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Halifax Regional Council  
January 29, 2002

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** 

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Karen MacTavish, Director Parks & Recreation

**DATE:** January 15, 2002

**SUBJECT:** Access to P-3 Schools

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### INFORMATION REPORT

#### **ORIGIN**

Item 10.4.1 - May 8/01 Council request for a report regarding the approach Council should take regarding access to P-3 schools as well as the parties that need to be involved; this is also in response to item 10.3 - September 25/01 Council request for information regarding access and rental rates for both P-3 Schools and regular HRM schools as per Mr. Tim Daly's presentation to Council.

#### **BACKGROUND**

The issue of access to P-3 schools was raised at Council due to the attempts of the Fall River Basketball Association to access Lockview High School gymnasium. The \$40 per hour rental fee is a prohibitive factor to the participation of over 200 children in this basketball program. Council also noted the impact of this charge with respect to the Scout movement.

At the September 25<sup>th</sup>, 2001 Council session a presentation by Tim Daly highlighted the increase in rental rates charged by Scotia Learning (\$75/hr per double gym) as well as concerns regarding clarification of the contract between Scotia Learning and the Department of Education regarding the 3500 hours of school use.

## DISCUSSION

The Department of Education has a contract with Scotia Learning Centres Limited, the owner of most of the P-3 schools in HRM, for 3500 hours of school use and community use per P-3 school annually. Staff has estimated that 1700 hours is utilized annually for school purposes, leaving a potential balance of 1800 hours for community use.

Currently, Scotia Learning is charging \$75.00 per hour for community use of the P-3 facilities for double sized gymnasiums (\$50.00 per hour for ½ gym). (See Appendix A) This cost is prohibitive to volunteer community groups and sport organizations who fund raise and encourage participation in recreation activity and sport. The Fall 2001 School Board and P-3 School usage is attached as Appendix B. Scotia Learning is also requesting that user groups purchase 5 million dollars in liability insurance coverage which is not affordable for volunteer groups and sport associations.

In correspondence (April 2000, Appendix C attached) received from the Department of Education, it was stated that the P-3 schools would operate in a fashion similar to any other schools within the board. In addition it stated that it is not the intent of the Department of Education to see any of these P-3 facilities double paid - that is paid by the Province and paid by the community as well.

Community groups are experiencing access difficulties in securing space at P-3 schools due to high rental rates and unaccessible time allotments which Mr. Tim Daly referenced in his presentation to Council. Since this presentation, Mr. Daly established contact with the P-3 agents who book the facility. Mr. Daly was informed that he may be eligible for a rental subsidy for his group, however this never materialized. Also, he was informed that he would have to book in three hour time blocks, however when another not for profit sport group attempted to book the facility they were told bookings were only available in 4 hour time slots which is a considerable expense. Mr. Daly subsequently confirmed with the P-3 agents that bookings must be in 4 hour time allotments, however there were no 4 hour time allotments available.

It would appear that the P-3 owners are taking a unilateral approach to addressing community use of the facilities by creating impediments to community access by the high rental fees and inflexible scheduling options.

It should be noted that Parks & Recreation staff have very limited bookings with P-3 schools - predominantly due to the excessive rental fee. In fact, there is virtually no HRM usage in P-3 schools except at Bedford South (Scotia Learning) and O'Connell Drive Elementary School (Nova Learning). Bookings at both locations are handled through the HRM School Board Bookings clerk.

With respect to P-3 Schools, if fees and access continue to be prohibitive, it will be difficult for Parks and Recreation to accommodate areas of growth as these schools are built in growth areas and potentially could have provided the much needed gym and activity space for new recreation programming.

In a recent letter from the Department of Education ( December 5, 2001, Appendix C attached), the Deputy Minister also shares our concerns with community access to P-3 Schools and consequently are going to arbitration on this matter. In this same letter, the Deputy Minister referenced the intent that P-3 schools operate under the same policies as school boards.

The Department of Education is aware of HRM's concerns, however until the matter is resolved at arbitration, it appears Scotia Learning will continue to make access prohibitive.

### **School Board Access**

It should be noted that staff experience booking difficulties related to consistent access to many School Board facilities and are hopeful that a reciprocal agreement will be signed by the School Board in spring/summer 2002. (Current rates are prohibitive when overtime for custodians is included). The reciprocal agreement does not however, facilitate access for community groups and sport organizations as the School Board has made it clear that these groups must book directly with them and not utilize Parks & Recreation as their "booking broker". If the school board chooses to increase their fees, or do not sign the reciprocal agreement, then access would be prohibitive for both Community groups as well as HRM Parks and Recreation.

Staff is also willing to explore the possibility of establishing partnership criteria with the School Board to allow the municipality to identify community groups who should have affordable access to School Board facilities. Exploration of this concept may provide an opportunity for HRM to assist key groups in obtaining access to schools by eliminating major stumbling blocks. However cooperation on behalf of the School Board would be essential to the success of this initiative.

