

The Corporation of the Town of



**REGULAR COUNCIL MEETING AGENDA**

Held on December 17, 2019 at 6:00 PM

At Town Hall – Council Chambers – 2<sup>nd</sup> Floor – 30 King Street East

<b>1</b>	<b>Call Meeting to Order</b>
<b>2</b>	<b>Disclosure of Pecuniary Interest &amp; General Nature Thereof</b>
<b>3</b>	<b>Closed Meeting of Council (Beginning at 5:00 PM)</b>
	<input checked="" type="checkbox"/> <b>Labour Relations or Employee Negotiations</b> <ul style="list-style-type: none"> <li>• One (1) Item.</li> </ul>
	<input checked="" type="checkbox"/> <b>A Proposed or Pending Acquisition or Disposition of Land by the Municipality</b> <ul style="list-style-type: none"> <li>• One (1) Item.</li> </ul>
	<input checked="" type="checkbox"/> <b>A Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried On or to be Carried on by or on Behalf of the Municipality or Local Board</b> <ul style="list-style-type: none"> <li>• One (1) Item.</li> </ul>
	<input checked="" type="checkbox"/> <b>A Proposed or Pending Acquisition or Disposition of Land by the Municipality</b> <ul style="list-style-type: none"> <li>• One (1) Item.</li> </ul>
<b>4</b>	<b>Move Out of Closed Session</b>
<b>5</b>	<b>Matters Arising from Closed Session</b>
<b>6</b>	<b>Additional Items</b>
<b>7</b>	<b>Presentations/Awards/Deputations – None</b>
<b>8</b>	<b>Mayor’s Declarations – None</b>
<b>9</b>	<b>Public Meetings – None</b>
<b>10</b>	<b>Unfinished / New Business</b>
	Call for Nominations for Deputy Mayor
<b>11</b>	<b>Consent Agenda</b>
<b>11a</b>	<b>Minutes of Council – Approval of Council Minutes – December 3, 2019</b>
<b>12</b>	<b>Motions (Council Direction to Staff)</b>
<b>13</b>	<b>Notice Required Under the Notice By-law – None</b>
<b>14</b>	<b>Committee Updates (Council Reps)</b>
<b>15</b>	<b>Discussion of Additional Items</b>

<b>16</b>	<b>Miscellaneous</b>
	<b>Shellee Fournier, CAO</b>
	Council-CAO-2019-02 – Amend Municipal Accommodation Tax (MAT) By-law No. 2019-058 – Remove Exemption for Third-Party Home-Sharing Entities
	<b>Kari Lambe, Manager of Community Services</b>
	Council-RECM-2019-09 – Amend General Fees and Rates By-law No. 2016-047 – Municipal Marina Services, Schedule ‘K’
<b>17</b>	<b>Confirmation By-law</b>
	By-law No. 2019-130 – Confirm the proceedings of Council for the meeting held on Tuesday, December 17, 2019 (3 Readings)
<b>18</b>	<b>Next Meeting – Tuesday, January 14, 2020</b>
<b>19</b>	<b>Adjournment</b>

The Corporation of the Town of



Consent Agenda Items

**Moved by:**

**Seconded by:**

Be it resolved that the By-laws and Motions listed on the Consent Agenda be passed accordingly:

**BY-LAWS:**

**2019-123 – Short-Term Accommodations Licensing By-law**

**2019-124 – Municipal Accommodation Tax (MAT) Agreement with the Thousand Islands Accommodation Partners (TIAP)**

**2019-125 – Amend Development Permit By-law No. 2010-065 – Include Short-Term Accommodations**

**2019-126 – Amend General Fees and Rates By-law No. 2016-047 – General Licensing, Schedule “A” and Fees Visitor Centre, Schedule “N”**

**2019-127 - Amend Multi-Year Accessibility Plan – Replace Schedule ‘A’**

**MOTIONS:**

**#19-267 – Approval of Minutes – Tuesday, December 3, 2019**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE HEREBY ADOPTS THE REGULAR MINUTES OF TUESDAY, DECEMBER 3<sup>RD</sup>, 2019 MEETING.

**#19-268 – 50 Birch Street / 58 Birch Street / Vacant Lands – Surplus Lands**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES THE PROPERTY KNOWN AS 50 BIRCH STREET, 58 BIRCH STREET AND VACANT LANDS ADJACENT TO BE DEVELOPED AS AFFORDABLE HOUSING;

AND FURTHER, THAT STAFF BE DIRECTED TO WORK WITH THE AFFORDABLE HOUSING WORKING GROUP TO ISSUE A REQUEST FOR PROPOSALS SEEKING INTERESTED DEVELOPERS, AS PRESENTED IN COW REPORT CD-2019-13.

**#19-269 – University Hospitals Kingston Foundation – Refer to Budget Deliberations**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE REFER THE UNIVERSITY HOSPITALS KINGSTON FOUNDATION’S REQUEST FOR FUNDING TO THE 2020 BUDGET DELIBERATIONS.

**#19-270 – Allotment of Modernization Funding for Regional Initiatives – UCLG Modernization Shared Services Task Force**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS THE CLERK TO ADVISE THE MODERNIZATION SHARED SERVICES TASK FORCE THAT THE TOWN HAS PRE-COMMITTED THE MAJORITY OF ITS ALLOTMENT OF MODERNIZATION FUNDING FOR LOCAL INITIATIVES (SPECIFICALLY, UPGRADING TO SMART WATER METERS).

**#19-271 – Town Park Working Group Update #1 – Refer to Budget Deliberations**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE TOWN PARK WORKING GROUP UPDATE #1;

AND FURTHER, THAT THE RECOMMENDED CONCEPT AND COSTING IN THE AMOUNT OF \$125,000 BE FORWARDED TO 2020 BUDGET DELIBERATIONS, AS PRESENTED IN COW REPORT RECM-2019-23.

**#19-272 – 2019 Third Quarter Fire Report**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE 2019 THIRD QUARTER FIRE REPORT FOR INFORMATION PURPOSES, AS PRESENTED IN THE COMMITTEE OF THE WHOLE REPORT FIRE-2019-06.

**#19-273 – 2020 Capital Budget – As Amended**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES THE 2020 CAPITAL BUDGET, AS AMENDED.

**SAVE AND EXCEPT**

**Motion #19-274 – Short-Term Accommodations – Temporary Relief**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PROVIDES TEMPORARY RELIEF TO SHORT TERM ACCOMMODATIONS WHEN COMPLETING A DEVELOPMENT PERMIT APPLICATION BY REDUCING THE CLASS III DEVELOPMENT PERMIT FEE OF \$1,700 TO \$700 UNDER THE GENERAL FEES AND RATES BY-LAW 2016-047, GENERAL LICENSING, SCHEDULE 'A', AS AMENDED. SUCH TEMPORARY RELIEF WILL BE FROM JANUARY 1, 2020 TO FEBRUARY 29, 2020;

AND FURTHER, THAT AFTER FEBRUARY 29 2020 THE \$1,700 INCLUDE THE LICENSING FEES FOR THE FIRST YEAR FOR ALL NEW APPLICATIONS.

**By-law No. 2019-129 – Amend Council Remuneration By-law No. 2017-073 – Schedule 'A'**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS A BY-LAW, BEING A BY-LAW TO AMEND BY-LAW NO. 2017-073, SCHEDULE 'A', TO REDUCE THE ANNUAL BASE ALLOWANCE FOR AS OF JANUARY 2020, FROM A 6% INCREASE TO A 4.4% INCREASE.

