

Fish and Wildlife Conservation Act, 1997
Loi de 1997 sur la protection du poisson et de la faune

ONTARIO REGULATION 664/98

FISH LICENSING

Consolidation Period: From January 1, 2013 to the e-Laws currency date.

Last amendment: O. Reg. 371/12.

This Regulation is made in English only.

SKIP TABLE OF CONTENTS

CONTENTS

Sections

PART I SPORT FISHING LICENCES

Definitions

1

Sport Fishing Licences

2-3

Restrictions on Sport Fishing Licences

4-18

PART II AQUACULTURE

Aquaculture Licences

19-24

Fish Stocking Licences

25-27

Licence to Collect Fish from Ontario Waters

28

Transportation of Fish

29

Non-Application of Sections of the Act to Licence Holders

30

PART III BUYING OR SELLING FISH, FROGS AND LEECHES AND RELATED LICENCES

Definitions

31

Commercial Fishing Licences
31.1-31.2

Commercial Bait Licences
31.4-31.5

Buying or Selling Fish
32-33

Commercial Fishing Royalties
34

PART IV MISCELLANEOUS

Licence to Collect Fish for Scientific Purposes
34.0.1-34.1

Licence to Transport Live Fish
34.2

Licence to Possess Nets
34.3

Licence Validity and Expiry
35-36

Fishing Huts
37-40

Schedule B
Species eligible for culture in ontario

Schedule C
Fish disease agents

Schedule D
Species of fish

PART I SPORT FISHING LICENCES

Definitions

1. In this Part,

“Canadian resident” means a person who is a non-resident, whose primary residence is any part of Canada and who has actually resided in any part of Canada for a period of at least six months during the 12 months immediately preceding the time that residence becomes material under this Part;

“e-licence” means a component of a sport fishing licence that is obtained by the holder through the Ministry website;

“fisheries management zone” or “zone” means a subdivision of the waters of Ontario as shown on Regulation Plans of Fisheries Management Zones 1 - 20 filed on May 30, 2006 with the Office of the Surveyor General of Ontario in the Ministry;

“non-Canadian resident” means a person who is a non-resident and who is not a Canadian resident;

“sport fishing” has the same meaning as in the Ontario Fishery Regulations, 2007 made under the Fisheries Act (Canada);

“validation tag” includes a resident sport fishing tag, a resident conservation tag, a Canadian resident sport fishing tag, a Canadian resident conservation tag, a non-Canadian resident sport fishing tag and a non-Canadian resident conservation tag. O. Reg. 281/08, s. 1.

Sport Fishing Licences

2. (1) A sport fishing licence authorizes the holder to engage in sport fishing subject to this Part. O. Reg. 281/08, s. 1.

(2) The following constitute a sport fishing licence:

1. A fishing outdoors card, a temporary fishing outdoors card or an application for a fishing outdoors card, if it is accompanied by the appropriate validation tag.

2. A combined hunting/fishing outdoors card issued under Ontario Regulation 665/98 (Hunting) made under the Act or an application for a combined hunting/fishing outdoors card, if it is accompanied by the appropriate validation tag.

3. An e-licence accompanied by,

i. a fishing outdoors card or a combined hunting/fishing outdoors card containing the same 15 digit number as the e-licence, or

ii. a temporary fishing outdoors card or a temporary combined hunting/fishing outdoors card containing the same personal information under which the e-licence was obtained.

4. During the period between an application for the renewal of a fishing outdoors card or a combined hunting/fishing outdoors card and the receipt of the new outdoors card, an e-licence accompanied by,

i. an expired outdoors card containing the same 15 digit number as the e-licence, or

ii. an expired temporary fishing outdoors card or temporary combined hunting/fishing outdoors card containing the same personal information under which the e-licence was obtained.

5. A one-day resident or Canadian resident sport fishing licence described in section 8.

6. A one-day non-Canadian resident sport fishing licence described in section 8.

7. A promotional sport fishing licence described in section 9.

8. A guest sport fishing licence.

9. A non-Canadian resident sport fishing licence for a member of an organized camp as that licence is described in section 10. O. Reg. 281/08, s. 1.

(3) The following documents shall be deemed to be sport fishing licences:

1. An accessible parking permit issued under the Highway Traffic Act.

1.1 A black and white photocopy or a black and white printed version of an electronic copy of the permit mentioned in paragraph 1, if it is accompanied by any licence, permit, certificate or identification card issued by the Government of Canada or a provincial or territorial government of Canada that indicates the person's name and date of birth.

2. A national identity card issued by the Canadian National Institute for the Blind.

3. Any licence, permit, certificate or identification card issued by the Government of Canada or a provincial or territorial government of Canada to a person who is a resident or Canadian resident that indicates the person's name and date of birth, if the person is under the age of 18 years or over the age of 65 years.

