

STAFF REPORT: RECREATION DEPARTMENT



REPORT TO: Council
MEETING DATE: September 26, 2011
REPORT NO.: DOR 11 76
SUBJECT: Request to Execute Harbour Management Agreement #201007 00
002 with Department of Fisheries and Oceans Canada

PREPARED BY: Ryan Gibbons, Harbour Manager

A. Recommendations

That Council accepts staff report DOR.11.76 "Request to Execute Harbour Management Agreement 201007 00 002 with Department of Fisheries and Oceans Canada", allowing staff to provide Council with a By-law permitting the Mayor and Clerk to execute the management agreement with the Department of Fisheries and Oceans Canada for a five (5) year term retroactive to July 12, 2010 ending July 11, 2015.

B. Background

The Thornbury Municipal Harbour is owned by the Department of Fisheries and Oceans Canada, Small Craft Harbour Division, and is operated by the Corporation of The Town of The Blue Mountains. The former Town of Thornbury secured a renewable lease with the Federal government in July of 1985 to operate the Thornbury Municipal Harbour, the lease requires the Town to pay \$500.00 (five hundred dollars) per annum or 20% gross revenue whichever is more.

The management agreement is a five (5) year term and expired July 12, 2010. The Department of Fisheries and Oceans Canada provided the Town with a letter dated July 28, 2011 and a new agreement dated retroactively to July 12, 2011 and stated in the letter that until the agreement was executed the Town was to continue business as usual and that all previous terms and conditions of the previously approved management agreement would stay in effect until a new agreement had been distributed and authorized.

The Town must approve a by-law in order to enter into the agreement with the Department of Fisheries and Oceans Canada for a five (5) year term retroactive to July 12, 2010 ending July 11, 2015.

C. The Blue Mountains' Strategic Plan

Supporting the development of social and recreational programs to meet the broad range of needs in the community.

Ensuring long-term financial sustainability.

D. Environmental Impacts

N/A

E. Budget Impact
\$500.00 or 20% Gross Revenue
2010 Lease Payment \$55,961.00

F. Attached

A. Fisheries and Oceans Canada correspondence

Respectfully submitted,



Ryan Gibbons, Harbour Manager

For more information, please contact:

Ryan Gibbons
rgibbons@thebluemountains.ca
519-599-6317



**Fisheries and Oceans
Canada**

**Pêches et Océans
Canada**

**Small Craft Harbours
Central and Arctic Region
P.O. Box 85120
3027 Harvester Road
Suite 506
Burlington, ON L7R 4K3
TEL (905) 639-2749
FAX (905) 639-5975**

**Ports pour petits bateaux
Région du Centre et de l'Arctique
C.P. 85120
3027, chemin Harvester
Bureau 506
Burlington, ON L7R 4K3
TEL (905) 639-2749
FAX (905) 639-5975**

Your file / votre référence

Our file / notre référence

5882 Thornbury

July 28, 2011

Mr. Ryan Gibbons
Harbour Supervisor
The Corporation of the Town of the Blue Mountains
P.O. Box 310
26 Bridge Street East
Thornbury, ON N0H 2P0

Dear Mr. Gibbons:

**Re: Her Majesty The Queen and the Corporation of the Town of the Blue Mountains
– Management Agreement # 200507 00 003 for the Small Craft Harbours’
Facility at Thornbury, Ontario**

This is to advise that your current lease with Fisheries and Oceans Canada for the above referenced facility expired on July 11, 2010. In that regard, enclosed is a new five (5) year Management Agreement # 201007 00 002 in triplicate, as a replacement to your old lease. Your new lease began July 12, 2010 and ends July 12, 2015.

Please review the enclosed lease and if you are in agreement with the terms thereof, please have all three copies executed by your authorized signing officers. Please have them sign, seal and date each copy of the lease where indicated, in the presence of a witness, and return all three copies to this office, together with a certified copy of a By-Law authorizing the execution of the Lease. This office will have the lease executed on behalf of the Minister of Fisheries and Oceans and will return the *Duplicate Original* to you for your records.

Clause 1.(c) of your new lease provides that, “..the Minister shall supply to the Agent, one copy of the said Act and Regulations, as amended from time to time.” In compliance therewith, and in keeping with present trends regarding use of electronic media and the internet, we have included the current web links for both the Act and the Regulations should you wish to access them directly:

Act <http://laws.justice.gc.ca/PDF/Statute/F/F-24.pdf>
Regulations <http://laws.justice.gc.ca/PDF/Regulation/S/SOR-78-767.pdf>

Should you still wish to receive a hard copy of the Act and/or the Regulations, please advise by return mail and we will gladly send you a copy in due course.

Canada

Please note that pending finalization of your new lease, and while you continue to occupy and use this facility, your obligations and responsibilities under your expired lease continue while you are in Hold Over status as outlined in clause 18 of your expired lease.

Clause 33 of your new lease requires that the Lessee arrange liability insurance coverage of the demised premises, with Her Majesty the Queen named as a co-insured and with coverage of at least Two Million Dollars (\$2,000,000.00) per occurrence. Please provide us with a copy of the required insurance for our records, this at your earliest convenience.

Your early attention and reply hereto would be greatly appreciated. Thank you.

Yours truly,



Her
Dean Calder
Chief Property & Operations
Small Craft Harbours

Enclosures