**Motion #19-275 – Community / Council Grants – Direction to Staff**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES:

1. MOVING \$25,000 FROM COUNCIL GRANTS TO COMMUNITY GRANTS;
2. IMPLEMENT A \$5,000 CAP ON INDIVIDUAL COUNCIL GRANTS, AND;
3. APPLY COMMUNITY GRANT DECISION-MAKING MODEL AS OF 2020 AS IF IT IS THE FIRST YEAR OF APPLYING.

As presented at the regular Council Meeting held this 17<sup>th</sup> day of December, 2019.

Approved: December 17, 2019

\_\_\_\_\_  
Ted Lojko, Mayor

Unanimous

Carried

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

**REGULAR COUNCIL MEETING MINUTES**

Held on Tuesday, December 3, 2019

At Town Hall – Council Chambers – 2<sup>nd</sup> Floor – 30 King Street East

COUNCIL MEMBERS PRESENT		STAFF PRESENT
<b>Deputy Mayor:</b>	David Osmond	Shellee Fournier, CAO/Deputy Clerk
<b>Councillors:</b>	Adrian Haird	Penny Kelly, Clerk/CEMC
	Matt Harper	Brenda Guy, Manager of Planning and Development
	Mike Kench	Melanie Kirkby, Treasurer
	Dennis O'Connor	Kari Lambe, Manager of Community Services
		Paul McMunn, Manager of Public Works
		Steve Tiernan, Fire Chief
<b>Regrets:</b>	Ted Lojko	
	Dave Anderson	

<b>1.</b>	<b>Call Meeting to Order</b>
	Deputy Mayor Osmond called the meeting to order at 5:01 PM.
<b>2.</b>	<b>Disclosure of Pecuniary Interest &amp; General Nature Thereof – None</b>
<b>3.</b>	<b>Closed Meeting of Council</b>
	<p><b>Move Into Closed Session</b></p> <ul style="list-style-type: none"> <li>Moved by Deputy Mayor Osmond that the Council of the Town of Gananoque in accordance with Section 239.2 of the <i>Municipal Act</i>, move into Closed Session at 5:02 PM for the purpose of discussing one (1) item under A Trade Secret or Scientific, Technical, Commercial, Financial or Labour Relations Information, Supplied In Confidence to the Municipality or Local Board, which, If Disclosed, Could Reasonably Be Expected to Prejudice Significantly the Competitive Position or Interfere Significantly With the Contractual or Other Negotiations of a Person, Group of Persons, or Organization; one (1) item under A Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried On or to be Carried on by or on Behalf of the Municipality or Local Board; one (1) Labour Relations or Employee Negotiations and; one (1) under Personal Matters Concerning an Identifiable Individual, Including Municipal or Board Employees.</li> </ul> <p style="text-align: right;"><b>CARRIED – UNANIMOUS</b></p>
<b>4.</b>	<b>Move Out of Closed Session at 6:00 PM</b>
	The Open Session of Council began at 6:00 PM.
<b>5.</b>	<b>Matters Arising Out of Closed Session</b>
	<ul style="list-style-type: none"> <li>A Closed Meeting was held tonight. Council considered one (1) item under Labour Relations or Employee Negotiations, and; one (1) item under A Position, Plan, Procedure, Criteria or Instruction to be Applied to any Negotiations Carried On or to be Carried on by or on Behalf of the Municipality or Local Board. There is nothing to report out.</li> <li>Council also considered one (1) item under A Trade Secret or Scientific, Technical, Commercial, Financial or Labour Relations Information, Supplied In Confidence to the Municipality or Local Board, which, If Disclosed, Could Reasonably Be Expected to Prejudice Significantly the Competitive Position or Interfere Significantly With the Contractual or Other Negotiations of a Person, Group of Persons, or Organization, and; one (1) under Personal Matters Concerning an Identifiable Individual, Including Municipal or Board Employees.</li> <li>Council considered the following:</li> </ul>



- The Chair asked members of the public if they had any questions or comments pertaining to the Application. The following individuals provided their questions and comments.
- Robert James Simonson presented on behalf of Jack Whyte, whose home is located beside the proposed site for the gas station / convenience store.
  1. Safety concerns regarding the left turn onto westbound traffic. Sight-line impeded.
  2. The wood fence be constructed to end of pylon sign with a rod iron fence to property line.
  3. Concern regarding gas fumes and where the fumes are vented.
  4. Mr. Whyte's property is a residential home and has concerns of people walking through the property.
  5. Lighting is a factor.
  6. Should the gas station be permitted, there is a fear that a price war will ensue and the top brand gas station (Shell) will price the existing gas stations out of business.
  7. Enquired whether Harvey's will be take-out or seated fast food restaurant.
  8. Commented that he spoke to landscaping company and they stated that everything on the lot will be removed, including all the existing trees.
- Steve Behal made comments regarding the grass, and; stated that grass is no longer sustainable and quite often is the first area to become unkempt as it is difficult to maintain. Also noted that electric vehicles are the way of the future and there should be more charging stations installed at the proposed site.
- Ray Steadman asked if a crossing section will be installed for safe street crossing, especially with the arena across the street, and; kids will be running across to get to Harvey's.
- John Beddows noted that the PPS talked about development that may cause environmental or public health and safety concerns.
- Essa from the Esso Station at 675 Stone Street N requested statistics regarding total fuel volume in Gananoque from 2018 and 2019.
- Marion Sprenger spoke to the potential relocation of accessible parking spaces and inquired if this would only leave one (1) accessible spot. She recommended that the two (2) parking spaces remain on the site. She commented that the crossing of the road at Herbert Street and Elizabeth Drive currently a congested area, and; it is already for pedestrians / vehicles. Additionally, she noted that the site could become a potential brownfield.
- Chris McDonald, identified that the application follows the Provincial Policy Statement, Official Plan and Development Permit By-law.

**\*\* At this point, the Chair recommended to Council that the Presentation scheduled to appear during the Committee of the Whole meeting from the Linklater Public School, Grade 4 class be permitted to present. – CARRIED – UNANIMOUS**

**Presentation – Mayor's Visit – Linklater Public School Grade 4 Class**

- Jessica Tamblyn and the Grade 4 class students presented a PowerPoint presentation regarding environmental issues and suggestions from the students on how the Town of Gananoque could become environmentally responsible. This presentation was presented to Mayor Lojko previously, when he visited the school.
- Council thanked the students and commended them on their presentation.

**\*\*At this point, Council completed the Public Meeting and; considered the following recommendation:**

**Motion #19-262 – Class III Development Permit – File No. DP2019-06 – 575 King Street East – Gas Bar, Convenience Store and Take-Out Restaurant with Upper-Storey Residential Unit**

**Moved by:** Councillor O’Connor

**Seconded by:** Councillor Harper

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES THE DEVELOPMENT PERMIT DP2019-06 PAVARANI HOLDINGS INC. FOR THE PROPERTY AT 575 KING STREET EAST, PROVIDED THE FOLLOWING CONDITIONS ARE MET:

