

# Trial halted against Greek company accused of operating MV Marathassa

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A spill response boat secures a boom around the bulk carrier cargo ship MV Marathassa after a bunker fuel spill on Burrard Inlet in Vancouver, B.C., on April 9, 2015.

The British Columbia Court of Appeal says a Greek shipping firm accused of operating a vessel that spilled thousands of litres of bunker fuel into Vancouver's English Bay was not properly served a summons.

The ruling delivered Tuesday means the trial for Alassia NewShips Management Inc., which began last month, is over unless a new summons is served.

Alassia and the vessel MV Marathassa were charged in 2017 with 10 environmental related offences, including alleged violations under the Fisheries Act and the Canadian Environment Protection Act, following a Transport Canada investigation.

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Crown prosecutor John Walker said Wednesday the charges remain outstanding and weren't dismissed by the Appeal Court ruling.

"A summons could be applied for again and could be attempted to be served again," he said, adding it's not yet known if that option will be pursued.

"The practical difficulty is that Alassia is a Greek corporation and service must be accomplished in Canada."

Walker said while the trial against Alassia has been discontinued, the proceedings against the Marathassa are moving ahead.

Court documents say the summons was served to the captain of a different ship operated by Alassia, which was anchored in Nanaimo's harbour.

The firm did not appear before the courts, but a justice of the peace determined the summons had been properly served and the court had jurisdiction over the prosecution of Alassia.

A provincial court judge ruled earlier this year that Alassia was aware of the charges and the trial could go ahead without the firm's participation in the proceedings.

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The firm contested the procedure and the Appeal Court agreed that it was not valid.

Justice Peter Lowry wrote in the decision that the captain who received the summons was not a senior officer or representative of the company, meaning Alassia was not legally served.

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