

## ***South Zone Community Gardens Association (SZCGA)***

### **Policy on Sub-Letting Garden Plots**

It is important the SZCGA knows who is actually tending each of the community garden plots within its jurisdiction and is able to communicate with them.

Community gardening has become more popular and the demand for gardening space has increased significantly in recent years. Making the acquisition of garden space fair to all those who are seeking a community garden space is a priority of the SZCGA.

For a variety of reasons, registered gardeners of SZCGA garden plots may wish to sub-let all or part of a garden plot to another person. The unregulated practice of sub-letting not only allows the registered gardener to decide who is awarded garden space without vetting, it also further limits the opportunity for persons wishing to acquire garden space through the normal registration process which is accessible to all members of the community. Further, if persons subletting a garden do not maintain it, the registered gardener is responsible and could lose their status as a “gardener in good standing”.

Therefore, the SZCGA has implemented a policy to regulate the practice of sub-letting garden plots.

- 1. Gardeners who do not wish to continue gardening their whole space should give up all or half of their plot(s) and allow it to be reallocated through the normal registration process. Sub-letting will be permitted in short term situations where a registered gardener is not able to garden a plot, but plans to resume gardening in the next year.***
- 2. The SZCGA permits temporary sub-letting of garden plots, subject to the following provisions:***
  - I. Registered gardeners may sub-let all or part of their assigned garden plot for one year; if the reasons for sub-letting extend, they may reapply to sub-let for a second year;
  - II. Registered gardeners who wish to sub-let all or part of a garden plot of which they are the registered renter must request and receive approval from the SZCGA registrar(s) at the time of registration through submission of a “Request to Sub-let Form” which includes the name and contact information of the proposed sub-letter(s);
  - III. The garden plot rental fee is paid by the registered gardener;
  - IV. Persons sub-letting garden plots must submit a signed registration form indicating acceptance of all SZCGA garden policies along with the South Zone Recreation Board prescribed membership fee;
  - V. Registered gardeners who already have a large plot or two small plots are not eligible to sub-let additional garden space;
  - VI. If a person who wishes to sub-let a garden plot already has a garden plot in the SZCG, that person must be a “gardener in good standing” as defined in the SZCGA’s rules and regulations in order to be eligible for sub-letting;
  - VII. Persons who have lost gardening privileges in the past five years are not eligible to sub-let a garden plot;

- VIII. The registered sub-letter of a garden plot is not permitted to further sub-let the garden plot of which they have temporary custody;
- IX. The registered gardener of a garden plot is responsible for payment of the plot rental fee and may not charge the person sub-letting the plot more than the SZCGA rental fee for full or half garden plot;
- X. After the time limit of two years expires, if the registered gardener of a plot is a “gardener in good standing”, she/he must either resume gardening on the plot or permanently relinquish the garden plot;
- XI. Garden notices will be sent to both the registered gardener and the registered sub-letter; the registered gardener is ultimately responsible for ensuring that the person(s) sub-letting a garden plot comply with all the rules, regulations and requirements of the SZCGA;
- XII. Failure of the registered sub-letter of a garden plot to comply with the rules and regulations of the SZCGA may result in the registered gardener of the garden plots losing gardening privileges on the garden plot in question and may also result in the registered sub-letter losing their gardening privileges, both for five years;
- XIII. Failure the registered gardener to comply with this policy may result in the loss of gardening privileges on the garden plot in question;
- XIV. The SZCGA registrar(s) are authorized to interpret and apply this policy in compliance with the overall SZCGA rules and procedures as they understand them.
- XV. While this policy attempts to consider the most common or likely scenarios regarding sub-letting, if other circumstances arise, the registrar(s) are authorized to make rulings on sub-letting which they deem to be consistent with the spirit and principles of this policy.
- XVI. If a registered gardener or registered sub-letter disagrees with a decision of the registrar(s), she/he may submit an appeal in writing to the SZCGA Board within 15 days of being notified of the registrars’ decision.
- XVII. The decision of the SZCGA Board with respect to all appeals will be final.

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#### Definitions

A **registered gardener** is a person to whom the SZCGA assigns a garden plot and is eligible to renew the rental agreement on that garden plot indefinitely, subject to maintaining “gardener in good standing” status.

A **registered sub-letter** is a person who is chosen by the registered gardener to sub-let all or part of a garden plot for a defined and limited period of time (either one or two years).