- THE OWNER ENTER INTO A DEVELOPMENT PERMIT AGREEMENT WITH THE TOWN FOR THE LAYOUT AS APPROVED BY THE PROPERTY OWNER WITHIN 1 (ONE) YEAR OF APPROVAL;
- FINAL PLANS FOR SITE PLAN, DRAINAGE AND STORMWATER MANAGEMENT AND APPLICABLE REPORTS FOR FINAL APPROVAL BY THE TOWN;
- FINAL PLANS FOR ELEVATION AND RENDERINGS PERTAINING TO DESIGN CRITERIA:
  - EQUAL SIZE WINDOWS ON RESIDENTIAL UNIT TO IMPROVE VISUAL SCALE AND APPEAL OR REMOVE; SUBJECT TO THE ONTARIO BUILDING CODE;
  - NORTH ELEVATION (BEING THE WALL ADJACENT THE ACCESSIBLE PARKING SPACES) BE OF BRICK OR BRICK VENEER MATERIAL, MATCHING OR ACCENTING BRICK USED ON OTHER PARTS OF THE BUILDING;
  - PARAPET ACCENTS BE ADDED TO THE RESIDENTIAL UNIT TO MATCH COMMERCIAL DETAIL;
  - CORNER BRICK ACCENT TO BE ADDED TO THE RESIDENTIAL UNIT, TO MATCH CORNER BRICK ON THE REST OF BUILDING;
  - ADDITIONAL BRICK ACCENTS OR OTHER MATERIAL CHOICE OR COLOUR TO AVOID LARGE, UNIFORM DESIGN ON STUCCO WALLS;
  - ACCESSIBLE PARKING BE RELOCATED TO SOUTH SIDE OF BUILDING AS PREVIOUSLY DISCUSSED TO CREATE ADDITIONAL LANDSCAPING;
  - RELOCATION OF STAIRCASE TO SOUTH SIDE OF BUILDING;
  - FENCE POSTS ARE INSTALLED BELOW FROST TO MAINTAIN STABILITY;
  - WOOD FENCE ON EAST SIDE OF PROPERTY BE EXTENDED TO PROPERTY LINE, AND;
  - INVESTIGATE RELOCATION OF SIGNAGE TO CENTRAL MEDIAN.
- LANDSCAPE PLAN BE AMENDED TO REPLACE GRANULAR LANDSCAPING ADJACENT BUILDING, ALONG EAST BUFFER AND BE REPLACED WITH GRASS. PROPOSED TREES TO REMAIN.
- CLEARANCE LETTER FROM EASTERN ONTARIO POWER FOR RELOCATION OF LINES BE SUBMITTED CLEARANCE LETTER FROM ALL OTHER UTILITIES AND AGENCIES BE SUBMITTED (I.E: TSSA),

AS PRESENTED IN REPORT COUNCIL-CD-2019-10.

<b>Recorded Vote</b>	<b>Aye</b>	<b>Nay</b>
Haird, A.	X	
Harper, M.		X
Kench, M.		X
O’Connor, D.		X
Osmond, D.	X	
<b>Total</b>	<b>2</b>	<b>3</b>

**DEFEATED – 2 Ayes, 3 Nays**

The Manager of Planning and Development requested that the Council Members who voted against the recommendation as presented Motion #19-262, provide their rationale for defeating the motion.

1. Councillor Harper stated the matter was a tough decision and after hearing comments from the public combined with the presentation from Linklater public school regarding environment issues, swayed his decision to vote against.



2. Councillor O'Connor stated that Council declared a Climate Crisis and should look at that view point regarding Climate Change, and; recommended to make changes to By-laws.
3. Councillor Kench stated that his decision to vote against the application was present in Report Council-CD-2019-10, and provided the highlighted excerpt as follows: *"Exception of the maximum entrance for the purposes of transport fuel delivery and orient of building due to the irregular shape of lot."*

**10. Unfinished / New Business – None**

**11. Consent Agenda**

**Moved by:** Councillor O'Connor

**Seconded by:** Councillor Harper

Be it resolved that the By-laws and Motions listed on the Consent Agenda be passed accordingly:

**BY-LAWS:**

**2019-116 – Town's Civic Collection – Add Gananoque Canoe Club Donations**

**2019-117 – Amend Human Resources Policy By-law No. 2014-110 – Various Amendments / Updates**

**2019-118 – Adopt an Emergency Management Program and Emergency Response Plan**

**2019-119 – Lease Agreement – 10 King Street East – Chamber of Commerce**

**2019-120 – Lease Agreement – 10 King Street East – Thousand Islands Accommodation Partners (TIAP)**

**MOTIONS:**

**#19-253 – Approval of Minutes – Tuesday, November 19<sup>th</sup>, 2019**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE HEREBY ADOPTS THE REGULAR MINUTES OF TUESDAY, NOVEMBER 19<sup>TH</sup>, 2019 MEETING.

**#19-254 – CrossCurrent Energy Corp. – Reduction in Rent – Rooftop Solar Project**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO REVIEW THE LEASE AGREEMENT WITH CROSSCURRENT ENERGY CORP., AND REPORT BACK TO THE COMMITTEE OF THE WHOLE REGARDING THE PROPOSAL TO REDUCE THE RENT WITH RESPECT TO THE ROOFTOP SOLAR PANELS AT THE THOUSAND ISLANDS PLAYHOUSE.

**#19-255 – Artefact Agreement – Five (5) Year Renewal – Refer to Budget Deliberations**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE ACCEPTS THE ARTEFACT REPORT BY THE ARTHUR CHILD HERITAGE MUSEUM/THOUSAND ISLANDS HISTORY MUSEUM;

AND FURTHER, SUBJECT TO BUDGET APPROVAL, PASS A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN AN ARTEFACT RENEWAL AGREEMENT WITH THE ARTHUR CHILD HERITAGE MUSEUM (ACHM)/THOUSAND ISLANDS HISTORY MUSEUM (TIHM) FOR A FIVE (5) YEAR TERM AND APPROVE FUNDING FOR \$15,000 ANNUALLY, AS PRESENTED IN COW REPORT CAO-2019-08.

**#19-256 – Arthur Child Heritage Museum Thousand Islands History Museum Funding Proposal**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE REFERS THE ARTHUR CHILD HERITAGE MUSEUM (ACHM)/THOUSAND ISLANDS HISTORY MUSEUM FUNDING PROPOSAL IN

THE AMOUNT OF \$48,575 TO THE 2020 BUDGET DELIBERATION PROCESS, AS PRESENTED IN COW REPORT CAO-2019-09.

<p><b>#19-257 – Council and Committee of the Whole 2020 Meeting Schedule</b> AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE APPROVES THE 2020 COUNCIL AND COMMITTEE OF THE WHOLE MEETING SCHEDULE, AS PRESENTED IN COW REPORT CSC-2019-04.</p>
<p><b>#19-258 – 2019 Third Quarter Financial Results</b> AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE 2019 THIRD (3RD) QUARTER FINANCIAL RESULTS, AS PRESENTED IN COW REPORT FIN-2019-41.</p>
<p><b>#19-259 – Capital Matters Pending</b> AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE CAPITAL MATTERS PENDING UPDATE, AS PRESENTED IN COW REPORT FIN-2019-42.</p>

**CARRIED – UNANIMOUS**

**SAVE AND EXCEPT:**

**#19-260 – Purchase of a Total Station – Budget Deviation in Intent**

**Moved by:** Councillor O'Connor                      **Seconded by:** Councillor Harper  
AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE AUTHORIZES A BUDGET DEVIATION BY INTENT IN THE AMOUNT OF \$24,914.24 (INCLUSIVE OF HST) TO PURCHASE A FOCUS 35 ROBOTIC TOTAL STATION AND ALL APPLICABLE APPURTENANCES, AS PRESENTED IN COW REPORT-RDS-2019-07.

**DEFEATED – 2 Ayes, 3 Nays**

**#19-266 – Purchase of a Total Station – Refer to Budget Deliberations**

**Moved by:** Councillor Haird                      **Seconded by:** Councillor Harper  
BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE REFER THE PURCHASE OF A TOTAL STATION IN THE AMOUNT OF \$24,914.24 (INCLUSIVE OF HST) TO THE BUDGET DELIBERATIONS.

