

January 11 2016

Jeff Leal  
Minister of Rural Affairs via e mail only

**RE: Permitting Requirements for Docks in Rural Ontario**

In the last few days, the Ministry of Natural Resources and Fisheries (MNRF) have updated their web site related to permit requirements under the Public Lands Act for in-water structures based on the Court decision issued by Judge Perell in June 2015. As I am sure you will agree, in-water development has been out of control for too long in North Kawartha and Havelock Belmont Methuen. Some progress is being made at the Provincial level to respect the Court decision. North Kawartha is currently trying to figure out how to proceed with required regulations under the Planning Act to take municipal control as required by the decision.

The Court decision basically puts both MNRF and Townships of North Kawartha and Havelock Belmont Methuen back into the business of regulating boathouses and docks on most lakes. Under the Ontario Building Code Act (OBCA), constructors of structures under about 108 sq. ft. are exempted from requirements for a building permit. A 6'x18' dock could be built without a township building permit.

I did attend the hearing by Judge Perell in June 2015 at Osgoode Hall and was uncomfortable about his determination that docks fell within the definition of a "structure" in the Ontario Building Code Act. The provincial lawyer(s) agreed with the judge's interpretation that docks were structures per the OBCA. I did not like the resulting implication relative to requiring township building permits for such simple structures.

Normally, the design of structures are governed by detailed tables found in the OBC, and failing this, municipal building inspectors would normally require an engineers stamped drawing for structure outside the parameters covered by the code. Yes, I hope you agree this is an over kill for simple temporary and floating docks which will not collapse and cause body harm such as potentially could be caused by an under designed or defectively constructed habitable permanent structure.

So, I feel strongly that we should get government out of our live respecting the building code and associated permitting requirements for simple floating and temporary seasonally installed docks. I certainly see the real benefit for municipalities to regulate docks through zoning as Parks Canada currently do on the Trent and Rideau systems. I see no need to frustrate the dock builders and cottagers in requiring building permits and resulting inspections for such simple structures. The economic impact to our area could be negatively affected when duplicated permitting is implemented. The dock installation season for this industry is short often already restricted by need to respect spawning season windows for various fish species. This will definitely be aggravated by timing delays based

notoriously limited available staff resources at MNR and townships to respond in a timely manner to a large number of concurrent applications.

**Here is the purpose of this e mail. What would process be to initiate an amendment to the OBCA to exempt all or possibly certain sized temporary and floating dock from permit requirements of the Ontario Building Code Act?**

Can you please look into this for me and let me know the steps to follow and contact information of a senior person in Municipal Affairs to contact.... or potentially your Ministry may be in position play a lead role in this. I did leave a message with James Ross from Municipal Affairs last week but he has not returned my call.

I look to you for assistance on this initiative and feel you and your government can derive significant positive reception from cottagers and other stakeholders throughout Ontario by eliminating need for duplication of permitting requirement between the Ontario Building Code Act and Ontario Public Lands Act.



*Ambrose Moran*

**Realty Inc. Broker of Record**

**Direct # 705 656 2000**

**Winter Address**

**4050 Crayton Rd**

**Naples Fl**

**34103**