

Footnotes

Close Quarters – Article by JC Roberge

1. Canada, Canadian Coast Guard, Radio Aids to Marine Navigation 2026, Part 3 (Ottawa: Canadian Coast Guard, 2026) at s 3.5.4, online: <www.canada.ca/en/canadian-coast-guard/corporate/publications/radio-aids-marine-navigation/vessel-traffic-services.html> [RAMN 2026] (describing the Co-operative Vessel Traffic Services established by agreement between the two coast guards in 1979).
2. Constitution Act, 1867 (UK), 30 & 31 Vict, c 3, s 91(10), reprinted in RSC 1985, Appendix II, No 5.
3. *Ordon Estate v Grail*, [1998] 3 SCR 437 [Ordon] (Ontario's Family Law Act and Negligence Act do not apply to maritime negligence claims arising from boating accidents); *Shulman v McCallum* (1993), 28 BCAC 292 (BCCA) (claims arising from deaths in a boating accident on a British Columbia lake governed by Canadian maritime law rather than the Family Compensation Act).
4. *Whitbread v Walley*, [1990] 3 SCR 1273 (injuries suffered when a pleasure craft struck rocks after leaving its moorings in Vancouver Harbour; federal limitation of liability provisions applied).
5. Canada Shipping Act, 2001, SC 2001, c 26, ss 7(1), 8 [CSA 2001]. Each Part of the Act also contains its own application provisions.
6. Collision Regulations, CRC, c 1416, sch 1 (1978); Convention on the International Regulations for Preventing Collisions at Sea, 1972, 20 October 1972, 1050 UNTS 16 (entered into force 15 July 1977).
7. Collision Regulations, *supra* note 6, sch 1, rr 1(a), 3(a).
8. *Ibid*, sch 1, rr 2, 5–8, 9(b), 18(e).
9. CSA 2001, *supra* note 5, s 148(a).
10. United Nations Convention on the Law of the Sea, 10 December 1982, 1833 UNTS 3, art 98(1)(c) (entered into force 16 November 1994) [UNCLOS].
11. CSA 2001, *supra* note 5, s 151.
12. *Ibid*, s 148(b).
13. *Ibid*, s 152; Administrative Monetary Penalties and Notices (CSA 2001) Regulations, SOR/2008-97, sch, Part 1, as amended by Regulations Amending the Administrative Monetary Penalties and Notices (CSA 2001) Regulations, SOR/2024-49 [AMP Amendments] (penalty range of \$260 to \$10,000 for a contravention of paragraph 148(b)).
14. Criminal Code, RSC 1985, c C-46, s 320.11 (definitions of “conveyance” and “operate”).
15. *Ibid*, s 320.16.
16. *Ibid*, ss 320.19(5), 320.2, 320.21.
17. *R v Lilgert*, 2014 BCCA 493.
18. Transportation Safety Board Regulations, SOR/2014-37, s 3(1)(d)(ii) [TSB Regulations].
19. *Ibid*, s 3(8) (definitions of “collision” and “risk of collision”).
20. *Ibid*, s 3(1).
21. *Ibid*, s 3(5).
22. *Ibid*, s 3(3).
23. *Ibid*, ss 3(6), 3(8) (definition of “radio ship reporting station”).
24. *Ibid*, s 3(2).
25. *Ibid*, s 8.
26. Vessel Traffic Services Zones Regulations, SOR/2025-275, s 39 [VTSZ Regulations]; Canada, Transport Canada, Coming into Force of the Vessel Traffic Services Zones Regulations (SOR/2025-275), Ship

Safety Bulletin No 06/2026 (27 May 2026), online: <tc.canada.ca/en/marine-transportation/marine-safety/ship-safety-bulletins/coming-force-vessel-traffic-services-zones-regulations-sor-2025-275-ssb-no-06-2026>.

