

Council of Marine Carriers (COMC)

25th BC Towboat Conference and Trade Show

Introduction to the Ship-source Oil Pollution Fund

Office of the Administrator of the Ship-source Oil Pollution Fund

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Fairmont Empress Hotel
Victoria, British Columbia

If a ship or boat spills or threatens to spill oil into Canadian waters, those affected are entitled to compensation.

Nobody needs to go to court.



Those affected by ship-source oil pollution incidents have two choices:

1. Demand compensation from the shipowner; or
2. Submit a claim to the Ship-source Oil Pollution Fund.



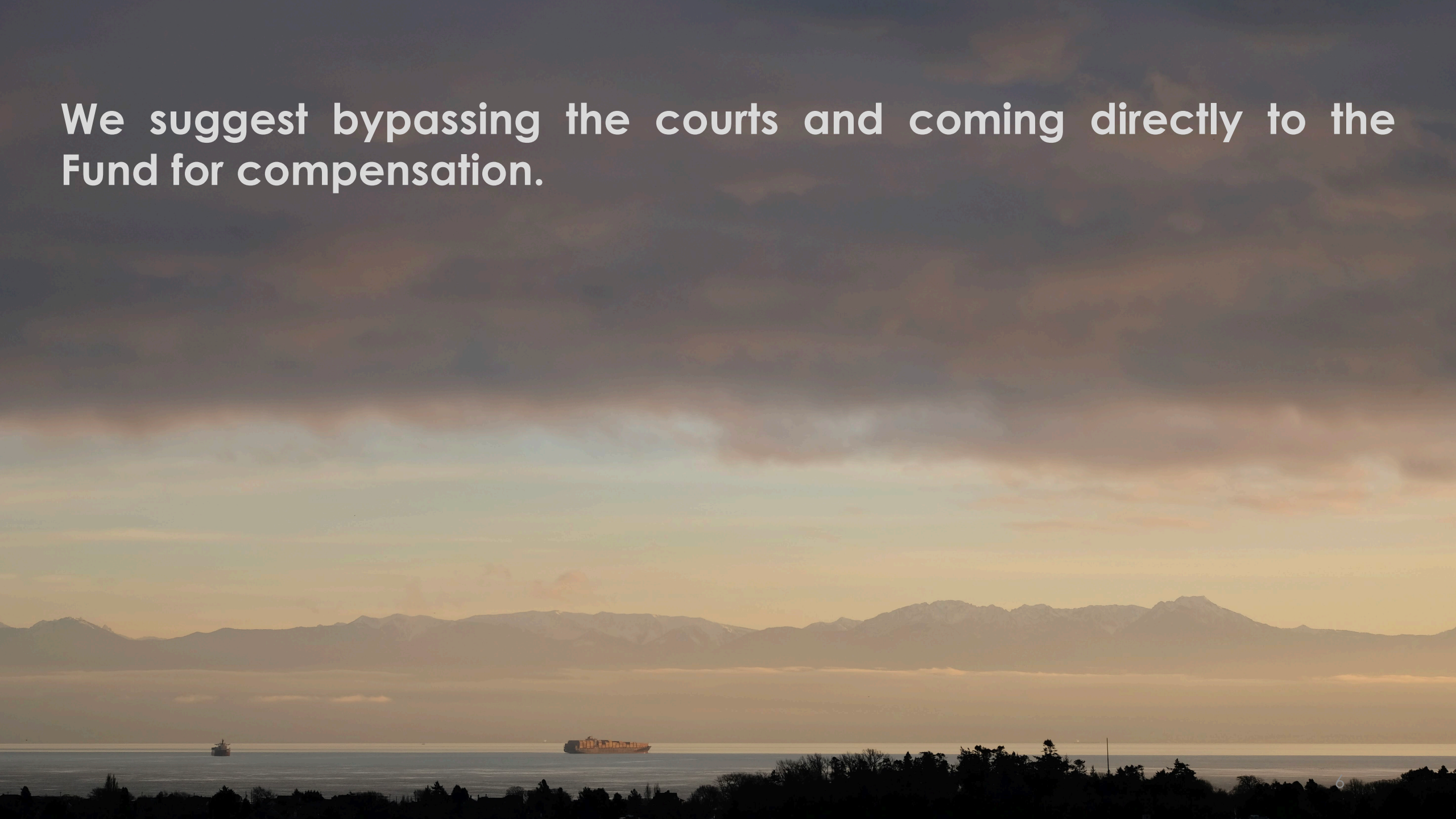
Compensation from the Fund is not capped, meaning that all eligible claims will be paid.

