

**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

- and -

**ATTORNEY GENERAL OF CANADA**

Respondent

- and -

**CANADIAN TRANSPORTATION AGENCY**

Intervener  
(Moving Party)

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**MOTION RECORD OF THE MOVING PARTY,  
CANADIAN TRANSPORTATION AGENCY**  
(Motion for Relief from Production)

Volume 1

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Court File No.: A-102-20

**FEDERAL COURT OF APPEAL**

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Respondent

- and -

**CANADIAN TRANSPORTATION AGENCY**

Intervener

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**NOTICE OF MOTION**  
(Motion for Relief from Production)

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**TAKE NOTICE THAT THE MOVING PARTY**, Canadian Transportation Agency ("Agency"), will make a motion to the Court in writing under Rule 369 of the *Federal Courts Rules*, SOR/98-106.

**THIS MOTION IS FOR:**

1. An Order relieving the Agency's affiant from having to produce for inspection the documents or other material requested in the Applicant's Direction to Attend, sent April 22, 2022;
2. Such further and other relief as this Court may deem just.

**THE GROUNDS FOR THIS MOTION ARE:**

1. Rule 369 and 94(2) of the *Federal Courts Rules*;
2. This is a motion for relief from production for inspection in relation to the Direction to Attend sent by the Applicant seeking to examine the affiant of the Agency;

3. The Application seeks judicial review of a statement ("Statement on Vouchers") published on the Agency's website at the onset of the COVID-19 pandemic, suggesting that it could be appropriate for air carriers to provide vouchers to passengers for flights which were cancelled as a result of the worldwide health situation;
4. In October 2021, the Agency was ordered to produce documents in relation to the Application for Judicial Review. In April 2022, the Agency was ordered to produce further documents and to file an affidavit detailing its search for documents in response to the October Order. The Agency has complied with both orders;
5. The Applicant wishes to cross-examine the Agency's affiant, and is now seeking production of additional documents or other materials above and beyond what has already been ordered by the Court;
6. The documents or other material requested are irrelevant to the issues raised in the Application for Judicial Review. The Agency, therefore seeks relief from their production; and
7. Such further and other grounds as counsel may advise and this Honourable Court may permit.

#### **Statutes and Regulations Relied Upon**

8. *Federal Courts Rules*, SOR/98-106, and in particular, Rule 369 and Rule 94; and
9. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be presented in support of this motion:

1. Affidavit of Meredith Desnoyers, dated the 12<sup>th</sup> day of May, 2022;
2. The written representations of the Intervener (Moving Party); and
3. Such further and other evidence as counsel may advise and this Honorable Court may permit.

DATED at the City of Gatineau, in the Province of Quebec, this 12<sup>th</sup> day of May, 2022.

---

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**Counsel for the Respondent, Attorney General of Canada**

Court File No.: A-102-20

**FEDERAL COURT OF APPEAL**

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Intervener

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**AFFIDAVIT OF MEREDITH DESNOYERS  
AFFIRMED ON THE 12<sup>TH</sup> DAY OF MAY, 2022****(Motion for Relief from Production)**

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I, Meredith Desnoyers, of the City of Ottawa, in the Province of Ontario, AFFIRM THAT:

1. I am a paralegal officer with the Canadian Transportation Agency ("Agency"), located at 15 Rue Eddy, Gatineau, Quebec, J8X 4B3. As such, I have personal knowledge of the matters set out herein except where stated to be based on information and belief, in which case I believe such information to be true.
2. Attached and marked as Exhibit "A" is a copy of the Notice of Application dated April 9, 2020.
3. Attached and marked as Exhibit "B" is a copy of the Affidavit of Gabor Lukacs dated January 3, 2021.
4. Attached and marked as Exhibit "C" is a copy of the Notice of Motion dated January 3, 2021, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #52.
5. Attached and marked as Exhibit "D" is a copy of the Notice of Motion dated January 16, 2022

- 6. Attached and marked as Exhibit "E" is a copy of Certificate pursuant to the order dated April 11, 2022.
- 7. Attached and marked as Exhibit "F" is a copy of the Affidavit of Barbara Cuber sworn the 21<sup>st</sup> day of April, 2022.
- 8. Attached and marked as Exhibit "G" is a copy of the Direction to Attend a cross-examination on behalf of the Applicant to Barbara Cuber on May 3, 2022.
- 9. Attached and marked as Exhibit "H" is a copy of the Agency letter dated April 28, 2022.
- 10. Attached and marked as exhibit "I" is a copy of the Court Direction dated May 2, 2022.
- 11. I swear this affidavit in support of the Agency's motion for relief from production pursuant to Rule 94(2) of the *Federal Courts Rules*, to file a memorandum of fact and law, and for no other improper purpose.

**AFFIRMED BEFORE** me )  
 at the City of Ottawa, )  
 in the Province of Ontario )  
 this 12<sup>th</sup> of May, 2022 )

  
 \_\_\_\_\_ )  
 A Commissioner for Taking Oaths

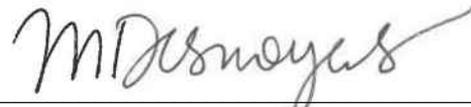
  
 \_\_\_\_\_  
 MEREDITH DESNOYERS



Exhibit A of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths



Court File No.: A-102-20

## FEDERAL COURT OF APPEAL

BETWEEN:

AIR PASSENGER RIGHTS

Applicant

- and -

CANADIAN TRANSPORTATION AGENCY

Respondent

## NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the Applicant. The relief claimed by the Applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the Applicant. The Applicant requests that this application be heard at the Federal Court of Appeal in **Vancouver, British Columbia**.

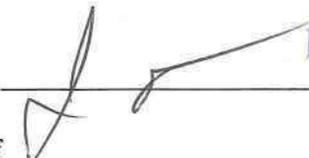
IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the Applicant's solicitor, or where the applicant is self-represented, on the Applicant, **WITHIN 10 DAYS** after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

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**IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN  
IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

Date: April 8, 2020

Issued by:  JEAN-FRANÇOIS DUPORT  
REGISTRY OFFICER  
AGENT DU GREFFE

Address of  
local office: Federal Court of Appeal  
90 Sparks Street, 5th floor  
Ottawa, Ontario, K1A 0H9

TO: **CANADIAN TRANSPORTATION AGENCY**

## APPLICATION

This is an application for judicial review pursuant to section 28 of the *Federal Courts Act* in respect of two public statements issued on or about March 25, 2020 by the Canadian Transportation Agency [Agency], entitled “Statement on Vouchers” [Statement] and the “Important Information for Travellers During COVID-19” page [COVID-19 Agency Page] that cites the Statement.

These public statements, individually or collectively, purport to provide an unsolicited advance ruling on how the Agency will treat and rule upon complaints of passengers about refunds from air carriers relating to the COVID-19 pandemic.

The Statement was issued without hearing the perspective of passengers whatsoever.

### **The Applicant makes application for:**

1. a declaration that:
  - (a) the Agency’s Statement is **not** a decision, order, determination, or any other ruling of the Agency and has no force or effect of law;
  - (b) the issuance of the Statement on or about March 25, 2020, referencing of the Statement within the COVID-19 Agency Page, and the subsequent distribution of those publications is contrary to the Agency’s own *Code of Conduct* and/or gives rise to a reasonable apprehension of bias for:
    - i. the Agency as a whole, or
    - ii. alternatively, the appointed members of the Agency who supported the Statement;
  - (c) further, the Agency, or alternatively the appointed members of the Agency who supported the Statement, exceeded and/or lost its (their) jurisdiction under the *Canada Transportation Act*, S.C. 1996, c. 10 to rule upon any complaints of passengers about refunds from carriers relating to the COVID-19 pandemic;

2. an interim order (*ex-parte*) that:
  - (a) upon service of this Court's interim order, the Agency shall prominently post the interim clarification (below) at the top portion of both the French and English versions of the "Statement on Vouchers" [**Statement**] and the "Important Information for Travellers During COVID-19" page [**COVID-19 Agency Page**] (both defined in paragraphs 11-12 of the Notice of Application):

The Canadian Transportation Agency's "Statement on Vouchers" is not a decision, order, determination, or any legal ruling of the Canadian Transportation Agency. It does **not** have the force of law. The "Statement on Vouchers" is currently pending judicial review by the Federal Court of Appeal. This notice is posted by Order [insert URL link to PDF of order] of the Federal Court of Appeal.;
  - (b) starting from the date of service of this Court's interim order, the Agency shall bring the above interim clarification to the attention of anyone that contacts the Agency with a formal complaint and/or informal inquiry regarding air carriers' refusal to refund arising from the COVID-19 pandemic;
  - (c) the Agency shall not issue any decision, order, determination, or any other ruling with respect to refunds from air carriers in relation to the COVID-19 pandemic; and
  - (d) this interim order is valid for fourteen days from the date of service of this Court's interim order on the Agency, and may be renewed by the Applicant under Rule 374(2);
3. an interlocutory order that:
  - (a) the Agency shall forthwith completely remove the Statement from the Agency's website including any references to the Statement within the COVID-19 Agency Page and substitute it with this Court's interlocutory order, or alternatively the order renewing the interim clarification (subparagraph 2(a) above), until final disposition of the Application;

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- (b) the interim orders in subparagraphs 1(b)-(c) above are maintained until final disposition of the Application;
  - (c) the Agency shall forthwith communicate with persons that the Agency has previously communicated with regarding the Statement and bring those persons' attention to this Court's interlocutory order and the removal or clarification of the Statement; and
  - (d) the Agency shall forthwith communicate with air carriers under the Agency's jurisdiction, the Association of Canadian Travel Agencies, and Travel Pulse and bring those persons' attention to this Court's interlocutory order and the removal or clarification of the Statement;
4. a permanent order that:
- (a) the Agency prominently post at the top portion of the COVID-19 Agency Page that the Agency's Statement has been ordered to be removed by this Court;
  - (b) the Agency remove the Statement, and references to the Statement within the COVID-19 Agency Page, from its website and replace the Statement with a copy of this Court's judgment;
  - (c) in the event the Agency receives any formal complaint or informal inquiry regarding air carriers' refusal to refund in respect of the COVID-19 pandemic, promptly and prominently inform the complainant of this Court's judgment; and
  - (d) the Agency, or alternatively the appointed members of the Agency who supported the Statement, be enjoined from dealing with any complaints involving air carriers' refusal to refund passengers in respect of the COVID-19 pandemic, and enjoined from issuing any decision, order, determination or any other ruling with respect to refunds from air carriers for the COVID-19 pandemic;
5. costs and/or reasonable out-of-pocket expenses of this Application; and

6. such further and other relief or directions as the Applicant may request and this Honourable Court deems just.

