

# TORONTO STAFF REPORT

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November 16, 2004

To: Economic Development and Parks Committee

From: Joe Halstead, Commissioner Economic Development, Culture and Tourism

Subject: Policy for Outdoor Community Tennis Club Operations (Interim)  
Various Wards

Purpose:

To implement on a interim basis a proposed policy for public tennis clubs across the new City of Toronto for the 2005 season.

Financial Implications and Impact Statement:

The financial cost to the Parks and Recreation Division to implement this policy is a maximum of \$33,000. This figure represents costs that could be expected with the assumption of maintenance duties with 11 tennis clubs that currently, because of past leasing agreements, receive no Parks and Recreation support. This figure is an amount estimated from past expenses of similar tennis courts and anticipated future maintenance costs. The \$33,000 estimate will be directed to the minor maintenance budgets of the Districts affected. Due to the fact that these costs are estimates we are asking for the policy to be accepted for a one-year term to establish real costs associated with these clubs in order to properly establish future tennis permit fees.

Recommendations:

It is recommended that:

- (1) the Harmonized Tennis Club Policy (Attachment No. 1) be adopted as an interim policy for the 2005 season (one-year);
- (2) the Commissioner of Economic Development Culture and Tourism report back in Fall 2005 on results of year one of implementation and recommend a fee schedule for 2006-08;
- (3) department staff be directed to begin the implementation process immediately working with the Regional Tennis Organizations to ensure the policy is fully operational for the 2005 season; and

- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto

Background:

In 2002 the Ontario Tennis Association approached the City of Toronto with a concern regarding the future of tennis in the new City. There were notable operational inconsistencies identified in the former municipalities. Some Clubs paid permit fees and others did not, some paid hydro and some did not. Also, past Parks and Recreation procedures for supporting tennis clubs were different. These differences were seen as potential areas of conflict once the groups began to work more closely together. Staff met with the regional tennis organizations and district staff in that same year to begin to draft a single document for all tennis clubs. Through a series of meetings, six tennis club operating procedures were reviewed to help develop a draft Toronto Community Outdoor Tennis Club Policy. The draft document was presented to tennis stakeholder groups at 4 Community Consultation meetings across the City and revisions were made to address some concerns presented by the stakeholders. The policy will affect 69 clubs with 278 courts across the City of Toronto and addresses the areas of Club responsibilities, Divisional responsibilities and fee charges.

Comments:

The new policy addresses various areas of tennis club operation across the City of Toronto. A brief description of these areas is outlined below.

Club Responsibilities- hold general meetings, pay all fees required, maintain the nets and posts, and establish and maintain a capital budget for future developments such as colour coat asphalt courts or maintenance of clay courts.

Divisional Responsibilities- maintain the structural integrity of clubhouses, ensure water and hydro are activated, general clean up around the locations, repair fences, and provide basic black top with white line playing surface.

Permit Fees- dependent on each club's facilities, permit fees were developed to standardize payments across the city. Permit fees associated with this policy were developed based on revenue that the Division presently receives from tennis permits (\$43,000) and the cost of the electricity for the lights. These costs were then divided equally by the total number of courts across the City. The permit fees developed are as follows:

- i) \$50 for yearly clubhouse maintenance associated with opening & closing of the structure
- ii) \$50 per court for clubs with no lights, to cover a portion of permit fees presently collected by Parks and Recreation
- iii) \$400 per court for courts with lights to cover estimated hydro costs and a portion of permit fees presently collected by Parks and Recreation.

Public Access - clearly defines number of hours for public access that each club must follow and post, including prime-time access to courts.

Also included in the policy is the recommendation to establish a committee consisting of representatives from various tennis clubs and Parks and Recreation staff that will act as a City-wide Tennis Liaison Committee. This group will monitor the implementation of the policy and address any concerns that may arise from its implementation.

It is recommended that this policy be adopted as a one-year interim policy to allow the tennis clubs and Parks and Recreation Staff to assess costs and address concerns should any arise over the 2005 season. After one year and following an assessment of its performance staff would report back with future recommendations.

It is necessary to adopt a policy now to ensure timely implementation for the 2005 operating season of all community tennis clubs. Proper communication and implementation of the policy will begin once adopted.

Conclusions:

To ensure consistency and define one policy for the entire City of Toronto has been challenging. However, the implementation of this policy will harmonize the service delivered to community tennis clubs across the City of Toronto, provide public access to courts and will clearly define the roles and responsibilities of both Parks and Recreation and tennis clubs with respect to operations.

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List of Attachments:

Attachment 1            Policy For Outdoor Community Tennis Club Operation

## **City of Toronto Policy for Outdoor Community Tennis Club Operations**

Community tennis clubs are positive influences in our communities; they promote an active and healthy lifestyle for all ages and encourage the growth of the sport of tennis. They are our eyes and ears in the protection and vitality of our parks and City assets.

The Parks and Recreation Division of the Economic Development, Culture and Tourism Department will endeavor to provide fair and equitable access to its facilities to organizations and individuals across the City of Toronto.

To reduce barriers to access, each community organization using Parks and Recreation Division permitted space will support the creation of an equitable society through the organization's effort to undertake planned, monitored and co-ordinated activities aimed at enabling diverse communities to participate fully in their services, programs and decision-making.

The City of Toronto is made up of people from diverse communities and underrepresented groups as defined in the City's Access and Equity Policy. In recognition and support of this diversity, and the Human Rights Code, Part I, 1, the City will make every effort to ensure that the users of a community facility will resemble, as closely as possible, the unique diversity and demographics of the relevant community, without discrimination or disadvantage.

### **Definitions:**

**Liaison Committee**- A committee composed of designated staff of the Division, a maximum of 2 representatives from each of the Regional Organizations (North York Tennis Association, Scarborough Tennis Federation, and Tennis Toronto), and 1 representative from a group formed from existing independent clubs from across the City of Toronto.

- The independent clubs will appoint a representative; interested clubs will be required for a two-year commitment on the committee. No club shall be allowed to have two consecutive terms on the committee, unless no other club is interested in this position. Clubs will submit their interest to the Division representative for selection.
- Any new club must belong to the regional group in their area

**Community Tennis Club** – Community tennis clubs are not-for-profit organizations managed by volunteers. Clubs may be incorporated or unincorporated but they must have a written constitution. They obtain permits to operate on facilities owned by the municipality. At their own cost, community tennis clubs upgrade and maintain court surfaces, improve and maintain clubhouses, provide, upgrade and maintain nets, windscreens and lights. They offer tennis programming to meet the identified needs of their members, as well as a junior program. Clubs hire tennis professionals and other staff as necessary.

**Independent Tennis Club** – Existing community tennis clubs who do not belong to their Regional Organization (North York Tennis Association, Scarborough Tennis Federation, and Tennis Toronto) are considered “independent” clubs.

**Division** - Defined as the City of Toronto, Parks and Recreation Division.

**Municipal Freedom of Information and Protection of Privacy Act**- Personal information collected and or used by the City of Toronto’s Parks and Recreation Division in respect of this policy is subject to the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act.

### **Policy for Club Formation**

- (1) Where a new community Tennis club is being formed at an available public court site, the responsibility to assist the new club, if required, will be shared by the Liaison Committee and the Division. The new community tennis club will operate under the same rules and regulations as all other Clubs as outlined in the Policy for Tennis Club Operations.
- (2) Evidence of interest from a minimum of 30 adult residents per court, including a forming Executive, must be submitted to the Division in writing. Club membership fees must be paid and held in trust before any new permits are issued.
- (3) The Division must consult with the local community to ensure local support.

