

## *Dispatch II (2017)*

Location: Sault Ste. Marie, Ontario  
Case number: 120-781-C1

### **The Incident**

On December 24, 2017, the Ministry of the Environment informed the Canadian Coast Guard (CCG) that the Sault Ste. Marie Fire Department reported a sunken tugboat at the Bellevue Marina. The tugboat had been most recently used as a pleasure craft. CCG maintained that the tug contained 1000 gallons of a mixture of oil, diesel and water in the fuel and lube tanks, making it a pollution threat.

CCG confirmed that the tug's owner was deceased. However, CCG had been in contact with the executor of the estate. On December 24, 2017, CCG sent the executor a notice requesting information on the intentions of the deceased owner. The executor responded that she was unable to respond at that time. Therefore, CCG assumed the role of On-Scene Commander as per paragraph 180(1)(a) of the *Canada Shipping Act, 2001*. During the afternoon of December 24, CCG issued a Notice to the estate executor of the owner, and booms were deployed at the entrance to the marina to prevent any pollution escaping into the St. Mary's river.

On December 25, CCG requested cost quotes for raising the vessel. CCG began staging personnel and equipment to the site. On December 27, CCG completed its arrangement for services. On December 28, 2017, the vessel was refloated, removed from the water, and secured on land without pollution escaping.

### **The Claim**

On July 19, 2018, the Administrator received a claim in the amount of \$49,123.47 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident pursuant to section 103 of the *Marine Liability Act*. The Administrator determined that the claim was admissible under Part 7 of the Act and began assessment.

### **Assessment and Offer**

During the assessment, the Office of the Administrator' made requests to CCG for additional information and documentation, which was provided.

The Administrator carried out her investigation and assessment of the claim. The Administrator disallowed only the costs associated with winterizing the vessel.

On August 28, 2018, the Administrator made an offer of compensation, pursuant to sections 106 and 116 of the Act, for the established amount of \$48,716.67, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on August 31, 2018. On September 5, 2018, a payment in the amount of \$49,872.93, including interest, was made to DFO/CCG.

### **Recovery Action**

In October 2018, counsel for the Administrator received a letter from the executor of the estate. The letter informed that work was being performed on the vessel to increase its value for sale.

In January 2019, CCG received correspondence from a lawyer representing the estate of the deceased owner of the *Dispatch II* to whom it had written in April 2018 demanding payment for its costs and expenses. CCG advised the lawyer that the Administrator was subrogated to its rights.

In January 2019, counsel for the Administrator contacted the estate lawyer and as of March 31, 2019, parties are still negotiating a recovery agreement.

**Status**

The file remains open.