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April 19, 2022

Peter D. Henry, R.P.F.
Director, Ministry of Northern Development, Mines, Natural Resources and Forestry
Policy Division, Crown Forests and Lands Policy Branch
70 Foster Drive, 3rd Floor
Sault Ste. Marie, ON P6A 6V5

Dear Mr. Henry:

Re: ERO number 019-5119: Comments to Ministry of Northern Development, Mines, Natural Resources and Forestry (MNR) on Floating Accommodations on Waterways/Public lands

We are writing to provide follow up comments to our letter of April 16, 2022 on the above with a view to establishing clear regulations for Floating Accommodations on Waterways and Public lands that maximise protection of the environment, in particular water quality. This letter is in support of the submission sent to you by Councillor Hazelton of the Township of Georgian Bay (TGB).

Background: (from your bulletin)

The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNR) is aware of concerns regarding the prolonged and indeterminate occupation of floating accommodations and related potential impacts.

The comments below follow the MNR list of concerns as headings for this response. These comments need to be understood before any consideration of your questions about camping on public waterways should be considered.

1. Wastewater Management

- **Black water** would need to be held and pumped out at frequent intervals. This will require either the floating accommodation be moved to a marina with the ability to pump out the blackwater, or a new, currently unavailable service via a mobile barge pump out.
 - If a mobile pump out were to exist, it would present environmental challenges when a mobile pump-out barge moors to a floating accommodation

- **Grey water** is a significant concern in the inner bays and waterways of Eastern Georgian Bay. The Township of Georgian Bay has the most dense development on all of the eastern shoreline of Georgian Bay and has already seen the need to pass a Grey Water Bylaw. Sadly, this is not being enforced. What is being actively enforced in TGB, and throughout most of the eastern and northern shores of Georgian Bay, is the restriction of land-based accommodation from discharging grey water anywhere on the land. This land-based enforcement is good and important for this geography since our waters are challenged by the nutrients (nitrogen and phosphorus) in greywater (as well as blackwater). There should be similar and consistent enforcement of water-based vessels and accommodation in the restriction of discharge of grey water, but we recognize that this presents certain challenges.

2. Application of Building Permits

- The current state of laws does not appear to give any municipality jurisdiction on the building or construction integrity of a floating accommodation. This is **inconsistent** with all other accommodation where the building code, which is enforced by municipalities, can ensure the safety of a structure by inspection of compliance to the code set by the province.
 - The construction and compliance of a floating accommodation would need to be defined and enforced, not only for the safety of the user but also of others that may be impacted by it.
- There are floating accommodations /dwellings (moveable) in areas not zoned for mobile dwellings.
 - For example, and comparison: mobile homes are not permitted in most municipalities:
 - On streets in subdivisions
 - On properties, except in rear yards and not used

3. Duration of Use

- Issues with stationary positions:
 - If using **pillars** to attach the floating cottage to the lake bottom:
 - Impact of water flows constrained by the pillars;
 - Impact of the size of the feet on the bottom of the pillars and the disturbance of the lake bed; and
 - Impact of possible drag when the pillars and their feet are not sufficient to prevent movement.
- When positioned in a single location for an extended amount of time:
 - No sunlight to the lake bottom – a few weeks of this will be **harmful to the aquatic vegetation and fish habitat**.

- Disruption of Wildlife:
 - Migratory patterns of birds – impacted by dwellings in new locations and moved locations; and
 - This has a chain reaction effect on the sustainability of several species of both birds and fish.
- Servicing Needs of Floating Cottages:
 - Users will need to get to shore for **supplies** like; food, potable water, fuel; and
 - Users will need to arrange for services like; **sewage pump-outs** (black water & grey water).

4. Advertisements that suggest a range of options for the use of floating accommodations on water:

- The other issues listed here need to be resolved before proponents attempt to advertise their ideas; and
- Current advertising appears to be **violating existing laws** and potentially causes significant legal and staff costs for municipalities to counteract this misinformation.

