



HUMAN RIGHTS TRIBUNAL OF ONTARIO

B E T W E E N:

Ontario Human Rights Commission

Commission

-and-

David Lepofsky

Complainant

-and-

Toronto Transit Commission

Respondents

INTERIM ORDER

Adjudicator: Alvin B. Rosenberg, Q.C.

Date: June 30, 2005

File Number: HR-0587-04

Citation: 2005 HRTO 20

Human Rights Tribunal of Ontario
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INTRODUCTION

[1] After hearing all of the evidence and the final submissions of the parties.

[2] And after considering the issues raised by counsel and the relevant provisions contained within the *Human Rights Code*, R.S.O. 1990, c.H. 19 (the “Code”);

[3] And in consideration of the time that it will take for me to prepare my final written decision and reasons, which I estimate to be between four to six months;

[4] I am satisfied that the Toronto Transit Commission (“TTC”) has had a duty to accommodate the Complainant and similarly situated TTC patrons with similar disabilities, who rely on the subway system as an important means of transportation, but that the TTC has failed to do so for a period in excess of ten years;

[5] It is unfair to blind passengers to have the correction of the problem start only after my reasons are released.

[6] Accordingly, I remain seized of this matter but make this Order to start the process of correction now.

ORDER

- (1) The TTC shall commence announcing subway stations, clearly and consistently at each station;
- (2) The TTC shall conduct educational seminars for their guards, drivers and senior management, on a rotating basis, so that all employees in those categories will have attended at least one such seminar in the next 90 days;
- (3) Such educational seminars shall include, but not be limited to the following:
 - a. the importance of clear and consistent subway stop announcements for blind and other visually impaired passengers;

- b. description from a blind passenger of the problems of traveling by subway when stops are not called out consistently and clearly, and the terror of exiting the subway at an incorrect stop;
 - c. the need to call out each subway stop twice, first when leaving the previous station (e.g. “Bloor leaving Bloor station”), and again, when arriving at the next stop (e.g. “St. George arriving at St. George station”);
 - d. the duty of drivers to ensure such announcements are made, and if not made by other TTC staff, to make them themselves;
 - e. the seriousness of this breach of the *Code*, which requires TTC to ensure that proper accommodation is achieved. Failure of the employees to do as directed may result in serious sanctions, including dismissal;
- (4) That this Order be copied by counsel for TTC to the TTC Commissioners so that they will know that the TTC is in breach of the *Code* and that it is their responsibility to ensure that the situation is corrected;
- (5) The TTC shall conduct regular surveys of how consistently and appropriately the subway stop announcements are made. The Chief Executive Officer (“CEO”) of the TTC shall report to me by letter on the first day of each month, commencing on August 1, 2005, with respect to the surveys taken and the results achieved.

[7] I shall remain seized of this matter and shall issue my decision and reasons as soon as possible.

Dated at Toronto, this 30th day of June, 2005

Alvin B. Rosenberg
Member

