

**Letter of Understanding
Between the City of Toronto and the Toronto District School Board
For School Pools**

2008 Through 2011

The City of Toronto and the Toronto District School Board (TDSB) agree to the following conditions regarding the City use of TDSB swimming pools:

- The TDSB, or a designated and qualified third party on their behalf, shall continue to be the on-site designated Owner and Operator of all Pools in accordance with the Ontario Health Protection and Promotion Act - R.R.O. 1990, Public Pools Regulation 565, Amended to O. Reg. 179/02, hereafter referred to as "Regulation 565", and other pertinent legislation.
2. The City may utilize swimming pools in TDSB schools (refer to Appendix A –TDSB Pool Operating Charges for City Use) to conduct Parks Forestry and Recreation programs and permits to external groups. The city shall retain any revenue associated with these pools.
 3. This agreement shall expire on December 31, 2011. The parties, represented by the Manager of Aquatics for the City and the respective Regional Manager for the TDSB, agree to begin discussions/negotiations on the extensions of the contract beyond December 31, 2011, and the related terms and conditions, no later than June 30, 2011. In addition, these representatives shall arrange an annual meeting each June to review the application of the agreement.
 4. The City shall provide to the TDSB, a list of the board's swimming pools it intends to utilize, and shall pay the charges per pool, as detailed in Appendix "A".
 5. There shall be no other costs assessed to the City of Toronto for the use of these pools, including additional charges for caretaking, maintenance, utilities, supplies or safety equipment listed in Regulation 565. The TDSB shall be responsible for all costs associated with routine maintenance custodial services, security and utilities, and shall provide a safe aquatic environment, in accordance with Regulation 565, for all users throughout the duration of this agreement, for pools which remain open. (See Appendix B – Excerpts from the TDSB Pool Maintenance Manual and Appendix C – Regulation 565 Equipment Requirements)
 6. The TDSB shall provide all daily, weekly and monthly pool inspections, testing, and pool safety audits as required under Regulation 565 to ensure safe operation of the pool, and shall maintain all required operational records. Upon request, on-site city staff shall be permitted to review all records relating to pool operation. (See Appendix B)
 7. The TDSB provincial funding model for school operations does not provide for major maintenance (renewal) associated with the pools. It is anticipated that maintenance or repairs up to a cost of \$250,000 will be undertaken by the TDSB. When major maintenance or repairs is estimated to exceed \$250,000 for a specific pool, approval from the Board will need to be obtained and the City shall be requested to fund the incremental

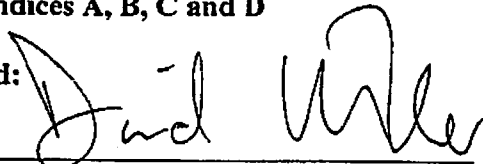
repair costs. If the City funds incremental repair costs beyond \$250,000 the pool will be fixed. If the City cannot fund the incremental cost beyond \$250,000 further direction will be required from the Board. If the pool is considered to be unsafe, it will be closed until the repairs, if approved, are completed. The TDSB shall advise the City of any pending pool closures. The City may choose another TDSB pool to continue swimming programs or give immediate notice of cancellation of use. No further charges to the City for the identified inoperable site would apply.

8. The City and the TDSB shall investigate energy efficiency saving initiatives for the pools covered by this agreement.
9. Current practice on accessing school facilities will continue. City staff shall submit a copy of the program schedule to TDSB staff (Head Caretaker and Permit Office). (See Appendix D – Protocols of City's Use of TDSB Pools).
10. TDSB has access for student use of the pools, during school hours 7:00 a.m. – 6:00 p.m. September through to June. The City of Toronto shall have first right of refusal to access school pool time during the day should space be available. The TDSB invites the City to use any available time during school days for direct program or permits at no additional charge, with School Principal approval.
1. The City shall have exclusive access to the pool facility including, the showers and change rooms, from January 1, to June 30, and September 1 to December 31, from 6 p.m. to 10 p.m. (out of the building by 10:15 p.m.) Monday to Friday and 8 a.m. to 10 p.m. (out of the building by 10:15 p.m.) on Saturday and Sunday. The City shall have exclusive access to the pool facility from July 1 to August 31 from 8 a.m. to 10 p.m. (out of the building by 10:15 p.m.) Monday to Sunday.
12. City staff and TDSB permit and planned maintenance/construction staff shall meet twice yearly to agree on specified times for planned capital repairs or maintenance of the pool facility. In addition, staff shall determine permit schedules to meet limitations placed on space due to holidays such as March Break, Christmas Break, school pool tournaments and/or school special events as identified by the parties. Meetings shall be held in March to discuss closures for the following fall & winter seasons and in September to discuss closures for the following spring & summer seasons. Pool closures due to caretaker scheduling or special school events, outside these agreed upon dates shall not be afforded.
13. The City operates public programs which are advertised in Parks Forestry and Recreation brochures 6 months in advance of program commencement. Lessons are offered in guaranteed numbers. The TDSB agrees to provide the city with as much notice as possible in the event of any necessary closure. The City contacts should receive notice immediately following discovery of a necessary closure. When notice of closure is not provided the City shall not be obligated to make payment for the period of the closure and the amount shall be deducted, at a daily pro-rated rate, from the annual contribution for use of the site.

