



# Cargo Loss and Damage Claims Procedures

Dear Valued Customer,

No matter how carefully we handle your freight, occasionally something will go wrong and a claim will occur. Not only are freight claims an inconvenience, they are an unexpected expense and an aggravation to our customers and owner/operator drivers.

To minimize the inconvenience and aggravation, it is important that claims are settled fairly and in a timely manner. To help us fast track your claim, please follow the procedures outlined below:

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**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
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**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 R. Diamond Group of Companies LTD electronic or paper Delivery receipt and the Consignee's electronic or paper 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 R. Diamond Group of Companies LTD and the consignee's electronic or paper 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 electronic or paper 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.

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### **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 R. Diamond Group of Companies LTD and the consignee’s electronic or paper 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 The R. Diamond Group of Companies LTD a clear delivery receipt, you must:

- Notify The R. Diamond Group of Companies LTD immediately in writing within 24 hours of delivery. Notification can be given by telephone, but the telephone call must be followed up by written notification - filing a claim using our webpage <http://claims.diamonddelivers.com>
- Keep the shipment (containers and contents) in the same condition that they were in when the damage was discovered.



### **Inspection by The R. Diamond Group of Companies LTD.**

The R. Diamond Group of Companies LTD. reserves the right to inspect shipment which must be retained. **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 The R. Diamond Group of Companies LTD., 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 R. Diamond Group of Companies LTD terminal for disposition or assistance. Any salvage must be retained for The R. Diamond Group of Companies LTD disposition until after the claim is settled.

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### **Loss & Damage Claim Filing Requirements**

The R. Diamond Group of Companies LTD 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**

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 and is the paying customer of freight charges 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 The R. Diamond Group of Companies LTD –**

You can use our online web portal at <http://claims.diamonddelivers.com>

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**Documentation Requirements**

You must provide the following documentation:

- You can file your claim using our online claim form at <http://claims.diamonddelivers.com>

A blank form is at the bottom of this document.

- A copy of the Bill of Lading, or the Delivery receipt, or Tag/Job/Web Entry number showing that The R. Diamond Group of Companies LTD 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/Tag/Job/Web Entry 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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### **Handling of Your Claim - The R. Diamond Group of Companies LTD.**

Once your claim has been received with the proper documentation, The R. Diamond Group of Companies LTD. will attempt to settle it within 30 days. Investigation of some claims may take longer. If your claim cannot be settled within 90 days, The R. Diamond Group of Companies LTD will notify you immediately what needs to be done to conclude your claim.

The R. Diamond Group of Companies LTD 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 The R. Diamond Group of Companies LTD 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 604-591-8641 Extension #244, or email, or write to us concerning the status of your claim:

The R. Diamond Group of Companies Ltd.,  
Cargo Claims,  
13350 Comber Way,  
Surrey BC, V3W 5V9  
Fax: 604-591-8071  
Email: [claims@rdiamondgroup.com](mailto:claims@rdiamondgroup.com)

Please include The R. Diamond Group of Companies LTD., Tag/Job/Web/Claim Entry number if known, in all communications.

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### **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 electronic or paper Bill of Lading/Waybill, the goods are released for carriage at a value not exceeding \$ 2.00 per pound to maximum of \$5000 in value. All claim settlements, even if a value is declared, are subject to the terms and conditions of the standard Bill of Lading.
- All Shipments are subject to Diamond Delivery Term and Conditions:  
  
please visit: [www.diamonddelivery/pdf/terms\\_and\\_conditions.pdf](http://www.diamonddelivery/pdf/terms_and_conditions.pdf)



Standard Claim Form

Claimant: \_\_\_\_\_

Address: \_\_\_\_\_

City / Prov: \_\_\_\_\_

Postal / Zip: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Tag #: \_\_\_\_\_

Waybill #: \_\_\_\_\_

Claim Amount: \_\_\_\_\_

\_\_\_\_\_

Claim Type:      Loss: \_\_\_\_\_      Damages: \_\_\_\_\_

Description of Loss or Damage: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Shipped: \_\_\_\_\_      Date Received: \_\_\_\_\_

Claimants Signature: \_\_\_\_\_      Date: \_\_\_\_\_