### **BUDGET IMPLICATIONS**

With respect to School Board facilities, there would be a decline in revenue if the School Board does not sign the reciprocal agreement as consistent access is becoming increasingly difficult. This revenue loss is difficult to predict as a limited number of programs could be accommodated elsewhere, however, staff estimate the loss could be in the range of 100,000 to 300,000 dollars.

This would negatively impact on affordable options available to both community groups and HRM Parks & Recreation programs and may result in decreased recreation and sport participation across HRM.

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**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ATTACHMENTS**

Appendix A - School Board & P3 School rental rates

Appendix B - School Board & P3 Schools Actual Usage (Fall 2001)

Appendix C - Correspondence - HRM & Dept of Education

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

Peggy Allen, Regional Coordinator, 876-4364



Report Approved by:

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Karen MacTavish, Director, Parks & Recreation, 490-4734

**HRM School Board Hourly Rental Rates**  
Effective July 2001 (not including custodian overtime rates)

Facility	Youth (19 & under)	Adult Organizations
Classroom	\$2.50	\$10.00
Cafeteria	\$5.00	\$10.00
Gymnasium	\$5.00	\$25.00
Audio Visual Room	\$25.00	\$25.00
Auditorium	\$100.00	\$100.00
HST will be applied to all rates.		

**Scotia Learning (P-3) Rental Rates**  
Effective July 2001

Facility	Under 50 People Hourly Rate	Over 50 People Hourly Rate
Gymnasium		
- Single Gymnasium	\$50.00	\$70.00
- Double Gymnasium	\$75.00	\$95.00
Maximum Daily Rate **		
- Single Gymnasium		\$300.00
- Double Gymnasium		\$550.00
Cafeteria		
With tables & chairs	\$40.00	\$60.00
Plus stage	\$60.00	\$80.00
Plus sound system	\$70.00	\$90.00
Specialty Rooms	\$40.00	N/A

Minimum booking of 4 hours by one group or a combination of groups.

\*\*Maximum Daily Rate applicable for an eight hour booking. These rates are subject to discussion with rental group dependant on intended use of facility and number of persons attending.

**APPENDIX B**

**HRM Parks & Recreation - 2001 Recreation Programming Fall Session Only  
School Board Usage**

<b>Target Group</b>	<b>Facility Type</b>	<b># of hours used</b>	<b>Hourly Rate</b>
Children	Gymnasium	592.60	\$5.00
	Classroom	242	\$2.50
	Weekend rate	140	\$35.00
Youth	Gymnasium	313	\$5.00
	Classroom	86	\$2.50
	Weekend rate	20	\$35.00
Adult	Gymnasium	249	\$25.00
	Cafeteria/Classroom	101	\$10.00
	Classroom	50	\$5.00
	Auditorium	0	\$100.00
	<b>Total</b>	<b>1793.60 hours</b>	

**Weekend rates for schools :**

All Rooms Except Auditorium \$35.00 per hour for a minimum for 4 hours (includes custodial services)  
 Auditorium \$100.00 per hour for a minimum for 4 hours plus applicable custodial rates.

If the rental is over 4 hours then a 1.5 hour custodial charge is added on to the daily rental fee.

**P3 Schools Usage**

**O'Connell Drive Elementary School - P3**

<b>Target Group</b>	<b>Facility Type</b>	<b># of hours used</b>	<b>Hourly Rate</b>
Children	Gymnasium	36	\$5.00
Adult	Cafeteria	10	\$10.00
	<b>Total</b>	<b>46 hours</b>	

O'Connell Drive Elementary School is a P3 school, constructed by Oxford Learning. O'Connell Drive Facility is scheduled by the HRM School Bookings Clerk and clients are charged the HRM School Board Fees. There is no accessibility issue with this P3 school.

**Bedford South - P3**

<b>Target Group</b>	<b>Facility Type</b>	<b># of hours used</b>	<b>Hourly Rate</b>
Adult	Gymnasium	24	\$50.00



Department of  
Education  
Office of the  
Deputy Minister

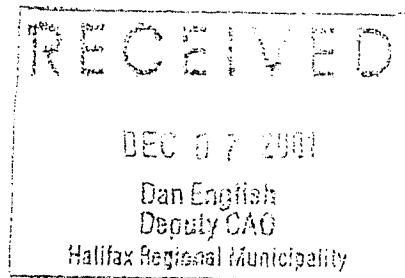
PO Box 578  
Halifax, Nova Scotia  
B3J 2S9

Fax: 902-495-1111

Our File Num: \_\_\_\_\_

DEC 5 2001

Mr. Dan English  
Deputy Chief Administrative Officer  
Halifax Regional Municipality  
P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5



Dear Mr. English:

Thank you for your letter of October 22, 2001 regarding community use of P3 schools.