### **Policy for Club Membership and Waiting Lists**

- (1) A club shall accept applications for membership from any resident and/or taxpayer of the City of Toronto provided that the applicant complies with the rules and regulations as established by the club.
- (2) Existing clubs are required to offer membership renewal to previous year’s members in good standing in the subsequent year, prior to accepting names of new members. In the case of new memberships, applications from City of Toronto residents must be given priority over any applications from non-residents.
- (3) A club shall accept applications for membership until the membership has been closed. At such a time, a waiting list will be established. Notification in writing must be given by a club to the Division Director of that particular district prior to membership being closed and a waiting list being established.
- (4) When a club has started a waiting list, it must be kept in strict sequence by date the application is received and shall be available upon request.

Recommended Guidelines for a Waiting List to be established at a Tennis Club.

Unlighted courts - 50 paid adults per court

Lighted courts - 100 paid adults per court

Junior membership must be in addition to the above minimums. Clubs may elect to keep Junior Membership open to encourage participation.

### **Categories for Club Membership**

Clubs should have a minimum of two categories of membership:

- (i) Adult membership for those aged 18 and over as of January 1<sup>st</sup> of the current year
- (ii) Junior membership for those aged under 18 as of January 1<sup>st</sup> of the current year

### **Club Membership Fees**

Clubs will charge annual membership fees as detailed in Schedule A. Membership fees shall be sufficient only to provide such funds as the members and the executive deem necessary for annual club expenses plus a reserve for capital improvements.

### **Public Use of Tennis Courts**

- (1) Non-members shall be entitled to use the courts and practice courts as outlined in Schedule 'A' of this policy.
- (2) The Division will provide the initial public hours sign, any changes in club hours causing a new sign to be made must be paid by the Club.

### **Club Occupancy of Public Tennis Courts**

- (1) The Division will grant permits to community tennis clubs.
- (2) The length of the club-playing season is the responsibility of the club and depends on the weather and court conditions. The season is normally regarded as being from April to October.
- (3) The club recognizes that any repairs considered necessary by the Division might necessitate temporary closing of the courts by the Division. Every effort will be made by the Division to temporarily relocate the club to other courts until the repairs have been completed and the Division reopens the courts.
- (4) Each club shall have a guest policy, which allows member's guests to play at a rate not to exceed the rate established in Schedule 'A'.

### **Club Programs**

Each club shall provide tennis programming, including a junior program, to meet the identified needs of its members.

### **Maintenance of All Facilities**

- (1) The Division requires that all facilities be maintained to acceptable City standards.
- (2) The Division shall be responsible for the basic recreation level of services of all tennis courts, as outlined in Schedule 'B'.
- (3) Where there is a Community Tennis Club the Division shall be responsible for:

- (i) Existing lighting – after consulting with designated division representatives, the installation of new bulbs, aiming and cleaning, setting and maintenance/replacement of timing devices( bulbs must be provided by the clubs)
  - (ii) Existing Fencing - including repairing holes in the fence, leaning or falling fences, gaps between fence and ground, gates and locks unless damage is caused by windscreens
  - (iii) Existing Clubhouse - maintain the clubhouse to safe operational standards
  - (iv) Building or re-building of tennis courts and fencing of facilities to basic recreation standards
- (4) Clubs are responsible for the daily maintenance of the notice boards, garbage and general appearance and cleanliness, plus weekly inspection of benches, windscreens and signs inside court area. Other added amenities such as buildings, furnishings, improved surfaces, additional lighting, windscreens, notice and player boards, etc., shall be supplied by the club at its own expense.
- (5) The Division will supply trash barrels, benches, where presently supplied and one picnic table each year for the Tennis clubs use. Delivery of such items will be completed by May 1 of the tennis season. Notice must be given to the Division at the end of each season, indicating what repairs and changes are required to the supplied items. Maintenance of such items is the responsibility of the club during the tennis season.
- (6) Community Tennis Clubs may install windscreening on City owned tennis courts. Any damage caused by windscreens is the responsibility of the club.

