

## Anchored boats in Gorge raise questions over jurisdiction

By [Roszan Holmen - Victoria News](#)

Published: **June 17, 2010**

As the controversy rages over whether yacht owners can pay big bucks to park along the Westsong Walkway, a few boats anchor for free not far away. Along Vic West's opposite shoreline, a few people keep an eclectic mix of boats, which judging by their appearance, also fall into the opposite end of the economic spectrum. Often looking unoccupied, these million-dollar-view crafts don't often move, but came alive on a clear Wednesday evening, recently. From a child-sized door in a small white boat, two men emerge, negotiate their way onto a small raft and row out of sight into the calm waters. Soon after, a middle-aged man climbs onto the deck of his larger beige boat to feed seagulls. To many passersby, the simple, reclusive lives appear charming. To others, however, the anchored boats represent an eyesore, a navigational hazard, and an environmental concern.

Barry Hobbis, managing director of Victoria Harbour Ferry, has been among those leading the charge to have the boats removed. "It's an area of navigable waters that is obstructed by derelict and abandoned vessels," Hobbis said. Volunteers have worked hard to clean the seabed and these vessels can leak waste, such as fuel or sewage, he added. Complaints such as Hobbis' dribble in to various levels of government, but were renewed last week when two boats sank in the small bay. For a time, they lay semi-submerged, and tied to the beige boat and later to the city dock.

Quietly, both have been removed under the radar of the City of Victoria bylaw authorities. According to witness reports, "there was an oil sheen all around the boats," said Jody Watson, the Gorge Waterway Initiative and the Capital Regional Districts' Harbours and Watershed co-ordinator. Watson has been investigating the issue for some time, but answers are hard to find. Jurisdiction over the water is the million dollar question, she said. "It's a large issue. The answer is nobody is really sure who is responsible but lots of people are attempting to find out." A couple of the boats have been anchored at the spot for approximately 18 to 24 months, Watson said. "We do need to get everybody together who might have some jurisdiction and figure out what potential resolution could be."

For now, the city owns the water lot closest to Banfield Park, and will boot boats a few metres over if they anchor too close to shore. Transport Canada investigated a complaint in May, but determined the boats do not present a navigational hazard. More fundamental to jurisdiction, however, is the question of harm. Aside from being displeasing to some, do these squatters pose a real problem? "That's a tough question," said Art Childs, who has lots of experience with the issue as harbour manager at Vancouver's False Creek Harbour Authority. Over the years, False Creek has housed a floating community of up to 115 boats. "Boaters are very protective of the freedom of the sea," said Childs, also president of the Harbour Authority Association in B.C. "That's all fine and good for genuine mariners but what we're talking about here isn't genuine mariners. They just chose a cheap place to live."

Jurisdiction over False Creek, and the ensuing right to remove the boats, has been fought since the boats first appeared in 1986. "It was a long bitter fight and there was a ton of animosity developed," Childs said. On Dec. 10, 2009, the B.C. Supreme Court finally granted jurisdiction to the city, which promptly developed a permit system limiting the number of days a boat can stay anchored in False Creek. The clause in the Canada Shipping Act, however, is specific to False Creek. Victoria will have to find a solution of its own. While Victoria's situation is completely different in scale, Childs advice is clear: "If you don't get a handle on it early, the problem will grow. It's almost guaranteed."