With regard to questions 1 and 2 in your letter, it was intended that the P3 schools would be operated under the same policy used by the various school boards to operate schools owned by those boards. Indeed, this did occur in the first year of the P3 agreement, except that the rates for the P3 schools were higher. At the present time, Scotia Learning Centres, the owner of the P3 schools in Halifax, has substantially changed the way it operates the schools. Indeed, it has taken a unilateral action and is addressing community-use needs outside of any policy of the board. We share your concerns in this matter and, consequently, are in the process of going to arbitration with Scotia Learning on that issue, as well as a number of others.

With regard to item 3 in your letter, it was intended that the 3500 hours would include all school use and a reasonable level of community use. There is no agreement to make 1800 hours per year available for community use and I have no knowledge of where the 1800 hour figure comes from.

You will certainly understand that this matter has caused concern for the Department of Education as well. We had hoped that, over the preceding year, negotiations would resolve any outstanding issues between the province and Scotia Learning on community use of schools. However, such was not the case and, consequently, we are forced to resort to arbitration with the owner.

I believe our objectives for community use coincide, and I look forward to the arbitrator's decision in favour of the province and the communities. The process will likely take a number of months, and I am hoping for a clear and definitive outcome.

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Mr. Dan English  
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On a more positive note, we are in the process of drafting a policy which would cover community use of schools across the province. This proposed policy is in the preliminary stages, and has representation from all of the boards, the Department of Education, and the Nova Scotia Sport and Recreation Commission. We are hopeful that such a policy will apply to board schools, as well as P3 schools, and will resolve the many inequities in the community use policies of schools across the province.

Thank you for your continued interest in community access to schools.

Yours truly,

A handwritten signature in black ink, appearing to read "Dennis Cochrane". The signature is fluid and cursive, with a large initial "D" and "C".

Dennis Cochrane  
Deputy Minister



**HALIFAX**  
REGIONAL MUNICIPALITY

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Dan English, Deputy Chief Administrative Officer

October 22, 2001.

Mr. Dennis Cochrane  
Deputy Minister,  
Department of Education,  
P.O. Box 578,  
Halifax, N.S. B3J 2S9

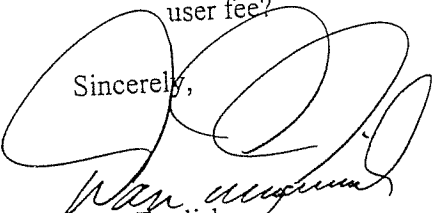
Dear Mr. Cochrane:

**Re: P3 Schools**

I know you are aware that community groups have expressed concern to Council members that the rental rates charged by Scotia Learning are a prohibitive factor to the participation of youth in community based programs. The issue of access to P3 schools within Halifax Regional Municipality has been raised at both the May 8, 2001 and September 25, 2001 Council meetings. In order for staff to provide a thorough response to Council, I am requesting clarification on a number of issues.

1. In your April 2000 letter to me, you stated that P3 schools would operate in a fashion similar to any other school in accordance with current school-use policy. Please provide specific details on the Province's interpretation of this statement.
2. Also in the April 2000 letter, you state that '... we do not intend to see any use of these school facilities double paid - that is paid by the province and paid by the community as well.' None the less, it would appear, given that HRM and community groups are being charged a very high rate for community use of the P3 Schools, that this may indeed be the case.
3. Please provide clarification on the terms of the contract with Scotia Learning, the School Board, and the Department of Education regarding community access to schools, specifically to define what is included under the 3500 hours of usage. We are under the assumption that approximately 1800 hours is for community use, with the option of exchanging unused hours between the school and the community. Are these 3500 hours included in the contract and therefore not subject to a user fee?

Sincerely,



Dan English  
Deputy Chief Administrative Officer

cc: Paul Hiscock, Scotia Learning  
Karen MacTavish, Director, Parks & Recreation



Department of  
Education  
Office of the  
Deputy Minister

PO Box 578  
Halifax, Nova Scotia  
B3J 2S9

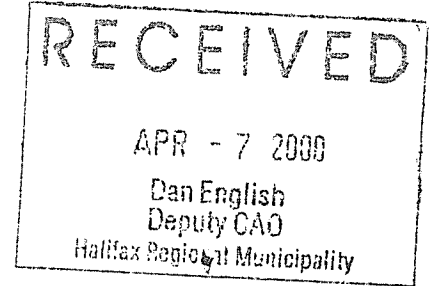
*Copies To Peter B  
Karen MacTavish  
Fax copy to David  
Steele.*

Fax: 902 424-0680

Our File Number: *[Signature]*

APR - 6 2000

Mr. Dan English  
Deputy Chief Administrative Officer  
Halifax Regional Municipality  
P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5



Dear Mr. English:

Thank you for your letter of March 22, 2000, addressed to Doug Nauss, regarding community access to P3 schools.

