

**SHIP-SOURCE OIL
POLLUTION FUND**

**THE ADMINISTRATOR'S
ANNUAL REPORT**

2021-2022



About the Cover Image: *Scotia River*, Canadian Coast Guard (CCG)

The tug *Scotia River* caused an oil pollution incident at Lax-Kw'alaams, British Columbia on November 10, 2019. The CCG responded and submitted a claim to the Fund. The claim was received, processed and paid in part during the 2021-2022 fiscal year.

Published by the Administrator of the

Ship-source Oil Pollution Fund

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The Honourable Omar Alghabra, P.C., M.P.
Minister of Transport
Ottawa, Ontario
K1A 0N5

Dear Minister:

Pursuant to section 121 of the *Marine Liability Act*, I have the honour of presenting to you the Annual Report for the Ship-source Oil Pollution Fund to be laid before each House of Parliament.

The report covers the fiscal year ending March 31, 2022.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anne Legars', with a horizontal flourish extending to the right.

Anne Legars, LL.M., CAE
Administrator
Ship-source Oil Pollution Fund

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INTRODUCTION

The Ship-source Oil Pollution Fund (the Fund) is available to compensate victims of oil pollution damage caused by any type of oil, from any type of ship or boat, anywhere in Canadian waters. The Fund is a special purpose account in the accounts of Canada, established under Part 7 of the *Marine Liability Act* (the MLA).

Canada's compensation regime is based on two principles. First, compensation should be available to those affected by an incident. Second, shipowners are responsible for oil pollution incidents, regardless of fault. This is the polluter pays principle.

Those who suffer damages can submit a claim directly to the Fund. Damages can include costs incurred to prevent, mitigate or remedy oil pollution damage. The Fund also covers mystery spills – oil spills from an unknown ship. We assess and offer compensation for eligible claims. Once a claimant receives payment, we take all reasonable measures to recover from the shipowner or other responsible persons.

Alternatively, those who suffer damages can also choose to negotiate with the shipowner, or sue. If a claimant commences a lawsuit, the Administrator becomes party to the lawsuit, providing an extra layer of protection to the claimant.

An incident caused by an oil tanker carrying persistent oil could also be covered under the International Oil Pollution Compensation Funds (the IOPC Funds, www.iopcfunds.org).

This annual report covers the fiscal year from April 1, 2021 to March 31, 2022.

This is the 33rd annual report on the Fund.



2021-2022 AT A GLANCE*

CLAIMS PROCESSING

20

new claims submitted,
totaling \$26M
in damages

Largest claim submitted
in our history:

\$25.7M

4

claims dismissed

**Almost
half**

of the claims were
generated by wrecked
and abandoned vessels

\$763,289

paid to Canadian claimants

**9 out of
10 claims**

were submitted by the
Canadian Coast Guard

More than half of the
claims were for less than

\$35,000

RECOVERY EFFORTS

\$419,500 recovered

from polluters, the 4th highest
amount in our history

New lawsuits against polluters in about

17 incidents

FINANCIAL DETAILS

\$960,000

as contributions to the
International Oil Pollution
Compensation Funds

\$2M

used for operating
expenses

\$4.3M

collected in interest

\$409M

accumulated
in the Fund

* Totals throughout the report may differ from the audited financial statements due to rounding or the basis of accounting used (cash method vs. accrual method).

2021-2022 HIGHLIGHTS:



Largest claim submitted in the history of the Fund: \$25,731,208

The incident involved the *Kathryn Spirit*, a 12,300 gross ton (GT) ship, which was abandoned at Lake Saint-Louis, Beauharnois, Quebec, in 2012. The Canadian Coast Guard (CCG) responded and deconstructed the ship. In parallel, we continue to actively participate in litigation before the Federal Court involving this ship.



Several claims dismissed

Four claims were dismissed in their entirety. Three claims were dismissed for missing the submission deadline. One claim was dismissed because the claimant was the owner of the ship responsible for the pollution.



Claims involving vessel deconstruction continue

This year, almost half of claims submitted included vessel deconstruction costs. These costs are not always eligible. While the number of claims involving deconstruction decreased, this type of cost dominates the overall amounts claimed.



Small Claims Process: first Notice of Overpayment issued

Following reassessment of the first Small Claim (claims up to \$35,000), the first Notice of Overpayment was issued. A Notice of Overpayment is used after a Small Claim is paid where it is determined that some portion of the amount initially paid was not properly eligible.



Significantly increased activity before the Courts

Our portfolio included 42 incidents with files in active litigation or judgment enforcement. Most files before the courts are now handled by our in-house legal team.



Fourth highest total recovery in the Fund's history

We successfully recovered funds in six matters this year. The total amount recovered was \$419,500. This includes \$375,000 from the owners of the *Cormorant*, which polluted the waters in Bridgewater, Nova Scotia in 2015.



Continued impact of the pandemic

For the second year in a row, we continued to suffer significant disruptions due to the COVID-19 pandemic. Physical access to the office was reduced because of ongoing health restrictions and other disruptive events in downtown Ottawa. The pandemic continued to reduce the number of claims submitted.



New General Claims Process Form and related webinar

We published this new Form in March 2022. It improves access to justice by assisting claimants in preparing and submitting claims. We also hosted a well-attended webinar to guide participants through the form and help them navigate our compensation process.



Review of Claims Manuals

This year, we began a comprehensive review of our published claims manuals. We want to increase accessibility and utility for all potential claimants. The updated manuals will be published in 2022-2023.

The core of the Administrator's activities remains the fulfilment of her statutory mandate under Part 7 of the MLA. Her mandate includes:

- Processing claims for oil pollution from a ship-source in Canadian waters and pursuing recovery (Section 1.1);
- Providing emergency funding to the CCG in cases of major incidents, as directed by the Minister of Transport (Section 1.2);
- Contributing to the International Oil Pollution Compensation Funds (IOPC Funds) (Section 1.3);
- Contributing to Administrative Monetary Penalties to be issued against contributors in case of lack of compliance of their reporting obligations (Section 1.4);
- Ensuring office management and controls (Section 1.5);
- Reporting, outreach and communications (Section 1.6); and
- Causing the financial statements of the Fund to be audited (Section 2).

1. ACTIVITY REPORT

1.1. ACTIVE FILES

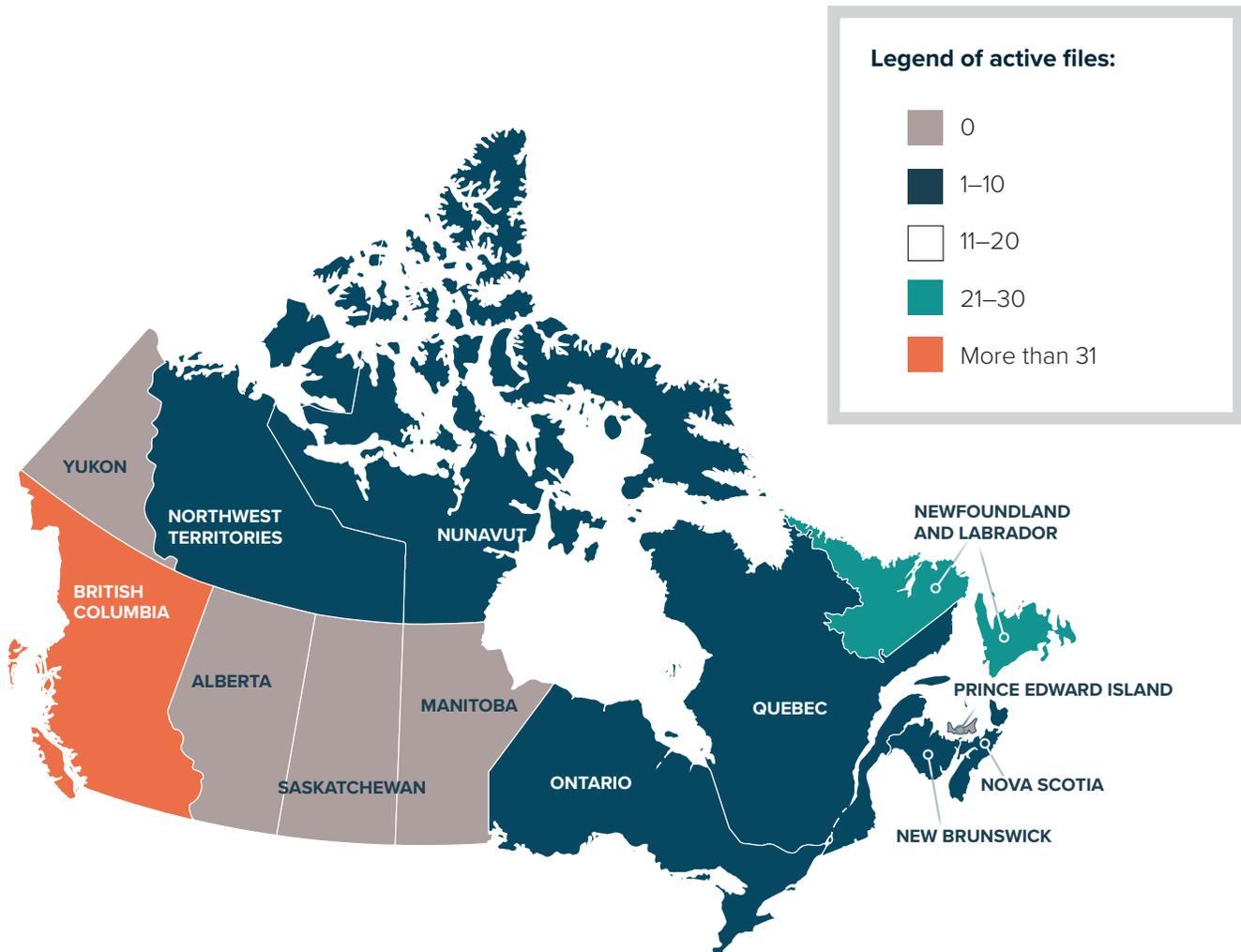
We managed a portfolio of 111 active files in 2021-2022, compared with 102 files the preceding year. The overview of these files is found in the Appendix. This portfolio includes:

- 86 claims files, compared to 81 in 2020-2021
 - These files cover the processing of claims and actions taken to recover from the shipowner and other responsible persons.
- 25 incident report files, compared to 21 in 2020-2021
 - These files are opened when we become aware of an incident that is likely to lead to a claim. They can also be opened when we become aware of litigation against a shipowner.



Cormorant

MAP OF THE FUND'S ACTIVE FILES IN 2021-2022



PROVINCE OR TERRITORY	ACTIVE FILES	NEW CLAIMS SUBMITTED	NEW INCIDENT REPORTS	TOTAL AMOUNT PAID IN 2021-2022 (\$)
British Columbia	64	8	5	636,723
Newfoundland and Labrador	23	3	4	69,847
Nova Scotia	10	2	0	50,833
Quebec	6	3	0	3,530
Ontario	4	4	0	2,356
New Brunswick	2	0	0	0
Nunavut	1	0	0	0
Northwest Territories	1	0	0	0
TOTAL	111	20	9	763,289

Our portfolio of active files is broken down into three categories:

- 1.1.1. Claims processing:
 - From the receipt of a claim to its payment.
- 1.1.2. Recovery efforts:
 - Upon payment of the claimant, we take all reasonable measures to recover from the shipowner or other responsible persons.
- 1.1.3. Incident reports:
 - Opening report files on incidents likely to lead to a claim, or when we become aware of litigation against a shipowner.

Some of our compensation-related activities fall under several categories. Those activities have their own section:

- 1.1.4. Files management: Challenges and opportunities.

1.1.1. CLAIMS PROCESSING

Claims processing includes:

- receipt of direct claims;
- investigation and assessment;
- issuance of decision letters;
- various decisions made within the Expedited Process for Small Claims;
- payment of claims; and
- court challenges of decisions made.



The total amount claimed this year, at \$26,570,794, is the highest in the Fund's history.

