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

Robin Squires

Expertise

Insurance Claim Defence, Aviation

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.