**The grounds for the application are as follows:**

**A. Overview**

1. The present Application challenges the illegality of the Canadian Transportation Agency's Statement, which purports to provide an unsolicited advance ruling in favour of air carriers without having heard the perspective of passengers beforehand.
2. The Statement and the COVID-19 Agency Page preemptively suggest that the Agency is leaning heavily towards permitting the issuance of vouchers in lieu of refunds. They further suggest that the Agency will very likely dismiss passengers' complaints to the Agency for air carriers' failure to refund during the COVID-19 pandemic, irrespective of the reason for flight cancellation.
3. Despite the Agency having already determined in a number of binding legal decisions throughout the years that passengers have a fundamental right to a refund in cases where the passengers could not travel for events outside of their control, the Agency now purports to grant air carriers a blanket immunity from the law via the Statement, without even first hearing passengers' submissions or perspective as to why a refund is **mandated** by law. This is inappropriate.
4. The Agency, as a quasi-judicial tribunal, must at all times act with impartiality. That impartiality, unfortunately, has clearly been lost, as demonstrated by the Agency's issuance of the unsolicited Statement and usage thereof.
5. The fundamental precept of our justice system is that "*justice should not only be done, but should manifestly and undoubtedly be seen to be done*" (*R. v. Yumnu*, 2012 SCC 73 at para. 39). This fundamental precept leaves no room for any exception, even during difficult times like the COVID-19 pandemic.
6. Impartiality is further emphasized in the Agency's own *Code of Conduct* stipulating that the appointed members of the Agency shall not express an opinion on potential cases.

**B. The COVID-19 Pandemic**

7. The coronavirus [COVID-19] is a highly contagious virus that originated from the province of Hubei in the Peoples Republic of China, and began spreading outside of the Peoples Republic of China on or around January 2020.
8. On or about March 11, 2020, the World Health Organization declared COVID-19 a global pandemic.
9. On or about March 13, 2020, the Government of Canada issued a blanket travel advisory against non-essential travel outside of Canada until further notice and restricting entry of foreign nationals into Canada, akin to a “declaration of war” against COVID-19, and that those in Canada should remain at home unless absolutely necessary to be outside of their homes [Declaration].
10. COVID-19 has disrupted air travel to, from, and within Canada. The disruption was brought about by the COVID-19 pandemic and/or the Declaration, such as:
  - (a) closure of borders by a number of countries, resulting in cancellation of flights by air carriers;
  - (b) passengers adhering strictly to government travel advisories (such as the Declaration) and refraining from air travel (and other forms of travel) unless absolutely necessary; and
  - (c) air carriers cancelling flights on their own initiative to save costs, in anticipation of a decrease in demand for air travel.

**C. The Agency’s Actions in Relation to COVID-19, Including the “Statement on Vouchers”**

11. Since March 13, 2020 and up to the date of filing this Application, the Agency has taken a number of steps in relation to COVID-19. Those listed in the four sub-paragraphs below are **not** the subject of review in this Application.
  - (a) **On March 13, 2020**, the Agency issued Determination No. A-2020-42 providing, *inter alia*, that various obligations under the *Air Passen-*

*ger Protection Regulations*, SOR/2019-150 [APPR] are suspended until April 30, 2020:

- i. Compensation for Delays and Inconvenience for those that travel: compensation to passengers for inconvenience has been reduced and/or relaxed (an air carrier's obligation imposed under paragraphs 19(1)(a) and 19(1)(b) of the *APPR*);
  - ii. Compensation for Inconvenience to those that do not travel: the air carrier's obligation, under subsection 19(2) of the *APPR* to pay compensation for inconvenience to passengers who opted to obtain a refund instead of alternative travel arrangement, if the flight delay or the flight cancellation is communicated to passengers more than 72 hours before the departure time indicated on the passengers' original ticket; and
  - iii. Obligation to Rebook Passengers on Other Carriers: the air carrier's obligation, under paragraphs 17(1)(a)(ii), 17(1)(a)(iii), and 18(1)(a)(ii) of the *APPR*.
- (b) **On or about March 25, 2020**, the Agency issued Determination No. A-2020-47 extending the exemptions under Decision No. A-2020-42 (above) to June 30, 2020. This Determination further exempted air carriers from responding to compensation requests within 30 days (s. 19(4) of *APPR*). Instead, air carriers would be permitted to respond to compensation requests 120 days *after* June 30, 2020 (e.g. October 28, 2020).
  - (c) **On or about March 18, 2020**, the Agency issued Order No. 2020-A-32, suspending **all** dispute proceedings until April 30, 2020.
  - (d) **On or about March 25, 2020**, the Agency issued Order No. 2020-A-37, extending the suspension (above) to June 30, 2020.
12. On or about March 25, 2020, almost concurrently with the Order and Determination on the same date (above), the Agency publicly posted the Statement on its website (**French:** <https://otc-cta.gc.ca/fra/message-concernant-credits>; **En-**

glish: <https://otc-cta.gc.ca/eng/statement-vouchers>) providing that:

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.

13. On or about March 25, 2020, concurrently with the Statement, the Agency posted an amendment to the COVID-19 Agency Page on its website, adding four references to the Statement (French: **Information importante pour les voyageurs pour la période de la COVID-19** [<https://otc-cta.gc.ca/fra/information->

importante-pour-voyageurs-pour-periode-covid-19]; English: **Important Information for Travellers During COVID-19** [<https://otc-cta.gc.ca/eng/important-information-travellers-during-covid-19>]).

14. The COVID-19 Agency Page cites and purports to apply the Statement in the context of an air carrier's legal obligation in three circumstances: (1) situations outside airline control (including COVID-19 situations); (2) situations within airline control; and (3) situations within airline control, but required for safety.
15. In effect, the COVID-19 Agency Page purports to have relieved air carriers from providing passengers with refunds in practically **every** imaginable scenario for cancellation of flight(s), contrary to the Agency's own jurisprudence and the minimum passenger protections under the *APPR*.

#### D. Jurisprudence on Refunds for Passengers

16. Since 2004, in a number of decisions, the Agency confirmed passengers' fundamental right to a refund when, for whatever reason, an air carrier is unable to provide the air transportation, including those outside of the air carrier's control:
  - (a) *Re: Air Transat*, Decision No. 28-A-2004;
  - (b) *Lukács v. Porter*, Decision No. 344-C-A-2013, para. 88;
  - (c) *Lukács v. Sunwing*, Decision No. 313-C-A-2013, para. 15; and
  - (d) *Lukács v. Porter*, Decision No. 31-C-A-2014, paras. 33 and 137.
17. The Agency's jurisprudence was entirely consistent with the common law doctrine of frustration, the civil law doctrine of *force majeure*, and, most importantly, common sense.
18. The *APPR*, which has been in force since 2019, merely provides **minimum** protection to passengers. The *APPR* does not negate or overrule the passengers' fundamental right to a refund for cancellations in situations outside of a carrier's control.
19. Furthermore, the COVID-19 Agency Page also suggests that the Statement *would* apply to cancellations that are within airline control, or within airline control but required for safety purposes, squarely contradicting the provisions

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of subsection 17(7) of the *APPR*. Subsection 17(7) clearly mandates that any refund be in the original form of payment, leaving no room for the novel idea of issuing a voucher or credit.

20. Finally, whether an air carrier's flight cancellation could be characterized as outside their control, or within their control, remains to be seen. For example, if a cancellation was to save costs in light of shrinking demand, it may be considered a situation within an air carrier's control. However, the Statement and the COVID-19 Agency Page presuppose that **any and all** cancellations at this time should be considered outside an air carrier's control.
21. The combined effect of the Statement and the COVID-19 Agency Page purports to ignore decade old and firmly established jurisprudence of the Agency. This all occurred without any formal hearing, adjudication, determination, or otherwise, or even a single legal submission or input from the passengers.
22. As described further below, the Agency does not even outline its legal basis or provide any support for those public statements.
23. The Agency's public statements are tantamount to endorsing air carriers in illegally withholding the passengers' monies, all without having to provide the services that were contracted for. The air carriers all seek to then issue vouchers with varying expiry dates and usage conditions to every passenger, effectively depriving all the passengers of their fundamental right to a refund, which is a right the Agency itself firmly recognized.

**E. The Agency's Conduct Gives Rise to a Reasonable Apprehension of Bias**

24. The Agency is a quasi-judicial tribunal that is subject to the same rules of impartiality that apply to courts and judges of the courts.
25. Tribunals, like courts, speak through their legal judgments and not media postings or "statements."
26. The Statement and/or the COVID-19 Agency Page is not a legal judgment. They give an informed member of the public the perception that it would be more

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likely than not that the Agency, or the members that supported the Statement, will not be able to fairly decide the issue of refunds relating to COVID-19.

27. The Agency has already stipulated a general rule, outside the context of a legal judgment, that refunds need not be provided. No support was provided for this radical departure from the fundamental rights of passengers. The Agency merely provided a bald assertion or conclusion that passengers are not entitled to any refund.
28. The Agency's own Code of Conduct expressly prohibits members of the Agency from expressing an opinion about potential cases or any other issue related to the Agency's work, or comments that may create a reasonable apprehension of bias:

(40) Members **shall not publicly express an opinion about any past, current, or potential cases or any other issue related to the work of the Agency**, and shall refrain from comments or discussions in public or otherwise that may create a reasonable apprehension of bias.

[Emphasis added.]

29. Although neither the Statement, nor the COVID-19 Agency Page, contain the signature or names of any specific member of the Agency, given the circumstances and considering the Agency's own Code of Conduct providing that the professional civilian staff's role are to **fully** implement the appointed member(s)' directions, the Statement and the COVID-19 Agency Page ought to be attributed to the member(s) who supported the Statement either before or after its posting on the internet.
30. In these circumstances, the Court must proactively step in to protect the passengers, to ensure that "justice should not only be done, but should manifestly and undoubtedly be seen to be done," and to ensure that the administration of justice is not put to disrepute.
31. The Court ought to issue an interim, interlocutory, and/or permanent order restricting the Agency's involvement with passengers' COVID-19 related refunds against air carriers.

