

# In the Stream

Winter - Spring 2003

## **Feature: Public Transit Revisited The Top 15 Hot Tips for Wheel-Trans Consumers**

*by Nancy Barry & John Mossa*

On Thursday, June 6, 2002, we went to a Toronto Transit Commission (TTC)/Wheel-Trans Open Forum on Accessible Transit. From a Wheel-Trans consumer perspective, this article will review the various initiatives brought forth at the Open Forum to improve accessible transit in Toronto. It will provide new and useful consumer information, strategies, and commentary on the services of Wheel-Trans and the TTC.

### **The Wheel-Trans Application Process**

A consumer who wants to use Wheel-Trans must go through an initial in-person interview with a Wheel-Trans representative. The interviewee calls Wheel-Trans Customer Service to set up an initial meeting. There are 12 locations across the City of Toronto at which these meetings can take place, in order to accommodate the interviewee.

The eligibility standards are based on a consumer's level of physical/functional mobility, not on particular disabilities, general health or income. During the interview, the Wheel-Trans interviewer will ask the consumer a number of eligibility questions such as:

- What types of accessible transportation you currently use?
- How many steps can you climb?
- How far can you walk?
- Do you use assistive devices for mobility?
- Is your home accessible?

Each question has various categories that have a point value. Based on your answers, the Wheel-Trans interviewer records your responses and scores your answers on a points system. To be eligible for Wheel-Trans, you must score enough points. A letter will inform you whether or not you have been accepted onto the service within 10 business days.

If accepted, you will receive a registration card and an information package so that you can begin reserving your rides.

If you are not accepted, you will receive a rejection letter, a copy of your interview application and instructions on how to appeal.

You'll have 21 days in which to appeal this decision and will be required to meet with an In-Person Appeal Committee (there are four locations in Toronto). The Appeal Committee consists of three members: a Wheel-Trans user, a physiotherapist and an occupational therapist. In 10 business days, they will inform you of their decision by letter.

If the Appeals committee turns you down, you can re-apply if your level of physical functional mobility has changed or if six months have passed since your appeal. You can also contact the Ontario Human Rights Commission at 416-326-9511 or get some legal advice from ARCH at 416-482-8255.

### **Strategies to Achieve a Successful In-person Interview**

- a) **Get Peer Support.** Prior to going to an In-person Eligibility Interview, talk to other Wheel-Trans consumers who have gone through the application process. Ask them for advice, useful tips and strategies. Talk to disability groups or organizations such as CILT, Transportation Action Now (TAN) at 416-425-3463 x389, and the Anne Johnston Health Station at 416-486-8666.
- b) **Use your worst physical mobility day.** During your interview, answer questions using your worst day for physical mobility as a reference point. Wheel-Trans looks for any information that will deem you ineligible.
- c) **Use Wheel-Trans for your Interview/Appeals.** You will be demonstrating to Wheel-Trans that you have no other means of accessible transit to get you around the city.
- d) **Get Medical Documents to Support Your Application.** Get your doctor or health professional to write a letter stating that you have serious physical functional mobility limitations and thus require Wheel-Trans.

### **How to Book a Ride**

There are three ways to book a ride with Wheel-Trans:

#### **a) One day in advance trip Reservations**

In the first case, Wheel-Trans consumers book trips one day in advance by calling the reservations line on a first come, first serve basis. The earlier you call to book a ride, the better your chances of having your ride accommodated. The problem is that the lines are always busy when the reservations line opens up at 7 AM. It usually takes up to 20 to 30 minutes to get through and another five minutes to reserve a ride. If you wait much

longer past 8 AM, you may not be guaranteed a ride and may have to go on a waiting list.

### **b) Prebook Service**

If you travel to the same destination (e.g. work, school, shopping or medical appointments) at the same time at least once a week for at least four consecutive weeks, you are eligible for Prebook service. Prebook eliminates the need to call one day in advance and deal with the waiting time to get through to the busy reservations office. But this service isn't for everyone.

### **c) RideLine**

The RideLine is an automated computer based voice system requiring consumers to have a touch-tone service. Consumers without touch-tone service are required to call Reservations to book or find out when they have rides. When using the RideLine, you will be asked to enter your registration number and your personal password, which is simply your month and date of birth. For example, if you were born on October 8, your password would be 1008.

The RideLine allows you to: a) Get trip information and make cancellations; b) Make Express Trip bookings; c) Get Prebook Trip information and Temporary Cancellations; d) Phone Listings and Hours of Operation, and e) Get access to Wheel-Trans Operating Guidelines and Services.

## **RideLine's Newly Automated Express Trip Booking**

Wheel-Trans has recently implemented a new and excellent initiative. You can now book your trips through a touch-tone phone and avoid long wait times when calling reservations. The RideLine has 24 additional phone lines to book your rides, thus improving access and chances of getting rides immediately.

In order to use the Automated Express Trip booking service, you must first call Reservations between 10 AM and 3 PM to create a list of your most common destinations and assign a number to each. Once you have set up your list, ask Wheel-Trans to mail you a copy and also ask for a brochure containing detailed information on how to use the new system.

