

The Built Environment

Know Your Rights – Legal Information Handbook

January 2022



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 [Law Foundation of Saskatchewan](#) for making the Know Your Rights project possible. While financially supported by The Law Foundation of Saskatchewan, CNIB is solely responsible for all content.



Thank you to the [Public Legal Education Association of Saskatchewan](#) 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

Table of Contents

My Legal Rights	4
Q: What is the "built environment"?	4
Q: What legal rights do I have when it comes to the built environment in Saskatchewan?.....	4
Q: Where do my legal rights come from?	5
Q: Who must comply with Saskatchewan laws relating to the built environment?	6
Q: What can I do to enforce my legal rights?	6
Common Scenarios	8
Q: The audible pedestrian signal at a crosswalk isn't working. What can I do?	8
Q: In residential areas where there are no sidewalks, I am unable to walk safely down the road, as barriers (such as parked cars, piled up snow, etc.) tend to block my route. What can I do?.....	8
Q: An outdoor public space that I often use (for example, an outdoor eating area, park, trail, or parking lot) has features that are hazardous and inaccessible. What can I do?**	9
Inside Buildings and Signage.....	11
Q: I often find that public buildings, such as stadiums, universities, etc. are inaccessible to people with sight loss. For example, in some instances there is no tactile surface to identify steps/curbs, staircases and escalators, and in other cases, the elevators do not have audio signals/accessible buttons. This makes it difficult and hazardous to navigate safely through these buildings. What can I do?.....	11
Q: Are Saskatchewan businesses and government organizations required to make their signage accessible to people with sight loss?	12
Construction & Hazards	13
Q: Temporary construction barriers are obstructing a sidewalk/building entrance that I commonly use. I do not feel safe navigating through the construction site. What can I do? ..	13
Resources	15

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, [please visit the Housing section of the Know Your Rights website.](#)

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

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

- You have the right to have a **level of access equal to** anyone else regarding most public places 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 service animal, such as a guide dog.

Duty to Accommodate & Undue Hardship

Under [The Saskatchewan Human Rights Code](#), all buildings open to the public must be accessible. Discrimination on the basis of disability is prohibited. Service providers are required to take steps to accommodate your needs.

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 a 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 Saskatchewan Human Rights Code](#) which prohibits discrimination based on disability in most areas of public life, including places where “accommodations, services or facilities” are provided to the public. Note that the term “facilities” includes locations like public parks, recreation centres, malls, stores, government buildings, etc.
- Municipal bylaws, policies and guidelines
- [The Uniform Building and Accessibility Standards Act](#)
- [The Planning and Development Act, 2007](#)
- The Saskatchewan Human Rights Commission's [Policy on Service Animals](#)

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 Saskatchewan 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 Saskatchewan, including:

- Individual owners and employees
- Private businesses and non-profits
- Government organizations like municipalities, ministries, and agencies

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.

For more resources on self-advocacy, please visit the [Self-Advocacy section of 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.
- A complaint to your local **municipal government** regarding enforcement of [The Uniform Building and Accessibility Act](#), bylaws or policies. **CNIB** may be able to assist you in connecting with the relevant municipal department, and developing an advocacy plan.
- A complaint to the [Ombudsman Saskatchewan](#). The Ombudsman investigates complaints from people who feel that they have been treated unfairly by departments or agencies of the Saskatchewan government, or by a municipal government within Saskatchewan.

- A [complaint](#) to the [Saskatchewan 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.

Outdoor Spaces

Q: The audible pedestrian signal at a crosswalk isn't working. What can I do?

A: Accessible Pedestrian Signals (“APS”) are becoming more common. If you find an APS that’s 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.

For example, in Regina, you can contact the City of Regina by submitting a [service request](#) online, or calling Service Regina at 306-777-7000. Your request will be forwarded to the correct person or department by the next business day. You may use this contact information to request a location for APS installation, where one may be needed.

Q. In residential areas where there are no sidewalks, I am unable to walk safely down the road, as barriers (such as parked cars, piled up snow, etc.) 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 clerk’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 by-law 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 advocacy plan.

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 Uniform Building and Accessibility Act](#), bylaws or policies.
- Filing a complaint with the [Ombudsman Saskatchewan](#).
- Filing a [complaint](#) with the [Saskatchewan Human Rights Commission](#).

