

Bill 109, Reliable Elevators Act, 2017 – Proposed New Ontario Legislation

[Bill 109, Reliable Elevators Act, 2017](#) has recently been introduced in the Ontario legislature to address elevator reliability problems in high-rise buildings, including condominiums.

There are two facets to Bill 109. Before a building permit is issued to construct a building with seven stories or more, an elevator traffic analysis must be conducted that indicates that the building will have a reasonable elevator traffic capacity. The onus will be on developers to ensure that there are a sufficient number of elevators to transport people with reasonable wait times.

Bill 109 also imposes an obligation on elevator contractors to complete elevator repairs within 14 days after first learning of the problem (7 days for long-term care and retirement homes). A failure by a contractor to make elevator repairs within the requisite time period will constitute a breach of the [Consumer Protection Act](#) (the “CPA”).

A condominium corporation that enters into an elevator maintenance contract would be considered to be a “consumer” under the CPA. As set out in the CPA a supplier is deemed to warrant that the services supplied to a consumer are of reasonably acceptable quality and ambiguities in a consumer agreement are to be interpreted in favour of the consumer. A breach by an elevator contractor under the CPA could result in a conviction and fine of up to \$50,000 for individual business owners and up to \$250,000 for corporations. Elevator contractors who do not respond to a complaint or who are charged or convicted of an offence could find themselves added to the Government’s “[Consumer Beware List](#)”.

Bill 109 was introduced as a private member’s bill by MPP Dan Hong after Canadian Press released statistics in 2016 about the age of elevators in Ontario and the number of calls made to fire departments concerning people trapped in elevators. In 2015, there were 2,862 “trapped-in-elevator” calls to fire departments in Toronto. The data released by [Canadian Press](#) also indicated that there are a large number of old elevators in residential buildings in Ontario. Out of approximately 18,000 residential building elevators, there were approximately 10,000 elevators that were 25 to 50 years old. Like most things, older elevators generally are more likely to break down and/or need repairs.

Aside from people being trapped in elevators, there were also concerns about the length of time it was taking for elevator repairs to be completed. Residents in many buildings waited weeks and sometimes months for non-operating elevators to be repaired and put back in service. This resulted in excessive wait times for the remaining elevators and in some buildings, with a single elevator, residents found that they were stranded for an inordinate length of time without any elevator service. Not having a functioning elevator is more than just an inconvenience for many seniors and those with mobility problems – it could result in dire consequences if emergency responders are delayed in reaching residents who urgently need their services.

Bill 109 has passed second reading and has been referred to a Standing Committee on Regulations and Private Bills. It needs to pass third reading in the legislature and proclaimed into force before it becomes law.

Elevator reliability and safety is crucial in any condominium. With the growth in the development of high-rise condominiums and the increasing heights of many new buildings, more and more residents rely on elevators to access their homes. Condominium corporations should ensure that their elevators are regularly serviced and maintained by qualified elevator technicians to minimize equipment malfunctions and breakdowns.