The Built Environment

Know Your Rights Alberta – Legal Information Handbook

November 2024

CNIB

Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal issue, contact a lawyer.

Acknowledgements

Thank you to the **Alberta Law Foundation** for making the Know Your Rights project possible. While financially supported by the Alberta Law Foundation, CNIB is solely responsible for all content.

Thank you to the **Centre for Public Legal Education Alberta (CPLEA)** for partnering with the Know Your Rights project and providing the legal research necessary to complete this legal information handbook.

Thank you to the many volunteers and institutional collaborators who contributed to developing this legal information handbook, specifically the Focus Group and Working Group participants.

To learn more about the Know Your Rights project, please visit **cnib.ca/KnowYourRights**

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My Legal Rights

Q: What is the "built environment"?

A: The term "built environment" refers to the many kinds of places, structures, and facilities that we live in or use. Examples of the built environment include cities, towns, neighbourhoods, and all kinds of buildings, urban spaces, parks, roads, and walkways.

To learn more about your legal rights related to housing specifically, review the **Housing Legal Information Handbook** on the Know Your Rights website.

Q: What legal rights do I have when it comes to built environment in Alberta?

A: Under Alberta laws, people with disabilities have important legal rights when it comes to accessing the built environment:

- You have the right to an equal **level of access equal to** any place usually available to the public in the built environment, without discrimination because of your disability.
- In many cases, you have the right to receive **accommodations** for your disability from the person or organization who is responsible for the public place, up to the point of **undue hardship**.
- You cannot be denied services or denied access to spaces that are normally available to the public because you are accompanied by a guide dog.

Duty to Accommodate & Undue Hardship

Under the **Alberta Human Rights Act,** all buildings open to the public must be accessible. Employers, landlords, and service providers are required to take steps to accommodate you, to ensure that you have an equal level of access to buildings and structures that are open to the public.

The duty to accommodate, however, is limited. This limitation is known as "**undue hardship"**. **Undue hardship** is a legal term. It means that if a service provider can show that it would be very difficult to provide a certain accommodation, they are not obligated to arrange for it.

It is important to note that it is not enough for a service provider to **simply claim** undue hardship. A service provider **must show clear evidence** of undue hardship. Such evidence can relate to the following factors:

1. The cost of the accommodation is so high that it will significantly interfere with the service provider's ability to operate.
2. The accommodation would create health or safety risks for others.
3. Unsuccessful attempts to provide accommodations in the past.
4. The type and size of the premises, facility, or service.

Even if an employer, landlord, or service provider shows that a certain type of accommodation will result in undue hardship, they may still have a legal duty to provide you with the **next best** accommodation.

Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws, including:

- The **Alberta Human Rights Act**, which prohibits discrimination based on disability in most areas of public life, including places where "goods, services, accommodation or facilities" are customarily available to the public. Note that the term "facilities" includes locations like public parks, recreation centres, malls, stores, government buildings, etc.
- Alberta's **Blind Persons' Rights Act**
- Alberta's **Service Dogs Act**
- Municipal bylaws, policies and guidelines
- **National Building Code – 2023 Alberta Edition**

The **United Nations Convention on the Rights of Disabled People** ("UNCRDP") is also an important resource. The UNCRDP is an international human rights treaty aimed at protecting the rights and dignity of persons with disabilities without discrimination and on an equal basis with others.

Canada ratified the UNCRDP on March 11, 2010, and is therefore a party to the UNCRDP. Parties to the treaty are required to promote and ensure the full enjoyment of human rights of persons with disabilities, which includes full equality under the law.

Q: Who must comply with Alberta's laws relating to the built environment?

A: People and all kinds of organizations that build, maintain or provide services to the public in the built environment in Alberta, including:

- Individual owners and employees
- Businesses and non-profits
- The provincial government, provincial ministries and agencies, municipalities, and provincial and municipal governmental organizations

Q: What can I do to enforce my legal rights?

A: If you feel you have been unfairly discriminated against when accessing or trying to access part of the built environment, there are things you can do to challenge the discrimination.

In general, you should first try to resolve your concerns by speaking with the people and organizations who are directly involved in an informal and collaborative way.

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**.

