

Expedited Process for Small Claims Guidelines & Form

November 2019 Edition



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First edition

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Expedited Process for Small Claims: Guidelines & Form

November 2019 Edition

About the Expedited Process for Small Claims: Guidelines & Form:

The **Expedited Process for Small Claims: Guidelines & Form** is designed to address the following questions:

- What is the mandate of the Ship-source Oil Pollution Fund (SOPF)?
- What types of damages does SOPF compensate under the Small Claims Process?
- Who can be compensated by SOPF under the Small Claims Process?
- What documentation needs to be submitted with a claim under the Small Claims Process?
- How does the Small Claims Process work?
- How does SOPF apply the “polluter pays principle”?



Note: The information and directions contained in this document do not constitute legal advice and do not substitute any provision in the *Marine Liability Act*, its regulations, or any other applicable laws of Canada.

Should you have any questions about these Guidelines, the attached Form, the Small Claims Process, or the SOPF in general, please do not hesitate to get in touch with us.

The Office of the Administrator can be reached by email at claims@sopf-cidphn.gc.ca or by telephone at (613) 991-1726.

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INTRODUCTION TO THE EXPEDITED PROCESS FOR SMALL CLAIMS

When a ship or boat spills or threatens to spill oil in Canadian waters, several forms of damages may result. For example, those whose property has been contaminated by spilled oil incur costs related to cleaning, repairing, or replacing that property. Government agencies or others who engage in a response incur costs for measures taken to prevent, repair, remedy, or minimize oil pollution damage.

Recovering such damages in court can be complex, time-consuming, uncertain, and costly. Faced with litigation, those affected by an oil pollution incident may find themselves with no clear understanding of how to proceed or where to turn. Many of those affected by ship-source oil pollution will never have seen the inside of a courtroom before.

Canada's liability and compensation regime provides for a dedicated fund, the **Ship-source Oil Pollution Fund (SOPF)**, whose purpose is to be a one-stop shop for indemnification of damages related to ship-source oil pollution. The SOPF is an alternative to the courts for those affected. An independent **Administrator** manages the SOPF, assesses claims, and compensates claimants, ultimately pursuing financial recovery on behalf of those claimants. In accordance with the "**polluter pays principle**", the owner of a polluting vessel is held liable.

Changes to the **Marine Liability Act (MLA)**¹ that came into force on 13 December 2018 introduced an Expedited Process for Small Claims. This **Small Claims Process** is an optional alternative to the **General Claims Process**, allowing the Administrator to quickly compensate claimants who have suffered eligible damages not exceeding \$35,000.

Under the Small Claims Process, claimants can submit a claim to the Administrator without providing extensive documentation of damages suffered. Small Claims are initially subject to limited review only, the results of which are communicated to claimants within 60 days of submission. Where the Administrator allows a Small Claim, payment of the full amount is directed to the claimant within the 60-day period. After the claimant is paid, the Administrator conducts a detailed **reassessment**, and claimants may be required to pay back any amounts representing damages that are not properly compensable or not sufficiently supported by evidence.

If a Small Claim is disallowed, the Administrator notifies the claimant by letter with brief reasons. Claims disallowed under the Small Claims Process may be resubmitted, with full supporting documentation, for full assessment under the General Claims Process.²

1. Last amended on 13 December 2018. The current version of the MLA is available here: <https://laws-lois.justice.gc.ca/eng/acts/M-0.7/>.

2. See the **General Claims Manual** for more detail on timeframes for claim submission.

This Manual is intended to explain the Small Claims Process and assist claimants in understanding what is compensable. The attached Form is comprehensive and user-friendly, and two completed examples have been prepared by the Office of the Administrator. While use of these tools is not mandatory, it is strongly recommended.

Complementing this document, the Office of the Administrator of the SOPF has developed three additional items to assist prospective claimants:

- **General Claims Manual** — provides a comprehensive overview of the SOPF, Canada's ship-source oil pollution liability and compensation regime, and the General Claims Process;
- **Guide for General Claims Preparation & Submission** — provides in-depth claims preparation guidance, along with specific examples; and
- **Manual for Special Loss of Income Claims** — describes and provides guidance on a dedicated claims process for otherwise unrecoverable fisheries, aquaculture, and hunting losses suffered by certain limited classes of claimant.



