



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 15.1.1**  
**Halifax Regional Council**  
**March 25, 2025**

**TO:** Mayor Fillmore and Members of Halifax Regional Council

**FROM:** Cathie O'Toole, Chief Administrative Officer

**DATE:** January 21, 2025

**SUBJECT:** Legislative Options for Houseboats and Floating Homes

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### **ORIGIN**

Regional Council motion of November 12, 2019:

THAT Halifax Regional Council request a staff recommendation report to Regional Council regarding legislative options for houseboats and docked structures to regulate both land use and building standards to ensure fair and safe use of these buildings.

Regional Council motion of January 14, 2020:

THAT Halifax Regional Council request the Mayor send an official letter to the Minister of Nova Scotia Municipal Affairs & Housing to request an immediate moratorium on Floating Homes in order for the Halifax Regional Municipality and other municipalities to get the legislative authority and regulations in place to deal with the pending phenomenon.

### **EXECUTIVE SUMMARY**

Regional Council requested a report regarding jurisdictional responsibility and regulatory oversight of liveaboard vessels and floating homes. While these structures provide an alternative housing option, they also present challenges related to zoning, taxation, emergency services, environmental protection, and public safety. This report explores the existing legal framework governing floating homes and liveaboard vessels, outlining municipal, provincial, and federal jurisdictional considerations.

Given the current limitations in municipal authority, staff recommend that Halifax Regional Council request that the Mayor send a letter to the Province of Nova Scotia and the Government of Canada to establish a clear and comprehensive regulatory framework. Such coordination will ensure that floating homes and liveaboard vessels are properly managed, balancing the needs of residents, businesses, and environmental protection.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council request that the Mayor send letters to the Province of Nova Scotia and to the Government of Canada requesting that the provincial and federal governments collaborate with the Municipality to establish a clear and comprehensive framework for the regulation of liveaboard vessels and floating homes in HRM.

## **BACKGROUND**

Many vessels include facilities for living aboard vessels and provide moveable accommodation for their crew and passengers while visiting different communities. Such uses are typically accommodated at marinas, boat clubs, private wharves or designated anchorages. Floating homes are purpose-built floating accommodations which are primarily intended for residential purposes and are generally not used for navigation.

Several provinces and communities in Canada have seen an increase in the use of liveaboard vessels and floating homes for permanent residency, seasonal occupancy, third-party short-term rental accommodation or subsistence living. Living on the water offers an alternative lifestyle and avoids land costs and deed transfer fees. In some locations it may also circumvent property tax and service charges.

Floating homes have appeared sporadically in waterways in the municipality, most notably Porter's Lake, Lake Mic Mac and the Northwest Arm. While their prevalence has been limited to date, it is possible that the Municipality could see an increase in liveaboard vessel and/or floating home use in response to housing scarcity.

While the Municipality's jurisdiction over land use and other municipal matters can extend to structures connected to the shore, this is not sufficient authority to provide for comprehensive and consistent regulation of floating homes or liveaboard vessels in provincially and federally regulated waterways. Collaboration and cooperation with other levels of government is required to regulate floating homes and liveaboard vessels in the municipality.

In early 2020, Council passed a motion requesting that the Mayor to send an official letter to the Nova Scotia Minister of Municipal Affairs & Housing to request an immediate moratorium on Floating Homes in order for the Municipality to obtain legislative authority and establish regulations. While the letter was drafted, there is no record of it being formally sent to the Minister (due to administrative oversight at the onset of the COVID-19 pandemic). Despite this, staff have met with provincial representatives from the Department of Municipal Affairs, Department of Environment & Climate Change and Department of Natural Resources & Renewables to convey the Municipality's concerns about the lack of a clear regulatory framework for floating homes in HRM.

## **DISCUSSION**

The following sections outline the types of floating homes and liveaboard vessels that exist, the potential impacts and implications for various stakeholders, relevant municipal land use regulations, and other regulatory options.

### **Floating Homes, Houseboats and other Vessels**

Liveaboards may be considered as structures or as vessels, depending on whether they are intended for navigation. There are several types of live-aboard:

- **Floating Homes** are *houses* on floats and are not designed or intended for navigation. They may or may not be considered *vessels* under applicable legislation. They may be built offsite and towed by a motorized boat to their destination. Most Canadian examples are found in British Columbia,

while US examples are found in California, Washington State and New Jersey. Other countries with floating homes include England, France, the Netherlands and Italy.

- **Houseboats, yachts, cabin cruisers, etc.** are usually considered as vessels, and are intended for navigation, at least occasionally.

