

Ship-source Oil Pollution Fund

Sample Small Claim: Individual Claimant

November 2019 Edition



INDIVIDUAL CLAIMANT SCENARIO

The following scenario is loosely based on the *Lucien Paquin* incident of March 1991.¹

The general cargo ship *Big Hauler* secures alongside an oil refinery dock in Dartmouth, Nova Scotia on 16 October 2019 at 1530h to take on 250 tonnes of bunker fuel (IFO 380). The ship is Canadian-owned, of 7,500 GT, and 115 metres long. Its itinerary is to complete fueling by 2200h and then depart Halifax at 2230h (high tide at 2247h) for Calais, France.

Fueling is completed as planned and the vessel leaves the dock at 2230h. The weather is overcast with intermittent light rain, temperatures of 8°C and winds out of the northwest at 10–15 knots. Upon departure, the pilot observes a few small dark slicks in the water and makes a report to Halifax Traffic. The incident is responded to by the oil refinery, which does a clean-up of several patches of a heavy fuel oil. Inquiries by Transport Canada Marine Safety indicate that the *Big Hauler* has not had a spill and the outbound pilot confirms no spill on deck or any fuel staining the vessel's hull. The Canadian Coast Guard ("CCG") monitors the clean-up by the oil refinery but requests Transport Canada flag the vessel for inspection by French authorities. Transport Canada allows the *Big Hauler* to proceed to destination and the ship departs.

At 0730h on Thursday, 17 October, the CCG Regional Operations Centre starts receiving reports from a local yacht club, about 0.75 nautical miles to the southeast of the oil refinery dock. Several boat owners have arrived to see that their boats have a "bathtub-ring" of a very sticky heavy black fuel oil around their vessels.

The affected boat owners make arrangements with the yacht club to allow for the removal of their oil-contaminated boats from the water. The boats are placed on cradles that sit on tarp covered by sorbent mats. The boats are then steam cleaned and boats and cradles are decontaminated. Finally, boats and cradles are wiped down and any contaminated materials are disposed of. Since the boats come in various sizes, the clean-up costs are pro-rated among the respective boat owners.

On arrival in Calais, French authorities do an underwater hull inspection on the *Big Hauler* and discover that a docking plug to a starboard fuel tank is missing. The surrounding underwater hull area is stained with streaks of bunker fuel (IFO 380) residue.

¹ This detailed hypothetical scenario is provided to fully illustrate the context of the Sample Small Claim, which follows. Note that claimants under the Small Claims Process will not usually possess such detailed information, and they are not required to submit anything like this to the Administrator as part of a Small Claim.

SAMPLE SMALL CLAIM — INDIVIDUAL CLAIMANT

A. CLAIMANT INFORMATION: INDIVIDUAL

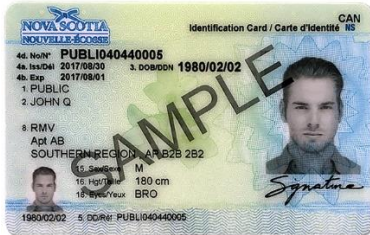
Full Name: **Ryan Greenough**

Telephone: **902-555-8435**

Email: **rg8435@webnet.ca**

Address: **55 James Avenue, Dartmouth, NS, B2Y 3Z8**

Identification:



B. DESCRIPTION OF THE INCIDENT

I arrived at my yacht club in Dartmouth, NS shortly after breakfast on 17 October 2019. One of the other members had called me to tell me the hull of my sailboat was covered in heavy oil around the waterline. When I arrived, the yacht club management explained that the oil was believed to have leaked from a large cargo vessel, the *Big Hauler*, which had refueled the night before at the refinery dock near the yacht club.

Later that morning, the club president arrived and stated that he was allowing affected members to clean their boats at the yacht club using the arrangements we established. The plan was to have the boats hauled out with a crane and put on cradles for steam cleaning. Sorbent mats would be placed under the boats during cleaning with all the associated costs pro-rated among the affected members.

My sailboat, a 45-foot Bénéteau worth about \$325,000, was hauled out the next day and cleaned on 19 October. The cleaning process took 4 hours.

I understand that the ship that caused the oil spill is Canadian-owned, but I have no idea how to identify its owner and I can't imagine going to court over this matter.

C. DESCRIPTION OF DAMAGES

I'm claiming for the cost of hauling out and cleaning heavy oil residue from my sailboat. The total amount of my claim is \$5,257.00.

The following is an itemized breakdown of my costs:

Crane service (1 hour)	\$125.00
1 sorbent roll	\$120.00
2 bundles of sorbent pads	\$70.00
4 labourers for 4 hours (\$85.00 per hour each)	\$1,360.00
Portable hot water pressure washer at \$50.00 per hour (4 hours)	\$200.00
Disposal of sorbent material, including transportation	\$175.00
Replacement of 5 oiled boat fenders at \$75.00 each	\$375.00
200 feet of oil contaminated mooring line at \$5.30 per foot	\$1,060.00
1 heavy duty tarp	\$1,087.00
4 sets of contaminated rain gear at \$150.00 each	\$600.00
1 bundle of rags	\$50.00
2 rolls of duct tape	<u>\$35.00</u>
TOTAL :	\$5 257.00

D. ATTESTATION

Signature of Attestor:



Printed full name of Attestor: **Ryan Greenough**

Place of attestation: **Dartmouth, Nova Scotia**

Date of attestation: **22 November 2019**

Signature of Witness:



Printed full name of Witness: **John Bauer**

Witness telephone: **902-555-8535**

Witness email: **jb8535@webnet.ca**

Witness address: **65 James Avenue, Dartmouth, NS, B2Y 3Z8**