



7700 Rte Transcanadienne, Pointe-Claire, QC H9R 1C6
Transport MTL - Tel : 514-731-7020 Fax : 514-731-2011
Container Express – Tel : 514- 448-1477 Fax : 514-448-0735

Revised January 1, 2022

FREIGHT CLAIMS

- 1) The consignee must note any apparent damages to the shipment on the delivery receipt **AT THE TIME OF DELIVERY**. The shipper or consignee must immediately report the potential damage to the carrier via email
- 2) In the case of damage, the carrier may exercise the right to arrange for a cargo damage inspection and take photographs. In the meantime, the consignee must not unpack, disturb, or discard any of the packaging or product. Disturbing the shipment could disqualify your claim. Packaging must be retained for inspection by **TRANSPORT & DISTRIBUTION M.T.L.**
- 3) Any shipments that are shipped at the Owner's Risk shall relieve the carrier from liability for any loss or damage to the shipment
- 4) Materials must be properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation
- 5) Salvage on damaged goods must be retained by the customer in the event a claim is paid. The salvage will then be given to the Carrier
- 6) The failure of a claimant to act upon a written request for documentation, freight charge payment, claim amendment, salvage request, or return a proof of loss statement within thirty **(30)** days from the date of written request will cause the claim to be denied and it shall not be reopened
- 7) Claims less than \$75.00 will not be honored. Administrative costs and following up on such claims would normally exceed the amount of recovery for the customer. Carrier's position is that filing and processing such claim is not economically prudent for any of the parties
- 8) **The following documents must accompany the claim:**
 - a) original supplier's invoice showing the cost of the shipment
 - b) original bill of lading
 - c) Final proof of delivery
 - d) Itemized invoice outlining loss or damage to the shipment
 - e) Copy of original paid freight bill



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9) Damages must be explicitly noted on the proof of delivery when such delivery is made. The following notations are not acceptable and will not entitle a claim to be filed.

- a) Subject to Inspection.
- b) Possible Shortage.
- c) Possible Damage.

10) Time limit for filing claims:

- a) Damage claims must be filed within 60 days from delivery
- b) Damage claims must be filed by **TRANSPORT & DISTRIBUTION M.T.L.**
 - Part of shipment lost – 60 days.
 - Complete shipment lost – 9 months.

NO LIABILITY 1) The carrier will not be liable for:

- a) Damage or loss of any product or goods shipped at Owner's Risk as defined by this tariff or otherwise.
- b) Damage or loss caused by improper or inadequate packaging, sealing, crating, loading, securing, or by any action or inaction that renders the good or product unable to withstand the ordinary rigors of transportation.
- c) Hidden damage
- d) Damage or loss on shipments tendered to carrier as Shipper's load and count.
- e) Damage or loss caused by inherent defects/vice of the product or goods shipped.
- f) Damage or loss as a result of infidelity, dishonesty or willful misconduct of any person in the employment of the carrier, any interline partner, agent or representative of the carrier.
- g) Damage or loss as a result of conditions beyond the carriers control including but not limited to fire, explosions, lockouts, strikes, labor disputes, war, insurrection, terrorist attack, derailment, acts of public enemies, acts of governmental authority, embargos, quarantines, or acts of God including floods, tornadoes, earthquakes, unusually severe weather, or natural disaster.
- h) Damage or loss as a result of direction to the carrier by the consignor, consignee or agents/representatives thereof.
- i) Any costs or penalties arising from late deliveries or missed appointments. The carrier is not responsible for consequential loss or fines as a result of delay in delivery or non-compliance of the consignee's procedures.
- j) Damage where the Carrier has not inspected the cargo and there are no photographs of the cargo prior to it being moved, unpacked, discarded, or otherwise disturbed