

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Cheryl Smith, Deputy City Manager, Neighbourhood and
Community-Wide Services

Subject: London Symphonia Stewardship
of the Former Orchestra London Music Library

Date: November 2, 2021

Recommendation

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the by-law attached as Appendix A, **BE INTRODUCED** at the Municipal Council meeting of November 16, 2021:

- (a) to authorize and approve a Stewardship Agreement between The City of London and London Symphonia for its exclusive use and custody of the City's Music Library, for the benefit of Londoners and the regional community;
- (b) the foregoing Stewardship Agreement is expected to be substantially in the form attached as Schedule "A" to the by-law, however any amendments to this Stewardship Agreement are to be in a form acceptable to the City Solicitor's Office;
- (c) to authorize the Mayor and Clerk to execute the Stewardship Agreement upon The Corporation of the City of London negotiating terms and conditions with London Symphonia to the satisfaction of the City Solicitor's Office.

Executive Summary

This report requests approval for the execution of the Former Orchestra London Music Library Stewardship Agreement between The City of London and London Symphonia. The City is the owner of instrumental sheet music scores that form the Music Library.

It is recommended by Culture Services of Neighbourhood and Community-Wide Services that London Symphonia have exclusive use and custody of the City's Music Library for the benefit of Londoners and the regional community.

Linkage to the Corporate Strategic Plan

The London Music Library Stewardship Agreement between the City and London Symphonia is aligned with the following strategic area of focus, as presented in the City of London Strategic Plan 2019-2023.

- Strengthening Our Community under the outcome Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- [Orchestra London Additional Grant Request \(Dec 18, 2014\)](#)
- [Investing In The Arts Building A New Collaborative Orchestra Model We Play On Performance Fund And Reallocation Of Caip Arts Funding \(April 13, 2015\)](#)
- [Orchestra London Bankruptcy \(June 9, 2015\)](#)

2.0 Discussion and Considerations

2.1 Background and Purpose

Ownership of the Music Library

The Music Library consists of instrumental sheet music scores amassed over decades of performances of the former Orchestra London Canada Inc. (Orchestra London) from the professional players who marked these scores on previous performance occasions. In early 2015, the professional musicians of Orchestra London moved the Music Library, of approximately 300 boxes, to the London Room of the Central Branch of London Public Library (LPL).

On January 15, 2015, TD Bank called on the City of London for payment of the Guarantee of \$500,000 for Orchestra London. According to the City's Legal Services, the City inherited the Bank's Claim to the assets of Orchestra London when it paid the Guarantee. The Bank's claim was outranked by the Crown, but if the Crown agreed to release its claim the City would become the owner of the Music Library. Orchestra London filed for bankruptcy in May 2015. One of the items listed as an asset of the Orchestra was referred to as "Orchestral-type, sheet music" and it has a practical value to the City and the public for library use.

In July 2019, the City's Legal Services was advised that the debt owed to the CRA by Orchestra London had been fully paid and everything on the account had been settled. They were further advised that the lien placed by the CRA against the assets of Orchestra London had been discharged in April, 2017. This meant that the City could proceed to explore public access for the Music Library.

Purpose of the Report

It is recommended by Culture Services of Neighbourhood and Community-Wide Services that the City enter into a Stewardship Agreement with London Symphonia for the exclusive use and custody of the City's Music Library. London Symphonia submitted a proposal to Culture Services outlining their interest in entering into this custodial arrangement of the Music Library.

This recommendation is based on the following considerations:

- Fit with the Mandate of London Symphonia

London Symphonia is a local professional orchestra that was formally incorporated in November 2015 after the bankruptcy of the former Orchestra London. Many of the thirty musicians of London Symphonia were also musicians of the former Orchestra London. Their organization's vision includes a commitment to artistic excellence in classical and contemporary musical performance, music education, and strong community partnerships. London Symphonia has been recognized as the logical successor organization to the former Orchestra London in three separate estate cases where bequests were directed to the former Orchestra London. This professional orchestra would benefit most from the use of the Music Library because they have the historical understanding of the sheet music markings.

- Conservation Expertise

London Symphonia has the professional expertise to maintain the Music Library and to steward its use with community music partners. London Symphonia's music librarian has a long history of stewardship with this Music Library with both the former Orchestra London and London Symphonia.

- Storage

At the present time, the City's Corporate Records cannot guarantee the appropriate storage and conservation of the Music Library. London Symphonia has an existing partnership with the Metropolitan United Church (the Met) as a joint performance and storage venue. London Symphonia has agreed to pay the Met for additional rental of the space that is safe and secure for the Music Library, through a Memorandum of Understanding that forms part of the Agreement.