4. Any licence, permit, certificate or identification card issued by the Government of Canada or a provincial or territorial government of Canada to a person who is a resident or Canadian resident that indicates the person's name and date of birth, if the person requires the direct assistance of another person to fish and to follow applicable laws in respect of fishing because of a condition of mental impairment or a developmental disability, a learning disability or dysfunction or a mental disorder.

5. A fishing outdoors card or combined hunting/fishing outdoors card that expired in the previous calendar year, together with a receipt issued within the previous 30 days to the holder of the outdoors card from a ServiceOntario kiosk indicating payment for the renewal of the outdoors card and for the renewal of an appropriate validation tag. O. Reg. 281/08, s. 1; O. Reg. 340/09, s. 1 (1, 2); O. Reg. 166/10, s. 1.

(4) The following document shall be deemed to be a promotional sport fishing licence for the purposes of section 9: any licence, permit, certificate or identification card issued by the Government of Canada or a provincial or territorial government of Canada to a person who is a resident or Canadian resident that indicates the person's name. O. Reg. 340/09, s. 1 (3).

3. (1) A sport fishing licence issued to a resident of Manitoba in accordance with the laws of Manitoba shall be deemed to be a sport fishing licence in the following Ontario lakes:

1. Garner Lake (50° 48'N., 95° 11'W.).

2. Davidson Lake (50° 21'N., 95° 09'W.).

3. Ryerson Lake (50° 23'N., 95° 09'W.).

4. Mantario Lake (49° 95'N., 95° 10'W.).

5. Frances Lake (51° 43'N., 95° 08'W.).

6. Moar Lake (52° 00'N., 95° 07'W.). O. Reg. 281/08, s. 1.

(2) A resident of Quebec who is authorized to sport fish in accordance with the laws of Quebec shall be deemed to be the holder of a sport fishing licence in the following Ontario waters:

1. The Ottawa River (45° 34'N., 74° 23'W.) lying south of the dam situated in Temiscamingue, Quebec.

2. Lake St. Francis (45° 08'N., 74° 25'W.) and the waters of the St. Lawrence River lying between the easterly side of the dam at the site of the Robert H. Saunders Generating Station and the interprovincial boundary between Ontario and Quebec.

3. Lake Timiskaming (47° 20'N., 79° 30'W.).

4. Clarice Lake (48° 20'N., 79° 32'W.).

5. Labyrinth Lake (48° 14'N., 79° 31'W.).

6. Raven Lake (48° 03'N., 79° 33'W.). O. Reg. 281/08, s. 1.

Restrictions on Sport Fishing Licences

4. A validation tag may authorize the holder to engage in sport fishing only during the period specified on the tag. O. Reg. 281/08, s. 1.

5. (1) The Minister may issue a fishing outdoors card or a temporary fishing outdoors card mentioned in paragraph 1 of subsection 2 (2) to,

(a) a resident;

(b) a Canadian resident; or

(c) a non-Canadian resident. O. Reg. 281/08, s. 1.

(2) Despite subsection 64 (1) of the Act, the Minister may issue a fishing outdoors card or a temporary fishing outdoors card to a non-Canadian resident who is under 16 years of age. O. Reg. 281/08, s. 1.

6. (1) The holder of a fishing outdoors card or a temporary fishing outdoors card who ceases to be a resident or Canadian resident shall not use that card to obtain a validation tag or an e-licence for which the holder is not eligible as a result of the change of residency. O. Reg. 281/08, s. 1.

(2) Not later than 10 days after the change occurs, the holder of a fishing outdoors card or temporary fishing outdoors card shall notify the Minister of any change in name, contact information or residency. O. Reg. 281/08, s. 1.

6.1 Revoked: O. Reg. 281/08, s. 1.

7. (1) A person shall not apply for or possess more than one fishing outdoors card, whether regular or temporary if they have different card numbers. O. Reg. 281/08, s. 1.

(2) A person may possess more than one fishing outdoors card if the cards bear the same number. O. Reg. 281/08, s. 1.

8. (1) The Minister may issue a one-day resident or Canadian resident sport fishing licence to a resident or a Canadian resident. O. Reg. 281/08, s. 1.

(2) The Minister may issue a one-day non-Canadian resident sport fishing licence to a non-Canadian resident. O. Reg. 281/08, s. 1.

(3) A one-day resident or Canadian resident sport fishing licence and a one-day non-Canadian resident sport fishing licence are valid only for the day specified on the licence. O. Reg. 281/08, s. 1.