### **Facility Changes and Additions**

Any tennis club, which undertakes to make any major improvements to the court surface or building, shall request in writing the approval of the District Director, with a copy to the Liaison Committee, prior to obtaining quotations from contractors. A reply in writing from the District Director must be received prior to proceeding. Once approval has been given the costs associated with the project will be the sole responsibility of the submitting club. Supervision of the project is the responsibility of the City of Toronto.

### **Communication/Complaint Handling**

- (1) Whenever an item directly affecting community tennis in the city is on the Economic Development and Parks Committee agenda, the Division will advise the Liaison Committee who will be invited to have an official representative in attendance.
- (2) An appointee from the Division shall be invited to all regular meetings of the Liaison Committee. Time will be allowed on each agenda item for the Division representatives to address those in attendance. The Division will advise the Liaison Committee of the topic(s) to be addressed no later than seven days prior to each meeting.
- (3) The clubs will communicate directly with the Liaison Committee on matters regarding operation, major maintenance and development of its programs and facilities.
- (4) Repairs requiring Division involvement should be communicated from the club directly to the Division. (Refer to Schedule B)
- (5) Where a member of a Community Tennis club has consulted with its own executive regarding their clubs operational procedure (i.e. constitution, rules and regulations), and where the



executive has not settled the dispute with its member, the member may elect to speak to their Liaison Committee representative regarding the matter. The Liaison Committee representative will investigate the matter and bring the issues to the Liaison Committee for a final decision to resolve the issue between the club and the member. When the committee's decision is made, notification of the decision will be given to the member and executive.

### **Club Responsibilities**

- (1) Be a member in good standing of the appropriate Regional Organization or an existing Independent Tennis Club.\* *Please note all new clubs must become members of the existing Regional Tennis Organization*
- (2) Hold an annual general meeting, in accordance with its constitution.
- (3) Clubs are responsible to report any vandalism or theft to the Division.
- (4) Nets and Posts:
  - (i) Nets must be provided on all courts during normal club playing hours and all public hours
  - (ii) All costs relating to installation, removal, repair, replacement or storage of nets and posts are the club's responsibility
- (5) Establish and maintain a capital improvement reserve to meet the capital improvements anticipated and planned by the members and the executive. The reserve shall be optional and held separately from the club's general funds and shall be reflected in the club's financial records as a capital improvement reserve. Any new and enhanced standards must be borne by the Club and signed over to the Division for future maintenance and insurance purposes.

### **Club Dissolution**

Upon dissolution of a Community Tennis Club, any remaining funds and equipment, after provision has been made for any outstanding liabilities, should be addressed in accordance with the policies of the existing Governing Body or Club constitution.

### **Permit Applications**

To receive a permit, each club must submit the following to the Division no later than March 1<sup>st</sup> of each year:

- (1) A completed permit application form.
- (2) A copy of the previous annual general meeting notices and minutes.
- (3) A total count of all members divided by category. The Division reserves the right to require the permit holder attest to membership residency and membership totals in a signed affidavit. Existing clubs must have a minimum membership per court of 30 individuals.
- (4) Complete list of current executive.
- (5) Financial statement covering previous year's operation. The Division reserves the right to request an Audited Statement at the Club's expense.
- (6) Ensure the Division and Liaison Committee has a current copy of its constitution and/or bylaws, along with a copy of its rules and regulations and posted public times. Clubs shall advise the Liaison Committee and Division of any changes thereto.

- 7) Proof of insurance that meets minimum City of Toronto requirements
- ◆ Provided that the club has no outstanding liabilities to the City of Toronto or Liaison Committee (I.e. permit fees, group insurance fee) and the preceding is complied with, the club permit will be issued by the Division no later than March 31<sup>st</sup>.

Note: New clubs will be considered for a permit as detailed under policy for club formation. Clubs interested in negotiating a leasing agreement for granting purposes, can do so by approaching the Division's Business Services Unit for support.

### **Permit Fees**

- (1) Permit Fees will be charged in accordance with Schedule 'A', for each full season of operation by any community club operating on City of Toronto courts.