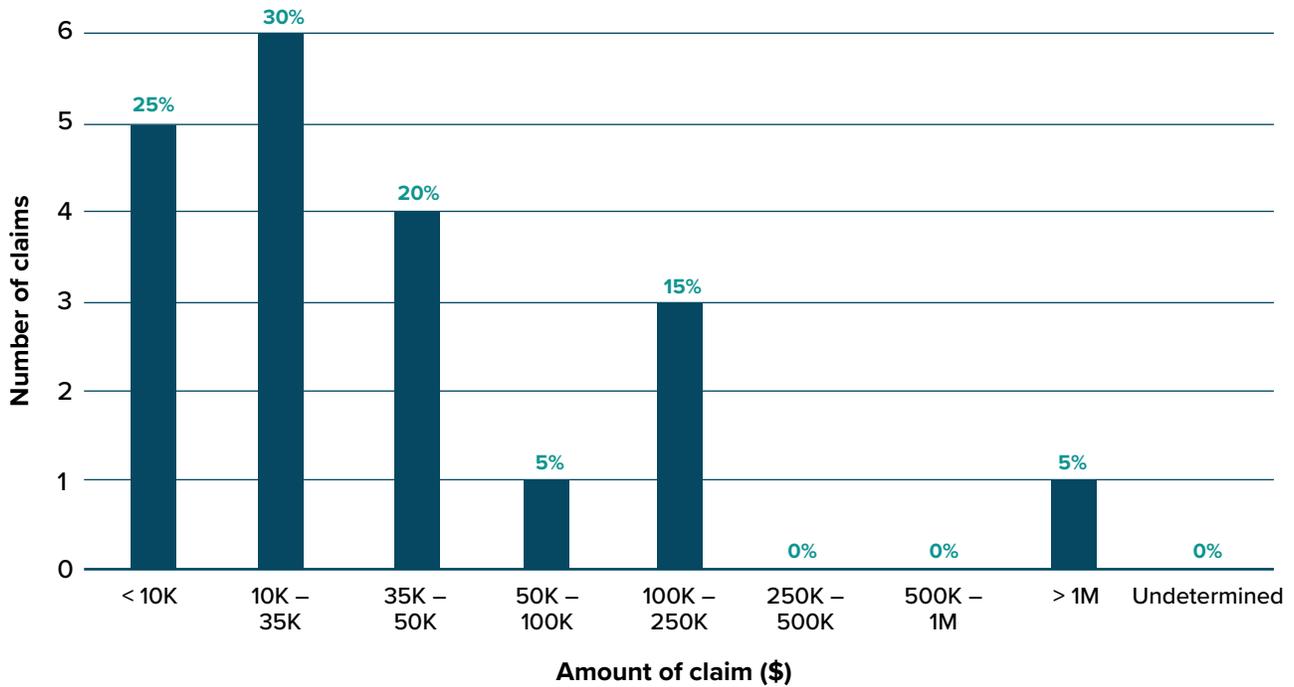
This compares to \$2,082,447 in 2020-2021. The claims submitted this year ranged from \$2,956 to \$25,731,208. We received 20 claims, as compared to 27 in 2020-2021.

The number of claims submitted this year was the sixth highest since 1989.

Despite the record total, most claims were for relatively small amounts. Three out of four claims were for \$50,000 or less. Roughly half of claims were for less than \$35,000.

Kathryn Spirit

Figure 1: Spread of the 20 claims submitted by amounts



Note: The number above each bar represents the percentage of claims submitted for that segment.

90% of claims for \$35,000 or less were submitted under the General Claims Process. Although such claims fit within the threshold for the Small Claims Process, most were not submitted within one year. As a result, they were not eligible under that process.

Two claims submitted under the Expedited Process for Small Claims. The first was submitted by a private corporation. It was transferred to the General Claims Process, and then withdrawn entirely by the claimant prior to assessment. The second was submitted by an entity which supports Indigenous governments. The initial assessment and payment were processed within 60 days, as required by the MLA. To date, no Notice of Reassessment has been issued.



For the first time, we reassessed a Small Claim. An Unknown Name (houseboat) claim was received last year. Following reassessment, we determined that an overpayment had occurred. We issued a Notice of

Overpayment and the excess funds were returned by the claimant. This was the first claim to complete the full Expedited Process for Small Claims since it was created in 2018.

Figure 2.1: Number of claims submitted by type of claimants

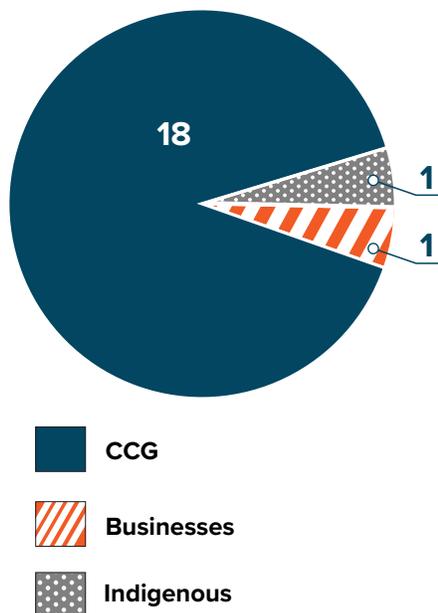
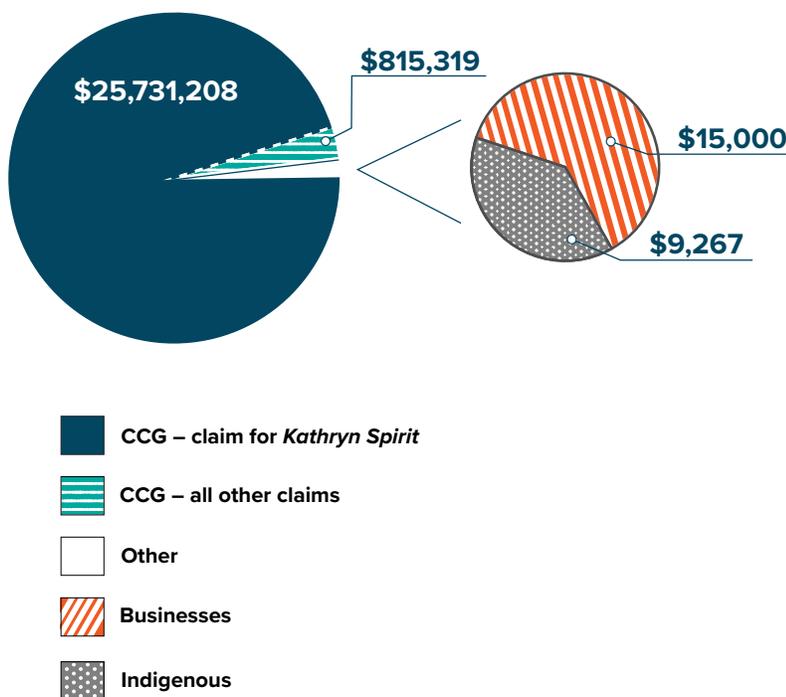


Figure 2.2: Amount claimed by type of claimants



The CCG is still the main claimant. 18 out of the 20 claims submitted came from the CCG, representing 90% of the total number of claims. It also submitted 97% of the total amount claimed this year. This excludes the *Kathryn Spirit*. The two other claimants used the Small Claims Process. No claims were submitted by local governments, or ports and harbours.

Claims were more evenly distributed across the country. Claims continue to arise more frequently from incidents in British Columbia, but to a lesser extent than in prior years. The distribution was:

- British Columbia (8);
- Ontario (4);
- Quebec (3);
- Newfoundland and Labrador (3); and,
- Nova Scotia (2).

Most claims continue to involve fishing vessels and pleasure craft. Together, those types of vessels account for two out of three claims received. The \$541,686 claimed with respect to these types of vessel represents two thirds of the total amount claimed (excluding the *Kathryn Spirit* claim).

For the first time since 2018-2019, a mystery spill claim was submitted. Mystery spills are where the ship which caused the incident has not been identified. Of the claims received since 1989, 19% have been for mystery spills.

Figure 3.1: Number of claims submitted by type of vessel

TYPE OF VESSEL	NUMBER OF CLAIMS	PERCENTAGE OF TOTAL NUMBER OF CLAIMS
Tankers	0	0%
Cargo, container, and passenger vessels	3	15%
Tugs and barges	2	10%
Fishing vessels	7	35%
Pleasure craft	6	30%
Ex-fishing vessels	1	5%
Other	0	0%
Mystery spills	1	5%
TOTAL	20	100%

Figure 3.2: Amount claimed by type of vessel

TYPE OF VESSEL	TOTAL AMOUNT (\$)	PERCENTAGE OF TOTAL AMOUNT, WITHOUT <i>KATHRYN SPIRIT</i>
Tankers	0	0%
Cargo, container, and passenger vessels (with <i>Kathryn Spirit</i>)	25,743,917	–
Cargo, container, and passenger vessels (without <i>Kathryn Spirit</i>)	12,709	2%
Tugs and barges	105,047	13%
Fishing vessels	329,926	39%
Pleasure craft	211,760	25%
Ex-fishing vessels	147,493	18%
Other	0	0%
Mystery spills	32,651	4%
Total (with <i>Kathryn Spirit</i>)	26,570,794	–
Total (without <i>Kathryn Spirit</i>)	839,586	100%

Note: Numbers were rounded.



Almost half of the claims were generated by abandoned and derelict vessels. This is similar to last year.

Claimants submitted their claims sooner after incidents occurred. In 2021-2022, claimants submitted 55% of their claims between 18 and 24 months after an incident. Breaking a longstanding trend, this compares to 77% in 2020-2021, 73% in 2019-2020.

There are numerous benefits when claims are submitted soon after an incident:

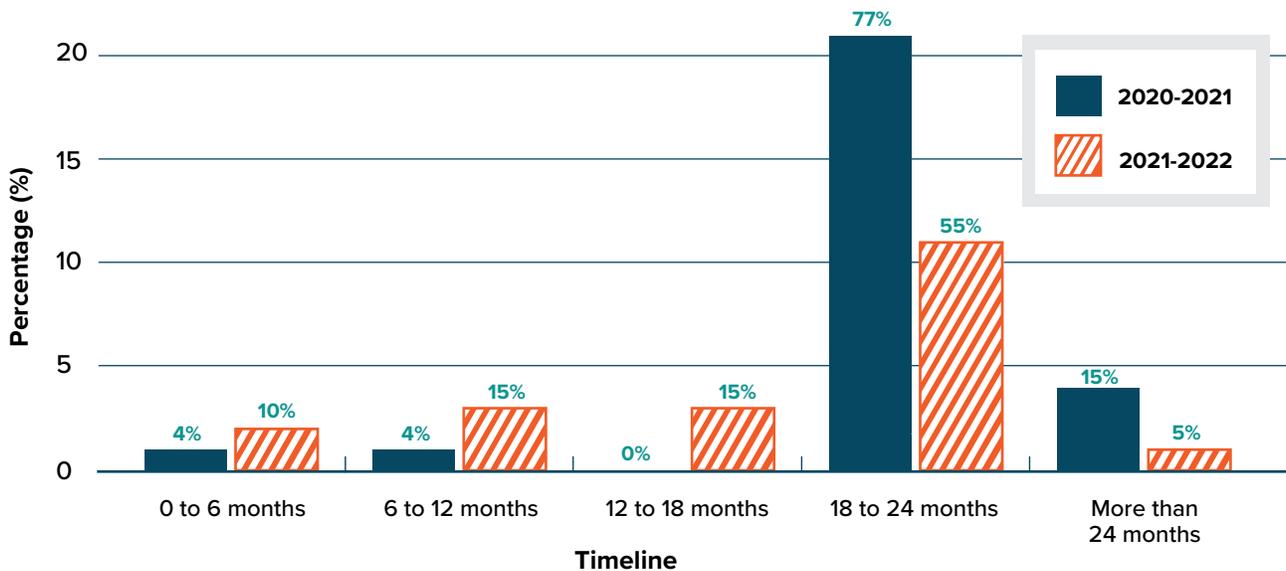
- Supporting documentation is fresher and more readily available.
- There is less risk of missing the submission deadline.

- Compensation is received more promptly.
- Other potential claimants can be identified and contacted by us.
- Recovery efforts can start earlier.

We processed 23 claims. This compares to 28 in 2020-2021. This year's decisions include:

- 17 Letters of Offer;
- 1 Notice of Payment (Small Claims Process);
- 1 Notice of Overpayment (Small Claims Process); and
- 4 rejections.

Figure 4: Amount of time before the submission of claims: 2021-2022 compared to 2020-2021





Four claims were rejected, the highest number in recent years:

- Three claims missed the submission deadline.
- One claim was submitted by the shipowner.

Three of these four rejections are challenged before the Federal Court. Box 1 below provides more details on these appeals. In these cases, the appellants have also filed judicial reviews. The court will clarify the appropriate process to challenge a rejection.

BOX 1

DETAILS OF NOTABLE LITIGATION

Her Majesty the Queen in Right of Canada v. The Administrator of the Ship-source Oil Pollution Fund, Federal Court Docket: T-970-21, T-1094-21, T-1095-21 and T1104-21

We rejected two separate direct claims submitted by the CCG for the *Stelie II* and the *Miss Terri*. In both cases, it was determined that a discharge of oil had taken place more than two years prior to submission of the claims. As a result, they were rejected for not having been filed within the submission deadline.

The CCG challenged both decisions in four proceedings. Those proceedings raise a number of issues:

- First, that it is not clear whether a right of appeal arises when a claim is dismissed because of a missed submission deadline. The Administrator's position is that claimants benefit from a right of statutory appeal in those circumstances.
- Second, the CCG challenges the application of the submission deadlines provided by the MLA. It also questions the Administrator's power to conclude that a discharge of oil occurred without a direct observation.

In these matters, the Administrator is represented by her in-house counsel. A hearing is scheduled for July 2022.

