



Committee of the Whole Report

Report Number:	RS2023-038
Meeting Date:	November 7, 2023
Title:	Hickory Beach Dock Licensing
Description:	Report providing additional detail pertaining to docking space dispute at Hickory Beach
Author and Title:	Lucas De Oliveira Almeida, Realty Services Law Clerk

Recommendation:

That Report RS2023-038, Information Report – **Hickory Beach Dock Licensing**, be received;

That dock #27 be removed at the owner's expense; and

That the agreement between the City of Kawartha Lakes and the Hickory Beach Dock Owners' Association be renewed for a two year period from expiry.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The history of the License Agreement between the City of Kawartha Lakes (CKL) and Hickory Beach Dock Owners' Association (HBDOA) dates back to 2017 when the association expressed interest in self-regulating the privately-owned docks on City-owned land known as "Hickory Beach". The City of Kawartha Lakes owns a parcel of waterfront land, legally described as PARK PL 153; Kawartha Lakes, at the terminus of Pleasant Point Road, known as "Hickory Beach." In 2017, the HBDOA, a subset of the larger Hickory Beach Association (HBA), requested a license agreement with the City to self-regulate the docks on this strip of land. Report RS2018-010 (Appendix A) was presented to Council on June 21, 2018, recommending approval of the licensing agreement.

Council, at that time, approved the concept of licensing the use of the property, subject to certain conditions and authorized the execution of the License Agreement (See Appendix B) between CKL and HBDOA. The agreement stipulated that the HBDOA would be responsible for the maintenance of Hickory Beach, obtaining necessary permits, and maintaining insurance over the lands and docks. The agreement had a five-year term, with additional renewals based on the consent of both parties.

During the initial term of the agreement, concerns were raised by a member of the HBDOA during the Council Meeting on March 23, 2021, regarding the fair distribution of docking spaces among members of the HBDOA. Specifically, there has been a long-standing conflict between this individual involving the space beside her dock that is occupied by a dock owned by one of the 4 HBDOA board members (See Appendix C). In response, Council requested a staff report and decided to bring back the matter for discussion before renewing the agreement.

Report RS2023-018 (at Appendix D) was brought to Committee of the Whole on March 7th, 2023, and the following resolution was passed at the March 21, 2023 Regular Council Meeting:

CW2023-048

That the License Agreement between the City of Kawartha Lakes and the Hickory Beach Dock Owners Association be renewed for two (2) years;

That all unauthorized encroachments be removed; and

That Realty Services, in coordination with the Hickory Beach Dock Owners Association, report back to Council by the end of April 2025 on the status of the License Agreement.

Carried

Following the passing of this resolution, the HBDOA board members met with City Staff to provide additional information for Council's consideration. The purpose of this report is to provide this information to Council for its consideration as to whether or not this additional information will change its' opinion to not renew the original agreement for a five year term but instead offer a two year term on the condition that the dock in space #27 be removed.

Rationale:

The alleged transition from public stairs to private dock took place several years in advance of the HBDOA forming; the change occurred approximately 2015 or prior. The Encroachment By-law was passed in 2018, with the City regulating docking encroachments on City land at that time, in response to complaints. The licensing agreement between the City and the HBDOA was formed in 2018. The Association allowed existing dock encroachments present at the time to continue.

The dock in space 27 expanded out towards the water in 2020, as well as along the shoreline toward the complainant's property. The complainant complained to the Board of Directors at the time of the 2020 expansion. The Board of Directors investigated the matter pursuant to its complaint policy, with the affected/conflicted member of the Board not part of the deliberations or decision making. The Board decided that their member was to move her dock away from the complainant's dock a few inches, back to its' pre-2020 location, with the exception of the expansion towards the water, which was allowed to remain.

The HBDOA has indicated that it has allowed similar dock expansions within Hickory Beach into the water, but does not allow expansions along the shoreline (as the latter impacts neighbouring users).

The HBDOA allows multiple docks per association member, with each of the complainant and neighbouring Board member having 2 docks per property. The HBDOA took the position that the complainant had sufficient room, even with the expansion, for swimming and docking boats, including the addition of a new boat lift.

After receiving all of the additional details, Staff are of the opinion that the facts do not present a significant divergence from the facts as presented to Council previously, and that no further direction to Staff is required. More specifically, Staff are of the opinion that the dock in dock space #27 should be removed before a further 2-year term is offered to the HBDOA.

Other Alternatives Considered:

Council could decide that the timeline is indeed significant, and that dock space 27 belongs in its current private ownership, and that a renewal of the original agreement for a 5 year term should be offered.

Alignment to Strategic Priorities

This Report does not specifically align with any of the goals in the Council Adopted Strategic Plan.

Financial Impacts:

None.

Consultations:

HBDOA

Attachments:

Appendix A – Council Report RS2018-010



Appendix A -
RS2018-010.pdf

Appendix B – Maintenance and Liability Agreement



Maintenance and
Liability Agreement

Appendix C – Dock Photos



Photos - Appendix
C.pdf

Appendix D – Report RS2023-018



RS2023-018 -
Appendix D.pdf

Department Head email: RCarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L17-18-RS078