

## *Tempest (2016)*

Location: Ford Cove Marina, Hornby Island, B.C.  
Case number: 120-736-C1

### **The Incident**

On January 7, 2016, the Canadian Coast Guard (CCG) received a report that the vessel *Tempest*, a 36-foot pleasure craft, had sunk alongside the wharf at the Ford Cove Marina, Hornby Island B.C. There was a large diesel oil slick surrounding the partially submerged boat. A sorbent boom had been placed around the oil spill and the CCG had contacted the owner, who explained that he was unable to arrange salvage or clean-up activities.

The CCG employed a private contractor to refloat the vessel and remove it from the water. On January 8, 2016, the *Tempest* was refloated and taken out of the water. A contractor trailered the craft to a facility approximately 20 miles away, in Comox, where the owner planned to repair the damage.

### **The Claim**

On January 2, 2018, the Administrator received a claim from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$15,136.08, pursuant to the *Marine Liability Act*.

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

### **Assessment and Offer**

On February 1, 2018, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$14,252.58, plus interest, pursuant to section 105 of the Act. The only cost the Administrator had not found to be established was for an invoice in the amount of \$883.50, for trailering the *Tempest* to a different location for repairs, once the pollution occurrence was dealt with. The cost of these services was disallowed as such services were not directly or consequently related to oil pollution damage, or its prevention.

On February 7, 2018, the offer was accepted by CCG.

On February 14, 2018, the Administrator directed that the amount of \$15,160.47 (which includes \$907.89 in accrued interest) be transferred to DFO/CCG.

### **Recovery Action**

On March 15, 2018, a demand letter was sent to the owner; his daughter received the letter.

The Administrator requested a location and asset search, which revealed no assets to pursue, and

that the shipowner had left the Canadian jurisdiction to the USA. Based on the aforementioned findings, and given that all reasonable steps had been taken to recover payments of compensation from the owner of the ship, the Administrator decided to stop recovery efforts and to close the file.

**Status**

The file was closed on December 13, 2018.