

Buildings Accessibility Appeal Tribunal

Department of Government Services

In the matter of an appeal by Stephanie Hill (Thompson Centres), appealing the decision of the
Department of Government Services

Appeal Hearing

Date: December 1, 2025

Virtual Hearing

St. John's, NL

APPELLANT: STEPHANIE HILL (Thompson Centres)

RESPONDENT: DAVID BROCKERVILLE
Director of Engineering and Inspection Services
Government Services

TRIBUNAL MEMBERS: MICHAEL H. DUFFY – Chair
MARY O'BRIEN – Tribunal Member
M KIRK SAUNDERS – Tribunal Member

BACKGROUND

The hearing convened at 12:30 pm NST on December 1, 2025, virtually.

The Appellant has essentially requested that the Tribunal vary the legislative and regulatory requirements by allowing them to install a handrail slightly shorter than otherwise required. Doing so would allow the installation of a ramp as opposed to a set of stairs. The stairs as they currently exist, do not comply with the legislative and regulatory requirements.

It is not currently within the authority of the Tribunal to permit variance of the legislative or regulatory requirements. If the Tribunal did have the authority to vary the legislative or regulatory requirements, it would be inclined to allow the Appellant to vary the length of the handrail so as to be able to install a ramp in place of the stairs. From the perspective of the Tribunal, while removing or obstructing the stairs would bring the site into compliance, this would result in a less accessible solution. All members of the public making use of the facility including persons with disabilities would have to take a longer and ostensibly less safe and less convenient path of travel. The ramp, even with the slightly shorter handrail, would provide a better, safer and more accessible solution.

However, as indicated, offering that solution is not available to the Tribunal at this time. The Tribunal refers to Chapter 23 of the **Statutes of Newfoundland and Labrador** which will make amendments to the **Buildings Accessibility Act** attached hereto as schedule A. This legislation has been passed by the legislature, but is not yet in force. If this legislation were in force, the Tribunal would have made an order allowing for the variation requested by the Appellant, which would have allowed the Appellant to install the proposed ramp in place of the non-compliant stairs.

Summary and Order

Accordingly, the appeal is denied as the premises and in particular the stairs are noncompliant with the requirements of the legislation and regulations.

Respectfully submitted,



Michael H Duffy,
Chairperson, Buildings Accessibility Appeal Tribunal

_____ - I concur.
Mary O'Brien

M. Kirk Saunders Digitally signed by M. Kirk Saunders
Date: 2026.01.16 10:24:05 -03'30'
_____ - I concur.
M Kirk Saunders

From: [Mary OBRIEN](#)
To: [Heystee, Bryan](#)
Subject: Re: BAAT Appeal - White Rose Drive
Date: Friday, January 16, 2026 1:19:00 PM

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I approve the decision

On Jan 16, 2026, at 10:40 AM, Heystee, Bryan <BryanHeystee@gov.nl.ca> wrote:

Hello Mary,

I would like to get this decision to the appellant as soon as possible and I recall that last time you had difficulty adding a signature to the PDF. If you like, in the interests of time, feel free to respond to this email stating that you approve of the decision and that will suffice.

Best,

Bryan

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Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

Statutes of Newfoundland and Labrador 2023

CHAPTER 23

AN ACT TO AMEND THE BUILDINGS ACCESSIBILITY ACT

(Assented to November 16, 2023)

Analysis

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Definitions
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Non-application of Act
3. S.5 Rep.
Application to existing buildings
4. S.6 Amdt.
Prohibition
5. S.7 Amdt.
Reconstructed buildings
6. S.10 Amdt.
Powers of director
7. S.11 Amdt.
Delegation of power
8. S.12 Amdt.
Power of inspector
9. S.13 R&S
Duty of inspector
10. S.16 Amdt.
Fees
11. S.17 Amdt.
Appeal to director
12. S.18 Amdt.
Advisory board
13. S.20 Amdt.
Appeal tribunal
14. S.24 Amdt.
Powers
15. S.26 Amdt.
Appeal to Supreme Court
16. S.33 Amdt.
Offences
17. S.35 R&S
Limitation period
18. Commencement

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

RSNL1990 cB-10
as amended

1. (1) Paragraph 2(a) of the *Buildings Accessibility Act* is repealed and the following substituted:

(a) "apartment-type building" means a building intended for residential purposes in whole or in part that contains more than 4 residential units, and whether consisting in whole or in part of condominium units or rental units with a common primary entrance and an interior common access corridor;

(2) Paragraph 2(l) of the Act is repealed and the following substituted:

(l) "persons with disabilities" means persons with one or more of the following:

(i) mobility impairments, including reaching or manipulation disabilities,

(ii) visual impairments, and

(iii) hearing impairments;

(3) Section 2 of the Act is amended by repealing paragraphs (l.1) and (l.2).

