



OFFICE OF THE
BRITISH COLUMBIA
FERRIES COMMISSIONER

ORDER NUMBER: 19-01

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IN THE MATTER OF

Application Pursuant to Section 43 of the *Coastal Ferry Act* for a Temporary Service
Reduction on Route 20

BEFORE: Sheldon Stoilen, British Columbia Ferries Commissioner

ORDER

WHEREAS:

- A. British Columbia Ferry Services Inc. (“BC Ferries” or the “Company”) has submitted an application on December 31, 2018 (the “Application”) pursuant to the provisions of section 43 of the *Coastal Ferry Act* for authorization from the British Columbia Ferries Commissioner (the “commissioner”) to temporarily reduce service below the core service levels set out in the Coastal Ferry Services Contract for designated ferry route 20 connecting Thetis Island and Penelakut Island with Chemainus on Vancouver Island, on the basis that an extraordinary situation exists, namely, weather induced damage to the trestle and berth at Penelakut Island.
- B. BC Ferries states in its Application that on December 20, 2018, that the significant damage to the trestle on Penelakut Island rendered the berth unsafe for use and as a result

all sailings to and from Penelakut Island with the Kuper, the vessel which normally provides service to this island, have since been cancelled.

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

No reduction of service without authorization

(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)

(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.

D. BC Ferries states that while it is actively working to repair the significant damage done to the trestle and berth on Penelakut Island, it has implemented the following temporary changes to the service have been put in place effective December 21, 2018:

- Between Penelakut Island and Chemainus - water taxi service for passengers is being provided free of charge and is operating at the regular scheduled times using the government dock on the island – direct service with Chemainus only (initial capacity of 10 passengers for the period December 21-23; and capacity of 48 passengers for the period December 24 - present);
- Between Thetis Island and Chemainus - vehicle and passenger service is operating at the regular scheduled times with the Kuper – direct service with Chemainus only; and
- Between Thetis Island and Penelakut Island – no service is being provided (the Company will consider service for this connection if demand warrants); and

E. The commissioner is of the opinion that the reduction in service 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 20 connecting Thetis Island and Penelakut Island with Chemainus on Vancouver Island until such time as BC Ferries is able to return 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 trestle is repaired enabling a return to regular service and possibly provide service between Thetis Island and Penelakut Island if warranted by demand; and

2. BC Ferries must continue their communication activities in order to keep customers informed of the service disruption and apprised of the recovery efforts including:
- updating their webpage daily regarding the status of the trestle repair; and
 - continuing the dialog with Penelakut First Nation and the local Ferry Advisory Committee concerning the status of the trestle repair and possible improvements or changes to temporary service on Route 20.

DATED at Victoria, in the Province of British Columbia, this 3rd day of January 2019.

BY ORDER



Sheldon Stoilen
British Columbia Ferries Commissioner