



This is the 2nd affidavit
of Elisa Aguiar in this case
and was made on December 20, 2024

NO. NEW-S-S-254494
NEW WESTMINSTER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

AIR PASSENGER RIGHTS

PLAINTIFF

AND

WESTJET AIRLINES LTD.

DEFENDANT

AFFIDAVIT

I, Elisa Aguiar, of 2700 – 700 West Georgia Street, in the City of Vancouver, in the Province of British Columbia, AFFIRM THAT:

1. I am a legal administrative assistant at Alexander Holburn Beaudin + Lang LLP, counsel for the Defendant, WestJet Airlines Ltd. in this matter. As such, I have personal knowledge of the facts and matters hereinafter referred to, save and except where stated to be on information and belief, and where so stated I verily believe them to be true.
2. On December 18, 2024, Global News published an article ([Airline watchdog applauds B.C. tribunal decision over compensation | Globalnews.ca](#)) titled "Airline watchdog applauds B.C. tribunal decision over compensation". Attached hereto and marked as **Exhibit "A"** is a copy of the news article dated December 18, 2024.
3. The news article was in relation to a recent decision of the B.C. Civil Resolution Tribunal ("CRT"). The article stated that WestJet passenger Paul David Reshour took the airline to the tribunal, asking for compensation for missing a flight due to

airline delays and that WestJet argued that the tribunal should refuse to hear the dispute because it was outside of its jurisdiction.

4. The article stated that “While there are no precedents set at the CRT, Lukács said his group is posting the submissions on its website to assist with other passengers looking to apply to the tribunal” and contained a hyperlink to the Air Passenger Rights website.
5. On December 20, 2024, I followed the hyperlink in the Global News article to the Air Passenger Rights website which shows that the submissions of both the Applicant and WestJet in the CRT proceeding have been uploaded to the Air Passenger Rights web site. I accessed the linked document and confirmed that the submissions of both the Applicant and WestJet are linked. Attached hereto and marked as **Exhibit “B”** is a copy of a screenshot of the Air Passenger Rights website.
6. On December 20, 2024, I accessed the CRT’s Information Access and Privacy policy available on its website (<https://civilresolutionbc.ca/resources/information-access-and-privacy/>). The website states:

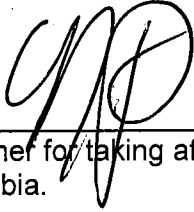
Information that we don’t share with members of the media or the public:

- Negotiation discussions between the participants (these are confidential, and we won’t share them unless all participants agree to the disclosure or we are required by law to disclose)
- Evidence or arguments
- Records other than CRT Dispute Notices, responses, and publicly available decisions

7. Attached hereto and marked as **Exhibit “C”** is a copy of the Information Access and Privacy Page as of December 20, 2024.

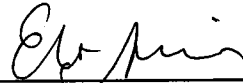
8. On December 20, 2024, I sent an email to Simon Lin, counsel for the Plaintiff, attaching unredacted copies of WestJet's Documents 1.3 – 1.28. Attached hereto and marked as **Exhibit "D"** is a copy of the email dated December 20, 2024.

AFFIRMED BEFORE ME at Vancouver,)
British Columbia on December 20, 2024.)



A commissioner for taking affidavits for
British Columbia.

NICOLAS V. PIMENTEL
Barrister + Solicitor
ALEXANDER HOLBURN BEAUDIN + LANG LLP
2700 - 700 WEST GEORGIA ST.
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Elisa Aguiar

This is **Exhibit "A"** referred to in the Affidavit of
Elisa Aguiar affirmed before me at the city of
Vancouver, BC this 20 day of December, 2024



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Airline watchdog applauds B.C. tribunal decision over compensation



By Amy Judd & Aaron McArthur • Global News

Posted December 18, 2024 4:16 pm

2 min read

This ad will end in 10

WATCH: A leading airline industry watchdog says a recent decision by the B.C. Civil Resolution Tribunal to award compensation to one man is a win for travellers. Aaron McArthur explains why.



