

Facility Access Policy

Approved By: General Manager, Recreation, Cultural and Facility Services (RCFS)
Department

Approval date: April 13, 2022

Effective date: April 13, 2022

Revision approved by: Ottawa City Council

Revision/Review date: [insert Council approval date]

Policy Statement

The Facility Access Policy guides eligibility and requirements for Recreation, Cultural and Facility Services Department (RCFS) Facility Access Agreements, where Facility Access refers to both City-owned or leased facilities and/or land, including community buildings, field houses, parks and transportable buildings, in some cases at less than fair market value, for the purpose of recreation program delivery

Not-for-profit recreation community associations (as defined in this policy) that satisfy the eligibility requirements set out in this policy may be provided Facility Access for the purpose of recreation program delivery.

RCFS will endeavor to provide Facility Access to not-for-profit recreation community associations who have historically, on a no charge basis or for a rental fee, had regular and casual access to exclusive or non-exclusive space in facilities during operating or nonoperating hours when staff are, or are not, in the facility.

Purpose

- To govern and administer community facility access and outline eligibility and requirements
- To ensure all Facility Access Agreements are aligned with RCFS priorities and comply with City of Ottawa policies and bylaws
- To ensure that Facility Access strengthens and compliments City recreation services
- To provide community access to a facility and in some instances, program delivery, that aligns with current RCFS priorities and this policy.
- To allow the recipient/association to manage, allocate and make facility access available for community and private use to Third-Party Groups
- To support communities by increasing recreational opportunities, fostering innovative spaces, and promoting inclusive access to experiences that build engaged, diverse, and sustainable communities.

Application

This policy applies to the organizations that hold current Facility Access Agreements within the City and any future not-for-profit recreation community associations that may qualify under this policy and be granted an agreement. This policy will apply to future

applicants, as outlined in the selection process set out in [Appendix A](#).

Policy Requirements

To enhance and enrich recreation services provided to City of Ottawa residents, all Facility Access Agreements must be consistent with the purpose of this Policy and meet the applicable requirements as set out below.

Term

Facility Access Agreements shall not exceed a ten-year term. Agreement extensions and renewals may be negotiated, at the City's discretion, if the not-for-profit recreation community association is providing community access to a facility and in some instances, program delivery, that aligns with current RCFS priorities and this Policy.

Eligibility

Facility Access Agreements between the City and organizations shall continue if they comply with all terms and conditions outlined in their existing agreement.

New applicants being considered to operate City of Ottawa facilities must satisfy all the following requirements:

- Align with RCFS priorities or related community priorities
- Manage facility access with the goal of facilitating community access. Some examples include bookings for community events, community-based recreation programming and private events
- Be Ottawa-based
- Adhere to the Ontario Human Rights Code and any other relevant Federal and Provincial legislation and City of Ottawa by-laws
- Align with City of Ottawa fee structure for programming and facility rental or a structure acceptable to the City.
- Operate within the geographic boundaries where the facility is located or be mandated to provide services in the area.
- Be in existence for at least two (2) years or to the satisfaction of the General Manager RCFS, with the following considerations:
 - An organization with governance structure of sufficient maturity to undertake the initiative
 - Financial viability and a system of financial accountability sufficient to undertake the activities/programs and projects and report on its finances to the City
 - Community support for the organization to deliver the activities/programs and projects
- Make registration, drop-in access and/or membership available to City of Ottawa residents on a first come, first served basis. In some cases, membership restrictions may be in place based on a targeted demographic, geographic location, skill level or facility limitation, if specifically outlined in the Facility Access agreement
- Have a membership/participation that consists primarily of City of Ottawa residents

- Be in good standing with the City of Ottawa in financial, administrative and legal matters and has fulfilled all the terms and conditions of all previous and current agreements and contracts
- Demonstrate financial viability and sustainability
- Maintain appropriate insurance coverage for the activities and programs provided by the Not-for-profit Recreation Community Association that includes commercial general liability insurance on an occurrence basis for bodily injury, death and property damage including loss of use of property to an inclusive limit of not less than five million dollars (\$5,000,000), or such other amount as may be required on occasion, with the City of Ottawa named as an additional insured
- Have a constitution, bylaws or operating guidelines establishing a democratic framework within which the group will operate, including a democratically elected board of directors
- Be an active Not-for-profit Recreation Community Association

Ineligibility

These types of groups are not eligible:

- Faith-based organizations whose proposed services/activities include the direct promotion and/or required adherence to a faith or religious practice
- For-profit organizations or ventures
- Hospitals, clinic-based services or medical treatment programs
- Organizations of political affiliation or which have a mandate to conduct political activities
- Other levels of government or organizations proposing programs within the legislated mandate of other governments
- Provincial/national organizations, unless a local chapter/branch exists to explicitly serve the residents of the City of Ottawa
- School boards, primary and secondary schools or post-secondary institutions
- Competitive sports teams and tournaments for ongoing operations

Responsibilities

General Manager, Recreation, Cultural and Facility Services, or delegated authority, is responsible for:

- Authorizing/approving all Facility Access agreements.
- Authorizing/approving future updates of the Facility Access Policy.

