

Via email [Public.Lands@ontario.ca](mailto:Public.Lands@ontario.ca)

April 19, 2022

**Re: Consultation seeking input about the use of floating accommodations on waterways over Ontario's public lands (ERO no. 019-5119)**

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The Canadian Environmental Law Association (“CELA”) provides the following comments in response to the request for input about the use of floating accommodations on waterways over Ontario’s public lands ([ERO number: 019-5119](#)) as proposed by the Ministry of Northern Development, Mines, Natural Resources and Forestry (the “Ministry”)<sup>1</sup>.

CELA is a specialty clinic that works to protect human health and our environment by seeking justice for those harmed by pollution and by working to change policies through law reforms. Since 1970, CELA has used legal tools, conducted public legal education, undertaken groundbreaking research, and advocated for increased environmental protection to safeguard communities. CELA is funded by Legal Aid Ontario; our primary focus is assisting and empowering low-income people and disadvantaged communities.

CELA advocates for the timely development and implementation of effective laws, regulations and policies to protect water resources within Ontario and across Canada. Among other things, CELA represented the Concerned Walkerton Citizens at the Walkerton Inquiry, and was actively involved in the development of the Safe Drinking Water Act, 2002, the Clean Water Act, 2006, and regulations, policies and guidelines thereunder. CELA also has a Healthy Great Lakes program which seeks robust, holistic, well implemented laws and public policy and an engaged citizenry to protect and restore the waters of the Great Lakes - St. Lawrence River Basin.

### **Summary of Concerns**

Floating accommodations are a novelty camping idea that pose unique and significant risks to the environment and public health and safety, including risks caused by exposure to sewage and grey water, and noise. The risks to the environment include serious harm to animal life and their habitats, and in particular aquatic and shoreline species. The protection of ecosystems and biodiversity must be of paramount importance. These impacts have the potential to be amplified by the lack of oversight and monitoring which may result due to the remote or inaccessible locations of floating camping units. CELA opposes the use of floating accommodations on waterways for these reasons and recommends camping on watercraft that are not “vessels” be prohibited.

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<sup>1</sup> Seeking Input about the Use of Floating Accommodations on Waterways over Ontario’s Public Lands, [ERO number: 019-5119](#)

## **Specific Comments to Consultation Questions**

The Ministry has posed a number of questions for discussion. CELA’s response and recommendations are outlined below.

### **Question 1: Should the types of watercraft that are allowed as “camping units” be clarified?**

Currently, the *O Reg 161/17: Occupation of Public Lands under the Section 21.1 of the Act* made pursuant to the *Public Lands Act* defines a “camping unit” as “a structure or vehicle that may be used for camping purposes or as an outdoor accommodation and includes a tent, trailer, tent-trailer, recreational vehicle, camper-back and any watercraft equipped for overnight accommodation”<sup>2</sup>.

The term “watercraft” as referenced in this definition is not defined and it ought to be clarified as being a “vessel” which according to Transport Canada is a “boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion, and includes such a vessel that is under construction.”<sup>3</sup>

It is necessary to limit the kind of “watercraft” that is appropriate for camping accommodation so that it excludes floating objects (ie. home-made boats, rafts and floating cabins).

**Recommendation 1:** The term “watercraft” as referenced in the definition of “camping unit” ought to be defined as being a “vessel” per Transport Canada which is a “boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion, and includes such a vessel that is under construction. It does not include a floating object of a prescribed class.”<sup>4</sup>

**Recommendation 2:** The “prescribed class” referred to in the above definition of watercraft/vessel should be defined as “any floating object that is a camping unit that does not have an operating and effective self-contained total sewage retention and shore disposal system.”

### **Question 2: Should the meaning of “camping purposes” be clarified?**

The reference to “camping purposes” in the definition of camping unit, described above, is currently not defined under the *Public Lands Act*. However, as the same definition of camping unit also appears in *O Reg 347.07 Provincial Parks: General Provisions* enacted pursuant to the *Provincial Parks and Conservation Reserves Act* (“Parks Act”), the Ministry should look to this statute for guidance. We suggest

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<sup>2</sup> O. Reg. 161/17: Occupation of Public Lands under section 21.1 of the act, under [Public Lands Act, R.S.O. 1990, c. P.43](#), S.