Haida Tourism Limited Partnership d.b.a. West Coast Resorts v. The Administrator of the Ship-source Oil Pollution Fund, Federal Court Docket: T-1375-21 (West Island 395)

The claimant was the owner of the only ship involved in an oil pollution incident. After taking measures in response to the incident, the owner submitted a claim to us for those expenses. The owner claimed that the incident had been caused by unidentified parties.

We rejected the claim, because the owner of a polluting ship cannot incur damages that are compensable via direct claim to us.

The claimant initiated an appeal before the Federal Court. The Administrator is represented by her in-house counsel. The hearing is scheduled for July 2022.

Claims for less than \$100,000 were processed in less than six months, on average. Nine out of ten claims were processed in less than nine months. Only one claim took more than a year to process. In general, the bigger the amount claimed, the more complex the claim and longer its processing time.



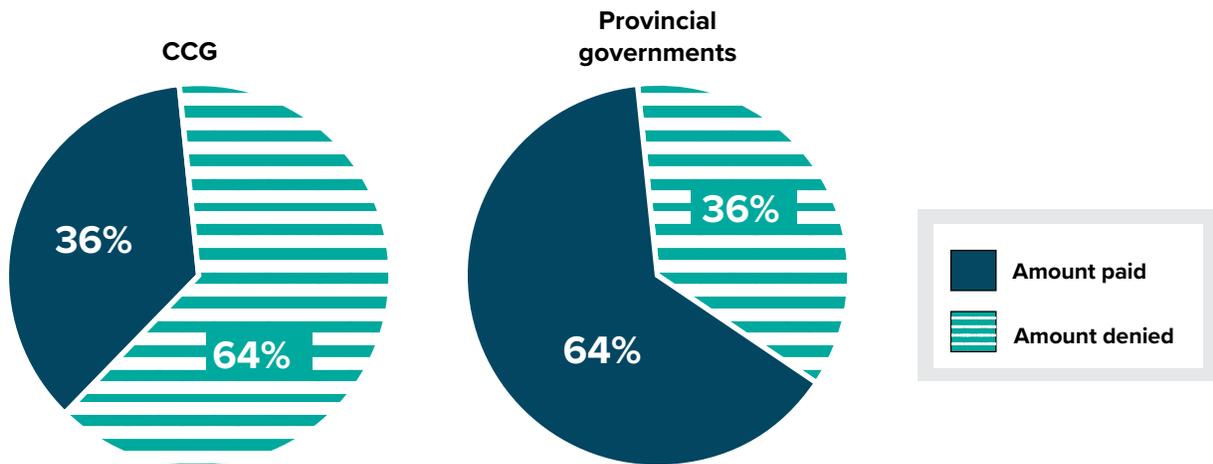
Figure 5: Time to process claims

AMOUNT OF CLAIM (\$)	NUMBER OF CLAIMS	RANGE (MONTHS)	AVERAGE TIME (MONTHS)
0 – 35K	8	1 to 6	3
35K – 100K	6	3 to 8	4
100K – 500K	6	4 to 10	7
500K – 1M	0	–	–
More than 1M	1	30	30

Total amount paid to claimants, higher by 44%. Excluding Small Claims, 21 claims were paid this year for a total of \$753,889. Last year’s amount was \$525,221 for 22 claims. In four out of five cases, the amounts paid to claimants were less than \$50,000.

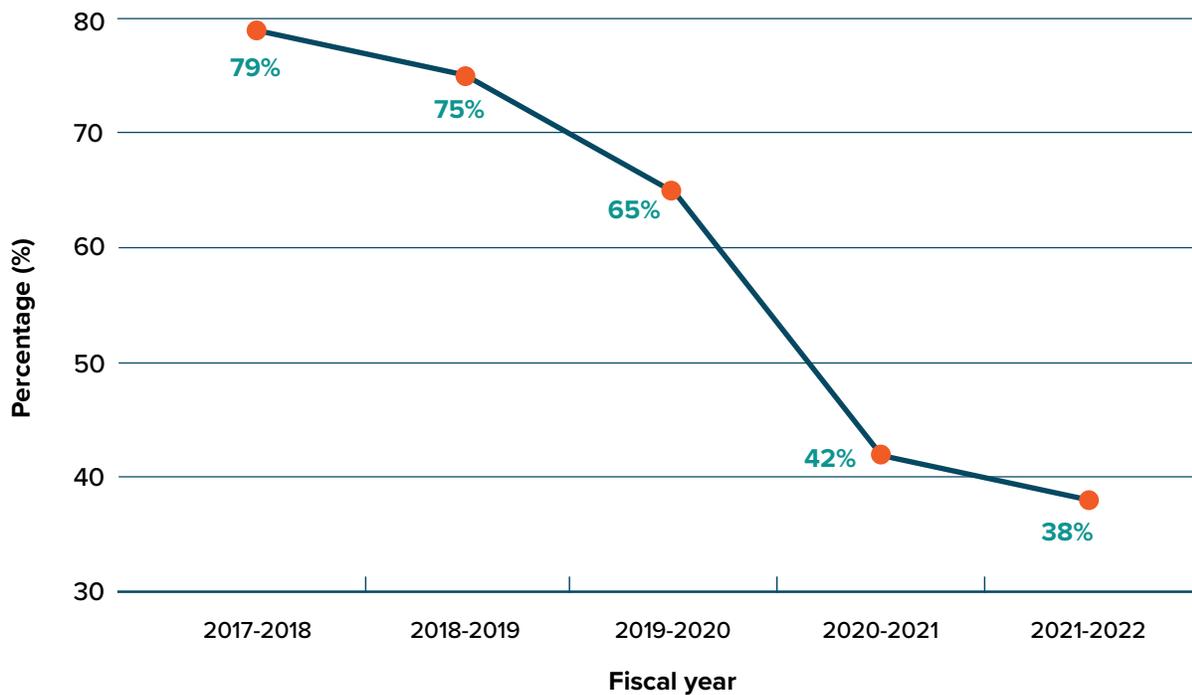
Offers for paid claims represented 38% of the amounts claimed, a continued decrease from previous years. There is no single reason for the low success rate this year. Most claims were from entities with broad mandates, which do not necessarily match with what we can compensate. In particular, the inadmissibility of some expenses related to vessel deconstruction was a significant factor. The reasons for the reductions are explained in the Letters of Offer published on our website.

Figure 6: Percentage of amount offered vs. claimed



Note: Interest was paid on these amounts. The claims paid this year include claims which were received in prior years.

Figure 7: Percentage of amount offered compared to amount claimed in the past five years



Note: Interest was paid on these amounts.

A number of claimants obtained a high percentage of their amount claimed. Despite the overall low success rate, close to one in three was assessed at 90% of the amount claimed or better. Two claimants obtained the full amount claimed.

1.1.2. RECOVERY EFFORTS

Once we pay a claimant, we are required to take all reasonable measures to recover from the shipowner or any other person responsible for an incident.

We managed a large recovery portfolio. We managed a recovery portfolio of 86 files this year. This compares to 81 in the previous year. We closed 14 files, because money was recovered or no recovery could be reasonably made. At the end of the year, 72 files were still open.

We use many strategies to recover funds. We are always ready to discuss settlement rather than going to court. However, we must sometimes sue a shipowner, notably where they do not respond to our communications. As well, lawsuits are often used simply to preserve our legal rights, allowing settlement discussions to continue.



Our activity before the courts increased. This year we had 36 files in active litigation or enforcement. This compares to 20 files the year before. The increase is largely a result of the Fund 3.0 Initiative, which completed its second year.

Under this initiative, our in-house lawyers commence and manage lawsuits internally. The use of internal resources brings efficiency and cost savings. This greatly expands the scope of when it is reasonable to pursue recovery.

We started 17 new lawsuits this year. Of those, 16 were commenced by our in-house lawyers, while one was referred to an external law firm. The new lawsuits were commenced to recover on the following files: *Darrell Bay*, *Noble Mariner*, *Beverley Gaie*, *Lady Miranda*, *GRT-Synergie*, *Le Sept Ilien*, *Theresa N*, *Maverick IV*, *Atanook*, *San Jolyne III*, *Alhena*, *L'Épaulard*, *Friday While*, *Rolano*, Unknown Name (Deck Barge), *Sweven* and *West Island 395*.



Our increased legal activity has led to improved recovery results. This year, we secured seven court judgments against defendants. One of them is summarized in Box 2 below.

Judgments permit enforcement proceedings against the assets of defendants. We also achieved six financial recoveries from defendants or their insurers, which returned \$419,500 to the Fund. The financial recoveries were secured at various stages: before a lawsuit was filed, after commencing a lawsuit, and after securing a judgment. The details of these recoveries are shown in Table 8.

Figure 8: Files where financial recovery was secured in 2021-2022

SHIP NAME	YEAR OF INCIDENT	PAID, INCLUDING INTEREST (\$)	RECOVERED * (\$)	RECOVERY STAGE
Recovered with assistance from external lawyers				
<i>Cormorant</i>	2015	534,341	375,000	land sale after judgment
Recovered by in-house legal team (Fund 3.0 initiative)				
<i>Beverley Gaie</i>	2018	10,025	8,000	before trial
<i>Lady Elizabeth I</i>	2018	1,750	2,148 (from insurer)	before trial
<i>Lady Miranda</i>	2018	8,193	8,640 (from insurer)	before lawsuit
<i>Marcel Angie II</i>	2018	15,854	16,089	before lawsuit
<i>SC 170</i>	2017	8,980	9,573	after judgment
TOTAL	6 files		419,500	

Notes: Numbers were rounded.

* In some cases, we recover our legal costs and/or interest. Where applicable, these amounts are included in the figures in this column.

A new mixed model for recovery efforts. Securing a judgment does not always result in an immediate payment by the defendant. Sometimes further efforts are needed. This year, for the first time, we engaged external lawyers to pursue enforcement proceedings after our in-house lawyers had obtained a judgment against a defendant. The results of this new approach are expected to be considered next fiscal year.

A province is a defendant in one of our legal actions. In the *Rolano* file, we determined that the registered owner of the ship was a corporation. Prior to the incident, the corporation had been dissolved by order of the Province of British Columbia (*Business Corporations Act*). This meant that the province was the owner of the *Rolano* at the time of the incident. Similar situations have been litigated before the courts in the past, such as the *Chilcotin Princess* (see our Annual Report for the 2019-2020 year at p. 22), which resulted in a finding that left the Province liable for response measures.

BOX 2

JUDGMENT OBTAINED THROUGH A SUMMARY TRIAL

The Administrator of the Ship-source Oil Pollution Fund v. Lund et al., Federal Court Docket: T-1570-18 (Viking I)

This matter proceeded to summary trial. The facts involved a 48-foot ex-fishing vessel converted to a pleasure craft. The vessel sank near the island SAYSUTSHUN, at Nanaimo, British Columbia in 2016. The CCG and the Nanaimo Port Authority took measures in response to the sinking. Both submitted claims to us and received compensation. We then commenced legal proceedings against the shipowner.

At trial, the shipowner argued that the response measures taken after the sinking were unnecessary and that some of the efforts taken were not successful. The Court dismissed this defence and issued a judgment in our favour for the full amount, \$165,178.86, plus interest of \$30,484.30 and legal costs.

1.1.3. INCIDENT REPORTS

These files are opened when incidents are likely to lead to a claim, or when we become aware of litigation against a shipowner.

Nine new incident report files were opened. This compares to seven in 2020-2021. A claim was received for one incident file that had been carried over from the previous year. In addition to the 25 active incident files in our portfolio, we kept under review a further 18 incidents. Upon investigation, we decided that none of these 18 incidents was likely to have an impact on the Fund, so no incident report files were opened.

There was no need to seek additional financial security for some incidents. In three cases (*MSC Kim*, *Comanche*, and the *Alaskaborg*), the insurance certificates and agreements taken between the shipowner and the insurers provided a sufficient guaranty. This avoids the need to bring a court action to cover risks. We continue to hold financial security from insurers on seven other active files.

The Administrator involved in two third party legal actions brought against shipowners. When those who suffered damages decide to sue the shipowner, the Administrator becomes party to the lawsuit. This provides an extra layer of protection to the claimant. The Administrator is currently involved as party by statute in two legal actions brought against the owners of the *Nathan E. Stewart* and the *Kathryn Spirit* (Figure 10). These court cases have been progressing slowly during the past two COVID-19 years.

1.1.4. FILES MANAGEMENT: CHALLENGES AND OPPORTUNITIES

Publishing the Administrator's decisions. The 2019-2020 decisions are now available on our website, as well as on the CanLII legal database. This increases transparency in our decision-making, which fosters access to justice. The 2020-2021 decisions will be published shortly. Anyone interested can sign up to receive notifications when a new decision is published.



Readiness for the indemnification of border spills. Building on the events and activities of 2020-2021, we prepared and hosted a tabletop exercise in December 2021. Representatives from the US Coast Guard, the United States

National Pollution Funds Centre, the CCG, Transport Canada (TC), the IOPC Funds, the International Group of P&I Clubs and the International Tanker Owners Pollution Federation (ITOPF) participated in this virtual event. It focused on the theme, "Harmonization among payers to achieve effective and efficient management of claims."

In addition, in 2022, we plan to attend a presentation by an international claims manager to prepare us to handle claims following a major incident.

The Fund as an access to justice tool for Indigenous claimants. TC continued its engagement activities on the upgrade of Canada's marine liability and compensation regime. We delivered two presentations on the existing compensation process. Several Indigenous groups were involved in this TC-led outreach initiative. It helped us become part of developing discussions.

Training will be organized for our team in 2022-2023 to acquire knowledge and develop our engagement with Indigenous communities.

Compensation arising out of an Incident Command System (ICS) deployment. This year, we held discussions on ICS-related activities with the ITOPF and the International Group of P&I Clubs. We met virtually to discuss the need to operationalize ICS in the context of environmental response compensation. The challenge is to optimize the use by payers of the documentation generated during the deployment of an ICS. We also gained useful insights on the use of ICS in the United States and elsewhere.

In addition, we resumed discussions with the CCG on the utilization of ICS in the context of environmental response with a view to remobilize the ICS working group.

None of the claims involving removal of derelict vessels submitted so far were covered by wreck removal insurance. The *Wrecked, Abandoned or Hazardous Vessels Act* (WAHVA) provides that the shipowner is responsible for wreck removal and related risks and costs (including oil pollution). It also makes wreck removal insurance mandatory for ships of 300 Gross Tons (GT) or more.

Because of an approximately two-year delay between incidents and claim submissions, this was the first year in which we expected to observe the effects of WAHVA. Furthermore, WAHVA can only have an effect on incidents involving derelict or abandoned vessels. We continue to monitor our claims portfolio for the impact of WAHVA, if any.

Figure 9: Number of Claims received related to wreck removal and insurance coverage

FISCAL YEAR	CLAIMS RECEIVED RELATED TO WRECK REMOVAL (PERCENTAGE OF ALL CLAIMS RECEIVED)	INCIDENTS AFTER JULY 29, 2019*	SHIP IS 300GT +	HAS MANDATORY WRECK REMOVAL INSURANCE
2019-2020	21 (57% of total)	0	-	-
2020-2021	12 (44% of total)	0	-	-
2021-2022	9 (45% of total)	4	0	-
TOTAL	42 (50% of total)	4	0	-

Note: * Date of entry into force of WAHVA



COVID-19 had impacts on our recovery efforts.

Litigation before the courts continues to be affected by ongoing closures and delays related to the COVID-19 pandemic, and the year also saw disruption owing to protests in downtown Ottawa, which reduced access to our offices.

Significant increase of our litigation portfolio, carried mostly in-house.

An overview of our active litigations and judgment enforcements can be found in Figure 10.

Figure 10: Overview of the 2021-2022 litigation portfolio

Administrator as a respondent**Claimant's challenge of the Administrator's decision (Section 1.1.1)**

SHIP NAME	OTHER DETAILS	REPRESENTED BY	
		EXTERNAL COUNSEL	INTERNAL COUNSEL
STATUTORY APPEAL OF THE DECISION (SUBSECTION 106(2) OF MLA): 3 FILES			
<i>Miss Terri</i>	–	–	X
<i>Stellie II</i>	–	–	X
<i>West Island 395</i>	–	–	X
JUDICIAL REVIEW: 4 FILES			
<i>Miss Terri</i>	–	–	X
<i>Stellie II</i>	–	–	X
<i>West Island 395</i>	Withdrawn	–	X
<i>West Island 395*</i>	Withdrawn	–	X
Total number of files: 7			

Administrator as a subrogated plaintiff**Administrator's recovery action against a shipowner (Section 1.1.2)**

SHIP NAME	OTHER DETAILS	REPRESENTED BY	
		EXTERNAL COUNSEL	INTERNAL COUNSEL
<i>Darrell Bay</i>	–	–	X
<i>Noble Mariner</i>	–	–	X
<i>Beverley Gaie</i>	Payment obtained	–	X
<i>Lady Miranda</i>	Payment obtained	–	X
<i>GRT-Synergie</i>	–	–	X
<i>Le Sept Ilien</i>	–	–	X
<i>Theresa N</i>	–	–	X
<i>Miss Terri</i>	–	–	X
<i>Maverick IV</i>	–	–	X
<i>Atanook</i>	–	–	X
<i>San Jolyne III</i>	–	–	X
<i>Alhena</i>	–	–	X

SHIP NAME	OTHER DETAILS	REPRESENTED BY	
		EXTERNAL COUNSEL	INTERNAL COUNSEL
<i>L'Épaulard</i>	–	–	X
<i>Friday White</i>	–	–	X
<i>Rolano</i>	–	–	X
Unknown name (deck barge)	–	–	X
<i>Sweven</i>	–	–	X
<i>West Island 395</i>	–	X	–
<i>King Arthur*</i>	–	X	–
<i>Lady Elizabeth I*</i>	Payment obtained	–	X
<i>Zodiac Light*</i>	–	–	X
<i>Tinker II*</i>	Withdrawn	–	X
<i>Big Kahuna*</i>	Withdrawn	–	X
Unknown name (blue trawler)*	Judgment obtained	–	X
<i>White Orca*</i>	Judgment obtained	–	X
<i>Anapaya*</i>	–	–	X
<i>Tymak No 20*</i>	Judgment obtained	–	X
<i>Sikuk*</i>	–	–	X
<i>Françoise*</i>	–	–	X
<i>SC 170*</i>	Judgment and payment obtained	–	X
<i>Laurier II*</i>	–	–	X
<i>Nika*</i>	Judgment obtained	–	X
<i>Viking I*</i>	Judgment obtained	–	X
<i>Sea-Que*</i>	Judgment obtained	–	X
<i>Salerosa*</i>	Judgment obtained	–	X
Total number of files: 35			

Administrator as a defendant / party-by-statute (section 1.1.3)

SHIP NAME	OTHER DETAILS	REPRESENTED BY	
		EXTERNAL COUNSEL	INTERNAL COUNSEL
<i>Kathryn Spirit*</i>	–	X	–
<i>Nathan E. Stewart*</i>	Supreme Court of British Columbia	X	–
<i>Nathan E. Stewart*</i>	Federal Court	X	–
Total number of files: 3			

*Note: The asterisk * indicates cases which were carried over from 2020-2021*

Grand total of number of files: 45

1.2. EMERGENCY FUNDING OF THE DEPARTMENT OF FISHERIES AND OCEANS IN CASE OF A MAJOR OIL SPILL

In case of a significant discharge, the Minister of Fisheries and Oceans may request the Minister of Transport to direct the release of funding for the response. After consultation with the Administrator, the Minister of Transport may make available up to \$10 million per year from the Fund. If the Minister of Fisheries and Oceans requires additional funds, the Governor in Council may authorize the release of up to \$50 million per year from the Fund.

The emergency funds released must be reimbursed to the Fund within two years through an *Appropriation Act*, less any amount claimed by the Minister of Fisheries and Oceans under the General Claims Process.

This emergency funding process has not yet been used.

1.3. CONTRIBUTION TO THE INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUNDS)

Canada is a party to two international oil compensation Funds (Box 3). We are members of the Canadian delegation, which participates in the decision-making meetings of the IOPC Funds. We are responsible for covering Canada's financial contribution. We also comply with Canada's reporting obligations under the conventions. This information serves to assess Canada's financial contribution to the IOPC Funds.

Remote attendance at the IOPC Funds meetings.

The meetings of the IOPC Funds usually take place twice a year in London, United Kingdom. Since the COVID-19 pandemic, meetings have been held remotely in a compressed format of three hours a day.

BOX 3



About the IOPC Funds

The IOPC Funds are two intergovernmental organizations, the 1992 Fund and the Supplementary Fund. They provide compensation for oil pollution damage resulting from spills of persistent oil from tankers. The 1992 Fund now has 120 member States, an increase of two from the previous year. It provides around \$350 million in compensation per incident. The Supplementary Fund, with its 32 member States, provides additional compensation of close to \$1 billion. These two Funds combined provide for a total of approximately \$1.296 billion, based on March 31, 2022 exchange rates.

The full report and documentation of the IOPC Funds meetings are available on their website at: www.iopcfunds.org.



Photo provided by the IOPC Funds

The 2021-2022 year was an eventful year for the IOPC Funds:

- The Director of the IOPC Funds, José Maura retired in December 2021. Elections were held at the fall 2021 meeting in a pandemic context. A preparatory session took place to set temporary amendments to the voting procedures in order to carry the elections remotely. We attended this meeting in July 2021.
- Mr. Gaute Sivertsen from Norway was elected as the new Director of the IOPC Funds in November 2021 for a five-year mandate. Mr. Sivertsen is well known among the IOPC Funds' membership and stakeholders. He has attended IOPC meetings as representative for Norway for almost 30 years, and chaired the 1992 Fund Assembly for over ten years.



Gaute Sivertsen, Director of the IOPC Funds.
Photo provided by the IOPC Funds.

- The situation in the Black Sea and the Sea of Azov has impacts on insurance and other financial security certificates. The Legal Committee of the International Maritime Organization (IMO) met in March 2021 to discuss and provide guidance on the implementation of the conventions. It also issued recommendations on this topic, including on the provision of insurance in case of an incident. Their report was circulated at the IOPC Funds meeting for discussion.

The meetings focused on corporate and governance decisions, such as elections and budget approval. Discussions on compensation policy topics were shortened. Elements relevant to us included:

- **The closing of the 2007 Hebei Spirit incident file.** It was the biggest incident file managed by the IOPC Funds in its four decades of existence. It involved the handling of over 128,000 claims in South Korea;
- **Discussions on the 2017 Agia Zoni II file** (tanker sinking in Greece), and on the **2021 Incident in Israel** (mystery spill). Claims related to these two incidents are being assessed;
- **Discussions on the 2018 Bow Jubail file** (collision in the Netherlands). The issue of applicability of the international Funds regime is pending in the Supreme Court of the Netherlands. The outcome may have wide-ranging impacts.
- **The levying of contributions.** Payable on March 1, 2022, the contributions were for the operations and management of the IOPC Funds. They included a contribution to the Major Claims Funds for the *Incident in Israel*. The share of Canada as a contributing country is around 3%. The IOPC Funds had not levied any contribution last year.

No new incident was brought to the attention of the IOPC Funds from April 2021 to March 31, 2022. However, they are aware that the situation in the Black Sea and the Sea of Azov may potentially expose the IOPC Funds and their contributors, including our Fund.

Progress towards the entry into force of the HNS Convention. Canada ratified the International Convention on Liability and Compensation in Connection with the Carriage of Hazardous and Noxious Substances by Sea and 2010 Protocol (2010 HNS Convention). However, this convention and its related HNS Fund are still not in force. Twelve states are required to ratify the convention to bring it into force. Estonia ratified the convention in 2022, bringing the number of Contracting States to six. The convention is likely to enter into force in the near future, given that a number of countries have made progress in their ratification. The IOPC Funds' and IMO's secretariats formed an informal working group to prepare a draft Claims Manual for the future HNS Fund. More information on the HNS Convention can be found at: www.hnsconvention.org.

Collection of the data from Canadian contributors and submission of the oil report for Canada. We are responsible for ensuring that the Canadian receivers of persistent oil by water provide information about quantities received. We may follow up on the information received and inquire on significant variances over the previous year. We report the data to the IOPC Funds.

Payment of contribution to the IOPC Funds for the year 2021. In 2022, we paid \$890,314 out of the Fund to cover the Canadian contribution to the IOPC Funds. The contribution is based on the oil report submitted in 2021.

Amendment of the oil report submitted for the year 2017, and payment adjustment. We became aware that a Canadian receiver had reported data for the year 2017 after the deadline. We therefore filed an amended 2017 report to the IOPC Funds and made a payment adjustment of \$69,272 to rectify the situation.

1.4. INQUIRY AND ENFORCEMENT WITH RESPECT TO CONTRIBUTORS' REPORTING OBLIGATIONS

The MLA provides that importers and exporters of oil shall file information on quantity of oil shipped or received. They are the Fund's contributors should the levy be reinstated. This information received from contributors also enables Canada to meet its reporting engagements under the conventions mentioned in section 1.3.

The MLA also provides for Administrative Monetary Penalties against contributors in case of non-compliance of their obligations.

The Administrator can inspect and request information provided by the contributors. The Administrator did not use these powers this year and no AMPs were issued.

1.5. OFFICE MANAGEMENT AND CONTROLS



Continued effects of the COVID-19 pandemic. This year, due to the ongoing health restrictions, we continued to mainly work remotely. Technology helped ensure the continuity and effectiveness of

operations. Telework agreements provided flexible work environment to staff.

Implementation of recommendations contained in the 2020 Special Examination. As the Special Examination contained recommendations relevant to the Corporate Services that serve this Fund and its sister Fund, the Fund for Railway Accidents Involving Designated Goods (Rail Fund) (Box 4). The two key recommendations were to:

1. Formalize the human resources (HR) plan
2. Upgrade information management and information technology (IM/IT).

Further to these recommendations, the Administrator implemented a number of measures, which were cost-shared between both Funds.

