



Advisory Circular

Subject: Jurisdictional Issues regarding Remotely Piloted Aircraft Systems Operation

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1.0 Introduction

- 1) This Advisory Circular (AC) is provided for information and guidance purposes. This AC on its own does not change, create, amend or permit deviations from regulatory requirements, nor does it establish minimum standards.

1.1 Purpose

- 1) The Supreme Court of Canada has confirmed that the federal government has exclusive jurisdiction over aeronautics. Decisions from that court have examined whether or not specific provincial, territorial and municipal legislation impaired core federal power over aeronautics.
- 2) The purpose of this document is to improve the awareness of the public, RPAS pilots, and other interested parties in the aviation community of possible valid provincial, territorial, and municipal legislation related to activities including an RPA or overall operation of an RPAS.

1.2 Applicability

- 1) This document is made available to the public for information purposes. This document applies to all Transport Canada Civil Aviation (TCCA) personnel, delegates, provincial and municipal authorities and members of the public, including RPAS pilots.

1.3 Description of changes

- 1) Not applicable.

2.0 References and requirements

2.1 Reference documents

- 1) It is intended that the following reference materials be used in conjunction with this document:
 - (a) [Aeronautics Act](#) (R.S.C., 1985, c. A-2);
 - (b) Part I, Subpart I of the *Canadian Aviation Regulations (CARs)* – General Provisions;
 - (c) Part IX of the CARs – Remotely Piloted Aircraft Systems.

2.2 Cancelled documents

- 1) Not applicable.
- 2) By default, it is understood that the publication of a new issue of a document automatically renders any earlier issues of the same document null and void.

2.3 Definitions and abbreviations

- 1) The following **definitions** are used in this document:
 - (a) **Aeronautics Act, s. 3(1) “aircraft”**: means any machine capable of deriving support in the atmosphere from reactions of the air and includes a rocket.
 - (b) **Part I, Subpart I of the CARs “Remotely Piloted Aircraft”**: means a navigable aircraft, other than a balloon, rocket or kite, that is operated by a pilot who is not on board.
 - (c) **Part I, Subpart I of the CARs “Remotely Piloted Aircraft System”**: means a set of configurable elements consisting of a remotely piloted aircraft, its control station, the

command and control links and any other system elements required during flight operation.

- 2) The following **abbreviations** are used in this document:
 - (a) **AC**: Advisory Circular
 - (b) **CARs**: Canadian Aviation Regulations
 - (c) **RPA**: Remotely Piloted Aircraft
 - (d) **RPAS**: Remotely Piloted Aircraft Systems

3.0 Background

- 1) The Government of Canada has exclusive jurisdiction over aeronautics and has established a legal framework through the *Aeronautics Act*. Under this legislation, the Minister of Transport is responsible for the promotion of aeronautics, and the Act provides authority to make regulations respecting operations of aircraft, including Remotely Piloted Aircraft Systems (RPAS). The *Canadian Aviation Regulations* (CARs) set out a number of rules related to RPAS, including requirements for registration, certification, aircraft airworthiness, operating and flight rules, including permissible airspace locations for Remotely Piloted Aircraft (RPA) operations.
- 2) RPAS are subject to different provisions in the CARs but are mainly governed under the CARs – Part IX regime. CARs – Part IX includes rules regarding airspaces in which RPA can be operated in Canada, how close to bystanders the RPA can be flown, and at what distances the RPA can be flown from the pilot. These requirements depend on the size of aircraft, the pilot's certification level, and the aircraft's technical capabilities to meet specific safety and performance requirements. In some instances, to access certain classes of airspace and for flights in proximity to aerodromes, prior authorization from the appropriate authorities, such as the provider of air traffic services or the airport operator, is required.
- 3) Issues surrounding the locations, procedures, and flight rules for operations of RPAS may intersect with federal, provincial, territorial and municipal legislation. This complex legal framework has raised concerns from RPAS pilots and other interested parties regarding the application of provincial, territorial and municipal laws when they intersect with the *Aeronautics Act* and the CARs for RPA flights.
- 4) Two leading decisions from the Supreme Court of Canada (*Quebec (Attorney General) v. Lacombe*, [2010] 2 SCR 453 and *Quebec (Attorney General) v. Canadian Owners and Pilots Association*, [2010] 2 SCR 536) confirmed federal jurisdiction over aeronautics, and a recent Supreme Court of Canada decision re-affirmed this jurisprudence (*Opsis Airport Services Inc. v. Quebec (Attorney General)*, 2025 SCC 17). These decisions speak to laws from multiple jurisdictions that apply concurrently as they relate to land use and aerodrome activities. (links to the three Supreme Court decisions are attached as Appendix A).

4.0 Discussion

- 1) The exclusive federal jurisdiction over aeronautics has been repeatedly affirmed by Canadian courts. The federal aeronautics jurisdiction encompasses not only the regulation of the operation of aircraft, but also the authority to establish rules regarding the location of airspace suitable for the operation of RPA flights.
- 2) The Supreme Court of Canada has recognized that a degree of jurisdictional overlap is inevitable. As mentioned in the COPA decision, the test to determine whether a provincial, territorial or municipal law encroaching on the federal aeronautics power is valid is whether that law interferes

with activities that falls within the “core” of the federal government’s exclusive authority over aviation.

- 3) The *Aeronautics Act* does not necessarily preclude other relevant laws from applying.

5.0 Recommendation

- 1) Determination of whether or not provincial, territorial, or municipal legislation in relation to RPAS entrenches into the “core” of the federal power over aeronautics is a matter to be determined by courts on a case-by-case basis.
- 2) In cases of valid and applicable jurisdictional overlap of laws, compliance with provincial, territorial, and municipal legislation might be enforced by those jurisdictions.
- 3) Transport Canada is not in a position to provide legal advice respecting the application of existing laws that fall outside of its jurisdiction.

6.0 Information management

- 1) Not applicable

7.0 Document history

- 1) Not applicable

8.0 Contact us

For more information, please contact:

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We invite suggestions for amendments to this document. Submit your comments to:

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Appendix A — Supreme Court Decisions

Supreme Court of Canada

- 1) [Quebec \(Attorney General\) vs Canadian Owners and Pilots Association \(COPA\)](#)
- 2) [Quebec \(Attorney General\) vs Lacombe](#)
- 3) [Opsis Airport Services Inc. v. Quebec \(Attorney General\) - SCC Cases](#)