**F. The Applicant**

32. The Applicant is a non-profit corporation under the *Canada Not-for-profit Corporations Act*, SC 2009 that is an advocacy group representing the rights of air passengers.
33. Air Passenger Rights is led by a Canadian air passenger rights advocate, Dr. Gábor Lukács, whose work and public interest litigation has been recognized by this Honourable Court in a number of judgments:
- (a) *International Air Transport Assn et al. v. AGC et al.* (Federal Court of Appeal File No. A-311-19, Order of Near J.A., dated March 3, 2020) that:
- [...] the Court is of the view that the case engages the public interest, that the proposed intervener [Dr. Gábor Lukács] would defend the interests of airline passengers in a way that the parties [the Agency, the Attorney General of Canada, and an airlines trade association] cannot, that the interests of justice favour allowing the proposed intervention in the appeal, and that the proposed intervention would be of assistance to the Court in deciding the appeal [...]
- (b) *Lukács v. Canada (Transportation Agency)* 2016 FCA 174 at para. 6;
- (c) *Lukács v. Canada (Transport, Infrastructure and Communities)*, 2015 FCA 269 at para. 43;
- (d) *Lukács v. Canada (Transport, Infrastructure and Communities)*, 2015 FCA 140 at para. 1; and
- (e) *Lukács v. Canada (Transportation Agency)*, 2014 FCA 76 at para. 62.

**G. Statutory provisions**

34. The Applicant will also rely on the following statutory provisions:
- (a) *Canada Transportation Act*, S.C. 1996, c. 10 and, in particular, sections

- 14 -

25, 37, and 85.1;

(b) *Federal Courts Act*, R.S.C. 1985, c. F-7, and in particular, sections 18.1, 18.2, 28, and 44; and

(c) *Federal Courts Rules*, S.O.R./98-106, and in particular, Rules 300, 369, and 372-374; and

35. Such further and other grounds as counsel may advise and this Honourable Court permits.

**This application will be supported by the following material:**

1. Affidavit of Dr. Gábor Lukács, to be served.
2. Such further and additional materials as the Applicant may advise and this Honourable Court may allow.

The Applicant requests the Canadian Transportation Agency to send a certified copy of the following material that is not in the possession of the Applicant but is in the possession of the Canadian Transportation Agency to the Registry and to the Applicant:

1. Complete and unredacted copies of all correspondences, meetings, notes, and/or documents involving the appointed members of the Agency relating to the Statement and/or issuance of vouchers or credits in relation to the COVID-19 incident, including both before and after publication of the Statement;
2. The number of times the URLs for the Statements were accessed (**French:** <https://otc-cta.gc.ca/fra/message-concernant-credits>; **English:** <https://otc-cta.gc.ca/eng/statement-vouchers>) from March 24, 2020 onward;
3. Complete and unredacted copies of all correspondences, meetings, notes, and/or documents between the Canadian Transportation Agency and the travel industry (including but not limited to any travel agencies, commercial airlines, industry groups, etc.) from February 15, 2020 to the present in respect to issuing of credits, coupons, or vouchers to passengers in lieu of a refund for travel affected

by COVID-19; and

- 4. Complete and unredacted copies of all correspondences, e-mails, and/or complaints that the Agency received from passengers between February 15, 2020 to the present in respect to issuing of credits, coupons, or vouchers to passengers in lieu of a refund for travel affected by COVID-19.

April 6, 2020

“Simon Lin”

**SIMON LIN**

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**Counsel for the Applicant,  
Air Passenger Rights**

I HEREBY CERTIFY that the above document is a true copy of the original files in the Court./

JE CERTIFIE qu® le document ci-dessus est une copie conforme à l'original déposé au dossier de la Cour fédérale.

Filing date April 9, 2020  
Date de dépôt

April 9, 2020  
Dated  
Fait le

*JV*  
JEAN-FRANÇOIS DUPORE  
REGISTRY OFFICER  
AGENT DU GREFFE

Exhibit B of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths



Court File No.: A-102-20

**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

– and –

**CANADIAN TRANSPORTATION AGENCY**

Respondent

**AFFIDAVIT OF DR. GÁBOR LUKÁCS**  
(Affirmed: January 3, 2021)

I, **DR. GÁBOR LUKÁCS**, of the City of Halifax in the Province of Nova Scotia, AFFIRM THAT:

1. I am the President and a Director of the Applicant, Air Passenger Rights. As such, I have personal knowledge of the matters to which I depose, except as to those matters stated to be on information and belief, which I believe to be true.
  - A. **The Applicant: Air Passenger Rights**
2. Air Passenger Rights [**APR**] is a non-profit organization, formed in May 2019 under the *Canada Not-for-profit Corporations Act*, SC 2009, to expand and continue the air passenger advocacy work that I have initiated in my personal capacity for the last decade, which is described in the next section. A copy of APR's articles of incorporation are attached and marked as **Exhibit "A"**.
3. I am the president and a director of APR. I actively lead all the work of APR. Mr. Simon Lin, counsel representing APR on a *pro bono* basis on this judicial review, is also one of the directors of APR. APR operates on a non-profit basis and its directors, including myself, are not paid any salaries or wages.

4. APR's mandate is to engage in public interest advocacy for air passengers, continuing the same work that I have been engaging in personally for the past decade, including advocating on behalf of the travelling public before Parliament, administrative agencies and tribunals, and the courts, when necessary.
5. APR is funded solely by small donations from passengers. Those donations only cover some out-of-pocket expenses incurred in undertaking APR's public interest advocacy work.
6. APR promotes passenger rights by referring passengers to information and resources through the press, social media, and the [AirPassengerRights.ca](http://AirPassengerRights.ca) website.
7. APR's Facebook group, entitled "Air Passenger Rights (Canada)" [**APR Facebook Group**], has more than 38,300 members as of the date of this Affidavit. The APR Facebook Group is a platform for passengers to share their concerns regarding air travel and passenger rights, and to discuss their issues and concerns with other passengers. A small group of volunteers, led by me, regularly responds to every passengers' Facebook post on the APR Facebook Group and provides passengers with information whenever possible.

**B. Dr. Lukács's Public Interest Advocacy Activities**

8. Since 2008, I have volunteered my time and expertise to advocate for the benefit of the travelling public. I filed more than two dozen regulatory proceedings with the Canadian Transportation Agency [**Agency**] leading to airlines being ordered to rectify their conduct, and secured better protection for passengers. Attached and marked as **Exhibit "B"** is an excerpt of that advocacy work.
9. In 2013, the Consumers' Association of Canada recognized my air passenger advocacy work and awarded me the Order of Merit for "singlehandedly initiating Legal Action resulting in revision of Air Canada unfair practices [...]."

10. Mr. Carlos Martins, a recognized aviation lawyer, commended my work in a 2013 review article on aviation law in Canada, a copy of which is attached and marked as **Exhibit “C”**.
11. I have successfully challenged, in the public interest, the legality of the Agency’s actions on a number of occasions, including:
  - (a) *Lukács v. Canada (Transport, Infrastructure and Communities)*, 2015 FCA 140, relating to the open court principle in proceedings before the Canadian Transportation Agency;
  - (b) *Lukács v. Canada (Canadian Transportation Agency)*, 2015 FCA 269, relating to denied boarding compensation; and
  - (c) *Lukács v. Canada (Canadian Transportation Agency)*, 2016 FCA 220, relating to standing to bring a complaint about discrimination against large passengers without being personally affected.
12. In *Lukács v. Canada (Transportation Agency)*, 2016 FCA 174, at paragraph 6, the Federal Court of Appeal recognized my genuine interest in air passenger rights and the legality of the Agency’s decisions and actions, and granted me public interest standing on that basis.
13. In October 2017, I appeared before the Supreme Court of Canada. The court’s judgment is indexed as *Delta Air Lines Inc. v. Lukács*, 2018 SCC 2.
14. In October 2018, I delivered two invited lectures on air passenger rights at McGill University Faculty of Law’s Institute of Air and Space Law.
15. In *Lukács v. Canada (Transportation Agency)*, 2019 FC 1148, at paragraphs 46 and 50, the Federal Court recognized my reputation, continued interest, and expertise in advocating for passenger rights.

16. In March 2020, I was granted leave to intervene by the Federal Court of Appeal in the appeal of the International Air Transport Association and a number of airlines against certain provisions of the *Air Passenger Protection Regulations* in File No. A-311-19:

[...] the Court is of the view that the case engages the public interest, that the proposed intervener would defend the interests of airline passengers in a way that the parties cannot, that the interests of justice favour allowing the proposed intervention in the appeal, and that the proposed intervention would be of assistance to the Court in deciding the appeal;

[Emphasis added.]

A copy of the court's order is attached and marked as **Exhibit "D"**.

### **Recognition by Parliament and the Agency as a Passenger Rights Advocate**

17. I testified twice about the *Transportation Modernization Act*: (1) in September 2017, before the House of Commons' Standing Committee on Transport, Infrastructure and Communities [**TRAN Committee**]; and (2) in March 2018, before the Standing Senate Committee on Transport and Communications.
18. The Agency recognized me as a stakeholder in the consultation process leading to the development of the *Air Passenger Protection Regulations* [**APPR**]. By invitation, I attended two individual consultation meetings with the Agency and Transport Canada staff, and also filed two related written submissions between June 2018 and February 2019. These consultation meetings were distinct from the Agency's townhalls held for the general public.
19. On December 8, 2020, I testified at the TRAN Committee for a study on the "Impact of COVID-19 On the Aviation Sector" about the impact of the airlines' refusal to refund affected flights during the COVID-19 pandemic, and the Agency's failure to enforce passengers' rights.

**C. The Agency’s Organizational Structure and Composition**

20. A copy of the Agency’s organizational chart, retrieved from the Agency’s website on December 22, 2020, is attached and marked as **Exhibit “E”**.
21. Mr. Scott Streiner is the Agency’s Chairperson and Chief Executive Officer. A copy of Mr. Streiner’s contact information, retrieved from the Government of Canada’s Government Electronic Directory Services [**GEDS**] on December 22, 2020, is attached and marked as **Exhibit “F”**.
22. A copy of the Agency’s “Organization and mandate” page as it was archived on March 30, 2020, retrieved from the Internet Archive repository, is attached and marked as **Exhibit “G”**.
23. A copy of the Agency’s “Members” page, retrieved from the Agency’s website on December 22, 2020, is attached and marked as **Exhibit “H”**.
24. The *Code of Conduct of Members of the Agency* [**Code of Conduct**] provides under the heading “Interactions with non-Agency individuals and organizations,” in part, that:

(39) Members shall not communicate with political actors or officials of other federal departments and agencies, provincial or foreign governments, or international organizations regarding a matter that is, was, or could be before the Agency.