In 2017, the fishing vessel *Baccalieu Endeavour* listed heavily and took on water at Musgrave Harbour, NL. The SOPF paid over \$5,000 to the Canadian Coast Guard in compensation for monitoring of the owner's response.

1. OVERVIEW OF COMPENSATION UNDER THE SMALL CLAIMS PROCESS

The liability and compensation regime for ship-source oil pollution in Canada, including the Small Claims Process, is governed by the MLA, a federal statute that also incorporates a number of international conventions on liability and compensation into Canadian law.³

1.1 TRIGGERING CIRCUMSTANCES FOR SMALL CLAIMS COMPENSATION

The SOPF Small Claims Process is available to compensate claimants when a ship spills or threatens to spill oil into Canadian waters. Claimed damages under the Small Claims Process cannot exceed \$35,000.⁴

- **Any person in Canada that has suffered damages can claim.** This includes the Canadian Coast Guard; ports, harbours, and marinas; those involved in the fishing and tourism industries; all levels of government; corporations; indigenous communities; individuals; coastal landowners; and owners of impacted ships and boats.⁵
- **An “oil pollution incident” does not require an actual oil spill.** If there is a threat of a spill as a result of an incident involving a ship, measures taken to stop a threatened spill from happening may be compensable (see **section 1.2.2**, for more details).
- **“Ship” does not just mean large vessels.** Any type of ship or boat is covered, including, but not limited to the following: pleasure craft (including sailboats with oil on board), fishing vessels, tugs, barges, passenger vessels, cargo vessels, and tankers.
- **“Mystery spills” are compensable too.** Claimants who cannot identify the ship that caused a spill may still submit a claim, though the Administrator cannot pay compensation when the evidence shows that the spill did not come from a ship.⁶
- **“Oil” covers a wide range of mineral oils and hydrocarbons.** These include, but are not limited to, the following: petroleum, diesel, other fuel oils, lubricants, crude, sludge, oil refuse, and oils mixed with other substances.
- **Canadian waters include *both* internal *and* coastal waters.** This means that inland lakes, rivers, and canals are covered as well as coastal waters up to 200 nautical miles from shore.⁷

3. Information about the international regime for liability and compensation is available on the Transport Canada website: <https://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-legislation-2052.htm>. See also the International Oil Pollution Compensation (IOPC) Funds website: <https://www.iopcfunds.org>.

4. In certain very rare circumstances, the Administrator may raise this amount to \$50,000 for damages resulting from a “**significant incident**”. Under the MLA, such an incident requires a large-scale oil spill with the potential to substantially impair the environment. If the Administrator increases the Small Claims compensation limit to \$50,000, an announcement will be made on the SOPF website and in local media.

5. Note that “response organizations” certified by Transport Canada are excluded from the Small Claims Process.

6. Although claimants are not required to present evidence that a given spill came from a ship, the Administrator strongly encourages claimants retain any and all such evidence for submission to the Administrator on request.

7. Coastal waters up to 200 nautical miles offshore are known as Canada’s “exclusive economic zone”. See the following link for more information on Canadian waters: http://publications.gc.ca/site/archievee-archived.html?url=http://publications.gc.ca/collections/collection_2012/mpo-dfo/Fs23-571-2011-eng.pdf.

1.2 OVERVIEW OF COMPENSABLE DAMAGES UNDER THE SMALL CLAIMS PROCESS

Under the correct triggering circumstances (see **section 1.1**), the Administrator is able to compensate a number of different kinds of damages through the Small Claims process. These are briefly set out and explained below.

1.2.1 *Oil pollution damage*

The Administrator compensates two broad categories of oil pollution damage under the Small Claims Process:

- **Property damage.** Compensation is available for the reasonable costs of cleaning, repairing, or replacing physical property contaminated by oil.
- **Economic loss.** Compensation is available for a loss of earnings caused by an oil pollution incident, provided the physical property of the person who suffered the loss was contaminated by oil.⁸ Economic loss can affect multiple industries, particularly the fishing and tourism sectors.

Example of economic loss resulting from physical property damage. Commercial fishers whose fishing equipment has been contaminated by oil may be prevented from fishing until their equipment can be cleaned, repaired, or replaced. The reasonable costs of cleaning, repairing, or replacing the contaminated equipment constitute compensable property damage. Lost earnings resulting from an inability to use the contaminated equipment may also be compensable.

1.2.2 *Preventive measures and clean-up*

Any measures taken to prevent, repair, remedy, or minimize oil pollution damage can be considered for compensation under the Small Claims Process. Such measures may be taken in anticipation of a spill,⁹ during a spill, or after a spill. During an incident and in its aftermath, measures may be taken to monitor the situation. Such monitoring measures represent compensable preventive measures. Also compensable are costs associated with mobilization and demobilization of resources needed to respond to an incident. Finally, any damage caused by preventive measures is compensable. The Administrator compensates preventive measures and clean-up efforts only to the extent that the measures and their associated costs were reasonable in the circumstances.

1.2.3 *Environmental reinstatement*

Compensation is available under the Small Claims Process for reasonable measures taken or to be taken to accelerate the natural recovery of the environment in the aftermath of an oil spill. Such measures might include post-spill environmental assessment studies.

1.2.4 *Claim compilation costs*

Compensation may be available under the Small Claims Process for reasonable claim compilation costs, but such costs are not likely to be substantial given the brief and simplified nature of submissions required from claimants.

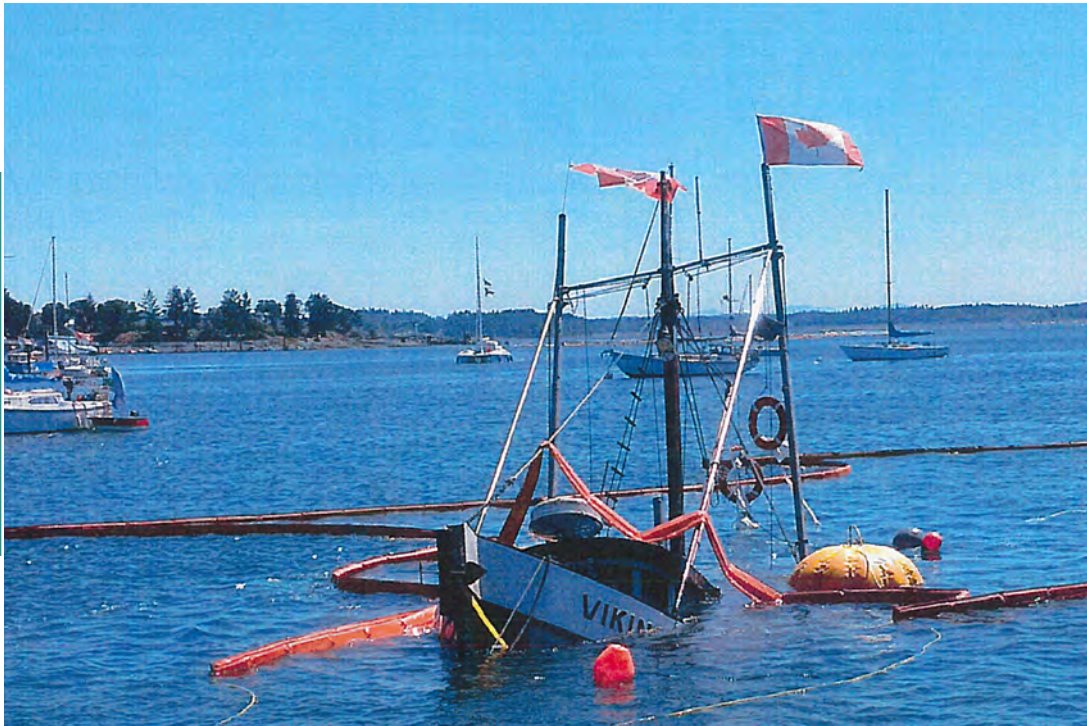
8. Economic loss without physical property damage may be compensable under the General Claims Process. For more details on compensation for this kind of economic loss, see the **General Claims Manual**.

9. The Administrator can compensate the Canadian Coast Guard or any anyone acting under its direction for measures taken in anticipation of a spill where the risk of a spill was not yet "grave and imminent". This allows the Coast Guard to obtain compensation for engaging in a proactive response.

1.3 A NOTE ON REASONABLENESS

The Administrator applies the test of reasonableness when assessing almost all kinds of compensable damages. In short, the requirement for reasonableness means that any measures taken must be objectively proportionate to the actual harm suffered or the potential harm a claimant sought to prevent. Costs of those measures must also be proportionate.¹⁰

Examples of reasonableness problems. If a claimant spends \$10,000 on measures seeking to prevent \$2,000 in potential property damage, the measures cannot be considered reasonable. Similarly unreasonable are measures that a claimant knows will not succeed. Finally, duplicated measures are generally not considered reasonable.



In 2016 the *Viking I*, a former fishing vessel converted to a pleasure craft, sank near Nanaimo, BC. As a result, two claims were submitted to the SOPF. One of the claimants, the Nanaimo Port Authority, received \$30,000 in compensation for its monitoring and active response measures.

10. More in-depth and specific damages-focused descriptions of the Administrator's reasonableness assessment can be found in section 3.2 of the **General Claims Manual**.

2. SUBMITTING A CLAIM UNDER THE SMALL CLAIMS PROCESS

Under the General Claims Process, claimants are required to submit substantial evidence to the Administrator for detailed assessment, which can take a number of months. Under the Small Claims Process, claimants can submit a claim without initially providing extensive documentation. If certain criteria are met, a claimant will receive compensation from the Administrator within 60 days of submitting a Small Claim. The following sections explain who is eligible to submit a Small Claim to the Administrator, the deadline for submitting such a claim, the submission requirements, and the process followed by the Administrator on receiving a Small Claim.

2.1 ELIGIBILITY FOR THE SMALL CLAIMS PROCESS

The Administrator can only assess and ultimately compensate a Small Claim if specific requirements are satisfied.

2.1.1 *Who can submit a Small Claim and under what circumstances?*

The “triggering circumstances” that engage the possibility of compensation from the SOPF are set out in detail in **section 1.1**. The following list summarizes these circumstances, all of which are considered at the eligibility stage:

- The claimant is a person in Canada who is entitled to claim;¹¹
- Oil contamination occurred or threatened to occur in Canadian waters; and
- The cause of the contamination or threatened contamination was a ship.

The following additional **eligibility requirements** apply to Small Claims:

- The claim must be for damages described in **section 1.2**;
- Claimants must be claiming for the first time as a result of a given incident;¹²
- Claimants must not have wholly or partly caused their own damages;¹³
- A Small Claim must be submitted before the appropriate one-year deadline.

11. The only exception stipulated in the MLA is a “response organization” certified by Transport Canada.

12. If a Small Claim is unsuccessful, the claimant may resubmit the claim with full documentation under the General Claims Process, within the appropriate timeframe. See the **General Claims Manual** for more information.

13. The Administrator cannot compensate claimants if the claim resulted, wholly or partially, from an act done or omitted to be done by the claimant with intent to cause damage, or from the claimant’s negligence. Partial indemnification under claimant negligence circumstances *may* be available under the General Claims Process.

2.1.2 What is the deadline to submit a Small Claim?



All Small Claims must be submitted within one year of the day of the incident that either caused or threatened to cause oil pollution damage.¹⁴ This means that whether a Small Claim is presented for oil pollution damage, preventive measures, or environmental reinstatement, the date of the initial incident is the relevant date for determining the deadline to submit the claim to the Administrator.

A Small Claim submitted after the one-year deadline cannot be considered by the Administrator as such. Claimants who miss the one-year deadline, however, are able to submit their claim to the Administrator, with full documentation, under the General Claims Process.



Submit your claim as soon as possible. Claimants are advised to submit their claims to the Administrator as soon as possible after an incident. Claimants who cannot submit a formal claim soon after an incident occurs should notify the Administrator that a claim is forthcoming, providing as much information as possible.

2.2 SMALL CLAIMS SUBMISSION REQUIREMENTS

Submissions under the Small Claims Process must include the following:

- **A description of the incident that gives rise to the claim.** A point form narrative is sufficient here. The narrative should establish the triggering circumstances set out in **section 1.1**. It should also briefly describe any measures taken by the claimant.
- **A description of the damages suffered as a result of the incident.** Claimants should indicate which category (or categories) their specific damages fall into (see **section 1.2**). A short breakdown and description of amounts claimed should be provided, but receipts or invoices are not required at this stage.
- **The total amount claimed.** This amount must be \$35,000 or less, excluding interest, which is calculated by the Office of the Administrator (see **section 2.3.2**).
- **An Attestation.** Claimants must attest to: (1) The truth of the facts set out in their claim; (2) Their having no reason to believe their damages were not caused by a ship; and (3) Their willingness and ability to provide the Administrator with evidence in support of their claimed damages.



Keep your supporting documentation for at least three years! Although the Small Claims Process initially requires only basic submissions in support of a claim, claimants must keep all supporting documentation for reassessment by the Administrator (see **section 2.3.4**, for details). Remember that the Administrator can only compensate damages if they can ultimately be proven with evidence.

14. Note that where an incident consists of a series of occurrences, the relevant date for determining the appropriate deadline for submitting a claim is the date of the first occurrence in the series.

2.3 ADMINISTRATOR'S PROCESS ON RECEIPT OF A SMALL CLAIM

2.3.1 *Limited review on receipt*

On receipt of a Small Claim, the Administrator, aided by subject-matter experts and legal counsel, if necessary, reviews the substance of the claim. At this stage, Small Claims are subject to very limited review, and the Administrator will only disallow a claim if it is incomplete or there is some reason to suspect that it does not comply with one or more of the requirements set out in **sections 2.1 and 2.2**.

2.3.2 *Payment or disallowance within 60 days of receipt*

The Small Claims review timeframe is 60 days. This means that claimants can expect to be notified in writing of the status of their claim no more than 60 days after the Administrator receives it. If a claim is allowed, the Administrator directs payment to the claimant within this 60-day period. If the claim is disallowed, the Administrator will provide brief written reasons.¹⁵

To facilitate prompt payment of Small Claims, claimants are encouraged to submit their banking information to the Administrator along with their claim.¹⁶ Of course, claimant banking information is carefully protected by the Office of the Administrator.

Claimant entitlement to interest

Successful claimants are entitled to interest from the SOPF on compensated damages.¹⁷ Interest is calculated by the Office of the Administrator and it does not count against the \$35,000 Small Claims limit. Interest runs from the date of the particular damages suffered by the claimant to the date the Administrator directs payment to the claimant. The Administrator's written notice to claimants will include a breakdown of the amount of the payment: principal plus accrued interest.

2.3.3 *Subrogation and recovery*

Successful claimants relinquish their rights under the MLA.¹⁸ On payment, the Administrator becomes subrogated to the extent of the amount paid, inheriting the claimant's legal rights. The Administrator is then obligated by law to take all reasonable measures to recover the amount paid from the liable party or parties. This is the polluter pays principle at work, and it may entail litigation, which can be commenced by the Administrator in either the claimant's name or the Administrator's. The costs of litigation are borne by the Administrator, and any amounts recovered are paid into the SOPF. During the recovery process, claimants may be called upon by the Administrator to make a formal legal statement.

15. Remember, a claimant whose Small Claim has been disallowed by the Administrator can resubmit the claim with full documentation under the General Claims Process, within the applicable timeframe.

16. A **Direct Deposit Enrolment Form** is provided with the Small Claims Form.

17. Applicable interest rates are determined by the Government of Canada Prescribed Interest Rates for income tax purposes, found here: <https://www.canada.ca/en/revenue-agency/services/tax/prescribed-interest-rates.html>.

18. Except any rights stemming from economic loss where the claimant's property has not been contaminated by oil. Such rights can be compensated by the Administrator, but only under the General Claims Process. See **section 1.2.1** and the **General Claims Manual** for more details.

2.3.4 Reassessment by the Administrator

Under the Small Claims Process, a claimant's obligations to the Administrator do not end on receipt of payment. After a Small Claim has been reviewed and paid, the Administrator is entitled to request additional supporting documentation in support of all claimed damages from claimants to allow for a thorough reassessment of their claim. The reassessment process ensures the proper use of the SOPF. Furthermore, the evidence provided by claimants during the reassessment process assists the Administrator in making the polluter pay.



Claimants are only entitled to compensation where the Administrator can ultimately determine, on all the evidence, that claimed damages were actually suffered and that any measures taken were reasonable in the circumstances.

Reassessment process and timelines

Under the MLA, the Administrator has **three years** from the date of the incident to request supporting documentation from a claimant who has received payment in respect of a Small Claim. This will be done in writing. The claimant has 30 days from receipt of the Administrator's request to comply. **Claimants must keep all supporting documentation with respect to a claim for a minimum three years after the incident that caused their damages.**



Claimants who fail to comply with a request from the Administrator for supporting documentation within the 30-day period may be required to repay the entire amount of compensation received, plus interest.

