



Yukon  
Ombudsman

# Site saving at Yukon campgrounds



[Site saving at Yukon campgrounds](#)

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Authority: Department of Environment

Authors:

Tara Martin, Deputy Ombudsman

Rick Smith, Investigator

Aidan Bell, Investigator

Issued by Jason Pedlar, Ombudsman

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[Yukon Ombudsman](#)

3162 3rd Avenue

Whitehorse, Yukon Y1A 1G3

(867) 667- 8468

[yukonombudsman.ca](http://yukonombudsman.ca)

## Message from the Ombudsman

My office received a complaint about ‘site saving’ at a Yukon campground in the summer of 2023.

Site saving is the practice of securing a ‘first-come, first-served’ campsite a day or more before one intends to camp; a practice contrary to Yukon Parks regulations. Like many avid Yukon campers, this is something of which I am personally aware, and that I too have experienced. I have spent many weekends in Yukon campgrounds where neighbouring campsite users have shared their concerns over this issue, including an apparent lack of enforcement. A few years ago, I raised the issue of site saving with Yukon Parks.

This case illustrates two challenges that exist under the current *Ombudsman Act* and relate to the [revision recommendations](#) that I submitted to the Speaker of the Yukon Legislative Assembly in April, 2024.

If Yukon had the same authority as every other jurisdiction in Canada, I could have investigated the site saving matter without receiving a public complaint. However, the current *Ombudsman Act* does not include ‘own motion authority’ – an international best practice. Own motion authority would have allowed me to investigate this site saving issue much earlier and offer both conclusions and recommendations with the aim of ensuring fairness in the programs and services offered by this government department.

The second challenge is how to manage a public complaint concerning a matter in which I have had personal experience. Since the *Ombudsman Act* does not allow me to delegate report writing authority to my Deputy Ombudsman, I must sign all reports regardless of whether I recuse myself from an investigation in situations where a perception of bias could arise.

As the Ombudsman, I take my oath before the Clerk of the Legislative Assembly very seriously. It requires me to “...faithfully and impartially exercise the powers and perform the duties of office.”<sup>1</sup>

It is for this reason that my Deputy and I agreed to accept the complaint, assign it to our Formal Investigation team due to its systemic nature and widespread impact, and have the Deputy take the lead. This complaint illustrates why legislative amendments are needed.

In closing, the need to modernize the *Ombudsman Act* has been raised by my [predecessors](#) on

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<sup>1</sup> Subsection 10(1) of the [Ombudsman Act](#).

several occasions. It is also referred to in past [annual reports](#), as well as being detailed, as mentioned, in my recent [Special Report: Recommendations for Amendments to the Ombudsman Act](#).

Respectfully,

ORIGINAL SIGNED

Jason Pedlar, BA, MA  
Yukon Ombudsman

## Summary

On July 4, 2023, we received a complaint alleging that the Government of Yukon's Department of Environment (Authority) does not adequately enforce the rule that limits absences from a campsite to no more than 24 hours. This results in 'occupied' campsites sitting empty, therefore reducing their availability to campers who abide by the rules.

Due to the public interest surrounding such 'site saving' (Site Saving) practices, the Ombudsman and Deputy advanced the complaint to Formal Investigation. This is normal where a matter may be systemic, widespread, or has broad public interest.

Site Saving is the practice of giving the false impression that a campsite is occupied. This issue is a long-time public irritant with several contributing factors, such as not enough campsites and too much demand, especially at busy campgrounds within a two-hour drive of Whitehorse.

Based, in part, on unverifiable anecdotal comments that Site Saving is 'everywhere' and not enforced very well, there is a perception that the Authority does not take Site Saving seriously. The Authority acknowledges this perception, so it has identified Site Saving mitigation as a fundamental priority.

Park Officers collect data on Site Saving when they observe it in the field. However, the Authority does not have a comprehensive system to track and analyze this data to determine the scope and frequency of Site Saving – how many, when, where, and by whom. That means, being blind in the moment, it cannot know in real time how many campers are engaging in Site Saving across the campground network. For example, it cannot tell if an individual being given a warning by a Park Officer was evicted the previous day. Therefore, this field data cannot readily be used in targeted ways, such as where and when to deploy its Park Officers to the best effect.

To that end, the Authority is working on several initiatives including a central electronic database, new public awareness campaigns about the 24-hour rule, new regulations to address Site Saving in a more direct manner, and two pilot projects introduced in the 2024 camping season.

Such initiatives, however, are only of value if they positively affect the unfairness of Site Saving in a timely and measurable manner. As such, implementation of these initiatives, especially in anticipation of the 2025 camping season, would demonstrate that, from a fair service perspective, the Authority is treating the issue of Site Saving as the priority it says it is.

The Ombudsman made [six recommendations](#) at the end of this report. They comprise new complaint tracking procedures, a new complaint tracking system to guides operations, minimizing annual permit holder effects on Site Saving, supporting campers with MyYukon accounts, and auditing how the ongoing pilot projects might affect Site Saving.

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## Complaint

[1] On July 4, 2023, we received a complaint from an individual (Complainant) alleging that the Authority does not adequately enforce the rule that limits absences from a campsite to no more than 24 hours. This results in ‘occupied’ campsites sitting empty, therefore reducing their availability to campers who abide by the rules.