9. The Minister may issue a promotional sport fishing licence for a duration of no more than nine days to a resident or a Canadian resident and that licence shall be deemed to be a conservation fishing licence for the purposes of the Ontario Fishery Regulations, 2007. O. Reg. 281/08, s. 1; O. Reg. 340/09, s. 2.

10. The Minister may issue a non-Canadian resident sport fishing licence for a member of an organized camp to a non-Canadian resident who is under 18 years of age if the person is a member of an organized camp and if at least five members of the organized camp apply for the licence. O. Reg. 281/08, s. 1.

11. A person fishing under a document that is deemed to be a sport fishing licence under subsection 2 (3) or section 3 shall carry it while fishing. O. Reg. 281/08, s. 1.

12. A person fishing under a document that is deemed to be a sport fishing licence under paragraph 4 of subsection 2 (3) shall be accompanied by another person while sport fishing. O. Reg. 281/08, s. 1; O. Reg. 340/09, s. 3.

13. A non-Canadian resident who is under 18 years of age and who is fishing with the holder of a sport fishing licence shall be deemed to hold a sport fishing licence but one limited to fishing under the authority of the licence holder. O. Reg. 281/08, s. 1.

14. (1) A sport fishing licence issued to a non-Canadian resident is not valid for sport fishing in Lake St. Joseph, located at latitude 51° 05'N and longitude 90° 35'W as described and outlined in black on the map filed in the office of the Director of the Fish and Wildlife Branch of the Ministry, unless a tag authorizing it is attached to the reverse side of the licence. O. Reg. 281/08, s. 1.

(2) A holder of a sport fishing licence issued to a non-Canadian resident shall not take fish in excess of the conservation catch and possession limits set out under the Ontario Fishery Regulations, 2007 if the licence holder is camping on Crown land located in,

(a) fisheries management zone 2, 4 or 6; or

(b) fisheries management zone 5, except in the area designated as Part 1 on a plan known as Regulation Plan of the Border Waters Area in Fisheries Management Zone 5 filed on June 7, 2007 with the Office of the Surveyor General of Ontario in the Ministry. O. Reg. 281/08, s. 1.

15. Revoked: O. Reg. 196/00, s. 2.

16. (1) A sport fishing licence is not valid for catching and retaining lake trout taken by angling from any of the following waters of Lake of the Woods unless the licence holder has been issued a tag authorizing it:

1. Echo Bay (49° 39'N., 94° 50'W.).

2. Clearwater Bay (49° 42'N., 94° 45'W.), including Deception Bay (49° 42'N., 94° 48'W.), Woodchuck Bay (49° 41'N., 94° 52'W.) and Kendal Inlet (49° 44'N., 94° 39'W.).

3. Cul de Sac Lake (49° 38'N., 94° 50'W.). O. Reg. 281/08, s. 2.

(2) The tag shall not be issued to a licence holder unless he or she files an application with the Minister and his or her name is selected in a draw conducted by the Minister. O. Reg. 664/98, s. 16 (2).

(3) A person shall not submit more than one application or possess more than one tag described in this section in a year. O. Reg. 664/98, s. 16 (3).

(4) A licence holder who is issued a tag shall attach it to the back of the appropriate licence unless the holder has a combined hunting/fishing outdoors card, in which case, the licence holder shall carry the tag on his or her person. O. Reg. 664/98, s. 16 (4).

(5) A licence holder who catches and retains a lake trout from the waters referred to in subsection (1) shall attach the seal provided with the tag to the lower jaw of the lake trout immediately after catching it at the site where it was caught, and shall keep the seal attached to the lake trout while it is being transported and until it is consumed. O. Reg. 664/98, s. 16 (5).

17. The holder of a resident sport fishing licence may catch leeches for use as bait in sport fishing by means of a single leech trap that,

- (a) does not exceed 45 centimetres in any dimension; and
- (b) is legibly marked with the holder's name. O. Reg. 196/00, s. 3.

18. Revoked: O. Reg. 281/08, s. 3.

PART II AQUACULTURE

Aquaculture Licences

19. (1) A person wishing to engage in aquaculture shall apply for an aquaculture licence in a form established by the Minister. O. Reg. 664/98, s. 19 (1).

(2) An applicant for an aquaculture licence shall, on request, provide with the application a description acceptable to the Minister of the measures that the applicant intends to put in place or has put in place to prevent fish from escaping from any location for which the licence is being considered. O. Reg. 664/98, s. 19 (2).

20. (1) The holder of an aquaculture licence may,

(a) culture those fish specified in the licence from among the species of fish set out in Schedule B for any location set out in the licence;

(b) buy fish of the species specified in the licence for any location set out in the licence and may deposit such fish only in that location;

(c) sell fish of the species specified in the licence taken from any location set out in the licence. O. Reg. 664/98, s. 20 (1).