Every effort is made to expedite the reassessment process. Throughout the process, the Administrator is assisted by marine consultants, other subject-matter experts where technical complexity requires, and legal counsel. The ultimate decision always lies with the Administrator alone.¹⁹

The Office of the Administrator may reach out to claimants or other witnesses with clarifying questions during the reassessment process. Sometimes, the Office of the Administrator requests additional documentation if there are gaps in claimant submissions.²⁰ Claimants usually benefit from such supplemental submissions.

Claimants are encouraged to submit to the Administrator any additional documentation or information that becomes available or known to them during the reassessment process. Claimants are also encouraged to revise their original submissions if they later discover that an error or omission was made.

Ultimate acceptance of the claim by the Administrator

If the Administrator is satisfied with the supporting documentation provided on reassessment and accepts the Small Claim as fully established on the evidence, the claimant will receive prompt notification to this effect. Such a decision from the Administrator is final, and the claimant is released from any and all financial obligations.

19. The **General Claims Manual** is a useful tool for claimants both before and during the Administrator's reassessment of a Small Claim.

20. Claimants should be advised that during the reassessment of a claim, the Administrator has extensive powers under the *Inquiries Act*, a federal statute, to compel evidence and testimony. It is usually not necessary for the Administrator to use these powers. The *Inquiries Act* is available here: <https://laws-lois.justice.gc.ca/eng/acts/i-11/>.

“Overpayments”

On reassessment, the Administrator will find that an “overpayment” has occurred if it is determined that:

- The claim was not submitted before the appropriate one-year deadline (see **section 2.1.2**);
- Any of the damages claimed for were not in fact suffered by the claimant;
- Any of the measures taken by the claimant were not in fact reasonable; or
- The Claim was otherwise not eligible under the Small Claims Process.

If the Administrator finds that any amount paid represented an overpayment, the claimant will be notified, with written reasons, and instructed as to the manner and deadline for repayment. Claimants who fail to meet the deadline for repayment may be required to pay interest on overdue amounts.



Be sure to repay on time and as directed. Overpayments and accrued interest represent debts due to the Crown that the Administrator can recover in court if necessary.

2.3.5 *Claimant’s right to appeal result of Administrator’s reassessment*

On receipt of an overpayment notification from the Administrator, a claimant has 60 days to appeal the requirement to repay the amount of the overpayment to the Federal Court. Claimants considering appeal are advised to seek independent professional legal advice before proceeding.



The 60-day period cannot be extended.



In 2018, an unidentified abandoned fishing vessel sank and discharged oil at Weymouth North, NS. The SOPF paid the Canadian Coast Guard almost \$35,000 in compensation for its environmental response measures.

3. CLAIMANT ELIGIBILITY CHECKLIST FOR THE SMALL CLAIMS PROCESS

The following list will assist claimants in determining their eligibility to file a Small Claim with the Administrator. A claimant should be able to “tick” all of the below boxes before filing a Small Claim.²¹

- ☐ I am an individual, a corporation, or any other entity in Canada, other than a “response organization” certified by Transport Canada;
- ☐ I suffered damages as a result of actual or anticipated marine oil pollution in Canadian waters;
- ☐ To the best of my knowledge, a ship or boat was the cause of the actual or anticipated marine oil pollution;
- ☐ The incident that caused the actual or anticipated marine oil pollution occurred less than a year ago;
- ☐ The damages for which I seek compensation do not exceed \$35,000 in principal;
- ☐ This is the first claim I am submitting to the Administrator as a result of the incident that caused my damages;
- ☐ My damages did not result in any way from my own acts or omissions;
- ☐ If I am claiming for lost earnings, my property was contaminated by spilled oil from a ship.



In 2017, the pleasure craft *Seamee II* sank and discharged oil near Squamish, BC. The SOPF paid the Canadian Coast Guard over \$10,000 in compensation for its environmental response measures.

21. The Checklist is adapted from the requirements set out in **section 2.1**.

4. SMALL CLAIMS FORM

We recommend that you use this Form to submit a Small Claim to the Administrator of the Ship-source Oil Pollution Fund, following the directions carefully as you proceed. The digital version of this Form is fillable.

Two examples of the completed Form have been prepared by the Office of the Administrator. The first presents a sample Small Claim submitted by an individual. The second presents a sample Small Claim submitted by a government agency.

