

Halifax, NS

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March 30, 2020

VIA EMAIL and FAX

Canadian Transportation Agency

Dear Madam or Sir:

Re: “Statement on Vouchers” – Cease and Desist

It has come to our attention that on or around March 25, 2020, the Canadian Transportation Agency [CTA] published a “Statement on Vouchers” on its website purporting to offer unsolicited opinions on an ongoing controversy between passengers and airlines:

<https://otc-cta.gc.ca/eng/statement-vouchers>

Said statement creates the false impression of a legally binding determination by the CTA, and misleads consumers about their rights. Indeed, it has been represented and/or used in such a manner by various air carriers in their dealings with passengers.

This is unacceptable.

We request that the CTA remove the aforementioned statement from its website without delay and inform the public that the statement is not a legal ruling whatsoever, by no later than **Tuesday, March 31, 2020** at noon Eastern Time.

We look forward to hearing from you.

Yours very truly,

Dr. Gábor Lukács

Enclosed: “Statement on Vouchers”



[Home](#)

Statement on Vouchers

The COVID-19 pandemic has caused major disruptions in domestic and international air travel.

For flight disruptions that are outside an airline's control, the *Canada Transportation Act* and *Air Passenger Protection Regulations* only require that the airline ensure passengers can complete their itineraries. Some airlines' tariffs provide for refunds in certain cases, but may have clauses that airlines believe relieve them of such obligations in force majeure situations.

The legislation, regulations, and tariffs were developed in anticipation of relatively localized and short-term disruptions. None contemplated the sorts of worldwide mass flight cancellations that have taken place over recent weeks as a result of the pandemic. It's important to consider how to strike a fair and sensible balance between passenger protection and airlines' operational realities in these extraordinary and unprecedented circumstances.

On the one hand, passengers who have no prospect of completing their planned itineraries with an airline's assistance should not simply be out-of-pocket for the cost of cancelled flights. On the other hand, airlines facing huge drops in passenger volumes and revenues should not be expected to take steps that could threaten their economic viability.

While any specific situation brought before the CTA will be examined on its merits, the CTA believes that, generally speaking, an appropriate approach in the current context could be for airlines to provide affected passengers with vouchers or credits for future travel, as long as these vouchers or credits do not expire in an unreasonably short period of time (24 months would be considered reasonable in most cases).

The CTA will continue to provide information, guidance, and services to passengers and airlines as we make our way through this challenging period.

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