JASON KOSTYNIUK*

PARTNER

* Professional Law Corporation

BIOGRAPHY

Jason Kostyniuk is a Partner and the leader of the firm's Maritime Practice Group. He is also a member of the firm's Environmental and Insurance Practice Groups.

Jason's practice focuses on maritime and transportation matters, as well as commercial and insurance litigation. It includes ship arrest and enforcement of maritime claims, charterparty and commercial contract disputes, marine pollution, general insurance matters, marine insurance and P&I matters, vessel collision and transportation casualties, carriage of goods and passengers, vessel and cargo theft, marine mortgages and other security, maritime insolvency and bankruptcy, judicial sale of ships, towage and salvage, ship design and repair, bodily injury claims, and the liabilities of harbours, terminals and marinas.

Within his practice Jason has represented the interests of a wide variety of insurers, foreign and domestic ship owners, charterers, terminals and other commercial and individual clients in the Provincial, Supreme and Appellate Courts of British Columbia, the Federal Court of Canada, and in private commercial arbitration. He has also achieved numerous settlements for clients through mediation.

ON A PERSONAL NOTE

In his spare time, Jason enjoys traveling, skiing, mountain biking, theatre and film, and above all spending time with his wife and two young boys.

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EDUCATION

- 1999 LL.B. University of British Columbia
- 1995 B.A. University of British Columbia

BAR ADMISSIONS

- 2000 Admitted to the British Columbia Bar

PRACTICE AREAS

BUSINESS

- Environmental
- Maritime

INSURANCE

- Environmental
- Occupiers' Liability
- Maritime

RECOGNITION

- 2017 – 2027 Best Lawyers® in Canada Maritime Law
- 2016 - 2018 Lexology Index: Canada - Shipping & Maritime; 2017, 2020 - 2024 Lexology Index: Transport - Shipping; 2019 Lexology Index: Shipping & Canada Shipping; 2020 - 2025 Lexology Report Transport - Shipping and Canada - Transport Shipping
- 2020 - 2026 Canadian Legal Lexpert® Directory repeatedly recommended in the area of Shipping and Maritime Law
- 2025 – 2026 Chambers Canada Guide recognized for Transportation: Shipping (Nationwide-Canada) in Band 3

REPRESENTATIVE EXPERIENCE

- Acting for foreign ship owners in multi-party Federal Court litigations arising from global collapse of Korean shipping line
- Advising Canadian mineral exporter in dispute involving carriage by sea of $80 million shipment of ore
- Representing Canadian marine terminal in large fire casualty with marine and land based pollution components
- Acting for marine underwriters in $1.6 million barge capsize
- Defending foreign steel and power company in Federal Court in complex multi-party litigation involving large shipment of steel to Canada
- Acting for clients in ship-sourced oil pollution litigation
- Defending Canadian naval architect firm in US $4 million cruise ship retrofit project dispute
- Acting for Canadian marine terminals in commercial disputes and claims regarding damage to berths, ships and cargo
- Drafting and revision of vessel charter parties and towage agreements
- Representing owners in $10 million sale of large container ship and bunkers
- Acting for ship owners and their insurers in a variety of marine casualty matters involving damage to property and persons
- Assisting clients with Transportation Safety Board (TSB) and Transport Canada investigations
- Advising marine clients on statutory and regulatory requirements

- Personal Injury
- Coverage Disputes

INDUSTRIES

- Environmental
- Transportation + Logistics

JASON
KOSTYNIUK
PARTNER

ALEXANDER HOLBURN

- Advising marine insurers on coverage issues

PUBLICATIONS

- December 2019, "High "Stakes" Ruling in *Oddy v. Waterway Partnership Equities Inc.*, 2019 BCCA 185", *The Transportation Lawyer,* Co-author
- October 2017, "Clean vs. Claused Bills of Lading and Letters of Indemnity", *Institute of Chartered Shipbrokers & Vancouver Maritime Arbitrators Association Seminar*, Speaker
- May 2017, "Arresting Times – Sister Ship Arrests in Canada Clarified", *Western Mariner Magazine*, Co-author
- February 2017, "Marine Spills", *Environmental Managers Association of BC (EMABC),* Speaker
- September 2015, "Maritime Law Update", *Canadian Transportation Lawyers Association Conference,* Speaker
- May 2014, "Fossil Fuels from Canada to Asia", *The Inter-Pacific Bar Association Conference*, Speaker
- July 2014, "New TSB Regulations promise simplicity and clarity for Canadian marine industry", *Western Mariner*, Author
- 2014, "Limitation of Liability Allowed but Insurance Coverage Denied: Telus v. Peracomo", *The Canadian Board of Marine Underwriters*, Semi-Annual Conference, Speaker (co-written by Andrew Stainer)
- November 2012, "Fraud and Misrepresentation in Marine Insurance", *Marine Insurance Association of BC's Fall 2012 Education Seminar Series*, Speaker
- 2010 – 2015, "Ship Arrests in Practice – Canada", *Shiparrested.com*, Co-author
- 2009, "Arrest Practice and Enforcement of Maritime Claims in Canada", *Shiparrested.com*, Sixth Members' Meeting, Cyprus, Author
- 2008, "Recent Cases Interpreting Canada's Anti-Sky Reefer Legislation s. 46 Marine Liability Act", ADR Section, *US MLA Fall Meeting*, Speaker
- 2005, "Bodily Injury Claims", *Marine Insurance Association of B.C. Seminar*, Speaker
- 2003, "Maritime Cargo Claims" *Marine Insurance Association of B.C. Seminar*, Speaker

PROFESSIONAL & COMMUNITY AFFILIATIONS

- Law Society of British Columbia, Member
- Canadian Bar Association (Maritime Subsection), Member
- Vancouver Bar Association, Member
- Canadian Maritime Lawyers Association, Member
- Trial Lawyers Association of British Columbia, Member
- Canadian Transport Lawyers Association, Member
- The Inter-Pacific Bar Association, Member