2. Section 4 of the Act is repealed and the following substituted:

Non-application of Act

4. This Act does not apply to private homes, foster homes, boarding houses, lodging houses or bed and breakfast accommodations, except

(a) a portion of a private home that

(i) contains a business to which the public is admitted,

(ii) is subdivided or divided by fire-walls from the remainder of the private home, and

(iii) does not have a means of entry between the portion of the private home that contains the business and the remainder of the private home; and

(b) a boarding house, lodging house or bed and breakfast accommodation in which sleeping accommodation is provided for more than 10 boarders, lodgers or guests.

3. Section 5 of the Act is repealed.

4. Subsection 6(1) of the Act is repealed and the following substituted:

Prohibition

6. (1) A person shall not build or construct a building unless that building complies with the requirements of this Act and the regulations.

5. Subsection 7(3) of the Act is repealed and the following substituted:

(3) Notwithstanding subsection (1), where a person reconstructs or adds to a building, only the portions of the building being reconstructed or added are required to comply with the requirements of this Act and the regulations.

6. Section 10 of the Act is amended by adding immediately after subsection (4) the following:

(5) The director may, upon receipt of a written application, authorize a deviation from a provision of the regulations where, in the opinion of the director,

(a) exceptional circumstances exist that make strict compliance with the regulations impractical; and

(b) the deviation provides accessibility for persons with disabilities at least equivalent to the accessibility that would be achieved under the provision of the regulations from which the deviation is requested.

7. Section 11 of the Act is amended by

(a) deleting the number "1" and substituting the word "one"; and

(b) deleting the words "his or her" and substituting the words "the director's".

8. Subsection 12(1) of the Act is amended by deleting the words "his or her".

9. Section 13 of the Act is repealed and the following substituted:

Duty of inspector

13. It is the duty of an inspector who makes an inspection under this Act and the regulations to ensure, by reasonable examination, that the requirements of this Act and the regulations have been complied with to the satisfaction of the inspector.

10. Section 16 of the Act is amended by deleting the words "his or her" and substituting the words "the person's".

11. (1) Subsection 17(2) of the Act is amended by deleting the words "his or her" and substituting the word "an".

(2) Subsection 17(3) of the Act is amended by deleting the words "his or her" and substituting the word "the".

12. (1) Subsection 18(2.1) of the Act is amended by deleting the words "he or she" and substituting the words "the member".

(2) Subsection 18(2.2) of the Act is amended by deleting the words "he or she is replacing" and substituting the words "being replaced".

13. (1) Subsection 20(3.1) of the Act is amended by deleting the words "he or she" and substituting the words "the member".

(2) Subsection 20(3.2) of the Act is amended by deleting the words "he or she is replacing" and substituting the words "being replaced".

(3) Subsection 20(4) of the Act is repealed and the following substituted:

(4) Where a member of the tribunal resigns or the member's term of office expires, in relation to a matter before the tribunal in which that member was involved before that resignation or expiry, that member may continue to exercise powers and perform duties with regard to that matter as if the member had not resigned or the term had not expired.

14. Subsection 24(1) of the Act is amended by deleting the words "*Public Inquiries Act*" and substituting the words "*Public Inquiries Act, 2006*".

15. Subsection 26(1) of the Act is repealed and the following substituted:

Appeal to Supreme Court

26. (1) An appeal lies to the Supreme Court from an order, ruling or decision of the tribunal.

16. Subsections 33(2) to (4) of the Act are repealed and the following substituted:

(2) A natural person who is guilty of an offence is liable on summary conviction to a fine of not less than \$1,000 and not more than \$10,000 and as well shall be ordered to have the building which is the subject-matter of the action comply with the requirements prescribed by this Act and the regulations within a specified time.

(3) A corporation that is guilty of an offence is liable on summary conviction to a fine of not less than \$2,000 and not more than \$50,000 and as well shall be ordered to have the building which is the subject-matter of the action comply with the requirements prescribed by this Act and the regulations within a specified time.

(4) A natural person or corporation that is guilty of an offence is liable on summary conviction to a fine, in addition to a fine imposed under subsection (2) or (3), of not less than \$400 and not greater than \$4,000 a day for every day beyond the time specified for correction of the offence during which the offence continues.

17. Section 35 of the Act is repealed and the following substituted:

Limitation period

35. Notwithstanding section 7 of the *Provincial Offences Act*, an information or complaint under section 33 shall be laid or made within 2 years from the date that the alleged offence is brought to the attention of the director.

Commencement

18. This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.

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