3.0 Proposed Agreement

3.1 Music Library Stewardship Agreement

The Music Library Stewardship Agreement with London Symphonia (by-law and Agreement attached as Appendix A) provides support to London Symphonia for its exclusive use and custody of the Music Library. The following is a summary of the highlights of this Agreement:

- The proposed term of this Agreement shall be for ten (10) years, commencing December 2021, noting that the City may terminate this Agreement immediately without notice and London Symphonia may terminate this Agreement upon sixty days' written notice. This Agreement may be renewed for two further ten-year terms, at the mutual agreement of the parties.
- London Symphonia's obligations include:
 - obtaining custody and control of the Music Library without remuneration from the City;
 - renting safe storage space for the Music Library through an occupancy agreement with the Metropolitan United Church;
 - preserving the integrity of the music scores through a regular review and maintenance of the inventory catalogue;
 - taking all reasonable and appropriate care to protect the music scores from any damage, loss or theft;
 - replacing any music scores which have been damaged or lost; and,
 - making the Music Library available for the City's inspection and digital replication of music scores deemed to be of significant cultural value, which will be stored by the City.
- London Symphonia assumes responsibility for the protection of the Music Library and agrees to indemnify the City and save it harmless from any and all loss resulting from all damage, loss or theft, however caused.
- London Symphonia may arrange to use music scores with a third party through use of a Loan Agreement (attached as Schedule D to the Stewardship Agreement), but will not allow any third party to reproduce, duplicate, copy, sell, transfer, trade, resell, re-provision, redistribute, or rent the Music Library, without the prior written consent of the City.

4.0 Next Steps

This Agreement has been reviewed with Legal Services, Records Management, Risk Management and the London Music Industry Development Officer.

The London Public Library has also provided a Letter of Support (attached as Appendix B) for the London Symphonia proposal to be the steward of the City's Music Library currently located in the London Room of the Central Library and has offered their services to assist with the move of the music to the new storage location at the Met.

It is recommended that Civic Administration be authorized to take the necessary action to enter into a Stewardship Agreement with London Symphonia for the custodianship of the Former Orchestra London Music Library.

5.0 Financial Impact Considerations

There is no funding being requested by Culture Services.

The City will self-insure the Music Library. In the event of any loss or damage which renders any music score(s) to be unusable while the Music Library is in the possession of London Symphonia, the parties agree that the City of London will make the final decision with respect to the replacement of such lost or damaged music score(s) and/or the Music Library. The City will work with London Symphonia to mitigate any damage or loss through the digital replication of music sheets deemed to be of significant value, noted in the obligations of this Agreement.

It is recommended that London Symphonia would have custody and control of the Music Library without remuneration from the City. London Symphonia is funded through the City's Community Arts Investment Program as a Developmental Acceleration Stream recipient for \$40,000 in 2021.

Cultural Services of the City hired expert Brian McMillan, Director, Music Library, Western University to provide a high level overview valuation of the former Orchestra London Music Library on July 19, 2021. The parties of the Agreement agree that the replacement value of the Music Library has been appraised to be worth \$252,874.51.

A more detailed valuation and condition appraisal of the Music Library will take place after City Council grants approval of the proposed Stewardship Agreement with London Symphonia and the boxes of music are unpacked at their new storage space at the Metropolitan Church.

Conclusion

Creating conditions that support the development of the music sector in London remains a priority for the City of London in alignment with the City of London's Strategic Plan and Council-directed priorities. Organizations such as London Symphonia play a critical role in strengthening the health and well-being of local communities.

Providing London Symphonia with exclusive access to the Music Library supported Council's direction on April 13, 2021 for Administration to submit an application to UNESCO for London to be designated a "UNESCO City of Music".

The former Orchestra London Music Library is vast and includes decades of shared knowledge from previous users. Preserving this knowledge while allowing wider access of this Music Library through London Symphonia will continue to build and grow London's music sector.

Prepared/Submitted by: Robin Armistead, Manager, Culture Services

Recommended by: Cheryl Smith, Deputy City Manager,
Neighbourhood and Community-Wide Services

cc. April Voth, Executive Director, London Symphonia

Michael Ciccone, CEO and Chief Librarian, London Public Library

George Kotsifas, Deputy City Manager, Planning and Economic Development

Cory Crossman, Music Industry Development Officer, Planning and Economic Development

Grace Smith, Solicitor, Legal Services

Linzi Lavery, Risk Management Specialist, Legal Services

Bridgette Somers, Manager Corporate Records, Legal Services

Appendix A:

Bill No.
2021

By-law No. A.-

A by-law to authorize and approve a Stewardship Agreement between The Corporation of the City of London and London Symphonia for its exclusive use and custody of the City's Music Library; and to authorize the Mayor and the City Clerk to execute the Stewardship Agreement.