Helpful Tip: It is a good idea to have a pen and piece of paper to write down your list of destinations and assigned number so that you can start to use the Automated Service immediately.

## **Wheel-Trans Cancellation Policies**

Wheel-Trans now has two separate cancellation policies. The first is the one that we're all familiar with, the "Late Cancellation/No-Show Policy." The second one is the "75 per cent Prebook Usage Policy."

### **Late Cancellation/No-Show Policy:**

This policy refers to "Single Trip Bookings." It applies to any Wheel-Trans customer who exceeds one or more of the following conditions in a one-month period.

- a) Maximum six late cancellations (canceling after 11 PM the day before the trip).
- b) Maximum three no-shows (occurs you are more than five minutes late of your pick up time or vehicle arrival time) or rides cancelled at the door.
- c) Maximum seven combined late cancellations and no shows/rides cancelled at the door.

Cancellations and no-shows are recorded on a single one-way trip basis. A cancelled round trip counts as two cancellations.

### **Cancellation Policy Steps:**

It should be noted that each of the policy actions listed below is subject to an appeal and the actions described below would only be taken if the appeal were unsuccessful.

The policy actions are as follows:

- a) After exceeding the Late Cancellation/No-Show Policy for the first time in a one-month period, an advisory letter is issued but no action is taken against you.
- b) A second occurrence within a twelve-month period from the date of the first advisory letter will result in a second letter advising you of a two-day suspension from service.
- c) A third occurrence within a twelve-month period of the second occurrence will result in a letter advising you of a seven-day suspension from service.
- d) A fourth violation within a twelve-month period will result in a 30-day suspension.
- e) If the registrant stays free of violations for one year, your record of past violations will be cleared.

## **Customer Appeal Process**

An appeal process is available to all Wheel-Trans registrants as detailed below:

- a) For the first advisory letter and two-day suspension a registrant receives, the registrant must call Wheel-Trans to present their appeal to a Community Service Representative who will make a final decision.
- b) For the third and subsequent policy actions, the registrant must appeal in writing to Customer Service. In cases where a resolution cannot be achieved to the satisfaction of both parties, the appeal will be referred to an Appeal Panel consisting of two Wheel-Trans representatives and a member of the Advisory Committee on Accessible Transportation.
- c) All appeals must be received by Wheel-Trans within 14 days of the date that the suspension or advisory letter was issued. Appeals related to the third or subsequent letter of suspension must be made in writing, to the attention of "Late Cancellation/No-Show Appeals" and sent to:

Wheel-Trans Customer Service  
580 Commissioners Street  
Toronto, Ontario  
M4M 1A7

- d) Failure to appeal within 14 days of the policy action will result in the automatic application of the appropriate policy action.
- e) While the appeal is in process, the registrant will continue to have access to Wheel-Trans service.

### **4. 75 per cent Prebook Usage Policy**

Customers are required to use at least 75 per cent of their Prebook trips each month in order to continue being eligible for Prebook Service. For example, a customer who uses Prebook Service to travel 20 times a month (counting the ride there and back as two separate rides) will be required to use at least 15 of those trips.

If you have to cancel a Prebook trip, you must do so at least 48 hours in advance for it not to be held against you. No-shows and trips cancelled at the door are also counted in the 75 per cent.

Customers who have not used at least 75 per cent of the Prebook trips within a month will no longer be eligible for Prebook service and will not be able to use the service for a period of one month. During that time, you will have to advance book your trips by calling the reservations line the day before you require the trip.

After one month, the customer can request Prebook Service again, however the exact ride times may no longer be available and your request may be placed on

a waiting list. In other words, if you become suspended from Prebook Service then you basically are starting from scratch after a month and you must apply for new Prebooks.

Customers who repeatedly violate the 75 per cent Prebook Usage Policy may become permanently ineligible for Prebook Service.

**PLEASE NOTE:**

- a) When you violate the 75 per cent Prebook Usage Policy, you do not receive a first letter of warning as you do with the Late Cancellation/No-Show Policy. You will receive a letter telling you in advance that your Prebook trips will be cancelled.
- b) When you are modifying an existing Prebook trip, as long as you are eventually going to your original Prebook destination, the modification will NOT be seen as cancellation. However if your modification doesn't include your going to your Prebook destination at all, then you must cancel at least 48 hours in advance.

**The Negative Impact of Late Cancellation/No Show Policies on Consumers**

There is a common fear by all Wheel-Trans customers regarding Wheel-Trans' cancellation/no show policies. Wheel-Trans implemented this policy to crack down on few chronic abusers who cancelled rides late or didn't show up frequently.

However, the effect of this policy has been to punish the majority of users with fear to just weed out the few bad apples. It is a terrible thing to live with constant worry or fear about how many cancellations or no shows you have this month or next month. To think that you might be suspended from service because you have cancelled or didn't show up for a ride. It affects your dignity as a human being and makes you feel like a child instead of an adult. How would the general public react if they were faced with the same punitive restrictions? The answer is simple. There would be tremendous public outrage and immediate policy changes.

