



Subject: Regulations for Marine Contractors at Sugarloaf Marina
To: Council
From: Recreation and Tourism Department

Report Number: 2025-60

Meeting Date: May 27, 2025

Recommendation:

That Recreation and Tourism Department Report 2025-60 be received; and

That the Recreation and Tourism Department Report 2025-60 recommendations be approved; and

That the regulations for marine contractors at Sugarloaf Marina take effect on the day of passing; and

That the Manager of Recreation and Tourism, and appointed division staff, be delegated the authority to implement and administer the regulations, and to take all actions and make all decisions, including all enforcement measures, required under the regulations.

Purpose:

The purpose of this report is to propose an updated regulation for marine contractors hired by boaters to perform work on their vessels located on the marina property.

Background:

The current Sugarloaf Marina Harbour started development in 1989 as a joint venture between federal, provincial, and municipal governments. Since its development, the municipality operated a marina within the western portion of the harbour, while leasing out the eastern portion to a full-service marina operator.

In 2010, the lease agreement with the full-service marina operator was not renewed, and the municipality took over comprehensive control over harbour operations.

In lieu of not providing marine maintenance services in-house since taking over harbour operations in entirety, marina staff have operated a “Workplace Passport Program” for designated marine contractors wanting to solicit business on the marina property.

The process for interested contractors to be placed on the passport system requires the submission of an application documenting all business information, paying an annual fee, and providing proof of valid insurance, and certification of good standing with the Workplace Safety and Insurance Board (WSIB), if they are operating with employees on site. The management of the workplace passport system is administered by marina staff.

Discussion:

Over the past several years, staff have worked to identify and establish working relationships with various private and municipal marina operators across Ontario.

While engaging and learning from other colleagues, staff have noted specifically with municipal marinas, that those not offering in-house marine services do not manage a contractor program but have defined expectations in place for contractors hired by boaters.

Staff have also retained feedback from marinas that had been managing a contractor program like the passport program in Port Colborne but have since dissolved the program because of negative experiences and/or difficulties in managing the program. The most recent example of this was found at 50-Point marina which is operated by the Hamilton Conservation Authority.

Challenges

The benefits in having marina staff manage a defined program for contractors are primarily with respect to risk management and the control of businesses accessing property, and maintaining relevant documents from said businesses. While a defined program is effective in allowing staff to have control over marine contractors on site, there are still challenges that exist for staff to navigate. The most prevalent examples of this are related to compliance and documentation.

Staff highlight to Council that while there are several contractors that register their business annually, many boaters choose to bring in non-registered contractors that they are comfortable working with, and/or the boaters have sufficient aptitude to be able complete maintenance work by themselves. Staff also acknowledge that many marine services are specialized in nature, and boaters often require services from “outside” contractors not registered with the marina to complete work not offered by those who are registered.

Recommendation

Staff are recommending that the current practice of managing a workplace passport program be dissolved, and in lieu of staff managing a list of designated contractors, the marina will leave the responsibility of choice for marine maintenance exclusively with the boaters themselves.

The marina would still request that all marine contractors working on site at the marina fill out agreements (like the boater's agreements) that set forth rules and expectations while performing work on site. For boaters that perform work all by themselves on their vessels, there will be language updated within the boater agreements that allow owners to acknowledge risk and liability.

Staff have solicited advice from legal on how best to proceed, and updated language within the boater agreements has been made. In addition, boaters will now be asked to ensure contractors hired to perform work on site fill out a new "Third Party Contractor" agreement for the marina to have on file which has contractors acknowledge rules and regulations.

Staff will continue to maintain a list of contractors who register the agreements with the marina office and will continue to provide customers with the names of businesses in good standing.

Non-Compliance

As an extra layer of governance in managing any potential issues that arise with contractors, staff will be escalating significant concerns to an internal review committee comprised of the Manager of Recreation & Tourism, and the Chief Human Resources officer. In consideration of immediate threats for property, and personal safety, staff are requesting to continue to maintain the delegated authority to issue temporary suspensions of access to property for both boaters, as well as contractors on site.

In any case where front-line staff have issued a temporary suspension to an individual(s), the file will be provided to the internal review committee to analyze and establish a confirmed outcome that considers many factors included, but not limited to previous history, risk and safety, etc.

Internal Consultations:

Discussions regarding regulations for marine contractors have involved the office of the Chief Administrative Officer, and Human Resources. Additionally, staff have also retained feedback from other marina operators, including those municipally operated.

Financial Implications:

The marina currently charges \$265 to each contractor enrolling on the workplace passport program. By dissolving the program, the marina would see an approximate loss of \$1325 represented by the average number of contractors that are annually enrolled.

The program provides an undefined benefit related to risk management.

Public Engagement:

Slip holders of the marina will be notified of this change if the recommendations are approved by Council. This report also serves to provide public information.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
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Conclusion:

An updated regulation for marine contractors working on marina property will help protect the natural environment, promote safety and inclusion, and support marina staff by redistributing responsibilities back to boat owners.

Appendices:

- a. Sugarloaf Marina Mooring Agreement
- b. Third Party Contractor Agreement

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.