-A A+

A recent ruling by the B.C. **Civil Resolution Tribunal** is a win for air travellers, an airline industry watchdog said.

WestJet passenger Paul David Reshaur took the airline to the tribunal, asking for compensation for missing a flight due to airline delays.

WestJet argued that the tribunal should refuse to hear the dispute because it was outside of its jurisdiction.

Reshaur was scheduled to fly from Puerto Vallarta, Mexico, to Winnipeg, with a stopover in Calgary.

Due to the delays, he said he was out of pocket \$10,192.72, including \$1,000 in compensation for the delayed flight under the *Airline Passenger Protection Regulations* (APPR), \$192.72 for expenses from the delay, broken down as \$25 for an evening meal, \$15.21 for dog food, \$152.51 for a hotel, \$4,000 in damages related to an alleged delay in unloading his dog, Moe, in Calgary and \$5,000 in general and aggravated damages for the way WestJet handled his and other passengers' APPR claims.

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WestJet denied liability for any of the claimed compensation.

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The tribunal ruled that, "WestJet does not point to any matters in this dispute that would require any technical or specialized expertise about the aviation industry to resolve."

As a result, the tribunal ruled that WestJet is ordered to pay Reshaur a total of \$1,395.28.

That includes \$1,000 in debt, \$192.72 in damages, \$115.06 in pre-judgment interest under the COIA, and \$87.50 for CRT fees.

2:07

WestJet answers to request for court injunction

Trending Now

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The group Air Passenger Rights said the Civil Resolution Tribunal could be a good avenue for travellers.

"Passengers who have a dispute with airlines are facing a very particular problem, that the federal regulator, the Canadian Transportation Agency, has a well-documented cozy relationship with the airlines, and they have a huge backlog of over 80,000 complaints," Gábor Lukács, founder of the group said.

STORY CONTINUES BELOW ADVERTISEMENT

"In British Columbia, the civil resolution tribunal has been doing a great job at just looking at the air passenger regulations and interpreting it in a fair manner."

While there are no precedents set at the CRT, Lukács said his group is **posting the submissions on its website** to assist with other passengers looking to apply to the tribunal.

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MORE VIDEOS

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- Lovingly restored 1967 Ford truck destroyed in suspicious Chilliwack fire
- Why this company says thousands of trees must be removed from Stanley Park

 JOURNALISTIC STANDARDS

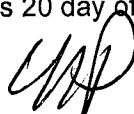
 REPORT AN ERROR

 COMMENT

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More to Explore

This is **Exhibit " B "** referred to in the Affidavit of
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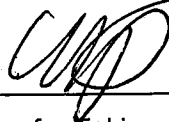
Airlines think you have no rights.
We prove them wrong.



Location: nrc_Civil_Resolution_Tribunal/2024--Reshaur_v_WestJet/

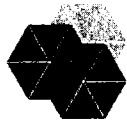
Name	Size
2024-11-05--Reshaur-submissions_on_CRT_jurisdiction.pdf	194K
2024-11-26--WestJet-submissions_on_CRT_jurisdiction.pdf	664K
2024-12-09--Reshaur-final_reply_on_CRT_jurisdiction.pdf	276K

This is **Exhibit "C"** referred to in the Affidavit of
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Information Access and Privacy

The CRT collects personal information from people, strata councils, and organizations involved in CRT claims. We only ask for information that's required to process and resolve the claim.

Most of this information is shared with the other claim participants and their representatives during the CRT process. This is for fairness and transparency, and to follow the rule of law.

Members of the media and the public can usually access CRT dispute notices, responses, and CRT decisions. We don't disclose other dispute records to the media or the public. We also can't disclose any records related to claims under the *Intimate Images Protection Act (IIPA)*.

📄 [Read our complete CRT Access to Information and Privacy Policies.](#)

Read about...