5. Increasing human pressures on waterways

- Our community is concerned about increased human pressures on waterways not limited to increased boating traffic and associated environmental impacts such as shoreline erosion, habitat disturbances, greywater or blackwater discharge, garbage disposal, unencapsulated foams, fuel spills and noise disturbances. With particular attention to floating accommodations on waterways, the community would like to see **stronger requirements for navigation lights** and warning/alerting markers for navigational hazards posed by these structures.

6. Impeding access to public land and waterways

- Access to public land and waterways is an important aspect of lifestyle, economy and tourism opportunities along the east and northern shores of Georgian Bay. Our community encourages the province to improve access to public land and waterways in a manner that is consistent with applicable legislation, including municipal zoning by-laws.

7. Lack of payment of property taxes

- Transient boaters, owners of vessels, owners of semi-permanent or permanent floating accommodations on water are not currently subject to payment of property taxes. This is problematic for coastal municipalities because **no funding mechanism** for the provision of municipal services, by-law enforcement or emergency services is provided. A mechanism for municipalities to invoice the province for provision of municipal services on provincial lands and waterways would be desirable.

- Here are some examples to review & consider:
 - Land dwellings pay property taxes – directly to their municipality;
 - Trailer dwellings when at a trailer park pay property taxes through the park owner to the municipality;
 - Floating dwellings, when moored at a marina pay taxes through the marina owner to the municipality;
 - Floating dwellings, when moored at a marina pay water lot taxes through the marina owner to MNR;
 - Floating dwellings currently provide **NO tax revenues** to the municipality where they are used, **providing no path for the municipality to recover the costs of services** that they are obligated to provide such as:
 - Waste management;
 - Policing (municipalities fund the costs of OPP in their area)
 - EMS and fire services;
 - Bylaw enforcement; and
 - Municipal planning, etc.
 - Floating dwellings should be the subject of municipal bylaw enforcement:
 - Appropriate permissions need to be in place to board the floating dwelling for **inspection & enforcement**
- Assessed value of shoreline properties – when floating cottages are positioned in front:
 - Shoreline properties have generally high values compared to inland properties because of the views and unobstructed access to the water;
 - When a shoreline property has a floating cottage positioned in front of the shoreline property:
 - The view is interrupted if not destroyed;
 - There is a potential navigable hazard with a floating dwelling;
 - **The value of the shoreline property will decrease** resulting in:
 - a lower assessment; and
 - lower taxes available to the municipality

Consideration of the MNR question about camping on public waterways

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.

1. The concept of a floating camping structure has many concerns to be considered, many of which are covered in the comments above.
2. It should be noted that a tent or similar structure which is more commonly considered as “camping”, is done on lands that are zoned as crown land, formal parks, or private campgrounds.

3. A tent trailer or camping trailer, or motor home have many more constraints on where they can be used. These constraints begin to reflect the greater potential impacts of these mobile accommodations than a simple tent.
4. A boat or vessel that is used to provide accommodation and has a mostly fixed location for a couple of days or more should be considered equivalent to floating accommodation and have the same constraints.
5. A floating accommodation has much more impact on the community and the environment than both tents, trailers, and motor homes. At the same time, a floating accommodation is likely to be much larger than any of the others and therefore result in even more impact on the community and the environment.
6. The municipality should be empowered to enact bylaws that are more restrictive than either provincial or federal legislation to then reflect the unique concerns that are present in that municipality. **A municipal bylaw should supersede provincial or federal legislation where the municipal bylaw is more restrictive.**

GBA appreciates the opportunity to provide input and supports changes to regulations that will continue to provide the strongest environmental protections for our shared waterways. We would welcome the opportunity to hold a follow up discussion on these matters, if possible?

Yours sincerely,

A handwritten signature in blue ink that reads "Rupert Kindersley". The signature is written in a cursive style with a horizontal line underneath the name.

Rupert Kindersley
Executive Director

Copy to:

Pauline Desroches, Manager, Crown Lands Policy Section, MNR

Julie Reeder, Sr. Program Advisor, Crown Lands Policy Section, MNR

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