

**Hickory Beach Dock Owners Association**

**Proposal**

**For the formalization for the use of the beach known as lot "Park PL 153; Kawartha Lakes,  
PIN 63125-0326(LT)"**

**By the community at large and the current dock holders**

**(Submitted Without Prejudice)**

**Summary:**

The community of Hickory Beach and specifically the existing (50 dock owners), have enjoyed the access and use of the above identified parkland beach area known as lot 153 for well over 75 years. As our written communication to Ms. Diane McFarlane on January 4<sup>th</sup> 2016 indicated, we as a group feel strongly that the community should continue to use the property as parkland and individual households should continue the long-time honoured, traditional practice of placing docks for personal use under the assumption of prescriptive easement. CKL has indicated a concern for the use of the beach area by residents and, on a number of occasions, the matter of personal docks being placed by individuals each year has been specifically raised in council. This has caused significant concerns and unrest for our community and specifically those households that have placed docks on this lot for many generations. To that end we have formed an association to represent the community that will be known as Hickory Beach Dock Owners Association. (HBDOA)

The following is a statement of what we, the HBDOA, understand are the concerns of council and city staff about the current use of the area by the community (as related by Councillor Brian Junkin) and a proposal on how to mitigate the concerns. We trust that City staff and council will review and consider the proposal seriously and without prejudice. The proposal is designed to find consensus and address the concerns of the city, the community at large and the dock holder's interests.

**City of Kawartha Lakes Concerns:**

- Risk/Liability issues. Any liability suits will expose the city due to 1% at fault factor. Specific concerns are possible injuries arising from use of docks and existing stairways that access the beach.
- City staff is reportedly inundated with neighbour disputes related to the beach area and dock use/availability. These disputes result in staff time being consumed in matters that they should not have to deal with.

With these points in mind it is important that a few clarifying points be made.

- Removal of docks or stairs does not eliminate risk/liability issues. This is a park and the city will always retain liability for it.

- The community has maintained the property since the amalgamation. The community clears away garbage, cuts the grass and weeds and clears away debris necessary for the enjoyment of everyone who uses the park. It should be noted that the city provides no maintenance at this time to the area.
- The neighbourhood of Hickory Beach has had longstanding use for walking, dockage, swimming and fishing of this area specified as a community park. Should use of this area be restricted the city would actually be denying the community access to the parkland activities enjoyed on a longstanding basis impacting on quality of life. Further such a decision would be impacting on property values for residents in this immediate area.
- There are numerous other communities within CKL that have formal arrangements with CKL which allow for docks to be attached to city land. So apparently precedent is established.

**Proposal:**

HBDOA proposes that the city recognize the association and enter into a formal agreement whereby the Association will assume responsibility for the management of the beach area and the docks. By doing so we feel the following will be addressed.

- A clear awareness of who the dock holders are and registration of the use of the space. Spaces would be assigned to individual households based on their longstanding use of that space, as evidenced by Declarations where ever possible.
- All dock holders will be required to carry and supply proof of adequate liability insurance for their docks. This can help to alleviate liability for the city.
- The association itself will carry adequate levels of liability insurance to further alleviate the city from liability exposure
- Standards for docks and boat lifts would be established insuring optimal safety and overall aesthetic improvement to the area. Standards will reduce potential for accidents and thus liability exposure.
- Existing dock holders would be first in line to maintain continuing use. A waiting list would be created and maintained in the event that dock spaces become available. No new or additional dock spaces would be created.
- The association will assume responsibility to maintain the area in terms of general upkeep and basic land care (grass cutting, trimming, weeding etc).

**Benefits:**

- The city liability exposure will be reduced/minimized by insuring docks meet safety standards and are properly maintained and insured.
- The Association takes on responsibility for management of the area including neighbour, non-legal dispute issues related to the docks and other use of the area. This reduces the drain on city staff resources and any calls that staff may receive could be redirected to the Association.

The community feels that this proposal is a simple solution to a difficult situation. It maintains the longstanding historical precedents and access to parkland which supports quality of life for the residents of the Hickory Beach community. The association taking on responsibility of the area brings clarity, responsibility and organization to the area and in so doing insures that potential liability incurring incidents will be minimized and liability exposure to the city is reduced or possibly eliminated. Neighbour disputes will be handled by the association on behalf of the community. By recognizing the association and entering into a formal agreement with them CKL authorizes the association to enforce the bylaws created by the association insuring adherence and compliance with the terms of the agreement that will be drafted between the city and the association.

We look forward to follow up discussions on this proposal as we seek an equitable and suitable resolution to this matter. It is a matter that has been raised repeatedly over the years to council and we are hoping that by formalizing this arrangement we solve it once and for all.

Sincerely,

Hickory Beach Dock Owners Association