For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

If your concerns can't be addressed through collaborative discussions, you may want to consider:

- Filing a formal complaint with the company, building manager, or government body in charge of the space.
- Making a complaint to your local **municipal government** regarding enforcement of the **National Building Code**, bylaws or policies. CNIB may be able to assist you in connecting with the relevant municipal department and developing an advocacy plan.
- Making a complaint to the **Alberta Ombudsman.** The Ombudsman investigates complaints from people who feel that they have been treated unfairly by departments or agencies of the Alberta government, or by a municipal government within Alberta.
- Making a **complaint** to the **Alberta Human Rights Commission.**

You do not need to hire a lawyer to make these complaints but may wish to consult with one if your complaint is not resolved or to determine other options that may be available to you.

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to having an equal level of access to the built environment.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that, in most situations, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

Navigating the Exterior and Interior of Public Buildings

Q. Are Alberta business and government organizations required to make their signage accessible to people with sight loss?

A: Under the **National Building Code**, buildings in Alberta covered under the Code are required to be barrier-free, meaning that the building and facilities can be approached, entered and used by persons with physical or sensory disabilities. Signage is required to indicate the locations of barrier-free:

- entrances
- washrooms
- showers
- elevators
- parking spaces

Signs that designate permanent rooms or spaces must include tactile characters and numbers. Tactile signage must also supplement the text of:

- regulatory signs, such as prohibition and mandatory signs
- warning signs, such as caution and danger signs
- identification signs, such as rooms, titles, names, or numbers

If you encounter signage that is not accessible, you may wish to approach or contact an employee or manager of the building.

You may also consider contacting the city clerk's office or your municipality to report the accessibility issue, and/or consult with a lawyer about:

- Filing a complaint with the local **municipal government** regarding enforcement of the **National Building Code**, bylaws or policies.
- Filing a complaint with the **Alberta Ombudsman.**
- Making a **complaint** to the **Alberta Human Rights Commission.**

Q: Public buildings, such as stadiums, universities, schools, medical centres, and public transportation stations, are inaccessible to people with sight loss. For example, there are no tactile or coloured surface identifiers to detect steps. In other cases, the elevators do not have audio signals or accessible buttons. This makes it difficult and hazardous to navigate safely through these buildings. What can I do?

A: The **National Building Code** sets out building standards for newly built public buildings, as well as older public buildings that have undergone major renovations and additions. Unfortunately, older buildings that have not undergone major renovations may not be covered by the Code.

Buildings that are governed by the Code must be barrier-free, meaning that individuals can approach, enter and make use of the building and its facilities without assistance. Owners of these buildings, or those that control the property, are required to comply with the Code. Municipalities are responsible for enforcing the Code and, in some cases, may have bylaws in place. Some tactile signage is required for things like warning signs and identification signs for rooms, names, and numbers.

There are **technological tools** available to help people navigate within buildings. One or more of these may help address the issue you are experiencing. If these kinds of technological tools don't meet your needs, you should approach an employee or manager of the building for assistance

When you speak with an employee or manager, explain that you are having trouble with navigation or orientation inside the building because of your sight loss. Explain what assistance you require in as much detail as possible. When you disclose your disability to an employee, you trigger that organization's legal duty to accommodate you to the point of undue hardship.

If the employee or manager is reluctant or refuses to accommodate you, you may wish to remind them that they have a duty to provide you with reasonable accommodations so that you're able to experience an equal level of service as anyone else.

If this does not help, you can gradually escalate your complaint – for example, through an official complaint process or to an organization's management team. Government organizations and large private companies may have a designated person responsible for accessibility who can assist you.

Finally, while you do not need to hire a lawyer to take these steps, you may wish to consult with one if your complaint is not resolved. A lawyer can help you determine which steps to take, such as:

- Filing a complaint with the local **municipal government** regarding enforcement of the **National Building Code**, bylaws or policies.
- Filing a complaint with the **Alberta Ombudsman.**
- Making a **complaint** to the **Alberta Human Rights Commission.**

Crosswalks

Q: The Accessible Pedestrian Signal at a crosswalk is not working properly, or there is no Accessible Pedestrian Signal available. This makes it difficult and hazardous to safely cross the intersection. What can I do?

A: If you find an Accessible Pedestrian Signals ("APS") that is not working, consider reporting the problem to your municipality. Municipalities are responsible for making repairs to traffic lights and APS systems, where APS systems exist.

If your municipality does not have a dedicated Public Works department, contact the municipality's general phone line, and advise them that you are calling to report an accessibility hazard in a public space.