(40) Members shall not publicly express an opinion about any past, current, or potential cases or any other issue related to the work of the Agency, and shall refrain from comments or discussions in public or otherwise that may create a reasonable apprehension of bias.

A copy of the Agency’s *Code of Conduct* is attached and marked as **Exhibit “I”**.

25. For greater certainty, I am attaching Exhibits “G” and “I” only for the purpose of placing before the Court the list of the Agency’s appointed members from March 30, 2020 and the *Code of Conduct*, respectively. I do not agree with, nor accept, any other content within those documents as correctly reflecting the Agency’s mandate under the *Canada Transportation Act*.

**D. The COVID-19 Pandemic and Airlines’ Withholding of Refunds**

26. On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic. A copy of the WHO’s press release is attached and marked as **Exhibit “J”**.
27. On March 13, 2020, the Government of Canada issued a travel advisory advising those within Canada to avoid non-essential travel abroad, and those abroad to consider returning to Canada earlier as options were becoming more limited. A copy of the news release issued by Global Affairs Canada is attached and marked as **Exhibit “K”**.
28. Within days of the March 11, 2020 WHO announcement and the March 13, 2020 Global Affairs Canada advisory, a significant and large scale controversy had developed between airlines and their passengers. The airlines were refusing to refund passengers to the original form of payment for unused airfares, even when it was the airline that cancelled, suspended, or otherwise failed to operate the flights; the airlines argued that they were under no legal obligation to do so. On the other hand, passengers were making legal demands for refunds to the original form of payment.
29. During this period, internet traffic to the APR Facebook Group substantially increased, despite passengers refraining from air travel for a number of reasons. The majority of that increased traffic related to passengers being consistently refused a refund to original forms of payment for unused airfares.

**E. Agency's Publications: Statement on Vouchers and COVID-19 Agency Page**

30. On March 25, 2020, the Agency posted a "Statement on Vouchers" [**Statement**] on its website, which read as follows:

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.

A copy of the Statement is attached and marked as **Exhibit "L"**.

31. On March 25, 2020, the Agency also updated its webpage entitled “Important Information for Travellers During COVID-19” [the **COVID-19 Agency Page**], to include four references to the Statement and a URL linking to the Statement. A copy of the COVID-19 Agency Page is attached and marked as **Exhibit “M”**.
32. Neither the Statement nor COVID-19 Agency Page [collectively, **Publications**] were attributed to any of the appointed members of the Agency.
33. The Agency widely disseminated the Publications to passengers and the travel industry through various media, including its website, Twitter, responses to passengers’ inquiries, and a *pro forma* acknowledgment email for formal complaints received.
  - (a) A bundle of a series of the Agency’s Twitter posts from March 25, 2020 to early April 2020 that relies on the Statement on Vouchers is attached and marked as **Exhibit “N”**.
  - (b) A bundle of emails citing the Statement on Vouchers sent by the Agency in response to passengers’ inquiries between March 27, 2020 to April 20, 2020 is attached and marked as **Exhibit “O”**.
  - (c) The Agency’s *pro forma* acknowledgment email for formal complaints, which links to the Statement on Vouchers under the heading “Air Carriers’ obligations during the global COVID-19 pandemic,” is attached and marked as **Exhibit “P”**.

- (i) **The Agency’s Appointed Members’ Involvement in the Publications**
34. The Agency’s appointed members, including its chairperson and vice-chairperson, approved the Publications. The source of my knowledge is the following documents:
- (a) Email exchange between MP Nathaniel Erskine-Smith and Ms. Blake Oliver, a policy advisor at Transport Canada, dated October 5, 2020, a copy of which is attached and marked as **Exhibit “Q”**. MP Erskine-Smith provided me with Exhibit “Q”, and I believe the content of the correspondence to be true.
  - (b) Mr. Streiner’s testimony before the House of Commons Standing Committee on Transport, Infrastructure and Communities [**TRAN Committee**], whose transcript became available on or around December 16, 2020, and an excerpt of which is attached and marked as **Exhibit “R”**.
  - (c) A 137-page bundle of heavily redacted documents disclosed by the Agency under the *Access to Information Act* on December 23, 2020 (see paragraphs 61-70 below).
35. On March 25, 2020, the date the Agency issued the Publications, the following email exchanges took place within the Agency:
- (a) At 10:36 a.m., Ms. Valerie Legace, the Agency’s Secretary and General Counsel, emailed Mr. Streiner with the subject line “push button ready.” Ms. Legace’s email was copied to:
    - i. Ms. Liz Barker, the Agency’s Vice-Chairperson;
    - ii. Mr. Sebastien Bergeron, the Agency’s Chief of Staff; and
    - iii. Ms. Marcia Jones, the Agency’s Chief Strategy Officer.

- (b) At 1:35 p.m., Mr. Streiner emailed Ms. Jones and enclosed the Statement on Vouchers in Word format, which was also copied to Ms. Barker and Mr. Bergeron.
- (c) At 1:55 p.m., Ms. Jones forwarded Mr. Streiner's email to Ms. Renee Langlois, the Agency's Senior Writer-Editor, with the message "Over to you! ☺", and copied to Mr. Tim Hillier, Director of Communications.
- (d) At 2:25 p.m., Ms. Matilde Perruslet, the Agency's Communications Advisor, informed Mr. Hillier that the Publications were live on the Agency's website.

A bundle of redacted copies of the emails referenced in this paragraph, disclosed by the Agency under the *ATIA*, is attached and marked as **Exhibit "S"**.

36. On October 5, 2020, MP Erskine-Smith exchanged multiple emails with Ms. Oliver about the Agency's Statement on Vouchers. MP Erskine-Smith asked Ms. Oliver, in reference to the Statement on Vouchers:

[...] so fair to say it was approved by the members, vice-chair, and chair.

Ms. Oliver replied "Yes, that's correct" (Exhibit "Q").

37. On December 1, 2020, Mr. Streiner acknowledged in his testimony before the TRAN Committee (Exhibit "R") that he was involved in preparing the Statement on Vouchers:

**Mr. Xavier Barsalou-Duval:** You still announced that you wouldn't deal with any complaints about cancelled airline tickets until September 2020, and then you postponed it until 2021. In March, the Canadian Transportation Agency released the Statement on Vouchers, which was recently revised. I'd like to know if you had any input into this statement.

**Mr. Scott Streiner:** All statements, guidelines and guidance material are written by the organization and, as head of the organization, I am always involved, of course.

38. Mr. Streiner failed to provide a responsive answer to a TRAN Committee member (Exhibit “R”) on “who approved” the Statement on Vouchers:

**Mr. Taylor Bachrach:** Thank you, Mr. Chair. Mr. Streiner, which individuals authored and approved the March 25 statement on vouchers?

**Mr. Scott Streiner:** With regard to the statement on vouchers, like all guidance material posted by the CTA—and we post a great deal of non-binding guidance material, policy statements and information—there are many people who participate in its preparation, in its drafting and in its review, so it’s a large number of employees who contributed to that.

**Mr. Taylor Bachrach:** Who approved it?

**Mr. Scott Streiner:** Ultimately, every statement like this is an expression of the organization’s guidance. As I emphasized earlier, the statement on vouchers, like these other documents, was non-binding in nature, and it’s an expression of guidance or a suggestion to the travelling public by the institution.

**Mr. Taylor Bachrach:** An email from a policy adviser at Transport Canada to Member of Parliament Erskine-Smith revealed that the CTA’s members, vice-chair and chair would have approved the statement on vouchers, which gave airlines clearance to refuse refunds. Is this correct?

**Mr. Scott Streiner:** Mr. Chair, I’m not sure about that email. I haven’t seen the email. It’s not in front of me. The office of the Minister of Transport would not have been privy to the internal decision-making processes at the CTA, and I would simply reiterate that every statement—non-binding—that’s made by the CTA, every guidance document is a reflection of institutional guidance and of course is reviewed by senior members of the organization.

**Mr. Taylor Bachrach:** Mr. Streiner, will you commit to providing this committee with all internal documents, memos and emails concerning the March 25 statement on vouchers and the

subsequent clarification?

**Mr. Scott Streiner:** The CTA is subject to the same access to information rules as any other organization. We have a policy of transparency, and so we try to come forward. I will commit to certainly providing the committee with those documents that it's appropriate to provide, but we are a quasi-judicial tribunal, an independent regulator, and certain material is privileged.

39. Mr. Streiner's claim before the TRAN Committee of having no prior knowledge of the email exchange of MP Erskine-Smith (Exhibit "Q") was incorrect. A copy of a media report by the Canadian Press, published on October 7, 2020, quoting the Agency's comments about the very same email, is attached and marked as **Exhibit "T"**.
40. For greater certainty, I am citing Mr. Streiner's TRAN Committee testimony only as the source of my knowledge about the Agency's appointed members' involvement with the Publications. I do not accept Mr. Streiner's TRAN Committee testimony as being correct, complete, or accurate about any other aspect of the Publications, particularly the asserted purpose for issuing the Statement on Vouchers and his assertion that the Agency has "a policy of transparency."
41. The evidence in this subsection relating to the Agency's appointed members' involvement with the Publications was not available to APR when the interlocutory injunctions motion was decided by Mactavish, J.A. on May 22, 2020.
- (ii) Airlines' and Transport Canada's Input on the Publications**
42. Airlines and Transport Canada had input during the drafting of the Publications. The source of my knowledge is the following documents:
- (a) A heavily redacted email with subject line "by way of example," sent by an unidentified employee from WestJet's "Government Relations and Regulatory Affairs" team to Ms. Jones, the Agency's Chief Strategy Of-

ficer, on March 11, 2020, a copy of which is attached and marked as **Exhibit “U”**.

(b) An email with the subject line “APPR Guidelines - COVID-19,” sent on March 12, 2020

i. from Mr. George Petsikas, Air Transat’s Senior Director of Government and Industry Affairs,

ii. to Ms. Jones, the Agency’s Chief Strategy Officer,

a copy of which is attached and marked as **Exhibit “V”**.

