

**ASSUMPTION OF RISK, RELEASE AND WAIVER OF LIABILITY,
INDEMNITY AGREEMENT (“WAIVER”)**

In consideration of being permitted to enter and use the facilities, play area, programs, services and equipment at Cheeky Monkeys’ Indoor Playland (“Cheeky Monkeys”) located at 188 Bunting Road, Unit 10, St. Catharines, ON L2M3Y1 (“Premises”), the undersigned representative, on behalf of himself or herself and the participants identified below (the “Participants” and each a “Participant”) acknowledges and agrees to the following:

1. I represent that I am the parent or legal guardian of the Participants named below or I have obtained permission from the parent or legal guardian of the Participants named below to execute this agreement on their behalf. I agree that the Participants named, and I shall comply with all stated and customary terms, rules, and instructions of Cheeky Monkeys as a condition of the entry and use of the facilities, play area, programs and services at the Premises.

2. I acknowledge and understand that there are known and unknown risks associated with the entry and use of the facilities, play area, programs and services at the Premises. I, for myself and the Participants named herein, knowingly and willingly assume any and all known and unknown risks associated with the entry and use of the facilities, play area, programs and services at the Premises which may or may not be expressly stated herein.

3. USE OF THE CHEEKY MONKEYS’ FACILITIES, PROGRAMS, SERVICES AND EQUIPMENT IS AT THE UNDERSIGNED AND EACH PARTICIPANT’S SOLE RISK. THE PREMISES ARE PROVIDED ON AN “AS IS” AND “AS AVAILABLE” BASIS. THE UNDERSIGNED REPRESENTS THAT IT HAS INSPECTED THE CHEEKY MONKEYS’ PLAY AREA, FACILITIES, PROGRAMS AND SERVICES AND FINDS AND ACCEPTS THEM AS BEING SAFE AND REASONABLY SUITED FOR ITSELF AND THE PARTICIPANTS. CHEEKY MONKEYS EXPRESSLY DISCLAIMS ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED. THE UNDERSIGNED ON HIS OR HER BEHALF AND ON BEHALF OF THE PARTICIPANTS ASSUMES FULL RESPONSIBILITY FOR AND RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE WHILE IN, ABOUT OR ON THE CHEEKY MONKEYS’ PREMISES OR USING THE CHEEKY MONKEYS’ PLAY AREA, FACILITIES, SERVICES OR EQUIPMENT. THE UNDERSIGNED, ON HIS OR HER BEHALF AND ON BEHALF OF THE PARTICIPANTS, HEREBY WAIVE AND RELEASE ANY AND ALL LOSSES, LIABILITIES, DAMAGES OR CLAIMS AGAINST CHEEKY MONKEYS, ITS OWNERS, MEMBERS, MANAGERS, EMPLOYEES, AND AGENTS (THE “RELEASED PARTIES” AND EACH A “RELEASED PARTY”) ON ACCOUNT OF ANY INJURY TO PERSON OR PROPERTY OR DEATH OF THE UNDERSIGNED AND/OR THE PARTICIPANTS, WHETHER CAUSED BY NEGLIGENCE OR GROSS NEGLIGENCE OF THE RELEASED PARTIES WHILE THE UNDERSIGNED AND/OR PARTICIPANTS ARE ABOUT OR ON THE CHEEKY MONKEYS PREMISES OR USING THE CHEEKY MONKEYS’ PLAY AREA OR FACILITIES. THIS RELEASE AND WAIVER IS INTENDED TO BE AS BROAD AND INCLUSIVE AS PERMITTED BY THE LAWS OF THE PROVINCE OF ONTARIO AND THAT IF ANY PORTION HEREOF IS HELD INVALID, IT IS AGREED THAT ANY REMAINING PORTIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

4. THE UNDERSIGNED AGREES TO INDEMNIFY AND HOLD HARMLESS EACH OF THE RELEASED PARTIES FROM ANY AND ALL LOSS, LIABILITY, OR DAMAGE INCURRED AS A RESULT OF HIS OR HER AND/OR A PARTICIPANT’S INJURY TO PERSON OR PROPERTY OR DEATH IN, ABOUT OR ON CHEEKY MONKEYS’ PREMISES OR USE OF CHEEKY MONKEYS’ PLAY AREA, FACILITIES, SERVICES OR EQUIPMENT WHETHER CAUSED BY THE NEGLIGENCE OR GROSS NEGLIGENCE OF A RELEASED PARTY.

5. THE UNDERSIGNED HAS READ AND KNOWINGLY AND VOLUNTARILY SIGNS THIS ASSUMPTION OF RISK, RELEASE AND WAIVER OF LIABILITY, INDEMNITY AGREEMENT AND ACKNOWLEDGES, UNDERSTANDS AND AGREES TO SUCH TERMS.

6. The undersigned representative, on behalf of himself or herself and the participants identified below acknowledges, appreciates, understands, and agrees to the following:

- I and the children have no illness or injury that may affect the safe enjoyment of Cheeky Monkeys' by us or other guests.

- I and the children willingly agree to comply with the stated terms and conditions for participation and to obey the directions of and requests of Cheeky Monkeys' Indoor Playland staff.

- I, for myself and the children, agree to the following safety rules:

- No Bare Feet - Socks are Mandatory and Children remain the responsibility of their accompanying adult at all times
- An attending adult must remain on the premises at all times to supervise their children
- No gum, food or drink in the play areas, designated areas only
- No climbing the slides or No climbing on the outside of the structure and No running
- No hooded sweaters or clothing with drawstrings that could get caught; Hair clips and any sharp objects must be removed before using the facilities in the play center.
- Please report any inappropriate behavior or incidents to a Cheeky Monkeys' Indoor Playland's staff member. Children disregarding any of our rules may be asked to leave the indoor playground.
- Cheeky Monkeys' reserves the right to refuse admission and request any person to leave the premises
- Cheeky Monkeys' is not responsible for any lost or stolen items
- No party celebrations allowed in common area (i.e. cakes, gift opening, etc.)
- All outside food and beverages must be nut-free
- No storage or heating of food permitted in our facility
- Staff have the right to decline admittance of contaminated food products
- No pinatas, face painting, balloon twisting
- No alcoholic beverages
- Please review our facility rules stated in our website
- Cheeky Monkeys' reserve the right to amend the rules herein at any time without any prior notice

- I have read this release and waiver of liability agreement, fully understand its terms, understand that I have given up substantial rights for myself and the children by signing it, and sign it freely and voluntarily, without inducement.

Parent / Guardian Name (Please Print)

Parent / Guardian Signature _____ Date _____

Address _____ City _____ Province _____ Postal Code _____

Emergency

Contact Number _____ Email _____

Child # 1 _____ DOB (Y/M/D) _____ Age _____

Child # 2 _____ DOB (Y/M/D) _____ Age _____

Child # 3 _____ DOB (Y/M/D) _____ Age _____

LIST OF PARTICIPANTS FOLLOWS: