



City of Dawson

PROPERTY LEASE POLICY

2017-05

Section 1: Purpose

1.1 Purpose

The purpose of this policy is to regulate the leasing of City of Dawson property and facilities for public use.

1.2 Background

Each year the City of Dawson receives requests from individuals and groups to lease City of Dawson property and facilities. These requests vary in scope, purpose, size, cost, and complexity.

1.3 Policy Statement

It is the intention of the City of Dawson to provide a process for approving the lease of City of Dawson property and facilities and to provide direction for the use of City of Dawson property and facilities.

Section 2: Objectives

2.1 General Objectives

The specific objectives of the policy are as follows:

1. Ensure that applications are treated fairly and in an equitable manner;
2. Ensure that City of Dawson property and facilities are utilized to the maximum community benefit;
3. Ensure all city interests are met to protect assets and citizens of Dawson;
4. Ensure that all federal, provincial and municipal laws, regulations, and statutes are observed;
5. Protect the City of Dawson from legal liability.

Section 3: Definitions

3.1 Lease

For the purpose of this policy, a lease is a contract renting land, buildings, etc. to another party for a period determinable at the will of either lessor or lessee in consideration of rent or other compensation. This policy will apply to periods in excess of 14 days. Periods less than 14 days will be dealt with as per the *City Property and Facility Rental Policy*.

Section 4: Procedures

4.1 Application

- a) The chief administrative officer (CAO) will inform council that a City of Dawson property is vacant or that a property lease is due to expire. Council should be informed of an imminent expiry at least three months in advance of the expiry date.
- b) Authority to approve property use or make a City of Dawson property available for sale or lease rests with council.

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- c) Should the current occupant wish to continue to lease the property and submit an acceptable proposal for the property, they shall have, before RFP process is initiated, the right of first refusal if their proposal meets all the guideline criteria.
 - d) Upon a City of Dawson property or facility being made available for lease by council, the CAO will post public notice and prepare a request for proposals tender document for the property
 - e) The request for proposals will be advertised in a local newspaper and city newsletter and posted in the city offices and post office at least four weeks prior to the deadline for proposals.
 - f) A review committee comprised of the CAO and two other senior managers of the City of Dawson shall receive, review, and make recommendations to Council to accept one proposal based on guideline criteria as directed by council within this policy in Section 4.2 (a)
 - g) Proof of commercial general liability insurance, in accordance with Section 5.2 below, must be provided prior to occupancy of any City of Dawson property or facility.
 - h) Proof of all necessary permits, licenses, and inspections must be submitted prior to occupancy, which may include, but is not limited to, the following:
 - Environmental Health Permit, Government of the Yukon
 - Liquor Licence, Government of Yukon
 - Fire Inspection
 - Building Inspection, Government of Yukon
 - i) The lessee should not advertise the use of the property or make financial commitments before a lease is legally signed.
 - j) The lessee must adhere to all federal and territorial legislation, as well as all City of Dawson bylaws, policies, and regulations. Noncompliance may result in the lease being terminated. The lessee may also be prohibited from leasing City of Dawson properties and facilities.

4.2 Approval

- a) Preference will be given to proposals that demonstrate one or more of the following attributes:
 - i. It provides a revenue source to the municipality;
 - ii. It contributes to the economic and cultural development of the community;
 - iii. It contributes to the sustainability of the community;
 - iv. It maintains open public access to the activities of the proponent;
 - v. It demonstrates partnerships within and outside of the community;
 - vi. It provides opportunities for local involvement;
 - vii. It creates a public and social benefit;
 - viii. It addresses a recognized community need.
 - b) The lease of City of Dawson property is subject to a formal lease agreement based on the requirements of both the City of Dawson and the lessee.
 - c) The City of Dawson reserves the right to terminate leases of City of Dawson property based on any of the following reasons:
 - i. the lease or lessee interferes with City of Dawson operations;
 - ii. the lease has potential to damage City of Dawson property;
 - iii. the lease has potential to negatively affect programs offered through the City of Dawson;
 - iv. the lease or lessee demonstrates non-compliance of any federal or territorial legislation, or City of Dawson bylaws, policies, and regulations;
 - v. termination of the lease is in the interest of public safety;
 - vi. the lessee has an outstanding debt to the City of Dawson;
 - vii. the lessee has previous history of non-compliance with this policy.
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4.3 Process

With respect to Section 4, council, at its discretion and on a case-by-case basis, may by resolution direct administration to modify the application and approval process.

Section 5: General Conditions

5.1 Insurance and Liability

- a) The lessee must obtain a commercial general liability insurance policy, including liquor liability for leases involving alcohol, in an amount not less than \$2 million (the CAO reserves the right to increase this amount depending on the type of activities planned or buildings involved) with the City of Dawson named as additional insured and including a cross-liability clause. The City of Dawson is to be indemnified and held harmless from and against claims of any kind of liability, expenses and demands due wholly or in part as a result of any negligence, acts, or oversights by the lessee or its agents, licensees, invitees, participants, or contractors during the use of property and services. The City of Dawson must be notified 30 days prior to cancellation of the policy.
- b) The City of Dawson's liability insurance coverage will not be extended to leased properties.

5.2 Environmental Health Permit

When any food services are offered to the public, an environmental health permit is required. Permits can be obtained from the Government of Yukon's Environmental Health Services. Proof of permit must be submitted prior to occupancy.

5.3 No Smoking

The *Yukon Territorial Government Smoke-Free Places Act* shall be adhered to.

This Policy shall be reviewed at least every two years to ensure that it is current and relevant.

POLICY TITLE: *City of Dawson Property Lease*

POLICY #: 2017-05

EFFECTIVE DATE: September 12, 2017

ADOPTED BY COUNCIL ON: September 12, 2017

RESOLUTION #: C17-22-21

Original signed by:
Wayne Potoroka
Mayor

John Skilnyk
CAO
