



Making a difference...together

ROYAL & MCPHERSON THEATRES SERVICES ADVISORY COMMITTEE
Notice of Meeting on WEDNESDAY, JUNE 7TH at 4:00 p.m.
Room 488, 625 Fisgard Street, Victoria, BC, and Electronically

K. Murdoch (Chair) S. Brice J. Caradonna K. Loughton C. Plant

AGENDA

1. Territorial Acknowledgement
2. Approval of Agenda
3. Adoption of Minutes of May 3, 2023

Recommendation: That the May 3, 2023, minutes of the Royal and McPherson Theatres Services Advisory Committee meeting be adopted.

4. Chair's Remarks
5. Presentations/Delegations
 - 5.1 Royal & McPherson Theatres Society
6. Committee Business
 - 6.1 Policy Options for Modernizing the Bylaws of the Royal Theatre Service and McPherson Playhouse Service

Recommendation: The Royal and McPherson Theatres Services Advisory Committee directs staff to:

1. Draft an amending bylaw to the Royal Theatre Service (Bylaw No. 2587) that will:
 - Change the maximum requisition to the greater of \$580,000 or \$0.0059 per \$1,000 assessment;
 - Update the apportionment method of 50% population and 50% converted land values from the inter-municipal formula of property values to the property assessment information provided by BC Assessment; and
 - Remove restrictions on grant allocation to operating and capital purposes.
2. Draft an amending bylaw to the McPherson Playhouse Service (Bylaw No. 2685) that will:
 - Change the maximum requisition to the greater of \$750,000 or \$0.020 per \$1,000 assessment;
 - Add an apportionment method of 50% population and 50% assessed property values, based on the information provided by BC Assessment; and
 - Remove restrictions on grant allocation to operating and capital purposes.
3. Bring a staff report with these amending bylaws to the July 2023 meeting of the Finance Committee with a recommendation that these bylaws are advanced to the CRD Board.

Attachment: Staff Report: Policy Options for Modernizing the Bylaws of the Royal Theatre Service and McPherson Playhouse Service
Appendix A: Royal Theatre Service Establishing Bylaw 2587
Appendix B: McPherson Playhouse Service Establishing Bylaw 2685

To ensure quorum, please advise Heather Heywood at 250-360-3215, or hheywood@crd.bc.ca if you cannot attend.

7. Correspondence

7.1 Royal and McPherson Theatres Society, May 26, 2023, Modernizing CRD bylaws 2685 and 2587

8. New Business

9. Adjournment



Making a difference...together

**Minutes of a Meeting of the Royal & McPherson Theatres Services Advisory Committee
Held Wednesday, May 03, 2023, in Room 488, 625 Fisgard St., Victoria, BC**

Present: Directors: K. Murdoch (Chair), S. Brice, J. Caradonna, K. Loughton C. Plant (EP),

Staff: N. Chan, CRD CFO; C. Gilpin, Manager, V. Jeevanandam, Community Outreach Coordinator, H. Heywood, Admin. (recorder) CRD Arts & Culture

Also Present: C. Devlin (President), F. Lehrbass (Executive Director), Royal & McPherson Theatres Society

The meeting was called to order at 4:00 pm.

1. Territorial Acknowledgement

Chair Murdoch provided a Territorial Acknowledgement.

2. Approval of Agenda

**MOVED by Director Brice, SECONDED by Director Caradonna,
That the agenda be approved as circulated.**

CARRIED

3. Adoption of Minutes

**MOVED by Director Brice, SECONDED by Councilor Loughton,
That the minutes of the September 7, 2022, meeting be adopted as previously
circulated.**

CARRIED

4. Chair's Remarks

Chair Murdoch highlighted the important work of this Committee and, as the owners of the Royal Theatre and the McPherson Theatre, the need to ensure support for the Royal & McPherson Theatres Society (RMTS) and the facilities they serve. Referring to correspondence received from the RMTS, he thanked C. Devlin and F. Lehrbass for initiating the presentation and discussion for this meeting.

