

---

## RE: URGENT: request for copies of Flair's charter permits

---

secretariat <Secretariat.Secretariat@otc-cta.gc.ca>

Wed, Jan 4, 2017 at 4:40 PM

To: Gabor Lukacs <lukacs@airpassengerrights.ca>

Cc: Martin Prud'homme <martin.prudhomme@otc-cta.gc.ca>, Simon-Pierre Lessard <Simon-Pierre.Lessard@otc-cta.gc.ca>, Allan Matte <Allan.Matte@otc-cta.gc.ca>, Inge Green <Inge.Green@otc-cta.gc.ca>, John Dodsworth <John.Dodsworth@otc-cta.gc.ca>

This is in response to your requests of December 28th, 2016 and January 4th, 2017, more specifically:

Q. ... the substance of my question, which is about the ability of the public to verify, in authoritative manner, whether a charterer has the necessary permits and whether the permits were indeed issued by the Agency. With licences, one can search the Agency's website, and can easily confirm that a company is indeed holding a licence. But what about charter permits?

A. The Air Transportation Regulations (ATRs) impose on the air carrier, not on the charterer, the requirement to hold a charter permit. As such, the holder of the charter permit issued by the Agency is the air carrier, not the charterer. The ATRs also require the air carrier to hold a non-scheduled international licence, which can easily be verified on the Agency's website. As previously noted, the Agency does not publish the list of permits that it issues.

Q. Who are the decision-makers with respect to issuance of charter permits: one of the five Members of the Agency or Agency staff?

A. Charter permits are approved by an Agency member.

Q. Would you be able to send me, as a sample, one of the most recent charter permits that the Agency granted?

A. Attached is a permit that was issued to Air Transat for a series of flights operated on behalf of Transat Tours Canada Inc.

Q. I am writing to ... request the Agency provide me with copies of Flair's charter permits for NewLeaf's US flights.

A. The Agency did not issue charter permits to Flair on behalf of NewLeaf's operation to the USA. While Flair Airlines filed an application on November 28th for flights to commence on January 15th and was working towards meeting the requirements to be issued the required permit, it withdrew its application on January 4th, at the request of NewLeaf. For your information, the requirements that would have applied to these operations are set out in the [Charter Permit Application Guide for Canadian Originating Transborder Passenger Charters \(TPC\)](#).

Kind regards,

Office des transports du Canada / Gouvernement du Canada

[secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Site Web [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca)

Tél. : [819-997-0099](tel:819-997-0099) / Télécopieur [819-953-5253](tel:819-953-5253) / ATS : [1-800-669-5575](tel:1-800-669-5575)

Canadian Transportation Agency / Government of Canada

[secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Web site [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca)

Tel: [819-997-0099](tel:819-997-0099) / Facsimile [819-953-5253](tel:819-953-5253) / TTY: [1-800-669-5575](tel:1-800-669-5575)

-----Original Message-----

From: Gabor Lukacs [<mailto:lukacs@AirPassengerRights.ca>]

Sent: January-04-17 1:09 PM

To: secretariat

Cc: Martin Prud'homme; Simon-Pierre Lessard; Allan Matte; Inge Green; John Dodsworth

Subject: URGENT: request for copies of Flair's charter permits

Dear Madam Secretary,

I am writing to follow up on my email below, and to request the the Agency provide me with copies of Flair's charter permits for NewLeaf's US flights.

In light of the recent cancellation of these flights, and the impact on some 3,000 passengers, I am requesting that the documents be provided on an urgent basis and promptly:

<http://www.cbc.ca/news/canada/hamilton/newleaf-cancels-sun-service-from-hamilton-refunds-3-000-tickets-1.3920781>

The legal basis for my request is section 22 of the Canada Transportation Act:

<https://www.canlii.org/en/ca/laws/stat/sc-1996-c-10/latest/sc-1996-c-10.html#sec22>

I look forward to hearing from you.

Sincerely yours,

Dr. Gabor Lukacs

--

Dr. Gabor Lukacs

Air Passenger Rights

Tel : (647) 724 1727

Twitter : @AirPassRightsCA

Facebook: <https://www.facebook.com/AirPassengerRights/>

On Wed, 28 Dec 2016, Gabor Lukacs wrote:

> Dear Madam Secretary,

>

> Thank you for your message below, alas, it does not answer the  
> substance of my question, which is about the ability of the public to  
> verify, in authoritative manner, whether a charterer has the necessary  
> permits and whether the permits were indeed issued by the Agency.