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

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

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

1. The Stewardship Agreement attached hereto as Schedule "A", being a Stewardship Agreement between the City and London Symphonia, is hereby AUTHORIZED AND APPROVED.
2. The Mayor and the City Clerk are hereby authorized to execute the Stewardship Agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council , 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading –
Third Reading –

Schedule A Stewardship Agreement between the City and London Symphonia

THIS AGREEMENT made this day of December 2021

B E T W E E N:

THE CORPORATION OF THE CITY OF LONDON

(Hereinafter called "City")

OF THE FIRST PART

AND

LONDON SYMPHONIA

A registered corporation established by the *Canada Not-for-profit Corporations Act*

OF THE SECOND PART

WHEREAS the City is the owner of certain scores of music sheets set forth in Schedule "A" hereof and which are hereinafter collectively referred to as the "Music Library" and individually as a "music score";

AND WHEREAS the parties hereto have agreed that London Symphonia shall act as custodian of the Music Library,

AND WHEREAS the City considers it in the interest of the municipality to provide support to London Symphonia for its exclusive use and custody of the Music Library, with exceptions noted below, for the benefit of the citizens of the London and regional community;

NOW THEREFORE in consideration of the promises, covenants and agreements herein contained and subject to the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1 DEFINITIONS

"Commencement Date" means the date on which London Symphonia's custody of the Music Library began.

2 TERM

2.1 The term of this Agreement shall be for ten (10) years, commencing December 2021, and terminating December 2031, or terminating at such earlier date pursuant to section 3 of this Agreement.

- 2.2 This Agreement may be renewed for two further ten-year terms, at the mutual agreement of the parties provided London Symphonia is not in default of any of the terms and conditions contained in this Agreement. If London Symphonia does not wish to renew this Agreement, a written notice must be provided a minimum of six (6) months prior to the expiration of the Term herein. The City's decision to renew shall be in its sole discretion.

3 TERMINATION

- 3.1 The City may terminate this Agreement immediately without notice for any breach of this agreement or for any reason as determined by the City in its sole discretion. Such termination shall be without penalty.
- 3.2 London Symphonia may terminate this Agreement upon sixty days' written notice for any reason. Such termination shall be without penalty.
- 3.3 London Symphonia acknowledges that all rights, title and interest in the Music Library remain vested in the City. London Symphonia shall relinquish its custodianship of the Music Library on the termination of this Agreement.

4 LONDON SYMPHONIA'S OBLIGATIONS

- 4.1 London Symphonia shall obtain custody and control of the Music Library without remuneration from the City. London Symphonia may from time to time use music scores from the Music Library for performances.
- 4.2 London Symphonia shall store the Music Library collectively at the Metropolitan United Church located at 468 Wellington St, London, ON N6A 3P8, (the "Met") as per the conditions set out in Schedule B.
- 4.3 London Symphonia shall verify that the storage location of the Music Library is safe and secured by locked entry, dry, and not susceptible to flooding;
- 4.4 An inventory of music scores within the Music Library shall be kept on file of which London Symphonia shall conduct a regular review with the City at intervals determined by the City.
- 4.5 London Symphonia covenants and agrees with the City that London Symphonia shall, at all times, take all reasonable and appropriate care to protect the music scores from any damage, loss or theft.
- 4.6 London Symphonia covenants and agrees to replace any music scores which have been damaged or lost.
- 4.7 London Symphonia shall make the Music Library available for inspection and digital replication by the City's designated point of contact at all reasonable times throughout the term of this Agreement. London Symphonia shall use reasonable efforts to work with the City in the digital replication of music scores deemed to be of significant cultural value. The City will provide storage for the digitalization of the music scores.

5 INSURANCE

- 5.1 The parties agree that the value of the Music Library has been appraised to be worth \$252,874.51 at the Commencement Date in accordance with the Valuation Report at Schedule C.
- 5.2 The parties agree that the Music Library shall be self-insured by the City. In the event of any loss or damage while the Music Library is in the possession of London Symphonia which renders any music score(s) to be unusable, the parties agree that the City of London will make the final decision with respect to the replacement of such lost or damaged music score(s) and/or the Music Library.

