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ADMINISTRATIVE REPORT

Report Date: January 19, 2010
Contact: Coralys Cuthbert
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RTS No.: 08548
VanRIMS No.: 08-2000-20
Meeting Date: February 2, 2010

TO: Vancouver City Council

FROM: Managing Director of Social Development

SUBJECT: Gingerbread House Day Care, 3350 East 54th Avenue – Renewal of Licences and Sub-License for Portions of Captain Cook School Site and Captain Cook Park Site.

RECOMMENDATION

- A. THAT the City offer to renew the licence agreement with the Vancouver Board of Education to use that portion of the Captain Cook School site shown on Appendix A for this child care centre. The renewal term requested to be for a maximum of 10 years starting December 1, 2009 on the terms and conditions set out in Appendix B.
- B. THAT the City renew the licence agreement with the Board of Parks and Recreation of the City of Vancouver to use that portion of the Captain Cook Park shown on Appendix A as the outdoor play area for this child care centre. The renewal will be coterminous to the Board of Education licence, on the terms and conditions set out in Appendix B.
- C. THAT the City renew the sub-licence agreement with Champlain Heights Citizens Society to use the school and park lands shown on Appendix A to operate this childcare centre. The renewal will be coterminous to the Board of Education licence, on the terms and conditions set out in Appendix B.
- D. THAT no rights or obligation hereby arise or take effect until each of the three agreements is fully signed.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A to D.

COUNCIL POLICY

In 1990, City Council approved the Civic Childcare Strategy that set out to: support the viability, accessibility and quality of existing child care services; assist child care initiatives in high need areas; and encourage and support efficient, coordinated administrative services required for a child care system in Vancouver to lever other sources of child care funding, wherever possible.

Vancouver City Council approved “Moving Forward Childcare: A Cornerstone of Childhood Development” in April 2002, which set out a strategic plan for child care and child development services for the City.

In June, 1993, Council directed that City-owned properties, occupied by non-profit organizations, held as assets in the Capital Fund be charged a nominal rate. The lease/sublease/license of City assets below market value constitutes a grant and, as such, requires eight affirmative votes.

On July, 2006, Council approved the first licence and sub-licence terms for the Gingerbread House Day Care which uses portions of the Captain Cook School and Park sites.

In March, 2009, Vancouver City Council, reinstated the Joint Childcare Council and renewed its goals, and previously adopted Terms of Reference, along with an objective of a further 5% increase, at minimum, in childcare spaces in the next three years.

PURPOSE

The purpose of this report is:

- To seek Council’s approval for a maximum 10 year licence agreement with the Vancouver Board of Education to continue the childcare operation located in the Gingerbread House Day Care modular building owned by the Champlain Heights Citizens Society on part of the Captain Cook School site;
- To seek Council’s approval to renew of the licence agreement with the Park Board to continue use of the playground area serving the Gingerbread House Day Care, coterminous to the Board of Education licence; and
- To seek Council’s approval to renew the sub-license agreement with Champlain Heights Citizens Society of the parts of the school and park sites needed to operate Gingerbread House Day Care, coterminous to the Board of education licence.

BACKGROUND

The Champlain Heights Citizens Society has operated the Gingerbread House Day Care for over thirty-seven years. This 25-space licensed child care facility provides full time group care to 3 to 5 year olds in the Killarney neighbourhood. With Council, Park Board and Board of Education approval, in 2006 this Society constructed a new childcare facility on a portion of the Captain Cook School site and its playground on a portion of the adjacent park site [RTS 6027]

At that time, both the Board of Education and Park Board agreed to provide the City with licences for portions of their school and park sites to enable the City to sub-licence these to the Society.

DISCUSSION

It is now time to renew arrangements with the Board of Education and Park Board to allow the continued operation of this childcare facility. As of November 30, 2009 the three year licences with the Education and Park Boards and sub-licence to the Society all expired. Staff have discussed renewal terms with the involved parties and all are prepared to entertain entering into 10 year renewals subject to approval by Council and the Board of Education and Park Board.

FINANCIAL IMPLICATIONS

Both the Board of Education and the Park Board require the City to be directly responsible for the repair and maintenance of the licenced areas including the modular building. The Board of Education also requires the City to indemnify it for any losses arising from the childcare operation. Of course, all these obligations will be passed on to the Society. But if the Society cannot shoulder any of these obligations, the City will be expected to make good the obligation. Such prospect is unlikely because the Society will carry building insurance and public liability insurance.