Now Wheel-Trans says it will waiver late cancellations or no shows if you have a valid reason such as sickness. However, it still does take into account that we are like the general population and have ever changing daily schedules.

In light of the most recent settlement won by six Ontario Human Rights Commission complainants with disabilities against Wheel-Trans/TTC, this ineffective and paternalistic policy that must be challenged and changed. Consumer based solutions and feedback must be sought to replace it or Human Rights case must be made.

## **Wheel-Trans Free Cell Phone Calls and Priority Line**

Bell Mobility and Rogers AT&T have agreed to provide free cell phone calls for Wheel-Trans customers calling Wheel-Trans by using either of the numbers listed below:

**Bell Mobility - #88298**  
**Rogers AT&T - \*88298**

By calling these numbers, you will be connected directly to the priority cancellation line in the Wheel-Trans Reservations Office at 416-393-4311.

These calls are answered in priority for customers who are:

- Canceling rides
- Reporting vehicle No-Show problems
- Inquiring about trips that are 30 minutes or more late

Wheel-Trans customers who do not have access to a cell phone may also call 416-393-4311 for the above purposes.

This is a priority line, to be used by Wheel-Trans customers for the specific reasons listed. Any other calls made to the Priority Line will not be served. Customers will be asked to call back using the regular Wheel-Trans Reservations number at 416-393-4222.

Bell Mobility or Rogers AT&T customers may contact Wheel-Trans Customer Service weekdays between 8 AM and 4 PM for more information about using this new service.

Wheel-Trans customers interested in subscribing to this cell phone service should contact their local Bell Mobility or Rogers AT&T agent.

## **Zone Bus Service**

Zone Service is supposed to offer improved flexibility to handle increased demand while providing more spontaneous rides to Wheel-Trans customers. A 30-minute pick-up window is provided when the ride is booked, so there is no need to call RideLine or the Reservations office to obtain scheduled pick-up times. You will be given a 30-minute pickup window (e.g. 8 to 8:30 AM). You should be ready and waiting for your ride at the pickup point five minutes before your 30-minute window begins. For example, if your window is 8 to 8:30 AM then you should begin waiting from 7:55 AM. This means that your ride can come any time between 8 to 8:30 AM. Drivers will wait five minutes past the vehicle arrival time before leaving for their next scheduled pickup.

### **30-Minute Trip Booking Window**

Beginning soon Wheel-Trans will be scheduling ALL trips within a 30-minute window, similar to that of the Zone Bus service. So when you book your rides, you will be given a 30-minute pickup window. You will no longer be given an exact pickup and drop-off time so you will not have to call the RideLine after 7 PM to obtain your times because there won't be any exact time. You will be expected to be ready and waiting for your ride at the pickup point five minutes before your 30-minute window begins. As with the Zone bus trips, drivers will wait five minutes past the vehicle arrival time before leaving for their next scheduled pickup.

However, if your ride is late you will not have to wait an additional 20 minutes past the end of your window before you can call Wheel-Trans.

### **Callback for Service Updates**

Accompanying this new "30-Minute Pickup Window" will be a callback feature for service updates if you desire. If your ride is running more than half an hour late, Wheel-Trans will call you at a number you can be reached at to let you know that your ride will be late. You must supply Wheel-Trans with the telephone number that you wish to be contacted.

This new service will begin once the 30-Minute Trip Booking Window has been implemented.

For more information, please call Wheel-Trans Customer Service at 416-393-4111, Monday to Friday, 8 AM to 4 PM.

### **Accessible Service Flashcards**

Regular TTC Service has introduced the Accessible Service Flashcard for consumers who have difficulty communicating their needs to TTC bus drivers. Consumers can now show the Flashcard to indicate to TTC drivers that they require assistance boarding lift equipped regular buses.

The Flashcards are available by calling Wheel-Trans Customer Service or (in limited numbers) at the Collector booths at accessible subway stations.

### **Express Buses**

Wheel-Trans has two Express Bus Services for consumers in the Scarborough Area and the South Etobicoke Area travelling to the Downtown Toronto Area. The Express Bus Service only works on weekdays. On weekends and holidays, for trips outside the Express Service Area, the regular Wheel-Trans door-to-door service applies. Rides and transfer points will automatically be scheduled when



you call reservations to book your ride. The benefit of the Express Bus Service is improved shared rides, thereby improving ride availability. Wheel-Trans is encouraging consumers to integrate and transfer to accessible TTC Subway/Rapid Transit Stations and Bus Routes.

The Scarborough Express Service area is from Lawrence Avenue in the south, Brimley Road in the West, Pickering Town Line in the east and Steeles Avenue in the North, to be dropped off at the designated location, which is the Scarborough Centre Station and then transfer to a new Wheel-Trans bus headed towards downtown Toronto.

The South Etobicoke Express Service area is from Lake Ontario in the south, Mississauga City Limits in the West, Royal York Road in the east and Rathburn Road in the North, to be dropped off at the designated location, which is the Kipling TTC Subway Station and then transfer to a new Wheel-Trans bus headed towards downtown Toronto.

