

A message from FOCA:

The following presentation materials were part of a meeting held March 28, 2022 to gather some background and feedback through FOCA and our members about floating accommodations on Ontario's waterways.

MNDMNRF are especially interested in how the regulations under the Public Lands Act address on-water "camping".

Please note that this was not a formal government consultation, nor is there any regulatory reform currently underway.

MNDMNRF will continue to solicit input from waterfront property owners, and anyone who is interested is encouraged to provide your perspectives through the link they have provided to the Bulletin on the Environmental Registry of Ontario:

<https://ero.ontario.ca/notice/019-5119>

FOCA members are encouraged to copy info@foca.on.ca with any of their submissions to the Province.

Welcome

Seeking input on the use of floating accommodations on waterways over Ontario's public lands

Ministry of Northern Development, Mines, Natural Resources and Forestry



Objectives

The Ministry of Northern Development, Mines, Natural Resources and Forestry is engaging publicly to look for potential ideas and approaches to manage the activity of “camping” and the use of floating accommodations on waterways over Ontario’s public lands.

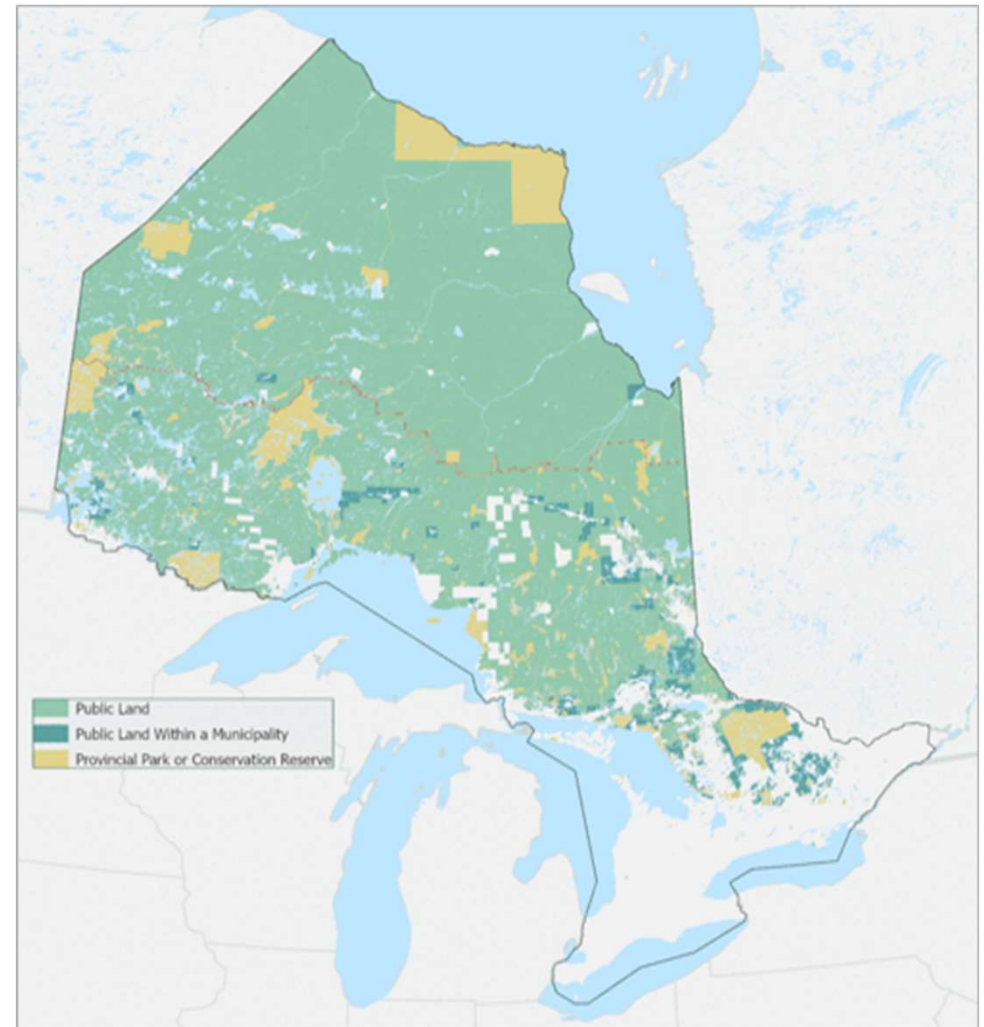
Today’s session will provide an:

