



PURPOSE:

To define the terms and conditions for residents and entities that wish to secure a water lot lease outside the 1951 Original High-Water Mark within the Waters of Long Pond under the jurisdiction of the Town of Conception Bay South and ensure all lease holders on are equal footing in terms of lease rates.

A Water Lot Lease allows attachment of a permanent structure or dock to privately owned land which includes both the shoreline and bed of the water within the defined leased area as identified on a legal survey provided by the lease holder.

AUTHORITY:

- Section 2(2) of the Municipalities Act, 1999
- Section 221 of the Municipalities Act, 1999
- Council Discretion

PROCEDURE:

1. Property owners with title to the lands immediately adjacent to the 1951 Original High-Water Mark can apply for a water lot lease. Unless otherwise approved by Council, the area of the lease will not exceed the waterfront width of the associated upland and will normally be limited to the area required to accommodate the proposed structure.
2. Eligibility requirements to apply for a water lot lease:
 - The associated upland property owner name must be the same as the water lot lease holder's name. In the event the property is rented, the lease holder must reside at the property and have written permission from the property owner to hold the lease;
 - For water lot properties adjacent to Bishops Road, Council approval for all leases must be granted, as the Town is the owner of Bishops Road. For these properties, should permission be granted by Council, in order to hold the lease, lease holders must either: (a) reside at the property across Bishops Road from the water lot; (b) own property across Bishops Road from the water lot; (c) have written permission from the property owner across Bishops Road from the water lot; or (d) receive approval from Council.



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- Approval in Principle to develop within the water lot leased area from the Town's Planning and Development Department, including any federal or provincial regulatory departments and agencies;
 - Legal Survey of Leased Area approved by the Town;
 - Provision of insurance as noted in the Lease Agreement.
3. Lease holders will be charged an annual fee for their water lot based on the size of the area in accordance with their survey. Invoices will be issued annually by the Town in accordance with the date of anniversary of the Lease Agreement.
 4. The lease rate will be per the Schedule of Rates and Fees for all new leases and renewals, and will cumulatively increase annually on February 1 based on the Rate of Inflation Percent Change, Year over Year, Consumer Price Index, determined by the Newfoundland & Labrador Statistics Agency, Department of Finance
www.stats.gov.nl.ca/Statistics/Topics/cpi/PDF/CPI_Allitem_PrcChq.pdf
- Annual Rates will be calculated as follows:
Current Lease Rate x CPI % change for prior year x size of leased area (m²)
5. When a lease agreement is nearing expiration, and prior to renewal, the Town reserves the right to require an updated legal survey of the leased premises.
 6. As a general rule, in order to maintain public access to the shoreline water lot leases will not extend above the 1951 Original High-Water Mark.
 7. Applications will not be considered if:
 - a. the area has insufficient water levels to allow for a wharf/dock usage within the leased area;
 - b. the applicant does not own the upland parcel or acquire the appropriate permissions as outlined in this policy; or
 - c. Council deems the area will be reserved for public access.
 8. Failure to provide annual insurance documentation or an updated survey at the request of the Town may affect the water lot lease.



Town of Conception Bay South Policy Manual

Title: Water Lot Lease Policy
Policy Number: 089

Resolution Number: 21-131
Date Approved: April 6, 2021

9. Existing leases will continue as per the current lease agreement and will only be subject to this policy upon renewal; however, the terms of this policy shall not affect a contractual right of renewal contained within a current lease agreement between an existing lease holder and the Town.
10. A water lot lease from the Town of Conception Bay South does not provide a lease holder with a right to occupy any portion of any NL Crown Reserve established under authority of the Lands Act (SNLI 991, CHAPTER 36).
11. Water lot leases holders requesting water and sewer services would follow the Town's water and sewer regulations and all other applicable regulations and policies.
12. There shall be no deviation from this policy unless expressed written consent has been given by the Town with full approval of Council.

REVISION HISTORY:

Revision:	Author:	Change Made:	Date: