

**Legislative
Assembly
of Ontario**



**Assemblée
législative
de l'Ontario**

Legislative Research
Information and Technology Services Division
Room 2520, Whitney Block
Queen's Park
Toronto, Ontario M7A 1A9
Telephone: (416) 325-3675

Recherche législative
Division des services de l'information et de la technologie
Bureau 2520, Edifice Whitney
Queen's Park
Toronto (Ontario) M7A 1A9
Téléphone: (416) 325-3675

100135

**NIAGARA PARKS COMMISSION
ORDER-IN-COUNCIL APPOINTMENT OF
BARTON MAVES ***

Prepared for:

Standing Committee on Government Agencies

Prepared by:

Lauren Warner
Research Officer
Legislative Research

May 5, 2021

- * Projects prepared by Legislative Research are designed in accordance with the requirements and instructions of the Committee making the request. The views expressed should not be regarded as those of Legislative Research or of the individual preparing the project.

CONTENTS

INTRODUCTION	1
NIAGARA PARKS COMMISSION	1
OPERATIONS OF THE COMMISSION	1
FINANCIAL INFORMATION	2
RECENT DEVELOPMENTS	3
Recent Plans and Projects	3
Impact of the COVID-19 Pandemic	4
Ramsar Designation Controversy	4
THE WITNESS	5
POSSIBLE QUESTIONS	5

INTRODUCTION

This paper is prepared for the Members participating in the Committee's review of the Order-in-Council appointment of Barton Maves as a part-time member of the Niagara Parks Commission. It describes the operations of the Commission, presents information about the appointee, and identifies possible lines of questioning.

NIAGARA PARKS COMMISSION

Enabling Statute	Responsible Ministry	
<i>Niagara Parks Act</i>	Heritage, Sport, Tourism and Culture Industries	
Agency type	Most Recent Annual Report	
Operational Enterprise ¹	2019/2020	
Activities of the Agency		
The Commission's mandate is to maintain, preserve, and enhance the beauty and surroundings of the Horseshoe Falls and the Niagara River from Fort Erie to Niagara-on-the-Lake for the enjoyment of visitors, while maintaining financial independence.		
Board Membership		
Statutory Number of Members: 10-12	Position	Remuneration
Number Appointed by Cabinet: All	Chair (1, part-time)	\$250 per diem
	Vice-chair (1, part-time)	\$175 per diem
	Members (9, part-time)	\$135 per diem
Term of office: None specified.		
Position Requirements: None specified; however, one member each from the municipal councils of Niagara, Fort Erie, Niagara Falls, and Niagara-on the-Lake must be appointed annually on the recommendation of those councils. ²		

OPERATIONS OF THE COMMISSION

The Niagara Parks Commission (NPC or "the Commission") was formed in 1885 to preserve the scenery around the Niagara Falls in the face of considerable commercial development. Today, the Niagara Parks system encompasses 1,325 hectares, including Horseshoe Falls, the Niagara River, recreation trails, restaurants, golf courses, historic sites, a butterfly conservatory, and a horticultural school. The NPC is responsible for managing, controlling and

¹ See section 1.5 of the Treasury Board Secretariat's [Agencies and Appointments Directive](#), for an overview of the different types of provincial agencies, including operational enterprise agencies.

² *Niagara Parks Act*, R.S.O. 1990, c. N. 3, s. 3(2).

developing these assets according to the duties and powers set out in the *Niagara Parks Act*.³

Section 4 of the Act provides the Commission with a broad range of powers. For example, it may

- lay out, plant, and enclose the Parks;
- construct and operate railways, aerial cars, lifts, and works to assist the public in reaching and viewing points of interest in the Parks;
- construct or acquire by purchase, lease, or otherwise and operate bridges over the Niagara River;
- construct and operate golf courses, bowling greens, swimming pools, restaurants, refreshment booths, and souvenir stands;
- acquire and operate buses, boats, and other vehicles for use in connection with the Parks;
- operate a school for training apprentice gardeners;
- make agreements with persons for the establishment or operation by them of any Parks works or services; and
- make by-laws and rules necessary for the constitution of the Commission and the administration of its affairs.

