



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

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E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 84/2025
Approved: Wednesday, April 30, 2025

I. THAT **APPROVAL BE GIVEN** to enter into a license agreement between The Corporation of the City of Windsor and 1000347085 Ontario Inc. for the exclusive use of the concession located at the Legacy Beacon, 780 Riverside Drive West, in accordance with the following terms:

BASIC TERMS:

- | | |
|--------------------------------|---|
| a) Licensee | 1000347085 Ontario Inc. o/a Streetcar 351 Concession |
| b) Commencement Date | April 1, 2025 |
| c) Termination Date | March 31, 2030 |
| d) Term | Five (5) years |
| e) Operating Season | Licensee may conduct business relating to the operation of a concession stand from May 1 to October 31 each year of the Term.

Licensee shall conduct business relating to the operation of a concession stand daily from 11am to 9pm starting May 1 through Labour Day and from 11am to 5pm on Saturdays & Sundays from Labour Day through October 31. |
| f) Non-Operating Season | Licensee may use the Licensed Space for the storage of equipment related to the operation of a concession stand November 1 to April 30 each year |



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of the Term. Licensee acknowledges that the Licensed Space will be winterized and inaccessible during the Non-Operating Season

Licensee may at the discretion and approval of the Executive Director of Parks, Recreation and Facilities conduct business relating to the operation of a concession stand for special events.

g) Licensed Premises

Concession and Storage Space at Legacy Beacon780 Riverside Drive West, Windsor

h) Area of Licensed Space

Concession Space: 295 square feet

Storage Space: 100

**Total Area: 395
square feet**

**i) Operating Season
License Fee**

\$8,816.40, plus HST

In each subsequent year of the Term, commencing May 1, 2026, Operating Season License Fee shall increase by the prior year's average annual increase in the Consumer Price Index ("CPI") as published by Statistics Canada or the actual increases to the Licensor's operating costs at the Licensed Premises for the previous year

There is no charge during the Non-Operating Season as the space will be winterized and inaccessible and only available for use as storage

j) Monthly License Fee

\$1,469.40, plus HST, payable on the 1st day of each month during the Operating Season, commencing May 1, 2025

In each subsequent year of the Term, commencing May 1, 2026, Operating Season License Fee shall increase by the prior year's average annual increase



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in the Consumer Price Index (“CPI”) as published by Statistics Canada or the actual increases to the Licensor’s operating costs at the Licensed Premises for the previous year

- k) Security Deposit** None
- l) Land Taxes** Not applicable
- m) Utilities** Included in license fee
- n) Permitted Use** Concession and Storage
- o) Insurance** General Liability Insurance
Minimum Limit \$5,000,000.00
Tenant’s Legal Liability Insurance
Minimum Limit \$300,000.00
Liquor/Alcohol Liability Insurance
Minimum Limit \$5,000,000.00
The Corporation of the City of Windsor to be listed as additional insured in the commercial general liability insurance and liquor/alcohol liability insurance policies and the commercial general liability insurance policy shall contain a 30 days’ notice of cancellation
- p) Renewal** One (1) additional option to renew for a five (5) year term on the following conditions:
- (i) Licensee provides written notice of its intent to exercise the renewal option no later than three (3) months’ prior to the expiration of Agreement;
 - (ii) The City may arbitrarily or unreasonably withhold consent to renew, in which case, the option to renew is void;
 - (iii) Any renewal will be on the same terms and conditions herein, save and except the license



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fee, which will be negotiated and, failing a satisfactory mutual agreement, the option will be void

q) Guarantor

None

o) Special Provisions:

Licensee can access the Licensed Space during the regular operational hours of the Park, being between 5:00 am and 11:00 pm, in accordance with City By-law No. 131-2019

Licensee may request alternative or addition hours of operation subject to the review and approval of the Executive Director of Parks, Recreation and Facilities

Licensee shall be responsible for minor maintenance and repair at the Licensed Space. Licensor shall be responsible for roof systems and building envelope. Should damage be the result of Licensee's operations or negligence, Licensee will be responsible for the repair / replacement of same to the satisfaction of the City's Executive Director of Parks, Recreation and Facilities, or designate

Licensee shall have access to one (1) designated parking space adjacent to the building from May 1 to October 31

Licensor shall be responsible for winterizing the water system in the Fall and turning the water back on in the Spring

Licensee shall be allowed to repair and renovate the Licensed Space, at its own expense, provided that no alterations or additions to the existing structure are undertaken without the pre-approval to any plans by the City's Executive Director of



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Parks, Recreation and Facilities or designate and, that all renovations are completed according to applicable code and to the satisfaction of the City acting reasonably and that the Licensee shall be responsible for obtaining all necessary permits and inspections. Repair and / or replacement of any assets at the Licensed Space will require that the Licensee use only City-approved vendors to complete such repair and / or replacements. All such alterations and improvements shall immediately become the property of the City

Licensee shall pay promptly, when due, all costs incurred in connection with such repair, replacement or renovation, whether for work, services or materials, at the Licensee's own cost and expense, keep the interest of the City and the Licensed Space free of liens, charges and encumbrances of any nature and shall defend, indemnify and save harmless the City against all cost of the work and all liens arising therefrom and to forthwith discharge and/or vacate any construction liens and/or certificates of action which may affect any portion of the Licensed Space

Licensee may at their own expense install cameras and related equipment within the Licensed space to the satisfaction of the Executive Director of Parks, Recreation and Facilities

Licensee agrees to indemnify and hold the City harmless against any and all claims, demands, liabilities, actions or causes of action, or fines which may arise by reason or in consequence of the granting of the license of the Licensed Space, including but not limited to the Licensee's sale or service of alcoholic beverages at the Licensed



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Space, as may be advanced by any party, including third parties

Licensee acknowledges that, upon termination of the license agreement, Licensee will deliver up and surrender possession of the Licensed Space, to be restored at the Licensee's own cost to the satisfaction of the Executive Director of Parks, Recreation and Facilities, or designate, acting reasonably

Licensee acknowledges its obligations in accordance with City By-law No. 131-2019 and City By-law No. 113-2006, and specifically that it engage in smoking any lighted or heated equipment used to smoke or vaporize any tobacco or non-tobacco product, within the Licensed Space

Licensee acknowledges that it holds a valid liquor license with the Alcohol and Gaming Commission of Ontario that permits the service and sale of alcohol. Licensee affirms that such license is current and in good standing and agrees to comply with all applicable laws, regulations and licensing requirements governing the sale and service of alcohol, including any amendments or modifications thereto

Licensor agrees to provide to Licensee, two keys for the Licensed Space. Licensee acknowledges that City staff may enter the Licensed Land upon 24 hours' notice to Licensee for the purpose of conducting inspections

The Licensee further agrees that they will not alter or interfere with the Licensor's access to the Licensed Space.

and,



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III. THAT the Chief Administrative Officer and City Clerk **EXECUTE** a License Agreement, to be satisfactory in form to the City Solicitor, satisfactory in content to the Lease Administrator and the Executive Director of Parks, Recreation and Facilities, and satisfactory in financial content to the City Treasurer.

Report Number: CAO 84/2025
Clerk's File: APM/14908

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
May 2, 2025

Department Distribution

Acting Lease Administrator
Manager of Real Estate Services
City Solicitor
Acting Senior Executive Director, Corporate Services
Executive Director, Parks, Recreation & Facilities
Acting Senior Executive Director, Community Services
Commissioner, Community & Corporate Services
Manager, Strategic Operating Budget Development & Control
Commissioner, Finance / City Treasurer
Chief Administrative Officer