[2] The Complainant alleged that “individuals [are] abusing the privilege [of having access to campsites] by putting a camper/trailer to reserve a spot and not being at the spot.”

[3] The Authority is responsible for the administration of Yukon government campgrounds.

## Investigation

[4] Under the [Ombudsman Act](#), the Ombudsman has a duty to investigate, on a complaint, any decision or recommendation made, or something done or omitted, by an authority in the exercise of its power that relates to a matter of administration and affects any person, including a group of persons, in a personal capacity.

[5] On receipt and consideration of this complaint, the Ombudsman and Deputy made the decision to investigate the matter in a formal context due to its public interest.

## About Fairness

[6] Ombudsman complaints are analyzed through the prism of fairness when looking at the issues and circumstances that make up each matter. As such, members of the Canadian Council of Parliamentary Ombudsman (CCPO) use the 2022 CCPO publication [Fairness by Design: An Administrative Fairness Assessment Guide](#) (Fairness by Design) to determine whether a program’s decision-making process is administratively fair in design and delivery. For this reason, reference to this fairness assessment tool is included in every Yukon Ombudsman report.

[7] ‘Fairness’ is generally comprised of three facets: fair process, fair decisions, and fair service. Depending on the complaint, these components may overlap, or only certain ones may be relevant. Fairness by Design provides the following public administrative context and standard for each component.

- Fair Process

*Public organizations must follow fair decision-making processes when making decisions that directly impact a person, group of people or organization. This includes meeting the duty of procedural fairness owed to those impacted by a decision.*

- Fair Decisions

*Public organizations must make fair decisions. Fair decisions follow the applicable rules, consider the individual circumstances and case, are equitable and reflect a fair exercise of discretion. An organization should ensure it has policies and processes that support making fair decisions.*

- Fair Service

*Public organizations must treat people fairly. Fair service is about how people are treated when they access public programs and services. It includes ensuring [the] organization provides respectful, accessible and responsive service and is accountable to the public it serves.*

## Statutes Cited

[Ombudsman Act](#), RSY 2002, c.163. All section references in this Report are to this Act, unless otherwise stated.

[Parks and Land Certainty Act](#), RSY 2002, c.165.

[Regulations in Respect of Yukon Government Campgrounds](#), OIC 1984/109.

## Documents Cited

[A Guide to Camping in the Yukon \(2022\)](#)

[Fairness by Design \(2022\)](#)

[Modernizing Park and Campground Regulations for Yukon](#)

[Modernizing Park and Campground Regulations for the Yukon – Results of engagement conducted from April to December 2022](#)

[Yukon Parks Strategy 2020-2030 \(2020\)](#)



## Background

### ***Campground demand***

[8] The [Yukon Parks Strategy 2020 – 2030](#) (Yukon Parks Strategy) states that the number of campers in Yukon campgrounds increased by more than 80% and that the occupancy of campsites increased by 103% from 2008 to 2018. Projected growth is about 12% annually. It also states that demand is highest within two driving hours of Whitehorse where 87% of Yukon’s population lives. Approximately 400 campsites are available in this radius, and campgrounds range from nine to 59 campsites. In addition, demand is so great that the Authority states that it is planning to increase the number of campsites as an efficient way to satisfy the needs of campers in this area.

### ***Campground registration***

[9] The Authority operates campgrounds throughout Yukon on a ‘first-come, first-served’ basis. It is a self-registering system for campers who pay in person or online or are annual permit holders.

[10] When a camper arrives at a campground, they must complete several tasks:

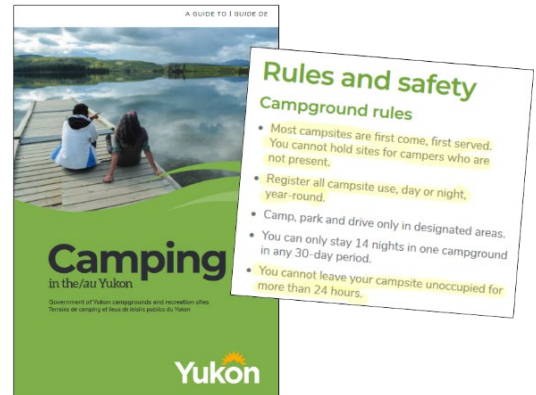
- obtain a campground permit envelope at an information kiosk;
- find a vacant campsite;
- fill out the permit envelope;
- tear the permit slip from this envelope;
- deposit the envelope containing the onsite payment, pre-paid daily permit number, or annual permit number into the deposit vault at the kiosk; and
- clip the ‘tear-off’ permit portion to the campsite identification post.

### ***Campground rules***

[11] In completing the registration process, campers must abide by certain rules that flow from legislation. For example, they cannot:

- reserve campsites for others who are not present;
- leave their campsite unoccupied for a period of more than 24 hours (24-hour rule);
- stay at the campground for more than 14 days in a 30-day period;

[12] The above-mentioned rules are posted at campground information kiosks, publicly available on the Authority's website, and contained in the Authority's publication entitled, [A Guide to Camping in the Yukon \(2022\)](#) on page 6. The 24-hour rule is also outlined on the reverse of the permit.