We have received over 500 claims since 1989.



The Fund also covers “mystery” spills, where there is no identifiable shipowner to sue.

We suggest bypassing the courts and coming directly to the Fund for compensation.



\$4.2 million

Largest-ever direct claim payout

\$217.86

Smallest-ever claim

Most claims are for under \$50,000



Chaulk Determination, Trois-Rivières, QC (2015)

“Ship” doesn’t just mean large vessels and tankers.

All kinds of ships and boats are covered.



**An oil spill
is not required.**

Compensable Damages Overview



**Preventive
measures**



**Clean-up
costs**



**Costs for
reinstatement of the
environment**



**Property
damage**



**Economic
loss**



**Fisheries
losses**



**Tourism
losses**

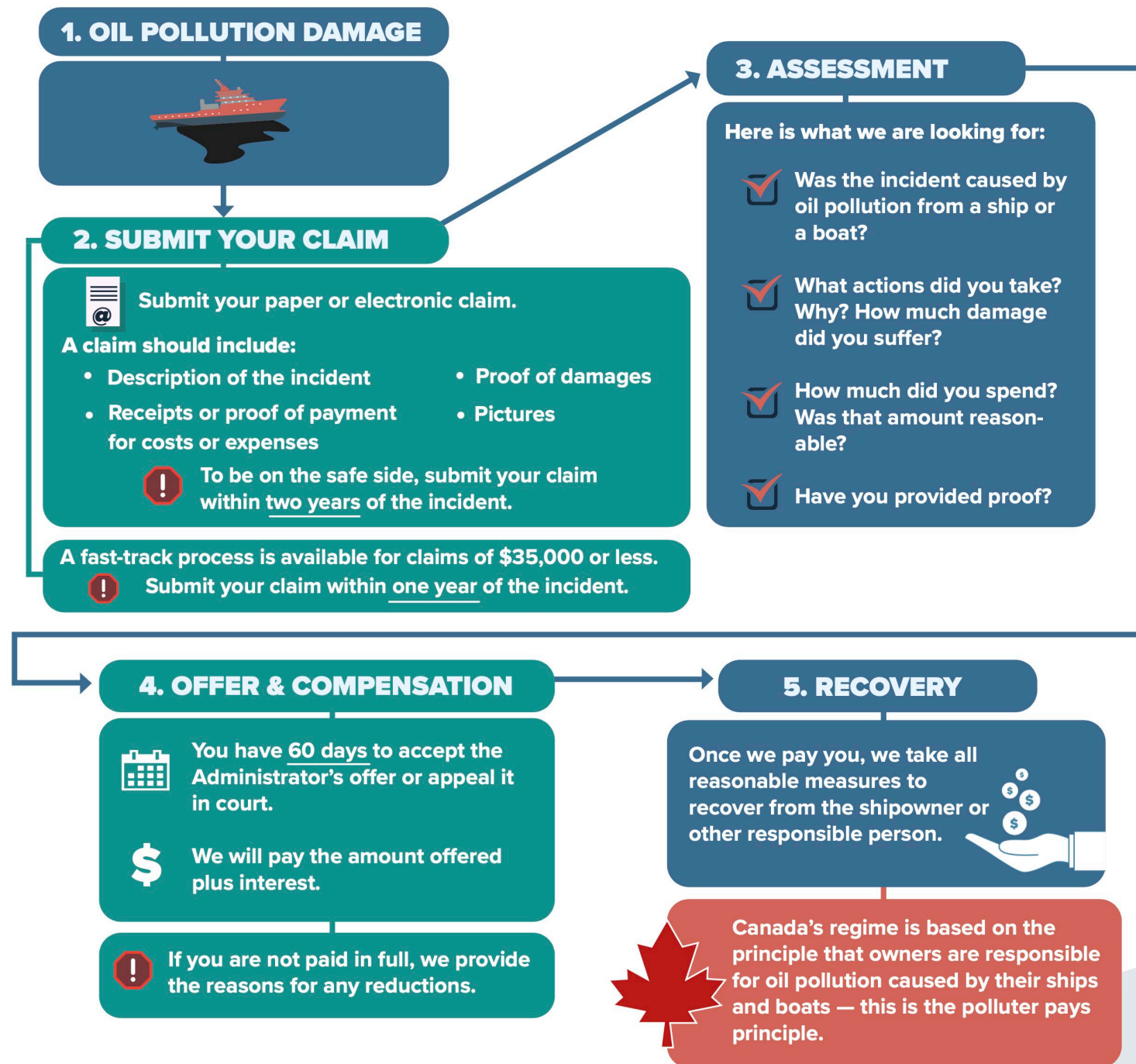


**Loss of
subsistence living**



*Bear in mind, the Administrator can only
reimburse for reasonable costs and expenses.*

