



## Town of Niagara-on-the-Lake

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**REPORT #:** OPS-23-032 **COMMITTEE DATE:** 2023-05-16  
**REPORT TO:** COTW-General **DUE IN COUNCIL:** 2023-05-23  
**SUBJECT:** Caleche – Annual Renewal Agreements and Expansion Request

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve the 2023 Licence to Occupy Town Land Agreement (LOTLA) to occupy lands owned by the Town of Niagara-on-the-Lake with the two existing Owner/Operators – Sentineal Carriages Inc. and Queens Royal Tours (**Appendix I & II**);
- 1.2 Council approve the revised Operating Terms of Reference (OTR) for operating a Caleche in the Town of Niagara-on-the-Lake (**Appendix IV**), specifically:
  - 1.2.1 Revising Section 24 – *Number of Caleche Allowed in Town at Any Given Time*, to specifically state the two existing Owner/Operators only be permitted to operate;
  - 1.2.2 Revising Section 25 – *Licencing*, to include a sunset clause;
  - 1.2.3 Revising Section 26 – *New Licencing*, to not accept any new licences; and
- 1.3 Council approve the Lord Mayor and Town Clerk to authorize the Licence to Occupy Town Land Agreement for Sentineal Carriages Inc. and Queens Royal Tours.

### 2. EXECUTIVE SUMMARY

- Town Staff are dedicated to ensuring caleche operations can operate safely within the Town of Niagara-on-the-Lake.
- The proposed OTR has been modified to include revised Sections 24, 25 and 26 (**Appendix IV**, pages 8 to 10), including but not limited to, adding a sunset clause, and refusing current and future requests for additional licences to operate.
- This Report seeks the required annual approval of the Land to Occupy Town Land Agreement (LOTLA) and revised Operating Terms of Reference (OTR) for the two existing Operators, for a total of five (5) licences.
- As well, at the April 11, 2023 Committee of the Whole – General meeting, Council directed Staff to review a delegate's request to operate as a caleche operator in the Town of Niagara-on-the-Lake.
- The Report recommends against adding any new operators or issuing any new LOTLA because beyond the limit of five licences would cause capacity concerns and have a negative impact on traffic and safety.
- Staff recommends that Council approve the recommendations of this report and the

attached Agreements (**Appendix I & II**) and Operating Terms of Reference (**Appendix IV**).

### **3. PURPOSE**

The purpose of this report is to seek Council's approval to authorize a Licence to Occupy Town Land Agreement (LOTLA) and revised Operating Terms of Reference (OTR) with the two existing Operators in the Town of Niagara-on-the-Lake; Sentineal Carriages Inc. and Queens Royal Tours. Further, the purpose of the report is also to respond to Council's direction at the April 11, 2023 Committee of the Whole – General meeting, for Staff to review Rhonda Cave's delegation request and bring forward a report at the May 16, Committee of the Whole – General meeting.

### **4. BACKGROUND**

In May 2022, Council approved Report OPS-22-022 which authorized Licence to Occupy Town Land Agreements at the corner of King & Queen Street (LOTLA) for two Operators; Sentineal Carriages Inc. and Queens Royal Tours. In addition to revising the OTR that Council has previously approved (CS-10-017), the LOTLA and the OTR helps guide the caleche operations in future years.

In 2022, engagement was undertaken with the following organizations:

- a) Town of Niagara-on-the-Lake – Staff and external legal counsel
- b) Caleche Operator – Sentineal Carriages Inc.
- c) Caleche Operator – Queens Royal Tours
- d) Niagara Region – Business Licensing Staff and
- e) Town's legal counsel

The LOTLA defines the area of operations in the Town road allowance and the term. Town Staff discussed with the Niagara Region Business Licensing Department to ensure alignment with the caleche Operators' approvals under Regional By-law 2021-58, as amended. An annual renewal clause was included that requires Council approval.

The LOTLA was drafted in 2022, in consultation with the Town's solicitor, to ensure the necessary controls are in place. The main sections of the LOTLA detail the following areas:

- Area to be occupied by the caleche operation
- Term of the Agreement
- Annual licence fee
- Timing of operations
- Niagara Region licensing requirements
- Insurance requirements
- Termination of the licence agreement
- Covenants

The OTR was revised in 2022 to provide an operating framework for the existing Operators. The main sections of the OTR detail the following areas:

- Town Requirements & Expectations
- Operating Routes/Districts
- Other Operating Specifications
- Licensing
- Enforcement
- Guiding Principles
- Functions of the Caleche

On April 11, 2023, Town Council received a delegation from Ronda Cave to request permission to operate a caleche within the Town of Niagara-on-the-Lake. This would add an additional caleche Operator in the Town, bringing the total number of caleche Operators to three (3). The following motion was approved at the meeting:

*Moved By: Lord Mayor Zalepa*

*That Ronda Cave's request be referred back to Staff and for Staff to bring forward a report at the May 16th meeting.*

APPROVED (8-0)

## **5. DISCUSSION / ANALYSIS**

Town Staff has reviewed the current OTR to identify sections that apply to the delegation Council received on April 11, 2023.