6 INDEMNITY

- 6.1 London Symphonia covenants and agrees with the City that London Symphonia shall assume the entire responsibility for the protection of the Music Library following receipt of which until the Music Library is returned to the custody of the City.
- 6.2 London Symphonia specifically covenants and agrees to indemnify the City and save it harmless from any and all loss resulting from all damage, loss or theft, however caused.
- 6.3 London Symphonia agrees that London Symphonia shall report promptly any losses or damage, through use, theft, negligence or vandalism, which renders the music score to be unusable to the City of London's Risk Management Department. London Symphonia shall provide the City with an update to the condition report containing any changes to which every 5 years.

7 RIGHTS OF USE

- 7.1 The City reserves all rights to the reproduction of the Music Library for the purposes of resale except as noted in writing to the contrary.
- 7.2 London Symphonia may make music scores available from the Music Library to Third Parties on a temporary loan basis at its discretion. Any such arrangement shall, prior to the delivery of such loaned music scores, require the execution of the Music Sheet Loan Agreement ("Loan Agreement") set out in Schedule D by London Symphonia and the Third Party that will be loaned the music scores. Notwithstanding the General Terms and Conditions of the Loan Agreement set out in Schedule D, if any music scores have been loaned to a Third Party, London Symphonia agrees to replace the music scores if any damage or loss occurs.
- 7.3 London Symphonia covenants with the City that London Symphonia will obtain any further consent or permission which may be required by law with respect to any such reproduction and, further, that London Symphonia will indemnify the City and save it harmless from any and all claims and demands relating to reproduction of any music scores.

8 ASSIGNMENT

- 8.1 London Symphonia shall not assign this Agreement or any interest in this Agreement without the prior written consent of the City.

9 STATUS

- 9.1 London Symphonia acknowledges and agrees this Agreement shall in no way be deemed or construed to be an Agreement of Employment. Specifically, the parties agree that it is not intended by this Agreement that London Symphonia, nor any person employed by or associated with London Symphonia is an employee of, or has an employment relationship of any kind with the City or is in any way entitled to employment benefits of any kind whatsoever from the City whether under internal policies and programs of the City, the *Income Tax Act*, R.S.C. 1985 c.1 (1st Supp); the *Canada Pension Act*, R.S.C. 1985, c.C-8; the *Employment Insurance Act*, S.O. 1996, c.23; the *Workplace Safety and Insurance Act*, 1997 S.O. 1997, c.26 (Schedule "A"); the *Occupational Health and Safety Act*, R.S.O. 1990, c.o.1; the *Pay Equity Act*, R. S. O. 1990, c.P.7; the Health Insurance Act, R.S.O. 1990, c.H.6; or any other employment related legislation, all as may be amended from time to time, or otherwise.

9.2 London Symphonia shall operate independently of the City and is not the agent or servant of the City for any purpose.

10 ENTIRE AGREEMENT

10.1 This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter of this Agreement and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the Parties, and there are no representations, warranties or other agreements between the Parties in connection with the subject matter of this Agreement except as specifically set out in this Agreement.

11 GOVERNING LAW

11.1 This Agreement is governed by, and is to be construed and interpreted in accordance with, the laws of the Province of Ontario and the laws of Canada applicable in that Province.

12 ACKNOWLEDGEMENT

12.1 The parties agree that the statements within the recitals are true and accurate.

12.2 London Symphonia agrees that no warranties, expressed or implied have been made in connection with this agreement.

12.3 The parties hereby declare, covenants and agree that the parties have reviewed and obtained independent legal advice or has had the opportunity to obtain independent legal advice and fully understands the terms and binding effect of this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto caused to be affixed their respect corporate seals duly attested by the hands of their respective proper signing officers this day of December, 2021.

SIGNED, SEALED AND DELIVERED) THE CORPORATION OF THE CITY OF
in the presence of) LONDON
)
)
) _____
) Ed Holder, Mayor
)
)
) _____
) Catharine Saunders, City Clerk

SIGNED, SEALED AND DELIVERED) LONDON SYMPHONIA
in the presence of)
)
) _____
) April Voth, Executive Director
I HAVE AUTHORITY TO BIND THE CORPORATION

Schedule A
Music Sheet Inventory (Music Library)

A sample of the Music Sheet Inventory has been provided below.

