



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Fernando Lamanna
Position: Clerk & Deputy CAO
Title / Subject: Beaverton Harbour – Boathouse Leases
Date of Report: June 29, 2024
Date of Meeting: July 15, 2024
Report No: 2024-GG-019

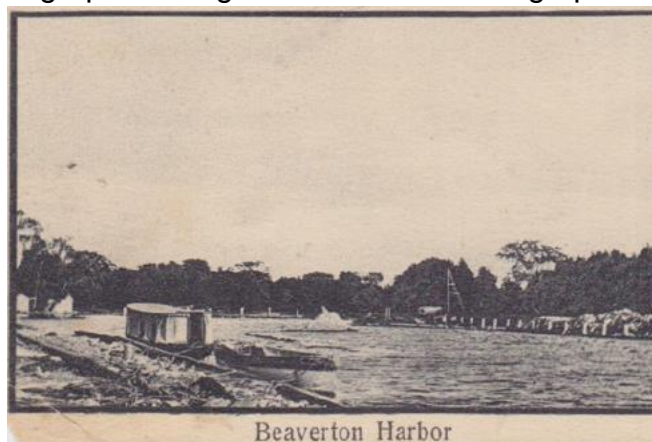
1.0 Issue / Origin

This report will address the existing boathouse leases for those lands located on Harbour Park Crescent, at the Beaverton Harbour.

2.0 Background

Plan 519 is an old plan of subdivision that was registered on June 4, 1953. The plan was for boathouse sites at the harbour in the village of Beaverton. A copy of Plan 519 is attached as Appendix "1".

The boathouses, not as they appear today, but rather in differing sizes and location, do appear in historic photographs dating back to 1906. Photograph #1 view of Harbour:

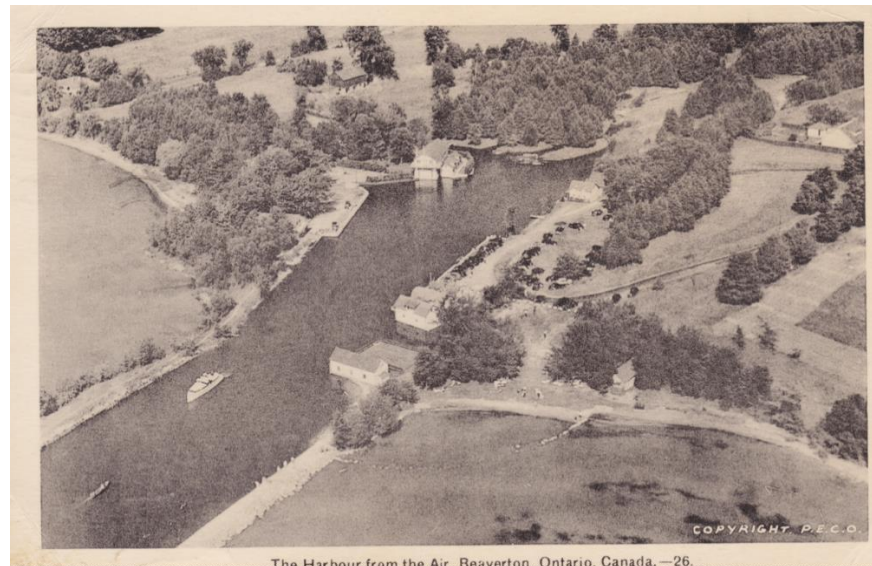


Photograph #2 is a view of the Harbour looking east from what can be identified as the south pier from 1912. This photograph depicts an active harbour with large boathouse

structures (possibly for commercial purposes), and evidence of a pier to enhance the harbour use.

