

Province of Ontario

Supplemental Submissions in Response to Procedural Order No. 9

Submitted: June 4, 2014

As referred to in Ontario's submissions to Procedural Order No. 9 dated May 30, 2014, Ontario produced with its submissions all documents that could be located as of the date of filing of Ontario's submissions, but continued to search for responsive documents. Since the filing of Ontario's submissions, the Ministry of Municipal Affairs and Housing (MMAH) made efforts to retrieve additional responsive documents related to the Deterioration of Parking Structures report of the Advisory Committee on the Deterioration, Repair and Maintenance of Parking Garages from six 5 ¼ inch floppy disks.

Given that these disks are considered obsolete technology, the ministry was required to use an external resource to recover the information from the disks in a readable format. On June 2, 2014, MMAH was informed that this external resource was able to retrieve the documents from five of the six disks (the sixth disk was unreadable).

The retrieved documents are attached as Appendices A - K. They consist of:

- an internal ministry memorandum dated July 28, 1988 enclosing what appears to be the Advisory Committee's final report, as well as the contents of the Committee's final report in separate chapters;¹
- a letter dated April 21, 1988 describing the recommendations of the Advisory Committee's meeting of January 28, 1988 and enclosing a list of comments provided by Advisory Committee members on the CSA S413 parking structures standard;²
- a series of letters dated April 6, 1989 to Advisory Committee members enclosing published copies of the Report and advising them of the public availability of the Report;³ and
- additional records relating to the Advisory Committee's work, including a list of committee members, meeting agendas, correspondence and what appears to be a French version of the published report.⁴

The report as described in the July 28, 1988 internal ministry memorandum and set out in Appendices A-H contains six chapters, including three chapters not contained in the report

¹ Appendices A – H.

² Appendix I.

³ Appendix J.

⁴ Appendix K.

attached as Appendix A to the Commission's Procedural Order No. 9. The three additional chapters consist of an Overview (Chapter 1), Enforcement Procedures (Chapter 5), and Development of a Communications Strategy (Chapter 6). As well, the Executive Summary is expanded to include references to the content of these three additional chapters.

The published version of the report attached as Appendix A to Procedural Order No. 9 consists of the three technical chapters of the Advisory Committee's report described in the July 28, 1988 internal ministry memorandum. The publication of the technical report fulfilled one of the Advisory Committee's recommendations, as the Advisory Committee recommended that the ministry publish the three technical chapters as a public document due to high demand for the draft report⁵ and to assist owners and engineers in inspecting and maintaining existing parking structures.⁶

The Committee's recommendations regarding a communications strategy to inform those connected, directly or indirectly, with parking structures were contained in Chapter 6 for the ministry's consideration. They recommended that any communication strategy adopted "assure the public of longterm durability" of parking structures⁷ while communicating the severity of the issue and the importance of remedial measures to those directly and indirectly affected (owners, developers, engineers, building officials, material suppliers and contractors).⁸ This recommendation appears to have been followed through the publication of the technical report and through the other communication activities described in Ontario's May 30, 2014 submissions.

Section 5.1 of Chapter 5 indicates that "The Committee on the Deterioration and Repair of Parking Garages struck a Subcommittee to examine methods of enforcement, in the event that the Committee as a whole was to recommend the setting of minimum standards for structural safety in existing parking garages."⁹ The document further indicates that the Subcommittee did not reach a conclusion on the recommendations for enforcement in the time available for its work, but identified two methods of enforcement for the ministry's consideration and recommended that an impact study be performed.¹⁰ The impact study is described in Ontario's May 30, 2014 submissions.

⁵ See page 3 of Appendix A, July 28, 1988 internal ministry memorandum.

⁶ See page 7 of Appendix C, section 1.4 of Chapter 1, Overview, and page 8 of Appendix H, section 6.3.1.2 of Chapter 6, Development of a Communication Strategy.

⁷ See page 24 of Appendix C, section 1.9 of Chapter 1, Overview, and page 6 of Appendix H, section 6.3.1 of Chapter 6, Development of a Communication Strategy.

⁸ See page 3 of Appendix H, section 6.2.1 of Chapter 6, Development of a Communication Strategy.

⁹ See page 2 of Appendix G, section 5.1 of Chapter 5, Enforcement Procedures.

¹⁰ See page 12 of Appendix G, section 5.6 of Chapter 5, Enforcement Procedures.