



NORTH CHANNEL YACHT CLUB
P.O. Box 175
ELLIOT LAKE, ONTARIO
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Issue Briefing Note¹

To: NCYC MC
From: LTR
Date: 2021-01-19 amended 2021-03-29
Re: Winter Storage Charges

1. **THE ISSUE:** What, if any, fees or charges should be imposed upon members who store larger items at the Club over the winter – eg. RVs; cargo trailers etc.?
2. **HISTORY & DISCUSSION:**
 - a. Full Members have included in their membership fees the right to store vessels, a cradle, mooring equipment, dinghies, a dock box etc.
 - b. But that is not considered to include larger items such as cargo trailers, boat trailers and RVs.
 - c. The By-laws provide as follows in Article 9.5.5:
9.5.5 If personal property is left on Club premises for 12 months or more, a storage fee may be imposed by the Management Committee and the Club will have a lien against such property for payment of this fee in accordance with the provisions of the Repair and Storage Liens Act of Ontario; [added AGM 2010]
 - d. Fees are governed by Article 9.1.4 and Schedule A to the By-laws.
 - e. Article 9.1.4 provides as follows:
9.1.3 Levies, fees and provisions as to work party hours may be set, amended, or varied, from time to time by resolution of the Management Committee, but with the exception of a Special Levy are required to be ratified by the voting membership at the next general meeting of members before they become effective. [See Article 21.2.2]
 - f. Schedule A Article 1.9.10 provides as follows:
1.9.10 The provisions of this Schedule “A” may be amended from time to time by the Management Committee, without amendment of the By-Law, but, with the exception of a Special Levy, changes in fee rates and levies must be ratified by the membership at a general meeting of members before such can be levied;
 - g. While the MC can impose a new fee, it cannot be effective and should not be levied until ratified at the AGM or the SPM.
 - h. Some members have indicated that they are willing to pay a fee and have done so last year when an invoice was sent.
 - i. If a member is currently assessed a fee for storage for a period of less than a year, that member could successfully avoid the fee by simply not paying because there is no By-law provision which authorizes such a fee.
 - j. If the items have been stored for more than a year, then a fee could be levied.

¹ C:\Google Drive NCYC\NCYC\0 Management Committee\2021\2021-01-19\2021-01-19 Storage Charges Briefing Note ver 2021-03-29.docx

- k. Anecdotal reports indicate that the range of fees imposed by marinas or campgrounds vary from \$100/quarter to \$600/winter for an RV. No full canvass has been performed.
 - l. Allowing storage without a fee, exposes NCYC to a risk of liability as what is known as a “gratuitous bailee”. Such a bailee is liable only for “gross negligence” because he is not being paid by the owner for the service being provided.
 - m. If a fee is charged, NCYC becomes a “bailee for hire” and owes a duty of care to the owner which raises insurance coverage questions. However, as storage fees are now imposed upon members for other items, this is not considered to be a significant issue.
 - n. Article 9.5.7 brings home to the member that storage is at the member’s risk:
9.5.7 The Club assumes no responsibility as bailee or otherwise for care of personal property left on the Club premises and the owner assumes all responsibility and risk associated with such property and its storage. [added AGM 2010]
- 3. PROPOSED RESOLUTION:**
- a. If a member has stored an article such as a cargo trailer for more than one year, this is brought to the attention of the MC by any member of the MC. If considered appropriate by the MC, a fee of \$100/year is charged to the member by invoice issued by the Treasurer after confirmation of the appropriateness of the charge by resolution of the MC.
 - b. With respect to such items stored for less than a year, amend the By-laws by including a new article 9.5.6 and renumbering the subsequent articles accordingly.to allow for such a fee to be imposed.

9.5.6: If large items of personal property such as cargo trailers, boat trailers and RVs are left on Club premises for any period of time, a storage fee may be imposed by the Management Committee and the Club will have a lien against such property for payment of this fee in accordance with the provisions of the Repair and Storage Liens Act of Ontario.