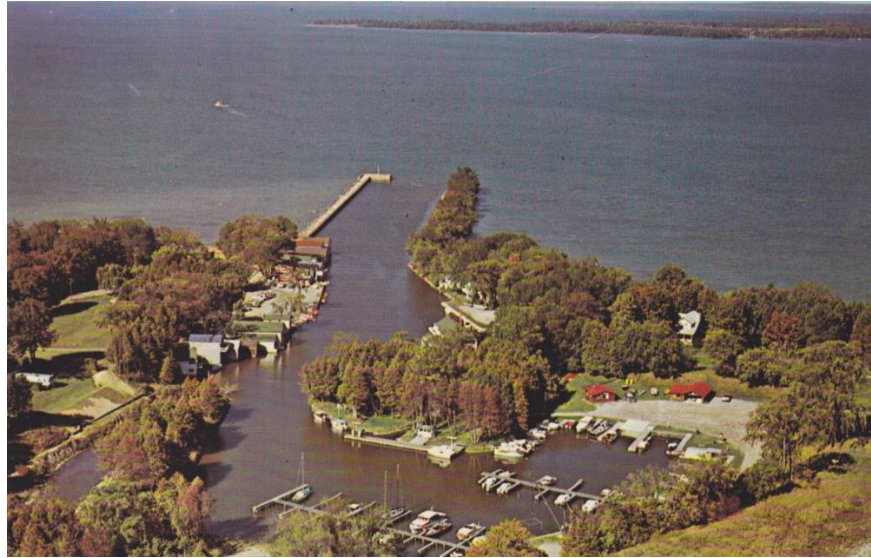


Photograph #3 from 1941 is an aerial view approaching the harbour from the westerly direction. In the photograph there is evidence of a few boathouses closer to the mouth of the river near the south pier, as well as a couple boathouses on the east side. A number of vehicles can also be seen parked at what is currently known as Lot A.



Photograph #4 from 1965, is another aerial view approaching the harbour from the easterly direction. In this photograph there is evidence of more boathouses on the west side of the harbour that represent approximately, the number of boathouses that are

present today. The picture shows the new marina that was built as well as Lake Simcoe and Thorah Island in the background.



The significance of the historic photographs depicts the history of the harbour and even the pier, with the establishment of boathouses within the harbour prior to and post the registration of Plan 519 in 1953.

The boathouse leases have traditionally been for periods of 20 years. Staff have evidence of the 20-year cycles from 1973-1993; 1993-2013; and currently 2014-2034. Staff have not located records of any earlier leases, however, with Plan 519 registered in 1953 for boathouse sites, it is staff's best guess that the original leases were dated 1953-1973.

3.0 Analysis

The Township currently has ownership of 16 boathouse lots and subsequently 16 boathouse lease agreements. The leases are an identical template agreement for each lot. By-Law No. 2557-2014-AP was the bylaw authorizing the Township to enter into the boathouse leases as of the 1st day of August 2014 and ending July 31st, 2034. A copy of By-law No. 2557-2014-AP along with the lease agreement is attached as Appendix "2".

At various times during the current lease period, boathouse ownership has changed hands. When a boathouse sells, the purchasers must submit and pay for a lease transfer agreement, which is then approved by Council. The lease transfer agreement simply acknowledges the change in ownership but does not change the original terms of the agreement.

Attention should be drawn to Section 2 of the lease agreement that states the "Lessor" (Township) has the privilege of terminating the lease with written notice five (5) years prior to the end of the lease, which would technically be July 31, 2029. The same section also states that, the notice to terminate the lease may not be earlier than July 31, 2024.

Interest in purchasing boathouse lots:

The Township received written correspondence from ten (10) of the boathouse owners regarding their intent to purchase the lands that the boathouses relate to as identified on Plan 519. At the Council meeting held on August 14, 2023, Council passed the following resolution:

“BE IT RESOLVED THAT Communication Numbers 497/23, 498/23, 499/23, 501/23, 502/23, 505/23, 508/23 and 517/23 regarding the Intent to purchase the lands at 24, 22, 10, 18, 2, 4/12/60, 16 and 20 Harbour Park Crescent, Beaverton, respectively, be received; and

THAT staff be directed to respond to the requestors advising that the Township has commissioned a Waterfront Area and Open Space Plan for Beaverton which includes the lands at the Beaverton Harbour and when the study is complete the recommendations of the study will be presented to Council.”

Waterfront Area and Open Space Plan:

The [Beaverton Waterfront Plan](#) was adopted by Council in February 2024 following extensive stakeholder consultation. The Waterfront Plan recommends maintaining the boathouses on lease land, but that the leases should be restructured to encourage commercial/retail uses on the ground floor to allow for bait shops, canoe or kayak rental, coffee shops, ice cream stores, etc. As part of the Waterfront Plan process, a survey on options was undertaken and 80% of survey respondents supported allowing the boathouses to remain on leased land and accommodate some commercial uses. The Waterfront Plan notes that the leases should increase rental rates to market levels over a sufficient period of time to enable tenant adjustment, recognizing that rental rates are hugely subsidized at present with no commensurate benefit to the Township. A recommendation was also included to create property maintenance standards and building design guidelines for the boathouses to establish a coordinated look and feel. The Waterfront Plan also recommends the removal of some parking at the harbour to green the area and create a pedestrian promenade by the water.