The Fund's Direct Claims Process



The Fund can advance up to \$50 million in emergency funding to the Canadian Coast Guard in the case of a major incident.



The Fund is active in Transboundary Liability and Compensation (TLC) meetings and exercises.

We are ready to work with our American and international partners (including IOPC Funds, IGP&I, and ITOPF) in the event of a major spill.



Derelicts are prominent in our claims portfolio



83 British Columbia claims received over the last five fiscal years.

12 of those (11 separate incidents) involved a tug and/or barge.

Just 2 of those involved vessels actively engaged in the transportation of goods. The remainder were derelicts or vessels converted to some other purpose, including accommodations barges.



**Two recent rulings from the
Federal Court that clarify
our compensatory regime**



The owner of the only vessel involved in a ship-source oil pollution incident cannot recover its response costs from the Fund via a direct claim.

Haida Tourism Limited Partnership (West Coast Resorts) v Canada (Ship-source Oil Pollution Fund), 2022 FC 1249. [The West Island 395]



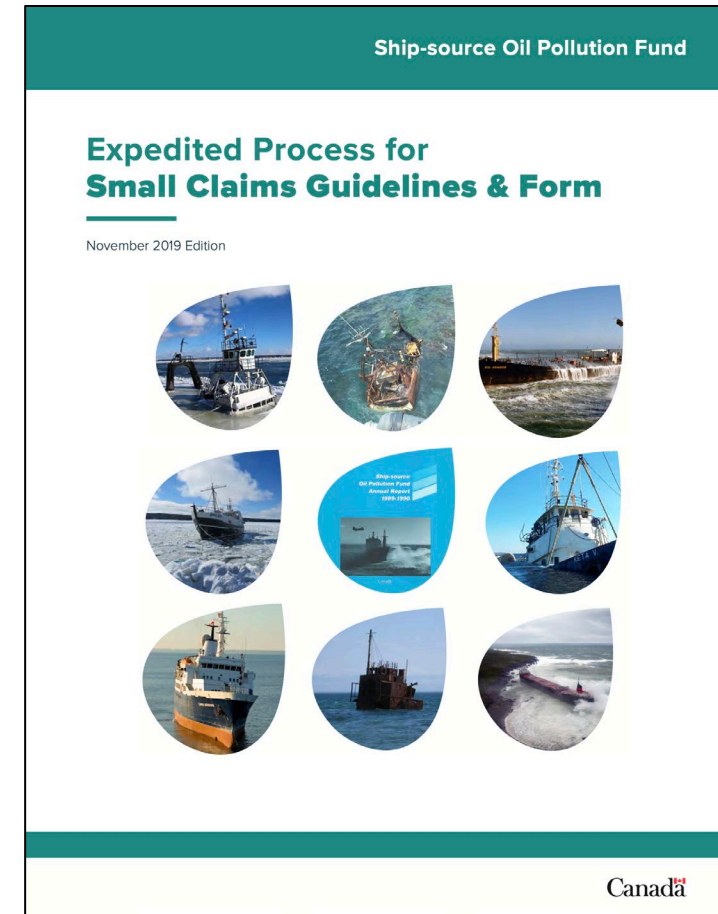
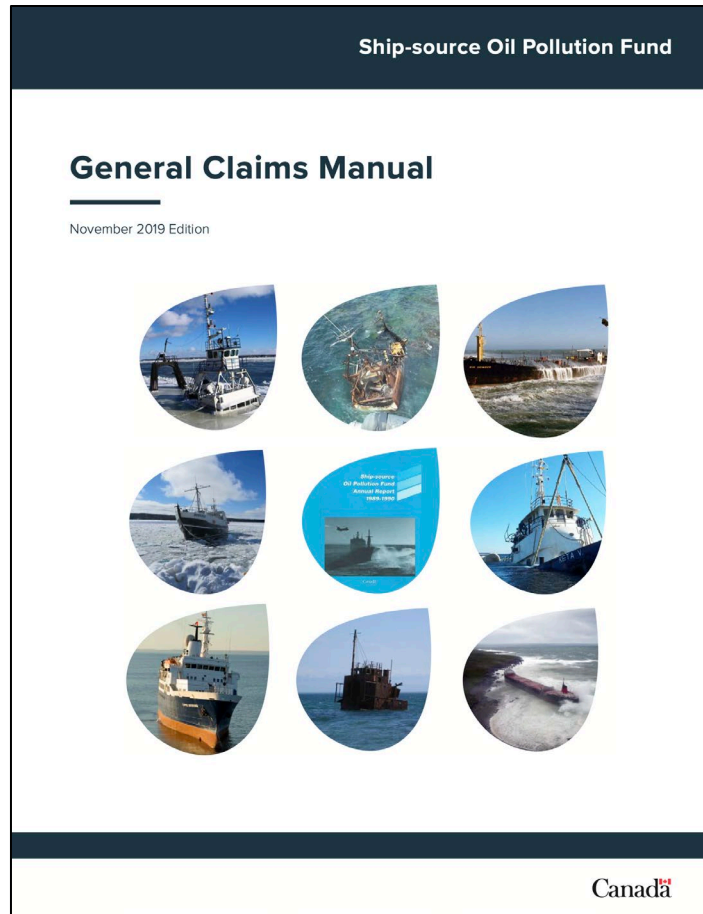
The two-year limitation period for direct claims to the Fund applies where the evidence shows that a discharge of any volume of oil *probably* occurred, even where there is no direct evidence of a discharge.