Note- the Division reserves the right to increase permit fees according to inflationary costs

- (2) Fees are to be paid in full by May 31 of each year.

### **Liaison Committee**

The Liaison Committee will meet quarterly or as required in accordance with communication and compliant handling. The purpose of the committee shall be to review community tennis policy as well as issues concerning community tennis club formation. The Liaison Committee must review any recommendations to change Schedule 'A' or 'B'

## Schedule 'A'

### **Club Fees and Charges**

1. Maximum annual adult membership fee is \$175.00 per adult.
2. Any surcharge above maximum membership fee must be approved by the Liaison Committee.
3. Guest Fees are established by the club, not to exceed \$5/day per person.
4. Non-Member fees are established by the club, not to exceed \$10/day per person.

### **Permit Fees**

1. Community Clubs may operate between April 1<sup>st</sup> and October 31<sup>st</sup>.
2. Community Clubs will have Water and Hydro services from April 15<sup>th</sup> to October 31<sup>st</sup>.
3. Community Clubs will pay the following Permit Fees to the City of Toronto.

\$50.00 per Clubhouse

\$50.00 per court – clubs with no lights + appropriate taxes

\$400.00 per court – clubs with lights + appropriate taxes

\*please note the Division reserves the right to increase permit fees due to inflationary costs.

4. The permit fee is for the Community Club to operate during Prime Time hours.
5. Payment for fees is detailed under the Permit Fees section of this policy.
6. The Division will have the first right of refusal for Non-Prime Time, Community Tennis Clubs may Permit the available Non-Prime court hours at no additional fee.

### **Court Hours**

Court Hours will be defined as follows, and posted for the public to view:

1. Non-Prime Time: - 8:00 a.m. – 4:00 p.m. Monday to Friday
2. Prime Time:     For lighted courts
  - 4:00 p.m. - 11:00 p.m. on Monday to Friday
  - 8:00 a.m. - 11:00 p.m. on Saturday/Sunday/Holidays

For unlighted courts

  - 4:00 p.m. - Dark on Monday to Friday
  - 8:00 a.m. - Dark on Saturday/Sunday/Holidays

### **Public Use of Tennis Courts**

Non members shall be entitled to use the courts and practice courts (excluding Clay courts) as follows:

- (1) A minimum of four (4) regularly scheduled prime time hours per week, to be comprised of one of the following ways:
  - (i) One four- hour period
  - (ii) Two two-hour periods

The City of Toronto has the right to request from a club an additional maximum of 4 prime time hours per week in cases where public access has previously been 8 hours or greater.

- (2) At all times not covered by permits.
- (3) Non members may play on vacant courts during non prime time permitted hours provided they:
  - (i) pay the agreed upon Non-member fee, according to schedule 'A'
  - (ii) tag/sign up according to club procedures

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(iii) abide by the rules of the club

**Schedule 'B'**  
**City of Toronto**  
**Standard Level of Tennis Court Service**

The following list represents the standard level of service to be provided to community tennis clubs by the Parks and Recreation Division for their operating season.

Services not listed below will be provided on a fee basis. The fee will be full cost recovery.

**Clubhouse**

Ensure water and Hydro to Clubhouse  
Ensure structural integrity of Clubhouse  
Exterior painting as required  
Repair of broken windows  
Repair of exterior locks as required  
Plumbing and electrical repairs  
Repair/replace exterior lights  
Roof repairs as required

**Parks /Grounds**

Removal of garbage in park baskets  
Painting/replacing benches as required  
General clean up of litter from ground around outside of courts, as done with regular park maintenance  
Provide recycling boxes

**Tennis Courts/Fencing/Lights**

Seasonal inspection of fence, light posts and court surfaces  
Install new court bulbs (provided by club), aim, and clean fixtures (as required)  
Repair fence gates and latches (as required)  
Minor repair to fences (as required) Repair gapping between fence and surface where possible.  
Replacement and erection of approved signs  
Re-setting and repair of light timers  
Provide a basic black top with white line playing surface