## Issue

***How prevalent is the issue of Site Saving and does the Authority enforce against it?***

## Investigative Context

[13] When we first received the Site Saving complaint in the summer of 2023, we requested information from the Authority to pursue our investigation. Based on what we received, and from interview testimony, the Authority acknowledged that Site Saving was a problem. As such, Park Officers regularly monitored campgrounds for Site Saving as part of their duties and took enforcement measures as appropriate.

[14] We also found that Park Officers collected raw data from the field on Site Saving for patrol monitoring and enforcement purposes, but any analysis in respect of Site Saving was not routinely done. The Authority could extract data concerning this issue but only did so on an *ad hoc* basis in response to an internal inquiry.

[15] Since the time of the complaint, the Authority has implemented various initiatives to address the issue of Site Saving more effectively. This investigation report (Report) takes that work into consideration in making our recommendations.

## Site Saving

[16] The availability of campsites, especially in popular campgrounds, is influenced by a camper following the rules. For example, a camper arrives at a certain campground, respects the registration process, and sets up their camping equipment (*e.g.*, tent, trailer, RV) in their chosen campsite. They remain at that campsite for at least part of each 24-hour period within their stay and, unless they have registered for multiple nights, must vacate it not later than noon the next day. In short, the process is an honour system.

[17] This Report refers to Site Saving to describe the practice of giving the false impression that a campsite is occupied. To that end, Site Saving can occur in a variety of ways. For example, some campers occupy a campsite unregistered. Some register but place various personal items (*e.g.*, trailer, boat, tent) on a campsite to give the appearance that it is occupied, often days in advance of their intended stay. Others register a campsite on behalf of someone else and leave it unoccupied.

***Legislative scheme governing campgrounds***

[18] In managing its campgrounds, the Authority follows a governing scheme composed mainly of two provisions anchored in the [Parks and Land Certainty Act](#) and its [Regulations in Respect of Yukon Government Campgrounds](#) (*Yukon Campground Regulation*).

[19] The *Yukon Campground Regulation* sets out the registration system in subsection 5(1).

*...every person who uses campground facilities must obtain a campground permit and register the campground permit in accordance with the instructions for registration, if any, on the permit and posted in the campground.*

[20] This provision means that a camper must register at a campground facility according to the applicable registration instructions.

[21] The *Yukon Campground Regulation* sets out the 24-hour rule in Subsection 5.01(1).

*The holder of a campground permit that is registered in respect of a camping site must not leave the camping site unoccupied for a period of more than 24 hours unless the permit holder has written authorization from an Officer to do so.*

[22] This provision means that, after a camper obtains and posts a campground permit, they must remain on their campsite for some portion the 24-hour period(s) in which they have registered, unless they have official permission to do otherwise.

[23] Together, these two regulations, if properly followed by the public and enforced by the Authority, appear designed to provide as many campers as possible with a reasonable chance to obtain a campsite without being adversely affected by Site Saving.

## **Policy**

[24] The Authority has an Inspections and Investigations (PO-CE-2) document that it identifies as a ‘directive’. The Cambridge online dictionary defines directive as “an official instruction or order.”<sup>2</sup> In the context of government, this generally means an internal non-legislative rule of conduct made by a department to shape the actions of its officials and for which failure to obey is subject to administrative sanction.

[25] The Authority characterizes this directive type as, ‘Policy and Procedure’, the purpose of which is to provide Park Officers with policies and procedures for undertaking inspections and investigations.

Leaving ‘procedures’ aside for the moment, the PO-CE-2 directive contains a ‘policy’ component. A policy is generally an administrative set of statements used for decision-making by officials. They outline the principles that flow from the legislation and serve as a platform for creating procedures that give effect to their outcome.

[26] The policy in the PO-CE-2 directive contains two definitions and guidance concerning them. ‘Inspections’ mean routine observations or deliberate actions to verify legislative and rules compliance. Inspections occur when a Park Officer routinely enters a campsite to talk to campers and observes the surroundings for concerns related, for example, to occupancy and the presence of a valid campsite permit.

[27] ‘Investigations’ mean evidence gathering in respect of an occurrence or suspected breach of an act, regulation, or rule. Investigations occur when a Park Officer has reasonable grounds to believe that an offence has occurred (or will occur) or when they receive a complaint pertaining to a possible offence.

[28] In short, this policy outlines how Park Officers manage compliance oversight and respond to non-compliance in respect of the two *Yukon Campground Regulation* provisions. However, we note that it is dated April 1, 2024, some nine months after we first received the complaint. This is not to say that the Authority lacked guidelines in respect of inspections and investigations at the time of the complaint. Testimony indicates that Park Officers were previously conducting themselves in a manner now articulated in this policy.

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<sup>2</sup> <https://dictionary.cambridge.org/dictionary/english/directive>.

[29] That said, there was an unfairness in place at the time of the complaint. Although we are of the view that the Authority's past conduct was reasonable in the absence of any evidence to the contrary, lack of a formal policy is a form of unfairness. Without a policy, there may be gaps between the legislation and how Park Officers make decisions. To ensure that processes and decisions are fair, government programs must be transparent and lawful. They must also consider individual circumstances, be equitable, and reflect a fair exercise of discretion. In short, prior to the development of this policy, there was no central link between what the legislation stipulates and how that was to be met; essentially, no set of guidelines on what Park Officers do and why they do it.