- » [What information we collect](#)
- » [What information we share](#)
- » [Demographic information \(optional\)](#)
- » [If you don't want your information to be shared](#)
- » [How we store and use your information](#)



What information we collect

The CRT only asks for information that's required to process and resolve the claim. We collect:

- Contact information including legal and preferred names, addresses, phone numbers, and email addresses
- Each participant's description of the claim, and their position on how they want to resolve it
- Communications between the participants and the CRT about the claim file
- Evidence and arguments, which may include information about damages and injuries, health and financial records, and other personal information
- Information about witnesses, including their contact information and any evidence they provide

We may also collect information about what additional supports a participant might need during the CRT process. For example, if a participant has accessibility challenges or can't pay CRT fees. We don't share information about additional supports with other participants in the claim unless required.

What information we share

Most of the information we collect is shared with the other participants in the claim. This is for fairness and transparency, and to follow the rule of law.

⊗ But we don't share between participants:

- Information about additional supports
- Financial and payment information for CRT fees
- Demographic information
- If a participant has self-identified as Indigenous
- Contact information of someone who makes a CRT claim about an intimate image

⊗ Information that we don't share with members of the media or the public:

- Negotiation discussions between the participants (these are confidential, and we won't share them unless all participants agree to the disclosure or we are required by law to disclose)
- Evidence or arguments
- Records other than CRT Dispute Notices, responses, and publicly available decisions



✓ Information that we share publicly:

- CRT decisions (we don't usually publish decisions about intimate image claims, but most other types of decisions are public and posted on our website, per the *Civil Resolution Tribunal Act*)

Demographic information (optional)

Our claim application and response forms may ask for demographic information, like your age or the languages you speak, to help us understand the population we're serving.

Giving us your demographic information is optional. Your answers won't be shared with the other participants in your claim, or any tribunal member making a decision about your claim. Your answers also won't affect how we process your claim.

We may also ask if you self-identify as Indigenous. If you do, we'll contact you with information about our optional CRT Navigator service. The Navigator is available to support Indigenous peoples with the CRT process.

If you don't want your information to be shared

The CRT is a legal process. If you make a CRT claim against someone, they have the right to know who filed the claim against them, what the claim is about, and your contact information. The exception is intimate image claims — we don't share the contact information of the person making the claim.

If you have personal safety concerns about sharing this information, contact us and include your CRT Dispute Number.

If you're concerned that information in a final decision or order would be harmful to your privacy or security, you can ask the CRT to remove or anonymize that information from the published decision. To ask us for this, you must be a participant, representative, or witness in the CRT claim. You may also ask that the dispute be "sealed". See our Access to Information and Privacy Policies for details.

How we store and use your information





All information and claim records collected by the CRT are stored on Canadian data servers, using leading-edge security protocols approved by the BC Government. ¹⁵

CRT staff are required to follow strict policies for data security and confidentiality. They are only allowed to access claim records and information required to carry out their work.


Tribunal members are also required to follow a Tribunal Member Code of Conduct. It includes responsibilities for maintaining data confidentiality.

Get in touch

 1-844-322-2292 (toll-free in North America)

 [Contact us](#)



 [Information Access and Privacy](#)

How CRT claim participants rate us

★ 92% felt CRT staff were professional

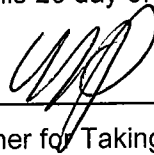
😊 83% felt they were treated fairly

👍 82% would recommend the CRT to others

** Aggregate participant survey results for 2023/24*



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AGUIAR, Elisa

From: AGUIAR, Elisa
Sent: Friday, December 20, 2024 12:50 PM
To: Simon Lin
Cc: PIMENTEL, Nicolas; DERY, Michael
Subject: Air Passenger Right v. WestJet Airlines Ltd.
Attachments: LOD 1.3 - 1.28 Unredacted.pdf

Good afternoon,

Please find attached unredacted copies of Documents 1.03-1.28 from WestJet's List of Documents.

Kind regards,

ELISA AGUIAR
Legal Administrative Assistant
To Michael Dery and Nicolas Pimentel
she/hers/her



**ALEXANDER
HOLBURN**

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