**CARRIED – UNANIMOUS**

**#19-261 – RMP Construction Site Update – Direction to Staff**

**Moved by:** O'Connor                      **Seconded by:** Councillor Harper  
AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO REQUEST THAT RMP REMOVE THEIR EQUIPEMENT/MATERIAL FROM SURROUNDING WORKSITE OF WATER, KATE AND ST. LAWRENCE STREETS BY JANUARY 30TH, 2020.

**CARRIED – UNANIMOUS**

**\*\*Moved by Councillor Haird and Seconded by Councillor Harper to amend Motion #19-261, to remove “JANUARY 30<sup>th</sup>, 2020” and replace with “FEBRUARY 29<sup>th</sup>, 2020”.**

**DEFEATED – 2 Ayes, 3 Nays**

12.	Motions (Council Direction to Staff) – None
13.	Notice Required Under the Notice By-law – None
14.	Committee Updates (Council Reps) <ul style="list-style-type: none"><li>Councillors reported on activities / meetings that took place over the last two (2) week period.</li></ul>
15.	Discussion of Additional Items – None

16.	Miscellaneous
<b>Council-FIN-2019-06 – Expression of Interest Modernization Grant</b>	
	<b>Motion #19-263 – Expression of Interest Modernization Grant</b> <b>Moved by:</b> Councillor O'Connor <b>Seconded by:</b> Councillor Harper BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO

	<p>SUBMIT AN EXPRESSION OF INTEREST TO THE MUNICIPAL MODERNIZATION PROGRAM FOR A GRANT TO FUND A SERVICE DELIVERY REVIEW IN THE AMOUNT OF \$65,000, AS PRESENTED IN COUNCIL REPORT 2019-FIN-06.</p> <p style="text-align: right;"><b>CARRIED – UNANIMOUS</b></p>
<p style="text-align: center;"><b>Council-UTIL-2019-05 – Grant Opportunity – Investing in Canada Infrastructure Program (ICIP) – Green Stream – Intake 1</b></p>	
	<p><b>Motion #19-264 – Grant Opportunity – Investing in Canada Infrastructure Program (ICIP) – Green Stream – Intake 1</b></p> <p><b>Moved by:</b> Councillor O’Connor <span style="float: right;"><b>Seconded by:</b> Councillor Harper</span></p> <p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE DIRECTS STAFF TO APPLY FOR FUNDING FOR UPGRADES TO THE TOWN’S EXISTING FORCEMAIN AND ASSOCIATED LAGOON STRUCTURES, UNDER THE INVESTING IN CANADA INFRASTRUCTURE PROGRAM (ICIP) – GREEN STREAM – INTAKE 1, UP TO A MAXIMUM AMOUNT OF \$2,845,230, AS PRESENTED IN COUNCIL REPORT UTIL-2019-05.</p> <p style="text-align: right;"><b>CARRIED – UNANIMOUS</b></p>
<p><b>17.</b></p>	<p><b>Confirmation By-law</b></p>
	<p><b>By-law No. 2019-121 – Confirming By-law – December 3, 2019</b> (3 Readings)</p> <p><b>Moved by:</b> Councillor O’Connor <span style="float: right;"><b>Seconded by:</b> Councillor Harper</span></p> <p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-121, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS REGULAR MEETING HELD ON DECEMBER 3<sup>RD</sup>, 2019, BE READ THREE TIMES AND FINALLY PASSED THIS 3<sup>RD</sup> DAY OF DECEMBER, 2019.</p> <p style="text-align: right;"><b>CARRIED – UNANIMOUS</b></p>
<p><b>18.</b></p>	<p><b>Next Meeting – December 17, 2019</b></p>
<p><b>19.</b></p>	<p><b>Adjournment</b></p>
	<p><b>Moved by:</b> Councillor O’Connor</p> <p>Be it resolved that Council hereby adjourns this regular meeting of Council at 7:58 PM.</p> <p style="text-align: right;"><b>CARRIED – UNANIMOUS</b></p>
<p>_____ David Osmond, Deputy Mayor</p>	<p>_____ Penny Kelly, Clerk</p>



## COUNCIL Report – CAO-2019-02

**Date:** December 17, 2019  **IN CAMERA**

**Subject:** Amend Municipal Accommodation Tax (MAT) By-law No. 2019-058 – Remove Exemption for Third-Party Home-Sharing Entities

**Author:** Shellee Fournier, CAO  **OPEN SESSION**

---

### RECOMMENDATION:

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-128, BEING A BY-LAW TO AMEND THE MUNICIPAL ACCOMMODATION TAX (MAT) ESTABLISHING BY-LAW NO. 2019-058 TO REMOVE THE EXEMPTION FOR THIRD-PARTY HOME SHARING ENTITIES, AS PRESENTED IN COUNCIL REPORT CAO-2019-02.

### STRATEGIC PLAN COMMENTS:

Sector 1: Economic Prosperity – Strategic Initiative #4 – Develop and promote Gananoque as a four season Tourist destination that supports the local economy.

### BACKGROUND:

This report should be read in conjunction with Staff Report COW-FIN-2019-20 (attached).

### INFORMATION/DISCUSSION:

The Town passed By-law No. 2019-058 (as amended) to establish a Municipal Accommodation Tax. This By-law comes into effect on December 31<sup>st</sup>, 2019.

As the Town did not yet have a By-law to regulate third-party home-sharing entities, it exempted them from the By-law until such time as the Town staff could complete this work.

Council will be considering the final by-law on December 17, 2019 to regulate Short Term Accommodation establishments. To that end, **if passed**, staff recommend that By-law No. 2019-058 be amended to remove the exemption for third-party home-sharing entities. This will mean that third-party home-sharing entities will also be required to collect and remit the 4% Municipal Accommodation Tax (MAT).

- i) ~~Every private, residential dwellings (or part of dwellings) rented through a third party home sharing listing entity without provision within the rental fee of a breakfast to provide sleeping accommodations to a person or persons on a temporary basis (generally less than twenty eight (28) days, with daily or weekly rates);~~

**APPLICABLE POLICY/LEGISLATION:**

Ontario Regulation 435/17.  
By-law 2019-058 as amended

**FINANCIAL CONSIDERATIONS:**

N/A

**CONSULTATIONS:**

Planning Advisory Committee  
Gananoque Town Council  
Public Meetings

**ATTACHMENTS:**

Report COW-FIN-2019-20  
Proposed Amendment to By-law 2019-058

<b>APPROVAL</b>	<p>_____</p> <p><b>Melanie Kirkby, Treasurer</b></p> <p>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council’s own policies and guidelines and the Municipal Act and regulations.</p> <p>_____</p> <p><b>Shellee Fournier, CAO</b></p>
-----------------	--



## COW Report – FIN-2019-20

**Date:** June 4, 2019  **IN CAMERA**

**Subject:** Municipal Accommodation Tax (MAT) Update and Establishing By-law

**Author:** Melanie Kirkby, Treasurer and Shellee Fournier, CAO  **OPEN SESSION**

---

### **RECOMMENDATION:**

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES THE MUNICIPAL ACCOMMODATION TAX (MAT) UPDATE FOR INFORMATION PURPOSES, AS PRESENTED IN COW REPORT FIN-2019-20.

AS RECOMMENDED BY THE COMMITTEE OF THE WHOLE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW 2019-XX, BEING A BY-LAW TO ESTABLISH A MUNICIPAL ACCOMMODATION TAX (MAT), AS PRESENTED IN COW REPORT FIN-2019-20.

### **STRATEGIC PLAN COMMENTS:**

Sector 1: Economic Prosperity - Strategic Initiative #4 – Develop and promote Gananoque as a four season Tourist destination that supports the local economy.