[30] As of last April, the Authority has remedied this situation by establishing a policy that largely captures what was, prior to implementation, the approach taken by Park Officers in meeting the letter and spirit of the legislation. We are therefore of the view that there is now no unfairness in this regard.

### ***Procedures***

[31] A set of procedures is a description of the operational steps necessary to carry out a policy. They are designed to ensure that their policy goals will unfold as intended and be applied in a manner that is fair, timely, transparent, and consistent. They also allow for continuous effective improvement, including quick revision to accommodate updated standards, practices, or unforeseen circumstances.

[32] Within the same Inspections and Investigations directive, the Authority has set out a procedures component.

[33] 'Inspection' procedures are activated in two situations. The first is a routine event in which a Park Officer meets with and gathers information from campers about a minor compliance issue. In this situation, the Park Officer takes an informal approach by means of awareness and education. The second is formal in nature. A Park Officer reasonably believes that an infraction has occurred (or is about to occur) or needs to exercise due diligence to ensure compliance with a campsite permit. In this situation, the purpose is to urge compliance or warn the individual about a potential violation in the making.

[34] 'Investigations' procedures are activated when a Park Officer reasonably believes that an infraction has occurred and, as such, must gather evidence to confirm this belief. This consists of several steps that begin with investigative planning and end with violation confirmation, inclusive of Park Officer supervisor follow-up.

[35] Both types of procedures are informed by the Authority's compliance and enforcement priorities, internal strategies, tactical plans, and corresponding service response. The overarching

goal is to encourage voluntary compliance from campers, thus minimizing the need for an enforcement response.

[36] In our view, these procedures are comprehensive enough to address the issue of Site Saving. Although they are set out in the April 1, 2024 directive, the evidence shows that they existed in other operational documents and were actively being practised by Park Officers when we first received the complaint. As such, we find no unfairness in this regard.

### ***Complaints***

[37] Complaints about alleged contraventions of the rules can generally be made in two ways.

[38] Where alleged Site Saving is suspected, the first method is a direct complaint to a Park Officer who is patrolling the campground. The Park Officer then inspects the campsite in question and takes various actions to determine if it is being unlawfully saved. Without a complaint, a Park Officer may, on their own initiative, suspect that a campsite is being Site Saved and perform the same type of inspection.

[39] The second method is a 'remote' complaint via, for example, a comment card at a kiosk, an email or a phone call to a central dispatch centre that contacts the nearest Park Officer on duty for follow-up. On arrival, they engage in the same inspection procedure.

[40] Park Officers refer to an inspection procedure, regardless of onsite or remote initiation, as a 'check' for field note purposes.

### ***How does the Authority enforce against Site Saving?***

[41] The *Parks and Land Certainty Act* sets out offence and enforcement provisions under Parts 6 and 7. A Park Officer, defined as a 'peace officer' for purposes of enforcing the legislation, has certain statutory powers. For example, they can demand the production of a park permit, make inspections, require a camper to move a conveyance such as a vehicle or boat, order a camper to cease any objectionable conduct, evict them or, if necessary, arrest them. They are not only trained in these procedures but, given the evidence, have the necessary skills to apply these enforcement measures to a Site Saving issue whether they receive a complaint from a camper or notice a situation on their own.

[42] As of 2023, there were eight Park Officers plus a supervisor and administrative support staff in the south region.<sup>3</sup> This could be augmented, according to the Authority, by hiring a summer student through the Student Temporary Employment Program. Park Officers work in pairs in 10-hour shifts, with a higher presence closer to Whitehorse and on long weekends. Others patrol on an on-call basis.

[43] Although the general population is increasing and campsite demand is growing, additional resources have not followed these trends. The Authority acknowledges that the number of Park Officers on staff is less than operationally ideal so to offset this, less Officer pairing occurs as the summer season progresses. This enables greater coverage and response, but Park Officers still cannot sufficiently enforce against Site Saving because there are not enough of them to meet every reasonable demand.

[44] To address this operational issue, the Authority advises that Park Officers spend almost 90% of their time in the field, usually going out in full force on a Wednesday to prepare for the weekend camper usage. This might suggest that a Park Officer always responds in a timely manner but, in reality, the reactive response depends on how they receive the complaint. Complaints made to a Park Officer in person may be investigated right away but any other camper-generated complaint would depend on several factors, the most notable of which being how long it will take a Park Officer to travel to the campground that is the subject of the complaint.

[45] In 2023, Park Officers employed compliance and enforcement measures in nine campgrounds from May to September, according to data from the Authority. These measures, in respect of verified Site Saving instances, ranged from camper messages (*i.e.*, a written 'education' message, posted at a campsite in which the occupant is currently not present, explaining that an alleged offence has occurred, and compliance is required), verbal warnings, written warnings, eviction notices, and tickets.

[46] Such measures, as stated, are the product of a Park Officer first visiting a suspected Site Saving instance, where they perform certain duties, and then returning to the same campsite 24 hours later to determine if the 'instance' is a verified occurrence. This legal requirement is therefore resource intensive and makes overall campground monitoring a distinct challenge in respect of Site Saving complaints.