## **Complaints**

If you wish to file a complaint or give a commendation, you can call Customer Service at 416-393-4111.

### **Strategies for Filing a Complaint**

- a) If an incident occurs with a Wheel-Trans Bus driver or Taxi driver, record the time of your ride, the date, the bus number or the taxi driver's name and what was said or done to you.
- b) If you are calling Reservations, Dispatch or Customer Service, always get the person's name. If an incident occurs, you always have that person's name. As well, record the information in point A.
- c) Be careful what you say when speaking to anyone at Wheel-Trans. You are being recorded and if you use abusive or threatening language, you could be cut off Wheel-Trans Service.
- d) Once you have all the information around the incident, call Customer Service and file a complaint.
- e) Ask for Follow Up. Tell the Customer Service Representative to call you back to inform you about what was done with your complaint. If you are not satisfied, ask to speak to their Supervisor.

## **Commendations**

It is always nice to give recognition to Wheel-Trans staff who are helpful and courteous. It is important not to just complain but also praise Wheel-Trans service when it is warranted. If you wish to give a commendation, you can call Customer Service.

## **Other Wheel-Trans Operating Policies**

### **Five-Minute Waiting Period**

Consumers are asked to be ready at their pick up location five minutes prior to their scheduled pick up time. If you are running late, the bus or taxi driver will wait five minutes past your pick up time or when the vehicle arrived before leaving a "No Show" ticket and going on to their next pick up. For example, if you have a pick up time at 8 AM, you should be ready at 7:55 AM. If you are running late, the bus or taxi driver will wait until 8:05 AM before they leave and go on to their next pick up.

### **One-Step and Parcel Policy**

Wheel-Trans provides door-to-door accessible transit service for trips within the City of Toronto. Drivers are required to escort consumers to and from the first accessible door at all locations.

Wheel-Trans drivers do not take wheelchairs, whether occupied or not, up or down more than one step. Electric wheelchairs and scooters must use ramps or lifts.

Drivers are not required to carry parcels/groceries to or from vehicles.

### **Doorbell, Entering Premises and Identifying Consumer Policies**

Drivers are not required to ring doorbells or knock on doors. Drivers are required to enter public buildings and announce their presence. Drivers are not permitted to enter your home.

Consumers are asked to identify themselves to drivers who will confirm their name and trip destination.

### **Fares**

Consumers are required to pay regular TTC fares. If you do not have proper fare, Wheel-Trans will still accommodate your ride but you will have a "No Fare" registered on your account. You will have up to 30 days to pay the fare by sending a cheque to Wheel-Trans. Failure to do so will result in suspension from service.

### **The 2002 Accessible Transit Network**

The TTC are continuing to make an effort to make regular transit system more accessible for seniors and persons with disabilities (see enclosure). There are now 34 TTC routes with lift and low floor buses, four community buses, and two

Blue Night routes. There are currently 15 subway stations with two Scarborough Rapid Transit stations, where elevators provide access to train platforms and facilitate transfers to and from Wheel-Trans or accessible conventional buses.

The accessibility of the subway system has improved with the addition of Davisville, Queen’s Park, Dundas and Dundas West Subway stations. Once the new Sheppard line stations open, each stop will be accessible by elevator.

There are accessible washrooms at Bloor-Yonge (southbound platform on the Yonge subway), Downsview, Finch, Kennedy and Kipling Stations. Call Regular TTC Info at 416-393-INFO (4636) to check on routes and schedules.

**Important Wheel-Trans Telephone Numbers/Hours of Operation**

Advance Reservations	416-393-4222	Everyday 7 AM-11 PM
Advance TTD Reservations	416-393-4555	Everyday 7 AM-11 PM
Prebook	416-393-4988	Everyday 7 AM-11 PM
Cancellation Line	416-393-4311	Everyday 7 AM-11PM
Customer Service	416-393-4111	Weekdays 8 AM-4 PM
RideLine	416-397-8000	Daily 5-1 AM
Express Trip Booking	416-397-8000	Daily 5-1 AM
Dispatch	416-393-4222	Daily 7-1 AM
Regular TTC Info	416-393-4636	24 hours, 7 days a week
Regular TTC Info TDD	416-481-2523	8 AM-5 PM, 7 days a week
Elevator & Escalator Status	416-539-5438	24 hours, 7 days a week
Wheel-Trans Vehicle Operation Hours		Mon.-Fri. 6-1 AM Sat., Sun., Holidays 7-1 AM

## Setting a Precedent: Consumer discusses human rights case against the TTC and Wheel-Trans

by Don Barrie

Some of you who use the Wheel-Trans bus service may remember that they charged us a \$25 fee to determine if we were still disabled enough to use the service. This occurred during the Spring and Summer of 1996. Well, six years later, justice has finally been served, at least for a group of consumers who filed a human rights complaint against Wheel-Trans.

