

# Park Access Permit Application

Community Services-Parks and Forestry



Personal information on this form is collected under authority of the Municipal Act 2001, SO 2001, c.25 and will be used for the purposes of administering the City of Mississauga By-law 0149-2015. Questions about the collection of this personal information should be directed to the Community Services Department, Park Planning Section, 201 City Centre Dr., Suite 900, Mississauga, ON, L5B 2T4, 905.896.5382

## Applicant Information

Contact Name:	E-Mail:
Address:	
Contact Number:	Emergency Number:

## Contractor Information (If Applicable)

Company Name:	E-Mail:
Company Address:	
Contact Name:	Contact Number:

## Work/Access Details

Description of access and work required:	
Park Name:	Location in Park:
Proposed Start Date:	Proposed Completion Date:

## Agreement

I have read and understand the terms and conditions as outlined on this application form.

Applicant Signature: \_\_\_\_\_

Date (YYYY/MM/DD): \_\_\_\_\_

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Parks and Forestry Use Only: Permit Application			
Permit Status:	Reviewer and Date:	Site Map Attached: <input type="checkbox"/>	Other Conditions Attached: <input type="checkbox"/>
		Insurance Certificate Attached: <input type="checkbox"/>	
<input type="checkbox"/> Approved	Name: Date:	Permit Valid From:	Permit Valid To:
<input type="checkbox"/> Declined	Name: Date:	Reason for Decline:	
Permit Fee Received:		Securities Received:	
Authorizer Name:		Authorizer Signature:	
Comments:			

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## Terms and Conditions

**Commencement of Work:** Work is not to commence until an approved copy of the Parks Access Permit is received by the applicant.

**Site Reinstatement:** Work authorized by this permit is to be completed in all respects and include reinstatement of the Park to the satisfaction of the City of Mississauga.

**As is, Where is:** The Permit Holder hereby confirms that the City of Mississauga has not provided any representation, warranty of other assurance regarding the suitability of the Park for use by the Permit Holder and that the Permit Holder is using the Park on an as is where is basis.

**Site Inspection:** Inspection of the park by a City of Mississauga representative to determine compliance with this permit and satisfactory reinstatement of the park will be required, and the Permit Holder hereby consents to such an inspection. Upon completion of the work, the Permit Holder must notify the City of Mississauga to arrange for a final inspection.

**Scheduling of Work:** The Permit Holder is to notify the City a minimum of 48 hours in advance of their intention to access the Park. If requested, the Permit Holder must supply a schedule and timeframe for the work to be completed and must notify the City representative of any changes to the schedule.

**Utility Locates:** Prior to any soil disturbance, the Permit Holder is responsible for conducting utility locates within the Park, at their sole cost.

**Observance of the Law:** The Permit Holder agrees to comply with any relevant Federal or Provincial Acts, City By-laws, policies or regulations.

**Assigning:** The Permit Holder agrees not to assign or permit use and occupancy of the park by any other person other than themselves or their representatives without the written approval of the City.

**Additional Approvals:** The Permit Holder is to secure all necessary permits and permissions from government agencies having authority or jurisdiction and to comply with those permits, approvals or permissions. These approvals may include, but are not limited to those related to pipelines, hydro lines or other utilities.

**Waste and Nuisance:** The Permit Holder agrees not to do or to suffer or to allow to be done any action which would damage, waste or disfigure or injure anything in the Park or otherwise cause a nuisance. Any such action to the park will be the financial responsibility of the Permit Holder and all costs and expenses required to repair such damage to the Park shall be paid to the City by the Permit Holder upon demand.

**Termination:** The City may terminate this Parks Access Permit and all the Permit Holder's rights hereunder immediately at any time in the event of any breach or default by the Permit Holder in the performance of any term or condition contained in this Parks Access Permit, including, without limitation, failure by the Permit Holder to pay the required fees and amounts in accordance with the payment terms hereof, and the City shall be entitled to recover, and the permit Holder shall be liable for, all damages and losses incurred by the City arising directly or indirectly or in consequence of or in relation to the breach or default by the Permit Holder.

**Limited Liability and Release:** The Permit Holder hereby releases and forever discharges the City of Mississauga, including the City's elected officials, officers, employees, agents and contractors (hereafter the "Indemnified Parties"), and the Permit Holder further agrees that notwithstanding anything to the contrary contained herein, the Indemnified Parties shall not be liable to the Permit Holder or to anyone for whom the Permit Holder or to anyone for whom the Permit Holder may be in law responsible for, any loss of/or damage to property, personal injury or death, or any other losses action, damages, both direct or indirect and such other costs and expenses, howsoever and whatsoever incurred, suffered or sustained by the Permit Holder or any of the Permit Holder's permitted invitees, guests or participants during or otherwise in relation to or in connection with the Permit Holder's use of the Park and all activities relating to

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## Terms and Conditions (Cont'd)

such use or any other matters under this Parks Access Permit, negligent misrepresentation, breach of the *Occupiers' Liability Act* or breach of statutory duty on the part of the Indemnified Parties or the part of anyone for whom the City is in law responsible, by the presence of the Permit Holder or anyone else upon the Parks Access Permit, the conditions or state of repair of the Park and the breach of any of the provisions of this Parks Access Permit by the City, including, but not limited to, any negligent act or omission of the Indemnified Parties which causes or contributes to any such injury, damages or loss.

**Indemnity:** The Permit Holder shall indemnify, defend and save the City harmless, including the Indemnified Parties from and against any loss, cost and expense incurred by the Indemnified Parties because of any demand, action or claim brought against the Indemnified Parties as a result of any loss of or damage to property, personal injury or death, or any other losses or damages, both direct or indirect, including such other costs and expenses, howsoever and whatsoever incurred, suffered or sustained by the Permit Holder accessing the Park, or by anyone else permitted in the park by the Permit Holder or by anyone for whom in law the Permit Holder is responsible, including any losses or damages which have been caused or contributed to by any negligence, negligent misrepresentation, breach of the *Occupiers' Liability Act* or breach of statutory duty on the part of the Indemnified Parties or on the part of anyone for whom the City is in law responsible, by the presence of the Permit Holder or anyone else in the Park, the conditions or state of repair of the Park and the Breach of any of the provisions of this Parks Access Permit by the City including, but not limited to, any negligent act or omission by the City, its or their employees, agents, contractors, or invitees, which causes or contributes to any such injury, damage or loss.

**Liability Insurance:** To avoid the financial risks associated with the Limited Liability and Release and Indemnity clauses, the Permit Holder shall obtain general liability insurance adding the City as additional insured at its own expense. The Permit Holder shall provide such certificate of insurance evidencing that the City is included as additional insured, liability insurance of \$2,000,000 or in such amounts as deemed reasonable and appropriate by the City's Risk Manager, in his/her discretion having regard to the nature and size of the event.

Upon execution of this Parks Access Permit, the Permit Holder shall deliver evidence of the insurance required under this Permit to the Community Services Department, Parks and Forestry Division, Park Planning Section, 201 City Centre Drive, 9<sup>th</sup> floor, Mississauga ON, L5B 2T4.

**Municipal Freedom of Information Act:** Personal information contained on this form is collected under the authority of Section 11 of the *Municipal Act 2001, SO2001, c.25*. The information will be used for the purpose of administering the Parks Access Permit and will also be used for business the permit holder may conduct with the City relating to Park use. Questions about this collection should be directed to the Park Planning Section at 905.896.5382.