



OFFICE OF THE  
BRITISH COLUMBIA  
FERRIES COMMISSIONER

ORDER NUMBER: 18-02

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## IN THE MATTER OF

Application to Temporarily Reduce Service on Routes 5 and 9

**BEFORE:** Sheldon Stoilen, BC Ferries Commissioner

## ORDER

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### WHEREAS:

- A. Whereas British Columbia Ferry Services Inc. (“BC Ferries”) has submitted an application on May 7, 2018 (the “Application”) pursuant to the provisions of Section 43 of the *Coastal Ferry Act* for authorization from the BC Ferries Commissioner to temporarily reduce service below the core service levels set out in the Coastal Ferry Services Contract for designated ferry route 5 (Swartz Bay to the Southern Gulf Islands) and designated ferry route 9 (Tsawwassen to the Southern Gulf Islands) on the basis that an extraordinary situation exists, namely, an unanticipated requirement to remove the Queen of Cumberland (the “Vessel”) temporarily from service as a result of a mechanical failure of the davit for the Vessel’s rescue boat.

B. Section 43 of the *Coastal Ferry Act* states:

- (1) A ferry operator must not, except as permitted by the applicable Coastal Ferry Services Contract, reduce service on a designated ferry route below the core ferry services required for that designated ferry route unless the ferry operator first obtains the authorization or direction of the commissioner to do so.*
  
- (2) A ferry operator that wishes to temporarily reduce service on a designated ferry route below the core ferry services required for that designated ferry route must, unless a temporary reduction in service is authorized under section 42, make application to the commissioner for the authorization required by subsection (1) and must, in that application, justify the requested reduction in accordance with subsection (2.1).*
  
- (2.1) An application may be made under subsection (2) if an extraordinary situation exists and has resulted, or will result, in the ferry operator being unable to provide a required level of service.*
  
- (3) On application under subsection (2), the commissioner may authorize a reduction in service under subsection (1) if the commissioner is of the opinion that the reduction is for a temporary period and is for an extraordinary situation.*
  
- (4) If the commissioner agrees, under this section or section 42, to authorize a reduction in service on a designated ferry route, the ferry operator may reduce service on that designated ferry route in the manner, for the period and in accordance with the terms and conditions specified by the commissioner, but not otherwise.*

C. As a result of the Vessel being taken out of service on April 18, 2018 for reasons outlined in the Application, BC Ferries states that it has temporarily adjusted schedules and

employed other vessels to transport customers as reliably as it can resulting in disruption to regularly scheduled service on designated ferry routes 5 and 9.

D. BC Ferries further states in its Application that it is making best efforts to return the Vessel to regular service by mid-May depending on delivery of the replacement davit, completion of installation and regulatory approvals from Transport Canada.

E. Based on the information contained in BC Ferries' Application, the commissioner is of the opinion that the reduction in service on designated ferry routes 5 and 9 is for a temporary period and is for an extraordinary situation.

**NOW THEREFORE** the commissioner orders as follows:

BC Ferries is authorized to temporarily reduce service below the core service levels set out in the Coastal Ferry Services Contract for designated ferry route 5 (Swartz Bay to the Southern Gulf Islands) and designated ferry route 9 (Tsawwassen to the Southern Gulf Islands) from April 18, 2018 until such time as BC Ferries is able to return the Vessel to regular service subject to the following conditions:

1. BC Ferries must continue to provide service comparable to the adjusted schedules as set out in the Application until the Vessel returns to regular service and possibly increase the number of sailings in the adjusted schedules if warranted by demand and crews are available.
2. BC Ferries must conduct a thorough investigation of the circumstances surrounding the incident and a review of the subsequent actions taken by the company to minimize the inconvenience to ferry users and file a report with the commissioner within 60 days following the Vessel's return to regular service. The report must include the following information:
  - a) The results of BC Ferries' internal investigation taking into account the reports of external regulatory agencies including the cause of the equipment failure

and recommendations that will be implemented to minimize the risk of a future similar occurrence.

b) The results of the review of subsequent actions taken by BC Ferries to minimize the inconvenience to ferry users. At a minimum the review should provide answers to the following questions:

- (i) Were there any options available to keep the Vessel in partial service while the life boat davit was being replaced?
- (ii) During the period of reduced service was the public adequately informed of the reduced service and if not, what new communication protocols will be put in place for similar events in future?
- (iii) Was the time required to obtain replacement equipment considered reasonable? If not, should replacement parts be kept in inventory in BC? What options were considered for shipping the parts from the east coast?

3. BC Ferries must provide the commissioner with regular progress reports on returning the Vessel back to regular service. These reports must be posted on BC Ferries' website.

4. Once the review is complete and a report has been filed, the commissioner will post the report and invite public comments for a three week period. Additional orders may follow at the conclusion of the public comment period.

**DATED** at Victoria, in the Province of British Columbia, this 10<sup>th</sup> day of May 2018.

BY ORDER



Sheldon Stoilen  
BC Ferries Commissioner