

Bill No. 37  
2017

By-law No. CPOL.-\_\_\_\_\_

A by-law to revoke Council Policy 3(10) entitled “Waiving Fees for Use of City-Owned Recreation and Community Centres” and adopt a new Council Policy 3(10) entitled “Policy for Waiving or Reducing Fees for Use of City-Owned Community Centres and Recreation Facilities”.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipal power shall be exercised by by-law;

AND WHEREAS Part XII of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it, and for the use of its property under its control;

AND WHEREAS the City of London has passed a by-law to impose certain fees and charges for use of its recreation and community centres;

AND WHEREAS section 107 of the *Municipal Act, 2001* provides that a municipality may make grants to any person, group or body for any purpose that council considers to be in the interests of the municipality;

AND WHEREAS the Municipal Council considers it to be in the interests of the municipality to waive fees for use of City-owned recreation and community centres for not-for-profit organizations and other groups in certain circumstances in accordance with the policy set out herein;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Council Policy 3(10) entitled “Waiving Fees for Use of City-Owned Recreation and Community Centres” is hereby revoked and a new Council Policy 3(10) is adopted entitled “Policy for Waiving or Reducing Fees for Use of City-Owned Community Centres and Recreation Facilities”, attached hereto as Schedule “A”.
2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on December 19, 2016.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 19, 2016  
Second Reading – December 19, 2016  
Third Reading – December 19, 2016

## SCHEDULE A

### POLICY FOR WAIVING OR REDUCING FEES FOR USE OF CITY-OWNED COMMUNITY CENTRES AND RECREATION FACILITIES

The Policy for Waiving or Reducing Fees for Use Of City-Owned Recreation and Community Centres and Recreation Facilities will assist in determining if rental fees\* for facility rental may be waived or reduced for an organization requesting this in connection to booking space in City community centres and recreation facilities including pools, sport fields, and arenas.

(\*”rental fee” refers to the fees approved by the City’s Fees and Charges by-law to cover the fee for use of a space and does not apply to other ‘extra fees’, tariffs, licences, and insurance costs that may be required by the nature of the activity.)

#### 1.0 Eligibility to Apply

Certain community and recreation groups may be eligible to apply for a waiver or reduction of rental fees for community centre and recreation facility space if they meet all of the following conditions of eligibility of application:

- a. must be a non-profit corporation, OR  
must be a newly created organization (established within 12 months of applying for the waiver or reduction of fees) which can prove they are operating on a not-for-profit basis;
- b. must be a London-based organization and at least 80% of participants/members are London residents;
- c. must provide evidence that regular rental fees constitute a real barrier or hardship;
- d. activity meets a recreation or community development priority of the City of London (physical activity, healthy eating, literacy, poverty reduction, community engagement or capacity building, activities for under-served groups);
- e. activity does not duplicate an existing program or activity;
- f. activity is open to the public, or membership in the requesting organization is open to the public;
- g. activity must not be for the purpose of generating revenue, including fundraising; and
- h. activity must comply and conform with applicable legislation, Council policies and by-laws, and is not contrary to law, including but not limited to the Ontario Human Rights Code, and the Criminal Code.
- i. The request to waive or reduce fees may be approved for up to a maximum of 15 bookings within one calendar year, or in exceptional circumstances such further bookings as approved by the Managing Director.

**2.0 Administration** – The administration of this Policy is assigned to the Managing Director, Parks & Recreation, or his or her written designate (“Managing Director”), and to the Managing Director, “Neighbourhood, Children and Fire Services, or his or her written designate (“Managing Director”). The Managing Director shall generally perform all of the administrative functions under this Policy, and without limitation may:

- a) receive and process all applications for waiving or reducing fees;
- b) issue approvals for waiving or reducing fees in accordance with the provisions of this Policy and applicable By-laws;
- c) impose terms and conditions on approvals in accordance with this Policy;
- d) refuse to issue an approval, or revoke or suspend an approval, in accordance with this Policy.

2.2 The approval of a waiver or reduction of fees, along with entering into a Facility Rental Contract, shall constitute authorization of the Managing Director for the purposes of the City of London’s Parks & Recreation Area By-law.

2.3 Requests for use of space as approved under this Policy will be accommodated within un-booked capacity within regular operating hours of facilities.

### **3.0 Application for Waiver or Reduction of Fees**

3.1 Every application for a waiver or reduction of fees shall be made to the Managing Director on the forms provided by the Managing Director.