(2) An aquaculture licence is valid for five years from its date of issue. O. Reg. 664/98, s. 20 (2).

(3) The holder of an aquaculture licence shall not buy fish under clause (1) (b) except from a person who is authorized to sell the fish. O. Reg. 261/05, s. 4.

21. (1) It is a condition of an aquaculture licence that the holder,

(a) adhere to the measures for preventing the escape of fish described in the application for the licence, if any;

(b) correct, as required by the Minister, any deficiencies in such measures that are identified by the Minister;

(c) report to the Minister the number of fish that escape in excess of the number permitted in the licence; and

(d) attempt to recapture escaped fish if the Minister has given approval in advance but otherwise obtain the direction of the Minister before attempting to recapture them. O. Reg. 664/98, s. 21 (1).

(2) It is a condition of an aquaculture licence that authorizes aquaculture involving the use of a cage on public lands that the holder test and at all times maintain water quality as required in the licence and, where required, report on water quality to the Minister. O. Reg. 664/98, s. 21 (2).

22. (1) The holder of an aquaculture licence shall immediately report to the Minister the discovery in fish of any of the disease organisms listed in Schedule C or of any other disease organism of which the Minister has notified the holder. O. Reg. 664/98, s. 22 (1).

(2) Unless the Minister directs otherwise, no holder of an aquaculture licence shall sell or otherwise dispose of fish taken from a location set out in the holder's licence if the fish are infected with a disease organism listed in Schedule C or any other disease organism of which the Minister has notified the holder of the licence. O. Reg. 664/98, s. 22 (2).

23. (1) A holder of an aquaculture licence may apply to the Minister to transfer the licence. O. Reg. 664/98, s. 23 (1).

(2) The application shall be granted if the holder is in compliance with the conditions of the licence. O. Reg. 664/98, s. 23 (2).

24. (1) A person may, without a licence, engage in aquaculture if the fish are cultured in aquariums. O. Reg. 664/98, s. 24 (1).

(2) Subsection 51 (1) of the Act does not apply to the buying or selling of goldfish, koi (*Cyprinus carpio*) and the species of tilapia set out in Schedule B if these fish are bought or sold for the purpose of the aquarium trade. O. Reg. 113/04, s. 1.

(3) In this section,

“aquarium” means an artificial container used to culture fish for personal use or for the aquarium trade;

“aquarium trade” means the culturing, buying or selling of aquarium, tropical or ornamental fish for the pet or hobby market. O. Reg. 664/98, s. 24 (3).

Fish Stocking Licences

25. (1) The Minister may issue a licence to stock fish in the numbers and species determined by the Minister. O. Reg. 664/98, s. 25 (1).

(2) The holder of a licence to stock fish may stock fish at any location set out in the licence. O. Reg. 664/98, s. 25 (2).

(3) A licence to stock fish is valid for three years from its date of issue. O. Reg. 664/98, s. 25 (3).

26. It is a condition of a licence to stock fish that the holder submit to the Minister, on request, information on the fish stocked in accordance with the request. O. Reg. 664/98, s. 26.

27. A holder of a licence to stock fish shall not stock fish infected with a disease organism listed in Schedule C or with any other disease organism of which the Minister has notified the holder. O. Reg. 664/98, s. 27.

Licence to Collect Fish from Ontario Waters

28. (1) The Minister may issue a licence to collect fish from Ontario waters in such numbers and species of fish listed in Schedule B as are set out in the licence. O. Reg. 664/98, s. 28 (1).

(2) The licence may specify the locations with respect to which the licence applies, the method of collection authorized by it and the period of validity of the licence. O. Reg. 664/98, s. 28 (2).

Transportation of Fish

29. (1) For the purposes of paragraph 3 (1) (b) of the Ontario Fishery Regulations, each of the following documents shall be deemed to be a licence to transport live fish if the fish have been cultured, caught, bought or sold under the authority of the document:

1. An aquaculture licence.

2. A commercial fishing licence.
3. A document deemed to be a licence to sell fish under section 32.
4. A receipt, invoice or bill of lading issued by the holder of a licence referred to in paragraph 1 or 3.
5. A transport purchase record or a daily catch report issued by the holder of a commercial fishing licence.
6. A licence to collect fish for scientific purposes.
7. A licence to collect fish from Ontario waters.
8. A licence to stock fish. O. Reg. 261/05, s. 5; O. Reg. 340/09, s. 4.

(2) A person shall carry the document deemed to be a licence to transport live fish under subsection (1) while transporting the fish. O. Reg. 261/05, s. 5.

(3) Subsection 57 (1) of the Act does not apply,

(a) to a person transporting fish in a container who produces, on request, a copy of a document described in subsection (1) in respect of the fish being transported; or

(b) to a person transporting fish taken in accordance with the Act and the regulations and under the authority of a sport fishing licence, if that person accompanies the fish during transportation. O. Reg. 261/05, s. 5.

