



Committee of the Whole Report

Report Number: RS2021-016

Meeting Date: March 9, 2021

Title: **Proposed Amendments to Dock Encroachment Policy CP2018-001 – Update**

Description: Updated Proposed Amendments to Address Council's Concerns and Suggestions Regarding a Proactive Approach to Licensing Docks and Boathouses Within the City of Kawartha Lakes

Author and Title: Sharri Dyer, Manager – Realty Services

Recommendations:

That Report RS2021-016, **Proposed Amendments to Dock Encroachment Policy CP2018-001 – Update**, be received;

That staff be directed to obtain public input on the proposed draft policy amendments and report back to Council by the end of Q3; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Committee of the Whole Meeting of February 9, 2021 Council adopted the following recommendation:

CW2021-036

Moved By Councillor Dunn

Seconded By Councillor Yeo

That Report RS2021-004, Proposed Amendments to the Dock Encroachment Policy CP2018-001, be received;

That the proposed amendments to the Dock Encroachment Policy CP2018-001 be referred to staff for revision and report back at the March 9, 2021 Committee of the Whole Meeting based on comments received from Council; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

This report addresses that direction.

At the meeting of February 9, 2021, Council noted concerns with some of the proposed amendments to the Dock Encroachment Policy CP2018-001 as outlined in Report RS2021-004. Staff have reviewed the concerns and comments expressed by Council and have updated the proposed amendments to address those concerns.

Rationale:

The following proposed amendments were noted as areas of concern and have now been addressed in the Updated Proposed Amendments to Dock Encroachment Policy CP2018-001 (clean copy attached as Appendix A).

Requirement for 10 Metre Spacing Between Structures

Council felt that 10 metres (33 feet) spacing between structures was too great a distance. Accordingly, staff have updated the proposed amendments to include a general guideline for 2 metres (6 feet) spacing between structures for public safety.

While Council had indicated that potentially no spacing should be required by the Policy, Realty Services have received notification in the past of “dock hopping” wherein residents will jump from dock to dock in areas where the docks are close together. Further, there have been complaints where docks are located without spacing of one dock owner encroaching onto the other’s space. Accordingly, in order to avoid liability associated with potential injuries incurred from “dock hopping” and to limit the ability of dock owners to encroach on another’s space, staff is proposing 2 metres of spacing be required between each structure.

Dock and Boathouse License Fees

The original proposed amendments outlined in RS2021-004 set out an increase to the License Fees to \$400.00 annually for docks and \$250.00-\$1,000.00 annually for boathouses (depending on the number of walls the boathouse consists of). Council felt that an increase to the dock fees was not warranted at this time, given that most of the current Licensees (in Thurstonia and Kenstone) saw an increase when their docks came under the licensing system. However, Council did note that a more moderate increase for boathouses may be appropriate, and suggested \$400 annually.

Accordingly, the updated proposed amendments note that the License Fee for docks will remain at \$150.00 per year (increased annually by the Cost of Living Index), with the fee associated with boathouses increasing to \$400.00 per year (increased annually by the Cost of Living Index). The fee for boathouses is now proposed to be a set price, regardless of the number of walls the structure consists of. A structure will be considered a boathouse if it is made up of any number of solid walls and a roof, or no solid walls and a roof (i.e. posts and a roof).

Backlot Owners

The previous proposed amendments set out that backlot owners (property owners who are not located directly on a shoreline road allowance) would not be approved for License Agreements. This amendment was noted as a concern given the number of structures that would be affected adjacent to Hazel Street, Thurstonia, once that area came up for license renewal. Although it was noted that this amendment would affect docking along Cedar Glen Road when this area came up for proactive licensing, comments at Council indicated that overcrowding was a concern in this area.

This concern was reviewed by Realty Services, but remains a condition within the updated proposed amendments. By not allowing structures to be installed by backlot owners, it will allow open space areas that will be available for any resident to use to access the water. Further, given that most areas do not have enough space for all

backlot owners to install a dock, not allowing new structures for backlot owners will prevent the view of favouritism (allowing some backlot owners and not others to have dock space).

Termination of License Agreement due to Violence or Harassment

The final area of concern noted by Council was related to the proposed amendment that indicated an applicant or Licensee would have their approval/License Agreement terminated if they engaged in behaviour that would be considered contrary to the City of Kawartha Lakes Management Directive MD2016-013 "Workplace Violence and Harassment".

This proposed amendment has not been removed from the updated proposed amendments, but has been expanded to clarify the process for termination as per this clause. This clause is only intended to be used in extreme circumstances where an applicant or Licensee's behaviour includes harassment towards staff and/or violence or the threat of violence. The applicant or Licensee would first be provided with a letter outlining the incident and advising that a further incident would result in termination of their License Agreement or revocation of approval for a License Agreement. The letter would also provide the applicant/Licensee with the option of making use of a representative for continued interactions with City staff.

The addition of this amendment was felt to be necessary given past incidents where staff were subject to behaviour that would have warranted a warning to the applicant/Licensee. Further, as License Agreements for dock/boathouses should be considered a privilege (given that they are something not every resident of the City of Kawartha Lakes is able to obtain), it was felt that if an applicant/Licensee is engaging in harassing or violent behaviour during the Licensing process, the City cannot endorse the behaviour by entering into a continued working relationship with that applicant/Licensee.

Other Alternatives Considered:

Option 1

Council could decide to consider the implementation of the proposed policy without seeking public input. This is not recommended, as a major complaint following the approval of By-Law 2018-017, being the City Lands Encroachment By-Law, was that the public was unaware that these changes were coming into effect. As this policy will affect many residents throughout the City of Kawartha Lakes, including those who have had docks on City lands for many years, Staff feel that obtaining public input will

provide more transparency in advance of the implementation of the proposed policy. Further, obtaining public input will allow all residents, not just those with docks on City lands, to provide their opinions on the proposed policy.

Option 2

Council could decide not to implement the proposed Dock License Policy and continue to deal with dock encroachments through CP2018-001 – Dock Encroachments. This is not recommended, as CP2018-001 allows only for a reactive approach to dock encroachments. Unless a dock owner submits an application to the Land Management Committee or a complaint regarding the dock encroachment is received by Municipal Law Enforcement, the City is unable to regulate dock encroachments in a designated area. This creates an unfair circumstance where some areas may be subject to License Agreements and the associated fees and insurance requirements for many years while other areas remain exempt because a complaint has not been received and the residents have not sought out License Agreements on their own.

Alignment to Strategic Priorities

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Asset Management

Financial/Operation Impacts:

As outlined in RS2021-004, proactive enforcement of the Encroachment By-law in relation to docks will assist capital works on the roads in the identified neighbourhoods. In other words, it will allow for upgrades to roads in the areas identified.

Proactive enforcement of the Encroachment By-law in relation to docks is anticipated to have a staffing pressure on Municipal Law Enforcement Office and Realty Services Division for the time period set out in Schedule C to the attached updated amendments to Dock Policy CP2018-001. The addition of 1 FTE – perhaps through annual contract – to each of these Divisions for the time period set out in Schedule C of the attached Policy will allow these Divisions to continue to process existing workloads without a slowdown in service delivery.

It is anticipated that Municipal Law Enforcement Office will require an additional \$25,000.00 per year to remove non-complying structures, for the time period set out in Schedule C to the attached Policy.

Additional budget and staffing will likely be requested in the 2022 budget.

Consultations:

Senior Management Team
Trent Severn Waterway

Attachments:

Appendix A – Updated Proposed Amendments to Dock Encroachment Policy CP2018-001 (clean copy)



Appendix A -
Updated Proposed /

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson