



Floating
Accommodations not
Vessels Coalition



***Floating Accommodations
Position Paper***

EXECUTIVE Summary

This position paper provides guidance for Ontario municipalities seeking to regulate or restrict Floating Accommodations within their jurisdictions.

Floating Accommodations are a detrimental presence on Ontario's lakes and rivers. They present multiple environmental, navigational, taxation, and zoning issues. Over the past four years, they have eluded control as the issue of Floating Accommodations fell into a very large gray area when this all began.

The authors of this position paper, the **Floating Accommodations not Vessels Coalition**, strongly urge you as municipal leaders to pursue **one or a hybrid** of the following two regulatory strategies:

1. Ban floating accommodations in your jurisdiction. *They cannot exist within your*



municipality without putting your natural environment and governance regulations in turmoil. The Township of Severn has led the way with a bylaw banning Floating Accommodations [[Township of Severn By-law to Regulate Floating Accommodations](#)]. The Township of Georgian Bay recently adopted a similar by-law [[Township of](#)

[Georgian Bay Floating Accommodation Bylaw](#)]. *The intent is to provide clarity in their zoning bylaws in that floating accommodations are not a permitted use. Several municipalities are following their lead and investigating this strategy.*



2. Restrict floating accommodations to fixed / permanent moorings. *These locations would be subject to municipal zoning by-laws stipulating appropriate sanitary, hydro, power connectivity, and placed on environmentally safe floatation systems. Floating accommodations are permanently located in*

a properly zoned facility similar to a trailer park but for floating accommodations on water. This model has several working examples such as Bluffers Park on Lake Ontario or False Creek in downtown Vancouver. For most municipalities, this would be considered a new form of development and require significant policy changes.

“Your new neighbours”

They can suddenly appear on your waterfront at any moment...

Floating Accommodations (FAs) can be a building or structure such as modified shipping containers or wood framed structures placed on floatation devices. They are not primarily intended for navigation and will moor over crown lakebeds or private property lakebeds. FAs can move frequently and are usually equipped with an anchoring system such as steel ‘spuds’ embedded into the lakebed to stabilize the unit at each mooring location. They potentially shed toxic materials and other contaminants into surrounding waters and lakebeds.



Municipalities Play a Crucial Role in Fully Regulating Floating Accommodations

Municipalities have a crucial role in addressing regulatory gaps and exceptions that fall outside the recent implementation of federal, provincial, and private property trespassing regulations to manage Floating Accommodations. Verifying and strengthening the regulatory framework was a collaboration between Parks Canada (PC - federal), the Ministry of Natural Resources (MNR - provincial), and the Ontario Provincial Police (OPP - provincial).

The following scenarios are not hypothetical. They have all occurred and would fall outside the jurisdiction of new and existing federal, provincial and OPP controls.

- 1) *What happens to an owner of an FA who chooses to float their FA over their personally owned private lakebed property?*
- 2) *What happens to commercial marinas who wish to establish mooring for FAs on their premises in a permanent or semi-permanent manner?*
- 3) *What happens when FA owners floating within a township, move daily to relocate in that same township to avoid confrontation with governing agencies?*

Municipal Bylaws – What Issues Are You Being Asked to Tackle?

The recently launched PC, MNR, and OPP frameworks can clearly deal with trespassing for stationary (moored) FAs in federal / provincial waters and over private lakebeds.

However, there are 3 scenarios that fall outside of the newly published PC, MNR, and OPP frameworks. They are:

- 1) ***FAs floating over private lakebeds:*** *What is missing is how to deal with an FA owner who chooses to park adjacent to their shoreline where he/she has property 'ownership' rights to the lakebed. This issue is very real and exists in many of Ontario's lakes and rivers. The scenario would allow an FA owner to bypass existing building codes and local taxation to class their structure (be it a boathouse, or residence) as a vessel. This scenario is a "trojan horse" into illegal residential boathouses and homes on water with the very real possibility of being short term rentals.*
- 2) ***FAs floating in a commercial marina:*** *The scenario of a marina establishing an unauthorized temporary (or permanent) mooring location for a FA within a municipality that is not zoned for FAs causes a significant degree of difficulty. Most current municipal zoning does not acknowledge FAs and in a jurisdiction without FA definitions and approved zoning the FA owner can fall back on their vessel designation and potentially use the Transport Canada vessel designation as a shield to avoid any charges. This scenario has already occurred throughout Ontario, including in the Rideau Canal and the Kawartha Lakes region.*
- 3) ***FAs floating freely and/or mooring in a different location each night:*** *The challenge with this scenario is some FA owners have been very creative in where they moor and for how long. They have become very familiar with enforcement processes and time limitations and simply move before charges can be laid. Each situation would be reviewed on a case-by-case basis and time limitations may or may not apply.*

All three of these scenarios require a municipal regulatory framework. There are emerging strategies to guide Ontario's municipalities in preventing FAs from further potential abuse and destruction of our natural resources for current and future generations.