- overview of the *Public Lands Act* framework for camping on waterways over Ontario’s public lands.
- opportunity for discussion to:
 - ask questions on the framework,
 - provide input to the questions in the Environmental Registry Bulletin, and
 - share feedback
- next steps

Context - Ontario

- The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) is responsible for the management, planning, disposition and sale of public lands – including public lands under water – under the *Public Lands Act* (PLA).
- Public lands and waters administered under the PLA represent 77% of the province's land base.
- Ontario is home to approx. 250,000 lakes
 - about one-fifth of the world's fresh water.

Land Administered Under the Public Lands Act



Public Lands Act: Regulatory Framework for Occupation of Public Lands

- People can conduct certain activities on public lands without a written approval where rules are followed.
- The rules are outlined in a regulation under the PLA and allow people to place, construct and use certain types of buildings, structures or things on public lands.
- The buildings, structures or things that may be placed on public lands covered by water include:
 - Camping units
 - Single-storey boathouses
 - Ice fishing huts
 - Docks, boat ramp/lift, swim rafts
 - Culverts, bridges and causeways
 - Breakwalls and groynes
- There are some situations where certain activities and buildings/structures cannot be placed on public lands:
 - Where land is being used by someone else and they have written permission (e.g., lease)
 - Land use direction restricts or prohibits the activity
 - Posted signs restrict or prohibits the activity (e.g., No Camping)
- If public land is being used in a manner that is not in compliance with the Act and its regulations, it would be considered unauthorized.

Current Regulatory Framework for Camping - O. Reg. 161/17

- A person may place or use a “camping unit” on public lands.
- A “camping unit” is a structure or vehicle that may be used for camping purposes or as an outdoor accommodation and includes:
 - Tent
 - Trailer
 - Tent - trailer
 - Recreational vehicle
 - Camper-back
 - Watercraft equipped for overnight accommodation
- When placing a “camping unit” on public lands, the person must also meet the following rules:
 - the camping unit is used solely for private non-commercial camping purposes
 - stays are limited to 21-days at one location, after which the camping unit must move at least 100m from its previous location
 - the camping unit is not placed on lands that are part of a road, trail, parking lot or boat launch
 - the person is a Canadian resident
 - non-residents need a permit to camp on public lands north of the French and Mattawa Rivers (O. Reg. 326/94)

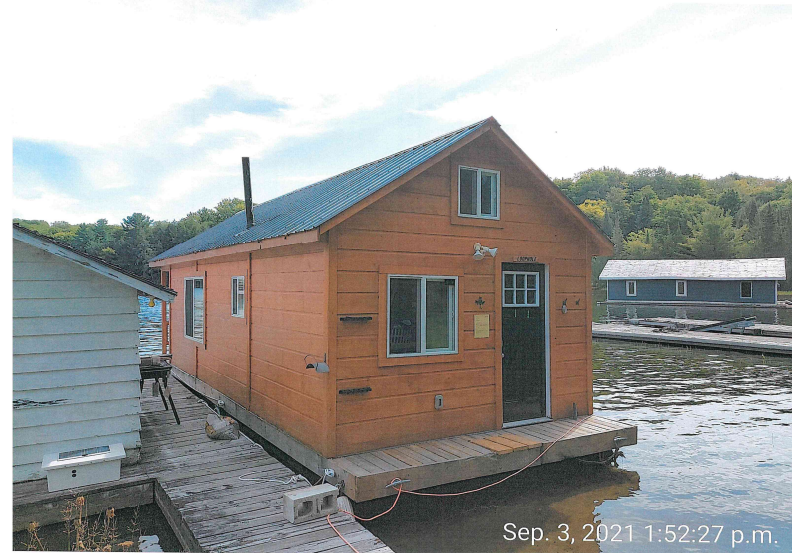
Current Regulatory Framework for Camping - O. Reg. 161/17