>

> With licences, one can search the Agency's website, and can easily  
> confirm that a company is indeed holding a licence. But what about charter permits?

>

> Who are the decision-makers with respect to issuance of charter permits:

> one of the five Members of the Agency or Agency staff?

>

> Would you be able to send me, as a sample, one of the most recent  
> charter permits that the Agency granted?

>

> I look forward to hearing from you.

>

> Best wishes,

> Dr. Gabor Lukacs

>

> --

> Dr. Gabor Lukacs

> Air Passenger Rights

> Tel : (647) 724 1727

> Twitter : @AirPassRightsCA

> Facebook: <https://www.facebook.com/AirPassengerRights/>

>

>

>

> On Wed, 28 Dec 2016, secretariat wrote:

>

>> Dr. Lukacs,

>>

>> Please find the answer to your question.

>>

>> Q. How can passengers verify whether a charter flight is being

>> offered in accordance with a charter permit issued by the Agency?

>>

>> A. Agency passenger charter permits are always issued with

>> instructions that they are to be shared with the charterer. The

>> issuance of the permit is subject to the air carrier (ie. the

>> applicant for the permit) forwarding immediately a copy of the

>> authority to the charterer(s). The wholesaler / travel agent would

>> know and should be in a position to advise its clients whether the necessary charter permit has been granted for the operation.

>>

>> Kind regards,

>>

>>

>> Office des transports du Canada / Gouvernement du Canada

>> [secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Site Web [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca) Tél. :

>> [819-997-0099](tel:819-997-0099) / Télécopieur [819-953-5253](tel:819-953-5253) / ATS : [1-800-669-5575](tel:1-800-669-5575)

>>

>> Canadian Transportation Agency / Government of Canada

>> [secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Web site [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca)

>> Tel: [819-997-0099](tel:819-997-0099) / Facsimile [819-953-5253](tel:819-953-5253) / TTY: [1-800-669-5575](tel:1-800-669-5575)

>>

>>

>> -----Original Message-----

>> From: Gabor Lukacs [<mailto:lukacs@AirPassengerRights.ca>]

>> Sent: December-21-16 1:24 PM

>> To: secretariat

>> Subject: RE: Charter permits and tariffs

>>

>> Dear Madam Secretary,

>>

>> Thank you for your message.

>>

>> 2. How can passengers verify whether a charter flight is being

>> offered in accordance with a charter permit issued by the Agency?

>>

>> I look forward to hearing from you.

>>

>> Best wishes,

>> Dr. Gabor Lukacs

>>

>> --

>> Dr. Gabor Lukacs

>> Air Passenger Rights

>> Tel : (647) 724 1727

>> Twitter : @AirPassRightsCA

>> Facebook: <https://www.facebook.com/AirPassengerRights/>

>>

>>

>>

>>

>>

>> On Wed, 21 Dec 2016, secretariat wrote:

>>

>>> Dr. Lukacs,

>>>

>>> Please find attached the answers to your questions.

>>>

>>> Q1. I have been unable to locate any decisions relating to the  
>>> issuance of charter permits on the Canadian Transportation Agency's  
>>> website. I was wondering how I could search the database of such permits.

>>>

>>> A1. Other than annual statistics included in its annual report and  
>>> the list of 5th / 7th freedom charter flights it approves, the  
>>> Agency does not publish on its web site detailed information on the  
>>> charter permits it issues.

>>>

>>> - Annual report statistics:

>>> <https://www.otc-cta.gc.ca/eng/statistics-2015-2016#a3c>

>>> - 5th / 7th freedom charters:

>>> <https://www.otc-cta.gc.ca/eng/fifthseventh-freedom-charter-flights-a>

>>> pproved-agency

>>>

>>> The types of charter applications that the Agency processes are

>>> described in the following link:

>>> <https://www.otc-cta.gc.ca/eng/charters>. If you are looking for

>>> information on charter applications with regards to particular

>>> charter types, air carrier, charterer, period of operation or

>>> origin/destination, please advise us and we will perform a search of

>>> our database and hopefully be in a position to provide you with the information that you are looking for.

>>>

>>> Q2. I have been unable to locate the transborder/international

>>> charter tariff of Flair Airlines Ltd. on their website. I was

>>> wondering when such a tariff was filed with the Agency, and I am

>>> requesting that I be provided with a copy.