You may also request the installation of an APS where none currently exist.

For example, in Edmonton, you can contact the City of Edmonton by submitting a **service request** online, or by dialing 3-1-1. You may use this contact information to request a location for APS installation, where one may be needed.

Snow Removal

Q: What are the municipal requirements regarding snow removal for both private residences/buildings, and public buildings and spaces?

A: Snow shoveling rules are typically found in municipal bylaws. For example, in Edmonton, the relevant bylaw, **Community Standards Bylaw 14600** does not provide a mandatory time-frame for snow to be removed, but the **City encourages residents** to remove snow as quickly as possible. In Calgary, section 67 of the **Street Bylaw** says the City and property owners must clear snow and ice on sidewalks to bare pavement within 24 hours after snowfall ends.

Q: After a snowfall, the way snow is cleared, or not cleared, makes it difficult and hazardous to navigate sidewalks. For example, property owners sometimes do not clear the sidewalks adjacent to their properties, and snowbanks are piled up high along roads and intersections. What can I do?

A: You can report your concerns to your municipality. In Edmonton, you can report the property's condition the City of Edmonton by submitting a **service request** online, or by dialing 3-1-1. Likewise, in Calgary you may submit a **report online**, or dial 3-1-1. Some municipalities, such Calgary, have a 311 app, which can be used to submit reports.

Construction

Q: Temporary construction barriers have altered or obstructed a sidewalk, intersection, bus stop, or building entrance that I commonly use. I do not feel safe navigating through the construction site. What can I do?

A: Under the **National Building Code**, owners, agents, contractors and so forth are required to maintain safe conditions during construction and demolition. Your municipality is responsible for enforcing this requirement.

You may want to try to find out what organizations are involved in the construction – for example, the name of the construction company and the name of the building's owner or manager. Other organizations might also be relevant to your situation:

- If the building is your place of work, your employer may have a duty to help you secure an appropriate accommodation.

- If you visit the building to access a particular store or service, that service provider may have a duty to help you secure an appropriate accommodation.

You may also want to contact your municipality to learn more about bylaw or building permit requirements related to accessibility around construction sites. For example, there may be requirements related to:

- notification of sidewalk closures
- compliance with municipal accessibility design standards related to pedestrian safety

Keep in mind that effective self-advocacy does not always have to include forcefully asserting your legal rights. Community organizations, like CNIB, may have advocacy experience with the issue you're facing and may be able to support you in developing an advocacy plan or helping you speak with the owners of a space in a collaborative way.

Did you know…

CNIB is advocating to create more accessible public spaces, including curb cuts, accessible pedestrian signals, better wayfinding, and improved accessible transportation.

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**.

For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

Residential Areas

Q: I encounter barriers when trying to safely navigate residential areas. For example, sometimes property owners do not trim their trees, resulting in overhang onto the sidewalk. While walking, I have run into, and have been hit in the face by tree branches.

A: Municipalities generally have bylaws to ensure that trees and landscaping do not interfere with pedestrian traffic. Contact your municipality to voice your concern. In Edmonton, you can report the property's condition to the City of Edmonton by submitting a **service request** online, or by dialing 3-1-1. Likewise, in Calgary you may submit a **report online**, or dial 3-1-1.

Q. In some residential areas, there are no sidewalks, and I am unable to walk safely down the road, as barriers such as parked cars tend to block my route. What can I do?

A: Municipal governments are responsible for maintaining sidewalks and roadways. You may wish to contact the municipal government's office to report your concern.

Some municipalities may have a person responsible for accessibility who can assist you. Some municipalities may also have contact information to report emergency situations. You may wish to review your municipality's website or contact them via phone.

In preparation for reporting your concern, you may wish to take pictures of the barriers that prevent you from walking safely in your neighbourhood. This will provide the municipality with a clear sense of the issue and help them discern whether the barriers are the result of any bylaw infractions.

If the barrier is not remedied, you may wish to reach out to CNIB. CNIB has experience with the issue you're facing and can support you in speaking with the municipality (or other organization) and developing an advocacy plan.

Did you know…
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Finally, while you do not need to hire a lawyer to take these steps, you may wish to consult with one if your complaint is not resolved. A lawyer can help you determine which steps to take, such as:

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- Filing a complaint with the **Alberta Ombudsman.**
- Making a **complaint** to the **Alberta Human Rights Commission.**

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