Note: One score could consist of instrumental music sheet music for anywhere from 10 to 80 performers (estimated to total approximately 1,636 scores)

Music Library Catalogue Sample

| Item Number | Composer (Last Name) | Composer (First Name) | Work Title | Publisher |
|--------------------|-----------------------------|------------------------------|--|-------------------------------|
| 1 | Glinka | Mikhail | Midsummer Night's Serenade | Galazy, No.99 |
| 2 | Anderson | Leroy | Fiddle-Faddle | Belwin/Educational |
| 3 | Anderson | Leroy | Sleigh Ride | Belwin/Educational |
| 4 | Auber | D.F.E. | Overture to Fra Diavolo | Reprint: Breitkopf and Härtel |
| 5 | Bray | Kenneth | O Canada/God Save the Queen | Gordon V. Thompson Limited |
| 6 | Mozart | W.A. | Symphony No.39 | Breitkopf & Hartel |
| 7 | Bach | J.S. | Sheep May Safely Graze | Oxford University Press |
| 8 | Bach/Stokowski | J.S. | Adagio from Toccata and Fugue in C Major for Organ | Broude Brothers |
| 9 | Bach/Stokowski | J.S. | Toccata and Fugue in D minor | Broude Bros. |
| 10 | Strauss | Richard | Don Juan | Edwin F. Kalmus |
| 11 | Bartok | Bela | Rumanian Folk Dances | Boosey & Hawkes |
| 12 | Beethoven | Ludwig van | Minuet in G | Boosey & Hawkes |
| 13 | Beethoven | Ludwig van | Piano Concerto No.3 | Breitkopf and Härtel |
| 14 | Beethoven | Ludwig van | Piano Concerto No.4 | Breitkopf and Härtel |
| 15 | Holst | Gustav | St. Paul's Suite | G. Schirmer |

Schedule B
Occupancy Agreement Between London Symphonia and the Metropolitan Church
for Storage

This Occupancy Agreement between London Symphonia and the Metropolitan Church dated October 14, 2021 provides for 15x15 feet of space for \$50 per month paid by London Symphonia to store approximately 300 boxes of the Music Library on metal shelves. The complete copy of the Agreement is available upon request to Culture Services of Neighbourhood and Community-Wide Services.

Schedule C Valuation Report

Estimate of the 2021 Replacement Value of the Orchestra London Music Collection Prepared by Brian McMillan, Director, Music Library, University of Western Ontario September 13, 2021

The following report offers a general valuation of the Orchestra London Music Collection as documented in the Microsoft Excel spreadsheet "Music Library Catalogue.xlsx" received from Robin Armistead, Manager Culture Services for the City of London, on June 23, 2021.

Overview of the collection

The Orchestra London Music Collection represents the performance materials (music scores and parts) owned by the organization in 2013, one year before its dissolution. The collection, as documented in the spreadsheet, comprises 1634 works for symphony orchestra or smaller ensembles thereof. Included in this total are 35 titles for orchestra and choir (marked "C-" in their accession numbering). The repertoire reflects the diverse programming offered by Orchestra London over its decades of operation from core works of the Western classical tradition to newly commissioned works by Canadian composers, with a healthy selection of lighter classics (e.g., works by Leroy Anderson), seasonal chestnuts, and suite arrangements of popular film scores. Judging by the publication dates of some editions listed in the spreadsheet, it appears the collection could have begun as early as the orchestra's founding in 1937.

The vast majority of works listed consist of two components – a full score for the conductor and a set of parts for the instrumentalists to play from. The choral works mentioned above add a third component – vocal/choral scores intended for the singers. Two hundred and fifty-four works, identified by accession numbers beginning "MX-," are represented in the collection by a full score only (no parts). By and large, the editions in the Orchestra London Music Collection were produced by music publishers and sold commercially; therefore, their replacement value can be determined relatively easily when they are still on the market in either their original state or as reprints. However, over 150 titles in the spreadsheet lack a publisher (the "Publisher" field is either blank or listed as "none"). These may represent – at least in part – unpublished arrangements and editions acquired directly from the composers, arrangers, or editors, and therefore not necessarily acquirable today.

Credentials

I am a music librarian with 17 years' experience in the field. My current role is director of Western University's Music Library. One of my responsibilities is the acquisition of new materials for this collection, including scores and parts for ensembles, which are added to the library's Choral/Band/Orchestral Collection. As a trained musician (with a Bachelors of Music (Honours) and Masters of Music in Voice Performance from McGill University) as well as the holder of a postgraduate library degree accredited by the American Library Association (Masters of Information Studies from the University of Toronto), I am familiar with the idiosyncrasies of music materials, their acquisition and organization in library settings, and their use in rehearsal and performance.

Methodology

The following valuation is based on an analysis of the "Music Library Catalogue.xlsx" spreadsheet, one visit to the physical collection on July 19, 2021, and discussion with Shawn Spicer, current librarian for London Symphonia.