Q: An outdoor public space that I often use (for example, an outdoor eating area, park, trail, or parking lot) has features that are hazardous and inaccessible. What can I do?**

A: While [The Uniform Building and Accessibility Standards Act](#) and its regulations set standards for the inside of buildings, Saskatchewan does not currently have standards for other areas, such as outdoor spaces. [The Saskatchewan Human Rights Code](#), does, however, require organizations that provide services to the public to accommodate your disability up to the point of undue hardship.

If you want to try to address the issue or advocate for change, you should first try to find out what organization owns or manages the outdoor space. For example, if you are concerned about areas inside of a local park that are inaccessible, try to find out whether the park is owned by your municipality, a government agency or another organization.

It may also be helpful to try to find out:

- when the outdoor space was built;
- when it last had major renovations; and
- whether any major renovations are planned for the future.

Keep in mind that effective self-advocacy does not always have to include forcefully asserting your legal rights. Community organizations, like CNIB, will 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 an outdoor space in a collaborative way.

Did you know...

Building on the Disability Strategy, Saskatchewan is developing accessibility legislation to meet the unique needs of Saskatchewan residents. Accessibility legislation will create enforceable standards designed to help identify, remove, and prevent accessibility barriers experienced by people with disabilities. The [Discussion Guide for Accessibility Legislation](#) contains detailed information, questions and updates about accessibility legislation. Alternate formats can be requested by phone or email:

Toll-free: 1-877-915-7468

TTY: 306-787-7283

Email: accessible@sk.ca

Inside Buildings and Signage

Q: I often find that public buildings, such as stadiums, universities, etc. are inaccessible to people with sight loss. For example, in some instances there is no tactile surface to identify steps/curbs, staircases and escalators, and in other cases, the elevators do not have audio signals/accessible buttons. This makes it difficult and hazardous to navigate safely through these buildings.

What can I do?

A: [The Uniform Building and Accessibility Standards Act](#) sets out building standards for public buildings built after June 16, 1988, 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 Act.

Buildings that are governed by the Act 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 Act. Local municipal authorities are responsible for enforcement of the Act 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 also now many [technological tools](#) that can help people navigate and orient themselves within buildings. One or more of these may help to 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 Uniform Building and Accessibility Act](#), bylaws or policies.
- Filing a complaint with the [Ombudsman Saskatchewan](#).
- Filing a [complaint](#) with the [Saskatchewan Human Rights Commission](#).

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

A: Under [The Uniform Building and Accessibility Standards Act](#), buildings in Saskatchewan covered under the Act 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 Uniform Building and Accessibility Act](#), bylaws or policies.
- Filing a complaint with the [Ombudsman Saskatchewan](#).
- Filing a [complaint](#) with the [Saskatchewan Human Rights Commission](#).

Construction & Hazards

Q: Temporary construction barriers are obstructing a sidewalk/building entrance that I commonly use. I do not feel safe navigating through the construction site. What can I do?

A: Under [The Uniform Building and Accessibility Standards Regulations](#), owners, agents, contractors and so forth are required to maintain safe conditions during construction and demolition. Your local 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 city clerk's office or 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 an outdoor space in a collaborative way.

Did you know...

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

If you are interested in advocating for change, you can download an [Advocacy Toolkit](#) from CNIB and learn more about determining the proper authority to contact and tips for advocacy and relationship building.

Resources

Legal Services

[Public Legal Education Association of Saskatchewan \(PLEA\)](#)

PLEA is a non-profit, non-government, charitable organization which exists to educate, inform, and empower individuals through law-related education.

PLEA can help members of the public by providing general legal information, suggesting resources, and telling people about different options for obtaining legal advice.

PLEA also provides free legal information on a variety of topics on its website, including [Courts and the Legal System](#), [Government Agencies](#), and [Human Rights](#).

[Pro Bono Law Saskatchewan \(PBLs\)](#)

PBLs is a non-profit, non-government organization that provides free legal advice to low-income individuals in Saskatchewan. PBLs operates and partners with 14 free legal clinics across Saskatchewan. PBLs tries to fill the gap of legal services between government funded legal aid and hiring a private lawyer.

[Community Legal Assistance Services for Saskatoon Inner City \(CLASSIC\)](#)

With a commitment to social justice, decolonization, and the dignity of all peoples, CLASSIC provides free legal services, programming and supports to people who experience poverty and injustice, including services in relation to human rights issues.