There has, indeed, been a great deal of confusion and misunderstanding with regard to community access to the P3 schools. It was our intention that the P3 schools would operate in a fashion similar to any other schools within the board. Indeed, we had anticipated that the board would operate these schools in accordance with its current school-use policy. While there were some problems initially in the Halifax P3 schools, it is my understanding that these have mostly been resolved now and the consortium, Scotia Learning Centres Limited, will be making the schools available in accordance with the policy of the Halifax Regional School Board.

With regard to the 3500 hours and specific use of the sport fields, Scotia Learning must be very much involved to ensure protection of their assets. They would be well within their right to negotiate a fee or compensation in kind, where the use of the sports field would be greater than would normally be the case for the particular school involved. It does not anticipate, however, extraordinary use of the school such as might occur with a great deal of sporting activities sponsored by the Halifax Regional Municipality. Scotia Learning has a responsibility to ensure that all of the assets, including the fields, are maintained to a high standard. The 3500 hours in no way implies a carte blanche use of the facilities during that period.

We certainly support the community use of all of the P3 facilities within the terms of the contract. In addition, we do not intend to see any use of these school facilities double paid - that is paid by the province and paid by the community as well. Nevertheless, we do anticipate extra payment for additional use of the school for such things as security,

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additional wear and tear, etc. I would be happy to have my staff attend any meetings on this matter to help clarify the situation. These contracts and the use of the P3 schools is relatively new and there are a number of issues that need to be worked through. I am confident that, with the cooperation of the Halifax Regional Municipality, Scotia Learning, and the province, as well as the Halifax Regional School Board, acceptable solutions will be found.

Yours very truly,

A handwritten signature in black ink, appearing to read "Dennis Cochrane". The signature is written in a cursive style with a large, prominent initial "D".

Dennis Cochrane

c Paul MacLellan

**HALIFAX**  
REGIONAL MUNICIPALITY

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Dan English, Deputy Chief Administrative Officer

March 22, 2000

Doug Nauss,  
Acting Deputy Minister  
NS Department of Education  
P.O. Box 578  
Halifax, NS B3J 2S9

*Doug*  
Dear ~~Mr~~ Nauss,

**RE: Community Access to P-3 Schools**

Recently, staff from the NS Sport and Recreation Commission shared the Community Access to P-3 Schools Q and A document with HRM Recreation staff. In that document, it seems clear that the Province intends for the municipality and community groups to have access to the remaining portion of the 3500 hours beyond what is required for school use. Additionally, it would appear that no extraordinary fees would be applied to the access as it has been essentially paid for by the Province. It is understood that any use over the 3500 hours would be subject to a user fee applied by the school owner.

Several months ago, HRM staff met with Paul MacLellan and Charles Clattenburg of the Nova Scotia Department of Education, and Darryl Dixon and Paul Hiscock of Scotia Learning. At that meeting, we were informed that the 3500 hours only applied to school education uses, including school sporting activities and was not applicable to municipal recreation and community access.

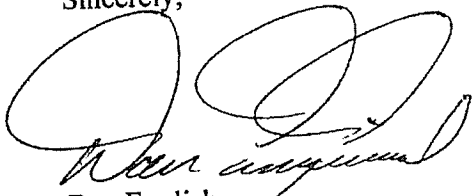
Currently HRM is negotiating a series of agreements with Scotia Learning in order to secure community recreation access to these facilities. We have been negotiating with the understanding that municipal and community access to the indoor and outdoor facilities would be on a user fee basis. We have been attempting to reduce the monetary impact of access by suggesting HRM would provide maintenance on outdoor fields and, at one school provide the use of adjacent municipal lands. In the case of outdoor fields, we have been told by the owner that the fields would not be available for use during the summer months unless the municipality took on the year round daily maintenance and appropriate field renewals every 7 years.

Under the terms outlined in the Q&A document, it would appear that much of this access has already been secured by the Province, and Scotia Learning is being duly compensated. While we understand that there will be fees involved in accordance with normal school board policies, these in no way would amount to what would be involved in the maintenance contracts which Scotia Learning is proposing for HRM.

Clearly, an interpretation of the applicability of the 3500 hours acceptable by all parties involved would be of great assistance in our negotiations, and certainly prior to executing any agreements between HRM, Scotia Learning and any other applicable parties.

I look forward to any information/clarification that you can shed upon this matter as soon as possible, as negotiations are continuing over the next few weeks.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan English', written in a cursive style.

Dan English  
Deputy Chief Administrative Officer

cc: Karen MacTavish, Director, Parks & Recreation