On the IM/IT front:

- A comprehensive IM/IT needs assessment was completed in October 2021.
- To support completion of the office's cloud transition strategy:
 - A pilot Intranet site was developed for enhanced information sharing and remote access.
 - Planning was initiated to move the existing electronic records management information system to a cloud-based model in 2022.

BOX 4

ABOUT THE RELATIONSHIP BETWEEN THE TWO FUNDS

Both Funds share the same address and the same Administrator and Deputy Administrator. The Funds are managed using shared administrative resources to maximize efficiencies. The Corporate Services group provides internal services to both Funds. Any audit or review of either Fund will necessarily involve the review of these shared administrative services and related internal controls.

The enabling legislation of each Fund requires that a special examination be undertaken every five years.

The 2020 Special Examination reviewed the Administrator's business environment, risks, and internal control framework, and examined key functions of her office which support the efficient operation of both Funds, specifically:

- Internal controls
- HR; and
- IM/IT

The report found that the Administrator has effective financial controls and systems in place. However, it identified opportunities for improving strategic human resource planning, as well as training and development programs for staff. The report also recommended the Administrator consider establishing an annual IT plan, and transitioning to a cloud-based, and flexible business model.

- Actions were taken to enhance security and related training.
 - New IT equipment was ordered for delivery in 2022.
 - The use of subscription-based software was enhanced.
- The number of land lines was reduced and the use of Business Voice was integrated with MS Teams.

On the HR management front:

- An employee survey was conducted.
- A comprehensive HR diagnostics report was commissioned to provide recommendations.
- A new 2022-2024 HR Plan was finalized in February 2022.
- A new telework guide and policy for remote work was implemented.
- HR policies and sections of the employee handbook were updated.
- New HR information systems were either implemented (payroll, leave and attendance tracking systems) or are being evaluated for future implementation.
- New training initiatives were undertaken.

Record year in submission of Access to Information (ATI) requests. We received four ATI requests this year. These were the first received in the past five years. They represent a third of all requests submitted since 2006, when the Fund became subject to the *Access to Information Act*. Most of this year's requests were about active incidents, which confirms the

public's interest in our activities. Some challenges arose in identifying what is releasable in legal files. Significant resources were allocated to answer the requests, which also prompted improvement of the internal processes.

The Fund's student program's most active year to date. A total of eight students worked with us this year:

- two articling students
- four law students hired part-time during the university year
- two students supported outreach and communications projects.

Most students were shared between our Fund and the Rail Fund.

1.6. REPORTING, OUTREACH AND COMMUNICATIONS

We consider transparency, communications and outreach as integrally linked to our mandate. This is in addition to our reporting obligations under the MLA and under the *Access to Information Act*. For the Fund to be relevant, collaboration with stakeholders and proactive communications with potential claimants are essential.

As mentioned in the last annual report, our outreach activities decreased in 2020-2021. Since then, our team worked to get back to pre-pandemic engagement levels. We reconnected with several stakeholders by hosting 14 new meetings and attending six more conferences and webinars than in the previous year. Most meetings and conferences remained held using online platforms. The list of our outreach activities can be found on page 31.

Using online platforms to accelerate outreach.

- **Launch of two new animation videos.** These videos explain the complex nature of the Fund in simple language. They also include tips to submit a claim. They can be found on our website.



- **New webinar.** In March 2022, we hosted a new webinar called: How to Submit a Claim Step-by-Step. It accompanied the launch of the new General Claims Form. Over 60 participants attended the webinar, which was presented in both official languages. This webinar is our third most popular to date.



Attendees expressed their interest in participating in such educational webinars periodically.

All the questions received during the webinar will be answered in a document to be published in 2022. The recording and the associated documents can be accessed through the “Webinars” section of our website and on our YouTube channel.

- **New blog posts on our incidents portfolio.** We published three new blog posts on:
 - Winter impact on oil pollution damages
 - The recovery of \$375,000 from marine polluter in Nova Scotia
 - The statistics we calculate about our activities

These posts are published on our website. In 2022-2023, we want to regularly add new articles.

HOW TO SUBMIT A CLAIM STEP-BY-STEP

TIPS AND TRICKS YOU CAN LEARN DURING
OUR FREE WEBINAR:



Join us on **March 29, 2022** at
1 PM!

Canada

- **Presence in stakeholders' online publications.**

We collaborated with different organizations to bring our message to their members. We submitted articles, received inquiries or participated in the submission of articles, such as:

- Chamber of Marine Commerce:
In Conversation with Anne Legars
- From the Bridge: Fall Edition 2021
- Clear Seas: Centre for Responsible Marine Shipping (Clear Seas) blog post: "Nathan E. Stewart Oil Spill: Five Years After"
- Union of BC Municipalities: Funding & resources update

- **Publication of all the incident summaries since 1989.** Every year, we publish our complete collection of incident summaries in which the Fund was involved. We have now reached 470 cases representing over 860 pages. In 2022-2023, we will explore options to present this information in the format of a database, which will improve the ability to search through the Fund's incident portfolio.



We received three new requests for statistics about the work we do from:

- Clear Seas (launch of their Maritime Commercial incidents and accidents dashboard)
- St. Lawrence Economic Development Council
- A PhD Student in Natural and Environmental Sciences at Newcastle University, UK (research on mystery spills)

We received four media requests from:

- SaltWire Networks (*Cormorant* incident)
- LighthouseNOW Progress Bulletin (*Cormorant* incident)
- CBC News (*SC 170* incident)
- Glacier Media (*SC 170* incident)

The Fund was also mentioned in several articles on abandoned and derelict vessels.

New communications training. We participated in a workshop organized by the Rail Fund. This media training session prepared the team involved in communications to deliver timely, relevant, and simple messaging and handle questions from journalists.

CHALLENGES AND OPPORTUNITIES

Beyond getting back to pre-pandemic levels of engagement, we also worked on making all our communications more accessible.



Getting back to pre-pandemic engagement levels. In the past, conferences and other well-attended events helped expand and strengthen our networks. We were also present at several provincial and national trade shows

with high foot traffic. In-person events allowed us to network, gain immediate feedback and receive recognition from participants across the country. It also helped to stay current in new trends by making new contacts in different sectors. Virtual networking or workshop options did not effectively replace in-person gatherings. We also recognize that some remote communities and organizations with connectivity issues might be prevented from participating in virtual events.

In 2022-2023, we will continue our engagement, based on an engagement calendar with recurring annual check-in meetings. This will help solidify our relationships and keep our stakeholders engaged.

This includes:

- Provinces, municipalities and local governments
- Indigenous groups
- Port authorities
- Insurance sector
- Commercial Marine carriers such as operators of tugs and barges

Simplifying outreach and education materials using plain language. We have taken steps to improve communications products by making them clear, accessible and written in plain language. We selected an external firm to help review and edit some communications products, including the website. We developed training plans for employees participating in the production of communications materials and engagement strategies with stakeholders. Several employees are new members of the Plain Language Community of Practice of the Government of Canada.

Taking steps to make the Fund more accessible. In 2019, the *Accessible Canada Act* became law. The purpose of this Act is to make Canada barrier-free by January 1, 2040. This involves identifying, removing and preventing barriers to accessibility in federal jurisdiction. It applies to organizations under federal responsibility. We will implement best practices and use accessibility standards in the new website launch. A training session will be organized for employees involved in the Fund's communications strategies.

OUTREACH ACTIVITIES IN 2021-2022

Engagement highlights:

- 14 meetings with key or new stakeholders
- 5 presentations at local and national conferences, webinars and committees
- 1 webinar and 1 workshop organized by our team
- 13 attendances at local, national and international conferences, webinars and committees
- 1 exhibition at an online provincial trade show
- 8 newsletters sent to our 376 contacts
- 2 new animation videos

LEGEND FOR THE TYPE OF STAKEHOLDERS

	Federal government		Maritime legal community
	Provincial and territorial governments		Indigenous engagement
	Municipalities and local governments		Fishing sectors
	International partners		Shipping and boating industry
	Environmental response professionals and industry		Academics
	Environmental organization		

* Recurring meetings with the CCG (3) and TC (5) are not listed below.

	<p>Presentation to the Standing Committee on the Environment at the Spring 2021 national meeting of the Canadian Marine Advisory Council (CMAC)</p> <p><i>The CMAC represents parties with an interest in shipping, navigation and marine pollution issues.</i></p>	   	APRIL
	<p>Participation as exhibitor at the virtual trade show of the 2021 Annual Convention of the Association of Vancouver Island and Coastal Communities (AVICC)</p> <p><i>The AVICC represents various municipalities, regional districts and other local governments of Vancouver Island, Sunshine Coast, qathet/Powell River, the North Coast and the Central Coast.</i></p>	 	MAY
	<p>Attendance at the International Oil Spill Conference (IOSC)</p> <p><i>This conference provides a forum for professionals from the international spill response community, private sector, government, and non-governmental organizations.</i></p>	  	

	<p>Presentation at the Heiltsuk Marine Emergency Response Team working group</p> <p><i>The webinar included members of the Heiltsuk Nation, the CCG, TC and Fisheries and Oceans Canada (DFO). The focus was on the claim process for response costs.</i></p>		JUNE	2021
	<p>Attendance at the webinar “Managing Shipping Risk in Marine Protected Areas” presented the Canadian Marine Shipping Risk Forum</p> <p><i>The Forum is a new community of practice focused on modelling and risk assessment of marine shipping.</i></p>			
	<p>Attendance at the 43rd AMOP Technical Seminar on Environmental Contamination and Response.</p> <p><i>This seminar is an international forum on preventing, assessing, containing, and cleaning up spills of hazardous materials in every type of environment.</i></p>			
<p>Participation in the Canadian delegation to the IOPC Funds’ governing bodies</p>		JULY		
<p>Attendance at the launch of Clear Seas’ Maritime Commercial Incidents and Accidents Mapping Dashboard, by Clear Seas Centre for Responsible Marine Shipping (Clear Seas).</p> <p><i>We had previously shared data on our incident cases to support this project. Clear Seas is an independent not-for-profit research centre that supports safe and sustainable marine shipping in Canada.</i></p>				
<p>Attendance at the Fresh Water Focus Conference from the Eastern Canada Response Corporation (ECRC-SIMEC)</p> <p><i>ECRC-SIMEC is certified by TC as a Canadian Marine Response Organization and operates in three regions:</i></p> <ul style="list-style-type: none"> • Great Lakes Region • Atlantic Region • Quebec Region 		AUGUST		
<p>Meeting with a representative of the Innu Essipit First Nation Council</p> <p><i>We discussed compensation available in the event of a ship-source oil spill for:</i></p> <ul style="list-style-type: none"> • damages and economic losses to the marina • tourism and fishing losses • reinstatement of the environment 				
<p>Meeting with International Group of P&I Clubs and International Tanker Owners Pollution Federation Limited (ITOPF)</p> <p><i>We discussed processing of claims arising out of an Incident Command System (ICS) deployment.</i></p>		SEPTEMBER		



Presentation at the TC’s Co-Developing Community Response webinar in collaboration with a representative of TC

The audience was coastal Indigenous communities directly impacted by the Trans Mountain Expansion Project. The focus was on oil spill response and the claims related to the response and other compensable damages.



Preparative meeting for the December 2021 Transboundary Oil Spill Liability and Compensation (TLC) tabletop exercise with international partners



Attendance at the Pacific States/BC Oil Spill Task Force 2021 Annual Meeting

The Task Force members shared updates on their work on current issues in spill prevention, preparedness, response and recovery.



Participation in the Canadian delegation to the IOPC Funds’ governing bodies



Photo provided by the IOPC Funds



Co-organization and presentation at the TLC tabletop exercise with:

- TC
- United States Coast Guard
- National Pollution Funds Center (NPFC)
- IOPC Funds
- The International Group of P&I Clubs
- ITOPF

Using a hypothetical spill scenario, the group worked on establishing harmonization among payers to help ensure effective, efficient, and expedient claims processing.



Presentation at the ArcticNet Annual Scientific Meeting 2021 in collaboration with a representative of TC

The presentation called “Who Pays for an Oil Spill? Compensation in the Arctic” covered the Fund’s claims portfolio for incidents in the Arctic.



Meeting with the St. Lawrence Economic Development Council (SODES)

The SODES is a non-profit organization that protects and promotes the economic interests of the St. Lawrence River maritime community.



Attendance at TC’s webinar on Wrecked and Abandoned Boats, and Vessels of Concern



NOVEMBER

2021

DECEMBER





Presentation of a research project on the Fund's files under Section 101 of the MLA to TC and CCG.

When damages occur, claimants can file a claim against a shipowner with the courts. The Administrator becomes party-by-statute to these court proceedings. We might provide compensation through this process. It is sometimes called the "last resort" or "indirect claims" option.