Facility agreements may be entered into at less than fair market value at the General Manager's discretion. The GM shall consider the following when exercising their discretion:

- Any historical agreement between the City and the community association in relation to the use of the facility and the terms and conditions of that agreement
- The extent to which the community association's proposed use of the facility will

meet the needs of the residents in the community who will be using the recreation facility

- The extent to which the community association's proposed use of the facility enhances community recreation offerings and foster local involvement
- The extent to which the community association's proposed use of the facility will maximize safe and cost-effective recreation facility access for residents
- The extent to which the community association's proposed use of the facility will optimize the use of the recreation facility for a variety of community needs
- The community association's organizational stability and capacity for responsible stewardship of entrusted City facilities and assets
- The community association's financial viability and sustainability

Branch Managers are responsible for:

- Ensuring that required Facility Access Agreements are tied to an operational owner

Operational Owner (RCFS/FOS Supervisor) is responsible for:

- Monitoring the Facility Access Agreement renewal cycle
- Negotiating Facility Access Agreement content
- Administering the annual outcome reporting process

The Business Support Services Branch is responsible for:

- Ensuring the Facility Access Agreement templates are current

Legal Services is responsible for:

- Approving the terms and conditions to be included in Facility Access Agreement templates
- Reviewing and providing initials as "Approved for Execution" all Facility Access Agreements prior to final execution

Monitoring/Contraventions

Facility Access Agreement holders must report annually, as outlined in their agreement. This includes, but is not limited to:

- Annual Outcome Report
- A Current board of directors list, with contact information
- Annual Financial Statements for the Community Association
- A valid certificate of insurance identifying the City of Ottawa as an additional insured
- Reporting on special conditions, as required by the City
- An annual revenue remittance where applicable according to terms outlined in the agreement
- Provide an up-to-date Corporation Profile Report prior to entering into a new agreement

References

[Recreation Renewable Funding and Facility Access Report](#)
[By-law No. 2020-360 \(the City's Delegation of Authority\)](#)

Definitions

Not-for-profit Recreation Community Association:

A recreation-focused community association and/or organization that offers and/or facilitates recreational programs and activities without the purpose of making a profit.

Not-for-profit Corporation:

An active non-share corporation incorporated under one of the following legislative acts:

- Part III entitled “Corporations Without Share Capital” of the province of Ontario’s Corporations Act,
- The province of Ontario’s Not-for-Profit Corporations Act, 2010, S.O. 2010, c. 15 (proclaimed in force on October 19, 2021)
- Part II of the Canada Corporations Act with a certificate of continuance issued under the Canada Not-for-profit Corporations Act; or
- The Canada Not-for-profit Corporations Act.

Facility

A Facility refers to any indoor or outdoor public space, building, or land parcel designed and equipped for uses including but not limited to recreation, culture, fitness, or athletic use. This includes permanent structures such as community centres, recreation complexes, field houses, pools, arenas, gyms, and courts, as well as transportable or temporary structures used for program delivery. It also encompasses sports fields, ancillary playing areas, and the broader parkland, including green space, amenities, hard-surface courts, parking areas, and trails.

Facility Access:

Includes access to City-owned buildings and City-owned land and includes community buildings, field houses and transportable buildings.

Facility Access Agreement:

An agreement between a Not-for-profit Recreation Community Association and the City of Ottawa, that allows the group to manage a City of Ottawa recreation facility in order to maximize community access, allocate space to third-party groups, and/or deliver recreation programs to the community or a specific group. This type of agreement does not have funding attached. Examples of Facility Access Agreements include the following type of agreements: Access Management and Recreation Service Delivery.

NOTE: This may include historical agreements with alternate naming including but not limited to Recreation Service Delivery agreements.

Board of Directors:

Democratically elected board of a minimum of three (3) persons who are responsible for the management and operations of the corporation, is each eighteen or more years of age, and is a member of the corporation. The board shall elect a president from among themselves. Majority of the directors must be residents of the City of Ottawa and shall not

be related. The board holds regular meetings; holds an annual general meeting which is open to the public and has an election component.

Enquiries

For more information on this policy, contact: Program Manager, Recreation, Cultural and Facility Services Department, Business Support Services at extension 46203.

Appendices

Appendix A

Selection Process – Facility Access Program

Not-for-profit Recreation Community Associations wishing to enter into a Facility Access Agreement for a community building or field house shall present a written proposal to the RCFS department for consideration.

Facility Access Agreement decisions will be made at the recommendation of the RCFS Funding, Partnerships and Funding team and approved by the General Manager, Recreation, Cultural and Facility Services, or designate.

The RCFS Funding, Partnerships and Funding team shall submit each recommendation for approval of a not-for-profit recreation community association to be granted a Facility Access Agreement to the General Manager, Recreation, Cultural and Facility Services (RCFS).

The General Manager, RCFS, is delegated the authority to select new not-for-profit recreation community associations to be granted Facility Access Agreements, subject to the requirements of this Facility Access Policy.

The decision of the General Manager, RCFS, to select or to not select a new not-for-profit recreation community association to be granted a Facility Access Agreement is final with no right of appeal.