Non-Application of Sections of the Act to Licence Holders

30. (1) Subsection 37 (1) of the Act does not apply to,

(a) the holder of an aquaculture licence, a commercial fishing licence, a commercial bait licence, a licence to collect fish from Ontario waters or a licence to collect fish for scientific purposes if the holder possesses a net mentioned in that subsection and uses it in a manner that is consistent with the purpose for which the holder's licence was issued;

(b) to a manufacturer, merchant or common carrier that possesses nets for the purpose of sale or transportation. O. Reg. 664/98, s. 30 (1).

(2) Subsection 36 (5) of the Act does not apply to the holder of an aquaculture licence, a licence to stock fish or a licence to collect fish from the wild with respect to the fish and waters indicated on such licences. O. Reg. 664/98, s. 30 (2).

PART III

BUYING OR SELLING FISH, FROGS AND LEECHES AND RELATED LICENCES

Definitions

31. In this Part,

“bait-fish” has the same meaning as in the Ontario Fishery Regulations;

“Canadian citizen” means a person who is a citizen within the meaning of the Citizenship Act (Canada) or a person who is a permanent resident within the meaning of the Immigration Act (Canada) but who is not a resident as defined in section 1 of the Act;

“fishery officer” means a person designated as a fishery officer under the Fisheries Act (Canada);

“leech” means a member of a species of the Class Hirudinea. O. Reg. 196/00, s. 4 (2).

Commercial Fishing Licences

31.1 (1) A commercial fishing licence authorizes the holder to,

(a) take fish by means of a gill net, pound net, trap net, trawl net, hoop net, seine net, dip net or trammel net or by means of hooks; and

(b) sell the fish taken under it. O. Reg. 196/00, s. 4 (2).

(2) The Minister may issue a commercial fishing licence to a resident or a Canadian citizen. O. Reg. 196/00, s. 4 (2).

(2.1) The Agreement Among the The Chippewas of Nawash First Nation and Saugeen First Nation and Her Majesty the Queen in Right of Ontario as represented by the Minister of Natural Resources and Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development Canada, dated June 20, 2000, which contains a provision stating that the agreement is to have the effect of a commercial fishing license, shall be deemed to be a commercial fishing licence issued under the authority of the Act and the Ontario Fishery Regulations. O. Reg. 382/00, s. 1.

(3) The holder of a commercial fishing licence shall, if requested by a fishery officer, prepare a daily return of the fish taken but not yet landed on each day, and submit the return to the officer or to a place designated by the officer. O. Reg. 196/00, s. 4 (2).

(4) If a fishery officer requests a daily return from the holder of a commercial fishing licence, the holder shall prepare and submit a daily return for every day in the month that the holder fishes, beginning on the day for which the daily return is first requested. O. Reg. 196/00, s. 4 (2).

(5) If a fishery officer has not requested daily returns for a month under subsection (3) or if the holder of a commercial fishing licence has done no fishing under the licence in that month, the holder shall submit a monthly return to the Minister on or before the eighth day of the next month. O. Reg. 196/00, s. 4 (2).

(6) The holder of a commercial fishing licence shall,

(a) make a record of every sale of fish, except a sale to the owner or manager of a fish plant registered under the Fish Inspection Act (Canada), at the time of the sale; and

(b) give a copy of the record to the buyer at the same time. O. Reg. 196/00, s. 4 (2).

(7) The holder of a commercial fishing licence shall compile the records made under subsection (6) over the course of a month into a monthly return and shall submit the return to the Minister on or before the eighth day of the next month. O. Reg. 196/00, s. 4 (2).

(8) The returns required under this section shall be on the forms provided by the Minister. O. Reg. 196/00, s. 4 (2).

(9) The Minister may permit a person to file different returns or at different times from the requirements of this section if, in the opinion of the Minister, the requirements of this section are not practical for that person. O. Reg. 196/00, s. 4 (2).

31.2 The Minister may, upon the request of a holder of a commercial fishing licence, transfer the licence to another person. O. Reg. 196/00, s. 4 (2).

Commercial Bait Licences

31.3 (1) Except under the authority of a commercial bait licence that authorizes the holder to take, buy or sell leeches or bait-fish, a person shall not,

(a) take bait-fish for commercial purposes; or

(b) buy or sell leeches or bait-fish for commercial purposes. O. Reg. 418/07, s. 4.

(1.1) Except under the authority of a commercial bait licence that authorizes the holder to take, buy or sell leeches, a person shall not take in one day or possess at any time more than 120 leeches. O. Reg. 418/07, s. 4.