(c) An almost fully redacted email chain with subject line “CTA announcement tomorrow” between

i. Vincent Millette, Manager/Senior Policy Advisor of Transport Canada’s National Air Services Policy department; and

ii. Caitlin Hurcomb, Team Leader and Senior Policy Advisor at the Agency,

from March 22-24, 2020, a copy of which is attached and marked as **Exhibit “W”**.

43. The WestJet March 11, 2020 email (Exhibit “U”) was forwarded to other civil service staff at the Agency who were also involved with the Publications.

44. The Air Transat March 12, 2020 email (Exhibit “V”) was a follow-up to a verbal discussion between Mr. Petsikas and Ms. Jones about “APPR Guidelines - COVID-19” earlier that day.

(a) Mr. Petsikas stated that Air Transat was “not alone in this task” of ensuring “the continued viability of our company and avoids potential impact on employment levels.”

- (b) Mr. Petsikas sought the Agency’s assistance in “managing scheduling and capacity [...] in the face of enormous downward pressures on demand” by giving “clarity with respect to the application of the APPR provisions dealing with cancellations and resulting refund and alternative travel arrangement requirements” (emphasis added).
- (c) Ms. Jones forwarded Mr. Petsikas’s email to
  - i. Ms. Lagace, the Agency’s Secretary and General Counsel; and
  - ii. Ms. Hurcomb, Team Leader and Senior Policy Advisor at the Agency.

45. The evidence in this subsection relating to the airlines’ and Transport Canada’s input in respect of the Publications was not available to APR when the interlocutory injunctions motion was decided by Mactavish, J.A. on May 22, 2020.

**(iii) Travel Industry’s Reliance on the Agency’s Publications**

46. After the Agency made the Publications available to the public, the travel industry immediately began relying on the Statement on Vouchers to fend off passengers’ request or demand for refunds of unused airfares.

47. Air Canada, WestJet, Air Transat, and Sunwing cited the Statement on Vouchers in their communications with passengers and/or travel agents, claiming that the Statement on Vouchers was a ruling, support, and/or approval for issuing vouchers or credits instead of refunds to the original form of payment. A bundle of these communications from the aforementioned airlines from March 26 to April 1, 2020 is attached and marked as **Exhibit “X”**.

48. On April 1, 2020, the Canadian Life and Health Insurance Association issued a document entitled “Advisory: Travel cancellation insurance and airline vouchers or credits,” a copy of which is attached and marked as **Exhibit “Y”**, stating,

among other things, that “[o]n March 25, 2020, the Canadian Transportation Agency updated its endorsement of the use of vouchers or credits [...]” The advisory also stated that travel insurance may not compensate passengers when a voucher or credit is being offered by the airlines.

**(iv) Transport Minister’s Interpretation and Reliance on the Publications**

49. On May 28, 2020, the Minister of Transport represented to a committee of the House of Commons that:

Mr. Chair, as my hon. colleague knows, the Canadian Transportation Agency has ruled on this issue and has ruled that, in the present circumstances and in a non-binding way, it is acceptable for airlines to offer credits for up to two years. In the case of Air Canada, the credit has no expiry date.

[Emphasis added.]

An excerpt of the House of Commons COVI Committee’s Evidence from May 28, 2020 is attached and marked as **Exhibit “Z”**.

**(v) The Agency’s Subsequent Amendments to Both Publications**

50. Since APR commenced this application for judicial review, the Agency modified the Statement on Vouchers twice, and the COVID-19 Agency Page at least once.

51. On or about April 22, 2020, about a week before the deadline for the Agency’s responding motion record for the interlocutory injunctions motion, the Agency added a new hyperlink at the bottom of the Statement on Vouchers, pointing to a new Frequently Asked Questions webpage [**FAQ Page**]. The FAQ Page stated for the first time that the Statement was not a legal ruling and purported to provide some explanation why the Agency issued the Statement on Vouchers. A copy of the FAQ Page is attached and marked as **Exhibit “AA”**.

52. On or about November 16, 2020, the Agency published a revamped version of the Statement on Vouchers [**Revamped Statement on Vouchers**].
- (a) A new textbox was added to the top of the page, stating that the Statement on Vouchers is “non-binding” and purporting to explain why it was originally published on March 25, 2020.
  - (b) The hyperlink to the FAQ Page was replaced with the actual content from the FAQ Page.

A copy of the revamped Statement is attached and marked as **Exhibit “AB”**.

53. The Revamped Statement on Vouchers (Exhibit “AB”) now includes a brand new sentence, near the beginning of the textbox, which misleads the public about the law:

[...] the law does not require airlines to include refund provisions in their tariffs for flights that are cancelled for reasons beyond their control [...]

54. For greater clarity, Exhibit “AB” is not tendered for the accuracy of its content, but merely as proof that the aforementioned Revamped Statement on Vouchers was posted on the Agency’s website. I believe that the excerpted sentence from Exhibit “AB” is misleading because it fails to reference ss. 107(1)(n)(xii) and 122(c)(xii) of the *Air Transportation Regulations*, which state:

**107 (1)** Every tariff shall contain

- (n) the terms and conditions of carriage, clearly stating the air carrier’s policy in respect of at least the following matters, namely,
  - (xii) refunds for services purchased but not used, whether in whole or in part, either as a result of the client’s unwillingness or inability to continue or the air carrier’s inability to provide the service for any reason,

122 Every tariff shall contain

- (c) the terms and conditions of carriage, clearly stating the air carrier's policy in respect of at least the following matters, namely,
  - (xii) refunds for services purchased but not used, whether in whole or in part, either as a result of the client's unwillingness or inability to continue or the air carrier's inability to provide the service for any reason,

[Emphasis added.]

55. For all of the modifications above, the Agency did not update the "Date Modified" at the bottom of the Statement and COVID-19 Agency Page, which continue to read as "March 25, 2020" and "March 18, 2020", respectively.

**F. The Agency's Objection to Transmit Relevant Materials under Rule 317**

56. In the Notice of Application that APR submitted for filing on or about April 7, 2020, APR requested under Rule 317 that the Agency transmit to the Registry and to APR four categories of relevant materials.

57. On August 20, 2020, the Agency objected to APR's request to transmit materials pursuant to Rule 318(2). The Agency advanced a sole basis for its objection:

[...] the application does not relate to an "order" of a tribunal, Rule 317 does not apply.

A copy of the Agency's letter dated August 20, 2020 is attached and marked as **Exhibit "AC"**.

58. Between August 25-31, 2020, the parties submitted letters to the Court to seek directions about how to resolve the Agency's objection to transmit the materials requested by APR. The bundle of letters submitted by the parties is attached and

marked as **Exhibit “AD”**.

59. On November 13, 2020, Webb J.A. issued a direction that APR is to bring a motion to compel the production of records that APR requests for the judicial review application.
60. On this motion, the APR is seeking only a small portion of the documents whose transmittal was originally sought. APR has further particularized and refined the request as follows:

Complete and unredacted copies of all records from March 9 - April 8, 2020 in respect of the Publications, including but not limited to emails, meeting agendas, meeting minutes, notes, draft documents, and memos [**Materials**].

**G. Formal Request under the *Access to Information Act***

61. On August 25, 2020, I personally submitted a formal request under the *Access to Information Act* [**ATIA**] to the Agency for an electronic copy of the following records:

All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020.

A bundle of the request, automated confirmation of receipt, and payment of the *ATIA* request fee is attached and marked as **Exhibit “AE”**.

62. On September 3, 2020, the Agency’s access to information team formally acknowledged receipt of my request under the *ATIA*. A copy of the confirmation email is attached and marked as **Exhibit “AF”**.

63. On September 28-29, 2020, the Agency wrote to me claiming that due to an administrative error, it incorrectly opened my request as a so-called “informal request,” and as a result, my request was not processed. The Agency further informed me that it would close the “informal” file, and restart the process as a “formal” *ATIA* request with a new file number. The bundle of emails exchanged between the Agency and myself from September 28-29, 2020 is attached and marked as **Exhibit “AG”**.
64. On October 16, 2020, I received a letter from the Agency stating that it was a “first installment of the records relevant to your request and disclosed under the authority of the [*Access to Information*] Act,” enclosing 118 pages of documents that contained a substantial number of redactions [**October Disclosure**]. The October Disclosure appears to be a 118-page subset from a set of 5,953 pages of documents.
65. After reviewing the October Disclosure, I wrote to the Agency that the October Disclosure was not responsive to my request. On October 19, 2020, the Agency wrote to me indicating that the October Disclosure was the response package for a similar request they previously received from another person, and was released to me as a courtesy. The Agency asked me to disregard the October 16, 2020 letter and re-sent a new letter relating to the October Disclosure. The bundle of emails exchanged between the Agency and myself from October 16-19, 2020 is attached and marked as **Exhibit “AH”**.
66. On October 29, 2020, the Agency wrote to me indicating that its search for records returned approximately 10,000 pages of documents and that the analyst would do her best to provide a response within 2-4 weeks. A copy of the October 29, 2020 email is attached and marked as **Exhibit “AI”**.

67. I followed up with the Agency on November 13, 2020, and received an email from the Agency on November 18, 2020 stating that the analyst was reviewing the records responsive to my request.
68. On November 23, 2020, I submitted a complaint to the Office of the Information Commissioner of Canada [OIC]. The OIC acknowledged receiving my complaint on November 30, 2020, and advised me that I would be informed when an investigator had been assigned. Up to the date of this affidavit, the OIC has not assigned an investigator to my complaint.
69. On December 23, 2020, without prior notice, the Agency sent me another response to my August 25, 2020 ATIA request and enclosed 137 pages of documents that were almost entirely redacted. The 137 pages of documents released by the Agency on December 23, 2020 are attached and marked as **Exhibit “AJ”**.
70. The Agency’s formal response letter accompanying the aforementioned 137 pages of documents is attached and marked as **Exhibit “AK”**.

**AFFIRMED** remotely by Dr. Gábor Lukács at the City of Halifax, Nova Scotia before me at the City of Coquitlam, British Columbia on January 3, 2021, in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.

