



Drone Regulation Guidance Materials

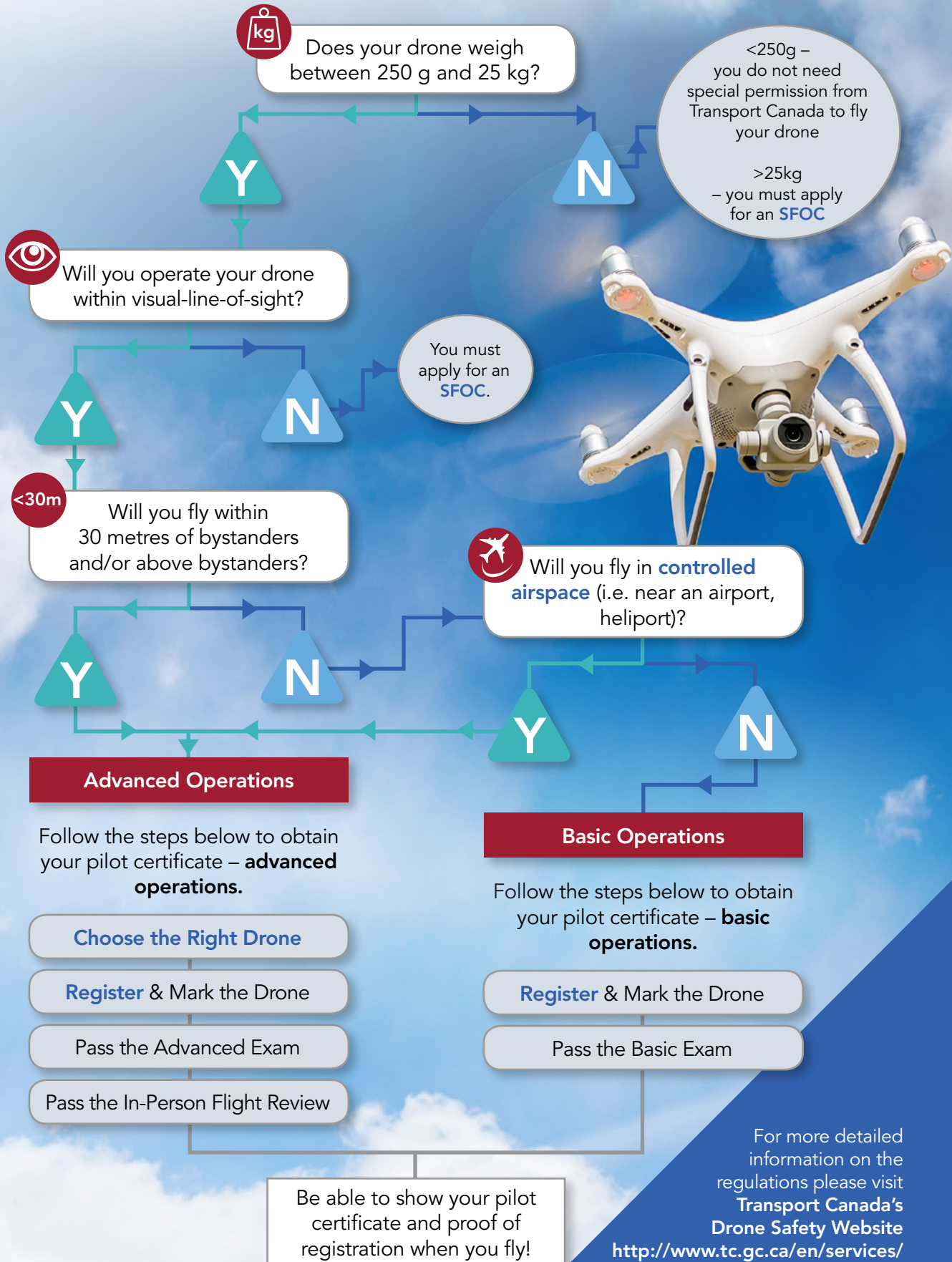
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Flying your drone safely and legally

What certificate do you need? Define your level of operations



For more detailed information on the regulations please visit **Transport Canada's Drone Safety Website**
<http://www.tc.gc.ca/en/services/aviation/drone-safety.html>



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Drone and Remotely Piloted Aircraft System (RPAS)

We use the term “drone” on these pages to refer to any type of Remotely Piloted Aircraft System (RPAS). The term Remotely Piloted Aircraft Systems is used by international partners.

