



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Item No. 12 Garden of the Greek Gods

Date:	October 16, 2014
To:	The Board of Governors of Exhibition Place
From:	City Solicitor
Wards:	
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The purpose of this report is to report to the Board, as requested, on any copyright and lease arrangement issues with respect to the statues known as the Garden of the Greek Gods.

RECOMMENDATIONS

The City Solicitor recommends that:

1. The Board receive this report for information.
2. The Board direct that Confidential Attachment 1 remain confidential as it contains advice and information that is subject to solicitor-client privilege.

Financial Impact

There is no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting of September 10, 2014, the Board considered Agenda Item 14, Garden of the Greek Gods & Other Collections – Additional Information.

http://www.explace.on.ca/about_us/board_reports/september_2014.php

At its meeting of June 10, 2014, the Board considered Agenda Item 12, Garden of the Greek Gods and other collections at Exhibition Place

http://www.explace.on.ca/about_us/board_reports/june_2014.php

ISSUE BACKGROUND

At its meeting of September 10, 2014, issues related to copyright in the statues known as the Garden of the Greek Gods were raised. In particular, the question of whether the artist's moral rights under the *Copyright Act* had been violated, as a result of apparent damage done to the statues, and the fact that the statues are no longer freely accessible to the public in a park-like setting as a result of the construction of an enclosed patio by the tenant on the grounds in which the statues are located.

As well, the issue of whether the Board could move the statues to another location, either on the grounds or elsewhere, was discussed, and what implications this would have with respect to the 2004 lease between the Board and Muzik Clubs Inc. for the lands on which the statues are situated.

The comments provided with respect to these matters are subject to solicitor-client privilege and are contained in Confidential Attachment 1.

CONTACT

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information