Call to Action To All Ontario Municipalities With Waterfront Assets

Based on our collective learning, experience and history with the FA problem, we believe there are two responses municipalities can utilize to attempt to control FAs participating in one or more of the three scenarios outlined above:

- 1) **FAs cannot exist within the boundaries of a municipality:** *This scenario has recently been enacted in the Townships of Severn and Georgian Bay; although they have not yet been tested in court. These zoning by-law amendments provide clarity in that floating accommodations are not a permitted use. FAs cannot exist on waters within these Townships, under any circumstances, over public or private lakebeds or in commercial marina establishments. Their outright ban of FAs is actively being considered by several other municipalities, [[Township of Severn By-law to Regulate Floating Accommodations](#)], [[Township of Georgian Bay Floating Accommodation Bylaw](#)]*
- 2) **FAs can only exist as FHs (floating homes):** *When floating accommodations are permanently fixed to an approved dock/mooring with permanent hydro, sanitary, and water connections they are classified by Transport Canada as a Floating Home (FH). Floating Homes are not vessels. This scenario of approved mooring for Floating Homes is well understood, documented and in place throughout British Columbia and Bluffers Park on Lake Ontario and would require significant municipal policy changes for most. One further twist on this scenario is that a FH owner who chooses to untether and go float “free range” for a time and then come back may be banned from the FH mooring location depending upon their Home Owners Agreement. This solution has existed for some 20+ years in both locations and is very well understood.*

It is suggested that municipalities consult with their own legal representatives to determine what regulatory approach is best suited for your jurisdiction.

Need To Find Out More?

If you need more information or further clarification on any aspect of this position paper, please feel free to reach out to any member of the Floating Accommodations not Vessels Coalition or to our email address fanv2025@gmail.com.

APPENDIX

Floating Homes versus Floating Accommodations: Definitions and Management to date

Historical context and definitions:

Historically, floating residential structures have existed in zoned-for-purpose marinas and permanent mooring locations. These types of structures look and feel like houses. They are typically wood framed units with windows, doors, roofs, and decking and floatation devices. Inside they have bathrooms, kitchens, living rooms and bedrooms... essentially a house on water. They are “permanently” moored / fixed to a docking arrangement and are also permanently connected to sanitary sewers, water supply, power supply, and gas (for heating and cooking) supply.

There are multiple instances of these floating residences, but the most popular and recognized communities are the 24 floating homes in Bluffers Park on the shores of Lake Ontario in Scarborough (Toronto), and 60+ homes in False Creek in downtown Vancouver.



Both of these examples and all other occurrences where a floating residence is fixed permanently to a mooring location are classified by Transport Canada as “Floating Homes”. It is important to understand that Floating Homes are not recognized by Transport Canada as vessels. They are distinct and separate from Floating Accommodations.



VANCOUVER

VANCOUVER SEA VILLAGE FEATURING HOUSEBOAT HOMES ALONG FALSE CREEK

How do Floating Accommodations differ from Floating Homes?

The recently emerging challenge is Floating Accommodations, which can be ‘repurposed’ shipping containers modified by DIY individuals or purpose-built wood construction. The units have windows, doors and some form of bathroom, kitchen, sleeping, and living quarters. Floating Accommodations are not restricted to the configuration seen below, as there are numerous examples of residences fabricated with wood frame construction built on floatation devices that appear more like a traditional boathouse.



All of these floating accommodations are not permanently fixed to a mooring location. They are “free range floating residences”; moving, floating and mooring whenever and wherever they wish.

Transport Canada classifies floating residences that are not connected to a permanent mooring location as vessels.

Floating Accommodations until 2023 were largely unregulated within Ontario. The topic had not historically been an issue; therefore, government agencies needed to react to the changing issue and the “vessel” designation being utilized by Transport Canada as well as by the individuals and/or companies exploiting this loophole.

The authors can now report that Parks Canada, MNR, and OPP have separately and collectively identified enforcement avenues where appropriate to attempt to govern Floating Accommodations. To complete the governance framework, appropriate municipal by-laws are required.

What Are the Challenges Associated with Floating Accommodations?

This table illustrates the complexity of multiple government agencies whose mandates are individually impacted yet require collective collaboration to implement solutions. The following table lists the various issues and respective agencies likely to manage them.