### Impacts and Stakeholders

Floating homes and liveaboard vessels offer a distinctive lifestyle and an additional housing option. Nevertheless, they can pose challenges for a range of stakeholders:

- **Emergency services and access:** Fire engines and ambulances can be hampered by steep slopes, tight curves or narrow lanes for accessing the shoreline. Fire fighters and medics need sufficient width and floatation to carry equipment, including people on stretchers. Wharves and floating docks should themselves be sufficiently protected from fire to ensure emergency access, and must be kept clear of snow, ice and refuse. These concerns involve municipal and private operations.
- **Health and safety risks** for occupants due to improper design, floatation or construction: Floatation must be stable and sufficient for winter snow loads. Structures must be protected from fire and avoid posing a fire risk to nearby assets. In Nova Scotia, land-based structures are regulated by the Building Code, which is adopted at the federal and provincial levels, and is implemented at the municipal level. Federal standards govern vessel construction, including houseboats (but not floating homes), and for small craft those standards may not have year-round occupation in mind, particularly fire risks posed by heating or insulation.
- **Liability risk** associated with emergency services, piped services, design or construction: There are public expectations for municipalities to provide critical services, but legal requirements and powers are not always clear.
- **Complaints** about noise, emissions or unsightly structures, usually to municipalities from residents of adjacent land-based housing.
- **Water pollution** from direct-discharge sanitary sewage or irresponsible trash disposal. This poses risk of disease as well as ecological damage. All three levels of government, as well as residents, the environment, public health and the tourism industry, have a stake in water quality.
- **Encroachment on views** of the water. Private views are a private issue, but views from public look-offs or parks may have broader implications.
- **On-shore parking and access** routes may affect land-based residential neighbourhoods or pose risks or barriers to emergency vehicles.
- **Piped service costs** of sewage disposal and/or water supply are not recovered unless some form of taxation or user charge is in place. In Halifax Regional Municipality, this involves Halifax Water.
- **Navigational obstructions or hazards** posed by long-term or informal anchorages are normally a federal or provincial concern, but they can also affect the rights of public waterfront landholders and the ports at Halifax, Dartmouth and Sheet Harbour.

### Jurisdiction and Responsibility

Canadian live-aboard accommodations fall within a complex jurisdictional web. In general, federal authority applies to all coastal waters beyond the ordinary low-water mark. Several federally mandated agencies have specific responsibilities and powers they apply in coastal waters, notably in HRM are the Halifax Port Authority, Canadian Forces, and the Coast Guard. Coastal water interests include, but are not limited to, the protection of navigation (e.g., *Navigable Waters Act*), environmental assets and species (e.g., *Environmental Protection Act*), and fishing (e.g., *Fisheries Act*).

The federal government also has constitutional jurisdiction over navigation and shipping. The *Canada Shipping Act* regulates the operation of “vessels” which are defined as a “boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion.... It does not include a floating object of a prescribed class.”

In general, provincial jurisdiction applies to inland waters. Provincial responsibilities relevant to float homes or liveaboard vessels include property assessment, building construction standards, on-site sewage disposal, wetlands and coastal protection.

The *HRM Charter* gives the Municipality the legislative ability to regulate land use through municipal planning strategies and land use by-laws. Land use by-laws regulate land use and development on land, but generally not on water. Land use by-laws can also regulate development on new land created through infilling water lots, but land use by-laws applied to water lots typically cannot regulate development on the water itself.

Section 364 of the *HRM Charter* applies Part XVI of the *Municipal Government Act* (MGA) to the Municipality. Section 355 of Part XVI of the MGA states that all docks, quays, wharves, slips, breakwaters and other structures connected with the shore of any part of a municipality are within the boundaries of the municipality. HRM has typically not regulated such structures using a zoning approach.

No jurisdiction in Canada currently regulates floating homes through a land use by-law. Land use by-laws are most effective for regulating the use and development of land.

In addition to land use policy, the Municipality administers the Nova Scotia Building Code, regulates noise, nuisance, dangerous properties and unsightly premises. Emergency response is another municipal responsibility potentially affected by float homes or live-aboard vessels. Halifax Water is responsible for piped sewer and water standards, operations and treatment, as well as stormwater drainage in public rights-of-way. Halifax Transit ferry operations, municipal parks and municipally owned or managed waterfronts and marinas may also affect, or be affected by, floating homes or live-aboard vessels.

