

Federal Court



Cour fédérale

Date: 20190226

Docket: T-249-19

Citation: 2019 FC 232

Montréal, Quebec, February 26, 2019

PRESENT: The Honourable Mr. Justice Locke

BETWEEN:

HEDDLE MARINE SERVICE (NL) INC.

Applicant

and

**THE SHIP “KYDY SEA”
and SERVIMAX-SERVICOS LTD.**

Respondents

JUDGMENT

HAVING REVIEWED the applicant’s Notice of Application for Registration of
Arbitral Award;

AND CONSIDERING that the application is made *ex parte* pursuant to Rule 328 of the
Federal Courts Rules, SOR/98-106;

THIS COURT'S JUDGMENT is that:

1. The foreign judgment granted against the respondents by the Association of Maritime Arbitrators of Canada dated January 4, 2019 (the Award) is to be registered pursuant to Rule 326 of the *Federal Courts Rules*.
2. The respondents shall pay the sum of CAD \$19,838.46, awarded as follows:

<u>Award paragraph</u>	<u>Description</u>	<u>Amount</u>
(c)	Shore power	C\$ 2,543.77
(d)	Insurance premium	C\$ 3,600.00
(e)	Legal fees to September 30, 2018	C\$ 6,608.36
(f)	Legal fees to November 30, 2018	C\$ 6,947.67
(c-f)	Interest	C\$ 138.46
		C\$ 19,838.26

3. The respondents shall pay C\$ 40,433.33, being the Canadian dollar equivalent of USD \$30,095.52, awarded as follows:

<u>Award paragraph</u>	<u>Description</u>	<u>Amount</u>
(a)	Berthage (May – Oct 2018)	US\$ 17,729.34
(b)	Berthage (Nov – Dec 2018)	US\$ 6,000.00
(b)	Berthage (Jan 2019)	US\$ 3,000.00
(b)	Berthage (Feb 2019)	US\$ 3,000.00
(a-b)	Interest	US\$ 366.18
		US\$ 30,095.52
	USD/CAD Exchange Rate:	x 1.3435
		C\$ 40,433.33

4. The respondents shall pay interest on the above amounts at the rate of five percent (5%) per annum from January 5, 2019, to the day that registration of the foreign judgment is ordered.

5. The respondents shall pay interest on the above amounts at the rate of five percent (5%) per annum from the day of registration of the foreign judgment until full payment is made, as per the terms of this judgment.
6. The sale of the Ship “KYDY SEA” is authorized.
7. The assessment officer is authorized to assess the *custodial egis* expenses, including the berthage fees incurred after February 2018, costs of enforcing the award, legal fees and expenses awarded pursuant to paragraph (f) of the Award, and interest as it becomes due and payable, all until the date of payment of the applicant’s claim.
8. This application shall be consolidated with the proceedings in Court File No. T-595-18, pursuant to Rule 105 of the *Federal Courts Rules*.
9. Service by e-mail of the Award and any subsequent proceedings on the respondents shall be valid.

“George R. Locke”

Judge