5. Presentations/Delegations

5.1 Presentation: Royal & McPherson Theatres Society

C. Devlin, RMTS Board President, and F. Lehrbass, RMTS Executive Director, made a presentation to the Committee, highlighting the scope of responsibility required in the stewardship of both the Royal Theatre and the McPherson Playhouse, noting the substantial, deferred maintenance required by both facilities.

Staff was thanked for providing an excellent history and context for the discussion today. On behalf of the RMTS, the RMTSAC was asked to consider the removal of the maximum funding levels in CRD bylaws 2685 and 2587, to provide budgeting flexibility that would better address the needs of the Royal Theatre and the McPherson Playhouse.

6. Committee Business

6.1 Request from Royal and McPherson Theatres Society to Review Maximum Funding Levels in Establishing Bylaws 2685 and 2587

The Advisory Committee discussed the current bylaws, budgeting processes, and timeline.

MOVED by C. Plant, SECONDED by S. Brice
That the Committee directs staff to work with the RMTS and recommend to this Committee, potential funding options and bylaw options to lift the maximum cap for the RMTS Services.

CARRIED

It was noted that, if possible, staff will present policy options for review at the next RMTSAC meeting in June, which could result in draft bylaws brought to the July meetings of the Finance Committee and CRD Board.

7. Correspondence

7.1 Pacific Opera Victoria - received for information

7.2 Victoria Symphony - received for information

8. New Business - none

9. Adjournment

The meeting adjourned at 5:05 pm.

CHAIR

RECORDER

**REPORT TO ROYAL AND MCPHERSON THEATRES SERVICES ADVISORY COMMITTEE
MEETING OF WEDNESDAY, JUNE 07, 2023**

SUBJECT **Policy Options for Modernizing the Bylaws of the Royal Theatre Service and McPherson Playhouse Service**

ISSUE SUMMARY

The Royal and McPherson Theatres Services Advisory Committee (RMTS) has directed staff to work with the Royal and McPherson Theatres Society (RMTS) to provide bylaw and funding options that would provide greater budgeting flexibility for the Royal Theatre Service and the McPherson Playhouse Service.

BACKGROUND

On April 19th, 2023, the RMTS sent a letter informing the CRD that the RMTS Board had passed the following resolution:

That the President of the RMTS send a letter to the RMTS Advisory Committee to request removal of the maximum funding levels in CRD bylaws 2685 and 2587 to provide budgeting flexibility that can better address the needs of the Royal Theatre and McPherson Playhouse, community partners, artists and audiences.

On May 3rd, 2023, RMTSAC reviewed this letter and made the following motion arising:

The Committee directs staff to work with the RMTS and recommend to the Committee potential funding options, and bylaw options, to lift the maximum cap for the RMTS Services.

Through two sub-regional services, the CRD provides a total of \$1,330,000 in operating and capital funding for the Royal Theatre and McPherson Playhouse (Table 1). The Royal Theatre is owned by the CRD and the McPherson Playhouse is owned by the City of Victoria. Both facilities are managed by a non-profit organization, the Royal and McPherson Theatres Society.

Table 1. Fixed Maximum Amounts of CRD Funding for Royal Theatre and McPherson Playhouse

| Performing Arts Facility | Operating Funding | Capital Funding | Participants |
|--------------------------|-------------------|-----------------|----------------------------|
| Royal Theatre | \$100,000 | \$480,000 | Oak Bay, Saanich, Victoria |
| McPherson Playhouse | \$350,000 | \$400,000 | Victoria |

Bylaw No. 2587, “Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998” (Royal Theatre Service), and Bylaw No. 2685, “McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999” (McPherson Playhouse Service), specify fixed maximum amounts for grant contributions that have remained unchanged since 1998 and 1999 respectively.

On April 12th, 2023, the CRD Board approved the new CRD Corporate Plan 2024-27, which includes goal 10b-2 to “[s]cale up regional support for performing arts facilities within the region”. The staff recommendation in this report is one way to advance this goal.

On May 8th, 2023, CRD staff met with RMTS staff to coordinate bylaw policy options with funding options for 2024 and an approach to the 5-year capital plan. It was agreed to maintain 2024 funding within the limit of a 3.5% increase and to draft the starting point of the ad valorem clause in the amending bylaw to align with that funding option.