On August 30, 2002, we reported on our Web site that the Ontario Human Rights Commission (OHRC) reached a settlement between these six complainants on August 21. The complaints arose out of the 1996 decision by the Toronto Transit Commission (TTC) to change the eligibility criteria and application process for Wheel-Trans service, and this included charging a \$25 fee to see whether customers met the criteria and eligibility for the service. This decision followed the cuts made to the TTC's operating budget.

Now, as part of the resolution, the TTC will no longer charge any fees to those who meet Wheel-Trans criteria. The TTC has also given back the \$25 fee that was charged to the complainants.

The mandatory \$25 fee charged against Wheel-Trans customers was what prompted six long-time Wheel-Trans consumers, including Tracy Odell, to file the complaint.

I interviewed Tracy two weeks after the settlement was reached, and she expressed her feelings about how this landmark settlement came about:

*DB: How long had you been using Wheel-Trans prior to the \$25 interview fee enacted by the TTC in 1996?*

TO: I have used Wheel-Trans since it passed its pilot project phase, around 1979-80. I use an electric wheelchair for mobility, so vans are the best way for me to get around the city.

*DB: How did you learn about this fee?*

TO: In 1996, a friend told me that Wheel-Trans was going to charge a one-time fee of \$25 to cover the cost of interviewing me, to reassess whether I really needed the service. Soon afterwards, Wheel-Trans sent out a newsletter announcing that everyone would have to have an interview to be re-assessed, and everyone who met the eligibility criteria would have to pay the \$25 fee in order to be allowed to use the service.

*DB: What was your initial reaction to the fee?*

TO: When my friend told me, I could not believe it. It seemed like the TTC was going to spend a lot of money to rediscover what they already knew -- I used an electric wheelchair and could not get around without one. I was angry that taxpayers' dollars were going to be spent this way, and I was angry that I would have to give up time from work, or my own free time, in order to have a stranger evaluate my worthiness for the service. It was an insult, an intrusion and indignation to me.

It seemed clear to me that charging a \$25 fee to people who needed the service was an act of discrimination. If the TTC charged \$25 to all users of the conventional (i.e. "regular") service, then that would be fair. But only people with disabilities who needed Wheel-Trans were going to have to pay the fee. I felt that was unfair.

*DB: Did you hear any other consumers express their feelings to you about it before the complaint was launched?*

TO: All my friends who used the service felt the same way. Some people felt that making a fuss over the \$25 wasn't worth it, since it was a "one-time only" fee. However, I was worried that if the TTC got away with charging us a one-time \$25 fee, it would turn into an annual fee, and then be set at whatever amount the TTC wanted to top off their budget each year. We were over a barrel, and I think the TTC knew it. The more we needed the service, the more likely we were willing to pay -- and fast -- in order to protect our access to transportation.

*DB: When did you decide to file the complaint against the TTC?*

TO: As soon as my friend told me about it, and it was confirmed in the Wheel-Trans newsletter, I called the OHRC to find out what the process was for making a formal complaint. They told me to write them a letter, outlining what had happened and why I felt I was discriminated against. There was no form for me to fill in. They said they would look after all that.

*DB: How easy or difficult was it to get your case heard by the OHRC?*

TO: There is a huge volume of work, on the part of all parties to the complaint, that leads up to a decision of the Board of Inquiry to hear a case. It was certainly a much longer process than I ever would have imagined.

I thought that keeping my complaint down to one single element -- the \$25 fee -- would expedite matters. So, I did not complicate my complaint by complaining about the indignity of the interview, or the problems with the service availability or accessibility. I may have been naive, but I did not know how these things were done. I thought the Commissioner, or a Commissioner's committee, simply looked at the matter and decided whether it was discriminatory or not. Then I

thought they would either issue an order, to the wrongdoer, or tell me my complaint did not constitute discrimination.

In reality, however, the process is long, complicated, time-consuming and, at times, intimidating. It is easy to misunderstand what you are supposed to do next, and you feel that if you make an error, your whole claim could be thrown out. Repeatedly, I was sent large documents, and invited to respond to them or indicate that I no longer wished to pursue the complaint. By the end of the process, when it looked like I might want to cross-examine witnesses if we went to a hearing, I really felt like I should have had a lawyer.

*DB: Were they approachable and helpful from the beginning?*

TO: When I first called, the person on the phone was very approachable. I wrote a letter to Rosemary Brown, who was the Chief Commissioner of the OHRC at that time.

At the end of the process, I also found the OHRC's Counsel, Kikee Malik, to be very approachable and helpful. Kikee ensured I understood time lines, what was happening and what my obligations were. Kikee served as kind of an advisor, while keeping distinct and separate party status from the rest of us. Each complainant was a party in his or her own right. Only one party, other than the OHRC and the TTC, had legal counsel. The rest of us decided to follow through all the steps on our own.

*DB: What were in your additional pleadings, and why were they quashed?*  
(Question suggested by Tracy)

TO: In addition to the remedies the OHRC was seeking (e.g. that the TTC would have to stop charging the \$25 fee only to people with disabilities eligible to use Wheel-Trans), I was seeking remedies that would force the TTC to accelerate their plans to make the entire system accessible. I also sought remedies to improve the nature and level of the actual Wheel-Trans service, and the reimbursement of the \$25 fee to everyone who ever had been compelled to pay it.

