



Making a difference...together

**REPORT TO PORT RENFREW LOCAL SERVICES COMMITTEE
MEETING OF MONDAY, 27 APRIL 2009**

SUBJECT PORT RENFREW COMMUNITY CENTER - PORT RENFREW HEALTH AND SOCIAL SERVICES SOCIETY: SUB-LICENSING TO PARKS CANADA

PURPOSE

To present to the Port Renfrew Local Services Committee (PRLSC), information, alternatives and a recommendation regarding the Port Renfrew Health and Social Services Society (PRHSSS) sub-licensing community center space to Parks Canada under the current License to Occupy agreement with the Capital Regional District.

BACKGROUND

The Port Renfrew Community Center (the centre) serves the function as the recreation and community center in the community. The owner of the building, the Capital Regional District (CRD) is currently leasing the center to the PRHSSS, who in turn provide the resources and recreation facilities to the area's residents and their families. In January 2009, the PRLSC agreed to extend the Agreement, or License to Occupy, between the CRD and the PRHSSS for one additional year. The Agreement contains language regarding the use of the center, and the provision for the PRHSSS to seek approval from the PRLSC for uses other than those mentioned in the document. It is understood that the language was created primarily for the approval of renovations performed in the past by the PRHSSS.

The CRD has to date, not prohibited the sub-licensing of the center, as past and current practice suggests users other than the PRHSSS have occupied and utilized portions of the building, with the CRD being aware of the situation. The CRD, as the owner, does not oversee the administration of the center, as that role lies with the PRHSSS as tenants and facilitators of the center. The Agreement's Article 27 (page 5), states "*The License is personal to the Licensee and cannot be assigned to any other person*", and has been interpreted to mean that the PRHSSS is the sole administrator of the site and does not preclude its ability to sub-license.

CRD staff were contacted by the PRHSSS in early April 2009 in regards to sub-licensing of the building to which verbal acceptance was given with the suggestion to undertake due diligence to ensure additional liability insurance is acquired from the sub-licensee. The center currently serves the purpose as the Port Renfrew Information Center during the summer, and is open to the public who use the building's amenities as a public facility.

Parks Canada, who oversees the administration and registration of users of the West Coast Trail are currently occupying a portion of the Port Renfrew Community Center as a sub-licensee, under verbal agreement with the PRHSSS. This is a temporary situation until their permanent offices are constructed. CRD staff have since received concerns from several community members regarding the safety of the center's client base, with the assumption that the on-site washroom and general area will be shared with the Parks Canada clients.

In discussions with the CRD, both the PRHSSS and Parks Canada are aware of the safety related issues raised by the community and advise that they will develop a plan to mitigate the potential safety concerns that have been raised and practice due diligence to alleviate said concerns. Provisions have been made

to separate Parks Canada clients from the rest of the center with enhancements to the entrance way and outside amenities. Further discussions between the three parties (PRLSC, Parks Canada and PRHSSS), is recommended to address any perceived safety issues which should be resolved through a mutual understanding.

ALTERNATIVES

1. That the Port Renfrew Local Services Committee approve the sub-licensing by the PRHSSS, allowing Parks Canada to occupy a designated portion of the building for the 2009 season on condition that a plan to mitigate the potential safety concerns raised by the community be jointly developed by the parties and followed for the duration of the term of occupancy.
2. That the Port Renfrew Local Services Committee approve the sub-licensing request by the PRHSSS allowing Parks Canada to occupy a designated portion of the building for the 2009 season.
3. That the Port Renfrew Local Services Committee deny the sub-licensing by the PRHSSS.

FINANCIAL IMPLICATIONS

There appears to be no negative financial implications concerning the Local Services Committee. The PRHSSS, like most non-profit societies operates on a limited annual budget, and welcomes any influx of additional funds. Additional monies realized through sub-licensing of the facility could help alleviate budget shortfalls and the possible need for community funding in order to keep the center open and operational.

SUMMARY/CONCLUSIONS

The CRD, in its sole discretion, has agreed that the PRHSSS, as tenants of the community center, can sub-license as long as appropriate liability insurance and subrogation are provided. As owner of the property, the CRD is not involved in the day-to-day administration of the facility. Although the community center is a unique situation where there is no bylaw detailing provision of governance by the community, Article 5 of the Agreement does appear to give approval authority to the PRLSC for uses other than permitted under the Agreement. It is anticipated that Parks Canada presence may also allow for extended hours of operation and services offered to the community.

RECOMMENDATION

That the PRLSC approve the sub-licensing by the PRHSSS, allowing Parks Canada to occupy a designated portion of the building for the 2009 season on condition that a plan to mitigate the potential safety concerns raised by the community be jointly developed by the parties and followed for the duration of the term of occupancy.



Gary Plevén, ASCT
Engineering Technician 5

GP:ls