

ALCOHOL, PLEASURE BOATING AND THE LAW IN ONTARIO

A SUMMARY

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The following is a summary of alcohol, pleasure boating and the law in Ontario.

There are two bodies of law that provide most of the information needed to understand the matter at hand. They are the Ontario Liquor License Act (LLA) and federal Criminal Code of Canada. The LLA addresses the rules concerning transporting and consuming alcohol on pleasure boats. The Criminal Code details the rules about and the penalties for operating a boat while impaired.

The Ontario Highway Traffic Act sets out penalties for Ontario motor vehicle license holders who have been convicted of driving while impaired. None of these penalties apply to a person convicted of driving a boat while impaired.

The Liquor License Act

1. Section 32.6 of the Ontario Liquor License Act (LLA)

""boat" includes any ship or boat or any other description of vessel used or designed to be used in the navigation of water"

2. Section 31.2 of the LLA

"No person shall have or consume liquor in any place other than,

- a) a residence
- b) premises in respect of which a license or permit is issued; or
- c) a private place as defined in the regulations

3. Regulation 718 3(1) (7) (8) of the LLA

"Private place means a place, vehicle or boat described in this section."

"A boat with permanent sleeping accommodation and permanent cooking and sanitary facilities, other than a boat used to carry passengers for hire is considered to be a private place while the boat is at anchor or secured to a dock or land."

"If a boat is considered under subsection (7) to be a private place and is secured to a dock or land to which the public is not ordinarily invited or permitted then the dock or land is considered to be a private place except at times when the public is invited or permitted access to it."

4. Section 32.3 and 4 of the LLA

"No person shall operate or have the care or control of a boat that is underway while there is contained in the boat any liquor, except under the authority of a license or permit."

"Subsection 3 does not apply if the liquor in the boat,

- a) is in a container that is unopened and the seal unbroken; or
- b) is stored in a closed container."

The Criminal Code of Canada

- 1. It is illegal to operate a motor boat while impaired on alcohol. Penalties including prohibition from driving a motor vehicle, fines and jail are determined by the how many charges and convictions the person in question has had, the seriousness of the offence (e.g. the BAC level) and if there was injury or death to anyone.

The Ontario Highway Traffic Act

- 1. None of the province of Ontario penalties in the Highway Traffic Act apply to persons convicted of driving a motor boat while impaired.

In summary:

- a) It illegal to consume alcohol in a moving boat.
- b) It is illegal to consume alcohol in a boat unless it is also a residence.
- c) It is legal to carry alcohol on boat as long as it either sealed or stowed away in a closed container.
- d) It is illegal to operate a motor boat while impaired on alcohol. Federal criminal code penalties apply.
- e) Ontario Highway Traffic Act penalties for a federal conviction for operating a boat while impaired do not apply.