



NOVA SCOTIA FEDERATION  
OF MUNICIPALITIES



December 16, 2019

The Honourable Stephen McNeil  
Premier, Province of Nova Scotia  
P.O. Box 726, Halifax, NS B3J 1X5

Delivered by E-mail

Dear Premier McNeil:

**RE: ACCESSIBLE WASHROOMS IN RESTAURANTS**

We commend the Province for leading the restorative process for accessible washrooms in restaurants and for including NSFM and AMANS in the stakeholder group examining compliance. As a valued voice at the table, we know you will agree it's important that we address major concerns we have on behalf of members, which we hope helps form the conversation as we all move forward.

We recognize that the barriers to accessibility are a reality for many Nova Scotians with disabilities and the Province is committed to improving accessibility. Last week, the Nova Scotia Government announced that municipalities will be prescribed as public sector bodies under the provincial Accessibility Act as of April 1st, 2020. Since the Accessibility Act was proclaimed in 2017, the Accessibility Directorate has worked with the municipal sector to ensure a clear understanding of the obligations under the Act.

We understand that developing a compliance framework is challenging because it encompasses several connecting pieces which can have far-reaching implications. It involves finding a balance between what is readily achievable and what is an undue burden. However, the accelerated pace at which the development of the compliance framework is moving, with so many unanswered questions, could result in unintended consequences for businesses, municipalities and for the province. We believe that the process needs to be slowed down or stopped until there is clarity on the number of non-compliant restaurants, the degree and cost of the required upgrades, the construction timeframe and deadline, and possible sources of funding. We would further note that the serious skilled-trades shortage will have a tremendous impact on the timelines of the vast majority of those requiring changes, large or small.

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Faced with an ultimatum to comply with broad, one-size-fits-all recommendations under a tight deadline, restaurant owners could be forced to relocate, or close altogether. Many restaurants in Nova Scotia are currently located in our downtowns, where historic and important community buildings are located. That kind of adaptive re-use is common and it's what entices visitors to the unique heritage areas of our province like Lunenburg's UNESCO World Heritage Centre waterfront, Baddeck's lakeside district and Halifax's iconic Argyle Street. Modifying these structures to meet 2019 Building Code will be architecturally impossible and prohibitively expensive.

Margins in the food and beverage industry are already so small that if the cost to comply is more than 1% of revenues, then it's too much. If the shops and restaurants that service those areas can't afford to remain there, once-vibrant downtowns will concede defeat to suburban business parks. No one wants this to happen. The effects of losing the downtowns cannot be overstated. That will happen when the cost to retrofit current spaces outweighs the cost to relocate, or when landlords push back with a prescribed refit and look to house other commercial tenants instead.

The province is currently not on track with respect to its tourism expansion and further erosion of our downtowns will frustrate the province's ability to reach the One Nova Scotia target of \$4 billion in tourism revenue by 2024.

Since the One Nova Scotia Report was released, government has been working towards reducing the regulatory burden for small business. Any new regulations should be streamlined and straightforward.

Clarity with respect to the line of accountability when it comes to inspection and compliance is also critical. Municipalities struggle to find Building Officials, particularly in rural areas, and capacity is a very real issue.

The sustainability of many Nova Scotia communities depends heavily on small businesses, and the food and beverage industry form a large proportion of the commercial tax base in many municipalities, particularly towns. Any decrease in commercial tax revenue will result in higher commercial taxes to offset lost revenue. If there are anticipated costs to municipalities, there must be a 12-month notice with detailing the fiscal implications, enabling municipalities to budget for those additional expenditures. Discussion regarding funding streams for this work is also necessary as part of the broader plan.

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In closing, timing is a critical piece in determining any compliance framework. When engaged and informed, our members are trailblazers in ensuring that our municipalities are a place where everyone is welcome and supported. The process that resulted in a proclamation date and deadline for municipal accessibility plans was fair and resulted in a reasonable timeframe. We trust this process will follow a similar route to ensure all parties have time to react.

We look forward to further discussions which will include the points contained herein. This initiative is important to all Nova Scotians, and we want to ensure success on all fronts.

Signed,

A handwritten signature in black ink that reads "P Mood". The signature is written in a cursive, flowing style.

Mayor Pam Mood  
President, Nova Scotia Federation of Municipalities

A handwritten signature in blue ink that reads "Dolter". The signature is written in a cursive, flowing style.

Mike Dolter, MBA, CPA, CMA  
President, Association of Municipal Administrators, Nova Scotia

CC: The Honourable Chuck Porter, M.L.A., Minister of Municipal Affairs and Housing  
The Honourable Mark Furey, M.L.A., Minister of Justice  
The Honourable Gordon Wilson, M.L.A., Minister of Environment