



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Fernando Lamanna

Position: Deputy CAO & Municipal Clerk

Title: Lease Agreements for Beaverton & Sunderland Agricultural Societies

Date of Report: March 27, 2025

Date of Meeting: April 14, 2025

Report No: 2025-GG-007

1.0 Issue / Origin

This report is to approve new lease agreements with both the Beaverton and Sunderland Agricultural Societies, and to seek a grant from Council for the free uses of Township owned properties & facilities.

2.0 Background

The Beaverton and Sunderland Agricultural Society leases were previously a 10-year lease, of which both have expired. As with all other Township leases, staff are updating the language of each lease to fully capture the intended uses and responsibilities for each organization. In this accord, staff have written both leases to be identical to one another with the exception of specific operational requirements as it relates to each agricultural society.

3.0 Analysis

Upon the completion of the draft lease agreements, staff had provided each agricultural society with a draft copy and subsequently met in person to review and answer any questions. The agricultural societies each had their own requested changes and in consideration of keeping the language the same, staff incorporated all requested changes in each agreement. The Beaverton Agricultural Society Agreement is attached as Appendix "1", and the Sunderland Agricultural Society Agreement is attached as Appendix "2".

Lease Highlights

As with other lease renewals, staff have utilized the Durham Legal template with respect to form & language and customize each lease to meet the needs of the community groups entering into the agreements.

With respect to the agricultural societies, the following highlights the main points of each agreement:

- Definitions added to clearly define the “Building”, “Property” and “Outbuildings”
- Article II “Grant and Use” outlines the uses/locations required to carry out events. Including the addition of the monthly meetings which were not previously captured under any agreement.
- Article III “Term” sets out the life of the agreement, being 5 years as opposed to 10. As well as giving both parties the legal right to early termination.
- Article IV “Rent” sets out that all the uses granted are “Free”, which is in keeping with past agreements.
- Article VII “Insurance and Indemnity” was updated to reflect the need for higher insurance coverage from the previous \$2,000,000 to \$5,000,000
- Article XIII “Tenant’s Covenants, Representations and Warranties” sets out the expected use of the property and building. As well, with respect to Beaverton Agricultural Society, there is specific language regarding the Outbuildings which are located on the Property and identified as “Scout Hall”, “Cow Barn”, and “Ticket Booth”, of which the society owns and is responsible for maintenance and repair, including replacement.

Possibility of Early Ice

In general, both groups were in favour of the new and updated agreement, apart from one particular clause, Section 2.01 f), that noted the possibility of early ice installation. To discuss the concerns, a meeting was held with both groups on March 19th at the municipal offices. In attendance were 3 representatives from each agricultural society and 3 senior staff members. Staff noted, the inclusion of the early ice clause is required, as there have been pressures from other user groups to install early ice. Staff indicated that any early ice installation would be a decision of Council following extensive discussions with all affected users including the agricultural societies.

The agricultural societies indicated that their concern with the early ice clause would force them to move the fairs to another date, of which they confirmed there are a number of competing fairs in June and in August that would make it challenging to set a new fair date.

Staff advised that the ongoing pressures from other ice users may be a difficult decision for Council, but one that may be realized, given the fact that a new ice surface and plant will be available in Sunderland, followed likely in the near future, an upgrade in Beaverton.

The agricultural societies requested that a year's lead time with respect to discussions regarding early ice installation would be required, given their needs to book amusement rides, and plan for the fall fairs.

In order to accommodate the request, staff amended the clause to read:

“The Landlord may commence early ice installation in consultation with the Tenant. **The Landlord will attempt to provide one year lead time with respect to any early ice installation.**”

4.0 Related Policies / Procedures

During the 2024 budget process, Council requested that staff begin tracking and reporting on the free use/reduced rate granted to Community Organizations within the Township.

F19 Support for Community Organizations Policy.

Annual Fees & Charges By-law.

5.0 Financial / Budget Assessment

Understanding the need to support its local community organizations, while tracking the financial commitment, staff have calculated the amount being granted for one year, using the 2025 Fees & Charges By-law No. 3285-2024, for each agricultural society as follows:

- Sunderland Agricultural Society to be granted relief in the amount of approximately \$6,636.36 (inclusive of HST)
- Beaverton Agricultural Society to be granted relief in the amount of approximately \$6,636.36 (inclusive of HST)

It should be noted that the values are calculated on facility/room rates where applicable in the fees and charges bylaw based on a 12 hour non-alcoholic rate, and do not include open space rates as the Township does not currently have rentals for open spaces.

In addition, the above rate for the Sunderland Agricultural Society does not take into account the historic “Horseman’s Dance” which is considered to be one of the 3 exclusive uses.

Note: the annual grant will be subject to any increases in the Fees & Charges By-law, and staff will track the financial commitment each year.

5.1 Asset Management

There is nothing impacting asset management as it relates to this report.

6.0 Climate Change Impacts

There are no climate change impacts associated with this report.

7.0 Communications

As previously noted, the draft agreements have been shared and reviewed with both agricultural societies, including an in-person meeting with senior staff.

This report is published on a public agenda.

8.0 Conclusion

The new updated leases fully capture the intended uses and responsibilities for each organization, while keeping the intent of the prior leases (free use) of Township facilities and providing support to these two great volunteer community organizations.

9.0 Recommendation

Be It Resolved That report # 2025-GG-007, entitled “Lease Agreement for Beaverton and Sunderland Agricultural Societies”, be received; and

That Council authorizes the Mayor and Clerk to execute the Beaverton Agricultural Society and Sunderland Agricultural agreements; and

That Council grant the Sunderland Agricultural Society relief in the amount of approximately \$6,636.36 (inclusive of HST) from the 2025 Fees & Charges By-law and each subsequent year to the end of the term of the lease based on any annual increases to the Fees & Charges By-law; and

That Council grant the Beaverton Agricultural Society relief in the amount of approximately \$6,636.36 (inclusive of HST) from the 2025 Fees & Charges By-law and each subsequent year to the end of the term of the lease based on any annual increases to the Fees & Charges By-law.