>>>

>>> A2. With respect to International transportation, as per section

>>> 116.1 of the Air Transportation Regulations, an air carrier that

>>> sells or offers for sale an international service on its internet

>>> site must also display on the site its terms and conditions of

>>> carriage applicable to that service and must post a notice to that

>>> effect in a prominent place on the site.

>>>

>>> In regards to charter services, these services are generally not

>>> offered for sale or sold to charterers by charter carriers through

>>> their internet sites. Accordingly, a charter carrier is not obliged

>>> to post its tariff on its website. Some charter carriers have

>>> voluntarily posted their charter tariffs as a courtesy.

>>>

>>> Flair Airlines has a non-scheduled services tariff applicable to

>>> international transportation which also applies to transborder services.

>>> This document is attached as requested and the issue date and the

>>> effective dates of the tariff provisions are reflected in the document.  
>>> Similar to most international charter operations, Flair Airlines is  
>>> exempt from filing its charter rates with the Agency and therefore  
>>> the Agency does not have a record of this information. Note that  
>>> Flair's non-scheduled international licence allows it to operate  
>>> flights from Canada to any other country, subject to meeting the  
>>> regulatory requirements applicable to international charters set out  
>>> in the Air Transportation Regulations.

>>>

>>> Kind regards,

>>>

>>>

>>> Office des transports du Canada / Gouvernement du Canada

>>> [secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Site Web [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca) Tél. :

>>> [819-997-0099](tel:819-997-0099) / Télécopieur 819-953-5253 / ATS : 1-800-669-5575

>>>

>>> Canadian Transportation Agency / Government of Canada

>>> [secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Web site [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca)

>>> Tel: [819-997-0099](tel:819-997-0099) / Facsimile 819-953-5253 / TTY: 1-800-669-5575

>>>

>>> -----Original Message-----

>>> From: Gabor Lukacs [<mailto:lukacs@AirPassengerRights.ca>]

>>> Sent: December-20-16 11:47 AM

>>> To: secretariat

>>> Subject: Charter permits and tariffs

>>>

>>> Dear Madam Secretary,

>>>

>>> I am writing to inquire about the following matters:

>>>

>>> 1. I have been unable to locate any decisions relating to the



>>> issuance of charter permits on the Canadian Transportation Agency's  
>>> website. I was wondering how I could search the database of such permits.

>>>

>>> 2. I have been unable to locate the transborder/international  
>>> charter tariff of Flair Airlines Ltd. on their website. I was  
>>> wondering when such a tariff was filed with the Agency, and I am  
>>> requesting that I be provided with a copy.

>>>

>>> I look forward to hearing from you.

>>>

>>> Best wishes,


>>> Dr. Gabor Lukacs

>>>

>>>

>

---

 **2016-30-AT.PDF**  
166K



By e-mail: [dtoupin@airtransat.com](mailto:dtoupin@airtransat.com)

Date: November 21, 2016

Case No.: 16-05467

Air Transat A.T. Inc. c/o/b as Air Transat  
5959, boul. de la Côte-Vertu  
SAINT-LAURENT QC H4S 2E6

Attention: Dominique Toupin

Reference is made to your application received November 16, 2016 (Contract 3316/A) requesting a program permit in order to operate the following **ABC / ITC** flights on behalf of Transat Tours Canada Inc. c/o/b as Transat Tours utilizing B737/149 or B737/189 seat aircraft:

- Dorval, Quebec, Canada – Managua, Nicaragua – Dorval, Quebec, Canada or Toronto, Ontario, Canada – Managua, Nicaragua – Toronto, Ontario, Canada – 28 flights from December 19, 2016 to March 30, 2017.

The Canadian Transportation Agency (Agency) has considered your request and grants program permit number **2016-30-AT** for the above-noted **ABC / ITC** flights.

The issuance of this program permit is subject to Air Transat A.T. Inc. carrying on business as Air Transat forwarding immediately a copy of this authority to its charterer(s).

You must contact:

Transport Canada for compliance with security requirements and the local airport authority for permission to operate at specific times or for the use of any airport facility; and

the Canada Border Services Agency regarding the availability of clearance services and hours of operation of the port of entry.

**Originator:** Martin Prud'Homme  
Senior Officer  
Air Licensing and Charters Division  
**Telephone:** 819-997-1458  
**E-mail:** [licence@otc-cta.gc.ca](mailto:licence@otc-cta.gc.ca)

**By the Agency:** P. Paul Fitzgerald  
Member