Email your completed Form to the Office of the Administrator at claims@sopf-cidphn.gc.ca. Alternatively, you may mail it to the address below. Registered mail is recommended.

Office of the Administrator
Ship-source Oil Pollution Fund
Suite 830, 180 Kent Street
Ottawa, Ontario, Canada
K1A 0N5

A. CLAIMANT INFORMATION

Complete the appropriate box or boxes below, according to the instructions.

INDIVIDUALS

Full name: _____

Telephone: _____

Email: _____

Address: _____

Identification: Individual claimants must provide a copy of a piece of government-issued identification. The name and address on the provided piece of identification must match the information provided above. If you are unable provide the requested identification, please contact the Office of the Administrator before submitting your Small Claim.

AUTHORIZED REPRESENTATIVE OF INDIVIDUAL CLAIMANT

Complete this box if you are submitting this claim on behalf of another individual, with authorization. In addition, complete the **INDIVIDUALS** box using the information of the person you represent.

Full name: _____

Relationship to the claimant: _____

Telephone: _____

Email: _____

Address: _____

Identification: Provide a piece of government-issued identification. The name and address on the provided piece of identification must match the information provided above. If you are unable provide the requested identification, please contact the Office of the Administrator before submitting a Small Claim on behalf of anyone.

CORPORATIONS OR OTHER ORGANIZATIONS

Full official name of corporation or organization: _____

Type of corporation or organization: _____

Official identification number, if applicable: _____

Full name of authorized representative for the purposes of this claim: _____

Title of authorized representative: _____

Telephone: _____

Email: _____

Address: _____

B. DESCRIPTION OF THE INCIDENT

Your **Description of the Incident** may be in point form and need not be lengthy.

At minimum you must provide the following information:

- ☐ Location, date, and time of the incident;
- ☐ Whether there was an actual or anticipated oil spill;
- ☐ Name and type of ship that caused the incident, if known;
- ☐ Name(s) of the shipowner or shipowners, if known;
- ☐ A brief chronology of the incident, including any measures you took; and
- ☐ Indicate whether you have taken any actions to recover your damages from the shipowner(s), an insurer, or otherwise.

C. DESCRIPTION OF CLAIMED DAMAGES

Your **Description of Claimed Damages** may be in point form and need not be lengthy.

At minimum you must provide the following information:

- ☐ A list of each item claimed with the corresponding amount claimed; and
- ☐ The total amount of your Small Claim (cannot exceed \$35,000 in principal, unless the Administrator has increased the limit to \$50,000).

D. ATTESTATION

If the claimant is an individual, that individual must attest. If the claimant is a corporation or other organization, the authorized representative for the purposes of this claim must attest.

I, the Attestor, hereby attest to the Administrator of the Ship-source Oil Pollution Fund (the “Administrator”) that:

- 1. The facts set out in my Small Claim are true;**
- 2. I have no reason to believe that my damages were not caused by a ship;**
- 3. I can and will provide the Administrator with full documentation in support of my claimed damages within 30 days if so requested by the Administrator.**

I understand that my claim may be subject to reassessment by the Administrator if payment is ultimately directed to me, and that I may be required to repay to the Administrator any amount deemed not to be properly compensable under the Small Claims Process.

I also understand that if I fail to provide the Administrator with full supporting documentation within 30 days of receiving a request for such documentation, I may be required to repay the full amount I originally received from the Administrator in respect of my Small Claim.

I further understand that if I fail to repay any amount as directed by the Administrator, I may be required to pay interest on that amount.

Signature of Attestor: _____

Printed full name of Attestor: _____

Place of attestation: _____

Date of attestation: _____

Signature of Witness: _____

Printed full name of Witness: _____

Witness telephone: _____

Witness email: _____

Witness address: _____

E. CLAIMANT DIRECT DEPOSIT FORM

Claimants are encouraged to fill out the attached **Direct Deposit Enrolment Form** with their current banking information and submit it to the Administrator along with their other completed forms. The Direct Deposit Enrolment Form is designed for business use, but it can also be used by individuals or other entities. This will facilitate prompt payment from the Administrator. Claimant banking information is carefully protected.



DIRECT DEPOSIT ENROLMENT FORM FOR BUSINESSES

PRIVACY NOTICE The personal information is collected under the Financial Administration Act, ss. 17(1) and 35(2). The information is used and disclosed to relevant federal program(s) and your financial institution for direct deposit purposes. Direct deposit payments can not be made without provision of information requested. Personal information is protected in accordance with the provisions of the *Privacy Act*. Under the Act, individuals and businesses have a right to request access and correct their personal information, if erroneous or incomplete.