27. VTSZ Regulations, supra note 26, Part 2; RAMN 2026, supra note 1 at s 3.5.3.
28. VTSZ Regulations, supra note 26, ss 3(1), 9(1).
29. Ibid, ss 14(b), 14(k).
30. RAMN 2026, supra note 1 at ss 3.5.3.1–3.5.3.2, 3.5.4.1.
31. Ibid at ss 3.5.4–3.5.4.3.
32. TSB Regulations, supra note 18, ss 3(6), 3(8) (definition of “radio ship reporting station”).
33. Shipping Casualties Reporting Regulations, SOR/85-514, ss 4–5.
34. Vancouver Fraser Port Authority, Port Information Guide (Vancouver: VFPA, August 2026) at ss 1.1, 2.1, 6.2, online: <www.portvancouver.com/media/documents/port-information-guide-0>; Canada Marine Act, SC 1998, c 10, s 56.
35. TSB Regulations, supra note 18, s 3(1).
36. Vessel Pollution and Dangerous Chemicals Regulations, SOR/2012-69, s 132. See also VTSZ Regulations, supra note 26, s 14(k).
37. Canadian Coast Guard, “Report marine pollution” (last visited 22 September 2026), online: <www.canada.ca/en/canadian-coast-guard/corporate/contact-us/emergency/report-marine-pollution.html>.
38. Spill Reporting Regulation, BC Reg 187/2017, s 4(1); British Columbia, “Environmental emergency contacts” (last visited 22 September 2026), online: <www2.gov.bc.ca/gov/content/environment/air-land-water/spills-environmental-emergencies/report-a-spill/environmental-emergency-contacts>.
39. Wrecked, Abandoned or Hazardous Vessels Act, SC 2019, c 1, s 19(1).
40. Ibid, ss 20–21, 23.
41. Coroners Act, SBC 2007, c 15, ss 2, 11.
42. CSA 2001, supra note 5, s 149.
43. Workers Compensation Act, RSBC 2019, c 1, s 68; Occupational Health and Safety Regulation, BC Reg 296/97, Part 24 (diving, fishing and other marine operations).
44. Canada Labour Code, RSC 1985, c L-2, Part II; Maritime Occupational Health and Safety Regulations, SOR/2010-120.
45. See *Marine Services International Ltd v Ryan Estate*, 2013 SCC 44.
46. See e.g. CSA 2001, supra note 5, ss 151–152.
47. AMP Amendments, supra note 13.
48. Criminal Code, supra note 14, ss 320.16(3), 320.21.
49. *R v Sault Ste Marie (City)*, [1978] 2 SCR 1299.
50. IMO, Maritime Safety Committee, Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), Res MSC.255(84), Annex (16 May 2008), online: <[wwwcdn.imo.org/localresources/en/OurWork/MSAS/Documents/Res.MSC.255\(84\)CasualtyInvestigationCode.pdf](https://wwwcdn.imo.org/localresources/en/OurWork/MSAS/Documents/Res.MSC.255(84)CasualtyInvestigationCode.pdf)>.
51. “Lawsuits over collision in Vancouver harbour raise questions about moments before impact”, CBC News (12 June 2026), online: <www.cbc.ca/news/canada/british-columbia/june-2024-harbour-air-seaplane-collision-lawsuits-9.7233610>. See also Canada, Transportation Safety Board, “Air transportation safety investigation A24P0060” (last visited 22 September 2026), online: <www.tsb.gc.ca/eng/enquetes-investigations/aviation/2024/a24p0060/a24p0060.html>.

52. Canadian Transportation Accident Investigation and Safety Board Act, SC 1989, c 3, s 7(2)–(4) [CTAISB Act]; Canada (Transportation Safety Board) v Carroll-Byrne, 2022 SCC 48 at para 14 [Carroll-Byrne].
53. CTAISB Act, supra note 52, s 7(2); Carroll-Byrne, supra note 52 at para 46.
54. Canada, Transportation Safety Board, Striking of the Anchored Vessel Pan Acacia, Bulk Carrier Caravos Harmony, Vancouver Harbour, British Columbia, 17 March 2019, Marine Transportation Safety Investigation Report M19P0057 (Gatineau: TSB, 2021), online: <www.tsb.gc.ca/eng/rapports-reports/marine/2019/m19p0057/m19p0057.html>.
55. CTAISB Act, supra note 52, s 19.
56. Ibid, ss 28(1)–(2), 30.
57. Ibid, s 28(6).
58. Carroll-Byrne, supra note 52 at paras 9–10.
59. CTAISB Act, supra note 52, s 28(7).
60. Ibid, ss 32–33; Carroll-Byrne, supra note 52 at para 47.
61. CTAISB Act, supra note 52, s 24.
62. CSA 2001, supra note 5, s 211.
63. R v White, [1999] 2 SCR 417 at paras 51, 53–66; Canadian Charter of Rights and Freedoms, s 7, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [Charter].
64. R v Fitzpatrick, [1995] 4 SCR 154 at para 54.
65. R v Jarvis, 2002 SCC 73 at para 88.
66. Charter, supra note 63, s 10(b).
67. IMO, Legal Committee, Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident, Res LEG.3(91), Annex (27 April 2006) at para 9.7, online: <[wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/LEGDocuments/LEG.3\(91\).pdf](http://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/LEGDocuments/LEG.3(91).pdf)>.
68. UNCLOS, supra note 10, arts 58(2), 97.
69. Hamalainen v Sippola (1991), 62 BCLR (2d) 254 (BCCA).
70. Lizotte v Aviva Insurance Company of Canada, 2016 SCC 52.
71. Marine Liability Act, SC 2001, c 6, s 17(1) [MLA].
72. Ibid, s 17(2)–(3).
73. Ibid, s 23.
74. Ibid, s 26; Convention on Limitation of Liability for Maritime Claims, 1976, 19 November 1976, 1456 UNTS 221 (entered into force 1 December 1986) [LLMC].
75. MLA, supra note 71, s 29, as amended by Budget Implementation Act, 2023, No 1, SC 2023, c 26.
76. LLMC, supra note 74, art 4; Peracom Inc v TELUS Communications Co, 2014 SCC 29.
77. Federal Courts Act, RSC 1985, c F-7, ss 22(2)(d), 43; Ordon, supra note 3.