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<sup>3</sup> Excluding Herschel Island, there are 42 'front country' (*i.e.*, vehicle accessible) campgrounds throughout the territory, divided into two regions. Eight campgrounds are in the north region and 34 are in south region. Park Officers patrol the south one and Park Rangers patrol the north one. Despite the difference in titles, their duties are the same.

[47] Despite this challenge, the Authority has identified the mitigation of Site Saving, essentially a 24-hour rule violation, as a fundamental priority for compliance and enforcement purposes.

[48] To that end, it has put policy and procedures in place to better enforce the 24-hour rule. It has taken stock of its Park Officer resources and deployed them where, in its view, their availability and onsite presence are most effective. In addition, the Authority has employed a suite of enforcement tools that range from public education opportunities to evictions and tickets.

[49] However, the prevalence of Site Saving is largely unknown. For compliance and enforcement purposes, fulsome data and data mining tools are required. This would allow the Authority to determine the amplitude of Site Saving within a given timeframe and across a span of campgrounds marked for study.

***Site Saving data monitoring, entering and analysis***

[50] In making the mitigation of Site Saving a priority, the Authority must measure its progress in an objective manner. To do this, it must have the necessary confidence in its data to make informed decisions leading to a successful outcome.

[51] For many years, the Authority gathered patrol data on paper and then compiled it into reports. Although this was rudimentary in nature, analysis of this information led to some operational efficiencies. When the 72-hour rule changed to 24-hours in 2018, the Authority had a rotational system in which Park Officers generally patrolled one campground per week. According to the Authority, such data analysis resulted in a change that allowed it to monitor more campgrounds in the same period, thus making better use of limited enforcement resources.

[52] In the last five years, this data collection and analysis process has evolved into an electronic format. Park Officers enter data from the field into an Application (Control App). When they return to base, the data (*e.g.*, name, incident, location, enforcement measures, etc.) is then entered into spreadsheets and individual case files, as required. Subsequent statistical analysis, done on a manual basis, enables the Authority to determine, for example, how often calls are coming in, when they occur and what they are about. This provides for more accurate decision-making about how, when, and where Park Officers should conduct their patrols. There are, however, shortfalls.

[53] The Authority advises us that the public assumes that anyone who looks 'official' can take a complaint. For example, they may talk to an attendant changing the garbage in a campground or a worker making picnic tables to complain about a matter. As they are not Park Officers, there is no guarantee that these individuals pass on the complaint to someone within the Authority who can document and action it. Sometimes, complaints go to the Authority's main office at 10 Burns Road and may not be documented or actioned. Similarly, a complaint on a comment card will be read by



the Authority but not necessarily provided to a Park Officer. In our view, to ensure fair and accountable service, the Authority must devise a common pathway to deposit a complaint, however it is made or received, into a central database that authorized officials can access and track for purposes of analysis and action.

[54] As well, some complaints cannot be acted on in real time because there is a lack of cell phone service at many campgrounds. In these instances, the complainant may simply fill out a comment card at the kiosk. When the Authority later reads this document, it will learn about the complaint and may be able to take appropriate follow-up action. However, the shortfall is the same as above – the lack of a central database in which to deposit it.

[55] Since it is unrealistic for Park Officers to cover every campground all the time because of the remoteness and vastness of the territory, tracking Site Saving complaints becomes very important. With this data, the Authority could, for example, identify a particular campground outside cell phone service where Site Saving is occurring. If enough complaints are made and received, then the Authority could decide that this campground may warrant additional monitoring.

[56] In addition, Site Saving, complaints are necessarily time sensitive. As such, acting on complaints submitted by comment card may only be possible days or weeks after the alleged incident – and likely unhelpful by then. There is therefore a gap in the Authority's ability to act on a Site Saving complaint. Having a centralized database to review complaints would, at minimum, allow for data analysis that the Authority could use to identify trends and make better-informed operational decisions across the campground network.

[57] Park Officers collect data on Site Saving when they observe it in the field. However, the data collected does not provide the Authority with an immediate picture of Site Saving because Park Officers cannot track individual users in real time over a camping season. That means it cannot know in real time how many campers are engaging in Site Saving across the campground network. For example, the current iteration of the Control App does not have the capability to allow a Park Officer in the field to look up someone who is Site Saving and see if they have done this before (*i.e.*, a repeat offender). It only tracks the specific incident and not the history of an alleged Site Saver. Unless a Park Officer recognizes the individual or their vehicle from a previous interaction, they can only make enforcement decisions based on information available at the time. Therefore, this field data cannot readily be used in targeted ways, such as where and when to deploy its Park Officers to the best effect.

[58] Data can be extracted and factual numbers provided in answer to particular questions but, in the absence of analytical tracking for trends over certain timeframes and for all campgrounds, it is

difficult to assess the scope and frequency of the Site Saving problem for compliance and enforcement purposes.

[59] That said, fair service requires an organization to develop and implement a system for tracking complaints to capture feedback about its systems and processes. This also means tracking the outcome of complaints, as well as any changes or service improvements made because of them. Similarly, it means regularly reviewing and sharing the complaint data internally with a view to seeking improvement in service delivery.

