



Regulation Decision Notice:

Title:

Proposed regulation under the Public Lands Act to enable certain occupations of public land without the need for an occupancy instrument (e.g. land use permit, lease, license of occupation)

EBR Registry Number: 013-0211

Ministry:

Ministry of Natural Resources and Forestry

Date Decision loaded to the Registry:

June 14, 2017

Date Proposal loaded to the Registry:

April 03, 2017

Keyword(s): Land | Legislation
Regulation: Public Lands

Decision on Regulation:

A decision was made to proceed with the proposal as described, subject to changes made below as a result of public consultation, and additional changes made by the ministry. The proposal was implemented by Public Lands Act Ontario Regulation 161/17 (Occupation of Public Lands under Section 21.1. of the Act) and an amendment to Ontario Regulation 239/13 (Activities on Public Land and Shore Lands – Work Permits and Exemptions) by Ontario Regulation 160/17, which were filed by the Registrar of Regulations on June 1, 2017 and published on eLaws the next day.

Ice fishing huts and hunting stands have been included in Ontario Regulation O.Reg.161/17, in recognition that these structures were allowed historically as a free use of public lands on a policy basis, without need for an individual PLA occupancy instrument (e.g. land use permit, lease, licence of occupation). Forest operations gates were proposed, but are not included in the final regulation and will continue to be authorized by the ministry under Public Lands Act. Some additional criteria were added to the regulation, as well as clarification on regulated structures. For example, a dock occupying public lands includes any associated shade structures affixed to the dock such as a gazebo or pergola.

Ontario Regulation O.Reg.161/17 has come into effect, allowing a person to occupy public lands with the following classes of buildings, structures or things without an individual occupancy instrument but subject to conditions specified in the regulation:

1. Recreational camping units (21 days)
2. Forest operations camping
3. Commercial bait harvest camping
4. Fur trapline structures including cabins, tents and camping units
5. Recreational trail shelters
6. Single-storey boathouses
7. Ice fishing huts
8. Hunting stands
9. Waterfront structures: boat lifts, boat ramps, marine railways and docks including any affixed shade structures such as gazebos, canopies and pergolas
10. Swim rafts
11. Break walls and related backfill
12. Groynes
13. Bridges, culverts and causeways
14. Heat loops and water intake pipes
15. Ramps and jumps for water sport slalom courses
16. Recreational boat caches which includes canoes, kayaks and motor boats
17. Boat mooring blocks

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For a full list of conditions associated with these occupations of public lands, please see Public Lands Act Ontario Regulation O.Reg.161/17 (Occupation of Public Lands under Section 21.1 of the Act) at <https://www.ontario.ca/laws>.

In addition, new requirements for Public Lands Act work permits <https://www.ontario.ca/laws> came into effect:

- work permits are required to construct or place a structure or combination of structures that physically touch more than 15 square metres of shore lands. As such, floating and cantilever docks, boathouses with cribs less than 15 square meters and swim rafts do not require work permits.
- property owners separated from a water body only by an unopened riparian road allowance or strip of public lands that is not more than 30 metres in width qualify for work permit exemptions, such as restoring or replacing an existing erosion control structure without a work permit, as long as the rules in the regulation are followed.

As a consequence of the regulatory changes, the ministry has rescinded the former PLA Free Use Policy (PL 3.03.01) and also made administrative amendments to the following PLA policies to align with the new regulatory framework:

- PL 3.03.04 Work Permits – Section 14 Public Lands Act
- PL 3.03.06 Trapline Buildings – Occupational Authority
- PL 3.03.08 Bait Harvesting – Occupational Authority

Comment(s) Received on the Proposal: 28

Public Consultation on the proposal for this decision was provided for 45 Days, from April 03, 2017 to May 18, 2017.

As a result of public consultation on the proposal, the Ministry received a total of 28 comments: 15 comments were received in writing and 13 were received online.

Additionally, a copy of all comments are available for public viewing by contacting the Contact person listed in this notice.

A selection of these comments are available:

[View All Comments](#) (opens in new window)

Effect(s) of Consultation on this Decision:

Ontario Regulation 161/17 (Occupation of Public Lands under Section 21.1. of the Act)

The comments were generally supportive of the proposal, with a number of requests for clarification. Some suggestions for change were provided, focused on specific buildings, structures or things included in the proposal. The following is a summary of substantive comments and MNRF's response:

- Several stakeholders identified that there may be a surface area limit above which docks and single-storey boathouses could be required to obtain individual occupational authority. A surface size threshold is not included in the regulation at this time as the ministry's approach is to prioritize the application of local standards, established through municipal bylaws. Where local standards are met, this regulation enables the ongoing occupation of prescribed structures on public lands.
- Stakeholders also requested clarity on the authority for structures related to angling and hunting to occupy public lands and as such, hunting stands and ice huts were added to the regulation.
- A few comments were also focussed on clarifying the rules for recreational camping (21 days) and in certain situations, encouraging more stringent management of popular Crown land sites. MNRF will continue to manage this on a site specific basis (e.g. posting of signage), rather than address directly in the regulation.

Ontario Regulation 239/13 (Activities on Public Land and Shore Lands – Work Permits and Exemptions)

The comments were generally supportive of the proposal, with a number of requests for clarification. Some suggestions for change were provided, focused on specific activities included in the proposal. Many comments were in favour of the proposed changes because they will eliminate wait times for work permits. Others expressed concern over a loss of government oversight for activities taking place in water and associated potential public education opportunities.

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