



April 19, 2013

File No. M4120-3/13-01696

BY EMAIL: lbeliveau@loogol.ca

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Sunwing Airlines
27 Fasken Drive
Etobicoke, Ontario
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Attention: Stephen White, Legal Counsel

Dear Sirs:

Re: Complaint by the Nawrot family against Sunwing Airlines

This refers to a complaint filed with the Canadian Transportation Agency (Agency) by Raymond Paul Nawrot, Kristina Marie Nawrot and Karolyn Theresa Nawrot (Nawrot family) against Sunwing Airlines Inc. (Sunwing) concerning alleged denied boarding on August 11, 2012 for a flight from London, England to Toronto, Ontario, Canada. The issues are as follows:

1. Sunwing's refusal to compensate the Nawrot family for out-of-pocket expenses incurred as a result of Sunwing's failure to transport them, as contracted;
2. Sunwing's failure to tender denied boarding compensation; and
3. The unreasonableness of Sunwing's denied boarding policy.

Pleadings respecting this complaint were opened on March 27, 2013. Sunwing was given until April 17, 2013 to provide its response to the complaint and the Nawrot family was given 7 days, upon receipt of Sunwing's answer, to provide its reply. On April 5, 2013, Sunwing advised that, respecting the issue of compensation for alleged denied boarding, it would file a response within the prescribed time, i.e. April 17, 2013. With respect to issue of reasonableness of the carrier's denied boarding policy, Sunwing requested an additional 2 weeks from April 17, 2013 to file a response.

On April 16, 2013, the Nawrot family filed a submission in which it objected to an extension of two weeks from April 17, 2013 but advised that an extension to April 22, 2013 would be acceptable.

On April 17, 2013, Sunwing filed a reply to the Nawrot family's submission of April 16, 2013. Among other things, Sunwing advised that an extension to April 22, 2013 is acceptable. On that same date, Sunwing filed its submission regarding the matter of compensation for alleged denied boarding.

On April 18, 2013, the Nawrot family filed a motion seeking leave to make additional submissions in response to Sunwing's reply of April 17, 2013.

Motion seeking leave to file additional submissions

The Agency has considered the submissions in the Nawrot family's motion and is of the view that they are not relevant. Therefore, the Agency denies the Nawrot family's leave to file additional submissions. Consequently, the Nawrot family's submissions filed on April 18, 2013 will not form part of the record.

Motion for extension

The Agency has also considered the motion for an extension filed by Sunwing. The Agency notes that the Nawrot family submitted that an extension to Monday, April 22, 2013 would be acceptable and that Sunwing indicated that this was acceptable. The Agency therefore grants an extension to Sunwing until 1700 on April 22, 2013 to file its response and until 1700 on April 29, 2013 to the Nawrot family to file its reply.

Should you have any questions you may contact the undersigned by e-mail at sylvie.giroux@otc-cta.gc.ca.

Sincerely,



Cathy Murphy
Secretary

BY THE AGENCY:

RAYMON J KADUCK

Member

Sam Barone

Member