In its decision, the Board of Inquiry stated that my additional pleadings went beyond the scope of this case.

*DB: Did you believe that your remedies were appropriate?*

TO: I felt my remedies were appropriate: I wouldn't need Wheel-Trans if the regular system were accessible. Therefore, there would be no need to interview me to determine eligibility, and no reason to charge me a fee to pay for the cost of the interview. I felt my remedies were directly linked to the \$25 fee. Unfortunately, the Board of Inquiry did not agree.

*DB: Did the TTC ever explain why they charged this fee to consumers with disabilities?*

TO: The TTC has always maintained the \$25 fee was imposed to help them deal with severe budget cuts, and to help them cover the additional cost of the in-person interview to reassess existing patrons and assess new patrons.

*DB: Do you continue to use Wheel-Trans and TTC services?*

TO: Yes, I rely on Wheel-Trans primarily to get to and from work each day, and sometimes for medical appointments and social activities.

*DB: What would you advise or recommend fellow consumers who use Wheel-Trans forced to pay the \$25 fee?*

TO: I would say, write the TTC and ask for a refund. I would suggest asking for interest, too. If the TTC refuses, I would recommend writing to the Commission asking them to intervene and provide a speedy decision.

The other thing I might suggest is that the Transportation Action Now advocacy group explore the possibility of launching a class-action complaint to have everyone reimbursed, given their August 21 Press Release declaring their commitment to the Ontario Human Rights Code. It would be my sincere hope that the OHRC would make every effort to expedite the matter to a final decision.

*DB: Do you see this final decision handed down by the OHRC as setting a legal precedent for consumers with disabilities?*

TO: Absolutely, it is a precedent. In the press release, the TTC stated that:

"As part of the resolution of the complaints, the TTC will immediately cease charging the \$25 fee to those who successfully apply for Wheel-Trans service. The TTC will also refrain in the future from charging to those who apply for and receive Wheel-Trans any fees associated with determining eligibility for this service."

*DB: After having been through this case, would you do it all over again if you had to?*

TO: I would do it all again, even if I had lost the case in the end. It is important to fight for our rights. Every right we now have was won only after long, and sometimes bitter, struggles. We have to keep fighting if we are going to make life better for other generations to come.

I also asked Tracy if the TTC plans to extend the \$25 refund to all Wheel-Trans users who were forced to pay it (myself included). She suggested that I ask someone at the TTC, in light of the August 21 press release declaring its

commitment to the Ontario Human Rights Code. So I faxed this question to the TTC Chair, but she did not respond before the story deadline. I later overheard a fellow consumer say at CILT that the refund is only being granted to the six complainants.

What Tracy and the other five complainants did took a lot of courage. From the time the complaint was filed in July 1996, to the time the settlement was reached in August 2002, there were moments when the complaint would not go beyond the paperwork stage, particularly during the first three years. What makes this case a precedent is that it is one of the few occasions where a group of consumers with disabilities were not afraid to speak out and advocate for themselves and for others. They didn't just defend their human rights, but they also defended the human rights of all consumers with disabilities.

However, the final decision made by the OHRC suggests that this is only a partial victory. The majority of Wheel-Trans consumers forced to pay the fee have been left out in the cold, and this case is (likely) closed now as far as the OHRC and the TTC are concerned.

But perhaps there's a lesson to be learned here. Tracy and the five other consumers took a risk in making a service they take for granted accountable, namely Wheel-Trans. Now if more people with disabilities followed this example and applied it when dealing with other societal injustices and indignities, that would *really* be setting a precedent.

### **TTC STRANDED ME -- punished for having a nightlife**

*by Eli Shupak*

*This article originally appeared in the August 29, 2002 edition of NOW Magazine. Reprinted with permission.*

To Rick Ducharme, TTC general manager:

Mr. Ducharme,

I write to offer my sincerest apologies for all the trouble I've caused the system recently by staying out too late.

One night coming home from the Hard Rock Café, I got off the subway at Bathurst station a few minutes past 1 AM and was told by a driver that I had missed the last wheelchair-accessible bus.

Now, this was quite a surprise, since I understood accessible service was supposed to be available on Bathurst up to and including the last bus that leaves the station, at 1:38 AM.



The collector inside called transit control, and they arranged to send me a Wheel-Trans bus. When the driver arrived, he informed me that he had just finished his shift and pulled into the yard on Commissioners Street when they sent him back out for me. In addition to paying him an hour of overtime, a Wheel-Trans dispatcher had to remain on duty until the driver returned to base.

The next week, I arrived at the station just past midnight only to encounter another inaccessible bus. I went to the collector to find out when an accessible bus would arrive, but he refused to help, saying that he and the inspectors had had just about enough of me. The nerve of me turning up at a bus stop and expecting to get onboard. Sorry for the trouble.