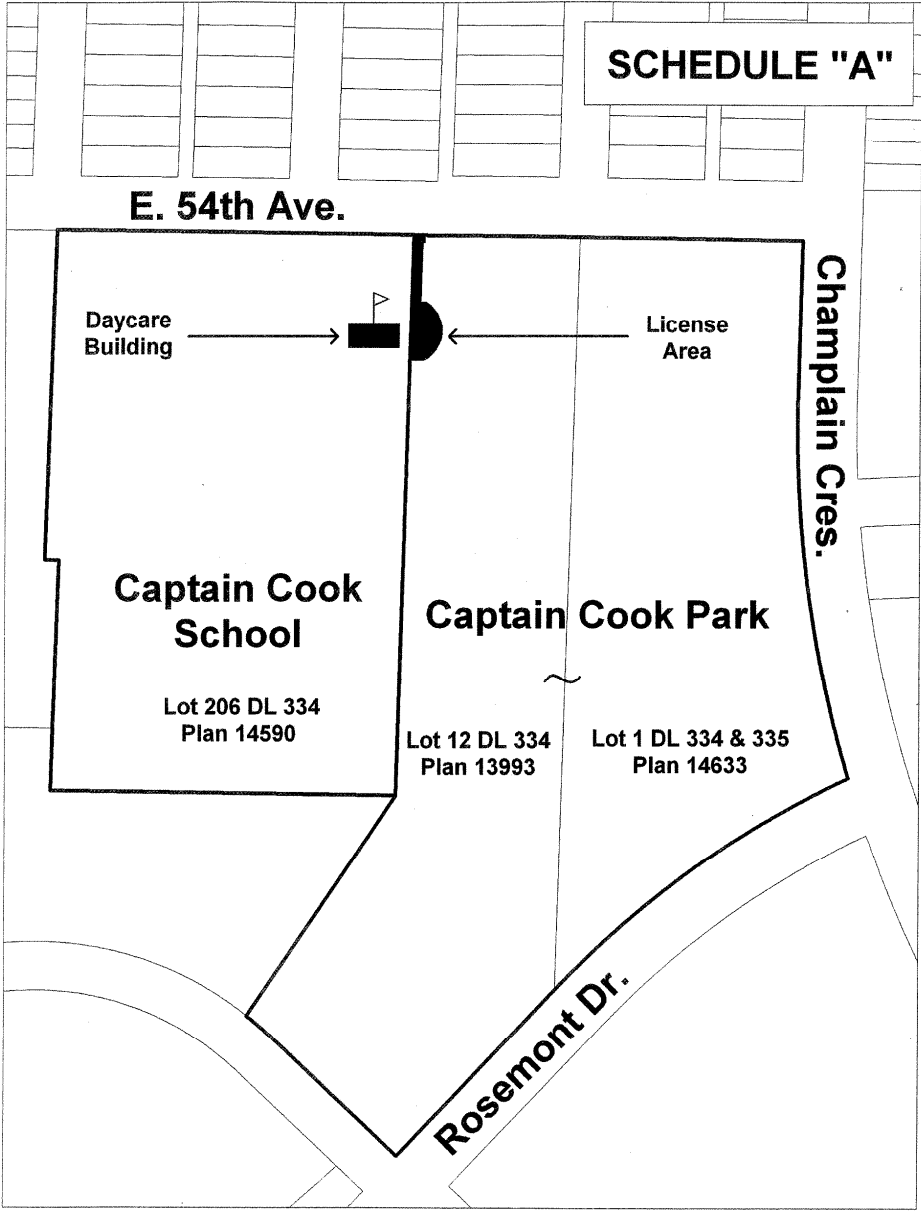
SOCIAL IMPLICATIONS

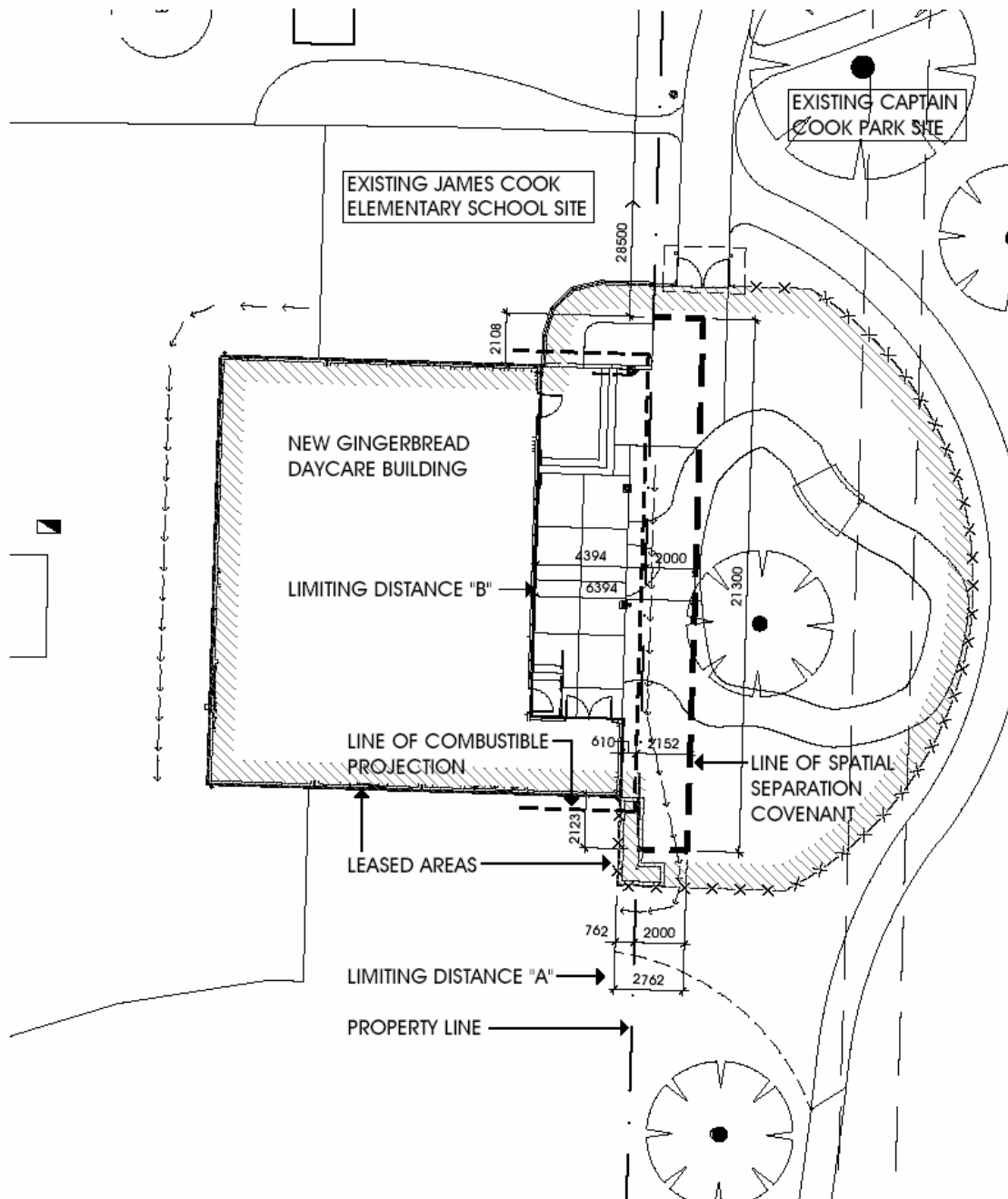
The Killarney Neighbourhood continues to be one of the most under-served areas of the City with limited choices of licensed group childcare. Retention of the Gingerbread House Day Care program would ensure that this 25 space 3-5 care of childcare program is available to the Killarney residents.

CONCLUSION

Proceeding with the recommendations as set forth in the report will provide staff with the authority to negotiate renewal license agreements with the Board of Education and Park Board. In turn, this will position the City to be able to enter into a new sub-license agreement with the Champlain Heights Citizens Society.

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Project
 GINGERBREAD DAYCARE

Drawing
 PARTIAL SITE PLAN

DATE: 05/08/14 FILENAME: G:\04-133d_pat\04-133d_001r3.dwg

Scale: 1:200
 Drawn: MRG
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 Date: JUNE 14, 2008
 Revised:

Project Number
 04133D

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SK 1

Re Recommendation A: Licence from Board of Education to City

1. term – as approved by the Board of Education up to a maximum of 10 years;
2. nominal rent - \$1.00 per year;
3. the Society owns the building but at termination if the Board of Education does not accept ownership of the building the Society must remove it and failing that Board of Education for all losses it may suffer relating to the City's occupation and use of the site including any occupation and use by third parties the City permits to operate the child care centre on the Site;
5. early termination – on 6 months notice by the Board of Education; and
6. such further and other terms as are acceptable to the Director of Legal Services in consultation with the Managing Director of Social Development.