JANUARY

**Hosting the webinar:
How to Submit a
Claim Step-by-Step**



2022

Participation in the Canadian delegation to the IOPC Funds' governing bodies



MARCH

Meeting with Clear Seas



Preparative meeting for the 2022 Oil Spill Preparedness & Response Workshop with:

- TC
- CCG
- DFO
- Environment and Climate Change Canada
- Wildlife Conservation Society Canada

This workshop is part of TC's Cumulative Effects of Marine Shipping initiative for the pilot area of Cambridge Bay, Nunavut.



2. FINANCIAL REPORT

During the fiscal year, the Fund collected \$4,338,366 in interest (compared to \$1,682,337 in 2020-2021). It also recovered \$422,146, from shipowners responsible for pollution, or from their insurers (compared to \$3,190 in 2020-2021).

Interest revenue increased by \$2,656,029 reflecting an increase in the average rate of interest from 0.34% in 2020-2021 to 1.13% in 2021-2022. There were six recoveries related to previously awarded settlements in 2021-2022 compared to two in 2020-2021. As a result, total Fund revenues were \$4,760,512 over the year (compared to \$1,685,527 in 2020-2021).

The Fund expenses were \$4,959,684 (compared to \$2,600,329 in 2020-2021), of which \$2,015,800 were operating expenses (compared to \$2,049,928 in 2020-2021):

- A total of \$959,586 in contributions were made to the IOPC Funds (compared to none in 2020-2021 and \$554,235 in 2019-2020).
- \$764,201 was paid for Canadian claims (including \$58,892 paid in statutory interest), compared to \$532,421 the previous year (including \$47,514 paid in statutory interest).
- The provision for claims under review increased by \$1,220,097 compared to last year due to the increased total dollar value of claims received but not yet processed at the end of the fiscal year (see note 4 of the attached Financial Statements).
- Operating expenses decreased by \$34,128. Variances include:
 - A \$140,000 decrease in consulting fees for marine and engineering services and claims investigators;
 - A \$106,000 increase in legal fees for non-claims related legal advice on corporate, labour relations and procurement issues, and
 - Additional minor variances as shown in Schedule A to the Financial Statements.

At the end of the fiscal year, the Fund had an accumulated surplus of \$408,857,200 (compared to \$409,056,372 at the end of the previous fiscal year).

The Auditor's Report is included in the attached Financial Statements.

SHIP-SOURCE OIL POLLUTION FUND

FINANCIAL STATEMENTS

MARCH 31, 2022

SHIP-SOURCE OIL POLLUTION FUND

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INDEPENDENT AUDITOR'S REPORT

To the Administrator of
Ship-source Oil Pollution Fund

Opinion

We have audited the financial statements of the Ship-source Oil Pollution Fund (the Fund), which comprise the statement of financial position as at March 31, 2022, the statements of operations, change in net financial assets and cash flows for the year then ended, as well as a summary of significant accounting policies and other explanatory information.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Fund as at March 31, 2022, and the results of its operations and its cash flows for the year then ended, in accordance with Public Sector Accounting Standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "Auditor's Responsibilities for the Audit of the Financial Statements" section of our report. We are independent of the Fund in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter – Budget figures

As explained in Note 10 to the financial statements, budget figures are not disclosed in the financial statements, although it is required according to Public Sector Accounting Standards. Our opinion is not modified in respect of this matter.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Public Sector Accounting Standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Fund's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Fund or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Fund's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

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Chartered Professional Accountants

Cabinet indépendant affilié à
independent firm affiliated to



As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Fund's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Fund to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.



Chartered Professional Accountants, Licensed Public Accountants

Ottawa, Ontario
June 2, 2022

SHIP-SOURCE OIL POLLUTION FUND

STATEMENT OF FINANCIAL POSITION

MARCH 31, 2022

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	2022	2021
FINANCIAL ASSETS		
Balance of the account with Receiver General for Canada (Note 3)	\$ 411,674,039	\$ 410,938,132
Accrued interest receivable	646,836	292,964
Accounts receivable	-	2,000
Advances to the Fund for Railway Accidents Involving Designated Goods	174,612	164,285
TOTAL FINANCIAL ASSETS	412,495,487	411,397,381
LIABILITIES		
Accounts payable and accrued liabilities	185,299	151,934
Provision for claims under review (Note 4)	3,531,854	2,311,758
TOTAL LIABILITIES	3,717,153	2,463,692
NET FINANCIAL ASSETS	408,778,334	408,933,689
NON-FINANCIAL ASSETS		
Capital assets (Note 5)	78,866	122,683
ACCUMULATED SURPLUS	\$ 408,857,200	\$ 409,056,372

Original signed by:

Anne Legars

_____, Administrator

SHIP-SOURCE OIL POLLUTION FUND

STATEMENT OF OPERATIONS FOR THE YEAR ENDED MARCH 31, 2022

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	2022	2021
REVENUES		
Interest	\$ 4,338,366	\$ 1,682,337
Recoveries related to previously awarded settlements	422,146	3,190
	4,760,512	1,685,527
CLAIMS		
Increase of provision for claims under review	1,220,097	17,980
International Oil Pollution Compensation Funds Contributions (Note 6)	959,586	-
Payments made towards Canadian claims	696,042	484,907
Interest on payments made towards Canadian claims	58,759	47,514
Payments made under the expedited process for small claims	9,267	-
Interest on payments made under the expedited process for small claims	133	-
	2,943,884	550,401
	1,816,628	1,135,126
OPERATING EXPENSES		
Administrative services, salaries and office expenses (Schedule A)	1,264,325	1,237,840
Consulting fees (Schedule B)	219,754	359,392
Legal fees	182,845	76,652
Administrator and deputy administrator's fees	144,398	149,701
Rent	117,592	123,818
Travel	24,961	18,847
Audit fees	18,108	16,668
Amortization of capital assets	43,817	67,010
	2,015,800	2,049,928
DEFICIENCY OF REVENUES OVER EXPENSES	(199,172)	(914,802)
ACCUMULATED SURPLUS, BEGINNING OF YEAR	409,056,372	409,971,174
ACCUMULATED SURPLUS, END OF YEAR	\$ 408,857,200	\$ 409,056,372

SHIP-SOURCE OIL POLLUTION FUND

STATEMENT OF CHANGE IN NET FINANCIAL ASSETS FOR THE YEAR ENDED MARCH 31, 2022

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	2022	2021
DEFICIENCY OF REVENUES OVER EXPENSES	\$ (199,172)	\$ (914,802)
Amortization of capital assets	43,817	67,010
DECREASE IN NET FINANCIAL ASSETS	(155,355)	(847,792)
NET FINANCIAL ASSETS, BEGINNING OF YEAR	408,933,689	409,781,481
NET FINANCIAL ASSETS, END OF YEAR	\$ 408,778,334	\$ 408,933,689

SHIP-SOURCE OIL POLLUTION FUND

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED MARCH 31, 2022

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	2022	2021
OPERATING ACTIVITIES		
Deficiency of revenues over expenses	\$ (199,172)	\$ (914,802)
Adjustment for:		
Amortization of capital assets	43,817	67,010
	(155,355)	(847,792)
Net change in non-cash items related to operating activities:		
Accrued interest receivable	(353,872)	(80,101)
Accounts receivable	2,000	(8,812)
Advances to the Fund for Railway Accidents Involving Designated Goods	(10,327)	(119,134)
Accounts payable and accrued liabilities	33,365	(34,952)
Provision for claims under review	1,220,096	17,981
	891,262	(207,394)
INCREASE (DECREASE) IN BALANCE OF THE ACCOUNT WITH THE RECEIVER GENERAL FOR CANADA	735,907	(1,055,186)
BALANCE, BEGINNING OF YEAR	410,938,132	411,993,318
BALANCE, END OF YEAR	\$ 411,674,039	\$ 410,938,132

SHIP-SOURCE OIL POLLUTION FUND

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 2022

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1. GOVERNING STATUTES AND PURPOSE OF THE ORGANIZATION

The Ship-source Oil Pollution Fund (the Fund) was created on April 24, 1989 by amendments to the *Canada Shipping Act* and succeeded the Maritime Pollution Claims Fund. The Fund is governed by Part 7 of the *Marine Liability Act* (MLA) as modified by Statutes of Canada, 2009, Chapter 21.

2. SIGNIFICANT ACCOUNTING POLICIES

Basis of accounting

The financial statements are prepared in accordance with Treasury Board accounting policies which are consistent with Public Sector Accounting Standards.

Accounting estimates

The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the reported amounts of revenue and expenses for the periods covered. The primary estimate relates to the valuation of provision for claims under review. Actual amounts could differ from the estimates.

Revenue recognition

Interest income is recognized as revenue when it is earned. Recoveries related to previously awarded settlements are recognized when they are received.

Capital assets

Capital assets are recorded at cost. Capital assets are amortized over their estimated useful lives according to the straight-line method over the following periods:

Computer equipment	3 years
Furniture and equipment	10 years
Leasehold improvements	Remaining term of lease

Recognition of the provision for claims under review

Provisions for indemnification claims are estimated and recognized when a formal claim is submitted by the claimant and is duly received by the Fund.

Recognition of the contributions to the International Oil Pollution Compensation Funds

The Fund recognizes its contributions to the International Oil Pollution Compensation Funds when the contributions are determined and requested by the International Oil Pollution Compensation Funds.

Foreign currency translation

Transactions involving foreign currencies are translated into Canadian dollars using rates of exchange in effect at the time of these transactions.

SHIP-SOURCE OIL POLLUTION FUND

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 2022

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3. BALANCE OF THE ACCOUNT WITH THE RECEIVER GENERAL FOR CANADA

The cash balance of the Fund is held within the Consolidated Specified Purpose Accounts of the Government of Canada. Public Works and Government Services Canada acts as the custodian of this cash balance and Transport Canada performs the various transactions on behalf of the Fund. Interest is credited to the account in accordance with the provisions of the MLA at a rate based on a 5-year Government of Canada bond interest rate, calculated monthly. The interest rates varied between 0.77% and 1.85% during the year (2021: 0.22% and 0.84%). The average interest rate for the year ended March 31, 2022 was 1.13% (2021: 0.34%).

4. MEASUREMENT UNCERTAINTY

Due to uncertainties inherent to the claims review process, it is possible that the provision for claims under review is insufficient. Accordingly, a provision of \$3,531,854 for claims received prior to March 31, 2022 (2021: \$2,311,758) but not completely reviewed by that date has been calculated and recorded in the books. This provision is based on management's estimate and supported by claims payment historical data. All subsequent adjustments due to further investigation will be recognized in the year in which the claims are reviewed.

Provision for claims under review

As of March 31, 2022, the provision for claims under review was as follow:

- \$2,123 (2021: \$168,580) which represents the amount offered through formal offers and provisioned for claims received and currently under review;
- \$3,529,731 (2021: \$2,143,178) which represents the amount provided for on claims received not yet processed.

5. CAPITAL ASSETS

	2022		
	Cost	Accumulated amortization	Net book value
Computer equipment	\$ 224,426	\$ 224,426	\$ -
Furniture and equipment	233,130	197,497	35,633
Leasehold improvements	638,259	595,026	43,233
	\$ 1,095,815	\$ 1,016,949	\$ 78,866
	2021		
	Cost	Accumulated amortization	Net book Value
Computer equipment	\$ 224,426	\$ 218,300	\$ 6,126
Furniture and equipment	233,130	189,975	43,155
Leasehold improvements	638,259	564,857	73,402
	\$ 1,095,815	\$ 967,132	\$ 122,683

SHIP-SOURCE OIL POLLUTION FUND

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 2022

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6. CONTINGENCIES

The Ship-source Oil Pollution Fund may be required to make contributions to the International Oil Pollution Compensation Funds, for which the amount owing is determined by the International Oil Pollution Compensation Funds. The amounts contributed are used to pay compensation for claims arising under the jurisdiction of the contracting states to the International Oil Pollution Compensation Funds. The size of the contribution is contingent on the number of claims received by the International Oil Pollution Compensation Funds, resulting in varying levels of contributions from year to year. Given this volatility, it has been determined that this contribution cannot be reasonably estimated from year to year. The amount of the contribution is paid and recorded by the Ship-source Oil Pollution Fund once the contribution is determined and requested by the International Oil Pollution Compensation Funds. During the year ended March 31, 2022, the Fund has contributed \$959,586 (2021: \$Nil) to the International Oil Pollution Compensation Funds.

Starting December 18, 2018, the Ship-source Oil Pollution Fund no longer has a liability limit per claim. Furthermore, as of April 1, 2022, the Minister of Transport has the statutory power to impose a levy of 56.32 cents (2021: 55.05 cents) per metric tonne of "contributing oil" imported into or shipped from a place in Canada in bulk as cargo in a ship. Both the maximum liability and the levy are indexed annually to the consumer price index. No levy has been imposed since 1976.

In the normal course of its operations, the Fund may receive information about incidents that have occurred but for which no claims have been received. It is not possible for the Fund to determine the likeliness of a claim for any of these reported incidents. The Fund is also not able to assess the financial value of any such claims should they materialize. No provision related to these incidents is recognized in the financial statements. A provision is recognized when a claim is effectively received.