ALTERNATIVES

Alternative 1

The Royal and McPherson Theatres Services Advisory Committee directs staff to:

1. Draft an amending bylaw to the Royal Theatre Service (Bylaw No. 2587) that will:
 - Change the maximum requisition to the greater of \$580,000 or \$0.0059 per \$1,000 assessment;
 - Update the apportionment method of 50% population and 50% converted land values from the inter-municipal formula of property values to the property assessment information provided by BC Assessment; and
 - Remove restrictions on grant allocation to operating and capital purposes.
2. Draft an amending bylaw to the McPherson Playhouse Service (Bylaw No. 2685) that will:
 - Change the maximum requisition to the greater of \$750,000 or \$0.020 per \$1,000 assessment;
 - Add an apportionment method of 50% population and 50% assessed property values, based on the information provided by BC Assessment; and
 - Remove restrictions on grant allocation to operating and capital purposes.
3. Bring a staff report with these amending bylaws to the July 2023 meeting of the Finance Committee with a recommendation that these bylaws are advanced to the CRD Board.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Financial Implications

Many service bylaws provide budgeting flexibility in the potential requisition by defining the maximum requisition with “the greater amount of either” clauses, either a fixed dollar amount or a potential requisition linked to property assessments which allows the potential requisition to expand with growth in the region, according to the needs of the service. This is known as an ad valorem clause.

On May 10, 2023, the CRD Board approved the 2024 Service and Financial Planning Guidelines. To exercise constraint and cost containment, the cap on increases to service budgets was set at 3.5% for the 2024 planning process.

The starting point of the ad valorem clauses in this staff recommendation allows (but does not require) an increase of 3.5% to the current funding levels in 2024, based on the 2024 financial planning guidelines. This translates to a possible lift of \$20,300 for the Royal Theatre and \$26,250 for the McPherson Playhouse in 2024. The bylaw cannot contain a clause that the maximum level for grant contributions continues to rise according to inflation or a fixed percentage increase in future years.

Importantly, the annual amount of the CRD grant contribution for each service would be determined through the annual CRD budgeting process. Changing the bylaw enables the possibility for a higher grant contribution amount; however, it does not require a higher amount. It only provides more options for the RMTSAC to consider when it makes its funding recommendations to the Finance Committee.

The recommended change to maximum requisition will provide the potential for the availability of 3.5% increased support beginning in the 2024 budget year. This is aligned to the CRD Board directive, as recommended by the Finance Committee, to maintain this level of cost containment for all services. In future years, the maximum possible requisition for each service would increase according to the increase in property assessment values in participating jurisdictions. However, again, the budget amount chosen would be based on the annual budgeting process. The maximum requisition amount provides options; the budgeting process chooses an option.

In the budgeting process, RMTS would make a request to the RMTSAC based on operational and capital needs and opportunities, staff would provide financial analysis to RMTSAC, which would make a budget recommendation, and that recommendation would be passed along to the Finance Committee and CRD Board for consideration in the provisional and final budgets.

The Royal Theatre Service bylaw also includes an antiquated cost apportionment formula, known as the inter-municipal formula of property values, which pre-dates the formation of the CRD and is not used in any other CRD bylaw. All other CRD bylaws calculate property values using information provided by BC Assessment. The McPherson Playhouse Service bylaw lacks any cost apportionment formula, having only one participant, but adding a formula could enable cost estimates that are necessary for cost-benefit analysis by any prospective participant looking to join the service. Also, the restrictions on operating and capital are not suitable for facilities bylaws and would not be included in any new bylaw. These two aspects, cost apportionment formula and spending restrictions, need to be updated in both bylaws to modern standards.

Legislative Process

The process to modernize the bylaws would take approximately four to seven months.

For Bylaw No. 2685 (the Royal Theatre Service), an amending bylaw would need to be approved by the CRD Board (1st, 2nd, and 3rd readings) and receive council consent from at least two out of the three current participants (Oak Bay, Saanich, and Victoria).

For Bylaw No. 2587 (the McPherson Playhouse Service), an amending bylaw would need to be approved by the CRD Board (1st, 2nd, and 3rd readings) and receive council consent from Victoria, which is the only current participant in the service.