(1.2) The holder of a commercial bait licence shall not buy leeches or bait-fish for commercial purposes except from a person who is authorized to sell them. O. Reg. 418/07, s. 4.

(2) A person shall not buy or sell frogs for the purpose of bait for fishing. O. Reg. 418/07, s. 4.

(3) The holder of a commercial bait licence that authorizes the holder to take bait-fish may take bait-fish by any means specified in the licence. O. Reg. 196/00, s. 4 (2).

(4) The holder of a commercial bait licence that authorizes the holder to take leeches may take leeches by means of a trap that is legibly marked with the holder's name. O. Reg. 196/00, s. 4 (2).

(5) The holder of a commercial bait licence shall,

(a) keep a log book, in the form required by the Minister, with information respecting the buying, selling, and taking of leeches, frogs or bait-fish, including the quantities bought, sold or taken, and the relevant dates; and

(b) make and submit an annual return in the form required by the Minister not later than one month after the expiry of the licence. O. Reg. 196/00, s. 4 (2).

(6) The holder of a commercial bait licence shall retain the log book for five years after the expiry of the licence that was valid at the time it was kept. O. Reg. 196/00, s. 4 (2).

(7) The holder of a commercial bait licence shall not make a false entry in the log book. O. Reg. 196/00, s. 4 (2).

(8) The Minister may permit a person to file different returns or at different times from the requirements of clause (5) (b) if, in the opinion of the Minister, the requirements of clause (5) (b) are not practical for that person. O. Reg. 196/00, s. 4 (2).

31.4 The Minister may, upon the request of a holder of a commercial bait licence, transfer the licence to another person. O. Reg. 196/00, s. 4 (2).

31.5 The holder of a commercial bait licence shall not use salt to preserve bait-fish taken under the licence O. Reg. 196/00, s. 4 (2).

Buying or Selling Fish

32. (1) A person who buys fish directly from the holder of an aquaculture licence, commercial fishing licence, commercial bait licence or document described in subsection (2) or (3) is exempt from the requirement in subsection 51 (1) of the Act to have a licence to buy fish. O. Reg. 196/00, s. 4 (2); O. Reg. 261/05, s. 7 (1).

(2) For fish that originate in Ontario, a document shall be deemed to be a licence to sell fish, other than bait-fish, for the purpose of subsection 51 (1) of the Act if,

(a) it is prepared by,

(i) the holder of an aquaculture licence or commercial fishing licence who is selling fish in accordance with the licence, or

(ii) a person who subsequently sells some or all of the fish originally sold by a person described in subclause (i);

(b) it lists the number and species of fish being sold;

(c) it is given by the person described in clause (a) to the buyer; and

(d) it identifies the person who prepared the document and the person to whom it is given. O. Reg. 196/00, s. 4 (2); O. Reg. 261/05, s. 7 (2).

(3) For the purposes of subsection 51 (1) of the Act and subject to subsection 32.2 (3) of this Regulation, a person shall be deemed to hold a licence to sell fish that have been transported into Ontario if the person possesses,

(a) an invoice, receipt, bill of lading or similar document that lists the buyer, seller, species, weight and condition of the fish; and

(b) a Canadian Food Inspection Agency Fish Import Notification in respect of the fish. O. Reg. 261/05, s. 7 (3).

(4) A person who holds the documents described in subsection (2) or (3) shall retain them for a period of three years. O. Reg. 261/05, s. 7 (3).

32.1 The holder of a commercial bait licence shall not buy or sell bait-fish that have been preserved with salt. O. Reg. 196/00, s. 4 (2).

32.2 (1) The following fish that do not exist in Ontario waters are prescribed, for the purpose of subsection 51 (1) of the Act, as fish that can be bought or sold only under the authority of a licence:

1.

Grass carp

Ctenopharyngodon idella

2.

Bighead carp

Hypophthalmichthys nobilis

3.

Silver carp

Hypophthalmichthys molitrix

4.

Black carp

Mylopharyngodon piceus

5.

Snakehead

Family *Channidae*

6.
Round goby
Neogobius melanostomus

7.
Tubenose goby
Preterorhinus marmoratus

O. Reg. 113/04, s. 2.

(2) The requirement to have a licence to buy or sell the prescribed fish does not apply if the fish are dead at the time of purchase or sale. O. Reg. 113/04, s. 2.

(3) The requirement for a licence under this section applies to a person who holds a licence that is deemed to be a licence to sell fish under subsection 32 (3). O. Reg. 113/04, s. 2.

33. Revoked: O. Reg. 349/04, s. 1.

Commercial Fishing Royalties

34. (1) Royalties may be charged to the holder of a commercial fishing licence in respect of the species of fish listed in Schedule D. O. Reg. 261/05, s. 8.