Bystander

Bystander refers to anyone that is outside and not directly associated with operating the drone. This excludes the pilot and crew of the drone operation.

Visual-line-of-sight (VLOS)

Visual-line-of-sight means keeping your device in sight at all times without visual aid (for example, binoculars or video feed). This means not flying into clouds or fog, or behind trees, buildings or other (even partial) obstructions.

Airspace

Controlled airspace is an airspace of defined dimensions where air traffic control service is provided by [NAV CANADA](#) (in proximity to airports and heliports).

Uncontrolled airspace is where there is no need for air traffic control service.

To keep yourself and others safe, fly your drone:

- within visual-line-of-sight **at all times**
- below 122 metres (400 feet) in the air
- away from bystanders, at a minimum horizontal distance of 30 metres for [basic operations](#)
- away from emergency operations and advertised events
 - **avoid** forest fires, outdoor concerts and parades
- away from airports and heliports
 - 5.6 kilometres (3 nautical miles) from airports
 - 1.9 kilometres (1 nautical mile) from heliports
- **far away** from other aircrafts
 - don't fly anywhere near airplanes, helicopters and other drones
- away from all national parks
- once a site survey of the area has been completed
- in a way that respects the privacy of others

Flying Drones Indoors

Drones flown indoors or underground are not subject to the new drone regulations. Although there are no special rules for flying indoors or underground, you should be mindful of safety measures when operating a drone around people and objects. It is strongly recommended to obtain permission of the site owner and/or occupant.

Penalties

There are serious penalties for those who do not follow the Canadian Aviation Regulations. Fines can be levied to individuals and corporations for putting aircraft and people at risk.

Insurance

Liability insurance is not required by law for your drone but it should be considered.





Are there other names for “drones”?

The aviation community uses many different terms for drone technology. Canadian law uses the term “remotely piloted aircraft system” or “RPAS”.

Which Government Department regulates the use of drones in Canada?

The federal government, through Transport Canada, has primary jurisdiction over the regulation of drones in Canada on the basis that drones fall within the scope of the federal government’s constitutional power over aeronautics.

The federal legislation governing civil aviation in Canada is the [Aeronautics Act](#) and the [Canadian Aviation Regulations \(CARs\)](#).

Can I use a drone to take photos for my real estate listing?

Yes, but REALTORS® need to be aware of the relevant legal restrictions. New rules come into force on June 1, 2019, which will categorize many drone operations as either “basic” or “advanced”. Each one has a different set of rules drone pilots must follow. The weight of your drone, distance from bystanders and airspace rules define your category. The rules do not treat people who fly drones for personal or for business differently, although this distinction is considered for penalties if the drone is flown in contravention of the law.

There are also exceptional rules for dealing with drone operations that fall outside these two categories, which are discussed in a separate FAQ. REALTORS® need to follow the rules that apply to their operation.

What qualifies as “basic” drone operations?

If you meet **all 3** of these conditions, you’re conducting basic operations:

1. You fly the drone in uncontrolled airspace;
2. You fly the drone more than 30 metres (100 feet) horizontally from bystanders; and
3. You never fly the drone over bystanders.

If I qualify for “basic” operations, what rules do I have to be aware of?

For basic operations, here are some of the rules you must follow:

- Register your drone with Transport Canada before you fly it for the first time;
- Mark your drone with its registration number;
- Pass the Small Basic Exam; and
- Be able to show your Pilot Certificate – Basic Operations and proof of registration when you fly.

For a complete list of rules see Division IV- Basic Operations, Sections 901.53 – 901.59 at <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-900.03>.

What are the rules for “advanced” operations?

If you do not meet **any 1 of the 3** conditions for basic operations, then you are conducting advanced operations. For example, drone flying in populated areas will fall under this category.

