

INQUEST REPORT

North Muskoka River – Nandor Nyakas, Katalin Nyakas, Anthony Nyakas

Incident scenario & summary of facts

Name of deceased: Nandor Nyakas, Katalin Nyakas, Anthony Nyakas

Date and time of death: July 9, 1985, 11:30 a.m.

Place of death: Lots 15 and 16, Concession 2, North Muskoka River, Stephenson Ward, District of Muskoka

Cause of death: Drowning

Location: River

Activity at time of incident: Boating

According to a witness statement, the family of three (Nandor, male age 44; Katalin, female age 42; and Anthony, male age five) who were renting a cottage in the area, went down stream in an aluminum boat at around noon. While on this excursion, they went over the Balsam Chute Falls.

All three in the boat died; at least partially as a result of a lack of basic boating skills, a lack of necessary boating safety devices, inexperience, and a lack of knowledge about high water danger.

JURY RECOMMENDATIONS

1. Signs need to be visible in hazardous areas and International-type symbols need to be used.

Lifesaving Society Notes

The Society endorses this recommendation.

However, adequate signage is often not enough since signs are frequently ignored and vandalism is a problem in keeping signs in place. And at this time, no sign exists that pertains to this scenario.

2. The public needs to be educated about boating and water safety through brochures in public parks, schools, LCBO locations, tourist information centres, marinas, boat rental locations and restaurants.

Lifesaving Society Notes

The Society endorses this recommendation. In this case, the victims were not wearing lifejackets, which in all probability would have saved their lives. Such education is still necessary.

The jury was shown the booklet *Don't Rock the Boat*, published by the Ministry of Natural Resources. The Society highly recommends widespread distribution of this booklet. The public must be made aware that they are responsible for their actions.

Current federal regulation states that to operate a powered pleasure craft, proof of competency is required and can take one of three forms:

- Proof of having completed a boating safety course prior to April 1, 1999.
- Possessing a Pleasure Craft Operator (PCO) card issued from a Canadian Coast Guard accredited course provider. (Requires passing a written test.)
- A completed rental boat safety checklist (for power-driven rental boats) taken from *Safe Boating Guide to Regulations and Responsible Recreational Boating* published by the Canadian Coast Guard.

The Lifesaving Society offers a Boat Operator Accredited Training™ (BOAT) program, which is accredited by the Canadian Coast Guard. BOAT courses teach all the safe boating knowledge “must-knows” required to earn the PCO card.

3. Log booms, if already in places similar to this, should be properly maintained and marked as a deterrent to all boaters to discourage them from entering a hazardous area.

Lifesaving Society Notes

The Society does not endorse this recommendation. A log boom is a series of logs attached to one another and secured in place with the purpose of preventing debris from entering an area.

The jury members were told very definitely that log booms are not constructed to stop boats, but are meant only to stop debris. The absence of a log boom played no part in this death.

LIFESAVING SOCIETY POSITION

Admission and supervision of children in non-instructional swim settings

The Society's drowning research shows that unattended youth are at a high risk of drowning during non-instructional swims.

The Society recommends that all pools adopt a policy that children under 10 years of age not be admitted to public recreational swimming unaccompanied, unless they are able to pass the facility swimming test.

Position statement

Children under 10 years of age who are unable to pass the facility swimming test must be accompanied by a parent or guardian who is at least 12 years of age and responsible for their direct supervision, with a maximum of two children for each parent or guardian.

Children under six years of age may not be admitted to the swimming pool unless they are accompanied by a parent or guardian who is responsible for their direct supervision, with a maximum of two children for each parent or guardian.

For non-swimmers (those unable to pass the facility swimming test) between six and nine years of age:

- The ratio of non-swimmers to parent or guardians may be increased to a maximum of eight bathers to one parent/guardian (8:1) if lifejackets are worn by all non-swimmers in their charge.

Parents/guardians are responsible for the children in their care while in the facility and must directly supervise the children at all times.

Ratios of instructors/lifeguards to bathers must also be maintained as per Ontario Public Pools Regulation (565/90).

Background & Rationale

The Ontario Public Pools Regulation (565/90) does not specify admission standards for bathers in non-instructional swim settings.

The Regulation does specify supervision standards for public swimming pools, but due to the increased risk in these settings, supervision standards for young children should be implemented.

Implementation

The Lifesaving Society recommends operators include this admission standard in their facility policy and procedures manual, and staff handbooks.

All staff should review this standard and its application at least once a year during staff training sessions. Lifeguards should be reminded what to look for, and of procedures to deal with unaccompanied non-swimmers.

Owner/operators should educate the public through signage, flyers, department brochures, etc.



Owner/operators should ensure procedures are in place to evaluate bathers as they enter the facility. For example, during swim start-ups, off-duty lifeguards could be positioned in cashier or deck areas to ensure all bathers meet the requirements.

Patrons should be encouraged the use the “buddy system,” where bathers always swim with a buddy regardless of swimming ability.

Definitions

Direct supervision: able to render immediate assistance.

Guardian: person at least 12 years of age who is responsible for the children.

Non-instructional swim settings: include recreational swims, instructional tapering off activities, birthday parties, rentals, etc.