

BY EMAIL

From: Terry Rees

Sent: Monday, December 11, 2023

To: MSSRegulations-ReglementsSSM@tc.gc.ca

Subject: Comments re: Long term Anchoring, and VORR Modernization (FOCA)

On behalf of the Federation of Ontario Cottagers' Associations, please find below our comments with respect to the Let's Talk Transportation postings, related to revisions to the rules around long-term anchoring, and modernizing and amending the VORR process.

By way of background: FOCA is the Federation of Ontario Cottagers' Associations, a not-for-profit organization for over 60 years representing volunteer associations and individuals all across Ontario. We have 525 Member Associations located across Ontario who represent approximately 50,000 waterfront property-owning families. Ontario's 250,000 waterfront property owners are one of the largest boating constituencies in Canada and are key stakeholders particularly in rural and northern Ontario, collectively contributing over \$11.4 billion in annual spending supporting 157,000 jobs in the Province. The priority for our organization is the sustainability of our lakes, lands, and rivers.

Long term anchoring

FOCA supports the rights of navigation for boaters, to use the waterways of Canada for the purposes of commerce, transportation and recreation.

We also believe that the use of our waterways for habitation is not an intended nor desirable use and it compromises the safety and free enjoyment of Canada's waters by boaters, shoreline residents and other users.

Treating floating homes as vessels convolutes and confuses the issues at hand, hampers the legitimate powers of the Federal Minister of Transport to protect navigation, and may have unintended and undesirable implications for the larger boating community.

Where local conditions dictate, the VORR tools can continue to be a useful mechanism to support local efforts to ensure safety, and environment concerns (subject to the "modernization" comments, below). However, the suggestion to use the VORR process to allow for local regulation or management of floating homes is only one option to support the Minister's mandate under both the Canadian Navigable Waters Act and the Canada Shipping Act 2001, to protect the marine environment, while preserving commercial and recreational navigation and boating safety.

While we believe the VORR provide a legitimate mechanism to delegate enforcement powers to local authorities to regulate some boating activities, we believe the “long-term anchoring” challenges are a matter of determining who is subject to what rules.

Recent policy changes in Ontario provide a possible solution, whereby vessels are not unduly restricted or targeted, but rather are protected in their right of safe and reasonable navigation.

According to the Province’s Ontario Regulation 161/17 and Ontario Regulation 326/94 definitions (effective July 1, 2023):

“floating accommodation” means a floating building, structure or thing, or a combination of floating buildings, structures or things, equipped or useable for overnight accommodation and not primarily designed to be used for navigation, and includes a floating building, structure or thing, or a combination of floating buildings, structures or things that,

- (a) is primarily designed for or able to be used for residential purposes,
- (b) is a raft, barge or floating platform that has on top of it a building, structure, vehicle or thing that may be used for overnight accommodation, for camping purposes or as an outdoor accommodation,
- (c) would reasonably be expected to require towing to be placed on public lands or is placed on public lands by means of towing or any other type of assistance,
- (d) is equipped with jack-up technology or a similar mechanism used to anchor or rise above the surface of the water, with or without spud cans, or
- (e) has a floating foundation or a floatation platform which may include floats constructed of polystyrene, plastic, concrete or logs and stringers”

FOCA believes watercraft equipped for overnight accommodation should continue to be permitted to anchor as required, and as permitted by law. But again, to reference the 2023 Ontario definitions,

“watercraft equipped for overnight accommodation means a watercraft that is,

- (a) equipped for overnight accommodation,
- (b) primarily designed for and able to be used for navigation, and
- (c) self-propelled and steered independently”

Transport Canada is empowered and required to protect the marine environment, while preserving commercial and recreational navigation and boating safety. By clarifying the rights and restrictions of vessels vs. those of floating accommodations as suggested above, Transport Canada can accomplish this.

Re: Modernizing the VORR process

The current process for municipalities is long and cumbersome thereby requiring significant and unnecessary time delays, for communities to address significant concerns in their communities.

While rightly intended to provide adequate information for the Minister to rule on any such request, the current process poses a significant barrier to addressing desired and important local restrictions when deemed appropriate, putting the boating public and adjacent communities needlessly in harms way.

We support the efforts of Transport Canada to modernize the VORR process to make it faster, easier, and more effective for local authorities to implement restrictions, including allowing the Minister of Transport to use "Incorporation by Reference" to modify the VORR schedules more quickly, and by simplifying the process for proposing a restriction and shortening the time it takes to implement.

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To summarize our comments on these two issues, above:

FOCA supports safe and environmentally responsible boating and encourages the Minister of Transport to carry out this mandate. With the proper definitions at hand, and the appropriate oversight, and safeguards in place, we can ensure anchorage is protected for the appropriate vessels, while prohibiting the inappropriate usage of our public waterways by floating homes.

Secondly, a more efficient and appropriately nimble VORR process can be an effective tool to accomplish our shared safety and environmental objectives.

Regards,

Terry Rees, Executive Director

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