7. INFORMATION INCLUDED IN OPERATIONS

	2022	2021
Foreign exchange loss included in the International Oil Pollution Compensation Funds contributions	\$ (15,886)	\$ -

8. RELATED PARTY TRANSACTIONS

The Fund is related, as a component of the accounting framework of the Government of Canada, to all Government of Canada departments, agencies and Crown Corporations.

Rent

During the year, the Fund has paid \$185,722 (2021: \$185,722) to Public Works and Government Services Canada (PWGSC) for the use of office spaces of which a portion (\$68,130; 2021: \$61,905) is then charged to the Fund for Railway Accidents Involving Designated Goods. The Fund is committed to pay an annual minimum rent of \$185,722 to PWGSC for the rental of premises under a lease agreement expiring March 31, 2023. As a tenant, the Fund is also responsible to pay its share of escalation costs annually.

SHIP-SOURCE OIL POLLUTION FUND

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 2022

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8. RELATED PARTY TRANSACTIONS (continued)

Accounting services

During the year, the Fund paid \$26,848 (2021: \$26,820) to Transport Canada for accounting services.

Other

During the year, the Fund recovered \$821,466 (2021: \$420,075) from the Fund for Railway Accidents Involving Designated Goods for the following operating expenses:

	2022	2021
Administrative services, salaries and office expenses	\$ 753,336	\$ 358,171
Rent	68,130	61,904
	\$ 821,466	\$ 420,075

9. SUBSEQUENT EVENTS

The Fund recognizes a provision for an indemnification claim when a formal and duly prepared claim is submitted by the claimant and is effectively received by the Fund. All claims received before March 31, 2022 were provided for in the financial statements. During the period from April 1, 2022 to May 31, 2022, the Fund has received additional claims totalling \$10,549. These claims are not provided for in the financial statements.

10. BUDGET

The Ship-source Oil Pollution Fund does not prepare an annual budget due to the nature of its operations.

SHIP-SOURCE OIL POLLUTION FUND

ADDITIONAL INFORMATION FOR THE YEAR ENDED MARCH 31, 2022

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	2022	2021
SCHEDULE A - ADMINISTRATIVE SERVICES, SALARIES AND OFFICE EXPENSES		
Salaries and benefits	\$ 993,266	\$ 925,328
Office expenses	105,344	72,782
Information technology services	69,999	64,827
Telecommunications	5,047	8,194
Other administrative services	90,669	166,709
	\$ 1,264,325	\$ 1,237,840
SCHEDULE B – CONSULTING FEES		
Claims consultants and investigators	\$ 133,399	\$ 173,129
Special projects – management and expertise services	82,205	172,325
Graphic and multimedia services	4,150	13,938
	\$ 219,754	\$ 359,392

APPENDIX

LIST OF INCIDENT REPORTS AND CLAIMS FILES IN 2021-2022

The index of cases provides additional information on each of the cases of the 2021-2022 files portfolio:

- Cases are listed by province and territory
- The “Status” column indicates whether the file is open or closed as of March 31, 2022

- The type of oil is not always known or defined, especially at the incident report stage, i.e., before a claim is submitted.

- This icon refers to wreck, derelict and abandoned vessels.



A summary of each of the cases listed below can be found on the Fund’s website (www.sopf.gc.ca under Incidents).

SMALL CLAIMS PROCESS

INCIDENT	CLAIMS SUBMITTED	DECISION	DATE NOTICE OF PAYMENT WAS ISSUED	DATE NOTICE OF OVERPAYMENT WAS ISSUED	STATUS AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	(% offered vs. claimed)			
Ontario					
<i>The Left Hand</i> 2021-08-13 Humber Park Pleasure craft No spill	\$15,000.00 2021-09-07 Tow Marine Assistance Ltd	– (withdrawn)	–	–	Closed
British Columbia					
<i>Autumn Winds</i> 2021-07-15 Discovery passage Commercial fishing vessel No spill	\$9,266.96 2021-12-09 Nanwakolas Council society	\$9,266.96 (100%)	2022-02-04	–	Open
<i>Unknown name</i> 2020-01-03 Sicamous Houseboat (pleasure craft) Diesel Spill	\$6,941.10 2020-12-02 DFO/CCG	\$4,402.99 (63%)	2021-02-01	2021-06-17	Open

GENERAL CLAIMS PROCESS AND INCIDENT REPORTS

INCIDENT Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	CLAIMS SUBMITTED Amount claimed Date of submission Name of claimant	DECISION Amount offered (% offered vs. claimed) Date of decision	RECOVERY Amount recovered Date of recovery	STATUS OF FILE AT END OF THE YEAR
Newfoundland and Labrador				
Alaskaborg 2022-02-10 Off the South Coast Cargo ship Heavy fuel Spill	-	-	-	Open
Baffin Sound 2015-06-23 St. Anthony Fishing vessel No spill	\$22,185.86 2015-12-09 DFO/CCG	\$22,185.86 (100%) 2016-02-25	-	Open
BBC Oregon 2019-06-30 Bay Bulls Cargo ship No spill	-	-	-	Open
Beverley Gaie 2018-10-03 Summerside Converted pleasure craft No spill	\$151,648.78 2019-07-12 DFO/CCG	\$9,614.71 (6.34%) 2019-10-31	\$8,000.00 2022-03-11	Closed
Comanche 2022-03-10 Placentia Bay Bulk Carrier No spill	-	-	-	Open
Danielle and Mark 2020-02-10 Old Bonaventure Fishing vessel No spill	\$47,073.08 2021-06-03 DFO/CCG	\$30,397.23 (64.6%) 2021-09-21	Recovery efforts ongoing	Open
Executioner 2021-12-09 St. John's Fishing vessel No spill	-	-	-	Open
Françoise 2017-09-21 Clarenville Fishing vessel No spill	\$381,296.28 2019-09-12 DFO/CCG	\$73,908.57 (19.38%) 2020-06-10	Recovery efforts ongoing	Open
Jennifer Holly 2019-04-01 Main Brook Fishing vessel Fuel, base oil, hydraulic oil Spill	\$76,171.64 2019-10-28 DFO/CCG	\$72,939.19 (95.76%) 2020-03-06	Recovery efforts ongoing	Open
Lady Elizabeth I 2018-03-08 Woody Point Passenger/Cargo vessel No spill	\$8,489.01 2019-12-13 DFO/CCG	\$1,620.37 (19.09%) 2020-03-11	\$2,147.82 2021-05-19	Closed

INCIDENT	CLAIMS SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
Lady Miranda 2018-08-17 Cow Head Fishing vessel No spill	\$7,569.90 2020-05-25 DFO/CCG	\$7,569.90 (100%) 2020-06-25	\$8,639.92 2022-03-11	Open
Lucas & Rebecca 2017-07-01 Bay of Islands Fishing vessel No spill	\$17,744.67 2017-11-03 DFO/CCG	\$17,744.64 (100%) 2017-12-13	Recovery efforts ongoing	Open
Marcel Angie II 2018-12-11 Grand Bank Fishing vessel No spill	\$20,267.57 2020-11-03 DFO/CCG	\$14,622.14 (76%) 2021-03-02	\$16,088.71 2021-10-03	Closed
Megan C 2019-01-28 Port aux Basques Fishing vessel No spill	\$11,784.58 2019-05-01 DFO/CCG	\$8,170.82 (69.33%) 2019-06-12	Recovery efforts ongoing	Open
MSC Kim 2022-03-09 Port au Port Cargo ship No spill	-	-	-	Open
Mystery Spill 2020-06-08 Postville Kerosene Spill	\$32,650.70 2021-12-01	Assessment ongoing	-	Open
Noble Mariner 2018-04-25 Nipper's Harbour Fishing vessel Diesel Spill	\$41,687.99 2019-05-30 DFO/CCG	\$36,601.67 (87.80%) 2019-07-11	Recovery efforts ongoing	Open
Northern Ranger 2019-06-01 Lewisporte Passenger vessel (ferry) Spill	-	-	-	Open
Omni St.Laurent 2019-09-23 Stephenville Tug Diesel Spill	-	-	-	Open
Sikuk 2017-09-21 Clarenville Fishing vessel No spill	\$195,109.00 2019-03-01 DFO/CCG	\$79,826.14 (40.91%) 2020-06-10	Recovery efforts ongoing	Open

INCIDENT	CLAIMS SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
Stellie II 2016-03-23 Port Saunders Fishing vessel Diesel Spill 	\$114,897.43 2020-10-08 DFO/CCG	Claim was rejected		Open
Sweven 2019-03-12 St. John's Pleasure craft No spill	\$6,134.57 2021-03-11 DFO/CCG	\$6,134.57 (100%) 2021-04-23	Recovery efforts ongoing	Open
Unknown name 2020-01-17 Cupids Pleasure craft Diesel Spill	\$14,826.38 2021-06-15 DFO/CCG	\$14,766.79 (99.6%) 2021-09-01	Recovery efforts ongoing	Open
Nova Scotia				
Cormorant 2015-02-27 Bridgewater Ex-military Hydraulic Oil Spill 	\$549,581.18 2015-11-02 DFO/CCG	\$515,267.25 (93.76%) 2016-03-29	\$375,000.00 2022-01-06	Open
Farley Mowat 2015-06-24 Shelburne Research Ship Spill 	\$47,598.78 2017-06-23 Town of Shelburne	\$43,641.94 (91.69%) 2017-07-18	Recovery efforts ongoing	Open
Farley Mowat 2015-06-24 Shelburne Research Ship Spill 	\$814,815.05 2016-01-18 DFO/CCG	\$813,316.15 (99.82%) 2016-06-29	Recovery efforts ongoing	Open
Hydra Mariner 2021-01-16 Halifax Pleasure craft Unknown Spill 	-	-	-	Open
Miss Mall Bay 2019-04-03 Lunenburg Fishing vessel No spill 	\$183,859.32 2021-04-01 DFO/CCG	\$35,824.08 (19%) 2021-11-05	Recovery efforts ongoing	Open
Miss Tricia Lynn 2019-05-19 Chéticamp Fishing vessel No spill	\$10,815.75 2021-05-18 DFO/CCG	\$10,803.86 (99.9%) 2021-07-27	Recovery efforts ongoing	Open
Primo 2021-02-09 Lunenburg Fishing vessel No spill 	-	-	-	Open

INCIDENT Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	CLAIMS SUBMITTED Amount claimed Date of submission Name of claimant	DECISION Amount offered (% offered vs. claimed) Date of decision	RECOVERY Amount recovered Date of recovery	STATUS OF FILE AT END OF THE YEAR
Ryan Atlantic II (formerly <i>Cape Rouge</i>) 2014-03-10 Bridgewater Ex-fishing vessel Spill	\$362,575.38 2014-06-30 DFO/CCG	\$358,117.79 (98.77%) 2015-03-19	Recovery efforts ongoing	Open
Stephanie & Darrel 2007-04-11 Shelburne Fishing vessel Fuel and hydraulics Spill	\$13,627.73 2008-02-09 DFO/CCG	\$13,627.73 (100%) 2008-05-13	Recovery efforts ongoing	Open
New Brunswick				
L'Épaulard 2018-11-04 Blacks Harbour Fishing vessel Diesel Spill	\$7,821.73 2020-11-03 DFO/CCG	\$7,674.80 (98%) 2021-01-26	Recovery efforts ongoing	Open
SBI Carioca 2017-10-11 Belledune Bulk Carrier No spill	–	–	–	Open
Quebec				
Federal Leda 2019-11-21 Beauharnois Bulk Carrier No spill	\$2,956.29 2021-11-20 DFO/CCG	Assessment ongoing	–	Open
GRT Synergie 2018-05-13 Carlton-sur-Mer Fishing vessel Diesel Spill	\$10,449.01 2020-05-12 DFO/CCG	\$1,297.67 (12.42%) 2020-11-12	Recovery efforts ongoing	Open
Kathryn Spirit 2013-09-19 Lac St. Louis, Beauharnois Bulk Carrier No spill	\$25,731,208.24 2021-05-04 DFO/CCG	–	–	Open
Le Sept Ilien 2018-06-22 Gros-Morne, Gaspésie Fishing vessel No spill	\$3,087.54 2020-06-22 DFO/CCG	\$1,996.69 64.70% 2020-10-19	Recovery efforts ongoing	Open
Ocean Uannaq 2016-04-01 Montreal Tug Spill	\$5,074.17 2021-03-31 DFO/CCG	Claim was rejected		Open

