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Via E-mail: [mike.redmond @otc-cta.gc.ca](mailto:mike.redmond@otc-cta.gc.ca)

Canadian Transportation Agency
Ottawa, Ontario
K1A 0N9

Attention: Mike Redmond, Chief, Tariff Investigations

Dear Sirs/Mesdames:

**RE: Decision No. 10 –C-A-2014
Dr. Gabor Lukacs v. British Airways Plc
Submissions on Denied Boarding Compensation
in answer to the Show Cause order of the Agency**

On behalf of British Airways, we express its recognition of the accommodation made by the Canadian Transportation Agency in providing British Airways with the opportunity to show cause why the Agency should not require British Airways, with respect to the denied boarding compensation tendered to passengers under Rule 87(B)(3)(B), apply either:

1. The regime applicable in the United States of America,
2. The regime proposed by the complainant as set out in Decision No. 342-C-A- 2013,
3. The regime proposed by Air Canada as set out in Decision No. 442-C-A-2013, or
4. Any other regime that British Airways may propose that the Agency may consider to be reasonable.

British Airways proposes to apply the regime proposed by Air Canada as set out in Decision No.442-C-A-2014.

Proposed denied boarding compensation amounts for travel from Canada to the European Union	
Delay at arrival caused by involuntary denied boarding	Cash or equivalent
0-4 hours	CAD 400
Over 4 hours	CAD 800

British Airways proposes amending the text of its Rule 87(B)(3)(B) as follows:

RULE 87(B)(3)(B)

AMOUNT OF COMPENSATION PAYABLE FOR FLIGHTS FROM CANADA TO THE UNITED KINGDOM

(I) SUBJECT TO THE PROVISIONS OF PARAGRAPH (B)(3)(A) OF THIS RULE, CARRIER WILL

TENDER LIQUIDATED DAMAGES FOR DELAY AT ARRIVAL AT POINT OF DESTINATION CAUSED BY INVOLUNTARY DENIED BOARDING CASH OR EQUIVALENT IN THE AMOUNT OF CAD 400 FOR DELAY OF 0 TO 4 HOURS AND IN THE AMOUNT OF CAD 800 FOR DELAY OVER 4 HOURS.

(II) SAID TENDER WILL BE MADE BY CARRIER ON THE DAY AND AT THE PLACE WHERE THE FAILURE OCCURS, AND IF ACCEPTED WILL BE RECEIPTED FOR BY THE PASSENGER.

PROVIDED, HOWEVER, THAT WHEN CARRIER ARRANGES, FOR THE PASSENGER'S CONVENIENCE, ALTERNATE MEANS OF TRANSPORTATION WHICH DEPARTS PRIOR TO THE TIME SUCH TENDER CAN BE MADE TO THE PASSENGER, TENDER SHALL BE MADE BY MAIL OR OTHER MEANS WITHIN 24 HOURS AFTER THE TIME THE FAILURE OCCURS.

British Airways is fully committed to complying with the orders and directions of the Canadian Transportation Agency in as timely a manner as reasonably possible and to keeping the Agency informed with respect to timelines of implementation of the Denied Boarding Compensation regime set out above.

Respectfully submitted,

A handwritten signature in black ink that reads "Carol E. McCall". The signature is written in a cursive, flowing style.

Carol E. McCall

Solicitor for British Airways Plc

c.c Dr. Gabor Lukacs: email to Lukacs@AirPassengerRights.ca