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## 2012 BUDGET BRIEFING NOTE

### Toronto Public Library – Barriers to charging a rental fee for DVDs and options to address those barriers, including what legislative changes are required

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#### Issue/Background:

- Public libraries have a long history of providing universal access to resources for entertainment, informational and educational purposes, regardless of format, technology, or method of delivery.
- Toronto Public Library has collections of materials in multiple formats for residents to borrow and consult. Just like books and other reading materials, DVDs are intended for both recreational and informational use and there is a balance of informational/educational and recreational/entertainment.
- A foundational principle of public library service that is reflected in Ontario's *Public Libraries Act*, is that the use of these collections should be without charge.
- Charging fees for the use of any part of public library collections that were purchased with public funds raises barriers to access. Such fees effectively restrict access for some members of the community because they reinforce distinctions among residents based on their ability to pay, and particularly disadvantage those with limited resources such as children, youth, seniors on fixed incomes, those with disabilities requiring alternate format material, and individuals and families with limited financial resources.

#### Key Points:

- **Ontario's Public Libraries Act R.S.O 1990, Chapter P.44**  
*Section 23 of the Public Libraries Act indicates a clear intention that access and certain services of a public library shall be free.*

#### ***Libraries to be open to public***

***23. (1) A board shall not make a charge for admission to a public library or for use in the library of the library's materials. R.S.O. 1990, c. P.44, s. 23 (1).***

#### ***Certain library services free***

***(2) Every board shall allow the public to,***

***(a) reserve and borrow circulating materials that are prescribed or belong to a prescribed class; and***

*(b) use reference and information services as the board considers practicable, without making any charge. R.S.O. 1990, c. P.44, s. 23 (2).*

- **Regulation 976, section 2**

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In accordance with *section 23* of the Act, *Regulation 976, section 2* prescribes the classes of circulating material for which there cannot be a charge:

*For the purposes of clause 23 (2) (a) of the Act, the following are the prescribed classes of circulating materials:*

1. *Books with hard, soft and paper covers.*
2. *Periodicals.*
3. *Newspapers.*
4. *Audio materials designed for the handicapped.*
5. *Sound recordings.*
6. *Audio and video cassettes.*
7. *Tape recordings.*
8. *Video discs.*
9. *Motion pictures.*
10. *Film strips.*
11. *Film loops.*
12. *Micro materials in all formats.*
13. *Computer software.*
14. *Multi-media kits. R.R.O. 1990, Reg. 976, s. 2.*

In order to begin charging for any part of the Library's collection, it would be necessary to seek changes to the provincial legislation.

If the *Public Libraries Act* were changed to allow for charging to borrow DVDs, the Library Board would need to establish policies to define the parameters for charging, such as whether children's DVDs or certain types of DVDs such as instructional or educational or cultural would be exempt from charges.

Charging a fee to borrow DVDs would require a change to the configuration of the Library circulation system, to implement the transaction module, which would assess fees at the time of borrowing. The cost for making this change is unknown at this time. If only certain types of DVDs would attract fees, then programs would have to be written for a one-time pass through the database to identify those DVDs and assign them to a special category.

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**Date:** December 9, 2011