Given the information provided in the spreadsheet – in particular the 2013 replacement value – two possible methods for evaluating the current replacement value of the collection were evident. The simpler method was to multiply the total value of the 2013 estimate by the Bank of Canada's percent change for the intervening years, 15.60%, determined using the Bank of Canada's Inflation Calculator: <https://www.bankofcanada.ca/rates/related/inflation-calculator/>. The second method was

more involved, but, in my opinion, would lead to a more accurate picture of the expenditure required were the collection to be replaced in 2021.

After analysis of the spreadsheet, a representative selection of works was chosen and the current market value determined by finding prices at established online music vendors. The sum of the 2013 values of these representative works was compared to the sum of the 2021 prices. The difference was then extrapolated to the entire collection of 1634 works.

Several factors helped define a representative set for my analysis. I included works from each musical “style” I found in the collection (Western classical tradition, contemporary works, “lite” classics, and seasonal works). Within the subset of standard classical repertoire, I chose works from the Baroque, Classical, and Romantic periods. Works by Canadian composers dominated the contemporary repertoire in my set, reflecting their prominence in the collection, but I also included works by twentieth-century British, American, Mexican, and German composers in this subset. The entire set favours works by European, American, and Canadian composers, reflecting the Eurocentric focus of the classical music canon and the particular context of a Canadian orchestra. I also chose works from a number of publishers. Finally, I sought a variety of orchestra size, including both works requiring large forces and those scored for more chamber-sized ensembles. In weighing all of these factors, I attempted to find a balance that reflected the make-up of the entire Orchestra London collection.

I initially selected 127 scores, of which I discarded 26. Most of the discarded scores were either out of print or currently available only for rent. Others had no pricing available online or were too minimally described for me to confidently identify the edition. Two had a perplexing 2013 replacement value of \$0.00 and therefore could not be useful in my calculations.

The representative set ultimately totaled 101, or 6.2% of the entire collection. The average cost per item in this set, \$159.50, approximated the cost per item across the collection, \$155.11, using the 2013 replacement values found in the spreadsheet. I followed a similar process to the 2013 valuation exercise as described to me by Shawn Spicer. In that year, a student searched each title in Luck’s Music Library (<https://www.lucksmusic.com/>), a popular vendor of low-cost reprint editions of orchestral music, and recorded the price – converted to Canadian currency – for the specific edition or a similar set if the specific set was not available. For sets no longer in print, a basic cost per page was assigned.

Out of necessity, my process in 2021 differed from the above in a few ways. First, I did not rely solely on Luck’s Music Library. In a sense, I “comparison shopped” each item on the list since competitive prices could be found on other popular reprint score vendor sites, such as Kalmus and Serenissima (offered through the free online score wiki site IMSLP.org). Furthermore, these other sites frequently offered more complete metadata that facilitated the matching of their inventory with the editions listed in the Orchestra London “Music Library Catalogue.xlsx” spreadsheet. In some cases, I had to turn to the original publisher websites (such as Bärenreiter, Arcana Editions, and Schott) or distributor websites (such as the Canadian Music Centre and Alfred Music) when a work, or a particular edition of a work, was not available on any reprint sites. This was the case for many Canadian works and contemporary “pop” titles, such as *Jurassic Park Highlights* and *Around the World at Christmas Time*. Finally, I could not calculate a “per page” cost for sets no longer available for purchase. Since I did not have the collection at hand to consult, I dropped out-of-print sets and those now available only as rentals from my representative set of works.

To convert the purchase costs, usually found in USD or EUR, to Canadian funds I used the Xe Currency Converter tool found at <https://www.xe.com/currencyconverter/>. Generally, prices were rounded to the nearest dollar.

In working through the representative collection, I had to make several assumptions. For example, since the spreadsheet does not indicate the number of choral scores owned by Orchestra London for the performance of such standards as Handel's *Messiah* or Beethoven's Ninth Symphony, Shawn Spicer and I agreed that 40 copies would be a reasonable number to use in this exercise. In these cases, therefore, I included the cost of 40 choral scores in the replacement cost alongside the price of the full score and parts. A second assumption was that only *one* score and *one* full set of parts, as sold by vendor, would suffice in calculating the current replacement cost. (The only exception were those pieces with the accession number beginning "MX-," which indicates that the score alone is part of the Orchestra London collection. In these cases, I only recorded the cost of a single score.) No extra scores or parts were added to my calculations. Finally, I decided to rule out the possibility of simply downloading scores and parts available from IMSLP.org. Though extremely convenient, print-outs on standard office paper are not practical additions to an orchestra library. North American paper sizes are too small for musicians to read with ease, standard paper is not robust enough to withstand performance demands, and the need to bind scores and parts brings the burden of extra costs in time and labour.

