

Year-round Residence on Boats Moored on Parks and Recreation Property (Various Wards)

(City Council at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, struck out and referred this Clause back to the Economic Development and Parks Committee for further consideration, together with the following motion:

Moved by Councillor Kinahan:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to seek the advice of the Ontario Property Assessment Corporation (OPAC) with respect to the applicability of property taxes on boats that are used as year-round residences on Parks and Recreation property and submit a report thereon to the Economic Development and Parks Committee.”)

The Economic Development and Parks Committee recommends the adoption of the report (August 29, 2000) from the Commissioner of Economic Development, Culture and Tourism.

The Economic Development and Parks Committee reports, for the information of Council, having requested the Commissioner of Economic Development, Culture and Tourism to report to the next meeting of the Economic Development and Parks Committee providing options on receiving monetary fees for the City for the lease of space for year round residence on boats moored on Parks and Recreation property, including consideration of establishing an environmental fee.

The Economic Development and Parks Committee submits the following report (August 29, 2000) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

To establish a consistent and workable policy with regard to residence on a year-round basis on boats or other vessels moored at leased boating facilities on Parks and Recreation property.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations :

It is recommended that:

- (1) a policy be adopted permitting year-round residence on boats and other vessels moored at marinas and boat club locations leased from the City of Toronto, subject to appropriate infrastructure and emergency services being available;
- (2) Parks and Recreation staff consult with staff from Works and Emergency Services, Urban Development Services, Toronto Police Service and the Toronto and Region Conservation Authority, to determine minimum infrastructure and emergency service requirements;
- (3) the number of slips available for year-round use be determined solely at the discretion of the Commissioner of Economic Development, Culture and Tourism, or his designate, on a location by location basis, but in any case, the number will not exceed 10 percent of the total approved mooring spaces available at any location;
- (4) existing leases be amended as required to accommodate this policy and that the policy be reflected in any new or renewed leases; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background :

There are currently 17 yacht clubs along the Toronto waterfront operating under leases with the City Parks and Recreation Division. In addition, there are two commercial marinas, at Toronto Island and Bluffer's Park, operating on City land under lease agreements. In many cases these leases are on lands owned by the Toronto and Region Conservation Authority (TRCA) and managed by the City under a blanket management agreement.

Staff are aware that, at a number of locations, boaters are living on their vessels, in some cases twelve months of the year. In addition, both Bluffer's Park Marina and Toronto Island Marina have formed a relationship with Ichor Marine Limited to market houseboats as residences and provide year-round mooring space for them.

In 1991 the Metropolitan Toronto and Region Conservation Authority (MTRCA) passed a resolution:

“THAT Metropolitan Toronto in negotiating new lease agreements make provisions for the prohibition of ‘liveaboards’ during the non-boating season between haul-out and launch and of ‘grey water’ discharge within small craft harbours under ownership and management of Metropolitan Toronto and the Metropolitan Toronto and Region Conservation Authority;

THAT Metropolitan Toronto be requested to take all reasonable steps to ensure that the concerns of the Scarborough, Toronto and Etobicoke Fire Departments are addressed for existing 'liveaboards' situations on the Metropolitan waterfront;

THAT the Metropolitan Toronto Parks and Property Committee be requested to forward a copy of all agency reports on this matter as well as the Metropolitan Toronto report to all clubs and marinas and invite them to the appropriate Committee meeting in this matter;

AND THAT the comments be forwarded to the Metropolitan Toronto Planning Department, Metropolitan Toronto Waterfront Committee, the City of Toronto Waterfront Committee, City of Etobicoke Waterfront Committee and the Royal Commission on the Future of the Toronto Waterfront."

In 1993, Metropolitan Toronto Council had before it a clause from the Parks and Property Committee which recommended that:

- “(i) Metropolitan Council adopt a policy to preclude 'live-aboards' as defined in this report, from property intended for recreational purposes under the jurisdiction of Metropolitan Toronto on the Metropolitan waterfront; and that all future lease or licence documentation of such Metropolitan property contain a prohibition of 'live-aboards';
- (ii) the Commissioner of Planning be directed, in consultation with area municipalities, to prepare a policy for inclusion in the draft Metropolitan Waterfront Plan to prohibit 'live-aboards' on property intended for recreational purposes under the jurisdiction of Metropolitan Toronto on the Metropolitan Waterfront;
- (iii) relevant area municipalities be encouraged to review local official plan policy and by-laws to assist in the implementation of such policy; and
- (iv) the appropriate Metropolitan officials be authorized and directed to take the necessary action to give effect to these recommendations.”