### **BACKGROUND:**

Further to Council Motion 2019-092, staff hosted a meeting on April 23<sup>rd</sup>, 2019 to which all hotel, motel and bed and breakfast owners were invited.

At the May 7, 2019 Committee of the Whole meeting Staff Report COW-FIN-2019-16 stated that “Staff feel that the next steps include; issuing a survey, working with TIAP to draft a revenue sharing agreement, and investigate how funds will be spent and how spending will be administered. Discussion surrounding the inclusion of Air B&Bs requires further work also as these establishments are currently not legislated.”

Subsequently, at the May 7, 2019 Committee of the Whole meeting Motion 2019-122 directed staff to implement MAT effective October 31, 2019 and continue to negotiate with all stakeholders.

### **INFORMATION/DISCUSSION:**

Economic Development staff have conducted a survey of all owners regarding when they would like the MAT to come into effect, how they would like the funds spent, i.e. what percentage on marketing, what percentage on events, etc.

The survey received 30 responses. 15 were in support of the MAT and 15 were in opposition of the MAT. This is not surprising as these numbers roughly represent the split between accommodation owners who are currently participating in the destination marketing program vs those who are not.

The results indicated that 44% of respondents were In favour of a January 1, 2020 implementation, 28% in favour of a January 1, 2021 implementation, 8% in favour of both September and November 1<sup>st</sup> 2019, 4% October 1<sup>st</sup> and 4% for April 2020 and 4% for May 2019.

The question of frequency of remittance was 58% quarterly, 21% monthly, 17% annually and 4% bases on revenue. Staff feel that quarterly would be the best compromise. This would allow the majority of accommodation owners to complete their MAT remittance with their HST remittance, both of which are based on sales revenues.

The respondents' votes were 31% that the funds available after paying TIAP should be used for marketing, 26% for events, 19% said give all the funds to TIAP, 22% said tourism, (which is how all of the money must be spent) and 1% voted for infrastructure. Suggestions included focusing on winter tourism, beautification of parks and adding additional docks at the marina.

In response to how the spending decisions should be made were; 27% an appointed board, 17% Town Council, 30% TIAP and 26% said other. The other answers included volunteers, not sure, no one, a combination of board, Council & TIAP and finally a board made up only of people who have no interest in accommodation.

Staff recommend that next steps include; working with TIAP to draft a revenue sharing agreement, discussing with stakeholders how funds will be spent and how spending policy will be governed. (Council vs Board)

A By-law to regulate Air B&Bs would limit the Town's liability exposure regarding safety concerns for guests. Once a Municipality acknowledges the existence of any business, they are assuming liability for the code and safety of the business. Staff are recommending the MAT By-law precede the inclusion of Air B&Bs in this program, as these establishments are currently not legislated. Staff are working with other municipalities who have recently implemented the MAT and who are establishing regulations related to Air B&Bs. The intent going forward, once the licensing/regulating of Air B&Bs is complete, is to include them in the Town's MAT by-law.

**APPLICABLE POLICY/LEGISLATION:**

Motion #19-092

Motion #19-050

Motion #19-122

Ontario Regulation 435/17.

**FINANCIAL CONSIDERATIONS:**

N/A at this time.

**CONSULTATIONS:**

Accommodation Providers via the MAT Survey

**ATTACHMENTS:**

Proposed MAT By-Law

<p><b>APPROVAL</b></p>	<p>_____</p> <p><b>Melanie Kirkby, Treasurer</b></p> <p>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council’s own policies and guidelines and the Municipal Act and regulations.</p> <p>_____</p> <p><b>Shellee Fournier, CAO</b></p>
------------------------	--



THE CORPORATION OF THE TOWN OF GANANOQUE

BY-LAW NO. 2019-0xx

BEING A BY-LAW TO ESTABLISH THE MUNICIPAL ACCOMMODATION TAX (MAT)

---

**AND WHEREAS** Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, provided that the powers of every Council are to be exercised by By-law.

**AND WHEREAS** the Town may, through a by-law, impose a tax in respect of the purchase of transient accommodation in the municipality in accordance with Part XII.1 of the *Municipal Act* 2001, S.O. 2001, Chapter 25, as amended, and the Transient Accommodation Tax Regulation 435/17; and

**AND WHEREAS** Council Resolution #19-122 directs staff to implement a Municipal Accommodation Tax (MAT) effective October 31, 2019.

**AND WHEREAS** at its meeting on June 18, 2019, the Council of The Corporation of the Town of Gananoque approved the establishment of the transient accommodation tax to be imposed on the purchase of short term accommodations within the Town of Gananoque, which will generate revenue that may be shared with designated non-profit entities who promote local tourism as further described in Regulation 435/17; and

**AND WHEREAS** section 425 of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

**AND WHEREAS** the Council of the Corporation of the Town of Gananoque deems it advisable to pass such a By-law.

**NOW THEREFORE** the Council of the Corporation of the Town of Gananoque enacts as follows:

**1. DEFINITIONS:**

**For the purposes of this By-Law:**

"**accommodation**" means lodging, and the right to use lodging, that is provided for consideration, whether or not the lodging is actually used.

"**person**" means an individual as well as a corporation.

"**provider of transient accommodation**" means a person or an entity that sells, offers for sale, or otherwise provides accommodation.

"**purchaser**" means a person who gives money or other consideration in exchange for accommodation.

**2. AUTHORIZATION AND ADMINISTRATION:**

- a. That the Mayor and Clerk are hereby authorized to establish a Municipal Accommodation Tax (MAT).
- b. The Treasury Department is responsible for the administration and enforcement of this By-law.

### 3. APPLICATION OF TAX:

- a. A provider of transient accommodation shall charge the Municipal Accommodation Tax, plus applicable taxes, to every Purchaser, at the time of purchase.
- b. A purchaser shall pay to the provider of transient accommodation an accommodation tax, at the time of purchase, in the amount of four (4) percent and any associated tax of the purchase price of the transient accommodation which is provided for a continuous period of less than 30 nights and is provided within a hotel, motel, inn, bed and breakfast, resort or hostel.
- c. A provider of transient accommodation shall include on every invoice and receipt for the purchase of transient accommodation a separate item for the amount of tax on the transient accommodation imposed on the purchase, and the item shall be identified as "Municipal Accommodation Tax".

### 4. EXEMPTIONS:

The Municipal Accommodation Tax imposed by subsection 1

- (a) Does not apply to: Every university in Ontario and every college of applied arts and technology and post-secondary institutions in Ontario whether or not affiliated with a university, the enrolments of which are counted for the purposes of calculating annual operating grant entitlements from the Crown on accommodations provided to students while the student is registered at and attending the institution;
- (b) Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the Public Hospitals Act and every private hospital operated under the authority of a license issued under the Private Hospitals Act;
- (c) Every long-term care home as defined in subsection 2(1) of the Long-Term Care Act, 2007, retirement home and hospices;
- (d) Every treatment centre that receives provincial aid under the Ministry of Community and Social Services Act;
- (e) Every house of refuge or lodging for the reformation of offenders;
- (f) Every charitable, non-profit philanthropic corporation organized as shelters for the relief of the poor or for emergency;
- (g) Every tent or trailer site supplied by a campground, tourist camp or trailer park;
- (h) Every accommodation supplied by employers to their employees in premises operated by the employer;
- (i) Every private, residential dwellings (or part of dwellings) rented through a third party home-sharing listing entity without provision within the rental fee of a breakfast to provide sleeping accommodations to a person or persons on a temporary basis (generally less than 28 days, with daily or weekly rates);
- (j) Every hospitality room in an establishment that does not contain a bed and is used for displaying merchandise, holding meetings or entertaining; or
- (k) The accommodation of visitors without receipt of payment or other consideration, where that accommodation is incidental to and normally associated with the permitted residential use of a dwelling unit.