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<sup>3</sup> *Canada Shipping Act, 2001*, S.C. 2001, c. 26, s 2

<sup>4</sup> *Canada Shipping Act, 2001*, S.C. 2001, c. 26, s 2

that any “camping purposes” be in keeping with the objects of the Parks Act, including the protection of ecosystems and biodiversity.<sup>5</sup>

**Recommendation 3:** The interpretation of “camping purpose” must be subject to the prerequisite that above all else, the protection of ecosystems and biodiversity be of paramount importance.

**Question 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?**

CELA is concerned about the serious environmental, public health and safety issues arising from the potential use of floating cabins on waterways. The current camping rules set out in *O Reg 161/17* provide the following:

- the number of days a person can camp at one location is limited to 21 days; and
- if a person camping wishes to stay longer than 21 days, they must move at least 100 metres

Again, CELA recommends that “watercraft” as referenced in these rules be limited to vessels and not include floating objects of a prescribed class, as set out above. In addition, any vessel used for a camping purpose must be subject to the requirement that the protection of ecosystems and biodiversity be prioritized. Given the impacts of the proposed activity (discussed in more detail in Question 5 below), camping on floating objects on waterways should not be permitted for any length of time. If this activity is permitted, then the number of camping days should be reduced, and the required moving distance should be increased.

**Recommendation 4:** Camping on floating objects which are not vessels, or are floating objects of a prescribed class, be prohibited.

**Recommendation 5:** the number of days a person can camp on water, at one location, is limited to 7 days, and the distance watercraft must move is 500 m if a person wishes to stay longer than 7 days.

**Question 4: Should more restrictive municipal bylaws apply where they exist / are created?**

Environmental protection is a matter of shared jurisdiction and we are in favour of any provisions – such as those by a municipality - that are protective of the environment and human health.

**Recommendation 6:** Any provision for protecting the environment and human health should be encouraged.

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<sup>5</sup> *Provincial Parks and Conservation Reserves Act*, S.O. 2006, c. 12, s 1 and 2.

**Question 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.**

There are both aquatic and land-based impacts that, in CELA's view, require that floating accommodations be prohibited. The environmental impact of camping activities on waterways cannot be over-emphasized: camping on water poses detrimental pollution, wildlife and safety impacts resulting from the discharge of sewage, grey water, garbage, emissions, noise and disturbances to aquatic environment (including wildlife and their habitats). Noise is also a concern for wildlife and residences located close to waterways occupied by floating accommodations (ie. noise disturbance due to parties, loud music or fireworks).

Camping on waterways also has land-based impacts. Consideration must be given to waste retention and disposal. There must be access to land-based garbage disposal and entry points, such as public docks, access roads or landings, where campers may park their vehicles without causing disturbance.

There is also a concern to human safety if floating cabins are not equipped to navigate waterways by virtue of being for "camping purposes," and not equipped with the requisite safety equipment like navigation lights, fire extinguishers, distress flares, a life raft or flotation devices. It would require significant oversight to ensure the safety equipment on board floating objects are both accessible and maintained. CELA does not have confidence this oversight would be possible when floating accommodations could be used in remote and inaccessible locations.

**Recommendation 7:** Only "vessels" should be able to anchor and camp on waterways and per existing Transport Canada regulations, the operators of boats must be licensed to operate such vessels.

**Recommendation 8:** The Ministry should also work in tandem with Transport Canada which oversees navigable waterways and watercraft safety so that all vessels are equipped with proper safety equipment.

CELA hopes that these recommendations and the input from this process will inform consideration of potential future changes intended to address growing concerns around the impacts of this activity on Ontario waterways and those who use them.

Sincerely,

**Canadian Environmental Law Association**



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