The NPC has other specific powers under the Act, most of which are exercised with the approval of the Cabinet, including the power to expropriate property, collect the revenues and rentals payable under certain agreements, and to make regulations.⁴

FINANCIAL INFORMATION

As an operational enterprise agency, NPC has the authority to sell goods or services to the public and receive revenues from its commercial activities. These revenues can then be used to fulfil its mandate. Surplus revenues must be paid to the Minister of Finance on the order of Cabinet, and form part of the Consolidated Revenue Fund.⁵ NPC's revenue generating operations include attractions, golf courses, restaurants, and gift shops.

Recent annual reports indicate that, prior to the COVID-19 pandemic, attendance and revenue had been increasing for several years at Niagara Parks. In 2019-20, Niagara Parks earned a record high of \$127 million for revenue generating operations, and saw an increase in attendance at nearly all attractions and historic sites.⁶ However, as outlined further below, the pandemic has created financial challenges for the NPC.

³ Ibid., s. 4.

⁴ Ibid., ss. 7(b) and 22.

⁵ Niagara Parks Commission (NPC), *Annual Report 2019-2020*, p. 20; *Niagara Parks Act*, s. 16.

⁶ NPC, *Annual Report 2019-2020*, p. 5.

The table below illustrates attendance at NPC sites for the fiscal years 2016/17 to 2019/20, as well as corresponding income and expense data for those years. Note that the full impact of the COVID-19 pandemic is not reflected in this data, as the most recent annual report is for a fiscal year that ended March 31, 2020.

Figure 1: Attendance and Financials 2017-2020

Attendance	2019-20⁷	2018-19⁸	2017-18⁹	2016-17¹⁰
Attractions	1,999,920	1,968,507	2,018,077	1,888,105
Golf (3 courses)	84,239	80,960	72,874	77,209
Historic Sites	29,916	28,153	36,236	26,960
Transportation	2,519,893	2,335,008	2,321,291	2,150,264
Total Park Attendance	4,633,968	4,412,628	4,448,478	4,142,538
Operating Results				
Revenue (\$000)	\$127,306	\$124,302	\$120,232	\$109,038
Expenses	\$102,592	\$101,211	\$95,177	\$87,981
Net Surplus (before interest and depreciation)	\$24,714	\$23,091	\$25,055	\$21,057

Source: Niagara Parks, "[Annual Reports](#)."

RECENT DEVELOPMENTS

Recent Plans and Projects

During the 2017/2018 fiscal year, the NPC implemented a ten-year [strategic plan](#). Under the guidance of the strategic plan, the NPC has commenced several new projects. In particular, it has been working to redevelop the Table Rock Centre, which is the NPC's highest revenue-generating facility. The Centre houses shops, restaurants, and amenities, including the entrance to the Journey Behind the Falls. The renovation project aims to renew the retail, culinary, and attraction offerings within the facility.¹¹

In the fall of 2019, the NPC began planning the redevelopment of the Canadian Niagara Power building. The project aims to restore the 1905 heritage building and open it up as a visitor attraction. In June 2020, the Province announced that it was providing a \$25 million loan to the NPC for the project. Once complete, the attraction will offer visitors an educational experience about Ontario's power-generating history, and a unique perspective on the Niagara Falls through a new

⁷ NPC, *Annual Report 2019-20*, pp. 28-29.

⁸ NPC, *Annual Report 2018/2019*, pp. 17 and 25.

⁹ NPC, *Annual Report April 1, 2017-March 31, 2018*, pp. 33 and 35.

¹⁰ NPC, *Annual Report April 1, 2016 to March 31, 2017*, pp. 28 and 30.

¹¹ NPC, *Annual Report 2019/2020*, p. 17.

viewing platform.¹² The first phase of the attraction is scheduled to open in July 2021.