[60] To that end, we acknowledge that the Authority is working with other Yukon government departments to develop a more comprehensive data monitoring, entry and analysis system designed to address these shortfalls. The new system is anticipated to improve data search and retrieval capabilities for enforcement and resource deployment purposes. The new system being developed is called the Authorization, Inspections, Monitoring, and Enforcement System (AIMES).

#### AIMES

[61] According to the Authority, AIMES will enable it to make better, more informed operational decisions because of its capabilities. Park Officers could use their Control App to create a case file while in the field, populating it with various details about an individual, including any alerts placed against them, such as a first or second warning. They could also enter information about such things as their vehicle, incident, location, and any enforcement action taken. Since all of this would be uploaded to the online database system, Park Officers would have the ability to search this database by name, address, licence plate number, VIN, record history, and other such information. Given this search flexibility and other attributes, the Authority is of the view that resulting data analysis would provide for different strategies in addressing Site Savers.

[62] The Authority informs us that AIMES has been in development since 2019, and that it may be in place as early as the 2025 camping season. Whatever the expectation, the current Site Saving data monitoring, entering, and analysis raises the issue of fair service. The inability to track information about Site Saving means that the Authority cannot make informed and reliable decisions based on knowledge about its scope and frequency. The data we received from the Authority as part of this investigation does not draw this type of comprehensive picture.

[63] Stating that Park Officers verified, for example, 127 Site Saving instances since 2019 is indicative of the Site Saving problem but, given the 400 campsites within two driving hours of Whitehorse, it offers no scale or perspective as to what the Authority should do about it, if anything, in terms of effective mitigation. That said, we are of the view that improved data collection and

analysis, perhaps through AIMES, is the right path to take. Better enforcement decisions are a function of better information.

[64] Such an initiative also acknowledges that the Authority recognizes its responsibility to treat campers fairly, respectfully, and equitably when they seek out an available campsite, as well as being responsive and accountable to them when an unfairness arises in the provision of that service.

[65] This means that the Authority must continue to learn as much as reasonably possible about the prevalence of Site Saving so that it can better plan for its mitigation and bring to bear both timely and proportional enforcement resources. In this sense, data monitoring, entry and analysis equates to fair treatment because they inform enforcement resource decisions and outcomes. Those campers who respect the rules have a fair chance of obtaining a campsite. Those campers who engage in Site Saving are ultimately held accountable for their actions, the purpose of which is to dissuade their behaviour, encourage their compliance, and remove this type of impediment to campsite availability.

[66] In addition to AIMES, the Authority has embarked on other new initiatives that are intended, in its view, to have a positive effect on Site Saving.

### ***New program initiatives***

#### **Public awareness**

[67] The Authority plans to provide more public education about the privilege of accessing Yukon campgrounds, including the fairness of the 24-hour rule and its relation to Site Saving. However, it also anticipates that this type of public education will take some three years to have the desired effect; essentially, more awareness should equal increased compliance. To that end, the evidence shows that the Authority has taken some steps in this direction.

#### **New regulations**

[68] The Authority recently sought public input into creating new regulations that oversee Yukon parks and campgrounds.

[69] In April 2022, it issued a publication entitled [Modernizing Yukon Park and Campground Regulations for Yukon](#) that set out proposed regulations and solicited public feedback. In March 2023, it released the follow-up [Modernizing Park and Campground Regulations for Yukon – What We Heard](#) report. Although we note that the first report did not identify or address Site Saving as an issue, nine respondents in the second report wanted stronger regulations to prohibit people from saving campsites for themselves or their friends (page 17), the matter echoed in our complaint.

[70] Based on the input that it received, the Authority intends to update the regulatory framework to address Site Saving in a more direct manner. For example, the Authority advises that there is a need to specify how an individual can only register for a single campsite rather than additional campsites around them. It is also using data from the Park Officers' patrol apps to inform what regulations need to be updated or changed, based on what is working or not working from a compliance and enforcement perspective.

[71] However, these new regulations have not yet been finalized, and the focus of this Report is therefore on the regulations currently in place.

### Pilot projects

[72] The Authority has implemented two 'pilot' initiatives designed, in its view, to improve campsite access. One introduces an online way to reserve designated campsites in advance and the other places a Park 'host' at certain campgrounds.

#### *Online reservation service*

[73] On March 4, 2024, the Authority issued a news release announcing the launching of a new campground reservation service for four 'front country' campgrounds: Marsh Lake, Pine Lake, Wolf Creek, and Tombstone Mountain.<sup>4</sup> In discussions with the Authority, their choice was deliberate for several reasons, but high on the list was their favoured popularity with campers, especially on long weekends.

[74] As such, campers now have the option, as of April 10, 2024, to register online for up to 50% of the campsites available in one of these campgrounds, with the remainder available by visiting a campground and following the usual procedure. The new service is intended to "align the Yukon with other jurisdictions across the country and ensure that Yukoners and campers have the certainty of an available campsite when they arrive at a participating Yukon campground."<sup>5</sup>

[75] Another news release, dated April 9, 2024, announced that the pilot project would "run for two years and is intended to help campers plan their camping trips in advance, knowing that there will be a campsite available when they arrive."<sup>6</sup> It also announced that "From our public engagement

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<sup>4</sup> Yukon government news release 24-095 at 1.