Issue / Concern with Floating Accommodations	Expected Responsible Agency
Potential absence of sanitary capability and dumping of toxic and other harmful substances from FA	Environment & Climate Change Canada (ECCC) (Federal) and Ministry of Environment (Prov.)
Pollution from floatation devices and garbage	Transport Canada & ECCC (Federal); Ministry of Environment (Provincial)
Impact of endangered wildlife when moored in environmentally sensitive areas	Parks Canada or ECCC if outside of Parks Canada sites; Fisheries & Oceans if fish/mussel related; <i>Endangered Species Act</i> administered by Ministry of the Environment (Provincial)
Navigational impediment as a moving vessel	Transport Canada
Navigational impediment as a moored vessel	Transport Canada & Local Municipalities (via VORR’s)
No building or construction standards specifically related to FAs exist	Transport Canada
FAs pay no taxation to support consumption of local emergency services or waste management services	Municipality
Mooring in any location	Municipal zoning (not yet tested in court)
Mooring on private lakebeds (must make contact with private property beneath the water)	OPP – Trespass to Property Act

Issue / Concern with Floating Accommodations	Expected Responsible Agency
Spawning ground / fish habitat damage caused by the steel spuds into lakebeds	Fisheries and Oceans Canada (DFO) (Federal water control); DFO supported by Parks Canada in National Parks, National Historic Sites and National Marine Conservation Areas; MNR (inland lakes); responsible for the management of fisheries
Floating Accommodations becoming vacation rentals (VRBO or Airbnb)	Municipal by-laws (e.g. Short Term Rental by-laws and zoning by-laws)
Floating Accommodations becoming an unregulated expansion of a cottage	Federal waters – Parks Canada in National Parks, National Historic Sites and National Marine Conservation Areas Provincial waters- <i>Public Lands Act</i> administered by MNR prohibits FAs from occupying provincial public land through regulation Privately owned waters – Municipality

During our early discussions, each of the agencies that we expected to play a partial and/or full role to control Floating Accommodations felt they were not legislated to manage and regulate Floating Accommodations. Many felt that other agencies were better equipped to regulate the problem or that, given Transport Canada’s designation of FAs as vessels, that Transport Canada was the ultimate controlling ministry. Agencies outside of Transport Canada were of the opinion that any attempt to act would result in legal proceedings that given the vessel designation, would likely be unsuccessful with respect to the agency responsible for legal expenses.

What Changes Have Been Made to Support a Regulatory Framework?

The shift to create enforceable solutions came via 2 separate but foundational insights:

1. ***Glaspell vs Ontario 2015*** – Clarifying lakebed ownership which has become the cornerstone strategy “anchoring” all of the in-force regulatory frameworks.
2. ***Freedom of Information request to Transport Canada*** – Clarified 3 important aspects:
 - a) *Floating Homes vs Floating Accommodations: Floating Homes are not vessels; Floating Accommodations are vessels.*

- b) Transport Canada's primary (and some would say only) objective is vessel safety. They do not believe their mandate / charter per the Canadian Transport Act (2001) mandates them or requires them to control Floating Accommodations.*
- c) Transport Canada has expressed strong public support of the newly launched MNR Floating Accommodation regulatory framework (161/17). Transport Canada's guidance to other agencies interested in governing FAs was very clear – use the MNR framework to guide your actions.*

It is critical to the municipal strategy that readers of this position paper are comfortable with the solid underpinnings of the current provincial, federal and criminal regulatory framework.

The *Glaspell v Ontario* ruling [[Glaspell v Ontario 2015 ONSC 3965](#)] has clarified 3 elements that have been 'baked' into case law informing FA regulations formed by Parks Canada and MNR.

- a) Glaspell ruling established that all lakebeds and riverbeds are the ownership of either federal crown, provincial crown or private ownership, and separately, municipalities have the option to issue zoning controls over those lakebeds.*
- b) The ownership of lakebed can act as a basis to authorize or not permit a floating object overhead to cast a shadow over the lakebed and by definition occupying that lakebed.*
- c) Resulting from the case law establishing enforceable lakebed ownership, the principle of authorized vs unauthorized occupation of crown land (lakebed) has been crystallized into FA regulatory frameworks.*

The importance of *Glaspell* was vital to the success of the regulatory frameworks that have emerged. The critical learning here is that historically all enforcement by Parks Canada, MNR, and OPP was through "land-based" policies. Had any of these agencies sought to remedy through water-based policies, they likely would have lost any court challenge due to the vessel designation that Transport Canada would likely uphold. Seeking to control Floating Accommodations through land-based laws was a masterful stroke of genius and we applaud the leadership of MNR, Parks Canada and OPP.

Municipalities would be advised to consider and build on the positive implications of the *Glaspell* ruling in their formation of FA zoning and governance by-laws.

The Ministry of Natural Resources (MNR Ontario) was first out of the gate to create their regulatory framework based on the *Glaspell* ruling. Specifically, 161/17 which is exactly the right regulatory framework to govern Floating Accommodations.