Both amending bylaws, if advanced through those stages, would then require approval by the Inspector of Municipalities at the Province of British Columbia and adoption by the CRD Board.

Alignment with Board & Corporate Priorities

The actions in the staff recommendation would advance goal 10b-2 in the CRD Corporate Plan 2024-27 to “[s]cale up regional support for performing arts facilities within the region”. The

amending bylaws are enabling legislation. If the bylaws are passed, then an actual increase in financial support would become possible through a future budgeting process.

CONCLUSION

The recommended changes to the Royal Theatre Service and McPherson Playhouse Service would allow greater budgeting flexibility in future years, modernize the bylaws, and provide the potential for increased grant contributions to the Royal Theatre Service and McPherson Playhouse Service to be determined through future budgeting processes.

RECOMMENDATION

The Royal and McPherson Theatres Services Advisory Committee directs staff to:

1. Draft an amending bylaw to the Royal Theatre Service (Bylaw No. 2587) that will:
 - Change the maximum requisition to the greater of \$580,000 or \$0.0059 per \$1,000 assessment;
 - Update the apportionment method of 50% population and 50% converted land values from the inter-municipal formula of property values to the property assessment information provided by BC Assessment; and
 - Remove restrictions on grant allocation to operating and capital purposes.
2. Draft an amending bylaw to the McPherson Playhouse Service (Bylaw No. 2685) that will:
 - Change the maximum requisition to the greater of \$750,000 or \$0.020 per \$1,000 assessment;
 - Add an apportionment method of 50% population and 50% assessed property values, based on the information provided by BC Assessment; and
 - Remove restrictions on grant allocation to operating and capital purposes.
3. Bring a staff report with these amending bylaws to the July 2023 meeting of the Finance Committee with a recommendation that these bylaws are advanced to the CRD Board.

| | |
|---------------|---|
| Submitted by: | Chris Gilpin, MPA, Manager, Arts & Culture |
| Concurrence: | Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer |

ATTACHMENT(S)

Appendix A: Royal Theatre Service Establishing Bylaw (No. 2587)

Appendix B: McPherson Playhouse Service Establishing Bylaw (No. 2685)

Appendix A

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2587

A BYLAW TO ESTABLISH THE OPERATION OF THE ROYAL THEATRE AS A LOCAL SERVICE

WHEREAS by Letters Patent, Division XI, dated February 15, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of purchasing, maintaining, equipping, operating and selling the Royal Theatre in Victoria, British Columbia and, pursuant to that authority, sold the Royal Theatre to the City of Victoria, the District of Saanich and the District of Oak Bay.

AND WHEREAS the Board of the Capital Regional District wishes to reacquire the Royal Theatre from the City of Victoria, the District of Saanich and the District of Oak Bay and to exercise the function granted to it by the Letters Patent in accordance with Part 21 of the *Municipal Act* subject to all the terms and conditions contained in the Letters Patent and including all the powers granted by the Letters Patent;

AND WHEREAS the Board of the Capital Regional District wishes to proceed under section 775 of the *Municipal Act* and establish the service as a local service by bylaw under sections 775(4) and 806 of the *Municipal Act*;

AND WHEREAS the Board of the Capital Regional District has obtained the consent of the Councils of the City of Victoria, the District of Saanich and the District of Oak Bay.

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

Local Service

1. The function of purchasing, maintaining, equipping, operating and selling the Royal Theatre in Victoria, British Columbia granted to the Capital Regional District by Letters Patent, Division XI, is hereby converted to a local service for pleasure, recreation and community use and includes, without limitation, all facilities and concessions associated with the Royal Theatre and a parking lot.

Boundaries

2. The boundaries of the service area shall be the boundaries of the City of Victoria, the District of Saanich and the District of Oak Bay.

Participating Area

3. The City of Victoria, the District of Saanich and the District of Oak Bay are the participating areas for this local service.