(2) Royalties shall be calculated and invoiced as follows:

1. For fish harvested during the period beginning January 1 of the year and ending April 30 of the year, an interim invoice shall be issued by June 30 of the year and it shall be paid by July 31 of the same year.

2. For fish harvested during the period beginning May 1 of the year and ending August 31 of the year, an interim invoice shall be issued by October 31 of the year and it shall be paid by November 30 of the same year.

3. For fish harvested during the period beginning September 1 of the year and ending December 31 of the year, the interim invoice shall be issued by February 28 of the following year and it shall be paid by March 31 of that year.

4. For fish caught during the year but not already paid for, a final invoice shall be issued by May 31 of the following year and it shall be paid by June 30 of that year. O. Reg. 261/05, s. 8.

(3) An interim invoice shall be calculated as follows:

1. Calculate, by species and month, the number of pounds of unprocessed fish harvested by the person.

2. Multiply that amount by the previous year's average annual price per pound for that species in the economic zone in which the fish were caught.

3. Multiply the result of the calculations made under paragraph 2 by 0.033.

4. Add the results for each species together. O. Reg. 261/05, s. 8.

(4) An amount, if any, set out in the final invoice shall be calculated as follows:

1. Calculate, by species, the number of pounds of unprocessed fish harvested by the month.

2. Multiply that amount by the average price per pound for that species paid in the month of harvest in the economic zone in which the fish were caught.

3. Multiply the result of the calculations made under paragraph 2 by 0.033.

4. Add the results together and then subtract any amounts paid on the interim invoices for the year. O. Reg. 261/05, s. 8.

(5) A person shall pay interest on any amount that is invoiced and not paid when due at a rate to be determined by the Minister of Finance in accordance with section 10 of the Financial Administration Act. O. Reg. 261/05, s. 8.

(6) A refund shall be made to a person if,

(a) the amount calculated under subsection (4) is negative; and

(b) the person will not be fishing the following year under the licence under which royalties were paid. O. Reg. 261/05, s. 8.

(7) A refund shall not be made to a person and shall instead be credited to the next royalty payment to be made if,

(a) the amount calculated under subsection (4) is negative; and

(b) the person has renewed the commercial fishing licence under which the royalties were paid. O. Reg. 261/05, s. 8.

PART IV MISCELLANEOUS

Licence to Collect Fish for Scientific Purposes

34.0.1 In this Part,

“fisheries management zone” or “zone” means a subdivision of the waters of Ontario as shown on Regulation Plans of Fisheries Management Zones 1-20 filed on May 30, 2006 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources. O. Reg. 301/07, s. 1.

34.1 (1) The Minister may issue a licence to collect fish for scientific purposes. O. Reg. 261/05, s. 9.

(2) The holder of a licence to collect fish for scientific purposes shall complete a return in the form required by the Minister and submit it to the Minister on or before the date specified in the licence. O. Reg. 261/05, s. 9.

Licence to Transport Live Fish

34.2 (1) The Minister may issue a licence to transport a specified species of live fish, other than bait-fish, that has been taken from Ontario waters. O. Reg. 196/00, s. 5.

(2) It is a condition of a licence to transport fish that the person in possession of the fish while it is being transported shall have on his or her person a copy of the licence to transport fish and a copy of the licence under which the fish were taken. O. Reg. 196/00, s. 5.

Licence to Possess Nets

34.3 The Minister may issue a licence to authorize the holder to possess a gill net, pound net, trap net, trawl net, hoop net or seine net. O. Reg. 196/00, s. 5.

Licence Validity and Expiry

35. A licence under this Regulation expires on the date specified in it or in the tag accompanying it but, if no date is specified, on December 31 next following the date of its issue. O. Reg. 664/98, s. 35; O. Reg. 47/11, s. 1.

36. A licence under this Regulation, other than a deemed licence, is not valid unless it is signed by the holder and issuer in the space provided for the signature. O. Reg. 382/00, s. 2.

Fishing Huts

37. (1) In this section,

“tourist operator” means a person who provides ice fishing hut accommodations for the purpose of fishing to anglers for a fee. O. Reg. 409/04, s. 1; O. Reg. 301/07, s. 2 (1).

(2) The Minister may issue a licence to a tourist operator to place one or more ice fishing huts on the ice of the water known as Lake Nipissing in the territorial districts of Nipissing, Parry Sound and Sudbury. O. Reg. 409/04, s. 1.

(3) A person shall not place or occupy, for the purpose of fishing, an ice fishing hut on the ice of any of the waters described in section 38 unless one of the following numbers is displayed on the outside of the ice fishing hut in numerals at least two and one-half inches high:

1. For ice fishing huts on Lake Nipissing belonging to a tourist operator, the number assigned to the ice fishing hut on the licence issued to the tourist operator under subsection (2).

