

August 11, 2014

File No. M 4120-3/14-02973

Attention: Mr. Mike Redmond
Chief, Tariff Investigations
Air and Marine Investigations

E-mail: secretaire-secretary@cta-otc.gc.ca.

Re: Complaint concerning WestJet's policies and practices relating to claims for delay, damage and loss of baggage

To Whom It May Concern:

The following represents WestJet's response to the complaint stated above.

I. Notice to admit authenticity of documents

The complainant has requested WestJet to admit the authenticity of various emails marked in the complaint as Exhibits A, B, C and D between WestJet and Dr. Lukacs and Ms. Jones.

WestJet does not dispute the authenticity of these emails.

II. Questions directed to WestJet and notice to produce documents

a) Payment allegedly made by British Airways to the applicant

Q1. Cheque number 00003010011 was issued by British Airways on 14/05/14 to GABOR LUKACS for the amount CAD 25.70. The cheque was sent to address that British Airways had on file provided through the original claim application.

Q2. Email correspondence from British Airways received July 25, 2014 was used to confirm this payment was made.

Q3. WestJet has received no records, such as account statements, transaction confirmations, etc., from British Airways as these are confidential materials between British Airways and the recipient of the funds.

b) Systematic refusal to process and settle claims

Questions 4 through 7. WestJet does not challenge the fact that WestJet followed the guidance of IATA Resolution 780 and has in stated as much in all of WestJet's responses. WestJet systematically directed guests to resolve their issue with the last carrier at their final destination. WestJet reiterates this is not a refusal to process and settle baggage-related claims rather it is the most practical and efficient process to resolve these types of issues.

WestJet has agreed to work with the agency on more appropriate language to achieve the same outcome without any implication that the rights under the Montreal Convention are infringed upon or even perceived to be.

Questions 4 through 7 will naturally confirm what WestJet has already stated as a fact that WestJet has directed guests to work with the final carrier and thus verification of such is not disputed. Providing past records to prove something WestJet does not deny adds little value to the current proceedings and WestJet questions the relevance of the requests made in questions 4 through 7.

Furthermore we are not producing other guest claims since Mr. Lukacs has no standing to represent other guests.

c) Reliance on IATA Resolution 780

Questions 8 through 11. All of these questions relate to Ms. Jones' claim. We would need Ms. Jones' consent to provide those details in this response. WestJet also challenges the relevance of this information in terms of corrective measures as suggested by the complainant.

WestJet has already committed to refraining from any reference to IATA Resolution 780 in its correspondence with guests.

III. Motion for an extension until notices and questions are answered

WestJet has no objection to a request for an extension.

Respectfully submitted.

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Cc Jeff Landmann, Senior Legal Counsel, WestJet
Mr. Gabor Lukacs