Re Recommendation B: Playground Licence from Park Board to City

1. term – coterminous to the Board of Education licence;
2. nominal fee - \$1.00 per year;
3. at termination City to restore site if Society fails to do so
4. early termination – upon termination of the licence from the Board of Education; and
5. such further and other terms as are acceptable to the Director of Legal Services in consultation with the Managing Director of Social Development.

Re Recommendation C: Sublicense from City to the Society

1. term – coterminous to the Board of Education licence, less a day;
2. nominal rent - \$1.00 per year;
3. to operate a child care centre;
4. ownership of Building – to be owned by the Society;
5. the Society will indemnify the City for all losses it may suffer relating to the Society's occupation and use of the Premises including losses claimed by the Board of Education and the Park Board;
6. insurance - the Society will insure the building and carry at least \$5 million of public liability and property damage coverage;
7. maintenance and repairs - the Society shall keep the site including the building and play equipment well maintained and in good repair;
8. early termination – upon termination of the licence from the Board of Education;
9. at termination:

- (a) if the Board of Education does not accept ownership of the building the Society must remove it and restore the Board of Education land;
 - (b) the Society must remove the playground equipment and restore the Park Board land; and
 - (c) the City must perform (a) and/or (b) if the Society fails to do so,
10. such further and other terms as are acceptable to the Director of Legal Services in consultation with the Managing Director of Social Development.