



**Date:** November 25, 2024

**To:** Mayor and Council

**Author:** Angela Toole, Acting Manager of Municipal Governance & Clerk

**RE:** Management Agreement with Fisheries and Oceans Canada for the Small Craft Harbours' Facility at Cedar Beach

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## **RECOMMENDED ACTION**

1. That the Mayor and Clerk **BE AUTHORIZED** to enter into Management Agreement OP-4555-H-2401 with His Majesty the King, in right of Canada, represented by the Minister of Fisheries and Oceans; and,
2. That By-law 96-2024 being a By-law to repeal By-law 122-2017 which is a By-law authorizing the entering into of a Management Agreement CA-4555-H-1710 with Her Majesty the Queen, in right of Canada, represented by the Minister of Fisheries and Oceans (the Small Craft Harbours' Facility at Cedar Beach, Ontario, **BE APPROVED** during the By-law stage of this Council Agenda.

## **BACKGROUND**

In November 2017, the Town of Kingsville ("Town") entered into Management Agreement CA-4555-H-1710 (the "Agreement") with the Department of Fisheries and Oceans Canada ("DFO") for the Small Craft Harbours' Facility on certain subject lands including a water lot at Cedar Beach. The purpose of the Agreement was to provide the Town with the right to use and occupy the subject lands and carry out the management and operation of the premises in accordance with the Fishing and Recreational Harbours Act (the "Act") and its regulations.

## **DISCUSSION**

The Agreement expired in December 2023 but contained a "Hold Over" clause providing that if both parties agreed to the tenancy after the expiration of the Agreement, and rent is exchanged in respect of the tenancy, the tenancy shall continue. As a result of this clause, the Town has continued to remit rent to the DFO and has maintained its tenancy. Administration recommends formally continuing the tenancy by entering into a new Management Agreement (#OP-4555-H-2401) with the DFO as identified in strategic planning discussions. The Term of the new Agreement is five (5) years and is set to expire on December 31, 2028. The new Agreement also contains a Hold Over

clause so that upon expiry in 2028, the Town can continue to maintain its tenancy, if desirable, until such time that a new Agreement is executed.

Further to the recommendation into the new Agreement, Administration is recommending that By-law 122-2017, which authorized the entering into of the original Agreement, be repealed as a matter of housekeeping.

## **FINANCIAL CONSIDERATIONS**

The rent for the facility and lands subject to the Agreement is \$500.00 (per annum) or 20% (plus taxes) of the gross revenue derived by the Town (as the lessee) from the management and operation of the facility.

## **ENVIRONMENTAL CONSIDERATIONS**

None.

## **CONSULTATIONS**

Ryan McLeod, Director of Finance and Corporate Services/Treasurer  
Richard Wyma, Director of Planning and Development

PREPARED BY:



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Angela Toole  
Acting Manager of Municipal Governance & Clerk

REVIEWED BY:



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Ryan McLeod  
Director of Finance and Corporate Services/Treasurer

A handwritten signature in black ink, appearing to read "John Norton". The signature is fluid and cursive, with a prominent initial "J" and a long horizontal stroke at the end.

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John Norton  
CAO