

From Minden Times

# Dockheads

Notations by Ambrose Moran  
for court decision see Boathouse tab

By Chad Ingram

Published April 28, 2016

A new requirement for provincial approval for docks and boathouses of a certain size needs comprehensive dialogue between the Ministry of Natural Resources and Forestry and the province's municipalities before any reasonable approval framework is put into action.

This whole mess – and it's a huge mess, folks, let's be clear – started because some, let's call them . . . sly residents of Big Cedar Lake in the municipality of North Kawartha decided they'd build a floating boathouse without any permits, cleverly ensuring the structure was not anchored to the bed of the lake (public property).

actually started because previous North Kawartha Council took "no jurisdiction" position for in water development and advise boathouse builder no permit required--as did MNRF -JUDGE just ruled that both were wrong !!!

Turns out a neighbour wasn't so happy about it, the case went to court and a judge decided that, not only should the owners of the boathouse have obtained occupancy and building permits for the structure, but moving forward, all docks and boathouses, new or replacements, measuring more than 15 square metres will require not only municipal approval, but also approval from the MNRF.

So a big thanks to the boathouse people.

So now North Kawartha trying to develop zoning regulations which they should have had

This scenario opens a Pandora's Box of problems. There are more complications with this situation than there are trout in Halls Lake.

First of all, the ruling seems to apply to any space, public or private, where there's water. According to the ministry "shore lands" are defined as "lands covered or seasonally inundated by the water of a lake, river, stream or pond," and, "yes, works that occur on private shoreline road allowances may also be regulated under the Public Lands Act depending on the nature of the work."

So . . . yikes.

There are some 600 lakes in Haliburton County alone. The Coalition of Haliburton Property Owners' Associations represents 12,500 waterfront property owners on more than 100 of those lakes. There are thousands upon thousands of waterfront properties in the county. Thousands of docks.

And there are plenty of other cottage communities in Ontario.

Where the MNRF is going to find the staff to deal with applications and complaints without a massive boost to its budget is a mystery.

Municipalities each have their own zoning bylaws, rules regarding docks, boathouses, setbacks, etc. and these regulations vary from community to community. **North Kawartha still does not have zoning regs so how can they issue a permit?**

Presumably, in cases where municipal regulations vary from the provincial ones, the latter would trump the former, which hardly seems right.

It's also going to be incredibly confusing for residents, many of whom, let's be honest, are not going to abide by the new approval regulations anyway.

There are numerous other problems, far too many to mention in this space. The bottom line is there needs to be extensive consultation with municipalities by the province before this process is rolled out.

**Better yet, the decision to involve the MNRF might be revisited through an appeal.**

**Before installing a new dock in Ontario over 10 sq meters a building permit is required under Ontario Building Code Act-and before applying for that municipal building permit one is required first to obtain a "Work Permit" and " Land Use Permit" from MNRF is dock over 15 sq meters-and yes MNRF do not have staff to handle this workload---and also one must comply with local zoning bylaws-and must comply with regs of Federal Fisheries and Oceans and Conservation Authorities if applicable**