



Claims Department,
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Cargo Loss and Damage Claims

Contents

Introduction
Shipper Responsibilities
Consignee Responsibilities
Salvage
Loss and Damage Claim Filing Requirements

Introduction

On the following pages, you will find information about:

- Cargo Loss & Damage prevention.
- Documentation and verification of loss or damage.
- Filing Cargo claims.

We hope you find this information helpful. If you need more information concerning a specific claim, please contact our Claims Department at 1-800-698-2111 Extension # 603.

Shipper Responsibilities

A number of variables can affect your shipment during transportation:

- The number, size and shape of other shipments travelling with it.
- Road conditions.
- The weather.
- Warehousing conditions.
- Special, loading and/or handling requirements.

To prevent loss and damage, all of these variables must be considered when a product, its packaging, and its package markings are designed.

As the shipper, you must be responsible for:

- Proper packaging.
- Proper markings on the packaging.
- Proper description on the shipping papers.

All existing tariff and shipping regulations related to your product must be followed. Minimum packaging requirements are outlined in the following two publications:

- National Motor Freight Classification
- Transporting Dangerous Goods by Truck

Consignee Responsibilities

As the consignee, you must identify and document loss and/or damage carefully. There are two types of loss or damage:

- Visible or noted loss or damage
- Concealed loss or damage

Visible or Noted Loss or Damage

Visible loss or damage means that the loss or damage was apparent at the time of delivery. Noted means that a detailed description of the loss or damage was recorded on the Overland West Freight Lines Delivery receipt and the Consignee's Copy of the Delivery receipt at the time of delivery. At the time of delivery, you must:

- Check each handling unit for visible signs of damage.
- Open any shipment that shows signs of loss or damage while the driver is still present.
- Examine the contents with the driver.
- Record an exact, detailed description of the results of the examination on both the Overland West Freight Lines and the consignee's copies of the delivery receipt.

Do not use general or generic terms ("box damaged", "subject to inspection", etc.) in the description; they do not provide acceptable support for your claim. Record specific details ("switch box broken off", "release handle broken", "12 inch scratch on framework", "shower stall unit cracked on left side," etc.).

- Have the driver sign the consignee's copy of the delivery receipt.

Note: Courts have generally ruled that a consignee may not open the containers and examine the merchandise before giving a receipt to the carrier unless the containers indicate the probability of damage.

If you discover damage after delivery and the delivery receipt has a vague notation or no notation, you may find it more difficult to obtain prompt and satisfactory settlement of your claim.

Shortages

At the time of delivery, you must:

- Check the labels on all handling units to be certain they are yours.
- Check for shortages as goods are being unloaded.
- Count the actual number of handling units.

If possible, make a written tally record when a large number of items are being received or the shipment is composed of a number of different items.

Keep the shipment together until unloading is completed in case a recount is necessary. If there is a shortage, describe it in exact terms on both the Overland West Freight Lines and the consignee's copies of the delivery receipt before signing for the shipment.

Mitigation of Loss

You cannot refuse to accept a shipment just because it is damaged or partially short. When practical, the shipment should be accepted, and all necessary steps should be taken to minimize the loss. A claim can then be filed for depreciation, repair costs, or replacement of short goods.

Concealed Loss or Damage

Concealed loss or damage means that the loss or damage was not noticeable at the time of delivery.

Reporting Concealed Loss or Damage

If concealed loss or damage is discovered after you have given Overland West Freight Lines a clear delivery receipt, you must:

- Notify Overland West Freight Lines immediately in writing within 48 hours of delivery. Notification can be given by telephone, but the telephone call must be followed up by written notification.
- Keep the shipment (containers and contents) in the same condition that they were in when the damage was discovered.

Inspection by Overland West Freight Lines Ltd.

Overland West Freight Lines will arrange to inspect the shipment within 10 working days and give you a copy of the Inspection Report for claim support. Include a copy of the Inspection Report when you file your claim.

Failure to Call for an Inspection

Could cause the carrier to refuse to accept any liability.

Burden of Proof

In a concealed damage claim, you have the burden of proof. You must prove that the damage was caused by Overland West Freight Lines, not other parties who handled the goods.

