

**Oceans West Kayaks
San Juan Enterprises**

69 Parkinson Road Port Renfrew, BC V0S 1K0

Participation Agreement

In consideration of the services of OWK Oceans West Kayaks, San Juan Enterprises, their agents, owners, officers, volunteers, participants, employees, and all other persons or entities acting in any capacity on their behalf (hereafter collectively referred to as OWK), I hereby agree to release and discharge OWK, on behalf of myself, my children, my parents, my heirs, assigns, personal representative and estate as follows:

1. I acknowledge that sea kayaking entails known and unanticipated risks that could result in physical or emotional injury, paralysis, death, or damage to myself, to property, or to third parties. I understand that such risks simply cannot be eliminated without jeopardizing the essential qualities of the activity.

The risks include, among other things: hypothermia, dehydration, cold water immersion, drowning, repetitive strain injuries, small wounds, dislocated shoulders, fatigue, psychological trauma, and financial loss. These risks are associated with specific dangers including cold water, strong winds, currents, waves, surf, open water crossings, boat traffic, rough beach terrain, faulty equipment, and interpersonal conflict.

Furthermore, OWK guides and instructors have difficult jobs to perform. They seek safety, but they are not infallible. They might be ignorant of a participant's fitness or abilities. They might misjudge the weather, the elements, or the terrain. They may give inadequate warnings or instructions, and the equipment being used might malfunction.

Participant Initials

2. I expressly agree and promise to accept and assume all of the risks existing in this activity. My participation in this activity is voluntary, and I elect to participate in spite of the risks.

Participant Initials

3. I hereby voluntarily release, forever discharge, and agree to indemnify and hold harmless OWK from any and all claims, demands, or causes of action, which are in any way connected with my participation in this activity or my use of OWK equipment or facilities, **including any such claims which allege negligent acts or omissions of OWK.**

Participant Initials

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4. Should OWK or anyone acting on their behalf, be required to incur attorney's fees and costs to enforce this agreement, I agree to indemnify and hold them harmless for all such fees and costs.

Participant Initials

5. I certify that I have adequate insurance to cover any injury or damage I may cause or suffer while participating including the cost of **evacuation**, or else I agree to bear the costs of such injury or damage myself. I further certify that I have no medical or physical conditions, which could interfere with my safety in this activity, or else I am willing to assume - and bear the costs of - all risks that may be created, directly or indirectly, by any such condition.

Participant Initials

6. In the event that I file a lawsuit against OWK, I agree to do so solely in the Province of British Columbia in Canada, and I further agree that the substantive law of that province shall apply in that action without regard to conflict of rules of that province.

Participant Initials

By signing this document, I acknowledge that if anyone is hurt or property is damaged during my participation in this activity, I may be found by a court of law to have waived my right to maintain a lawsuit against OWK on the basis of any claim from which I have released them herein.

I have had sufficient opportunity to read this entire document. I have read and understood it, and I agree to be bound by its terms.

Signature of Participant	
Print Name	
Date	
Address	
Phone Number	

Witness Signature	
Date	
Address	
Phone Number	