“Simon Lin”

Commissioner for Taking Affidavits

**Simon (Pak Hei) Lin, Barrister & Solicitor**  
**LSO #: 76433W**  
 4388 Still Creek Drive, Suite 237  
 Burnaby, BC V5C 6C6

“Dr. Gábor Lukács”

Dr. Gábor Lukács

6507 Roslyn Road  
 Halifax, NS B3L 2M8

Tel: (647) 724 1727

*lukacs@AirPassengerRights.ca*

This is **Exhibit “A”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature



**Form 4001**  
**Articles of Incorporation**  
*Canada Not-for-profit Corporations*  
*Act (NFP Act)*

**Formulaire 4001**  
**Statuts constitutifs**  
*Loi canadienne sur les*  
*organisations à but non lucratif*  
*(Loi BNL)*

- 1 Corporate name  
Dénomination de l'organisation  
**Air Passenger Rights**

---

- 2 The province or territory in Canada where the registered office is situated  
La province ou le territoire au Canada où est maintenu le siège  
**NS**

---

- 3 Minimum and maximum number of directors  
Nombres minimal et maximal d'administrateurs  
**Min. 3    Max. 9**

---

- 4 Statement of the purpose of the corporation  
Déclaration d'intention de l'organisation  
**See attached schedule / Voir l'annexe ci-jointe**

---

- 5 Restrictions on the activities that the corporation may carry on, if any  
Limites imposées aux activités de l'organisation, le cas échéant  
**See attached schedule / Voir l'annexe ci-jointe**

---

- 6 The classes, or regional or other groups, of members that the corporation is authorized to establish  
Les catégories, groupes régionaux ou autres groupes de membres que l'organisation est autorisée à établir  
**See attached schedule / Voir l'annexe ci-jointe**

---

- 7 Statement regarding the distribution of property remaining on liquidation  
Déclaration relative à la répartition du reliquat des biens lors de la liquidation  
**See attached schedule / Voir l'annexe ci-jointe**

---

- 8 Additional provisions, if any  
Dispositions supplémentaires, le cas échéant  
**See attached schedule / Voir l'annexe ci-jointe**

---

- 9 **Declaration:** I hereby certify that I am an incorporator of the corporation.  
**Déclaration :** J'atteste que je suis un fondateur de l'organisation.

Name(s) - Nom(s)

**Gabor Lukacs**

Signature

**Gabor Lukacs**

A person who makes, or assists in making, a false or misleading statement is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both (subsection 262(2) of the NFP Act).

La personne qui fait une déclaration fautive ou trompeuse, ou qui aide une personne à faire une telle déclaration, commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 5 000 \$ et un emprisonnement maximal de six mois ou l'une de ces peines (paragraphe 262(2) de la Loi BNL).

You are providing information required by the NFP Act. Note that both the NFP Act and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC/PPU-049.

Vous fournissez des renseignements exigés par la Loi BNL. Il est à noter que la Loi BNL et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC/PPU-049.

**Schedule / Annexe****Purpose Of Corporation / Déclaration d'intention de l'organisation**

1. To educate air passengers and the public at large as to their rights and the means for the enforcement of these rights, by researching and making available the results of such research on the matter of the law relating to air passenger rights on domestic and international flights.
2. To act as a liaison between other public interest or citizens' groups engaged in public interest advocacy.
3. To assist in and promote the activity of public interest group representation throughout Canada and elsewhere.
4. To make representations to governing authorities on behalf of the public at large and on behalf of public interest groups with respect to matters of public concern and interest with respect to air passenger rights, and to teach public interest advocacy skills and techniques.

**Schedule / Annexe****Restrictions On Activities / Limites imposées aux activités de l'organisation**

The Corporation shall have all the powers permissible by the Canada Not-for-profit Corporations Act, save as limited by the by-laws of the Corporation.

Nothing in the above purposes, however, shall be construed or interpreted as in any way empowering the Corporation to undertake functions normally carried out by barristers and solicitors.

**Schedule / Annexe**  
**Classes of Members / Catégories de membres**

There shall be two classes of members: Ordinary Members and voting General Members. The criteria for admission to both classes shall be governed by the by-laws of the Corporation.

**Schedule / Annexe****Distribution of Property on Liquidation / Répartition du reliquat des biens lors de la liquidation**

Upon liquidation, the property of the Corporation shall be disposed of by being donated to an eligible donee, as defined in the Income Tax Act (Canada).

**Schedule / Annexe**  
**Additional Provisions / Dispositions supplémentaires**

- a) Any amendment or repeal of the Corporation's By-Laws shall require confirmation by a Special Resolution of two-thirds of the General Membership prior to taking effect.
  
- b) The Corporation shall be carried on without the purpose of gain for its Members, and any profits or other accretions shall be used in furtherance of its purposes.
  
- c) Directors shall serve without remuneration, and no Director shall directly or indirectly receive any profit from his or her position as such, provided that Directors may be reimbursed for reasonable expenses incurred in the performance of their duties.

This is **Exhibit “B”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

Halifax, NS

AirPassengerRights.ca

lukacs@AirPassengerRights.ca



# ***The Transportation Modernization Act (Bill C-49)***

**Submissions to the Standing Committee  
on Transport, Infrastructure and Communities**

***by Air Passenger Rights***

**September 2017**

## Appendix

### A. Final Decisions Arising from Dr. Lukács's Successful Complaints (Highlights)

1. *Lukács v. Air Canada*, Decision No. 208-C-A-2009;
2. *Lukács v. WestJet*, Decision No. 313-C-A-2010;
3. *Lukács v. WestJet*, Decision No. 477-C-A-2010  
(leave to appeal denied, Federal Court of Appeal File No.: 10-A-41);
4. *Lukács v. WestJet*, Decision No. 483-C-A-2010  
(leave to appeal denied, Federal Court of Appeal File No.: 10-A-42);
5. *Lukács v. Air Canada*, Decision No. 291-C-A-2011;
6. *Lukács v. WestJet*, Decision No. 418-C-A-2011;
7. *Lukács v. United Airlines*, Decision No. 182-C-A-2012;
8. *Lukács v. Air Canada*, Decision No. 250-C-A-2012;
9. *Lukács v. Air Canada*, Decision No. 251-C-A-2012;
10. *Lukács v. Air Transat*, Decision No. 248-C-A-2012;
11. *Lukács v. WestJet*, Decision No. 249-C-A-2012;
12. *Lukács v. WestJet*, Decision No. 252-C-A-2012;
13. *Lukács v. United Airlines*, Decision No. 467-C-A-2012;
14. *Lukács v. Porter Airlines*, Decision No. 16-C-A-2013;
15. *Lukács v. Air Canada*, Decision No. 204-C-A-2013;
16. *Lukács v. WestJet*, Decision No. 227-C-A-2013;
17. *Lukács v. Sunwing Airlines*, Decision No. 249-C-A-2013;
18. *Lukács v. Sunwing Airlines*, Decision No. 313-C-A-2013;
19. *Lukács v. Air Transat*, Decision No. 327-C-A-2013;
20. *Lukács v. Air Canada*, Decision No. 342-C-A-2013;
21. *Lukács v. Porter Airlines*, Decision No. 344-C-A-2013;
22. *Lukács v. British Airways*, Decision No. 10-C-A-2014;
23. *Lukács v. Porter Airlines*, Decision No. 31-C-A-2014;
24. *Lukács v. Porter Airlines*, Decision No. 249-C-A-2014;
25. *Lukács v. WestJet*, Decision No. 420-C-A-2014; and
26. *Lukács v. British Airways*, Decision No. 49-C-A-2016.

This is **Exhibit “C”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

## AVIATION PRACTICE AREA REVIEW

SEPTEMBER 2013

**Carlos Martins** of Bersenas Jacobsen Chouest Thomson Blackburn outlines recent developments in aviation law in Canada.



There have been a number of developments in Canada in the realm of aviation law that promise to make for interesting times in the months ahead. In this review, we will consider some of these decisions, their implications and how they may play out in the coming year.

#### Warsaw/Montreal Liability

On the airline liability front, the Supreme Court of Canada will hear the appeal of the Federal Court of Appeal's decision in *Thibodeau v Air Canada*, 2012 FCA 246. This case involves a complaint by Michel and Lynda Thibodeau, passengers on a series of Air Canada flights between Canada and the United States in 2009. On some of the transborder legs of those journeys, Air Canada was not able to provide the Thibodeaus with French-language services at check-in, on board the aircraft or at airport baggage carousels. The substantive aspect of the case is of limited interest to air carriers because the requirement that air passengers be served in both official languages applies only to Air Canada as a result of the Official Languages Act (Canada), an idiosyncratic piece of legislation that continues to apply to Air Canada even though it was privatised in 1988.

However, from the perspective of other air carriers, the most notable facet of the Supreme Court's decision will be whether that Court will uphold the Federal Court of Appeal's "strong exclusivity" interpretation of the Warsaw/Montreal Conventions. If it does, it will incontrovertibly bring the Canadian law in line with that of the United States and the United Kingdom – meaning that passengers involved in international air travel to which either of the Conventions apply are restricted to only those remedies explicitly provided for in the Conventions. At present, the Federal Court of Appeal's decision in *Thibodeau* provides the most definitive statement to date that "strong exclusivity" is the rule in Canada.

#### YQ Fares Class Action

The battle over "YQ Fares" is expected to continue in a British Columbia class action. The case relates to the practice of several air carriers identifying the fuel surcharge levied on their tickets in a manner that may cause their passengers to believe that these charges are taxes collected on behalf of a third party when, in fact, fuel surcharges are collected by the air carrier for its own benefit. In the British Columbia action, the plaintiffs complain that this practice contravenes the provincial consumer protection legislation which provides that service providers shall not engage in a "deceptive act or practice".

Last year, an issue arose as to whether air carriers can be subject to the provincial legislation given that, in Canada, matters relating to aeronautics are in the domain of the federal government. Most recently, in *Unlu v Air Canada*, 2013 BCCA 112, the British Columbia Court of Appeal held that the complaint should be allowed to proceed on the basis that, among other things, there was no operational conflict between the workings of the provincial legislation and the regime imposed under the federal Air Transportation Regulations, SOR/88-58, that deal with airfare advertising. Leave to appeal the Court of Appeal's decision to the Supreme Court of Canada was denied in August 2013.

#### Regulatory/Passenger Complaints

In the consumer protection landscape, for the last several years, the field has largely been occupied by Gabor Lukács, a Canadian mathematician who has taken an interest in challenging various aspects of the tariffs filed by air carriers with the regulator, the Canadian Transportation Agency (the Agency). The majority of Mr Lukács' complaints centre on the clarity and reasonableness of the content of the filed tariffs, as well as the extent to which air carriers are applying their tariffs, as filed, in the ordinary course of business.

Mr Lukács' efforts have created a significant body of jurisprudence from the Agency – to the extent that his more recent decisions often rely heavily upon principles enunciated in previous complaints launched by him.