## **5. TAX COLLECTED BY SERVICE PROVIDER:**

Providers of transient accommodation shall collect the Municipal Accommodation Tax from the purchaser at the time the accommodation is purchased and shall remit the Municipal Accommodation Tax to the tax collection agents, designated by the Town, and in accordance with the following schedule:

- Tax collected from January 1<sup>st</sup> to March 31<sup>st</sup> inclusive, remitted by April 30<sup>th</sup>
- Tax collected from April 1<sup>st</sup> to June 30<sup>th</sup> inclusive, remitted by July 31<sup>st</sup>
- Tax collected from July 1<sup>st</sup> to September 30<sup>th</sup> inclusive, remitted by October 31<sup>st</sup>
- Tax collected from October 1<sup>st</sup> to December 31<sup>st</sup> inclusive, remitted by January 31<sup>st</sup>

and shall include a detailed statement in the form required by the tax collection agents detailing the Municipal Accommodation Tax collected for the reporting period.

## **6. TAX COLLECTION AGENT:**

The Municipal Accommodation Tax received by providers of transient accommodation shall be collected by the Town of Gananoque who shall administer the Municipal Accommodation Tax in accordance with an agreement entered into with the Town.

The Mayor and the Chief Administrative Officer may designate additional tax collection agents for the municipality and enter into agreements with any designated collection agents.

## **7. PENALTIES AND INTEREST:**

Past due amounts payable by providers of transient accommodation shall bear penalties and interest at the rate applicable to property tax arrears and shall be payable on the non-payment of the full amount of the outstanding Municipal Accommodation Tax by the due date in accordance with the Town's Tax rates and Ratios By-law. A penalty will be charged on the unpaid amount of a Municipal Accommodation Tax installment on the first day of default and monthly interest charges will be imposed on the first day of each month thereafter until paid in full. An additional fee will be charged in respect of any remittances made by cheque that are not honoured by the financial institution upon which it is drawn.

## **8. LIENS:**

All Municipal Accommodation Tax, penalties and interest that are past due shall be deemed to be in arrears, and may be transferred to the tax collectors' roll of the Town to be collected in the same manner as municipal property taxes and shall constitute a lien upon the lands.

## **9. AUDIT AND INSPECTION:**

- (a) Every provider of transient accommodation shall keep and retain books of account, records and documents sufficient to furnish the Town and its designated tax collection agents with the necessary particulars of sales of accommodation, amount of levy collected and remittance.
- (b) The Town's designated tax collection agent may inspect and audit all books, documents, transactions and accounts of the transient accommodation service provider as required for the purposes of administering and enforcing this by-law.
- (c) No person shall obstruct or hinder or attempt to obstruct or hinder a designated tax collection agent or other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this By-law.
- (d) Every designated tax collection agent shall have the right to enter lands and premises to conduct an inspection to determine whether the provisions of this By-Law and any order(s) issued hereunder are being complied with in accordance with the provisions of Sections 435 and 436 of the Municipal Act, 2001.

**10. ORDERS:**

If the Town is satisfied that a person has contravened a provision of this By-Law, the Town may Order the person who contravened the By-Law or who caused or permitted the contravention to discontinue the contravening activity.

No person shall fail to comply with an order issued pursuant to section 10 of this By-Law.

**11. OFFENCE AND PENALTIES**

- (a) Every person who contravenes any provision of this by-law is guilty of an offence as provided for in subsection 429(1) of the Municipal Act, 2001, and all such offences are designated as continuing offences as provided for in subsection 429(2)(a) of the Municipal Act, 2001.
- (b) A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offense continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and total of all of the daily fines for the offence is not limited to \$100,000.00, as provided for in 429(3) paragraph 2 of the Municipal Act.
- (c) As provided for in section 431 of the Municipal Act, 2001, if a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted issue an order.
- (d) Prohibiting the continuation or repetition of the offence by the person convicted; and
- (e) Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Without limiting the foregoing, the Town may establish and use other dispute resolution mechanisms and enforcement measures if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due, including measures such as garnishment or the seizure and sale of property.

**12. VALIDITY:**

If a Court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

**13. SHORT TITLE OF BY-LAW:**

This By-law may be referred to as the "Municipal Accommodation Tax By-Law".

**14. EFFECTIVE DATE:**

This By-law shall come into full force and effect on October 31<sup>st</sup>, 2019.

Read a first, second and third time and finally passed this xx day of June, 2019.

\_\_\_\_\_  
Ted Lojko, Mayor

\_\_\_\_\_  
Penny Kelly, Clerk

(Seal)

**THE CORPORATION OF THE TOWN OF GANANOQUE  
BY-LAW NO. 2019-058**

**Last amended by By-law No. 2019-083  
Proposed Amendment by By-law No. 2019-127**

---

**BEING A BY-LAW TO ESTABLISH THE MUNICIPAL ACCOMMODATION TAX (MAT)**

---

**AND WHEREAS** Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, provided that the powers of every Council are to be exercised by By-law.

**AND WHEREAS** the Town may, through a by-law, impose a tax in respect of the purchase of transient accommodation in the municipality in accordance with Part XII.1 of the *Municipal Act* 2001, S.O. 2001, Chapter 25, as amended, and the Transient Accommodation Tax Regulation 435/17; and

**AND WHEREAS** Council Motion #19-122 directs staff to implement a Municipal Accommodation Tax (MAT) effective October 31, 2019.

**AND WHEREAS** the Committee of the Whole reviewed Report COW-FIN-2019-20, and concurs with the recommendation to pass a By-law, being a By-law to establish a Municipal Accommodation Tax (MAT);

**AND WHEREAS** at its meeting on June 18, 2019, the Council of The Corporation of the Town of Gananoque approved the establishment of the transient accommodation tax to be imposed on the purchase of short term accommodations within the Town of Gananoque, which will generate revenue that may be shared with designated non-profit entities who promote local tourism as further described in Regulation 435/17; and

**AND WHEREAS** Section 425 of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

**AND WHEREAS** on August 13, 2019, the Committee of the Whole received a Notice of Motion to amend By-law No. 2019-058, to add a Section entitled "**REMITTANCE SCHEDULE**", and to amend Section 14, entitled "**EFFECTIVE DATE**" to remove October 31st, 2019 and replace it with December 31st, 2019, and subsequently, unanimously passed the amendment;

**AND WHEREAS** the Council of the Corporation of the Town of Gananoque deems it advisable to pass such a By-law.

**NOW THEREFORE** the Council of the Corporation of the Town of Gananoque enacts as follows:

**1. DEFINITIONS:**

**For the purposes of this By-Law:**

- 1.1** "accommodation" means lodging, and the right to use lodging, that is provided for consideration, whether or not the lodging is actually used.
  
- 2.1** "person" means an individual as well as a corporation.

**3.1 "provider of transient accommodation"** means a person or an entity that sells, offers for sale, or otherwise provides accommodation.

**4.1 "purchaser"** means a person who gives money or other consideration in exchange for accommodation.

**2. AUTHORIZATION AND ADMINISTRATION:**

- a. That the Mayor and Clerk are hereby authorized to establish a Municipal Accommodation Tax (MAT).
- b. The Treasury Department is responsible for the administration and enforcement of this By-law.

