

From Secretariat.Secretariat@otc-cta.gc.ca Wed Feb 3 12:25:46 2016
Date: Wed, 3 Feb 2016 16:25:34 +0000
From: secretariat <Secretariat.Secretariat@otc-cta.gc.ca>
To: Gabor Lukacs <lukacs@airpassengerrights.ca>
Subject: RE: FINAL REQUEST BEFORE BRINGING AN APPLICATION FOR JUDICIAL REVIEW: Request pursuant to the open court principle and/or s. 2(b) of the Charter to view documents

[The following text is in the "iso-8859-1" character set.]
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Dr. Lukacs,

The Agency is currently conducting an inquiry pursuant to section 81 of the Canada Transportation Act (CTA) where the matter to be determined is whether NewLeaf is required to hold a licence under the CTA. The Agency is conducting this inquiry in its capacity as an economic regulator and not as a quasi-judicial tribunal such that the Canadian Transportation Agency Rules (Dispute Proceedings and Certain Rules Applicable to All Proceedings) (also known as the Dispute Adjudication Rules) do not apply. The Panel assigned to the NewLeaf licencing activity has decided to treat the correspondence as information which the Agency may consider as it conducts its inquiry into whether NewLeaf will require a licence. This decision of the Panel is being prepared and will be made available to you once it is issued.

Given that this is an economic regulatory matter, the documents are available to you under the Access to Information Act (ATIA). While the Agency's practice is to readily release information on an informal basis in the spirit of openness and transparency, in this particular case and given that:

- it is third party information for which the Agency must consult with the originators of the documents; and,
- there is a claim for confidentiality with respect to one of the documents which will need to be assessed pursuant to the provisions of ATIA;

you will have to make a formal request under ATIA to trigger the provisions. You may use the form linked here. <http://www.tbs-sct.gc.ca/tbsf-fsct/350-57-nf-eng.pdf>
We will waive the \$5.00 fee.

Sincerely,

Elizabeth C. Barker

Secrétaire de l'Office des transports du Canada
Office des transports du Canada / Gouvernement du Canada
secretariat@otc-cta.gc.ca / Site Web www.otc-cta.gc.ca
Tél. : 819-997-0099 / Télécopieur 819-953-5253 / ATS : 1-800-669-5575

Secretary of the Canadian Transportation Agency
Canadian Transportation Agency / Government of Canada
secretariat@otc-cta.gc.ca / Web site www.otc-cta.gc.ca
Tel: 819-997-0099 / Facsimile 819-953-5253 / TTY: 1-800-669-5575

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

From: Gabor Lukacs [mailto:lukacs@AirPassengerRights.ca]
Sent: January-30-16 3:48 PM
To: secretariat
Subject: FINAL REQUEST BEFORE BRINGING AN APPLICATION FOR JUDICIAL REVIEW: Request pursuant to the open court principle and/or s. 2(b) of the Charter to view documents

Dear Madam Secretary,

Please refer to the attached letter.

Kindly please confirm receipt.

Best wishes,
Dr. Gabor Lukacs

On Mon, 25 Jan 2016, secretariat wrote:

> Dr Lukacs,
>
> The Agency acknowledges receipt of your e-mail.
>
> A response to your question is being prepared.
>
> Sincerely,
>
>
> Office des transports du Canada / Gouvernement du Canada
> secretariat@otc-cta.gc.ca / Site Web www.otc-cta.gc.ca Tél. :
> 819-997-0099 / Télécopieur 819-953-5253 / ATS : 1-800-669-5575
>
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> secretariat@otc-cta.gc.ca / Web site www.otc-cta.gc.ca
> Tel: 819-997-0099 / Facsimile 819-953-5253 / TTY: 1-800-669-5575
>
>
> -----Original Message-----
> From: Gabor Lukacs [mailto:lukacs@AirPassengerRights.ca]
> Sent: January-23-16 11:29 AM
> To: secretariat
> Subject: Follow-up: Request pursuant to the open court principle
> and/or s. 2(b) of the Charter to view documents
>
> Dear Madam Secretary,
>
> On Wednesday, January 20, 2016, I sent you the request below, but received no response.
>
> Kindly please confirm that you have received the request, and advise as to when I may expect to receive the documents.
>
> I am sure you understand that the newsworthy nature of these matters creates an urgency in allowing the public to view these documents and form opinions about the Agency's functioning.
>
> Best wishes,
> Dr. Gabor Lukacs
>
>
> On Wed, 20 Jan 2016, Gabor Lukacs wrote:
>
>> Dear Madam Secretary,
>>
>> It is my understanding that a number of persons (including
>> corporations) have submitted applications relating to NewLeaf with
>> the Canadian Transportation Agency.
>>
>> I am requesting, pursuant to the open court principle and/or s. 2(b)
>> of the Charter, that the Agency provide me with electronic copies of

>> all public documents relating to these complaints and/or any claim
>> for confidentiality and the decisions determining such claims.
>>
>> Best wishes,
>> Dr. Gabor Lukacs
>>
>