Since 2012, Mr Lukács has been involved in complaints arising from, among other things:

- air carriers' online and airport communications to the public as to the extent to which baggage claims involving "wear and tear" must be paid (*Lukács v United Airlines*, CTA Decision Nos. 182/200-C-A-2012);
- lack of compliance of tariff liability provisions with the Montreal liability regime (*Lukács v Porter Airlines*, CTA Decision No. 16-C-A-2013);

- the reasonableness of imposing releases of liability as a precondition for the payment of compensation provided for in a tariff (*Lukács v WestJet*, CTA Decision No. 227-C-A-2013);
- the reasonableness of air carriers engaging in overselling flights for commercial reasons (*Lukács v Air Canada*, CTA Decision No. 204-C-A-2013);
- the amount of denied boarding compensation to be paid to involuntarily bumped passengers in the event of a commercial overbooking (*Lukács v Air Canada*, CTA Decision No. 342-C-A-2013);
- the amount of compensation to be paid to passengers who miss their flight as a result of an early departure (*Lukács v Air Transat*, CTA Decision No. 327-C-A-2013); and
- the use of cameras by passengers onboard aircraft (*Lukács v United Airlines*, CTA Decision No. 311-C-A-2013)

It is expected that, in 2014, Mr Lukács will continue in his quest to ensure that air carrier tariffs are reasonable, clear and faithfully applied.

Although it may not be initiated by Mr Lukács, we expect that, in 2014, the Agency will consider the issue of whether air carriers should be able to charge a fee for booking a specific seat for a child travelling with a parent or guardian.

### **Regulatory/ Notices to Industry**

#### *Wet Leasing*

On 30 August 2013, the Agency released its new policy on wet leasing of foreign aircraft. It applies to operators who wet lease foreign aircraft for use on international passenger services for arrangements of more than 30 days. The key changes are that, in order for the Agency to approve such an arrangement:

- the number of aircraft leased by an operator is capped at 20 per cent of the number of Canadian-registered aircraft on the lessees' Air Operator Certificate at the time the application was made;
- small aircraft are excluded from the number of Canadian-registered aircraft described above; and
- small aircraft is defined as an aircraft equipped for the carriage of passengers and having a certificated maximum carrying capacity of not more than 39 passengers.

In addition to the above, the lessee is required to provide a rationale as to why the wetlease arrangement (or its renewal) is necessary. The Agency has stated that it:

- will not deny an application solely on the basis of the rationale for the use of foreign aircraft with flight crew, as long as the cap is not exceeded; and
- may renew approvals of wet-lease applications of more than 30 days as long as the cap is not exceeded.

There is some flexibility for short-term arrangements and where unexpected events require an exception.

#### *All-Inclusive Fare Advertising*

In December 2012, the Agency approved new regulations with respect to all-inclusive fare advertising. Initially, the regulations were enforced through a "proactive and collaborative educational approach". The Agency has recently released a notice to the industry advising that it will now take a firmer stance in ensuring compliance. It has recently issued administrative monetary penalties (AMPs) against two online travel retailers for not advertising the total all-inclusive price on their online booking systems. In one case, the AMP amounted to \$40,000 due to the lack of initial response from the retailer. In another, the AMP was \$8,000 in a situation where that retailer complied in the case of booking through its main website, but not with respect to booking on its mobile website.

#### *Baggage Rules*

The Agency has recently completed a consultation process with the industry and with the public with respect to the issue of baggage rules. The issues under contemplation include à la carte pricing, regulatory change and carriers' attempts to further monetize the transportation of baggage. At present, there are two regimes being used in Canada: one of which was adopted by the International Air Transport Association (Resolution 302) and the other by way of recently promulgated

regulations to be enforced by the United States Department of Transportation (14 CFR part 399.87). The Agency has gone on the record to state that it expects to make a decision on the appropriate approach to apply for baggage being transported to/from Canada in the fall of 2013.

#### Defining the Boundaries of Regulation

In the arena of business aviation, the Appeal Panel of the Transportation Appeal Tribunal of Canada is expected to revisit the extent to which the Canadian Transportation Agency should regulate business-related aviation in Canada. The facts arise from the practice of a casino based in Atlantic City, New Jersey, offering voluntary air transfers to the casino to some of its most valued clients. In evidence that has already been led in these proceedings, the casino has asserted that the complimentary flights are at the sole discretion of the casino; no customer was entitled to such a service; and the provision of the flights is not based on the amount spent by the customers at the casino.

The core of the issue is whether the casino requires a licence from the Agency in order to offer this benefit to its customers. Under the applicable legislation, those who offer a "publicly available air service" in Canada require such a licence and are subject to all of the requirements imposed on licensees. In *Marina District Development Company v Attorney General of Canada*, 2013 FC 800, the Federal Court was asked by the casino, on a judicial review, to overturn the Appeal's panel's previous finding that the casino's air service did, in fact, trigger the Agency's oversight. The Federal Court found that the legal test imposed by the Appeal Panel for determining whether an air service was publicly available bordered on tautological but declined to answer the question itself. The matter was sent back to the Appeal Panel for reconsideration. A new decision is expected in 2014. In our view, it is likely that the matter will be sent back to the Federal Court, possibly before the end of 2014 as well, regardless of which party prevails.

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This is **Exhibit “D”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

*Federal Court of Appeal*



*Cour d'appel fédérale*

Date: 20200303

Docket: A-311-19

Ottawa, Ontario, March 3, 2020

Present: NEAR J.A.

**BETWEEN:**

**INTERNATIONAL AIR TRANSPORT ASSOCIATION,  
AIR TRANSPORTATION ASSOCIATION OF AMERICA DBA  
AIRLINES FOR AMERICA, DEUTSCHE LUFTHANSA AG,  
SOCIÉTÉ AIR FRANCE, S.A., BRITISH AIRWAYS PLC,  
AIR CHINA LIMITED, ALL NIPPON AIRWAYS CO., LTD.,  
CATHAY PACIFIC AIRWAYS LIMITED,  
SWISS INTERNATIONAL AIRLINES LTD.,  
QATAR AIRWAYS GROUP Q.C.S.C., AIR CANADA,  
PORTER AIRLINES INC., AMERICAN AIRLINES INC.,  
UNITED AIRLINES INC., DELTA AIR LINES INC.,  
ALASKA AIRLINES INC., HAWAIIAN AIRLINES, INC. and  
JETBLUE AIRWAYS CORPORATION**

**Appellants**

and

**CANADIAN TRANSPORTATION AGENCY and  
THE ATTORNEY GENERAL OF CANADA**

**Respondents**

and

**DR. GÁBOR LUKÁCS**

**Intervener**

**ORDER**

**WHEREAS** Dr. Gábor Lukács moves for an order permitting him to intervene in this appeal;

**AND WHEREAS** the Court has read the proposed intervener's motion record, the appellants' responding motion record in response to the motion to intervene, correspondence from the respondent Canadian Transportation Agency, and the proposed intervener's reply;

**AND WHEREAS** the appellants oppose the proposed intervener's motion, and the respondents take no position;

**AND WHEREAS** the Court has considered the factors relevant to granting leave to intervene under rule 109 of the *Federal Courts Rules*, SOR/98-106;

**AND WHEREAS** the Court is of the view that the case engages the public interest, that the proposed intervener would defend the interests of airline passengers in a way that the parties cannot, that the interests of justice favour allowing the proposed intervention in the appeal, and that the proposed intervention would be of assistance to the Court in deciding the appeal;

**AND WHEREAS** the Court is nevertheless of the view that the proposed intervention in the motion for a stay is not in the interests of justice, and would not be of assistance to the Court;

**THIS COURT ORDERS** that:

1. Dr. Lukács's motion to intervene in this appeal is granted in part. Dr. Lukács may intervene in the appeal subject to the terms described below. Dr. Lukács may not intervene in the motion for a stay.

2. The style of cause shall be amended by including Dr. Lukács as an intervener as appears in this Order, and shall be used on all further documents in this appeal.
3. Dr. Lukács's intervention in the appeal shall be subject to the following terms:
  - i. Dr. Lukács may serve and file a memorandum of fact and law of no more than twenty (20) pages with respect to the appeal within twenty (20) days of the service of the Respondents' memoranda;
  - ii. Dr. Lukács shall have the right to make oral submissions at the hearing of the appeal for no more than twenty (20) minutes; and
  - iii. Dr. Lukács may not seek costs, nor shall costs be awarded against him.

"D. G. Near"

---

J.A.

This is **Exhibit “E”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

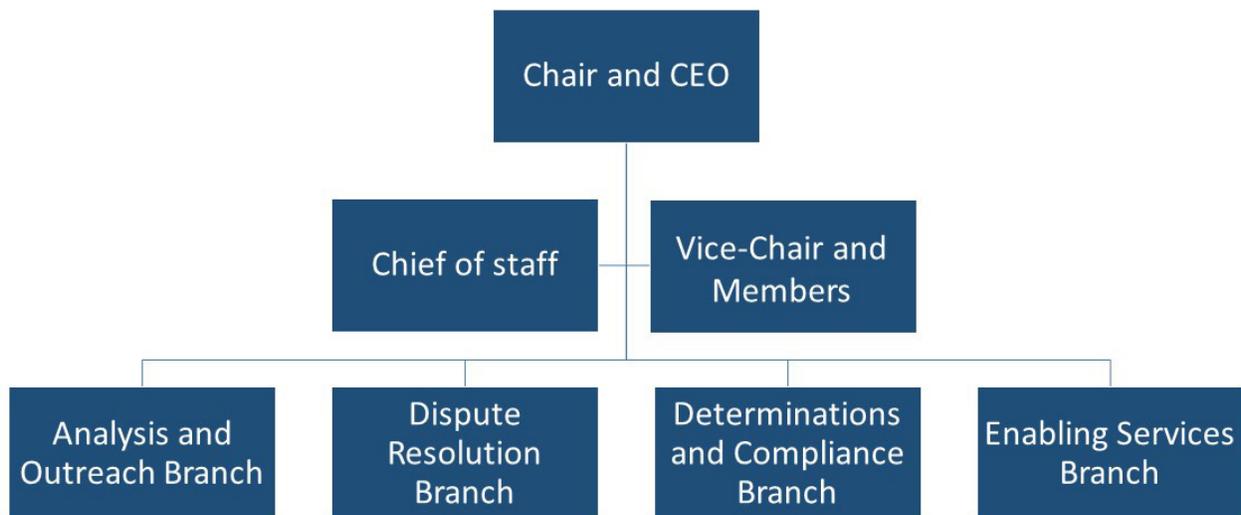
Signature



[Home](#)