Canada v Canada (Ship-source Oil Pollution Fund), 2022 FC 1310. [The *Stelie II* and the *Miss Terri*]



Claims Manuals

http://sopf.gc.ca/?page_id=543



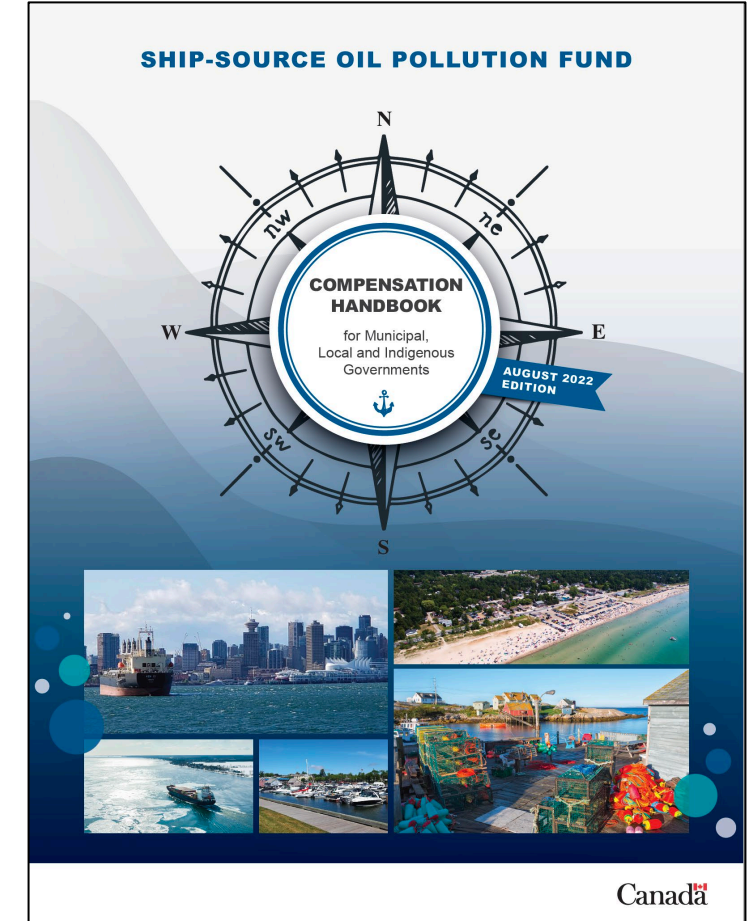
Other Key Publications



http://sopf.gc.ca/?page_id=9911



https://sopf.gc.ca/?page_id=309#AnnualReport



https://sopf.gc.ca/?page_id=13033

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