

## *Viking I (2016)*

Location: Mark Bay, B.C.

Case number: 120-716-C1

### **The Incident**

On August 10, 2016, the Nanaimo Port Authority (NPA) received a report that the *Viking I* (29.7 GT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, British Columbia. The Harbour Master found the vessel completely submerged in approximately 30 feet of water with evidence of oil pollution on the water's surface. A containment boom was deployed, and pads were placed inside the boom.

The Canadian Coast Guard (CCG) was informed by the NPA; the CCG instructed the NPA to provide both monitoring and response functions. The boat owner advised that there was an 800-gallon diesel fuel tank on board, but it was less than one-quarter full. Divers contracted to inspect the wreck for victims (none were found) were instructed to plug the fuel vents and try to raise the vessel by utilizing air bags and water pumps.

By August 15, 2016, the *Viking I* was brought to the surface using additional buoyancy equipment. The following day, it was shifted to a secure working site at the nearby Brechin boat launch. A heavy lift crane and barge was set up at the boat launch facility and the *Viking I* was brought to an upright position to dewater the vessel.

On August 19, 2016, the hull was lifted into a barge and all debris and contaminated materials were removed prior to completion of the salvage efforts. The wreck was transported to Vancouver for disposal.

### **The Claim**

On May 3, 2017, the Administrator received a claim from the NPA for costs and expenses in the amount of \$31,458.19 made pursuant to the *Marine Liability Act*.

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

### **Assessment and Offer**

On May 24, further information was requested from NPA in support of its claim. Several reminders were sent over the following months. On August 30, 2017, after investigation and assessment of the claim, the Administrator made an Offer to the NPA for the established amount of \$29,432.92, plus interest, pursuant to section 105 of the Act. On October 3, 2017, the offer was accepted by the NPA.

On October 12, 2017, the Administrator directed that the amount of \$30,484.30 (including \$1,051.38 in interest) be drawn from the Fund to the credit of the NPA.

## **Recovery Action**

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*.

On June 1, 2018, counsel for the Administrator sent a demand letter to *Viking I*'s owners. An action was then brought in Federal Court, with a Statement of Claim and Warrant and Affidavit served on the sister ship *SV Full Circle* on October 22, 2018. The sister ship remains arrested.

On November 20, 2018, the shipowner of the *Viking I* filed his Statement of Defence. He alleged not to be the actual owner of the arrested sister ship *Full Circle*. In January 15, 2019, Counsel sent demand letters to both the actual and alleged owner of the sister ship asking them to provide all documents they have relating to the ship or the sister ship.

March 12, 2019, counsel granted the shipowner a 30-day extension to retain counsel, after which the Administrator would unilaterally set down a date with the Court.

## **Status**

The file remains open.

## **Related file**

*Viking I* (Canadian Coast Guard Claim), case number 120-716-C1-1 (same incident, different claimant).