[Saskatchewan Legal Coaching and Unbundling Pilot Project](#)

This resource provides individuals with a lower cost alternative to full legal representation. Through this service, individuals receive limited legal services where you hire a lawyer to handle only part of your case or to do a specific task.

The Saskatchewan Human Rights Commission (SHRC)

The SHRC promotes human rights through public legal education and policy development. The SHRC has created [Policies and Guidelines](#) and [Information Sheets](#) on human rights topics.

For information on filing a complaint with the SHRC, refer to the “[Filing a Complaint](#)” section of the SHRC website.

Accessibility Legislation for Saskatchewan

Saskatchewan is in the process of developing a set of laws that will cover accessibility in outside built spaces (such as parks, crosswalks, and parkades) and other key areas. Information about Saskatchewan’s progress in developing this legislation is available at the [Accessibility Legislation for Saskatchewan website](#).

Essential Non-Legal Services

Ombudsman Saskatchewan

Ombudsman Saskatchewan takes complaints about provincial government ministries, agencies, Crown corporations and most health entities.

Ombudsman Saskatchewan also takes complaints about Saskatchewan cities, towns, villages, resort villages, rural municipalities, northern municipalities, and municipal council members.

You may contact **Ombudsman Saskatchewan** to discuss a concern, or [make a complaint](#), regarding any of the entities above.

CNIB Programs

We’re here to help – contact CNIB for more programs, support, and resources. Some ways we can assist include:

- [CNIB Virtual Programs](#)
 - CNIB offers a range of free virtual programs for children, youth, adults and families.
 - You can access a list of CNIB’s virtual program offerings on [CNIB’s website](#).

- You can access a list and schedule of CNIB Saskatchewan's program offerings on [CNIB Saskatchewan's website](#).
- [Technology Training](#)
 - Join CNIB tech leads from across the country for programming that highlights the suite of programs, apps, products and services that will help empower you to achieve your personal and professional goals.
- [Virtual Vision Mate](#)
 - The Virtual Vision Mate program exists to address the feelings of isolation that many people with sight loss experience. Through the Virtual Vision Mate program, people who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversation.
- [CNIB SmartLife](#)
 - CNIB SmartLife is an interactive retail experience that gives people with disabilities hands-on access to the latest breakthroughs in assistive technologies, as well as tried-and-true favourites.
 - SmartLife's goal is not necessarily to sell products but is to give customers the skills and confidence they need to make the most out of assistive tools that can help them lead better lives.
- [CNIB Advocacy Team](#)
 - The CNIB Advocacy Team can assist participants with advocating for themselves and understanding their rights.
- [CNIB Guide Dogs](#)
 - CNIB Guide Dogs can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations to provide knowledge about the rights of guide dog users.

Vision Loss Rehabilitation Canada

Vision Loss Rehabilitation Canada (“VLRC”) is a not-for-profit national healthcare organization and the leading provider of rehabilitation therapy and healthcare services for individuals with vision loss. VLRC’s services are tailored to the unique needs and goals of each person they assist. Specifically, VLRC certified specialists provide a range of services that help individuals with vision loss lead more independent, active lives.

Contact information for VLRC’s Saskatchewan offices is available in the [**“Locations” section of the VLRC website**](#).

Other Services

SaskAbilities

SaskAbilities is a registered charity that is dedicated to providing programs and services to people experiencing disability in Saskatchewan. SaskAbilities has branches located in Regina, Saskatoon, Swift Current and Yorkton.

Wayfinding

Wayfinding refers to technological tools that assist partially sighted, blind and Deafblind persons with navigation and orientation. Such tools include:

- [**BlindSquare**](#): a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- [**Key 2 Access**](#): a pedestrian mobility app that allows users to wirelessly request crossing at intersections without having to locate the button on the pole. It also allows users to wirelessly open doors and obtain information about indoor spaces.
- [**Access Now**](#): a map application that shares accessibility information for locations based on users' feedback.
- [**Be My Eyes**](#): a volunteer-based app that connects people with sight loss to sighted volunteers, who can assist with tasks such as checking expiry dates, distinguishing colors, reading instructions or navigating new surroundings.

- The [American Foundation for the Blind](#), which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.

cnib.ca | info@cnib.ca | 1-800-563-2642