

Transport Canada Announces New Regulations For Recreational Drones

March 24, 2016

Recent changes to the regulations for recreational operations seem to open the door to enforcement by municipalities and local police departments.

Transport Canada has exclusive jurisdiction over the civil operation of unmanned air vehicles (UAVs) and model aircraft that operate within Canadian airspace. However, recent changes to the regulations for recreational operations seem to open the door to enforcement by municipalities and local police departments.

On March 13, 2017 the Minister of Transport issued an Interim Order Respecting the Use of Model Aircraft pursuant to 6.41(1) of the *Aeronautics Act R.S.C., 1985, c. A-2*. This interim order creates regulations for model aircraft or "drones" that weigh anywhere from 250 grams to 35 kilograms and are used for recreational purposes. The regulations currently do not define "recreational purposes", but Transport Canada adopts the dictionary definition of recreation being "not for work — done for pleasure or relaxation." The interim order does not affect the current regulations with respect to commercial UAV operations or the necessity of obtaining a Special Flight Operation Certificate ("SFOC") from Transport Canada for certain operations.

The new regulations require the following of recreational model aircraft or drone operators.

Flights must be conducted:

- no higher than 90 meters above ground;
- at least 75 meters from buildings, vehicles, vessels, animals or people/crowds;
- outside a 9 kilometer radius of any airport, heliport, or seaplane base (or any location where aircraft take-off and land);
- outside controlled or restricted airspace (for example, outside Class C airspace controlled by air traffic control centres and Class F Military Operations airspace);
- away from areas that could interfere with police or first responders;
- outside a 9 km radius of a forest fire;
- within 500 meters and within visual-line of site of the operator; and
- during the daylight and outside of cloud;

In addition, the operator's name, address and telephone number must be clearly marked on the drone.

Failure to comply with the new regulations can result in a penalty of up to \$3,000 for an individual. Operations that fall outside of the above parameters can still occur; but only with express permission from Transport Canada.

Transport Canada did not introduce any regulations with respect to potential privacy breaches; though it continues to recommend that model aircraft or drone users avoid flying over private property or taking photos or videos without permission.

In order to ensure the regulations are enforced, Transport Canada has indicated that the local police department must be contacted immediately by anyone who notices that a drone is posing a threat to "safety, security or privacy". It is also offering a "Drone Incident Report Form" that can be filled out if someone sees that a drone is being flown "in an irresponsible manner without a permit". Transport Canada is also asking the public to gather evidence such as photos, screenshots or videos in completing the Incident Form. As well, Transport Canada now offers "No Drone" signage for airports, parks and municipalities for the perimeter of their property or event.

Transport Canada is still considering changes to the regulations for commercial operations such as changes to the flight rules, aircraft registration requirements, minimum age limits and knowledge testing. However, for the time being the current regulations for commercial UAV operations and their SFOC requirements are still in effect.

By

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