Print clearly and in block letters. Please keep the appropriate federal government department informed of any changes to your mailing address. Should the department require clarification on the data you have provided, they will contact you.

FORMULAIRE D'INSCRIPTION AU DÉPÔT DIRECT POUR LES ENTREPRISES

AVIS DE CONFIDENTIALITÉ Les renseignements personnels sont recueillis en vertu de la *Loi sur la gestion des finances publiques*, par. 17(1) et 35(2). Les données sont utilisées et divulguées à des programmes fédéraux pertinents et à votre institution financière aux fins de dépôt direct. Les paiements par dépôt direct ne peuvent être effectués sans que les renseignements requis aient été fournis. Les renseignements personnels sont protégés conformément aux dispositions de la *Loi sur la protection des renseignements personnels*. En vertu de cette loi, toute personne ou entreprise a le droit de demander d'accéder à leurs renseignements personnels et à corriger ces derniers s'ils sont erronés ou incomplets.

Écrivez lisiblement et en lettres moulées. Veuillez informer le ministère fédéral approprié de tout changement d'adresse. Un représentant du ministère communiquera avec vous si des clarifications sur les données que vous avez fournies sont nécessaires.

PART A - PARTIE A

1) Business Name Nom de l'entreprise	<input type="text"/>			
Remittance Address Adresse de versement	(Include Unit No., R.R. or P.O. Box - Indiquer le n° d'unité, la route rurale ou la case postale)			
	<input type="text"/>			
	<input type="text"/>			Province <input type="text"/>
City, Town Ville	<input type="text"/>		Postal Code Code postal	<input type="text"/>

2) Authorized Representative's Name Nom du représentant autorisé	<input type="text"/>			
Email Address Adresse courriel	<input type="text"/>			
Telephone Téléphone	<input type="text"/>	<input type="text"/>	Fax Télécopieur	<input type="text"/>

PART B - PARTIE B

Branch No. N° de succursale	<input type="text"/>
Institution No. N° de l'institution	<input type="text"/>
Account No. N° de compte	<input type="text"/>
Name of Account Holder(s) Nom(s), titulaire(s) du compte	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

How to complete Part B

See example below

1. Cheque number - not required.
2. Branch number - 5 digits.
3. Institution number - 3 digits.
4. Account number - as shown on your cheque.

Comment remplir la partie B

Voir l'exemple ci-dessous

1. Numéro du chèque - pas nécessaire.
2. Numéro de la succursale - 5 chiffres.
3. Numéro de l'institution - 3 chiffres.
4. Numéro de compte - comme il est indiqué sur votre chèque.

Example / Exemple			
Name / Nom P.O. Box / C.P. 000 City / Ville, Canada H0H 0H0	Cheque No. N° de chèque 0000000		
Pay to the order of Payez à l'ordre de	\$ _____ Dollars		
Signature			
11# 9999 11# 12999999 9999 9999 9999 9999 11#			
1	2	3	4

Instead of completing Part B, you can attach a blank cheque for your bank account with "VOID" written on it. DO NOT ENCLOSE ANYTHING OTHER THAN YOUR VOIDED CHEQUE WITH THIS FORM.

Au lieu de remplir la partie B, vous pouvez joindre un spécimen de chèque portant la mention « NUL » au recto. À L'EXCEPTION DE VOTRE SPÉCIMEN DE CHÈQUE, NE JOIGNEZ AUCUN AUTRE DOCUMENT AU PRÉSENT FORMULAIRE.

PART C - PARTIE C

GST / HST / BUS #

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PART D - PARTIE D

I, as an authorized representative of this business, grant the Receiver General for Canada the right to deposit future payment(s) directly into the bank account specified until further notice.

En tant que représentant(e) autorisé(e) de cette entreprise, j'accorde au receveur général du Canada le droit de déposer les prochains paiements directement dans le compte bancaire désigné, et ce, jusqu'à nouvel ordre.

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Date (YYYYMMDD)
Date (AAAAMMJJ)

X

Signature of Authorized Representative
Signature du (de la) représentant(e) autorisé(e)

► Preferred Language
Langue de préférence

☐ English
Anglais

☐ Français
French