**3. APPLICATION OF TAX:**

- a. A provider of transient accommodation shall charge the Municipal Accommodation Tax, plus applicable taxes, to every Purchaser, at the time of purchase.
- b. A purchaser shall pay to the provider of transient accommodation an accommodation tax, at the time of purchase, in the amount of four (4) percent and any associated tax of the purchase price of the transient accommodation which is provided for a continuous period of less than thirty (30) nights and is provided within a hotel, motel, inn, bed and breakfast, resort or hostel.
- c. A provider of transient accommodation shall include on every invoice and receipt for the purchase of transient accommodation a separate item for the amount of tax on the transient accommodation imposed on the purchase, and the item shall be identified as "Municipal Accommodation Tax".

**4. EXEMPTIONS:**

The Municipal Accommodation Tax imposed by Subsection 1

- (a) Does not apply to: Every university in Ontario and every college of applied arts and technology and post-secondary institutions in Ontario whether or not affiliated with a university, the enrolments of which are counted for the purposes of calculating annual operating grant entitlements from the Crown on accommodations provided to students while the student is registered at and attending the institution;
- (b) Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a license issued under the *Private Hospitals Act*;
- (c) Every long-term care home as defined in subsection 2(1) of the *Long-Term Care Act, 2007*, retirement home and hospices;
- (d) Every treatment centre that receives provincial aid under the Ministry of *Community and Social Services Act*;
- (e) Every house of refuge or lodging for the reformation of offenders;
- (f) Every charitable, non-profit philanthropic corporation organized as shelters for the relief of the poor or for emergency;
- (g) Every tent or trailer site supplied by a campground, tourist camp or trailer park;

- (h) Every accommodation supplied by employers to their employees in premises operated by the employer;
- (i) ~~Every private, residential dwellings (or part of dwellings) rented through a third party home sharing listing entity without provision within the rental fee of a breakfast to provide sleeping accommodations to a person or persons on a temporary basis (generally less than twenty eight (28) days, with daily or weekly rates);~~
- (j) Every hospitality room in an establishment that does not contain a bed and is used for displaying merchandise, holding meetings or entertaining; or
- (k) The accommodation of visitors without receipt of payment or other consideration, where that accommodation is incidental to and normally associated with the permitted residential use of a dwelling unit.

**5. TAX COLLECTED BY SERVICE PROVIDER:**

Providers of transient accommodation shall collect the Municipal Accommodation Tax from the purchaser at the time the accommodation is purchased and shall remit the Municipal Accommodation Tax to the tax collection agents, designated by the Town, and in accordance with the following schedule:

- Tax collected from January 1<sup>st</sup> to March 31<sup>st</sup> inclusive, remitted by April 30<sup>th</sup>
- Tax collected from April 1<sup>st</sup> to June 30<sup>th</sup> inclusive, remitted by July 31<sup>st</sup>
- Tax collected from July 1<sup>st</sup> to September 30<sup>th</sup> inclusive, remitted by October 31<sup>st</sup>
- Tax collected from October 1<sup>st</sup> to December 31<sup>st</sup> inclusive, remitted by January 31<sup>st</sup>

and shall include a detailed statement in the form required by the tax collection agents detailing the Municipal Accommodation Tax collected for the reporting period.

**6. TAX COLLECTION AGENT:**

The Municipal Accommodation Tax received by providers of transient accommodation shall be collected by the Town of Gananoque who shall administer the Municipal Accommodation Tax in accordance with an agreement entered into with the Town.

The Mayor and the Chief Administrative Officer may designate additional tax collection agents for the municipality and enter into agreements with any designated collection agents.

**7. PENALTIES AND INTEREST:**

Past due amounts payable by providers of transient accommodation shall bear penalties and interest at the rate applicable to property tax arrears and shall be payable on the non-payment of the full amount of the outstanding Municipal Accommodation Tax by the due date in accordance with the Town's Tax Rates and Ratios By-law. A penalty will be charged on the unpaid amount of a Municipal Accommodation Tax installment on the first day of default and monthly interest charges will be imposed on the first day of each month thereafter until paid in full. An additional fee will be charged in respect of any remittances made by cheque that are not honoured by the financial institution upon which it is drawn.

**8. LIENS:**

All Municipal Accommodation Tax, penalties and interest that are past due shall be deemed to be in arrears, and may be transferred to the tax collectors' roll of the Town to be collected in the same manner as municipal property taxes and shall constitute a lien upon the lands.

## 9. AUDIT AND INSPECTION:

- (a) Every provider of transient accommodation shall keep and retain books of account, records and documents sufficient to furnish the Town and its designated tax collection agents with the necessary particulars of sales of accommodation, amount of levy collected and remittance.
- (b) The Town's designated tax collection agent may inspect and audit all books, documents, transactions and accounts of the transient accommodation service provider as required for the purposes of administering and enforcing this By-law.
- (c) No person shall obstruct or hinder or attempt to obstruct or hinder a designated Tax Collection Agent or other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this By-law.
- (d) Every designated Tax Collection Agent shall have the right to enter lands and premises to conduct an inspection to determine whether the provisions of this By-law and any order(s) issued hereunder are being complied with in accordance with the provisions of Sections 435 and 436 of the *Municipal Act*, 2001.

## 10. ORDERS:

If the Town is satisfied that a person has contravened a provision of this By-law, the Town may Order the person who contravened the By-law or who caused or permitted the contravention to discontinue the contravening activity.

No person shall fail to comply with an order issued pursuant to Section 10 of this By-law.

## 11. OFFENCE AND PENALTIES

- (a) Every person who contravenes any provision of this By-law is guilty of an offence as provided for in subsection 429(1) of the *Municipal Act*, 2001, and all such offences are designated as continuing offences as provided for in subsection 429(2)(a) of the *Municipal Act*, 2001.
- (b) A person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offense continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and total of all of the daily fines for the offence is not limited to \$100,000.00, as provided for in 429(3) paragraph 2 of the *Municipal Act*.
- (c) As provided for in section 431 of the *Municipal Act*, 2001, if a person has been convicted of an offence under this By-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted issue an order.
- (d) Prohibiting the continuation or repetition of the offence by the person convicted; and
- (e) Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Without limiting the foregoing, the Town may establish and use other dispute resolution mechanisms and enforcement measures if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due, including measures such as garnishment or the seizure and sale of property.

## 12. VALIDITY:

If a Court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.



**13. REMITTANCE SCHEDULE**

The Corporation of the Town of Gananoque shall remit payment to the Thousand Islands Accommodation Partners (TIAP), as follows:

- January 1st – 25%
- April 1st – 25%
- July 1st – 25%, and;
- September 1st – 25%

**14. SHORT TITLE OF BY-LAW:**

This By-law may be referred to as the "Municipal Accommodation Tax By-Law".

**15. EFFECTIVE DATE:**

This By-law shall come into full force and effect on December 31<sup>st</sup>, 2019.



**Council Report – RECM-2019-09**

**Date:** December 17, 2019  **IN CAMERA**

**Subject:** Amend General Fees and Rates By-law No. 2016-047 – Municipal Marina Services – Schedule ‘K’

**Author:** Kari Lambe, Manager of Community Services  **OPEN SESSION**

**RECOMMENDATION:**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-131, BEING A BY-LAW TO AMEND THE GENERAL FEES AND RATES BY-LAW NO. 2016-047, MUNICIPAL MARINA SERVICES, SCHEDULE ‘K’, AS OUTLINED IN THE INFORMATION/DISCUSSION SECTION OF COUNCIL REPORT RECM-2019-09.

**STRATEGIC PLAN COMMENTS:**

Sector #3 – Financial Sustainability – Strategic Initiative #1 – Ensure that Gananoque is and remains an affordable place to do business and raise a family.

Sector #4 – Quality of Life – Strategic Initiative #1 – To ensure the recreation needs of our community are being met in a fiscally responsible manner.