### **Existing OTR Sections - Review:**

Section 24 of the existing OTR addresses the number of caleches allowed in Town at any given time:

#### **24. NUMBER OF CALECHE ALLOWED IN TOWN AT ANY GIVEN TIME**

*The Town Council has repeatedly stated its intent to limit the number of permissions to five (5). Outside of the busy season, five (5) Caleche aren't necessary to handle the existing volume of customers. Staff still advocate for a limit of five (5) Caleche permissions and the current limit is able to accommodate the demand without causing an excessive impact on traffic, safety concerns etc. Having said that, there have been times when the volume of caleche has been problematic. Should portions of the caleche business operation rely on the use of other private properties for: a staging area, parking, travel route, turn around, etc., then the caleche owner shall provide the Town with a copy of a letter from the applicable private property owner confirming no objection and applicable timelines / terms (if any).*

Section 26 addresses a new licence and states the following:

#### **26. NEW LICENCES:**

*In the event that Council decides to increase the number of Licences available, the existing operators will be given preference when applying for the new Licence. Council*

*may grant the Licence to either of the existing operators, or to another applicant, at their discretion. The onus is on the new operator to demonstrate that they will operate within these OTR and provide sustainable value to the community.*

*Preference will also be given to caleche operators who provide a livery site within the municipality.*

The Regional Municipality of Niagara's Business Licensing Department requires that the owner of a caleche business obtain a licence to operate as per the Niagara Regional Business Licensing By-law No. 2021-58 (as amended) to be able to charge patrons a fee. To be approved for a caleche licence from the Niagara Region, one of the conditions is that the caleche business receives Permission/Licence from the municipality where they intend to operate.

Currently, in Niagara-on-the-Lake, only five (5) licences will be granted to operate from the King & Queen Street location. Under the current approved OTR, the two caleche companies that have the Town's permission to operate in the Town of Niagara-on-the-Lake are Sentineal Carriages Inc. and Queens Royal Tours Inc.

- a) Sentineal Carriages Inc. has three (3) licences to occupy lands owned by the Town*
- b) Queens Royal Tours has two (2) licences to occupy lands owned by the Town*

Over the past five years, caleche Operators have been phased out of cities like Toronto, Montreal and New York City - Central Park. As this trend likely will continue, Town Staff has recommended that the current OTR be revised (refer to **Appendix IV**) to sunset the permissions on the existing Operators. This would mean that permission to operate a caleche in the Town of Niagara-on-the-Lake would be revoked if the current Operators closes, sells their business, or declares bankruptcy. In addition, effective the 2024 season, if service is discontinued for a one full season, a licence would be revoked.

In addition, Town Staff is seeking permission from Council to revise the OTR to deny any new Operator permission to run a caleche in the Town of Niagara-on-the-Lake.

#### **Revised OTR Sections:**

If this report is approved, the following sections of the OTR will have language revisions:

- Section 24 - Number of Caleche allowed in the Town at any given time*
- Permanently cap permissions at five (5)*
  - Cap permissions at three (3) Sentineal Carriages*
  - Cap permissions at two (2) Queens Royal Tours*

(Refer to **Appendix IV**, page 8)

- Section 25 - Licensing*
- Permanently cap permissions at five (5)*
  - Remove licence transferability*

- *Remove the new Operator process*
- *Sunset clause on existing Operators*

(Refer to **Appendix IV**, page 8 to 10)

- Section 26*
- *New Licences*
  - *Deletion of this section*

(Refer to **Appendix IV**, page 10)

As part of Report OPS-22-022, it indicates that Council will approve the existing Operators governed under the LOTLA and OTR annually. Town Staff is recommending the LOTLA and revised OTR for both existing Operators be renewed for the 2023 season and that the annual fee of \$500 is collected.

## 6. STRATEGIC PLAN

### Pillar(s)

1. Protect Distinctive Community Assets

### Objective(s)

- 1.1 Preserve unique community elements

### Tactic(s)

- 1.3 a) Actively steward heritage, agricultural, wine and cultural assets for the benefit of residents and tourists

## 7. OPTIONS

- 7.1 **Option 1:** Council approves the recommendations of this report as presented.  
**(Recommended)**
- 7.2 **Option 2:** Council modifies the recommendations of this report. *(Not Recommended)*
- 7.3 **Option 3:** Council declines the modifies the recommendations of this report. *(Not Recommended)*

## 8. FINANCIAL IMPLICATIONS

Section 2.01 of the LOTLA identifies the requirements for payment of an Annual Licence Fee. That fee was determined to be \$500 per caleche Operator per year. Payment terms identify April 1 of each year as the due date.

## 9. ENVIRONMENTAL IMPLICATIONS

A Caleche operation has minimal impact on the environment. The operation emits far fewer emissions than a motor vehicle. The low speed of the caleche will allow the customers a unique view of the natural beauty of the Town of Niagara-on-the-Lake.

## 10. COMMUNICATIONS

Upon approval by Council, Staff will coordinate with the caleche Operators to finalize the requirement of the LOTLA and the OTR. Also, Staff will forward the direction of Council to Ms. Cave. Additionally, Town Staff will forward the decision of Council to the Niagara Region Business Licensing Department.

## **11. CONCLUSION**

The caleche operations provide a unique view of the Town and a heritage tourism element. This report preserves the existing caleche operations, addresses the municipal operational challenges, and balances the needs of the caleche operations, residents, businesses and visitors.

## **12. PREVIOUS REPORTS**

- **CS-10-017 – Caleche**
- **OPS-22-022 – Caleche Licence to Operate**

## **13. APPENDICES**

- **Appendix I** – Licence to Occupy Town Land Agreement (LOTLA) – Sentineal Carriages
- **Appendix II** – Licence to Occupy Town Land Agreement (LOTLA) – Queens Royal Tours
- **Appendix III** – Schedule A – Map – King and Queen Street Locations
- **Appendix IV** – Schedule B – Revised Caleche Operating Terms of Reference

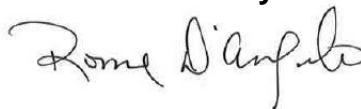
Respectfully submitted:

**Prepared by:**



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**Recommended by:**



**Rome D'Angelo  
Director, Department of Operations**

**Submitted by:**



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