6. TSSA President & CEO's Report

A. Campbell spoke to this item in the absence of B. Rose, treated the report as read, and opened the floor to questions from Council. In response to a question regarding OASIS roll-out for the Elevating Devices program, A. Campbell advised that the first phase is scheduled to launch in September, 2020 for the Boilers & Pressure Vessels and Operating Engineer Program area, adding that the Elevating Devices program would be the last phase of OASIS, scheduled for 2021.

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. He advised that the principles of consistency, evidence-based decision making, and stakeholder outreach underpin this initiative. He explained that for the elevating device sector, the development of compliance standards is a key consideration that will be used by TSSA to help industry focus on risk while developing checklists and compliance standards to promote consistency.

In response to a question from Council as to whether TSSA has benchmarked this proposal against other provincial jurisdictions, P. Simeon explained that TSSA has undertaken a benchmarking exercise. He



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added that a shift in focus to safety priorities underpins compliance standards. He explained that not all rules are created equal and as such a prioritization of rules based on evidence is of paramount importance. In response to a question from Council as to whether TSSA meets with other authorities having jurisdiction (AHJ), D. McLellan confirmed that TSSA meets regularly with other AHJs, adding that TSSA keeps tracks of codes being enforced across all provinces.

8. Elevator Availability

S. Jeffrey-Hampton provided some context to the proposed regulatory changes underpinning elevator availability. She explained that the issue of elevator availability has been the source of much public and government attention in recent years. She explained that the issue has both health and safety implications, particularly for first responders. P. Simeon provided additional context on TSSA's plan to operationalize regulatory changes related to elevator availability. He explained that the challenges will be to collect useable availability data and publicly report on it in a transparent manner. He added that availability challenges are generally in residential buildings. He added that the operationalization of these regulatory changes must consider the various perspectives of the stakeholders involved, adding that stakeholders would be informed during the development process. He noted that while the most comprehensive solution would be to institutionalize availability in the Ontario Building Code, it is also imperative to find other mechanisms, such as contacting municipal planning departments and encouraging them to obtain traffic studies for new construction projects. He explained that some of the questions TSSA is exploring, which also require stakeholder input, are 1) what data is available? 2) what data is relevant to address issue and how will the data be used? 3) who will be responsible for reporting; and 4) What will be the mechanisms for reporting.

There was some discussion on this topic with several Council members advising that amendments to the building code for new construction residential buildings is essential to address the issue of elevator availability. Their additional suggestion that there should be a requirement to disclose the average waiting time for elevators prior to the purchase and sale of the property. Some Council members expressed concern about the prospective for contractors having to report data on availability. The Chair explained that while contractors have data, it is unique to their business, adding that the relevance of this is questionable for the current initiative. He advises that TSSA begin to have conversations about what is available with contractors. Other Council members cautioned about the unintended consequences of the regulatory changes, specifically that the changes could result in returning to service devices that should remain shut down. P. Simeon acknowledged the areas of concern and explained that these would be key considerations as TSSA moves forward with this initiative.

9. CAD Development Strategy

P. Simeon spoke to this item and provided an overview of the CAD amendment review process. He explained that there are currently 51 codes and standards as well as many directors' orders and advisories equating to over 10,000 different TSSA-enforced rules. He added that this review process places emphasis on evidence while prioritizing safety outcomes and measuring compliance. It fundamentally represents a shift away from measuring compliance with all rules toward a focus on safety outcomes based on evidence and risk analytics. He advised that feedback received from industry centered around the slow pace of adoption, adding that harmonization and the need for consistency were also paramount considerations for industry. He detailed four factors that underpin the strategy. First, the assessment of rules through a risk-based paradigm. Second, the prioritization of safety outcomes. Third, the reduction of burden on industry; and fourth, the consideration of industry input and engagement in the adoption of codes. He explained that TSSA is in the process of developing options to improve the code adoption process. He added that the prioritization of CADs is critical to shifting away from the current adoption method, and explained that codes that have been prioritized by TSSA include the BPV (CSA B51



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Pressure Piping Code), (CSA B52 Mechanical Refrigeration) and Fuels (CSA Z662 Oil and gas pipeline) codes.

There was some discussion regarding this topic with several Council members advising that setting established, and achievable deadlines is essential to the success of this strategy. In response to a question regarding whether there is ever a reason for Ontario-specific requirements, Council in general did not see a need for provincial deviation from the national code. A Council member also advised that the various groups of stakeholders be considered while developing the strategy, noting that some consideration should be given to owners for compliance, specifically time for implementation. D. McLellan confirmed that this is a primary consideration. In response to a question from Council regarding the adoption of the elevating devices code, P. Simeon advised once TSSA completes the adoption of the BPV and Fuels codes, a timeline for the next CAD amendment would be established.

10. Transparency Strategy

K. Kennedy spoke to this item. He explained that there are three main areas of transparency that relate to TSSA's work: corporate disclosures, safety information and data; and stakeholder engagement. He provided an overview of corporate disclosure documents and of safety information and data. Finally, he provided an overview transparency as it relates to stakeholder engagement. He explained that broader transparency is a strategic goal initiative set out in TSSA's Business Plan for this fiscal year, adding that stakeholder engagement specifically, is a priority for TSSA. He advised that transparency in stakeholder engagement is of importance given the number of initiatives currently underway that impact the ways in which customers interact with TSSA. Additionally, he noted that the current mechanisms for engagement are often informal and limited to a select number of stakeholders. He explained that formal mechanisms, such as advisory councils and RRGs, may not be ideal for addressing all issues. He posed four questions to guide the discussion:

- 1) Do you believe stakeholders understand TSSA's engagement processes and how to get involved?
 - a. What are the gaps and opportunities for improvement?
- 2) What sort of consultative mechanisms would you like to see included?
- 3) Are the expectations of the TSSA's engagement clear and are they being met?
- 4) Are the right stakeholders involved at the right level and the right time?

He explained that in terms of next steps TSSA would be reviewing the Council Terms of Reference, developing stakeholder engagement principles and more clearly defined processes that determine audiences and outcomes. Councils would be provided updates in at the fall council sessions.

The Chair explained that from his perspective the Field Advisory Committee (FAC) was an effective engagement tool. Several Council members advised that ad hoc committees increase the speed with which issues are addressed, adding that regardless of the mechanism employed, established timelines and accountabilities for decision making is essential to the process.

Action: D. Fernandes to circulate presentation and append to the minutes.

11. Safety & Compliance Report

V. Dessanti spoke to this item referring to the presentation shared with Council prior to the meeting. In relation to the peer review process currently underway for the Risk Informed Decision Making (RIDM) model, V. Dessanti advised that TSSA is currently in the process of reviewing and enhancing its risk model in support of the transition to becoming an outcome-based regulator. She explained that some of the changes that are currently in progress include extending the input to the risk score beyond inspection



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orders and incidents, giving recent events a higher weight in the risk score calculation, and including population density in the calculations. She explained that the proposed changes will be presented to the peer review panel, which is comprised of members from other regulatory agencies as well as academics, adding that the Advisory Councils will be kept abreast of the review.

There were no questions or comments from Council.

Additionally, V. Dessanti presented the mid-year safety report. She explained that in the first two quarters of the fiscal year (FY) 2020 there were 536 reported occurrences, including six permanent injuries, adding that there have been no fatalities. She advised that the compliance rate for both elevators and escalators continues to decline, noting however that there has been an observable decrease in the risk of injury and fatality for elevators in the last two quarters. She noted that the areas of concerns for elevating devices remain 1) elevator risks in hospitals; and 2) user interactions on elevators in retirement and long-term care homes.

In response to a question from Council as to whether TSSA will be tracking high risk, given the outcome-based regulator initiative, V. Dessanti advised that this is something that TSSA is currently looking into doing, specifically changing the metrics for analysis. Additionally, some Council members commented that there have been changes to TSSA's approach to inspection, specifically that there are more inspectors and that inspections are more thorough. D. McLellan advised that the number of inspectors have remained consistent, there have been a few new hires, however standard orders for elevating devices have been employed for the past five years which encourages inspector consistency. He added that the program has standardized training, so consistency is a key consideration in inspections. The Chair noted that additionally the use of elevators has gone up significantly within the province. There was a request from Council to show the numbers for the annual safety results normalized per million people at the next EDAC meeting.

Action: V. Dessanti to provide annual safety numbers normalized per million people at the next EDAC meeting.

