

Pilon, Janet

Subject: Use of pleasure craft as commercial passenger vessels**Importance:** High**From:** Godin, Nathalie (she,her | elle,la) (TC/TC) <nathalie.godin@tc.gc.ca>**Sent:** October 30, 2022 9:05 PM**To:** clerk@hamilton.ca**Cc:** Creasor, Dustan <Dustan.Creasor@tc.gc.ca>**Subject:** Use of pleasure craft as commercial passenger vessels - Utilisation d'embarcations de plaisance comme bâtiments commerciaux à passagers**Importance:** High

UNCLASSIFIED / NON CLASSIFIÉ

Transport Canada
Safety and SecurityTransports Canada
Sécurité et sûretéTower C, Place de Ville
11th Floor
330 Sparks Street
Ottawa, ON K1A 0N8Tour C, Place de Ville
11e étage
330, rue Sparks
Ottawa ON K1A 0N8To whom it may concern
71 Main Street West
Hamilton
L8P 4Y5, Canada
clerk@hamilton.ca
905-546-2489**La version française suivra****SUBJECT:** *Use of pleasure craft as commercial passenger vessels*

Dear City of Hamilton,

In recent years, the emergence of online platforms and mobile applications which allow pleasure craft owners to list their vessels for rent, have made it easier for vessel owners to turn their underutilized assets into revenue generators. However, as with short-term property rental and ride sharing services (e.g., Airbnb, Uber, etc.), not all operators of these new small businesses are familiar with the laws and regulations governing them, in particular when the boat is rented with captain and crew.

Safety is Transport Canada's main priority. Transport Canada has no doubt that the safety of the vessels operated by users of these platforms, and the people on board them, is also considered a high importance by the operators of these services. However, to ensure all vessels being used through these sites are in compliance with applicable laws and regulations appropriate for their usage, Transport Canada Marine Safety and Security is

undertaking enhanced outreach to help all owners and operators of these vessels become, or remain, safe and fully compliant with Canadian laws and regulations.

Our initial review of the vessels listed on these online platforms available to rent in Canada showed that while most are licensed as pleasure craft, many appear to be operating as commercial passenger vessels instead (please refer to the definitions in the attached document). As you are aware, the regulations, safety requirements and liability significantly differ from pleasure craft to commercial passenger vessel operations. Transport Canada will be working to help the owners and operators of these vessels understand and become familiar with these key differences, but we would also like to raise the differences with local municipality's such as yourself, so you have easy access to materials highlighting the applicable rules and requirements.

To this end, please find attached a document outlining key regulatory differences between these vessel types. Transport Canada has already forwarded these to owners of vessels listed on online platforms so they may understand their responsibilities to comply with Canadian laws and their applicable regulations. Transport Canada has developed the [Safe Boating Guide](#) to assist owners and operators remain in compliance with applicable regulations and to provide safe operating guidelines for vessels that are rented and operated as pleasure craft. Transport Canada has also developed two additional guidance instruments that would be helpful to the operators of vessels which are carrying passengers for hire.

These instruments are as follows:

- [The Small Commercial Vessel Safety Guide - TP 14070 E](#)
- [The Small Vessel Compliance Program \(SVCP\)](#)

Furthermore, Transport Canada has included a link to our website ([Transport Canada Website](#)) which will provide additional information to anyone using these online platforms in Canada. This information will help raise awareness and understanding of responsibilities when Canadians are choosing to rent a vessel.

Transport Canada is taking this opportunity to provide you with information in respect to our actions in response to this issue and looks forward to working together as necessary to keep our waterways safe for all boaters. Please contact, Dustan Creasor, Boating Safety Officer, at 226-402-2449, or dustan.creasor@tc.gc.ca, should you have any questions regarding our response to this topic or require additional information.

Yours sincerely,

Nathalie Godin

Manager of Flagstate, Compliance & Enforcement (AMSDF)

Transport Canada / Government of Canada

Nathalie.godin@tc.gc.ca / Tel: (343) 571-4597



5.8

What do you need to know

In Canada, vessels are defined and regulated by how they're used. This can make it hard to know if a vessel is a pleasure craft or not, since many vessels can be used for both work and fun.

What's a pleasure craft?

- Any vessel used only for fun (cruising, water sports, sport fishing), or hanging out with family and friends
- Includes vessels used to hunt or fish for your personal use (subsistence living) or daily activities (like taking your pleasure craft to work or school)

If you're using the vessel for **anything** other than just fun, it's a non-pleasure craft. This means that you need to follow the non-pleasure craft rules in the *Canada Shipping Act, 2001* and related regulations.

You can hire a captain or crew to operate a pleasure craft, but only if you use it for fun. Regardless of whether you own or rent your pleasure craft, **you're the only person who can hire and fire a captain and crew** of the pleasure craft.

What's a non-pleasure craft?

- Any vessel used for anything other than just having fun

If you're using a vessel for something other than just for fun, you must follow the non-pleasure craft rules in the *Canada Shipping Act, 2001* and related regulations.

Your vessel is considered a non-pleasure craft if you use it for activities such as:

- guided fishing and hunting trips
- carrying passengers for trips or transport
- workboats
- commercial fishing

Who's a passenger, who's a guest?

Canadian law defines a:

- "guest" as someone on a pleasure craft, but doesn't own or rent the pleasure craft
- "passenger" as someone on a non-pleasure craft that isn't the master, crew, or working on the vessel

Pleasure crafts can only carry guests, and people carried on board are not considered guests if you make money or profit off them. If you're taking friends or family out on your pleasure craft for fun and they split the cost of the fuel with you, they are still considered guests and the vessel is still a pleasure craft.

