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Regulatory Changes to Accessible Parking Requirements

The purpose of this bulletin is to provide information about the removal of historical accessible parking requirements from the BC Building Code and resources to support local governments in regulating accessible parking in their bylaws.

Legislation

Part 14 of the *Local Government Act* [RSBC 2015] enables local governments and the Islands Trust to make decisions on planning and land use within their jurisdiction. Section 525 of the *Local Government Act* provides local governments with the authority to establish off-street parking requirements, including specific design standards for accessible parking.

The *Building Act* [SBC 2015] establishes the Province as the primary authority to establish building requirements. The *Building Act* was adopted to support consistency in the building regulatory system by eliminating the patchwork of building requirements that varied across the province. At the same time, the Province recognized that the need for consistency must be balanced with flexibility in order for local governments to meet specific community needs. Section 5 of the *Building Act* allows for such flexibility by providing local governments the authority to establish building requirements for matters identified as unrestricted by regulation.

There are two reasons for which a matter may be unrestricted under Section 5 of the *Building Act*:

- The matter is subject to a particular location or unique circumstance; therefore, the local government is best positioned to set the requirements; or
- A local government aims to achieve an objective under an existing statutory authority and the enacted building requirement is necessary to achieve that objective.

Background

In February 2016, the Province approved accessible parking spaces as an unrestricted matter under the *Building Act*, for which local governments could retain or establish their own requirements in bylaws. The Building and Safety Standards Branch distributed an information bulletin titled [Building Act: Update for Local Governments](#) to support local governments.

The Building and Safety Standards Branch consulted with stakeholders about accessibility requirements in the BC Building Code in February 2018. The consultation feedback on parking generally indicated that the BC Building Code's historical parking requirements were insufficient.

To address the regulatory overlap between the BC Building Code and municipal bylaws and in support of harmonizing the BC Building Code with the National Code, accessible parking provisions are not included in the BC Building Code 2018, which became effective December 10, 2018.

Regulatory Change

The BC Building Code 2018 is harmonized with the National Building Code 2015, which does not include requirements for accessible parking spaces.

While previous editions of the BC Building Code did provide the minimum requirements for accessible parking in instances where off-street parking was either required by local government bylaw or provided voluntarily by the building owner, the regulatory overlap between the *Local Government Act* and the BC Building Code had the potential to cause confusion regarding which requirements should be followed. Removing historical accessible parking requirements from the BC Building Code 2018 clarifies that local governments are best suited to regulate accessible parking spaces according to their communities' needs. Local governments that do not already have their own accessible parking requirements in their bylaws may wish to consider amending their bylaws to incorporate accessible parking requirements.

The BC Building Code 2018 requires a greater level of building accessibility by combining the requirements of the National Building Code 2015 with BC's historical requirements. In aligning more closely with the National Building Code, the BC Building Code achieves greater consistency not only with the National Building Code, but also with codes from other Canadian jurisdictions.

Resources

Several resources are available to support enhancing accessible parking, as outlined below.

The [Accessible Design for the Built Environment standard](#) (CSA B651-18) provides guidance on accessible parking standards. Local governments who do not already regulate accessible parking may adopt these standards or establish requirements that work best for their communities.

The City of Ottawa developed [Accessibility Design Standards](#) to support the design of accessible on and off-street parking.

The [Accessibility for Ontarians with Disabilities Act](#): Integrated Accessibility Standards includes requirements governing the design of public spaces in the built environment.

The Social Planning and Research Council, with input from various communities, developed an [Accessible Community Bylaw Guide](#). For a sample Model Accessible Parking Bylaw, please review pages 72-25.

British Columbia Building Code 2018

Although accessible parking is no longer regulated by the BC Building Code, guidance to support local governments to establish accessible parking requirements in their bylaws is available in the Notes of the BC Building Code.

Implications

Local governments that do not already have accessible parking requirements in their bylaws may wish to develop requirements that meet the specific needs of their communities. Bylaws with existing accessible parking requirements will continue to apply without overlap with the BC Building Code.

Local governments are best positioned to set accessible parking requirements based on the demographics, types of buildings developed, and the specific needs of their communities.

Communities without specific bylaw provisions will be unable to enforce minimum standards for accessible parking after December 10, 2018.

Scheme	BC Building Code 2012	BC Building Code 2018
Local Government Bylaw with Accessible Parking Requirement	<p>Local bylaw applies.</p> <p>Building owners must provide the minimum number of accessible parking spaces in the BC Building Code or, if accessible spaces are required in the local bylaw, the minimum number of accessible spaces in the bylaw.</p> <p>Building owners must comply with which ever requirement is greater.</p>	Local bylaw applies.
Local Government Bylaw without Accessible Parking Requirement	Where parking is required by local government, or parking is provided voluntarily by the building owner, building owners are required to comply with the minimum accessibility requirements in the BC Building Code.	The 2012 accessibility requirements are provided in the Notes of the 2018 BC Building Code. Local governments can amend their bylaw to reproduce these requirements or to include their own. In the absence of accessible parking requirements in bylaws, local governments will be unable to enforce minimum standards for accessible parking.
Code Provisions	<p>One of every 100 spaces must be accessible when 50 or more spaces are provided.</p> <p>Minimum width of 3.7m required.</p>	Guidance provided in the Notes of the BC Building Code.

More Information

Please direct any questions about developing new bylaws to:

Ministry of Municipal Affairs and Housing
Planning and Land Use Management Branch
Telephone: 250-387-3394
Email: PLUM@gov.bc.ca

Please direct any questions about technical code requirements to:

Ministry of Municipal Affairs and Housing
Building and Safety Standards Branch
Telephone: 250-387-3133
Email: Building.Safety@gov.bc.ca

Full text of Part 14 of the *Local Government Act* – Planning and Land Use Management:

http://www.bclaws.ca/civix/document/id/complete/statreg/r15001_14

Full text of the *Building Act*:

<http://www.bclaws.ca/civix/document/id/complete/statreg/15002#part1>

Full text of the *Accessibility for Ontarians with Disabilities Act*:

<https://www.ontario.ca/laws/statute/05a11>

For more information about the changes to accessibility requirements, please see technical bulletin

[18-05: Accessibility in the British Columbia Building Code 2018](#).