2. For all other ice fishing huts, the number assigned by the Minister to the owner of the ice fishing hut. O. Reg. 301/07, s. 2 (2).

(4) The prohibition in paragraph 2 of subsection (3) does not apply with respect to a tent made of cloth or synthetic fabric that has a basal area of seven square metres or less when erected. O. Reg. 409/04, s. 1; O. Reg. 357/08, s. 1.

38. (1) A person shall not place, use, occupy or leave an ice fishing hut on the ice,

(a) after March 1 in any year, in fisheries management zones 17 and 20;

(b) after March 15 in any year, in fisheries management zones 14, 16, 18 and 19;

(c) after March 31 in any year, in fisheries management zones 9, 10, 11 and 15;

(d) after March 15 in any year, below Lake Timiskaming dam in fisheries management zone 12; or

(e) after March 31 in any year, above Lake Timiskaming dam in fisheries management zone 12. O. Reg. 301/07, s. 3.

(2) The prohibitions in subsection (1) do not apply with respect to a tent made of cloth or synthetic fabric that has a basal area of seven square metres or less when erected. O. Reg. 357/08, s. 2.

39. Omitted (revokes other Regulations). O. Reg. 664/98, s. 39.

40. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 664/98, s. 40.

SCHEDULE A Revoked: O. Reg. 418/07, s. 5.

SCHEDULE B
SPECIES ELIGIBLE FOR CULTURE IN ONTARIO

Lake sturgeon
Acipenser fulvescens

Atlantic salmon
Salmo salar

Brown trout
Salmo trutta

Brook trout
Salvelinus fontinalis

Lake trout
Salvelinus namaycush

Arctic char
Salvelinus alpinus

Splake
The hybrid of *Salvelinus fontinalis* and *Salvelinus namaycush*

Chinook salmon
Oncorhynchus tshawytscha

Coho salmon
Oncorhynchus kisutch

Pink salmon
Oncorhynchus gorbuscha

Rainbow trout
Oncorhynchus mykiss

Lake whitefish
Coregonus clupeaformis

Lake herring (cisco)
Coregonus artedii

Muskellunge
Esox masquinongy

Northern Pike
Esox lucius

Creek chub
Semotilus atromaculatus

White sucker

Catostomus commersoni

Bluntnose minnow
Pimephales notatus

Fathead minnow
Pimephales promelas

Northern redbelly dace
Phoxinus eos

Finescale dace
Phoxinus neogaeus

Common shiner
Luxilus cornutus

Golden shiner
Notemigonus crysoleucas

Emerald shiner
Notropis atherinoides

Common carp
Cyprinus carpio

Goldfish
Carassius auratus

Brown bullhead
Ameiurus nebulosus

Channel catfish
Ictalurus punctatus

American eel
Anguilla rostrata

Largemouth bass
Micropterus salmoides

Smallmouth bass
Micropterus dolomieu

Bluegill
Lepomis macrochirus

Pumpkinseed
Lepomis gibbosus

Black crappie
Pomoxis nigromaculatus

Walleye
Sander vitreus

Sauger
Sander canadensis

Yellow perch
Perca flavescens

Tilapia of the genera
Oreochromis, Sarotherodon, Tilapia

Calico Crayfish
Orconectes immunis

Virile Crayfish
O. virilis

Northern clearwater crayfish
O. propinquus

Robust Crayfish
Cambarus robustus

Appalachian Brook Crayfish
C. bartonii

Marsh Pondsail or Melanthero Snail
Stagnicola elodes

Pacific white shrimp (Whiteleg shrimp)
Litopenaeus vannamei

O. Reg. 418/07, s. 6; O. Reg. 371/12, s. 1.

SCHEDULE C FISH DISEASE AGENTS

Infectious hematopoietic necrosis virus

Viral hemorrhagic septicemia virus

Oncorhynchus masou virus

Epizootic epitheliotropic disease virus

Ceratomyxa shasta

Myxobolus cerebralis (causative agent of whirling disease)

Proliferative kidney disease agent

O. Reg. 664/98, Sched. C.

SCHEDULE D SPECIES OF FISH

American eel
Lake whitefish

Bullhead, spp.
Menominee

Carp, spp.
Northern pike

Channel catfish
Rainbow smelt

Chubs, spp.
Sauger

Crappie, spp.
Sunfish, spp.

Freshwater drum
Walleye

Lake herring (Cisco)
White bass

Lake sturgeon
White perch

Lake trout
Yellow perch

O. Reg. 664/98, Sched. D.

SCHEDULE E Revoked: O. Reg. 301/07, s. 4.

[Back to top](#)