

To All Members of the Accessible Public Transit Service Advisory Committee

**Re: AODA Update – Service Animal Policy**

### **Recommendations**

That the following policy with respect to service animals on public transit services be RECOMMENDED to the Commission for implementation.

### **Background**

The Customer Service Standards, included in the Accessibility for Ontarians with Disabilities Act (AODA) legislation, includes a standard specific to service animals and support persons. The requirements relating specifically to the service animal portion are set out below.

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### **Excerpts from the Integrated Accessibility Standards Regulation**

#### **Definition of Service Animal**

- (4) For the purposes of this Part, an animal is a service animal for a person with a disability if,
- (a) the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or
  - (b) the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
    - (i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
    - (ii) A member of the College of Chiropractors of Ontario.
    - (iii) A member of the College of Nurses of Ontario.
    - (iv) A member of the College of Occupational Therapists of Ontario.
    - (v) A member of the College of Optometrists of Ontario.
    - (vi) A member of the College of Physicians and Surgeons of Ontario.
    - (vii) A member of the College of Physiotherapists of Ontario.
    - (viii) A member of the College of Psychologists of Ontario.
    - (ix) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario. O. Reg. 165/16, s. 16.

#### **Use of service animals and support persons**

**80.47 (1)** This section applies if goods, services or facilities are provided to members of the public or other third parties at premises owned or operated by the provider and if the public or third parties have access to the premises. O. Reg. 165/16, s. 16.

(2) If a person with a disability is accompanied by a guide dog or other service animal, the provider shall ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her, unless the animal is otherwise excluded by law from the premises. O. Reg. 165/16, s. 16.

(3) If a service animal is excluded by law from the premises, the provider shall ensure that other measures are available to enable a person with a disability to obtain, use or benefit from the provider's goods, services or facilities. O. Reg. 165/16, s. 16.

(8) Every provider, other than a small organization, shall prepare one or more documents describing its policies with respect to the matters governed by this section and, on request, shall give a copy of any such document to any person. O. Reg. 165/16, s. 16.

(9) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the documents required by subsection (8) are available on request. O. Reg. 165/16, s. 16.

(10) The notice required by subsection (9) may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. O. Reg. 165/16, s. 16.

### **End of Excerpts**

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In compliance with the requirements set out above, the Commission policy with respect to service animals is set out below.

#### **London Transit Commission Service Animal Policy**

Pets are not permitted on-board LTC buses.

Service animals are permitted on buses if working in aid of the person making the trip.

This applies as follows:

- i. the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or
- ii. the customer provides documentation from a health professional confirming that the person requires the animal for reasons relating to the disability.

This policy was initially put in place when the Customer Service portion of the accessibility standards were adopted, and was updated in 2018 to be consistent with the revised definitions included in the updated Customer Service standards.

London Transit historically has not allowed animals of any kind on-board the conventional service, and as such, when this policy was first rolled out, there were a number of customer contacts with respect to bus Operators not following the policy. In an effort to mitigate these issues, a communication was provided to all bus Operators with respect to the expectations, and further, the accessibility training provided to all employees was updated to enhance the section relating to service animals on-board LTC buses. Subsequent to these changes, the number of contacts with respect to service animals has declined significantly.

The changes with respect to what qualifies as a service animal have resulted in an expanded array of animals being utilized to meet the needs of the customer, which has led to some confusion and concern at time of boarding. Prior to this change, dogs that have been trained to provide assistance were common, and were generally identified with a vest and/or harness, making it evident they were providing a service to the owner. Additionally, these dogs were generally trained specifically not to be distracted by the environment around them in order to ensure they are focused on providing the necessary services to their owner.

While it is recognized that many varieties of animals can provide support, concern has been raised with respect to animals being on board the bus that have not been trained in the same manner as a guide dog, and as such, could cause distractions or result in interactions with other animals on board the bus, resulting in unsafe situations for all on board.

A specific example occurred recently on the LTC service, with a customer who has a bearded dragon as a support animal. Upon boarding, the animal fell from the customer's shoulder onto the floor of the bus and had to be retrieved by the customer. While no other passengers were impacted during this situation, the same thing could have occurred once the customer was seated with other passengers. As indicated above, given the increased use of support animals, it is very possible another animal could have been on-board that may have been distracted or had a negative reaction to the bearded dragon falling near them.

Subsequent to this incident, a number of transit agencies were contacted in an effort to determine their policies/practices with respect to service animals and whether they had experienced concerns such as that set out above. A number of transit agencies cited similar concerns, and most had included a provision in their policy with respect to the service animal needing to remain in the care and control of the owner at all times. The determination with respect to this was left to the bus Operator, given it is a safety concern.

Given the issue set out above, and following the direction of other transit agencies, the following revised policy is being recommend for Committee consideration and recommendation to the Commission for adoption.

### **London Transit Commission Revised Service Animal Policy**

Pets are not permitted on-board LTC buses.

Service animals are permitted on buses if working in aid of the person making the trip.

Service animals on buses must remain in the care and control of the owner at all times. The owner must be prepared to demonstrate to the Operator how this requirement will be achieved. (i.e. leash, cage, etc.)

This applies as follows:

- i. the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or
- ii. the customer provides documentation from a health professional confirming that the person requires the animal for reasons relating to the disability.

Subsequent to Commission consideration and approval, a communication campaign will be prepared and launched setting out the new guidelines.

Recommended by:

Shawn Wilson  
Director of Operations

Concurred in by:

Kelly S. Paleczny  
General Manager