

**Agreement of Understanding
Between
the Vancouver Board of Parks and Recreation
and
Theatre Under the Stars - 2005**

By resolution of the Board dated May 10, 1999, the Vancouver Board of Parks and Recreation resolved to allow Theatre Under the Stars the exclusive use of Malkin Bowl from May 1st through to September 1st for five years from 1999 to 2004 provided that:

1. A schedule showing all Theatre Under the Stars use and open time available be prepared by May 1 of each year. Budget projections will be included with this information.
2. Any plans for sale of goods other than programs and the concession trailer be communicated to the Board representative.
3. All open time be made available for other performing groups who request space and whose activities are compatible with the facility and adjacent area, fall within the Park Board Guidelines for Special Events and bylaws and the final decision for such use be determined by the Co-ordinator of Special Events. TUTS must be prepared to accommodate the use of Malkin Bowl by others which may require the removal of stored goods.
4. Theatre Under the Stars appoint a liaison person to make contact with the appointed representative from the Stanley District.
- 5.(a) Proof of Commercial General Liability Insurance coverage with an inclusive limit of \$5 million, provides for blanket contractual extension and contains a cross liability clause naming the City of Vancouver, Vancouver Board of Parks and Recreation, Vancouver Police Board, their respective employees, officers, agents and volunteers are added as additional insured for liability which arises out of the activities of the named insured. Maximum deductible: \$5,000.
- 5.(b) Tenant's legal liability insurance for \$250,000.
5. All changes or additions to the program be communicated to and discussed with the Co-ordinator of Special Events at the Stanley District Office prior to any confirmations.
6. All costs for the May 1st to September 1st agreement term be paid for by the Theatre Under the Stars organization.
7. The Theatre Under the Stars organization must leave all facilities at Malkin Bowl in a clean and damage free condition at the end of the season of each year. Storage off season must be kept completely downstairs in appropriate rooms. Storage within each of these rooms should

be orderly and safe with doors locked. The only equipment to be left on stage is the scaffolding, ladder and light structure. Trailers may remain in the courtyard behind appropriate screening. A site meeting will be arranged with the Co-ordinator of Special Events after clean up has occurred each season to verify the condition of facility.

8. Theatre under the Stars organization to be billed for any costs incurred for damage repair or clean up of Malkin Bowl at the end of the Theatre's use of the Bowl and its facilities. These repairs will be noted and agreed to at the season end site meeting. Inability of TUTS to provide a satisfactory clean up and/or pay for the cost of clean up will result in the cancellation of this Agreement.
9. Fence set up at the beginning and dismantled at the end of each season will be the financial responsibility of Theatre Under the Stars. Fencing may remain up on the south west corner of the Bowl in the courtyard.
10. All signage must have express prior approval from the Stanley District before use.
11. Section 7.05 Human Rights Act:
As a condition hereof the Theatre Under the Stars covenants that, in both spirit and letter, it shall faithfully fulfill all provisions of the *Human Rights Act*, S.B.C. 1979, Chapter 22, as amended or substituted from time to time, in the conduct of its affairs, the administration of the Lessee and otherwise.

The undersigned, acting on instruction from the organization Theatre Under the Stars, agrees to comply with the principles and terms of this agreement.

THIS AGREEMENT IS EXTENDED FOR ONE FURTHER YEAR (2005)

Director/President
Theatre Under the Stars

General Manager
Vancouver Board of Parks and Recreation

Director/Vice-President
Theatre Under the Stars

Date: _____