Agency Consultation:

In preparation of this report and taking note of the boathouse owners' written request with their intent on purchasing the boathouse lots, staff held meetings with staff from the Durham Region Legal department and the Lake Simcoe Region Conservation Authority (LSRCA).

With respect to discussions with Durham Region Legal, it was noted that the lots could potentially be transferred and sold into private ownership, but an updated survey would most likely be required. Parking and access would have to be addressed along with other potential considerations, should Council consider selling the boathouse lots to private owners.

The entire area is within LSRCA's regulated area and considered a high hazard area due to potential flooding and erosion. Such areas are typically considered unsafe for

development because of naturally occurring processes associated with flooding, erosion, etc. LSRCA recognizes that proximity to water is a key consideration in the use and enjoyment of recreational facilities such as boathouses. Boathouses are defined as a building that is designed and used solely for the purpose of storing and docking boats and related equipment. The structure is not intended to contain habitable space, water and/or sanitary servicing and should have an opening to the water of an appropriate size to accommodate a boat.

While there is some recognition of the existing boathouse structures, no new structures would be permitted along the water's edge in accordance with today's regulations. LSRCA staff have concerns with and do not support residential uses in these structures because of the hazards in this area. LSRCA staff have noted that some commercial uses, particularly uses associated with the water (i.e. canoe/kayak rentals) may be considered subject to the appropriate studies as it relates to the hazard lands. Such studies would need to be undertaken in order to support any changes in the zoning.

4.0 Related Policies / Procedures

Corporate Strategic Plan:

- Build Our Economy 'Tourism Strategy' - Develop a comprehensive Tourism Strategy for the Township of Brock capitalizing on the economic opportunities that exist and considering potential tourism opportunities. Attract industry and retail business and explore the 'aqua-business' opportunities associated with Lake Simcoe.
- Support a Healthy, Safe, Sustainable Community 'Optimize Cultural & Recreation Assets' - Complete an optimization study of Township recreational and cultural facilities to determine if there are opportunities to use cultural and recreational assets more efficiently and more effectively.
- Share Our Success 'Marketing Strategy' - Develop a Marketing Strategy for the Township of Brock focusing on image building, branding and visibility. Emphasize the positives of Brock.

Parks, Recreation & Culture Master Plan (adopted December 2023).

Waterfront Area and Open Space Plan (adopted February 2024).

Region of Durham Official Plan

- Waterfront Areas along the shoreline of Lake Simcoe include sensitive environmental features and shoreline areas and are meant to provide residents and visitors with access to enjoy the recreational opportunities the waterfronts provide. There are policies that protect for public access to Waterfront Areas for their ecological, cultural or recreational value.

Zoning By-law 287-78-PL

- The lands are primarily zoned Environmental Protection (EP).

Township of Brock Official Plan

- It is an objective of the Township's Official Plan to increase opportunities for public access to the Lake Simcoe Waterfront.
- Hazard Lands are encouraged to be transferred under a public authority's ownership.

5.0 Financial / Budget Assessment

There is no direct and immediate financial impact related with this report.

5.1 Asset Management

The boathouse leases are with respect to municipally owned waterfront land and the management of those leases will continue until the end of the current term and any ongoing negotiations on renewed leases.

6.0 Climate Change Impacts

There is no direct climate change impact with this report.

7.0 Communications

This report is published on a public Council agenda. In addition, staff have provided a link and/or copy of this report to each of the current boathouse owners.

8.0 Conclusion

Waterfront land is a premium to own and when a municipality owns waterfront land, it should be apprehensive in giving away those rights.

Given that the Waterfront Plan recommends that the boathouse leases be continued with consideration for commercial uses on the ground floor and improvements in the harbour as a whole destination point and pedestrian place, staff recommend that Council take a position and declare that there is no intention of selling the boathouse lots within the Beaverton harbour.

9.0 Recommendation

BE IT RESOLVED THAT report 2024-GG-019 entitled "Beaverton Harbour – Boathouse Leases", be received; and

THAT Council hereby declares that the boathouse lots owned by the Township in the Beaverton harbour, are not for sale; and

THAT Council direct staff to provide written notice of this decision to every boathouse owner; and

THAT Council direct staff to proceed with updating and re-negotiating the boathouse leases, commencing in 2028.