Impact of the COVID-19 Pandemic

Like other operations that rely on tourism, the COVID-19 pandemic has impacted the NPC's revenue. Many of its attractions have been closed for extended periods during the pandemic, and attendance at many sites has decreased.¹³ According to the Commission's CEO, during the traditional tourist season in 2020, the NPC only earned about 15-30% of its 2019 revenues.¹⁴ It did, however, see record numbers of guests enjoying outdoor recreational amenities, such as golf courses and hiking trails in 2020.¹⁵

In December 2020, the government announced a one-time stabilization grant of \$12.8 million for the Commission. The funding is to ensure the financial sustainability of the organization as it deals with the ongoing impacts of the pandemic. Along with unprecedented impacts to its revenue streams, the pandemic has resulted in significant additional expenses for the NPC related to the implementation of new safety measures and protocols.¹⁶

Ramsar Designation Controversy

In recent years, efforts have been made to have the Canadian side of the Niagara River corridor designated as a Wetland of International Importance under the Ramsar Convention. The Ramsar Convention is a global treaty that supports the conservation and sustainable use of wetlands and related waters. The treaty's framework is voluntary, and designation is based on meeting criteria related the uniqueness of the site, or its importance for conserving biodiversity.¹⁷ In 2014, the NPC endorsed becoming the lead nominator for the designation in principle, pending a legal review.¹⁸ The American side of the corridor was designated in 2019.¹⁹

However, in September 2020, the NPC voted against acting as the lead nominator. According to the CEO of the NPC, "staff recommended against

¹² Ray Spiteri, "New life for historic hydro plant: Province, Parks team up to redevelop site for tourism attraction," *Niagara Falls Review*, June 20, 2020.

¹³ Niagara Parks, "[Niagara Parks to Suspend All Public Facing Operations in Compliance with Provincewide Shutdown](#)," media release, December 22, 2020; "[Niagara Parks to Continue Phased Reopening](#)," media release, June 16, 2020; Niagara Parks, "[Niagara Parks COVID-19 Information Centre](#)."

¹⁴ Ray Spiteri, "Tourism in Niagara Falls hit hard by COVID-19 in 2020," *Niagara Falls Review*, December 30, 2020.

¹⁵ Ray Spiteri, "Niagara Parks sees positives among challenges," *Niagara Falls Review*, December 7, 2020.

¹⁶ Niagara Parks, "[Ontario Government Announces Recovery Support Funding for Niagara Parks](#)," media release, December 4, 2020.

¹⁷ Ibid. See also Ramsar, "[Designating Ramsar Sites](#)."

¹⁸ Allan Benner, "[Ramsar plan hits stumbling block: Niagara Parks slammed for lack of support for 'symbolic' designation](#)," *St. Catharines Standard*, September 23, 2020.

¹⁹ United States Fish & Wildlife Service, "[Niagara River Corridor Recognized as 40th Wetland of International Importance by the United States](#)," news release, October 2, 2019.

supporting the designation based on a legal review of the Ramsar proposal and concerns it could conflict with the organization's mandate."²⁰

According to media reports, some in the development and agricultural sectors have raised concerns about the impact of the designation. However, others have noted that designation under the Convention is largely symbolic, and does not impose any restrictions on the management of designated sites.²¹ Niagara Regional Council has since voted to endorse the designation.²²

THE WITNESS

According to the Office of the Premier, the Witness, of Niagara Falls, serves as a member (part-time) for the Niagara Falls Bridge Commission, and an owner and Chief Operating Officer for Sterlingbridge Marketing and Communications. He is a former Member of Parliament for Niagara Falls and Niagara on the Lake from 1995-2003, and a former Regional Councillor for the Regional Municipality of Niagara (2010-2018). His community involvement includes serving as a baseball coach and as a Vice-Chair of the Outdoor Courts Committee for A.N. Myer Secondary School.

POSSIBLE QUESTIONS

What has motivated the witness to seek this appointment?

How will the witness's previous experience be of assistance to the NPC?

What contributions does the witness hope to make to the NPC?

What challenges, if any, does the witness anticipate the NPC will face in its operations due to the COVID-19 pandemic, and how might those challenges be addressed?

²⁰ Allan Benner, "Ramsar plan hits stumbling block."

²¹ Ibid.; Allan Benner, "Burch urges endorsement of Ramsar designation: MPP says international recognition is about worldwide appreciation for importance of the Niagara River," *St. Catharines Standard*, October 28, 2020.

²² Bill Sawchuk, "Politicians endorse Ramsar designation for Niagara River," *St. Catharines Standard*, March 29, 2021. The endorsement included conditions that the farming community continue to have use of the river for irrigation and drainage, and that no Niagara region money or staff time be spent on Ramsar.