<sup>5</sup> *Ibid.*

<sup>6</sup> Yukon government news release 24-165 at 1.

on the Yukon Parks Strategy, we heard from the majority of respondents that they are looking forward to a new way to book campsites online.”<sup>7</sup>

[76] According to the Authority, this new online reservation service was created to meet the projected growth of campground use, especially those within two hours of Whitehorse where demand is the greatest, as stated in the Yukon Parks Strategy. However, it may also be having another effect.

[77] According to the Authority, 89% of Site Savers in 2023 were annual permit holders. These types of permits are reserved for Yukon residents and allow for unlimited camping throughout a season for a flat fee of \$200.<sup>8</sup>

[78] While annual permit holders must follow all campground rules like anyone else, some choose to engage in Site Saving by registering a few days in advance of their intended stay because it costs them nothing extra to secure a campsite of their choice. As such, they might drop off their camping conveyance on a Wednesday prior to a long weekend but not actually occupy the campsite until the Friday. While they have the paid right to use the campsite over this entire period, they contravene the 24-hour rule by not being physically present at their campsite on Thursday. This unfairly prevents other campers from using the campsite until the annual permit holder shows up. Although these annual permit holders likely know about the 24-hour rule, they are willing to risk its violation to secure their campsite for the long weekend.

[79] Since the implementation of the online reservation service, the Authority has advised that the number of Site Savers in these campgrounds has dropped. Campers who might otherwise resort to Site Saving practices to secure a particular campsite now have a legitimate means to reserve it ahead of their intended camping trip. As such, some individuals who have been previously evicted for Site Saving are now using this service. Since we are of the view that the online reservation service has the reasonable potential to reduce instances of Site Saving, its implementation in this respect appears, on its face, to be a positive development.

[80] That said, campers need internet access and the technical understanding of how to navigate the website. Internet access can be unreliable throughout Yukon, especially in remote areas. We note that the new online reservation service assumes that anyone can access it via a smartphone or computer or, failing that, can simply drop into a campground to register for a campsite.

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<sup>7</sup> *Ibid.* at 2.

<sup>8</sup> Residents 65 or older get a 50% discount on this rate.

[81] In this context, equity must be considered. Providing fair service requires the Authority to address program service issues that place individuals at a disadvantage because they do not, for example, have a smartphone or computer or the necessary skill to access the online reservation service. Not having or being able to use an electronic device can lead to a less favourable outcome compared to those with these devices and the skill to use them. As such, the Authority must take an equitable approach to mitigate this issue.

[82] To that end, it has established a phone service that can be used to reserve a campsite. Individuals without access to the internet can call a designated phone number and speak with someone who can assist them with reserving a campsite. However, there is a shortfall: they must already have created a digital MyYukon account to be able to reserve a campsite using the phone service. This has the potential to be a barrier for those individuals without access to the Internet. The Authority has highlighted this consideration as a point of concern and is working with its service provider to address it.

#### *Visitor Operator Service program*

[83] The second pilot initiative is the 2024 launch of the Visitor Operator Service program in three popular campgrounds: Wolf Creek, Pine Lake, and Marsh Lake. This is modelled after similar programs in British Columbia, Alberta, and Parks Canada, and involves the stationing of an Authority representative at a campground for several days. In addition to other things, the representative monitors compliance with the 24-hour rule.

[84] The purpose of this initiative is to provide onsite support to campers. While the visitor operators are not themselves responsible for conducting inspections or managing incidents, they check permit registrations and can communicate with a Park Officer if Site Saving is suspected. Visitor operators can also educate campers about the 24-hour rule during their interactions.

#### *Pilot projects evaluation*

[85] Despite the initial start-up problems, the Authority is of the view that the online reservation services initiative is having a positive effect on Site Saving. According to the Authority, Site Saving is associated with a feeling of uncertainty; essentially, the fear of not being able to obtain a campsite at a particular time and place. Booking a campsite in advance alleviates that fear, making Site Saving unnecessary.

[86] Based on feedback, the Authority is of the view that having visitor operators physically onsite through the Visitor Operator Service program initiative, makes Site Saving a more difficult task to accomplish. 'Eyes on the ground' apparently discourages this practice.

[87] While we acknowledge that the Authority has sought feedback on both these initiatives, we do not yet have a way to determine if their implementation has objectively improved campsite access with a corresponding positive effect on the prevalence of Site Saving.

[88] From a fair service perspective, it is important that an organization demonstrates accountability because this supports public confidence in the establishment and delivery of its programs and services. This means proactively reviewing and addressing any associated policy and operational issues. It also means working to improve policies, programs and processes that are unfair, do not function properly, or fail to meet their intended objectives.

[89] In our view, the Authority, in seeking feedback on both pilot initiatives and making subsequent statements about their effectiveness, should also review them in a reasonable timeframe to determine how well they are operating and what aspects could be improved. Following such a review, it should develop an implementation plan that identifies what actions should be taken, by whom and when.

## Conclusion

[90] If anecdotal comments by the public are to be believed, then Site Saving is a long-term irritant, exists ‘everywhere’, and is not enforced very well. While such comments cannot be verified, they reflect a perception that the Authority does not take this issue seriously.

