

November 26, 2009

ACTION REQUIRED

To: The Board of Governors of Exhibition Place

From: Dianne Young
Chief Executive Officer

Subject: Agreement with the CNEA for Use of the Garden of the Greek Gods

Summary:

This report recommends the terms for a three-year lease agreement between the CNEA Board of Directors and the Board of Governors for the loan of twenty-one Statues comprising the Garden of the Greek Gods.

Recommendation:

It is recommended that the Board approve of entering into an agreement for three years (2010 to 2012) with the CNEA Board of Directors for the loan of twenty-one Statues comprising the Garden of the Greek Gods displayed mainly on the lawn south of the Horticulture Building (Muzik Clubs) and with single Statues around the Queen Elizabeth Building, on the terms and conditions set out in this report and such other terms and conditions satisfactory to the CEO, General Manager/CNEA and the City Solicitor.

Financial Impact:

There is no financial impact as the terms and conditions proposed are the same as in the previous lease agreement.

Decision History:

At its meetings of December 2006, both Boards approved a three-year agreement with respect to the Garden of the Greek Gods. The term of this agreement expires on December 31, 2009. At its meeting of November 26, 2009, the CNEA Board of Directors approved of a further three-year loan agreement.

Issue Background:

The twenty-one Statues comprising the Garden of the Greek Gods are the work of Toronto artist, E.B. Cox and were carved from blocks of solid limestone. Mr. Cox, a well-known and respected artist, died in August of 2003 at the age of eighty-nine. The Garden of the Greek Gods was featured at the 1976 Royal Agricultural Winter Fair. Shortly thereafter, the CNE Association entered into negotiations with E. B. Cox to acquire the statues. In 1979, the Garden of the Greek Gods was installed in its landscaped home on the lawn south of the Horticulture Building. The landscape plan which would become the Garden of the Greek Gods, was approved by the CNEA, E.B. Cox and the City of Toronto Parks and Property.

Comments:

This report is recommending a further agreement between the CNEA and BOG for the loan of the Statues for public display, generally on the same terms and conditions which are as follows:

- (a) Term: 3 years commencing January 1, 2010
- (b) Ownership of the Statues: The ownership of the Statues shall remain with the CNEA.
- (c) Use by Horticulture Building and South Lawn: The CNEA acknowledges that the BOG and City Council have approved of a 20-year lease for the Horticulture Building including the lawn area at the south side of the Horticulture Building, where Garden of the Greek Gods is located, to be used as a patio area and further City Council approved of a recommendation requiring consultation with the area councillor, Councillor Joe Pantalone in the design of such patio area.
- (d) Insurance: The BOG will provide necessary insurance coverage of the Statues at all times.
- (e) Cost of Maintenance: The BOG will maintain the Statues at its expense at an appropriate level of maintenance, as determined by the Conservator chosen by the CNEA, acting reasonably.
- (f) Standard of Care: The BOG will take all reasonable precautions as indicated by the Conservator to protect the Statues from damage and shall regularly inspect the Statues for signs of deterioration and/or damage and immediately inform the CNEA if any such signs are detected.
- (g) Relocating the Statues: If the Statues are moved at the request of the BOG they will be moved and replaced at the cost and expense of the BOG under the supervision of the Conservator chosen by the CNEA.
- (h) Inspection by CNEA: The BOG, at all reasonable times, will allow representatives of the CNEA, at its own expense, access to the lawn of the Horticulture Building in order to inspect the Statues.
- (i) Other Terms and Conditions as are satisfactory to the City Solicitor, General Manager & CEO and General Manager, CNEA.

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Submitted by:

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