

Bayliner (2013)

Location: Rivière-des Prairies, Montréal, QC

Case number: 120-675-C1

The Incident

During the afternoon of August 17, 2013, the 27-foot pleasure craft *Bayliner* ran aground in the “Rivière des Prairies, Rapides du Cheval Blanc” in the vicinity of Montreal, with its owner and two children on board. The Marine Rescue Centre in Quebec arranged for the local fire department to rescue the pleasure boaters. The owner attempted to recover the stranded boat. However, given the fact that the incident occurred in a very rocky part of the rapids with a strong river current, all the towing arrangements were unsuccessful.

With 250 litres of fuel oil on board and 10 litres of motor oil, the *Bayliner* constituted an oil pollution threat. Hence, the Canadian Coast Guard (CCG) took control of the response action. Urgence Marine Inc. was engaged to take the necessary measures to pump out the *Bayliner* and remove it from the rapids, but it was unable to respond due to the location of the incident. On August 23, CCG arranged for its hovercraft *Mamilossa* to proceed from its base at Trois-Rivières to the Montreal area. The hovercraft pumped out the *Bayliner*, which was refloated without an oil spill. The pleasure craft was subsequently towed clear of the rapids, removed from the water and placed ashore.

The Claim

On June 16, 2015, the Administrator received a claim in the amount of \$14,286.40 from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator concluded that the full amount was established. Therefore, on August 27, 2015, an offer was made to DFO/CCG for the amount of \$14,286.40, plus interest, as full and final settlement. The offer was accepted on October 16, 2015.

A payment of \$15,585.20 including interest was made to DFO/CCG on or about July 27, 2016, after the latter was advised by the Administrator that the decision of the Federal Court in the test case with regard to the Release and Subrogation issue would apply to its claim.

Recovery Action

On or about July 25, 2016, a demand letter in the amount of \$15,585.20 was sent by the Administrator to the *Bayliner*'s owner, who filed for bankruptcy on October 6, 2016. The Administrator has filed a completed claim form with the trustee in bankruptcy.

On October 11, 2018, the Administrator received a letter from the trustee in bankruptcy, stating that the Fund's dividend is \$0.00.

Status

The file was closed on October 19, 2018.