Cost Recovery

4. The annual costs for the local service, net of grants and other revenues shall be recovered by one or more of the following:
 - a) the requisition of money under section 822 of the *Municipal Act* to be collected by a property value tax to be levied and collected under section 824(1) of the *Municipal Act*,
 - b) the imposition of a parcel tax imposed under section 824(2) of the *Municipal Act*; and
 - c) the imposition of fees and other charges that may be fixed by separate bylaw

Maximum Requisition

5. The maximum amount that may be requisitioned under section 816(1) of the *Municipal Act* for the annual cost of the local service will be:
 - a) for capital expenditures including but not limited to, the renovation, reconstruction or rebuilding of a performing arts theatre, machinery and equipment, reserve fund transfers and annual debt servicing payments. the maximum amount will be Four Hundred and Eighty Thousand (480,000) Dollars.
 - b) for annual operating expenditures which may also include expenditures of a nature referred to in a) above, the maximum amount will be One Hundred Thousand (100,000) Dollars.

Apportionment

- 6.(1) In this section the following definitions apply:

population means the population for each municipality most recently published by the Province of British Columbia, Ministry of Finance and Corporate Affairs

grantable crown land means land and improvements owned by the crown or an agent of the crown in the previous year if the municipality received a grant in lieu of taxes for that land and improvements in the year before the current year and where the grant in lieu of taxes was equal to the property tax that would have been payable under section 331(1)(a), (b) and (c) if the land and improvements were not Crown Land

grantable crown land value means for grantable crown land owned by:

- a) the Province of British Columbia, excluding land owned by the British Columbia Hydro and Power Authority, the previous year's assessed value under the *Assessment Act*
- b) the British Columbia Hydro and Power Authority, the assessed value under the *Assessment Act*, 2 years previous to the current year
- c) the Government of Canada, the value of land and improvements, 2 years previous to the current year

net taxable value of land and improvements means the prior year's net taxable value of land and improvements for general municipal purposes under the *Assessment Act*

converted value of land and improvements means, within each municipality, the net taxable value of land and improvements multiplied by the percentages listed below for each property class added to the grantable crown land values multiplied by the percentages listed below for each property class:

| Class of Property | Multiple |
|-------------------|----------|
| 1 | 10 % |
| 2 | 35 % |
| 3 | 40 % |
| 4 | 34 % |
| 5 | 34 % |
| 6 | 24.5 % |
| 7 | 30 % |
| 8 | 10 % |
| 9 | 10 % |

- 6.(2) The amount of the annual operating and capital costs recovered by requisition shall be apportioned among the participants on the basis of:
- 50% on the basis of the converted value of land and improvements as defined above.
 - 50% on the basis of population as defined above

Grants in Lieu of Taxes

For the purpose of 814 (4), (5) and (6) of the *Municipal Act* funds paid to the Regional District in respect of the local service will be held to the credit of the participant making the payment.

Committee and Operation

- 8.(1) Despite sections 2 and 16 of the Letters Patent, the Board of the Regional District may maintain, operate, equip and sell the Royal Theatre in accordance with the applicable provisions of the *Municipal Act*.
- (2) Despite sections 5 to 15 of the Letters Patent, the Board of the Regional District may by bylaw provide for the establishment of a committee for the purpose of managing the administration and operation of the Royal Theatre and may, in relation to the committee, exercise the powers of the Regional Board under section 795(2) of the *Municipal Act*.

Citation

9. This Bylaw may be cited as "Royal Theatre Local Service Area Establishment Bylaw No 1, 1998".

| | | | | |
|---|------|--------|----------|------|
| READ A FIRST TIME THIS | 11th | day of | February | 1998 |
| READ A SECOND TIME THIS | 11th | day of | February | 1998 |
| READ A THIRD TIME THIS | 11th | day of | February | 1998 |
| APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS | 6th | day of | March | 1998 |
| ADOPTED THIS | 25th | day of | March | 1998 |


CHAIR


SECRETARY

Filed with the Inspector of Municipalities this **27th** day of **March** **1998**

Appendix B

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2685

A BYLAW TO ESTABLISH THE OPERATION OF THE MCPHERSON PLAYHOUSE AS A LOCAL SERVICE

WHEREAS:

