

# Community Garden

## Agreement Form

Town of Whitby - Community Services Department 333

McKinney Drive, Whitby, ON L1R 3M2

Phone: 905.430.4310 Email: parks.rec@whitby.ca

Web: [www.whitby.ca/en/play/community-gardens.aspx](http://www.whitby.ca/en/play/community-gardens.aspx)



**This Agreement Form is for the establishment of a Community Garden on lands owned or leased/ licensed by the Town of Whitby. I, the undersigned, do hereby acknowledge that the Community Garden Group will adhere to the Community Garden Policy and Procedure as well as in this form.**

### Community Garden Group Agreement

All of the Community Garden Group current members and new members shall adhere to the Community Garden Group Agreement approved by the Town which was dated on (dd/mm/yyyy)

\_\_\_\_\_

Initials

### Site Plan

The Community Group will adhere to the Site Plan approved by the Town. Refer to the Community Garden Procedure, Section 3.2.

Initials

### Community Garden Policy and Procedure

The Community Group will adhere to the entire Community Garden Policy and Community Garden Procedure.

Initials

### Commitment

The Community Garden Group will commit to operating the Community Garden for a 5 year term. Refer to the Community Garden Procedure, Section 3.1.

Initials

## Insurance

Where the Community Garden Group is operated and/or tended by an incorporated Community Garden Group or other incorporated entity, the Community Garden Group at its sole cost and expense, carry and maintain in full force and effect and any renewals thereof, Commercial General Liability Insurance including products and completed operations in the amount of two million dollars (\$2,000,000) per occurrence naming the Town of Whitby as additional insured and be completed on a certificate of insurance form satisfactory to the Town . Where the Community Garden Group is not operated as an incorporated entity, insurance can be purchased through the Town’s user group insurance program. CMS to refer to risk management to confirm eligibility upon the completion of the Community Garden Application Form in accordance with section 3.3.1.

Initials \_\_\_\_\_

## Hold Harmless and Indemnification

In consideration of the Community Garden Group participating in the Community Garden for a five (5) year term commencing (DATE) \_\_\_\_\_ at (LOCATION), \_\_\_\_\_

The Applicant (AGR) \_\_\_\_\_

On behalf of the Community Garden Group \_\_\_\_\_

will indemnify, defend and save harmless the Corporation of the Town of Whitby, its elected and appointed officials, employees and agents, (the “Town”) from and against all losses, claims, damages, actions, causes of action, costs of expenses (including but not limited to legal fees, disbursements and taxes on a solicitor-client basis) that the Town may sustain, incur, suffer or be put to at any time before, during, or after expiration or termination of the Agreement, arising out of or occurring directly or indirectly out of the issuance of the Agreement, or any act or omission of the Applicant or any agent, volunteer, participant, employee, officer, director or subcontractor of the Applicant.

AGR Name (Please Print)

Witness Name (Please Print)

AGR Signature

Witness

Address

Date (dd/mm/yyyy)