



Staff Report

Meeting Date: April 6, 2022

To: County Council

Report Number: PPW 2022-12

Title: Provincial Request for Comments on Floating Accommodations

Author: Bryan Weir, Director of Planning & Public Works

Approval: Sheridan Graham, CAO

Recommendation: That Report PPW 2022-12 “Provincial Request for Comments on Floating Accommodations” be received, and,

That the report be forwarded to the Province as Peterborough County’s response.

Overview

This report has been prepared in order to provide Council with some background information on Floating Accommodations and to present a set of comments for endorsement to be sent to the Province.

Background

On March 16th, County Council assed the following Resolution:

Resolution No. 115-2022

Moved by Councillor Moher

Seconded by Councillor Clarkson

That staff be directed to review the suggestions outlined by the Province in Correspondence item 6 (Appendix A), gather more details and follow along with the process to avoid any issues in the future.

Carried

In the preparation of this report, the Provincial Posting on the Environmental Registry was reviewed (<https://ero.ontario.ca/notice/019-5119>) as well as O. Reg. 161/17: Occupation of Public Lands under Section 21.1 of the (Public Lands) Act.

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The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) is aware that the occupation of floating accommodations has raised a number of concerns. “Floating Accommodations” are not necessarily limited to house boats or cabin cruisers but also include other such structures as small cabins that can be used for accommodating people, some with motors or those without motors that are towed out to a location on water and then anchored.



<https://www.vrbo.com/en-ca/cottage-rental/>

MNDMNRF is not so much concerned with navigation as they are about other matters that have been raised. These include:

- 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

While floating accommodations have been viewed by some to represent an economic development and tourism activity, others see the use of floating accommodations as problematic and one which requires further attention.

O.Reg. 161/17 defines “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-



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trailer, recreational vehicle, camper-back and any watercraft equipped for overnight accommodation.

The ERO posting contains the following explanation:

“A boater may always exercise their right of navigation, which includes reasonable moorage. If a person is not using a “camping unit” or navigating, then occupational authority or other permission is required from our ministry.

We are seeing a change on Ontario’s waterways. Over the years, the use of provincial waterways by watercraft has expanded to include floating accommodations, which are designed primarily to provide accommodation for longer stays (i.e., similar to a cottage) and not for navigation or for camping purposes.”

Analysis

On the previous page, the Province has identified a number of issues related to floating accommodations. However, there are other issues that may deserve some attention as well. These include noise and zoning. Noise By-laws are generally enforced by the local municipality and are usually complaint-driven. By-law enforcement staff will visit the property in question and take appropriate action. However, if the noise originates from a point on the water, does the By-law apply? This legal matter should be investigated by the Province.

With respect to land use planning tools, zoning under The Planning Act is a means to control the indiscriminate use of land. Some local municipalities have taken the position to zone not only lands within their jurisdiction, but also the water bodies. Zoning will specify uses that may occur on the water. They also may trigger a Building Permit for compliance. For those municipalities that have zoning on water, there is a significant challenge in trying to enforce the by-law for floating accommodations whether they be transient or located in one spot for an extended period of time.

It is believed that the Province should review the definition of “camping unit” to narrow the scope of use to account for floating accommodations. Currently, the definition leaves much to interpretation. The other alternative is to define the term ‘watercraft’ in a way that succinctly describes it to exclude floating accommodations like the ones being addressed.

It is also believed that, if floating accommodations of this nature are to be permitted, there needs to be a permit and location registry system together with a fee structure that is robust enough to finance the administration and on-water enforcement of such activities. Similar to land camping in Provincial Parks, the responsibility should rest with the Province.



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With respect to actual house boats and their use on the water, it is strongly suggested that operators have completed and successfully passed certification to obtain a boating licence.

The Province, at this time, is merely seeking ideas and approaches to addressing the issue of floating accommodations. Regulatory changes, if proposed, will be posted on the Environmental Registry for public consultation.

Financial Impact

Not applicable.

Anticipated Impacts on Local and/or First Nations Communities

Not applicable as a result of the report.

Alignment to County of Peterborough Strategic Plan Priorities

To provide high quality services to residents, businesses and Townships:

Communications – To elevate the County of Peterborough's profile, enhance community engagement, and communicate proactively.

Communication Completed/required: Provide Council comments to the Province

Attachments

Appendix A – MNDMNRF correspondence Dated March 3, 2022

Respectfully Submitted,

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Director of Planning & Public Works

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