INCIDENT	CLAIMS SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
Réjane 2020-10-09 Rapides du Cheval Blanc, Rivière des Prairies Tug No spill	\$3,428.93 2021-04-13 DFO/CCG	\$3,441.79 (100%) 2021-08-08	Recovery efforts ongoing	Open
Ontario				
Tecumseh 2019-12-15 Detroit River Bulk Carrier No spill	\$9,752.43 2021-12-14 DFO/CCG	Assessment ongoing	–	Open
Unknown name 2021-04-13 Bluffers Park, Toronto Pleasure craft No spill	\$9,982.18 2021-10-13 DFO/CCG	\$2,294.64 (23%) 2022-02-16	Recovery efforts ongoing	Open
SEA-Q-TI 2021-02-08 Humber Bay Park, Toronto Pleasure craft No spill	\$35,614.93 2021-11-08	Assessment ongoing	–	Open
British Columbia				
Alaska Plaza and Sea Lander 2020-12-24 Port McNeil Barge Diesel Spill	–	–	–	Open
Alhena 2018-11-01 Alert Bay Fishing vessel No spill	\$12,654.91 2020-10-30 DFO/CCG	\$5,440.03 (42.99%) 2021-01-06	Recovery efforts ongoing	Open
Anapaya 2017-10-21 Ladysmith Wooden sailing vessel Diesel and Lube Oil Spill	\$311,073.37 2019-09-10 DFO/CCG	\$296,024.24 (95.16%) 2019-12-05	No recovery	Closed
Atanook 2018-10-07 Ganges Harbour Sailing vessel (pleasure craft) No spill	\$19,017.43 2020-10-05 DFO/CCG	\$4,905.93 (25.80%) 2020-12-24	Recovery efforts ongoing	Open
Atrevida No. 1 2018-12-20 Maple Bay, near Arbutus Point Pleasure craft, ex-ferry Diesel Spill	\$223,719.10 2020-12-23 DFO/CCG	Claim was rejected		Closed

INCIDENT Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	CLAIMS SUBMITTED Amount claimed Date of submission Name of claimant	DECISION Amount offered (% offered vs. claimed) Date of decision	RECOVERY Amount recovered Date of recovery	STATUS OF FILE AT END OF THE YEAR
Aura Lee 2018-12-13 Cowichan Bay Ex-fishing vessel Diesel Spill	 \$42,176.45 2020-12-08 DFO/CCG	\$33,908.13 (80%) 2021-03-31	Recovery efforts ongoing	Closed
Barges King Arthur & SL 104 2016-04-10 Mamquam Blind Channel Barge No spill	\$819,134.67 2018-04-04 DFO/CCG	\$814,012.78 (99.37%) 2018-10-31	Recovery efforts ongoing	Open
Big Kahuna 2017-11-29 Port Hardy Pleasure craft No spill	 \$9,016.06 2019-09-30 DFO/CCG	\$6,811.45 (75.55%) 2019-12-24	No recovery	Closed
Blue Pacific No. 1 2016-12-28 Salt Spring Island Ex-fishing vessel Fuel Oil Spill	\$132,339.06 2018-10-09 DFO/CCG	\$114,129.56 (86.24%) 2019-01-23	Recovery efforts ongoing	Open
Central Isle 2016-06-01 French Creek Ex-fishing vessel No spill	\$25,035.02 2018-02-20 DFO/CCG	\$24,108.07 (96.30%) 2018-04-04	Recovery efforts ongoing	Open
Darrell Bay Incident 2018-12-20 Darrell Bay, Squamish Ex-fishing vessels, pleasure craft, ex-tug Diesel Spill	 \$202,213.22 2020-12-17 DFO/CCG	\$43,721.14 (21.6%) 2021-05-10	Recovery efforts ongoing	Open
Delphinus 2018-02-19 Gowlland Island Sailing vessel No spill	 \$25,579.91 2020-02-05 DFO/CCG	\$4,378.08 (17.12%) 2020-07-31	–	Closed
Elva M II 2016-11-05 Richmond Fishing vessel Spill	\$7,649.63 2017-02-09 Steveston Harbour Authority \$46,351.57 2017-02-28 DFO/CCG	\$7,649.63 (100%) 2017-02-22 \$46,351.57 (100%) 2017-03-31	 \$3,266.46 2019-07-01	Open Open
Foss 153 2020-04-22 Haida Gwaii Barge Diesel Spill	–	–	–	Open
Friday While 2019-01-08 Tsehum Harbour Pleasure craft Diesel Spill	\$27,442.55 2020-12-31 DFO/CCG	\$10,531.22 (38%) 2021-03-03	Recovery efforts ongoing	Open

INCIDENT	CLAIMS SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
George H. Leducor 2018-08-13 Deering Island, Vancouver Tug No spill	-	-	-	Open
Go-Getter 2019-12-02 Port Hardy Fishing vessel Diesel Spill 	\$12,623.68 2021-11-24 DFO/CCG	\$2123.68 (17%) 2022-02-18	Recovery efforts ongoing	Open
Halary No. 1 2018-10-11 Campbell River Ex-fishing vessel Fuel oil Spill 	\$25,413.14 2020-10-09 DFO/CCG	\$17,021.27 (67%) 2021-01-28	Recovery efforts ongoing	Closed
Knot 2021-09-26 Todd Inlet, South Saanich Diesel Spill	-	-	-	Open
Lady Candy 2022-01-01 Bella Coola Fishing vessel	-	-	-	Open
Laurier II 2014-07-14 Deep Bay Motor Vessel No spill	\$384,365.01 2018-01-22 DFO/CCG	\$265,768.99 (69.14%) 2019-02-07	Recovery efforts ongoing	Open
Maverick IV 2018-10-05 Cowichan Bay Pleasure craft No spill 	\$52,522.44 2020-09-24 DFO/CCG	\$18,905.55 (36%) 2020-12-17	Recovery efforts ongoing	Open
Miss Terri 2018-02-23 Campbell River Fishing vessel No spill 	\$88,576.24 2020-09-04 DFO/CCG	Claim was rejected		Open
Mistann 2011-10-14 Prince Rupert Fishing vessel Diesel Spill	\$113,787.48 2012-04-26 DFO/CCG	\$100,462.51 (88%) 2012-09-12	\$18,080.42 2017-05-05	Open
Nathan E. Stewart 2016-10-13 Seaforth Channel, Bella Bella Tug Diesel fuel and lube oils Spill	Not yet set. 2019-10-11 Heiltsuk Tribal Council (HTC)	-	-	Open
Nika 2017-05-12 Campbell River Ex-fishing vessel Diesel Spill	\$23,646.38 2019-03-26 DFO/CCG	\$22,720.29 (96%) 2019-05-01	Recovery efforts ongoing	Open

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Pacific Fibre Barge No. 1 2018-01-31 Port Mellon Barge Diesel Spill	\$121,187.55 2019-12-02 DFO/CCG	Claim was rejected		Closed
Pacific Poet 2021-12-24 Oak Bay Pleasure craft No spill	-	-	-	Open
Red Fir #9 2019-10-25 Kitsilano Base, English Bay Pleasure Craft, ex-tug Diesel No spill	\$37,526.55 2021-10-06 DFO/CCG	\$15,058.53 (40%) 2022-01-31	Recovery efforts ongoing	Open
Rolano 2019-02-10 Cortes Island Passenger Vessel No spill	\$248,265.04 2021-02-02 DFO/CCG	\$71,058.05 (28%) 2021-09-28	Recovery efforts ongoing	Open
Salerosa 2017-02-06 Oak Bay Ferro cement sailboat Diesel Spill	\$62,673.20 2019-02-01 DFO/CCG	\$8,254.51 (13%) 2019-04-11	Recovery efforts ongoing	Open
Salish Guardian 2019-07-24 Goat Island, Ganges Pleasure craft No spill	\$98,810.32 2021-07-20 DFO/CCG	\$38,662.05 (39%) 2021-11-29	Recovery efforts ongoing	Open
San Jolyne III 2018-10-19 Dusenbury Island, Pender Harbour Fishing vessel Fuel oil Spill	\$181,475.67 2020-10-16 DFO/CCG	\$127,118.46 (70%) 2021-08-18	Recovery efforts ongoing	Open
SC 170 2017-08-22 Port McNeil Fishing vessel Spill	\$11,606.93 2019-06-04 DFO/CCG	\$8,528.54 (73%) 2019-07-11	\$9,573.20 2021-07-15	Closed
Scotia River 2019-11-10 Lax Kw'Alaams Tug Diesel and hydraulic fluid Spill	\$101,618.52 2021-11-03 DFO/CCG	Assessment ongoing	-	Open
Sea Lion VI 2021-12-24 Maple Bay Tug No spill	-	-	-	Open

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Sea-Que 2016-09-20 Sidney Motor vessel No spill	\$18,730.67 2018-08-02 DFO/CCG	\$18,730.67 (100%) 2018-09-21	Recovery efforts ongoing	Open
Seal Rock 2019-04-04 Saturna Island Pleasure craft No spill	\$51,805.59 2021-03-15 DFO/CCG	\$13,390.66 (26%) 2021-06-25	Recovery efforts ongoing	Open
Sheena M 2019-10-01 Gibsons Tug Fuel Spill	–	–	–	Open
Spudnik 2014-11-12 Howe Sound, Squamish Tug Spill	\$149,043.60 2016-04-28 DFO/CCG	\$131,064.45 (88%) 2016-07-26	Recovery efforts ongoing	Open
Spudnik 2020-01-06 Surrey Tug No spill	–	–	–	Open
Theresa N 2018-09-08 Bamfield Fishing vessel Diesel Spill	\$28,656.55 2020-07-24 DFO/CCG	\$28,656.55 (100%) 2020-10-22	Recovery efforts ongoing	Open
Tinker II 2018-01-20 Campbell River Pleasure craft No spill	\$8,979.14 2020-01-07 DFO/CCG	\$3,892.56 (43%) 2020-04-08	No recovery	Closed
Tymac No. 20 2017-09-12 Sydney Tug Diesel Spill	\$36,177.31 2019-07-09 DFO/CCG	\$26,786.87 (74%) 2019-08-29	Recovery efforts ongoing	Open
Unknown name (barge) 2020-11-23 Parksville Barge Diesel Spill	–	–	–	Open
Unknown name (black gaff cutter) 2018-01-17 Comox Pleasure craft No spill	\$30,993.43 2019-12-17 DFO/CCG	\$3,164.17 (10%) 2020-07-31	\$2,000.00 2021-07-06	Closed

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Unknown name (blue trawler) 2017-11-25 Campbell River Converted fishing trawler No spill	\$26,640.92 2019-09-30 DFO/CCG	\$23,505.95 (88%) 2020-04-27	Recovery efforts ongoing	Open
Unknown name (deck barge) 2019-03-07 Port Mellon Deck barge No spill	\$396,954.40 2021-02-26 DFO/CCG	\$57,102.91 (14%) 2021-10-20	Recovery efforts ongoing	Open
Unknown name (Trevor channel boom boat) 2021-12-07 Trevor channel Service ship (workboat) No spill	–	–	–	Open
Viking I 2016-08-10 Nanaimo Fishing vessel Oil and Potential Fuel Spill	\$31,458.19 2017-05-03 Nanaimo Port Authority	\$29,432.92 (94%) 2017-08-30	Recovery efforts ongoing	Open
	\$128,246.91 2018-02-20 DFO/CCG	\$128,246.91 (100%) 2018-04-24		Open
Western Breeze 2019-07-10 Steveston harbour Ex-fishing vessel Diesel Spill	\$147,492.93 2021-07-06 DFO/CCG	Assessment ongoing	–	Open
Western Chief 2019-06-24 Miner's Bay, Mayne Island Seiner (fishing vessel) No spill	\$22,528.61 2021-06-14 DFO/CCG	\$16,498.07 (73%) 2021-10-28	Recovery efforts ongoing	Open
West Island 395 2018-09-08 Haida Gwaii Lodge barge Spill	\$1,857,314.06 2019-01-14 Haida Tourism Limited Partnership (Haico)	Claim was dismissed	Recovery efforts ongoing	Open
	\$64,697.02 2020-09-01 DFO/CCG	\$36,521.88 (56%) 2021-02-25		Open
	\$114,463.99 2020-07-29 BC Ministry of Environment and Climate Change Strategy	\$72,996.90 (64%) 2021-03-31		Open
White Orca 2017-11-15 Ladysmith Pleasure craft Spill	\$63,404.86 2019-09-24 DFO/CCG	\$49,005.97 (77%) 2019-12-20	Recovery efforts ongoing	Open

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Zac 2019-05-27 Port Alberni Fishing vessel No spill	 \$43,758.69 2021-04-22 DFO/CCG	\$40,277.24 (92%) 2021-08-08	Recovery efforts ongoing	Open
Zidell Marine 277 & Jake Shearer 2017-11-26 Goose Island Tug and barge No spill	–	–	–	Open
Zodiac Light 2018-02-15 Kitamaat Village Fishing vessel Diesel Spill	\$176,462.73 2020-01-15 DFO/CCG	\$133,879.10 (76%) 2020-06-01	Recovery efforts ongoing	Open
	\$14,028.00 2020-02-12 Haisla Nation Council	\$14,028.00 (100%) 2020-03-26		Open
Nunavut				
Akademik Ioffe 2018-08-24 Kugaaruk Passenger vessel No spill	–	–	–	Open
Northwest Territories				
Investigator 2016-09-02 Toker Point Barge Fuel Oil Spill	–	–	–	Open