

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130408

Docket: A-458-12

Citation: 2013 FCA 93

**CORAM: PELLETTIER J.A.
GAUTHIER J.A.
TRUDEL J.A.**

BETWEEN:

COMFACT CORPORATION

Appellant

and

**THE SHIP IDENTIFIED AS "HULL 717"
AND
HER OWNERS AND ALL THOSE INTERESTED
IN THE SHIP IDENTIFIED "HULL 717"**

Respondents

Heard at Montréal, Quebec, on April 8, 2013.

Judgment delivered from the Bench at Montréal, Quebec, on April 8, 2013.

REASONS FOR JUDGMENT BY:

THE COURT

Federal Court of Appeal



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REASONS FOR JUDGMENT BY THE COURT
(Delivered from the Bench at Montréal, Quebec, on April 8, 2013)

[1] We have not been persuaded that the provision of manpower to a shipbuilder for the construction of a vessel amounts to the provision of services for the operation or maintenance of a vessel within the meaning of paragraph 139(2)(a) of the *Marine Liability Act*, SC 2001, c 6.

[2] We agree with Harrington J.'s dismissal of the action and this appeal will therefore be dismissed with costs.

"J.D. Denis Pelletier"

J.A.

"Johanne Gauthier"

J.A.

"Johanne Trudel"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-458-12

(APPEAL FROM A JUDGMENT OF THE FEDERAL COURT DATED OCTOBER 1, 2012, DOCKET NO. T-2112-11)

STYLE OF CAUSE: Comfact Corporation v.
The Ship identified as "Hull 717"
et al

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: April 8, 2013

REASONS FOR JUDGMENT OF THE COURT BY: THE COURT

DELIVERED FROM THE BENCH BY: GAUTHIER, J.A.

APPEARANCES:

David Colford FOR THE APPELLANT

John G. O'Connor FOR THE RESPONDENTS

SOLICITORS OF RECORD:

BRISSET, BISHOP FOR THE APPELLANT
Montréal, Quebec

LANGLOIS KRONSTRÖM DESJARDINS FOR THE RESPONDENTS
Québec, Quebec