- “Camping purposes” is not specifically defined, however the ministry generally regards this to mean for recreational use, used during a vacation, etc.
- Navigation is a public right which includes reasonable moorage and can be exercised at any time, regardless of the rules under the PLA.
- In some cases, municipal bylaws may apply to provincial public lands covered by water.
- The regulation would not affect the ability of someone to exercise their Aboriginal or treaty rights as recognised and affirmed by section 35 of the Constitution Act, 1982.

Common uses of Ontario's waterways



Emerging and expanded uses of Ontario's waterways



Emerging and expanded uses of Ontario's waterways

- Concerns have been raised by the public and stakeholders related to possible impacts of floating accommodations, including:
 - wastewater management
 - application of building permits
 - duration of use
 - advertisings that suggest a range of options for the use of floating accommodations on water
 - increasing human pressures on waterways
 - impeding access to public land and waterways
 - lack of payment of property taxes

Discussion

- opportunity to ask questions on the framework,
- provide input to the questions in the Environmental Registry Bulletin, and
- share feedback

Discussion Questions

- 1. Should the types of watercraft that are allowed as “camping units” be clarified?**
 - the regulatory definition of a “camping unit” does not currently describe or limit the types of watercraft equipped for overnight accommodation (or vessels) that are allowed for camping on water over public lands

- 2. Should the meaning of “camping purposes” be clarified?**
 - the regulation doesn’t currently define “camping purposes”
 - the ministry generally regards “camping purposes” to mean for recreational use, used during a vacation, etc.

Discussion Questions

3. Should changes be made to the camping rules set out in Ontario Regulation 161/17 as they relate to camping on waterways over public lands?

Currently the rules include:

- limiting the number of days a person can camp on water, at one location, to 21 days
- the distance watercraft must move is 100m if a person camping wishes to stay longer than 21 days

- **Are there other rules that should be applied to camping on water?**

4. Should more restrictive municipal bylaws apply where they exist / are created?

- interested municipalities may enact bylaws regarding camping on water within their jurisdiction to suit their local needs
- should municipal bylaw requirements that are more restrictive than the provincial regulation apply (i.e., should they not apply if they are more permissive than provincial regulations and laws)?

Discussion Questions

- 5. Please provide any other information / concerns / suggestions regarding camping on waterways over public lands or the use of floating accommodations on waterways over public lands that you think the ministry should consider in the future.**

What's Next?

How to Engage Further

- Please provide your full comments by April 19, 2022, to Public.Lands@ontario.ca
- Bulletin can be found on Environmental Registry of Ontario: <https://ero.ontario.ca/notice/019-5119>

Meeting Follow-up

- If you have questions after this call, please contact: Julie.Reeder@ontario.ca

Feedback

- Input gathered will inform any regulatory or policy changes that may be considered in the future that would be subject to consultation.

If you have specific enforcement concerns

Ministry of Northern Development, Mines, Natural Resources and Forestry

- 1-800-222- TIPS (8477)

As the Ministry is not the only jurisdictional authority addressing these matters it is recommended that concerns also be directed to provincial and federal agencies.

- Transport Canada - for questions regarding the Small Vessels Regulation and Construction Standards for Small Vessels
 - 1-866-995-9737 or questions@tc.gc.ca.
- Parks Canada
 - Trent-Severn Waterway
 - 705-750-4900 or 1-888-773-8888 or pc.trentsevern.pc@canada.ca.
- Ministry of Environment, Conservation and Parks
 - 1-800-268-6060 Spills Action Centre – to report a spill
 - 1-866-MOE-TIPS (1-866-663-8477) to identify potential pollution incidents
 - Online tool : <https://report-pollution.ene.gov.on.ca/>

**Thank you for your
participation and
feedback.**