For advanced operations, here are some of the rules you must follow:

- Register your drone with Transport Canada before you fly it for the first time;
- Mark your drone with its registration number;
- Pass the Small Advanced Exam;
- Pass a flight review with a flight reviewer;
- Be able to show your Pilot Certificate – Advanced Operations and proof of registration when you fly; and
- Fly within the operational limits of your drone.

For a complete list of rules see Division V – Advanced Operations, Sections 901.62 – 901.73 at <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-900.03>.

Are there any drone exceptions that fall outside of “basic” and “advanced” operations?

There are two exceptions.

The first exception concerns drone operations that require a Special Flight Operations Certificate (“SFOC”). This exception applies in the following circumstances:

- If your drone weighs over 25 kilograms;
- If you want to fly outside the rules for “basic” or “advanced” operations;
- If you want to fly at an advertised event such as an outdoor concert;
- If you want to fly above 122 metres (400 feet), which is approximately a 30-storey building; or
- If you are not a Canadian Citizen, permanent resident of Canada or a corporation incorporated by or under the laws of Canada or a province.

For more information on the application and issuance of a SFOC see Division VII – Requirements Related to Flight Review Subpart 3- Special Flight Operations -Remotely Piloted Aircraft Systems, Sections 903.01 – 903.03 at <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-900.03>.

The second exception concerns micro drones. Micro drones are drones that are under 250 grams. Although the Canadian Aviation Regulations (CARs) does not list specific rules for micro drones, they are subject to general rules that apply to all drones. For example, a micro drone must be flown away from aircraft and airports. For more information on these general rules see Division II General Prohibition, Subpart 1 Small Remotely Piloted Aircraft, and Part IX- Remotely Piloted Aircraft Systems Division I General Provisions at <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-900.03>.

Can I fly a drone indoors?

Yes. Drones flown indoors or underground are not included in the regulations concerning drones. Although there are no special rules for flying drones indoors or underground you may want to speak to a qualified drone operator regarding what safety considerations you should be mindful of when operating a drone around people or objects.

Do REALTORS® need be mindful of privacy law when flying drones?

Yes. Canada's privacy laws will apply to all drones deployed by public or private sector organizations to collect and/or use personal information. Where drones are used for a commercial purpose, their use would be covered by the Personal Information Protection Electronic Documents Act ("PIPEDA"), or the equivalent provincial legislation in Alberta, British Columbia and Quebec, and subject to the same requirements as with any other data collection practice.

It is a common misconception that a company does not require permission to take an individual's photograph in a public place. Privacy law requires consent as a general rule, subject to only limited and specific exceptions.

What criteria should I keep in mind when picking a drone photography company?

If you choose to hire a professional operator, make sure you understand your obligations and ask lots of questions. For example, ask the drone operator whether they are knowledgeable and up-to-date on Transport Canada regulations. Moreover, you may want to ask whether the company maintains the appropriate drone liability insurance. You may also wish to conduct a reference check.

What are the penalties for flying a drone in contravention of the law?

There are serious penalties, for those who break Canada's drone rules, including fines and/or jail time.

Some example penalties include:

- Individuals can be fined up to \$1000 and Corporations can be fined up to \$5000 for doing any one of the following:
 - Flying without a drone pilot certificate;
 - Flying unregistered or unmarked drones; or
 - Flying where you are not allowed.
- Individuals can be fined up to \$3000 and Corporations can be fined up to \$15,000 for putting aircraft and people at risk.

There may also be [criminal code](#) and privacy sanctions.

Which specific penalties may apply to your drone operation will depend on whether the drone is being used by an individual or a corporation as well as the specific rule contravened.

To see a detailed breakdown of specific violations and their maximum monetary penalties please see the chart included in Appendix A, Schedule II in the regulations found at <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-900.03>.

Where can I find out more information about Canada's drone regulations?

See Transport Canada's website at: <http://www.tc.gc.ca/eng/civilaviation/drone-safety.html> and <http://www.tc.gc.ca/en/services/aviation/drone-safety/new-rules-drones.html>.



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