- A. A Regional District may, by bylaw, establish a local service under Section 798 (1)(f) of the *Municipal Act* to provide services for pleasure, recreation and other community use;
- B. The Regional Board of the Capital Regional District wishes to establish a local service for the purpose of purchasing, maintaining, equipping and operating the McPherson Playhouse in Victoria, British Columbia;
- C. The approval of the Inspector of Municipalities is required under Section 807 (1)(a) of the *Municipal Act*;
- D. The Regional Board has obtained the consent of the Council of the City of Victoria as required under Sections 807(2)(a)(ii) and 810(1) and (2) of the *Municipal Act*;

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled, ENACTS AS FOLLOWS:

Local Service

- 1. The Capital Regional District hereby establishes a local service for pleasure, recreation and community use, and includes, without limitation, the McPherson Playhouse and all facilities and concessions associated with the McPherson Playhouse.

Boundaries

- 2. The boundaries of the local Service Area shall be coterminous with the boundaries of the City of Victoria.

Participating Area

3. Only the City of Victoria is a participating area for this Local Service.

Cost Recovery

4. The annual costs for the local service, net of grants and other revenues shall be recovered by one or more of the following:
 - a) the requisition of money under section 822 of the *Municipal Act* to be collected by a property value tax to be levied and collected under section 824(1) of the *Municipal Act*,
 - b) the requisition of money under Section 822 of the *Municipal Act* to collected by the imposition of a parcel tax imposed under section 824(2) of the *Municipal Act*; and
 - c) the imposition of fees and other charges that may be fixed by separate bylaw

Maximum Requisition

5. The maximum amount that may be requisitioned under section 816(1) of the *Municipal Act* for the annual cost of the local service will be:
 - a) for capital expenditures including but not limited to, the renovation, reconstruction or rebuilding of a performing arts theatre, machinery and equipment, reserve fund transfers and annual debt servicing payments. The maximum amount will be Four Hundred Thousand (400,000) Dollars.
 - b) for annual operating expenditures which may also include expenditures of a nature referred to in a) above, the maximum amount will be Three Hundred Fifty Thousand (350,000) Dollars.

Apportionment

6. No apportionment of costs is necessary because there is only one participating area.

Committee and Operation

7. The Board of the Regional District will establish a committee for the purpose of managing the administration and operation of the McPherson Playhouse under Sections 798(9) and 616 of the *Municipal Act*.

8. This bylaw may be cited as "McPherson Playhouse Local Service Area Establishment Bylaw No 1, 1999".

READ A FIRST TIME THIS 27th day of January 1999

READ A SECOND TIME THIS 27th day of January 1999

READ A THIRD TIME THIS 27th day of January 1999

APPROVED BY THE INSPECTOR
OF MUNICIPALITIES THIS 5th day of March 1999

ADOPTED THIS 10th day of March 1999


CHAIR


SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 15TH DAY OF MARCH 1999



Item 7.1

May 26, 2023

To: CRD Royal and McPherson Theatres Services Advisory Committee

Dear Chair and Committee:

Since the May 3, 2023, CRD RMTS Advisory Committee meeting, the Royal and McPherson Theatres Society (RMTS) has consulted with CRD Arts and Culture Manager Chris Gilpin about the processes for modernizing CRD bylaws 2685 and 2587.

The RMTS supports the recommendations in the CRD staff report. The proposed modernization of the current CRD bylaws 2685 & 2587 provides the ability to:

- Address challenges of inflation.
- Request additional funding when needed to meet changing needs.
- Preserve long-term sustainability of your assets.

This modernization gives the RMTS confidence in budgeting flexibility to:

- Maintain current service levels.
- Respond to changing needs of artists, audiences, and our community.
- Pursue multiple funding partners to renovate your capital assets.

For 2024, the RMTS will request 3.5% increase to its budget from current CRD requisitions. This aligns with the cost-containment limit set by the CRD Board for 2024.

A 3.5% increase enables the RMTS to:

- Expand our capacity to undertake development of a capital funding and sustainability plan to:
 - Plan major capital renovations to assets, pursuing additional funding partners.
- Explore opportunities for some increased local access to the theatres to:
 - Respond to changing needs of artists and audiences in our community.
 - Align with the goals and objectives of the participating jurisdictions of the subregional services.

The RMTS will support council discussions with background materials, explanations, and presentations.

Sincerely,

Franz Lehrbass
Executive Director

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