At this point, I became angry and told him that instead of sitting in his booth scratching bingo tickets (which he was doing), why didn't he do his f---ing job? He walked out and said he didn't care whether or not I was in a wheelchair he should come over and smack me. Eventually, a bus arrived that I could get on.

But the following night it all happened again. I arrived after 1 am and was told by a driver that the last accessible bus had left 10 minutes earlier. I didn't want to go back to that collector, for obvious reasons, so the driver radioed for another bus for me, holding up his own passengers (sorry, folks, but I need a ride, too). Eventually, a driver with a low-floor bus who had just finished her shift on Lansdowne was called to get me.

Of course, I could stop aggravating the staff and take Wheel-Trans all the time. At \$26 an average trip, \$24 paid by the public, this, Mr. Ducharme, isn't really your best option. Nor mine. If I want to leave concerts when they end, I need to use conventional transit. Cheaper for you and more convenient for me. A win-win. Supposedly.

But here you are paying drivers overtime -- money not well spent when the TTC is facing a funding crisis -- just because you aren't delivering what you promise.

Just so I can understand your point of view, I called your spokesperson, Marilyn Bolton. "If a route is accessible, it should have accessible buses," she tells me. "The only time you will see buses on that route that aren't accessible is during rush hours. Any bus coming in at the end of the day would," she says before correcting herself, "*should* be accessible, outside of some unusual thing happening."

Once again, I'm truly sorry, Mr. Ducharme, for all the troubles my late nights out have caused the TTC, particularly at a time when you keep running into "unusual things happening." I promise to be a better boy.

## Defeating Apathy

by Sandra Carpenter

"It" caught me like a ton of bricks. I closed my office door; a rare move on my part, because I needed to be alone and think. "It" was a letter from Justin Dart to his activist disabled colleagues; his last words and Manifesto to leave all as his legacy after death.<sup>1</sup>

I was hit hard because of everything that has happened over the last year. Losing Henry Enns<sup>2</sup> and some sort of innocence in the wake of September 11; being almost hyper-aware of the price of apathy, and finally knowing beyond a shadow of a doubt what keeps us going after all these years. When we were kids we called it "being fair."

The last few days have been strangely exciting. On Saturday, September 7, Transportation Action Now (TAN) held its Annual General Meeting. We tried to structure the meeting to keep the business side short and the "networking" side long, culminating in an hour of a one-act play/presentation from Allan Shaine called "Still Waiting for That Special Bus."

The surprise in the event for me was the energy among the members at the meeting. Although most people nominated from the floor for membership on the Board of Directors for TAN declined, at least an equal number of people offered themselves up for certain jobs to support TAN's work.

Tracy Odell made a short presentation with her impression of, on the one hand, how far we have come regarding transportation for people with disabilities, but on the other, how far we still have to go. She talked about her role in the recent complaint with the Ontario Human Rights Commission (OHRC) against the Toronto Transit Commission (TTC) policy of charging a \$25 registration fee for applicants to Wheel-Trans.<sup>3</sup>

There is hope for us in the fact that she won... partially. TTC agreed to never charge registration or any other fees to disabled citizens to use Wheel-Trans, but did not go so far as to agree to reimburse the 40 to 60 odd thousand people with disabilities the \$25 that each and every one of us who qualify for Wheel-Trans has spent. I think we all came away from that meeting with a feeling that there was "hope" and that struggles, although they may take a while, are possible to win.

TAN members ended by expressing gratitude to Tracy Odell, *et al*, for their perseverance with pursuing this complaint.

On September 9, 2002, I was part of the delegation from the Ontario Network of Independent Living Centres (ONILC), including Mike Murphy (Executive Director of the ILC in Kingston) and Vic Willi (CILT's Executive Director). We were invited

to meet with the Deputy Minister of Citizenship, Bill Allen for an update on the implementation of the Ontarians with Disabilities Act (ODA). Nadia Temple, Director of the Accessibility Directorate and our old friend Enza Ronaldi, who was the recent successful candidate for Senior Coordinator of the Accessibility Council were also there.

I think we came away from that meeting with a sense that the ODA allowed for not so much a promise as an opportunity for Citizens with Disabilities in Ontario. Its success will depend on the participation of people with disabilities on the host of Municipal Committees that will be generated from this Act.

The Municipal Accessibility Advisory Committees (or AACs) will be established to advise on Municipal obligations resulting from the ODA, including the development and implementation of Municipal Accessibility Plans. Persons with disabilities will have a majority membership on these Committees. Theoretically that means that PWDs will have the majority for power on these committees.

For those of us who have been actively pursuing change for the last 30-50 years, the message that the success of this Act is dependent on us to work even harder and more assertively for the foreseeable future may not be what was most hoped for.

But my personal opinion is this: Now is not the time to give up. Now is the time to see the ODA as the tool for change -- because it is after all only a tool -- and work to push for all the right people to be nominated to the committees. It may not be the legislation that many envisioned, but it has power in that it is legislation.

When I put these two things together, the recent OHRC win with the impending proclamation of the ODA, this old fool can't help but get excited. There is an opportunity here that we must once again muster ourselves up to jump on and to take the final words of Justin Dart to heart.