Without limitation, every application shall include the following information:

- a) the name, municipal address and telephone number of each applicant;
- b) if the applicant is a partnership, the name, address and telephone number of each partner; and
- c) if the applicant is a corporation, the address of its head office, and the name, address and telephone number of each director and officer.

3.2 The application must be submitted in a timely manner, as determined by the Managing Director, with the minimum submission deadline being at least two weeks prior to the rental.

3.3 Every person applying for a waiver or reduction of fees shall provide in full at the time the application is submitted all of the information requested on the application form as well as:

- a) if the applicant is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than fifteen (15) days prior to the date of the application;
- b) if the applicant is a partnership, details of each partner's interest in the partnership; and
- c) any other documentation or information as may be required in any other part of this Policy or by the Managing Director (including but not limited to event financial statements, certificates of insurance, etc.).

3.4 Every application may be subject to investigations by and comments or recommendations from the municipal or provincial departments or agencies as the Managing Director deems necessary including but not limited to:

- a) the London Police Services;
- b) the Manager of By-law Enforcement.

### **4.0 Issuance of Approvals for Waiver or Reduction of Fees**

4.1 Every approval of a waiver or reduction of fees is subject to the following conditions of obtaining, and continuing to hold an approval, all of which shall be performed and observed by the applicant:

- a) the applicant must pay the Facility Rental Contract fee, if any;
- b) the applicant must pay all fees and fines owed by the applicant to the City;
- c) the applicant must enter into a Facility Rental Contract for the event;
- d) the applicant must meet all the requirements of this Policy and any applicable By-laws.

4.2 An approval under this Policy shall be valid only for the period of time for which it was issued, and in any event no longer than one year.

### **5.0 Authority of the Managing Director - Waiver or Reduction of Fees**

5.1 The power and authority to refuse to issue an approval to waive or reduce fees, to cancel, revoke or suspend an approval, to impose terms and conditions, including special conditions, on an approval, or to exempt any person from all or part of this Policy are delegated to the Managing Director.

5.2 The Managing Director may refuse to issue an approval to waive or reduce fees, or may revoke or suspend an approval, or impose a term or condition on an approval, on one or more of the following grounds:

- a) the applicant does not meet the conditions of eligibility to apply as set out in section 1.0;
- b) the event endorses views and ideas that are likely to promote discrimination, contempt or hatred for any person or group on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability.
- c) the event conflicts with the City's core values, vision or strategic goals or adversely impacts on the City's identity;
- d) in the Managing Director's opinion, event participants and patrons have not been or will not be adequately safeguarded;

- e) in the Managing Director's opinion, the security and protection of all venues have not been or will not be adequately safeguarded;
- f) in the Managing Director's opinion, activities which are contrary to City policies or by-laws, or provincial or federal laws will be, or are being, conducted or promoted, or the applicant is not in compliance with City policies or by-laws, or provincial or federal laws, or any conditions imposed on the approval;
- g) all regulatory approvals have not been obtained (i.e. alcohol, lottery licence, etc.) or the applicant will not provide documentation or information as may be required in any other part of this Policy, or by the Managing Director (including but not limited to event financial statements or evidence of required insurance);
- h) the application was not submitted in a timely manner, as determined by the Managing Director (with the minimum submission deadline being at least two weeks prior to the event);
- i) the conduct of the applicant, or any partner, officer, director, employee or agent of the applicant, affords reasonable cause to believe that the applicant will not carry on his or her business in accordance with the law or with honesty or integrity;
- j) there are reasonable grounds to believe that an application or other documents provided to the Managing Director by or on behalf of the applicant contains a false statement;
- k) any information contained in the original application form, or any other information provided to the Managing Director, has ceased to be accurate and the applicant has not provided up-to-date accurate information to the Managing Director to allow the Managing Director to conclude that the approval should continue;
- l) the applicant, (or officer or director of the corporation or partner in a partnership), has been convicted of any criminal offence for which, in the opinion of the Managing Director, it would not be in the interest of public safety to issue an approval;
- m) the request for use of space cannot be accommodated within un-booked capacity within regular operating hours of the facilities.

5.3 Notwithstanding any other provision of this Policy, the Managing Director may impose terms and conditions on any approval any time during the term of the approval, as are necessary in the opinion of the Managing Director to give effect to this Policy.

5.4 The City of London reserves the right to refuse to enter into a Facility Rental Contract with respect to any application for a waiver or reduction of fees for an event on City of London Property.