Council received the report but did not adopt the Clause.

In 1992, the Councils of former Scarborough and Etobicoke also addressed the issue of liveaboards. Etobicoke Council was opposed to this type of use, while Scarborough's position was that it had no objection to liveaboards provided that safety and public health issues were addressed.

Since 1993, liveaboards have continued to be present on the waterfront both at boating clubs and the two marinas on City-managed land. Parks and Recreation staff have taken the position that year-round residence is not an appropriate use of lands intended for recreational purposes, but no action has been taken to remove current liveaboards. Liveaboards are specifically prohibited in the leases currently held by the Lakeshore Yacht Club and Toronto Island Marina. The other existing leases on the waterfront do not have specific language that prohibits use by liveaboards, however, an argument can be made that implied intention is for the leases to be for seasonal use.

Over the past year Ichor Marine Ltd., which builds and markets houseboats intended to be used as residences, has entered into arrangements with Bluffer's Park Marina and Toronto Island Marina to provide year-round mooring space for houseboats sold. Staff have received enquiries from potential purchasers asking whether use of this type is permissible. In addition, there have been many concerns expressed by the community in the area of Bluffer's Park about the possibility of a semi-permanent residential neighbourhood being established at Bluffer's Park Marina which is located within the parkland. Similar concerns have been expressed on Toronto Island.

Comments:

City staff have taken the position that parklands intended for recreation purposes should not be used for habitation on an ongoing basis. The City's Uniform Parks By-law No. 129-92, prohibits lodging or dwelling on parkland except by permit, and allows the City to limit mooring on its parks properties. In referring to 'liveaboards', this report is concerned with vessels which are used for residential purposes on a year-round basis, including the winter months. Situations where boats are lived on during the summer months are deemed to be a recreational use, similar to that at the City's campground at Glen Rouge.

Year-round use of mooring facilities raises issues related to public health and safety. Sewage and grey water must be disposed of in a satisfactory manner throughout the year, and fire and other emergency services must have ongoing access to any vessels. Further, there are land use planning concerns such as the adequacy of schools and other social infrastructure, and a number of tax policy issues which need to be clarified. At present, the two marinas under lease with the City are assessed as Commercial for property tax purposes, while the boat clubs have been assessed as Residential.

Bluffer's Park Marina and Toronto Island Marina are on record as stating that liveaboards are an important part of their business, and that this type of use is within the provisions of their lease. In the case of Toronto Island Marina, this position has been taken notwithstanding the specific prohibition of year-round liveaboards in their lease with the City.

With regard to boating clubs, there have been a limited number of boaters in residence at some locations for many years. Clubs have generally been supportive of this type of use, feeling that it is an important lifestyle choice for some sailors and that it promotes better security for the boat clubs.

At present there are 18 vessels located at boat clubs, 53 vessels at Bluffer's Park Marina and 7 at Toronto Island Marina being occupied on a year-round basis on Parks and Recreation lands. Some of these situations extend back a number of years, and the City has, to some extent, condoned this residential use, by allowing it to exist over an extended period. In addition, in the case of the two commercial marinas leased from the City, the operators feel that liveaboards, in particular in the form of houseboat sales, are significant potential sources of revenue, and the City receives a portion of this income.

Conclusions:

Year-round residence on boats and other vessels on City-owned leased lands has been a matter of debate for some years. The positions taken on this issue by the Metropolitan Toronto Council and the Councils of former Area Municipalities have been inconsistent or inconclusive.

On balance, there are some advantages to the City in permitting year-round use of boats if it is controlled and if appropriate infrastructure is in place. In addition, liveaboards have to some extent become legitimized through long standing presence on the waterfront. Staff are, therefore, recommending that a certain number of liveaboards be permitted at appropriate sites, provided that safety and public health issues can be addressed, and that any costs involved be payable by the lease holder. Further, tax policies and issues with respect to appropriate land use planning need to be clarified.

The Department's recommendation is that, if Council decides to allow a limited presence of liveaboards at marinas and yacht clubs on lands leased from the City, that they be limited to 10 percent of the total mooring capacity per site.

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The Economic Development and Parks Committee also had before it during consideration of the foregoing matter a communication (September 14, 2000) from Mr. George Rutley, General Manager, Bluffer's Park Marina, forwarding his comments respecting revenue from winter liveaboards and expressing opposition to the 10 percent limit as the Marina needs a much higher percentage for them to meet their obligations.

Mr. Stephen Cameron, Manager, Toronto Island Marina, appeared before the Economic Development and Parks Committee in connection with the foregoing matter.