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## RE: URGENT: Possible unlicensed operation / violation of s. 67(1) of the CTA

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Ghislain Blanchard <Ghislain.Blanchard@otc-cta.gc.ca>

Fri, Jan 8, 2016 at 5:15 PM

To: Gabor Lukacs <lukacs@airpassengerrights.ca>, secretariat <Secretariat.Secretariat@otc-cta.gc.ca>

Dear Dr. Luckas,

As promised yesterday, I am following up on your request for information regarding the NewLeaf Travel Company, and specifically in regards to your questions below and subsequent ones raised during our discussion.

We confirm that NewLeaf Travel Company Inc. (NewLeaf) does not hold any Agency licences nor does it have an application for a licence before the Agency. We also confirm that the Agency is aware of NewLeaf's recently advertised business venture, wherein Newleaf promotes itself as an air travel company that will partner with Flair Airlines, a licenced air carrier, who will operate the aircraft on the air service.

The Agency is reviewing whether persons who have commercial control over an air service, but do not operate any aircraft (Indirect Air Service Providers), such as NewLeaf, should be required to hold a licence. The Agency is now consulting with Canadians on this matter. Information on the Agency's consultation and how to participate can be found at: <https://www.otc-cta.gc.ca/eng/consultation/consultation-requirement-hold-a-licence>. Interested persons may submit written comments no later than the end of the business day on January 22, 2016.

As NewLeaf does not have a licence, they do not have a tariff pursuant to the Air Transportation Regulations. Flair Airlines is a licenced air carrier and, as such, they are required pursuant to section 67(4) of the Canada Transportation Act, to make a copy of their tariff available upon request and on payment of a fee not exceeding the cost of making a copy.

Flair Airlines holds Licence No. 050100 and No. 050114 granting the authority to operate domestic and non-scheduled international air services using small, medium, large, and all cargo aircraft.

I trust the above will address the questions that you have raised.

Sincerely,

Ghislain Blanchard  
Director General  
Industry Regulation and Determinations

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

From: Gabor Lukacs [mailto:[lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)]

Sent: January-06-16 11:57 AM

To: secretariat

Subject: URGENT: Possible unlicensed operation / violation of s. 67(1) of the CTA

Dear Madam Secretary,

I am writing to you concerning NewLeaf Travel Company Inc., which announced today that it is offering domestic service between various cities in Canada.

1. I conducted a search among the Agency's decisions, but I was unable to locate any one relating to granting the company a license.
2. I visited the company's website used for selling tickets, and found that it does not display the tariff, contrary s. 67(1)(a.1) of the Canada Transportation Act.

3. I spoke to a reservation agent of New Leaf, and she not aware of the company having a tariff. Thus, the company may be in breach of s. 67(1)(a) of the Canada Transportation Act.

I am requesting that the Agency confirm whether this company has been licensed (and if so, provide me with a copy of the decision granting license), and whether the Agency is aware of the issues identified above.

Kindly please confirm the receipt of this message.

I look forward to hearing from you.

Best wishes,  
Dr. Gabor Lukacs