



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

Legal Advice Regarding Fountainhead Park Clubhouse

Date:	December 15, 2009
To:	Community Development and Recreation Committee
From:	City Solicitor
Wards:	Ward 8 – York West
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client and litigation privileges.
Reference Number:	

SUMMARY

This is a report in response to the request that the City Solicitor review the documentation and evidence in relation to the use of the Fountainhead Park Clubhouse prior to the closure of the building in December of 2006.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council receive this report for information.
2. the Confidential Attachment remain confidential as it contains information subject to solicitor-client and litigation privileges.

Financial Impact

There are no financial impacts resulting from the recommendation.

DECISION HISTORY

Staff Report

<http://www.toronto.ca/legdocs/mmis/2008/cd/bgrd/backgroundfile-17237.pdf>

Staff report for Legal Advice Regarding Fountainhead Park Clubhouse

Decision Document

<http://www.toronto.ca/legdocs/mmis/2008/cd/reports/2008-11-14-cd20-cr.pdf>

Community Development and Recreation Committee met on November 14, 2008 in closed session to consider this item as it related to personal information about an identifiable individual, including City or local board employees. At that meeting, the Committee considered a staff report dated October 24, 2008 by the General Manager of Parks Forestry and Recreation. That staff report set out the history of the use of the Fountainhead Park Club between the period 2004/2005 and its closure in December 2006.

The staff report recommended that Parks Recreation and Forestry manage the Fountainhead Park Clubhouse in accordance with the harmonized policy and all other applicable policies. At its meeting on November 14, 2008, Community Development and Recreation Committee adopted this recommendation. In addition, the Committee adopted a second recommendation as follows:

2. The City Solicitor be requested to review all the documentation and evidence related to the use of the Fountainhead Park Clubhouse and to provide advice to the appropriate Committee.

This report responds to that request for a review and legal advice.

ISSUE BACKGROUND

As set out in the October 24, 2008 staff report, in 2002, a former Councillor requested that the Fountainhead Park Clubhouse be renovated to convert the space from ice rink change rooms and an ice rink compressor room to offices and meeting space. After the renovations, some community groups were provided with access through the former Councillor's office. These community groups were using the Clubhouse without any lease agreements or permits in place. However, the use by these groups pre-dated the harmonized permitting policy subsequently adopted by Parks Forestry and Recreation.

In November of 2006, Parks Forestry and Recreation investigated the use of the Clubhouse and determined that the community groups were using the space in the absence of any permits. The Clubhouse was closed and the groups were asked to remove their equipment and supplies. Parks Forestry and Recreation then determined that the Clubhouse should continue to be permitted as a tennis clubhouse and used for much needed storage space. It is also noted that since the time of the Clubhouse's closing, the Division has implemented a harmonized permitting process with substantial internal controls to prevent uses of its facilities that do not adhere to approved policies.

COMMENTS

The attached confidential report responds to the request for legal advice.

CONTACT

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Confidential Information – Attachment 1