**BACKGROUND:**

Staff review fees and rates annually and make recommendations for changes based on market conditions, including but not limited to the Consumer Price Index (CPI), annual increases in expenses, any proposed changes to the current level(s) of service and any direction(s) provided by Council.

**INFORMATION/DISCUSSION:**

During 2020 budget discussions, staff recommended the rate increases based on the rate comparison with other marina’s in Eastern Ontario and the current physical condition of the facility and the need for reinvestment.

DOCKAGE	TYPE	RATES FOR 2020
Seasonal	Serviced (30amp) Included in rate Serviced (50amp/2X30amp) -additional \$159.65 \$167.63 per season	<del>\$58.20/ft.</del> \$61.11/ft.

DOCKAGE	TYPE	RATES FOR 2020
	Un-Serviced	<del>\$49.95/ft.</del> <b>\$52.45/ft.</b>
<b>Monthly (June, July &amp; August)</b>	Serviced (30amp) included in rate Serviced (50amp/2X30 amp) - additional <del>\$40.20</del> <b>\$42.21</b> per month	<del>\$29.35/ft.</del> <b>\$30.82/ft.</b>
<b>Monthly (May, Sept &amp; Oct)</b>	Same as Above	<del>\$17.50/ft.</del> <b>\$18.38/ft.</b>
<b>Weekly</b>	Serviced (30amp) included in rate Serviced (50amp/2X30 amp) - additional <del>\$10.80</del> <b>\$11.34</b> per week	<del>\$9.79/ft.</del> <b>\$10.28/ft.</b>
<b>Daily</b>	Serviced	<del>\$2.00/ft.</del> <b>\$2.10/ft.</b>
<b>Parking Type</b>	Seasonal	\$190.00
	Monthly	\$105.00
	Weekly	\$42.00
	Daily	\$10.00 (HST included)
<b>Services Type</b>	Pump Out	<del>\$20.00 (HST Included)</del> <b>\$21.00 (HST included)</b>
	Laundry	\$3.00 in machine (HST included)
	Non-Patron Shower	\$2.00 (HST Included)
<b>Products</b>	Ice	<del>\$4.00 (HST Zero-rated)</del> <b>\$4.25 (HST Zero-rated)</b>
<b>Seadoo Ramps</b>	Seasonal	<del>\$500.00</del> <b>\$525.00</b>
	Daily	<del>\$25.00 per day</del> <b>\$26.25 per day</b>

**APPLICABLE POLICY/LEGISLATION:**

*Municipal Act, 2001, Part XII Section 391 (1)*

By-law No. 2016-047 – General Fees and Rates, Schedule ‘K’, as amended by By-Law No. 2019-017.

---

**FINANCIAL CONSIDERATIONS:**

The draft 2020 Municipal Marina budget takes into consideration the recommended fee increases as noted in this report.

**CONSULTATIONS:**

Kim McQuaid, Recreation-Marina Coordinator

**ATTACHMENTS:**

Marina rates comparison chart

<b>APPROVAL</b>	<p>_____</p> <p>Kari Lambe, Manager of Community Services</p> <p>_____</p> <p>Melanie Kirkby, Treasurer</p> <p>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council's own policies and guidelines and the Municipal Act and regulations.</p> <p>_____</p> <p>Shellee Fournier, CAO</p>
-----------------	--

<b>2019 Rate Comparison</b>	<b>Gananoque Municipal Marina</b>	<b>Clark's Marina</b>	<b>Peck's Marina</b>	<b>Brockville Municipal Harbour</b>	<b>Confederation Basin Marina</b>	<b>Prescott Marina</b>	<b>Trent Port Marina</b>	<b>Rideau Ferry Harbour</b>
<b>Marina Type</b>	Municipal	Private	Private	Municipal	Municipal	Municipal	Municipal	Municipal
<b>Seasonal Serviced</b>			\$125.00/ft with storage	\$68.75/ft	\$80.29/ft	\$51.80/ft		\$2,130.00 under 30 ft \$2,880.00 under 40 ft \$3,789.00 under 45 ft
<b>15 AMP</b>		\$270.00			\$267.83			
<b>30 AMP</b>	\$58.20/ft	\$340.00			\$466.65		\$52.80/ft	
<b>50 AMP</b>	\$159.65 / season				\$682.14	\$6.90/ft	\$54.50/ft	\$150.00 / season
<b>Less than 18ft</b>							\$657.00	
<b>2x30 or 50 Amp</b>						\$185.00 / season		
<b>Seasonal Unserviced</b>	\$49.95/ft	\$51.00/ft under 21 ft \$60.00/ft over 22 ft \$130.00/ft covered slips	\$100.00/ft with storage			\$52.00/ft		\$1,260.00 under 20ft \$1,512.00 under 24ft
<b>Monthly Peak Season June, July, August</b>	\$29.35/ft per month	\$24.00/ft July, Aug	\$35.00/ft		\$42.21/ft	\$29.00/ft	\$27.90/ft 30amp \$29.00/ft 50amp	
<b>Monthly Off Season May, Sept, Oct</b>	\$17.50/ft	\$20.00/ft		\$15.75/ft	\$20.92/ft	\$20.00/ft		
<b>Dingy Storage in Slip</b>	\$149.85		free					
<b>Weekly</b>	\$9.79/ft	\$8.50/ft	\$15.00/ft	\$11.75 power \$11.55 no power	\$10.56 power extra	\$10.00/ft	\$9.40/ft 30amp \$9.80/ft 50amp	
<b>Daily</b>	\$2.00/ft	\$2.50/ft	\$2.80/ft	\$2.00/ft	\$1.87/ft unserviced \$2.16/ft serviced \$3.40/ft 15amp \$9.39/ft 30amp \$13.46/ft 50amp	\$2.00/ft	\$1.80/ft 30amp \$2.00/ft 50amp	\$1.75/ft
<b>Parking Seasonal</b>	\$190.00	Free	Free	Street Parking	Street Parking			
<b>Parking Monthly</b>	\$105.00							
<b>Parking Weekly</b>	\$42.00							
<b>Parking Daily</b>	\$10.00	\$5.00						
<b>Pumpout</b>	\$20.00	\$25.00 \$20.00 for seasonals	\$35.00 \$5.00 for seasonals			\$84.20/season	\$347.40/season	\$20.00
<b>Pumpout - Large Tanks</b>		\$40.00 \$35.00 for seasonals				\$21.00	\$23.30	\$45.00



**MOTION / RESOLUTION OF COUNCIL**

<b>DATE:</b> December 17, 2019	
<b>Subject: Confirming By-law – December 17, 2019</b>	
<b>MOVED BY:</b>	
<b>SECONDED BY:</b>	
<p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2019-130, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS REGULAR MEETING HELD ON DECEMBER 17<sup>TH</sup>, 2019, BE READ THREE TIMES AND FINALLY PASSED THIS 17<sup>TH</sup> DAY OF DECEMBER, 2019.</p>	

**Ayes** \_\_\_\_\_ **Nays** \_\_\_\_\_

**Carried:** \_\_\_\_\_

**Defeated:** \_\_\_\_\_

**Tabled/Postponed:** \_\_\_\_\_

\_\_\_\_\_  
Ted Lojko, Mayor

MA s. 246 - When a recorded vote is requested, the Clerk will call for each Councillors vote (Aye or Nay), mark the recorded vote as indicated by the member, and announce whether the motion is carried or defeated. The Mayor will then sign the motion.

<b>RECORDED VOTE:</b>	Aye	Nay
Anderson, D.		
Haird, A.		
Harper, M.		
Kench, M.		
O'Connor, D.		
Osmond, D.		
Lojko, T.		
<b>TOTALS</b>		