14. Except where the TDSB advises of immediate closures for maintenance as indicated in Clause #7, the City of Toronto or the Toronto District School Board shall, on 60 days written notice to the other party, be able to make decisions on deletions or additions to the number of pools which are utilized for programs, and the payments to be made by the City for operating costs shall be adjusted accordingly.
15. The City shall provide fully qualified program staff to conduct Parks, Forestry and Recreation programs in accordance with Regulation 565. The TDSB shall provide fully qualified program staff to conduct TDSB aquatic programs in accordance with Regulation 565.
16. School pools not on the primary list of pools to be utilized by the City or operated by a third party operator shall be made available (where possible) should demand increase and the City shall be charged hourly rates in keeping with the TDSB's Permit Policy G.06.

Appendices A, B, C and D

Signed:



City of Toronto



Toronto District School Board

Date:

Nov 30 / 2008

Date:

Nov 7, 2008

TDSB Pool Charges for City Use

| TDSB Ward | City Ward | | School Name | 2007 Charges \$ | 2008 Charges \$ | 2009 Charges \$ | 2010 Charges \$ | 2011 Charges \$ |
|-----------|-----------|---|---------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 21 | 41 | S | ALBERT CAMPBELL CI | 152,023 | 163,070 | 174,201 | 185,589 | 197,238 |
| 11 | 24 | E | AY JACKSON | 110,835 | 118,889 | 127,005 | 135,307 | 143,800 |
| 12 | 25 | S | BEDFORD PK | 115,222 | 123,594 | 132,031 | 140,662 | 149,491 |
| 19 | 37 | S | BENDALE BTI | 158,979 | 170,531 | 182,172 | 194,080 | 206,263 |
| 10 | 19 | S | BICKFORD CENTRE/Bob Abate CC | 199,872 | 214,396 | 229,031 | 244,002 | 259,318 |
| 15 | 32 | E | BOWMORE/Fairmount CC | 174,888 | 187,596 | 200,402 | 213,502 | 226,903 |
| 11 | 22 | E | BROWN | 109,780 | 117,757 | 125,795 | 134,018 | 142,430 |
| 19 | 38 | S | CEDARBRAE | 135,656 | 145,514 | 155,446 | 165,608 | 176,003 |
| 4 | 8 | S | CW JEFFERYS | 102,496 | 109,944 | 117,449 | 125,127 | 132,981 |
| 16 | 31 | E | DA MORRISON | 191,877 | 205,820 | 219,869 | 234,242 | 248,945 |
| 16 | 34 | S | DON MILLS CI | 113,880 | 122,155 | 130,493 | 139,023 | 147,750 |
| 16 | 32 | E | DUKE OF CONNAUGHT/SHArmstrongCC | 127,783 | 137,069 | 146,425 | 155,997 | 165,789 |
| 16 | 31 | E | EARL BEATTY | 181,598 | 194,794 | 208,091 | 221,694 | 235,609 |
| 4 | 7 | S | EMERY | 100,172 | 107,451 | 114,786 | 122,289 | 129,965 |
| 13 | 30 | S | FRANKLAND | 105,393 | 113,052 | 120,769 | 128,663 | 136,739 |
| 17 | 33 | S | GEORGE VANIER | 105,221 | 112,867 | 120,572 | 128,454 | 136,516 |
| 16 | 32 | E | GLEN AMES/Beaches CC | 211,877 | 227,274 | 242,787 | 258,658 | 274,894 |
| 16 | 31 | E | GORDON A BROWN | 175,935 | 188,720 | 201,602 | 214,780 | 228,262 |
| 11 | 21 | S | HILLCREST | 111,866 | 119,995 | 128,186 | 136,566 | 145,138 |
| 20 | 39 | S | L'AMOREAUX | 156,115 | 167,459 | 178,890 | 190,584 | 202,547 |
| 21 | 42 | S | LB PEARSON CI | 158,570 | 170,092 | 181,703 | 193,581 | 205,732 |
| 6 | 12 | S | NELSON A BOYLEN | 109,305 | 117,248 | 125,251 | 133,439 | 141,815 |
| 5 | 10 | S | NORTHVIEW | 100,450 | 107,750 | 115,105 | 122,629 | 130,326 |
| 7 | 14 | E | PARKDALE PS | 207,834 | 222,937 | 238,155 | 253,723 | 269,649 |
| 7 | 11 | E | RUNNYMEDE CI | 154,437 | 165,659 | 176,968 | 188,536 | 200,370 |
| 22 | 44 | S | SIR OLIVER MOWAT | 154,887 | 166,142 | 177,483 | 189,085 | 200,954 |
| 22 | 43 | S | SIR WILFRID LAURIER | 160,206 | 171,848 | 183,579 | 195,579 | 207,855 |
| 7 | 13 | S | SWANSEA | 156,516 | 167,889 | 179,349 | 191,073 | 203,067 |
| 8 | 15 | S | VAUGHAN ROAD | 137,972 | 147,998 | 158,100 | 168,435 | 179,008 |
| 16 | 34 | E | VICTORIA PARK SS | 125,827 | 134,971 | 144,184 | 153,609 | 163,251 |
| 22 | 43 | S | WEST HILL CI | 140,771 | 151,000 | 161,307 | 171,852 | 182,639 |
| 6 | 11 | S | WESTON CI | 148,316 | 159,093 | 169,953 | 181,063 | 192,428 |
| 19 | 37 | S | WEXFORD CI | 161,434 | 173,165 | 184,985 | 197,077 | 209,448 |
| 6 | 11 | S | YORK MEMORIAL | 150,214 | 161,130 | 172,129 | 183,381 | 194,891 |
| 13 | 25 | E | YORK MILLS CI | 122,832 | 131,758 | 140,752 | 149,953 | 159,365 |
| | | | TOTAL | 5,031,039 | 5,396,628 | 5,765,007 | 6,141,859 | 6,527,379 |