12. Incidents/Issue Report

D. McLellan spoke to this item advising that there is currently one fatality under investigation which is attributed to mental health issues. He also noted that there was an incident where someone was found in an elevator pit due to the door being open, there were no injuries.

13. MGCS Report

S. Jeffrey-Hampton treated the report as read and opened the floor to questions from Council.

There were no additional questions or comments.

14. Business model

D. Brazier spoke to this item and provided Council with an overview of the presentation circulated prior to the meeting. He explained that fundamentally TSSA is moving away from a purely fee-for-service model towards a model through which license fees are inclusive of regulatory inspection activities. He advised that in the fall the business model survey was sent to each council to get their input on the three proposed fee options. The three options presented were as follows:

- i. Flat fee
- ii. Flat fee based on category



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iii. Flat fee based on category and risk

He explained that there was little support for the first option (flat fee only), some support for option two (flat fee based on category), and strong support for the third option (flat fee based on category and risk). In addition to the number of responses, he noted that the TSSA team analyzing the findings and is concentrating its efforts on the comments appended to the questions. For example, he explained that those in support of option 3 understand and cautioned about the complexities of implementation. He advised that the proposed fee structure presented at the meeting was a hybrid option between option 2 and option 3. He explained that while this hybrid option allows for a flat fee based on category, it only allows for a pre-defined number of follow-up inspections, adding that those in the industry that require follow-ups will be required to pay for additional charges. This in effect would result in higher-risk customers paying more as they will require more follow-up inspections. He explained that since risk models are not yet fully developed, moving to a solely risk-based model at this time would be problematic, adding that the cost differential in a risk-based model may not be enough to change behaviour. He presented Council with several examples of fees as they would be structured under the proposed business model, which included:

1. New or Major A application (elevators)
2. New or Major A application (other elevating devices)
3. Annual licenses
4. Temporary licenses
5. Contractor Registrations
6. Minor A, B, Revisions, & Variance
7. Certification & Examination Fees

He advised that information is being compiled and provided to each council during the winter/spring sessions, adding that the proposal would then be sent to MGCS in April 2020 with the new model scheduled for implementation in 2020/21. He posed several questions to guide the discussion. First, does the proposal adequately address the guiding principles? Second, what are the pros and cons for your business; the constituents you represent; the sector and the public? And third, are there any major gaps or outliers that may not have been considered in this proposal?

There was discussion about this topic with several Council members noting that there seem to be an increase in the amount customers will be paying for various services, adding that it may be difficult to convince stakeholders that there are cost savings. A Council member advised that it TSSA should consider developing a summary of cost savings for stakeholders. D. Brazier explained that the business model changes are supposed to be completely revenue neutral and are separate from the fee increase that came into effect in August, 2019 was fundamentally to eliminate program cross-subsidization and to compensate for the loss of revenue from the elimination of the Upholstered and Stuffed Articles (USA) program. He explained that TSSA is in the process of creating the proposals for its various sectors, adding that once these have all been completed, a final review will be conducted to ensure the model is revenue neutral. S. Ariyaretnam explained that those with elevating devices that service three floors pay less, this accounts for approximately 20% of all elevating devices and includes hospitals, schools, and low-rise residential buildings. A. Campbell reiterated that changes to the fee model are essential to TSSA's transition to becoming an outcome-based regulatory, and specifically to our move away from the fee-for-service model that is currently in place.

15. Canadian Elevator Contractors Association (CECA) - Update

D. McLellan spoke to this item and provided an overview of the last CECA meeting held in November 2019. He explained that this is a yearly meeting, noting that TSSA is the only AHJ that participates. He added that this year there were approximately 27 issues that were raised and addressed by TSSA. Among other topics, D. McLellan provided an update on TSSA responses to questions from CECA members as it

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related to the banning of type A safeties, incident reporting, general orders versus standard orders, and inspector consistency. He explained as relates to inspector consistency and inspections more generally that the ED program at TSSA has a robust quality assurance process for inspections, he explained that each inspector is subject to one quality assurance and one quality control review each year. Additionally, he noted that any orders issued by a new inspector is reviewed first by a senior inspector to ensure accuracy and consistency.