*Dearly Beloved:*

*Listen to the heart of this old soldier. As with all of us the time comes when body and mind are battered and weary. But I do not go quietly into the night. I do not give up struggling to be a responsible contributor to the sacred continuum of human life. I do not give up struggling to overcome my weakness, to conform my life - and that part of my life called death - to the great values of the human dream.*

*Death is not a tragedy. It is not an evil from which we must escape. Death is as natural as birth. Like childbirth, death is often a time of fear and pain, but also of profound beauty, of celebration of the mystery and majesty which is life*

*pushing its horizons toward oneness with the truth of mother universe. The days of dying carry a special responsibility. There is a great potential to communicate values in a uniquely powerful way - the person who dies demonstrating for civil rights.*

*Let my final actions thunder of love, solidarity, protest - of empowerment.*

*I adamantly protest the richest culture in the history of the world, a culture which has the obvious potential to create a golden age of science and democracy dedicated to maximizing the quality of life of every person, but which still squanders the majority of its human and physical capital on modern versions of primitive symbols of power and prestige.*

*I adamantly protest the richest culture in the history of the world which still incarcerates millions of humans with and without disabilities in barbaric institutions, backrooms and worse, windowless cells of oppressive perceptions, for the lack of the most elementary empowerment supports.*

*I call for solidarity among all who love justice, all who love life, to create a revolution that will empower every single human being to govern his or her life, to govern the society and to be fully productive of life quality for self and for all.*

*I do so love all the patriots of this and every nation who have fought and sacrificed to bring us to the threshold of this beautiful human dream. I do so love America the beautiful and our wild, creative, beautiful people. I do so love you, my beautiful colleagues in the disability and civil rights movement.*

*My relationship with Yoshiko Dart includes, but also transcends, love as the word is normally defined. She is my wife, my partner, my mentor, my leader and my inspiration to believe that the human dream can live. She is the greatest human being I've ever known.*

*Yoshiko, beloved colleagues, I am the luckiest man in the world to have been associated with you. Thanks to you, I die free. Thanks to you, I die in the joy of struggle. Thanks to you, I die in the beautiful belief that the revolution of empowerment will go on. I love you so much. I'm with you always. Lead on! Lead on!*

*-- Justin Dart*

Like him, I feel it is time to take a stand against those elements of our society we deplore. Like him I feel it is once again time for me for us to take the concrete steps that are required to make the dream of Independent Living a reality.

I found myself trying to explain this to a social worker in a children's institution for kids with disabilities in defense of how we work with consumers. "We work with

individuals, not families and not institutions. Our goal is to give the individual the tools they will need to get what they need out of the system for the rest of their lives because the fight never stops. If you want to live as a disabled person in the community, not necessarily at home with your family or in an institution, you need to learn how to fight for yourself because there will be many battles ahead."

What follows Justin's letter in Mouth Magazine is a detailed manifesto including a list called "TEN WAYS YOU CAN MAKE THE DREAM LIVE." Number one on this list is:

"Give up life as usual -- escapist television and games, time consuming, expensive travel and recreation, and devote the time to passionate advocacy for individualized empowerment."

I think he has a point!

You can read his words in their entirety by going to [www.mouthmag.com](http://www.mouthmag.com).

I note with sadness that in one final section of his document, Henry Enns is listed as one of the 256 people he wants to thank, so in a way, this final directive from Justin Dart may serve as a final directive from Henry. 'Roll up your sleeves, I hear them saying, and get to work. There is much still to be done. The responsibility is ours to accomplish all that we can in this short life.'

1. Justin Dart was a well-known activist with a disability in the United States. He is, unequivocally, one of the original leaders in the fight for the rights of people with disabilities.
2. Dr. Henry Enns' sudden and unexpected death in August of this year signaled a significant loss to people with disabilities of the world, the Independent Living Movement in Canada and the growing field of disability academics. It is still too soon to digest this event or think about its impact. I can't imagine a world without him in it.
3. The TTC has been in the practice of conducting personal interviews, and charging a \$25.00 registration fee to people with disabilities in order to determine whether or not they qualify for the Wheel-Trans service since 1996.

### **In Memoriam: Henry Enns**

Henry Enns, Executive Director of the Canadian Centre on Disability Studies (CCDS) and a co-founder of Disabled Peoples International (DPI), died suddenly in Sri Lanka on August 13. He was 59 years old.

His passion for people with disabilities and the Independent Living movement

was extensive. People who knew Henry personally or were just influenced by him include consumers in many local communities to leaders of large national and international corporate and government organizations.

"There is no doubt about it that the greatest achievement that we have made is the development of self-help grass roots organizations," Enns said in 1992. "We will no longer be in bondage. We have tasted liberation and we will take that liberation and become free citizens."

Enns was a good ally to CILT and all the other Independent Living Centres in Canada and around the world. CAILC has referred to him as "a lion of the Independent Living movement." His presence will be greatly missed in the IL and disability communities.

- *with files from Don Barrie & Don Peuramaki*

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