### Other Regulatory Options

Issues of health and safety, emergency access, servicing, and taxation are best managed through regulatory or administrative tools other than land use by-laws. Some examples of these regulatory options are:

- **Floating Home Standards:** In general, Canadian municipalities must obtain the right to regulate floating homes through an agreement with their Province or the Federal Government. In the past, governing agencies have been reluctant to give authority to municipalities because there were no recognized standards. To address this, the Province of British Columbia prepared standards for floating homes in 2003. The [British Columbia Float Home Standard](#), which includes references to other codes and subsequent updates, continue to be used in that province.
- **Requiring Emergency Services Access:** Emergency access is critically important regardless of the type of live-aboard arrangement, including for vessels. For example, winter fire risk on inadequately insulated or heated yachts had been a longstanding issue for the City of Toronto. Although its municipal fire code does not apply to vessels, Toronto identified several techniques to improve emergency service, such as numbering all moorings and maintaining a fire safety plan for locations with liveaboards and float homes.
- **Piped Service Charges and Taxation:** The *Nova Scotia Assessment Act* definition of “assessable property” includes land covered by water. It also includes rafts, floats, houseboats and “any other devices of a like nature or kind that are anchored or secured to property and used for residential or commercial purposes, whether or not they are owned by the owner of the property to which they are secured”. “Houseboats” are not differentiated from floating homes, which by their nature include a raft or float. In Nova Scotia, all assessable property and business and residential occupancy assessments are liable to taxation for all purposes for which municipal taxes and rates are levied.
- **Restrictions on Long-Term Anchoring:** The federal government has not previously regulated floating homes, but recently completed consultations that could result in more options for local authorities to respond to issues related to floating homes. In particular, Transport Canada has indicated it may

consider incorporating restrictions on long-term anchoring into the *Vessel Operation Restriction Regulations (VORR)* under the *Canada Shipping Act*. The VORR provide a mechanism for local authorities, municipal and provincial governments to regulate boating activities on their waters, and delegate enforcement powers to local enforcement authorities. Local authorities submit applications to Transport Canada on a regular basis seeking new restrictions. A restriction on long-term anchoring could potentially be added for those instances where the anchoring poses a safety or environmental risk. Municipal staff responded to the federal consultations with feedback indicating that the Municipality has been examining issues related to floating homes and is generally in favour of expanded options for local authorities to respond to issues related to floating homes.

- **Prohibition:** Ontario recently passed regulations to clarify that floating accommodations cannot be used for outdoor accommodation or camping purposes on provincial land covered by water. The regulation effectively prohibits anyone from docking a float home overnight on provincial waterways, except for anyone exercising their right to navigate, including reasonable mooring, or anyone exercising Aboriginal or treaty rights.

### **Non-Regulatory Measures**

Non-profit associations can provide valuable information to encourage responsible live-aboard lifestyles and inform prospective residents of applicable laws, regulations and other resources. Examples include the [British Columbia Nautical Residents' Association](#) and [Floating Home Association of British Columbia](#).

### **Conclusion**

Given the jurisdictional complexity associated with liveaboard vessels and floating homes, any municipal action must be coordinated with other orders of government. Staff advise that, should Regional Council have interest in taking future action to regulate this use, further collaboration with relevant provincial and federal authorities will be required. It is therefore recommended that Halifax Regional Council request that the Mayor send letters to the Province of Nova Scotia and to the Government of Canada requesting that the provincial and federal governments collaborate with the Municipality to establish a clear and comprehensive framework for the regulation of liveaboard vessels and floating homes in HRM.

### **FINANCIAL IMPLICATIONS**

No financial implications at this time.

### **COMMUNITY ENGAGEMENT**

The purpose of this report is to examine regulatory options for floating homes and live-aboard vessels. Should Regional Council wish to direct staff to undertake further regulatory or non-regulatory approaches to managing float homes within the municipality, staff will recommend whether consultation is necessary. In addition to other governments and agencies, private stakeholders may include emergency services; construction, fabrication, installation and repair firms; services to mariners; yacht clubs and marinas; shoreline property owners, developers, residents and businesses; groups representing people experiencing homelessness; groups interested in aquatic ecology, shoreline protection and water quality; underrepresented groups including Indigenous and African Nova Scotia communities; short-term live-aboard rental businesses; live-aboard owners, residents and associations; and other vessel operators.

### **ENVIRONMENTAL IMPLICATIONS**

Unregulated floating homes have the potential to impact surface water quality, which falls under provincial jurisdiction.

**ALTERNATIVES**

1. Regional Council could request that the Mayor send a letter to the Provincial and Federal governments requesting a moratorium or prohibition on floating homes in the Municipality.
2. Regional Council could choose not to request that the Mayor send a letter to the Provincial or Federal Government, resulting in the status quo regulatory framework.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, Section 364 states that Part XVI of the Municipal Government Act (MGA) applies to HRM.

Municipal Government Act, Part XVI, Section 355: "All docks, quays, wharves, slips, breakwaters and other structures connected with the shore of any part of a municipality are within the boundaries of the municipality."

**ATTACHMENTS**

None.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Leah Perrin, Manager, Regional Planning, 902.476.3792  
Colin Taylor, Senior Solicitor, Legal Services, 902.483.7471

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