Action: D. McLellan to provide the presentation shared at the CECA meeting to be appended to the minutes.

There were no questions or comments from Council.

16. Council Issues

a. Federal Buildings

T. Ayres spoke to item and advised there are no clear and defined lines that divide provincial and federal jurisdiction. He explained that TSSA's approach to these jurisdictional issues has always been one that strives to be practical and reasonable. He noted that TSSA is a creature of provincial statute, adding that the elevating devices regulation has general application, except when 1) activities being carried out are considered strictly federal activities (i.e. Department of Defence Canada); 2) where the federal role has developed a complete code (i.e. Canada Labour Code); and 3) if the application of the provincial law will impede or has the effect of impeding a federal activity. He explained that while there are some clear lines, such as national defence and airports, most times the jurisdictional authority is not as clear, such as an office tower with multiple residents (federal and others). He noted that in such cases TSSA has developed a practical approach, specifically to enter into contractual agreement with federal entities. He explained that while the property is under construction and the owner is not a federal entity, this falls within TSSA jurisdiction until such time that is turned over to the federal entity.

In response to a question from Council as to whether TSSA performs initial inspections and follow-up inspections on properties under federal jurisdiction, T. Ayres advised that once they are in contractual agreement with TSSA, TSSA applies an all-or-nothing approach to all facets of the process from licensing to engineering to inspection.

b. EDM Education

A. Cosco and A. Bennink from Mohawk College presented Council with information on the new EDM-A program at Mohawk College. They provided an overview of both the apprenticeship program as well as the post-secondary program. A. Cosco explained that the intent is to have EDM's recognized as a known trade. He added that what differentiates this program from others is that they offer both full-time enrollment as well as a "day-release" enrollment for those who choose to attend school part-time.

There was some discussion about this with some Council members cautioning that the number of accepted students may be low given the shortage in trained professionals in the industry. In response to a question from Council regarding whether the post-secondary course is funded by the Ministry, A. Cosco advised that this is self-funded. Additionally, a Council member asked if there was a guarantee of placement for the apprenticeship program, A. Cosco replied that the program offers no guarantees of placements. In response to a question from Council regarding the teaching staff's credentials for this program, A. Cosco advised that all students are trained by EDM-A's only.



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Action: D. Fernandes to append the Mohawk Hub Flyer and Mohawk EDM postcard to the minutes.

17. Questions and Other Business

There were no questions or other business raised by Council.

18. Council Administration

a. Membership renewal – Rob Isabelle

The Chair confirmed the renewal of R. Isabelle on the Elevating Devices Advisory Council for a three-year term.

Action: D. Fernandes to update the membership list accordingly.

b. Membership Matrix

D. McLellan facilitate the review of the EDAC membership matrix. He raised for Council consideration that currently the membership also allows for 1-2 manufactures while we currently have 4 members under that category. There was some discussion on this the issue. A motion was passed to recommend the following changes:

Manufacturers/ Designers – increase to 1-4 members and remove categorization under the sector.
Contractors – decrease to 4 members and decrease NEEA representation to 1 member (from 1-2)

Action: D. Fernandes to update the Proposed Matrix for review and affirmation by TSSA's President & CEO.

19. Adjournment

The meeting adjourned at approximately 1:15 p.m. Council held a Council-only in-camera session without TSSA staff or guests.



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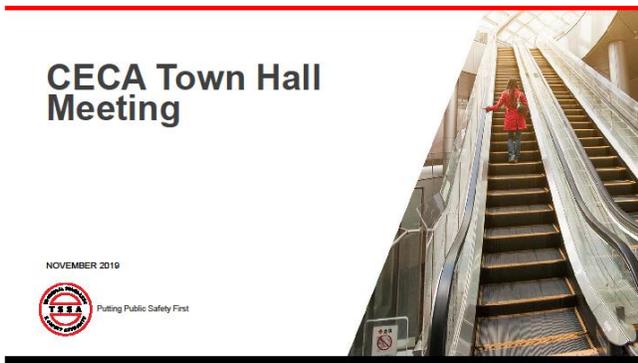
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Appendix

1. Stakeholder Engagement & Transparency Presentation
(Double click paperclip to open)



2. CECA Meeting Presentation



3. Mohawk College Hub Flyer & Mohawk College Postcard





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