Examples of renting and hiring pleasure craft

Situation	Why is the vessel a “pleasure craft”?
You rent or hire a vessel from a company or owner and only use it for fun. No master or crew are hired.	You only use the vessel for fun. Canadian law is based on how you use the vessel, not how you rented or hired it.
You rent or hire a vessel from a company or owner and only use it for fun. You hire a master or crew to help operate the vessel. The captain or crew have no links to the rental company or vessel owner.	The company or person you rented/hired the vessel from isn't operating the vessel. As such, you have full control of hiring and firing decisions made regarding the captain and crew.

Examples of renting and hiring non-pleasure craft

Situation	Why is the vessel a “non-pleasure craft”?
You rent or hire a vessel from a company or owner and use it to transport workers to and from a worksite.	You're using the vessel for a business activity.
You rent or hire a vessel from a company or owner just for fun and are told you must hire a captain or crew that is either: <ul style="list-style-type: none"> • the vessel's owner, or • chosen from a list given to you by the company or owner 	You don't have full control of the vessel as the owner, master or crew have operational control of the vessel. In these situations, the vessel is considered a non-pleasure vessel, specifically a “passenger-carrying vessel” or “passenger vessel”.

For more information, please contact your regional Transport Canada Marine Safety Office or visit our website:

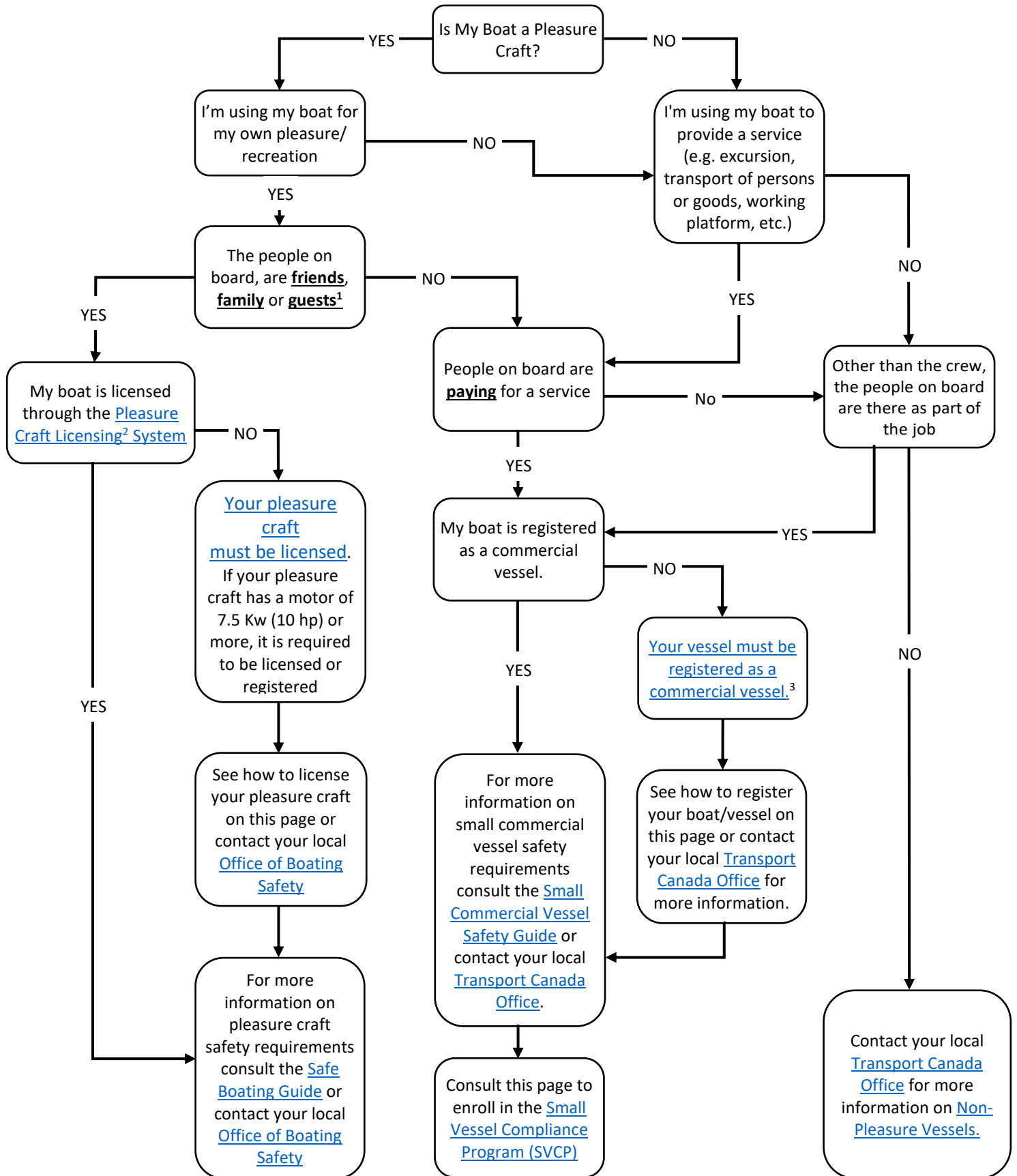
Pleasure craft

<https://tc.canada.ca/en/marine-transportation/marine-safety/office-boating-safety>

Non-pleasure craft

<https://tc.canada.ca/en/marine-transportation/vessel-inspection-certification/vessel-inspection-certification>

Is my boat a pleasure craft or non-pleasure craft?



1 Guests are people carried on board a vessel used exclusively for pleasure and without remuneration or any object of profit.
 2 A pleasure craft license has a combination of letters and numbers that do not begin with C, for example 50E12345, 13K12345, BC123456
 3 Exempted Classes of Vessels are listed in Part 1, Section 1.1 of the [Vessel Registration and Tonnage Regulations](#).