



OAKVILLE

## REPORT

### Council

Meeting Date: June 17, 2024

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**FROM:** Legal Department

**DATE:** June 4, 2024

**SUBJECT:** Extension of License with Wai Nui O'Kanaka Outrigger Canoe Club and Charterability Cruising For the Disabled

**LOCATION:** Busby Park

**WARD:** Ward 3

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#### RECOMMENDATION:

1. That staff be granted authority to extend the license agreement with the Wai Nu O'Kanaka Outrigger Canoe Club and Charterability Cruising For the Disabled for an additional 10 years for their premises within Busby Park, on the terms set out in this report.
2. That the license extension agreement be executed in accordance with By-law 2013-057 and the Town Solicitor be authorized to enter into any minor amendments, as required.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- In 2007 the Town entered into a license (the "**License**") with Wai Nui O'Kanaka Outrigger Canoe Club and Charterability Cruising For the Disabled (the "**Tenants**") for 767 square meters of land below the Rebecca Street Bridge within Busby Park (the "**Property**").
- Wai Nu O'Kanaka Outrigger Canoe Club offers camps and programs for outrigger canoes, stand up paddling and open water kayaks.
- Charterability Cruising For the Disabled provides accessible recreational boating at no cost to people of all ages who are deprived of the opportunity by virtue of their physical limitations or personal circumstances.
- The License expires on September 17, 2027.
- The Tenants wish to extend the License for ten additional years, so they have longer term security to assist with their fundraising.

- The Tenants are currently paying a nominal rent and staff are recommending agreeing to their extension request and keeping the rent nominal during the extension period.

**BACKGROUND:**

The Town entered into a license with Wai Nui O’Kanaka Outrigger Canoe Club (“**Wai Nui**”) and Charterability Cruising For the Disabled (“**Charterability**”) for land below the Rebecca Street Bridge within Busby Park on September 7, 2007. The licensed property consists of 767 square metres and includes space for launching the boats from a dock, storage for the boats, and an accessible washroom trailer. The boating public also has access to use the washroom trailer.

Wai Nu is a not-for-profit corporation that offers camps and programs for outrigger canoes, stand up paddling and open water kayaks. They offer children summer camps, adult programming and daytime stable boat programs for the senior’s population.

Charterability is a charity that provides accessible recreational boating at no cost to people of all ages who are deprived of the opportunity by virtue of their physical limitations or personal circumstances. They own two pontoon boats and offer pontoon boat rides at no cost throughout the summer.

The Tenants have notified the Town that they wish to extend the License for an additional ten-year period, so they have more long-term security to assist with fundraising. The current License expires on September 17, 2027.

**COMMENT/OPTIONS:**

Pursuant to the report from the Legal Department dated January 3, 2018 titled “Town Club Leases/License” staff are required to provide a formal rationalization or streamlined business case for recommending the Tenant pay a nominal rent instead of market rent. Staff have considered the following questions as set out in the January 3, 2018 report:

- Is the tenant providing an additional or supplemental service/program that the Town would otherwise consider offering to the community at Town expense?
  - Yes, Wai Nui offer access to paddle sports and youth camps and Charterability provides an opportunity to enjoy boating for individuals who are deprived of the opportunity by virtue of their physical limitations or personal circumstances. The Town does not offer these services.
- What is the potential cost to the Town if the Town had to provide the programs/services?

- The costs would be significant because the Town would need to purchase the boats, equipment and hire the instructors to provide the lessons and services.
- What are the benefits provided to the community from the tenant’s programs/services?
  - Health, wellness, youth engagement and providing individuals who are deprived of the opportunity by virtue of their physical limitations or personal circumstances the opportunity to experience boating.
- Is there a gap/need/demand for the programs/services in the community?
  - Yes, Charterability is the only charity in Oakville offering these services. Paddle sports are offered by some of the other boating clubs within the Town, but Wai Nui does offer unique kayaking/canoeing programs directed to seniors.
- Is the service/program open to the general public, and if the club has a limited number of membership spots available, what percentage will be made up of Oakville residents?
  - Charterability is open to the public and mainly serves Oakville residents. 85% of the membership in Wai Nui are Oakville residents. The new form of license agreement will require the Tenants to have Oakville resident first policies if there are waitlists.
- Are there alternative uses/needs for the Town facility?
  - The Property is within hazard lands so there are limited uses for the site.
- Is the Tenant part of the Town’s CORE membership program?
  - Yes
- Is the tenant the main provider of the programs/services in the community or are there other providers that need to be consulted or offered the chance to bid on the space?
  - Charterability is the only charity in Oakville offering these services, but there are other clubs that offer paddle sports.
- Is the tenant a not-for-profit organization in good standing?
  - Yes Wai Nui is a not-for-profit organization and Charterability is a charity.
- Are there appropriate controls in place to ensure financial capability and sustainability and good governance of the tenant?

- As part of this extension the Town will require the Tenants to sign the Town’s updated standard form of license agreement which will include protections for good governance and a demolition fund to cover removal of the property improvements if necessary.

Parks and Harbours staff have a good relationship with the Tenants and they have been model tenants since the original License was signed in 2007. The services provided by the Tenants are a benefit to the community and staff are supportive of extending this License for the requested 10 years.

**CONSIDERATIONS:**

**(A) PUBLIC**

The public will be aware of the License renewal through public notification of the council agenda. Approval of this License renewal agreement will provide for continued use of these lands in accordance with the current use.

**(B) FINANCIAL**

Staff recommend that the renewal term continue at nominal rent. The Town should not have any additional costs in respect of the Property, as the Tenants will be responsible for all the ongoing costs and maintenance of the Property.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

This report was prepared jointly with staff from the Parks and Open Space Department.

**(D) COUNCIL STRATEGIC PRIORITIES**

This report addresses the corporate strategic goal to be the most livable town in Canada.

**(E) CLIMATE CHANGE/ACTION**

N/A

**APPENDICES:**

None

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