Additional Factors in a Concealed Damage Claim

The following factors are also considered in a concealed damage claim:

- Nature of the goods
 - Adequacy of packaging
 - Movement before pickup or after delivery
 - Retention and condition of the original containers
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Salvage

Legally, as the owner of the freight, you must do what you can to keep the loss to a minimum. You can reduce the loss by keeping damaged freight for a discounted price or having the goods repaired. Reducing the loss will expedite settlement of your claim.

If the goods are a total loss to you, call the delivering Overland West Freight Lines terminal for disposition or assistance. Any salvage must be retained for Overland West Freight Lines disposition until after the claim is settled.

Loss & Damage Claim Filing Requirements

Overland West Freight Lines realizes that a lost or damaged shipment causes inconvenience to you and your customers. We will make every attempt to settle your claim promptly and efficiently. You can help by meeting the requirements for filing a claim.

Cargo Claims

How to Submit a Claim

- Time Limits
 - Filing the Claim
 - Documentation Requirements
 - Overland West Freight Lines Handling of Your Claim
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Time Limits

The Canadian Bill of Lading contract specifies that the claim must be received by the carrier within 60 days after the delivery of the goods or property or, in the case of non-delivery of the entire shipment, within 9 months from the date of shipment.

Filing the Claim

Only the shipper, the consignee, or a third party who has claim or title to the freight may file a claim. You must file your claim with the origin or destination carrier or with the carrier on whose line the loss or damage occurred, if known.

To file a claim with Overland West Freight Lines, fax or mail your claim to:

Overland West Freight Lines Ltd.,
Cargo Claims,
6858 Veyaness Road,
Saanichton, BC V8M 2A8
Fax: 250-652-8427

Note: If you fax your claim, please do not send a duplicate via Canada Post.

Documentation Requirements

You must provide the following documentation:

- A completed Cargo Loss and Damage Claim Form

Cargo Loss and Damage Claim Forms are available from your local Overland West Freight Lines Terminal. Or you can call 1-800-698-2111 Extension 603. A blank Claim form will then be faxed to you.

- A copy of the Bill of Lading or the Delivery receipt showing that Overland West Freight Lines transported the freight.
- A copy of your Supplier's Invoice showing your cost of the damaged or lost items or a copy of your invoice for repairs made to restore the merchandise to its original condition.
- A Letter of Intent (a letter stating that you wish to make a claim against the particular Bill of Lading/Waybill number).

The following documents by themselves are not sufficient for a claim:

- Bad order reports
 - Appraisal reports
 - Notations of exceptions on delivery receipts
 - Inspection reports or requests
 - Debit notes
 - Invoices to carriers
 - Proof of Delivery requests
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Overland West Freight Lines' Handling of Your Claim

Once your claim has been received with the proper documentation, Overland West Freight Lines will acknowledge receipt of the claim and attempt to settle it within 30 days. Investigation of some claims may take longer. If your claim cannot be settled within 90 days, Overland West Freight Lines will notify you immediately what needs to be done to conclude your claim. Overland West Freight Lines will continue to keep you informed at 60 days intervals until your claim is settled.

Overland West Freight Lines may refer your claim to other carriers if they were involved in the transport of the shipment. You will be notified if this is done. It generally takes longer to investigate a connecting line claim than it does if Overland West Freight Lines is the only carrier involved.

If a delay in settling your claim occurs, we ask your understanding. If you believe the delay is excessive, feel free to call us at 800-698-2111 Extension # 603 or write to us concerning the status of your claim:

Overland West Freight Lines Ltd.,
Cargo Claims,
6858 Veyaness Road,
Saanichton, BC V8M 2A8

Please include the Overland West Freight Lines Bill of Lading/Waybill number or the Cargo Claim number, if known, in all communications.

Important Facts Concerning Freight Claims

- GST, PST and HST are not applicable on freight claims.
- Freight charges on the shipment must be paid before the claim is processed.
- Salvage must be retained and made available to the carrier upon settlement of the claim.
- A notation of "Subject to Inspection" on a delivery receipt is not verification of damage being in existence at the time of delivery. All instances of concealed damage have the right of inspection; however visible damage must be specifically noted as such.
- Unless the value of the shipment is stated on the Bill of Lading/Waybill, the goods are released for carriage at a value not exceeding \$ 2.00 per pound. All claim settlements, even if a value is declared, are subject to the terms and conditions of the standard Bill of Lading