[91] Formal complaints to the Authority do not counter this perceived situation because the Authority has no comprehensive means to track and analyze such factors as how many complaints, when, where, and by whom in terms of scope and frequency. Although Park Officers collect data in the field for compliance and enforcement purposes, the Authority still does not have a clear picture of how many campers engage in Site Saving throughout the campground network. Therefore, it has to make very difficult choices, due to limited operational and analytical resources, as to where and when to deploy its Park Officers to the best effect.

[92] As a consequence, Site Saving continues to be a problem, especially in the context of not enough campsites and too much demand. However, the Authority acknowledges this situation and has made its mitigation a priority. To that end, it is working on several initiatives that include a central electronic database that can be used to provide various strategies to deal with Site Saving, public awareness about the 24-hour rule, new regulations to address Site Saving in a more direct manner, and two pilot projects, both of which were introduced in the 2024 camping season.

[93] In our view, such initiatives are only of value if they positively affect the unfairness of Site Saving from this point forward. This means that time is of the essence. As such, timely

implementation of these initiatives, especially in anticipation of the 2025 camping season, would demonstrate that, from a fair service perspective, the Authority is treating the mitigation of Site Saving as the priority that it says it is.

## Recommendations

[94] The Ombudsman makes six recommendations:

- 1) Implement the Authorization, Inspections, Monitoring, and Enforcement System (AIMES) on or about June 1, 2025.
- 2) When the Authority implements AIMES, develop and apply a procedure to ensure that a Site Saving complaint, however it is made or received, is entered into this central database for tracking and enforcement purposes.
- 3) Beginning with the implementation of AIMES and going forward, consistently track and analyze suspected Site Saving 'instances' and 'verified occurrences', make operational adjustments accordingly, and regularly evaluate their effectiveness throughout the camping season.
- 4) Continue to explore options to reduce the effect of annual permit holders on the issue of Site Saving (*e.g.*, implementing a public awareness campaign, reviewing the scope of annual permits, creating a working group, etc.).
- 5) Prior to the 2025 camping season, train dedicated staff to assist any camper who needs help in setting up their MyYukon account so that they can participate in the online reservation service pilot.
- 6) At the end of the two-year pilot projects, audit the impact of the online reservation service and visitor operator program on the issue of Site Saving and make operational adjustments accordingly.

[95] Prior to the issuance of this Report, the Investigator contacted the Authority about the recommendations. It has accepted all of them.

## Observation

[96] The Ombudsman makes one observation.



### *Site Saving across the campground network*

[97] While the Authority has acknowledged that Site Saving is a problem, there are 42 ‘front country’ (*i.e.*, vehicle accessible) campgrounds in the territory, 8 of which are in the north region and 34 in the south one. Together, they represent some 1100 campsites.

[98] The Authority cannot reasonably monitor all 1100 campsites across the campground network, let alone those within a two-hour radius of Whitehorse with its current resources. It simply does what it can with its limited information and the resources available. To that end, the Authority has chosen to focus on these latter ones, thus allowing it to gather data from a smaller sample and make enforcement decisions accordingly.

[99] While it is reasonable to assume that Site Saving can occur in any of the 1100 campsites, and likely does, the overall prevalence of Site Saving will remain elusive in the absence of the Authority finding a comprehensive way to monitor them and draw from this reliable data. Currently, it can only piece together parts and apply whatever resources it has available. This means that, in focusing, however practically speaking, on certain campgrounds rather than others, some campers outside the focus area will continue to be adversely affected by Site Saving. This raises an issue of unfairness in respect of them.

[100] We suggest, therefore, that the Authority look into additional methods to analyze raw data gathered by Park Officers (and Park rangers in the northern region) across the campground network to determine how prevalent Site Saving is throughout Yukon and what reasonable response is required in return.

## Report regarding Investigation of Complaint

[101] We provided the Authority the opportunity to make representations about our draft report and our preliminary recommendations in accordance with section 17. We received representations from the Authority on October 24, 2024, and considered them as part of this report.

[102] We are reporting the results of our investigation along with our recommendations to the Authority as required under section 23.

## Report of the Ombudsman if No Suitable Action taken

[103] As per section 25, if the Ombudsman comes to the view that no suitable action has been taken within a reasonable time by the Authority in response to the opinions, reasons and recommendations made under section 23, then the Ombudsman may, after considering any

reasoned response by the Authority, submit a report to the Commissioner in Executive Council and later to the Legislative Assembly about the matter as the Ombudsman considers appropriate.

## Complainant to be informed if No Suitable Action taken

[104] As per section 26, if the Ombudsman makes recommendations and no action that the Ombudsman believes adequate or appropriate is taken by the Authority within a reasonable time, then the Ombudsman shall inform the Complainant of the recommendations and may make any additional comments that they consider appropriate. In any event, the Ombudsman shall inform the Complainant within a reasonable time about the result of the investigation.

ORIGINAL SIGNED

Jason Pedlar, BA, MA  
Ombudsman

ORIGINAL SIGNED

Tara Martin, CIPP/C, CIPT  
Deputy Ombudsman

ORIGINAL SIGNED

Rick Smith, BA, MCP, LLB  
Investigator

ORIGINAL SIGNED

Aidan Bell, BA, JD  
Investigator

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