The full definition of Ontario Regulation 161/17 is found in this link [[MNR Regulation 161/17 governing Floating Accommodations](#)] The fundamentals of 161/17 include:

- a) *Defining what is and what is not a floating accommodation.*
- b) *Defining occupation of provincial crown land by the shadow of a floating object overhead on crown lakebed.*
- c) *Conveying that a floating accommodation is not permitted to occupy provincial lakebed and shoreline.*
- d) *The ability to charge the owner of the floating accommodation in the event they are occupying provincial lakebed without permission.*

The principles underlying the MNR 161/17 framework (released in summer of 2023) has since been adopted in principle by both Parks Canada and OPP and both agencies have identified enforcement avenues where appropriate.

Parks Canada's solution was issued in 2024 and mirrors MNR's strategy. The full definition of Parks Canada's regulation can be found in the following link [[Parks Canada Mooring Regulations covering Floating Accommodations](#)]. The fundamentals of Parks Canada's framework include:

- a) *Defining what is a floating accommodation in a manner similar to MNR.*
- b) *Requiring all floating accommodations secure a permit to lawfully moor over federal lakebeds overnight.*
- c) *Failure to obtain a permit constitutes "unauthorized occupation" of federal lands and the occupying person(s) will be charged accordingly.*

Lastly, the OPP have embraced a similar lakebed ownership strategy for privately owned lakebed. They have case law where they have successfully prosecuted a floating accommodation that was making actual contact with a private lakebed in an unauthorized manner and consequently the FA owners were charged and successfully prosecuted with trespassing.

The Townships of Severn and Georgian Bay Experience

As we described in the first few pages, the existing regulatory framework created by MNR, Parks Canada and OPP has a few gaps. Severn Township recognized that early on and enacted their by-law in 2024 [[Township of Severn By-law to Regulate Floating Accommodations](#)]. A similar by-law was enacted in the Township of Georgian Bay in 2025 [[Township of Georgian Bay Floating Accommodation Bylaw](#)].

The essential element of these by-laws, described in this position paper as Response #1 on page 5, is very simple... FAs cannot exist on waters within the boundaries of these two townships.... period. While they have not been tested in court, one by-law has already been successfully used as a deterrent to an FA presence. Several other townships are actively studying and considering implementing similar by-laws for their respective jurisdictions.

There Are Numerous Lessons Gained Along This Journey

Our grass roots organization **Floating Accommodations not Vessels Coalition** experienced many peaks and valleys in the journey to facilitate the appropriate agencies to successfully manage and control the new “issue” of Floating Accommodations.

It would be an accurate reflection to say that only if we knew then what we know now...

There are six key learnings:

- 1) *It takes a team of motivated, passionate, patient people to stick with it... we discussed after year one and two – was this worth it? Yes! While it took our coalition four years to get here, we believe our efforts have been instrumental in facilitating the right framework that can be applied province-wide.*
- 2) *When working with federal and provincial agencies who say no, don't take that for an answer, keep up the pressure, continue to make your issue their issue. At some point in time the right set of agencies will step forward and get to the solution. In our case that was a combination of Parks Canada, MNR, OPP and our local municipalities – the Townships of Severn and Georgian Bay.*
- 3) *Broad based support by multiple grass roots organizations was key to our combined success. In our case that consisted of numerous local Cottage Associations large and small who all successfully raised their voices. We would do it again in the same way.*
- 4) *While appeals by local politicians and provincial MPP's and federal MP's to both provincial and federal ministers didn't directly solve the issue, it greatly helped to communicate the seriousness of the issue.*
- 5) *Sometimes, it takes a change in basic assumptions and in this case it was the insights gained from the Glaspell ruling to get to the right answer. Together with MNR, Parks Canada and OPP we were fortunate enough to understand the pathway and leverage Glaspell.*
- 6) *Media! We were fortunate to tap into print, tv, radio, social media – it all helped. We brought on partners like Federation of Ontario Cottagers' Association (FOCA) and Cottage Life to spread the message. Had we had more financial resources we would have stepped up our investment in social media... maybe next time!*

Acknowledgements and Thank You.

We would like to thank in no particular order...

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- *Working group members from our municipal partners - Mayors, Councillors and Staff from Severn Township, Township of Georgian Bay, Tay Township and Township of the Archipelago.*
- *Gloucester Pool Cottagers' Association & Georgian Bay Association*
- *The Decibel Coalition*
- *Safe Quiet Lakes Coalition*
- *Cottage Life*
- *Many cottage associations, and the Federation of Ontario Cottagers' Association (FOCA)*
- *And lastly, the Floating Accommodations Not Vessels Coalition members who authored this position paper*

While we did strive to ensure the accuracy and completeness of this information, the authors assume no responsibility for any omissions to or errors that may be contained within this position paper.

We the members of the Floating Accommodations not Vessels Coalition wish to express our deep gratitude and thanks to all the members mentioned above that have been instrumental in this journey.... Thank you!