Results and Estimate of 2021 Replacement Value

Following the first method, that is, using the Bank of Canada's Inflation Calculator, the 2021 cost of the Orchestra London Music Collection, estimated to be \$253,452.05 in 2013, is projected to be \$292,983.16.

The second method, taking sample titles from the entire collection and checking their actual current prices, reveals a modest price decrease. In my professional opinion, this method produces a much more realistic replacement value. The 101 titles in the representative set had a total 2013 replacement value of \$16,110.00. My calculations determined a final replacement value for these same titles of \$16,073.29, a difference of \$36.71. The extrapolated change in replacement value for the entire collection may be expressed in the following equation:

2021 Subset replacement value = 2021 Total replacement value 2013 Subset
replacement value 2013 Total replacement value
\$16,073.29 = 2021 Total replacement value \$16,110.00 \$253,452.05
2021 Total replacement value = (\$16,073.29 x \$253,452.05) ÷ \$16,110.00
2021 Total replacement value = \$252,874.51

Analysis

The difference between the 2013 total valuation and this 2021 valuation is minimal: a decrease of \$577.54 (0.23% of the value of the 2013 valuation), or \$0.35 per item. However, my analysis of the 101 individual prices reveals a much broader fluctuation of prices that merits an explanation. Several factors can affect the cost of a music score and its parts. First, there are the usual market pressures that push prices up or down, including costs of materials, demand for a certain work counterbalanced by its availability, and – right now – the COVID-19 pandemic. Second, the varying exchange rate can cause the range of prices to stretch when converted to Canadian dollars from the Euro or the US dollar. Third, because music scores can appear in so many editions that are periodically reissued, materials once available from an inexpensive reprint service, such as Luck's Music Library, may suddenly only be available from a more expensive publishing house or, in fact, be withdrawn from the market entirely. Fourth, different methodologies in these valuation exercises can affect the price recorded for certain works. As I wrote earlier, I chose to "comparison shop," visiting more than one possible vendor for each score to determine the best price in today's market. Furthermore, my choice to include the cost of 40 choral scores in the replacement value of each work with choir in my representative set certainly increased my estimate. Finally, there is the possibility of human error. I cannot speak to the work done in the 2013 valuation. I have attempted to be thorough and meticulous and to document and justify my findings reported here.

The example of Ottorino Respighi's *Lauda per la nativita del Signore*, the work in my representative set with the greatest percent increase in value between 2013 and 2021, illustrates several of the preceding points. I do not know whether the score and all the accompanying parts required for performance were available from the Canadian distributor Counterpoint Music Services in 2013; in 2021, however, they are not. Counterpoint now only offers the score and wind set and directs the purchaser to the work's publisher, stating "The choral parts are still in print from the original publisher. We don't sell or rent them." (See <https://cpmusiclibrary.ca/?s=respighi+lauda>.) The publisher, Carus Verlag, sells all performance materials, offering the score and wind parts for less than Counterpoint and a rebated price on a bulk purchase of 40 choral scores. (See <https://www.carus-verlag.com/en/music-scores-and-recordings/ottorino-respighi-lauda-per-la-nativita-del-signore.html>.) Nevertheless, the total price for these materials is €386.35 (\$604.20 CDN when converted in late August 2021), much more than the 2013 valuation of \$75.00.

Moving back out to the overall picture, after completing my initial analysis, I still wondered if I could justify a slight decrease in the 2021 valuation of the Orchestra London Music Collection as compared to the 2013 calculation, especially given the 15.60% change in the price of goods over the past 8 years stated by the Bank of Canada. Fortunately, my findings are backed by a recent article published in *Notes: The Quarterly Journal of the Music Library Association*. In the small market of printed music, prices do indeed appear to have decreased. In 2019, music librarian Paul Cary investigated recent price trends for both monographs about music and scores.¹ Two tables from this article (found on pages 242 and 243) are particularly relevant to this valuation exercise. The first charts the mean price of all music scores advertised in the journal *Notes* between 2012 and 2018; the second focuses on scores of large instrumental works (such as those found in the Orchestra London Music Collection) over the same period. According to Cary's calculations, the mean price of scores actually fell between 2013 and 2018. The first chart illustrates that, across all genres, the drop was minimal (an average of \$0.27 US or 0.45%), but the second chart reveals the price drop in the category of large instrumental works was more significant: \$9.56, or nearly 17% of the 2013 mean price of \$56.93 US.

