

Federal Court of Appeal



Cour d'appel fédérale

Date: 20200616

Docket: A-102-20

Ottawa, Ontario, June 16, 2020

Present: MACTAVISH J.A.

BETWEEN:

**AIR PASSENGERS RIGHTS**

**Applicant**

and

**CANADIAN TRANSPORTATION AGENCY**

**Respondent**

**ORDER**

**WHEREAS** by Order dated May 22, 2020, I dismissed the applicant's motion for an interlocutory injunction;

**AND WHEREAS** the applicant sought an opportunity to deal with the question of costs once I rendered my decision with respect to the merits of the motion;

**AND WHEREAS** the parties have now had the opportunity to make submissions with respect to the question of costs;

**AND WHEREAS** both the applicant and the respondent seek their costs of this matter;

**AND WHEREAS** the ordinary rule is that costs follow the event;

**AND WHEREAS** the respondent states that it would not normally seek costs in the context of a *bona fide* challenge to one of its decisions, but that this was not such a case;

**AND WHEREAS** I noted in my decision dismissing the applicant's motion that although it had not yet sought or been granted public interest standing in this matter, it nevertheless appeared to be pursuing this matter as a public interest litigant;

**AND WHEREAS** the respondent has not persuaded me that the conduct of the applicant in relation to this matter was such that the respondent should be entitled to an order of costs in its favour;

**AND WHEREAS** the applicant has not persuaded me that the conduct of the respondent in relation to this motion was such as to entitle the applicant to costs notwithstanding the fact that it was unsuccessful on the motion;

**THIS COURT ORDERS THAT:**

1. Both sides shall bear their own costs with respect to the motion.

"Anne L. Mactavish"

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J.A.