Application of Cary's findings to the price differences in this current valuation exercise is problematic since the materials under examination are not exactly the same. Cary's article focuses on scores *only* while Orchestra London's collection includes scores, parts, and choral scores. Nevertheless, Cary's analysis reveals a general trend in the price of printed music that is borne out in my work here. Although the prices of the individual editions I checked may vary greatly, in general the fluctuations balance out to produce a slight decrease of 0.23% overall. I therefore submit an estimate of the 2021 replacement value for the Orchestra London Music Collection of \$252,874.51.

Respectfully submitted,
Brian McMillan Director, Music Library University of Western Ontario bmcmill2@uwo.ca
September 13, 2021

**Schedule D
Music Sheet Loan Agreement**

Borrower Information

| | |
|------------------|--|
| Borrower Name | |
| Borrower Address | |
| Contact Name | |
| Contact Phone | |
| Contact Email | |
| Effective Date | |

- I. This Music Sheet Loan Agreement (“Loan Agreement”) is between London Symphonia, who is the steward of the Music Library and borrowee of the Music Sheets, and the Borrower identified above (“Borrower”), who will take possession of the Music Sheets on a temporary basis.
- II. The Agreement is effective as of the Effective Date.
- III. Borrower and London Symphonia are each a “Party” and collectively the “Parties” to this Agreement.
- IV. The Agreement consists of the terms and conditions set forth below and any attachments identified below.

Attachments

- 1. Music Sheet Loan Chart
- 2. General Terms and Conditions

- V. By signing below, each Party represents that (a) it has not made changes to this Agreement without expressly bringing them to the attention of the other; (b) the person signing on behalf of that Party has the authority to bind that Party to the Agreement; and (c) the Party agrees to be bound to this Agreement, including its Attachments.

- Accepted and agreed to as of the Effective Date by the authorized representative of each Party:

London Symphonia

Borrower

Signature: _____

Signature: _____

Position: _____

Position: _____

Printed Name: _____

Printed Name: _____

Date: _____

Date: _____

Attachment I: Music Sheet Loan Chart (Sample for London Symphonia to modify and use)

The following Music Sheets will be loaned:

| | Item | Serial No. | Number of Pages | Number of Parts | Condition at Time of Consignment | Value | Loan Period (Start Date and End Date) | Notes |
|------|------|------------|-----------------|-----------------|----------------------------------|-------|---------------------------------------|-------|
| i. | | | | | | | | |
| ii. | | | | | | | | |
| iii. | | | | | | | | |
| iv. | | | | | | | | |
| v. | | | | | | | | |

Attachment II: General Terms and Conditions

1. The Borrower agrees to pay any shipping costs required to move the Music Sheets to and from the Music Library.
2. The Music Sheets shall remain in the condition in which it is received until returned to London Symphonia on the date stipulated in the chart at Attachment I.

The Borrower shall inform London Symphonia immediately about any loss, breakage, or deterioration to the Music Sheets. If the Music Sheets are returned incomplete, or in damaged condition, the Borrower will be responsible for the cost of repair or replacement, at the discretion of London Symphonia.

3. The Music Sheets shall remain in the exclusive possession of the Borrower for the duration of this Agreement. The Borrower agrees to exercise the same care in respect to object(s) on loan from London Symphonia as it does for safekeeping of its own property.
4. In the event of a breach by the Borrower, its employees, agents, officers, representatives or contractors of this Loan Agreement, the Borrower recognizes that the City shall be entitled to take any or all necessary legal measures to have the terms of this Loan Agreement enforced.
5. The Borrower agrees that the Borrower will not have any ownership interest in and to the Music Sheets whatsoever, or any part thereof, and that the Music Sheets will remain under the stewardship of London Symphonia and ownership of the City of London at all times.
6. London Symphonia and/or the City reserves the right to cancel or terminate the Loan Agreement and request the return of the loaned Music Sheets, without penalty, prior to the Loan Period End Date, upon three (3) days' written notice to the Borrower. In the event of the termination of the Loan Agreement for any reason, Borrower shall deliver to London Symphonia all Music Sheets, records and copies thereof within five (5) business days upon receipt of the written request for their return.

Appendix B:

London Public Library Letter of Support for the London Symphonia Proposal



September 17, 2021

Robin Armistead
Manager Culture Services
Neighbourhood & Community Services
City of London

Re: Music Library Collection of Former Orchestra London

The London Public Library supports London Symphonia's proposal to be the stewards of the City's Music Library, currently located in a closed storage area at the Central Library. London Public Library would be more than happy to assist with the move of the collection to their new storage location.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Ciccone".

Michael Ciccone
CEO and Chief Librarian