# Organizational chart

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## Reporting to the Chair and Chief Executive Officer

- Vice-Chair and Members
- Chief of Staff
- Analysis and Outreach Branch
- Dispute Resolution Branch
- Determinations and Compliance Branch
- Enabling Services Branch

## Agency branches

- Led by the Chief Strategy Officer, the **Analysis and Outreach Branch** comprises the following directorates:
  - Analysis and Regulatory Reform
  - Communications
  - Centre of Expertise on Accessible Transportation
- Led by the Chief Compliance Officer, the **Determinations and Compliance Branch** comprises the following directorates:

- Air Determinations
- Rail and Marine Determinations
- Monitoring and Compliance
- Led by the Chief Dispute Resolution Officer, the **Dispute Resolution Branch** comprises:
  - Air and Accessibility Alternate Dispute Resolution
  - Rail and Marine ADR
  - Dispute Adjudication
- Led by the General Counsel and Secretary, the **Enabling Services Branch** comprises the following directorates:
  - Legal Services
  - Secretariat and Registrar Services
  - Financial Services and Asset Management
  - Workforce and Workplace Services
  - Information and Technology Management Services

**Date modified:**

2016-04-01

 Share this page

This is **Exhibit “F”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

## Scott Streiner - Chair & CEO

**Telephone :** 819-997-9233

**Fax :** 819-953-9979

**Email :** [Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)

15 Eddy Street  
Gatineau, Quebec K1A 0N9  
Canada

### Organizations

 [Canada](#)

 [Canadian Transportation Agency](#)

 [Office of the Chair & CEO](#)

 [Chair & Members](#)

This is **Exhibit “G”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature



[Home](#)

# Organization and mandate

## Our organization and mandate

[Members](#)

[Organizational chart](#)

[Partner organizations](#)

[At the Heart of Transportation:  
A Moving History](#)

The Canadian Transportation Agency (CTA) is an independent, quasi-judicial tribunal and regulator that has, with respect to all matters necessary for the exercise of its jurisdiction, all the powers of a superior court.

The CTA is made up of five full-time [Members](#); up to three temporary Members may also be named. The Members, who are all based in the National Capital Region, are supported in their decision-making process by some 240 employees and administrative staff.

## The CTA has three core mandates

- We help ensure that the national transportation system runs efficiently and smoothly in the interests of all Canadians: those who work and invest in it; the producers, shippers, travellers and businesses who rely on it; and the communities where it operates.
- We protect the human right of persons with disabilities to an accessible transportation network.
- We provide consumer protection for air passengers.

## Our tools

To help advance these mandates, we have three tools at our disposal:

- **Rule-making:** We develop and enforce ground rules that establish the rights and responsibilities of transportation service providers and users and that level the playing field among competitors. These rules can take the form of binding regulations or less formal guidelines, codes of practice or interpretation notes.
- **Dispute resolution:** We resolve disputes that arise between transportation providers on the

one hand, and their clients and neighbours on the other, using a range of tools from facilitation and mediation to arbitration and adjudication.

- **Information provision:** We provide information on the transportation system, the rights and responsibilities of transportation providers and users, and the Agency's legislation and services.

## Our values

Our Code of Values and Ethics outlines the core values and expected behaviours that guide us in all activities related to our professional duties. Our guiding values are:

**Respect for democracy** - We uphold Canadian parliamentary democracy and promote constructive and timely exchange of views and information.

**Respect for people** - We treat people with dignity and fairness and foster a cooperative, rewarding working environment. **Integrity** - We act with honesty, fairness, impartiality and transparency.

**Stewardship** - We use and manage our resources wisely and take full responsibility for our obligations and commitments.

**Excellence** - We provide the highest quality service through innovation, professionalism and responsiveness.

## Members

- [Scott Streiner, Chair and CEO](#)
- [Elizabeth C. Barker, Vice-Chair](#)
- [William G. McMurray, Member](#)
- [Mark MacKeigan, Member](#)
- [Mary Tobin Oates, Member](#)
- [Heather Smith, Member](#)
- [Gerald Dickie, temporary Member](#)
- [Lenore Duff, temporary Member](#)

## Scott Streiner, Chair and CEO



Scott Streiner began a five-year term as Chair and CEO of the Canadian Transportation Agency (CTA) on July 20, 2015. Since that time, he has taken a series of steps to enhance the CTA's ability to respond to the needs of a rapidly evolving national transportation system, its customers, and the communities in which the system operates. These steps include: realigning the CTA's internal structure and recruiting top-notch talent to serve on the executive team; putting in place an action plan to foster a healthy, high-performing

organization; increasing public awareness of the CTA's roles and services through speeches, media

interviews, and social media; introducing innovative approaches to delivering the CTA's regulatory and adjudicative mandates; and launching a broad review of the full suite of regulations, codes, and guidelines administered by the CTA.

Scott also led the revitalization of the Council of Federal Tribunal Chairs in 2016 and 2017, and is currently a member of the Board of Directors of the Council of Canadian Administrative Tribunals.

Prior to joining the CTA, Scott had a 25-year career in the federal public service. As Assistant Secretary to the Cabinet, Economic and Regional Development Policy, he served as Secretary to the Cabinet Committee on Economic Prosperity and played a key role in preparing advice to the Prime Minister on economic, environmental and trade matters, including in the areas of transportation and infrastructure. As Assistant Deputy Minister, Policy with Transport Canada, he led the development of policy options and advice on issues touching all modes of the national transportation system, and ran the Department's international, intergovernmental and data analysis functions.

Earlier positions included Executive Director of the Aerospace Review; Assistant Deputy Minister with the Labour Program; Vice President, Program Delivery with the Canadian Environmental Assessment Agency; Director General, Human Resources with the Department of Fisheries and Oceans; Director of Operations for the Reference Group of Ministers on Aboriginal Policy; Machinery of Government Officer at the Privy Council Office; and Director of Pay Equity with the Canadian Human Rights Commission.

Scott has led Canadian delegations abroad, including to India, China, and the International Labour Organization. He has also served as the Government Member with NAV Canada, Canada's Ministerial Designee under the North American Agreement on Labour Cooperation, Chair of the Council of Governors of the Canadian Centre for Occupational Health and Safety, and a Director on the Board of the Soloway Jewish Community Centre.

Scott received a bachelor's degree in East Asian Studies from the Hebrew University, a master's degree in International Relations from the Norman Paterson School of International Affairs, and a PhD in Political Science from Carleton University. He spent a year at Carleton University as a Public Servant in Residence and has taught courses, published articles, and made conference presentations on human rights, Middle Eastern history and politics, and public policy.

## **Elizabeth C. Barker, Vice-Chair**

Liz Barker began a five-year term as Vice-Chair and Member of the Canadian Transportation Agency (CTA) on April 3, 2018.

Liz joined the CTA's predecessor, the National Transportation Agency, in 1991 as counsel. She has held several positions at the CTA, including, most recently, Chief Corporate Officer, Senior General Counsel and Secretary. She has worked in all areas of the Agency's mandate over the years, but has specialized in advising the tribunal in complex dispute adjudications and oral hearings on controversial subjects including rail level of service complaints, a wide range of complex accessible transportation disputes, and ministerial inquiries into marine pilotage and the accessibility of inter-city



motor coach services. She has also worked extensively in the development of the Agency's approach to its human rights mandate, administrative monetary penalties regime, alternative dispute resolution, final offer arbitration, and rail level of service arbitration. She has appeared as counsel before all levels of court, including the Federal Court, the Federal Court of Appeal, and the Supreme Court of Canada, as co-counsel in *Council of Canadians with Disabilities v. VIA Rail Canada Inc.*, [2007] 1 S.C.R. 650.

Liz was a recipient of the Queen's Diamond Jubilee Medal in 2016 for her work at the Agency, in particular in accessible transportation, the administrative monetary penalties program, and for her leadership of the Legal Services Branch.

Liz received her law degree from Osgoode Hall Law School in 1987 and her B.A. (Honours in Law) from Carleton University in 1984. She has been a member of the Law Society of Ontario since 1989.

## **William G. McMurray, Member**



William G. McMurray became a Member of the Canadian Transportation Agency on July 28, 2014.

Prior to his appointment to the Agency, he served as Vice-Chairperson of the Canada Industrial Relations Board.

A lawyer, Mr. McMurray practised administrative law and litigation in the private sector for over 23 years. He acted as counsel for some of Canada's largest employers in the federal transportation industry. He

successfully pleaded complex cases before a number of federal administrative tribunals, including the Agency and its predecessors. He has argued cases, in both official languages, before the Federal Court, the Federal Court of Appeal and has appeared in all levels of the civil courts. While practising law, he also taught "transportation law and regulation" at McGill University in Montréal for over ten years.

He studied common law and civil law at the University of Ottawa and studied political economy at Université Laval in Québec City and at the University of Toronto. Mr. McMurray completed his articles of clerkship while working in the Law Department of the former Canadian Transport Commission.

He has been a member of the Law Society of Upper Canada since 1986.

## **Mark MacKeigan, Member**



Mark MacKeigan began a four-year term as a Member of the Canadian Transportation Agency on May 28, 2018.

He comes to the Agency from The St. Lawrence Seaway Management Corporation, the not-for-profit operator of the federal government's Seaway assets, where he was Chief Legal Officer and Corporate Secretary from 2014.

Mark is not entirely new to the Agency, having served previously as a Member from 2007 to 2014 and as legal counsel on specific files in a contract position during 1996.

His transportation law experience includes six years as senior legal counsel with the International Air Transport Association in Montréal from 2001 to 2007, focusing on competition law, cargo services, aviation regulatory and public international law matters. From 1996

to 2000, he was legal counsel with NAV CANADA, the country's provider of civil air navigation services.

Mark began his legal career in private practice in Toronto. After earning a Bachelor of Arts with highest honours in Political Science from Carleton University, Mark obtained his law degree from the University of Toronto and a Master of Laws from the Institute of Air and Space Law at McGill University. He also holds a postgraduate diploma in European Union Competition Law from King's College London.

He is a member of the Bars of Ontario and the State of New York and is admitted as a solicitor in England and Wales.

## Mary Tobin Oates, Member



After 25 years of public service, Mary Tobin Oates joined the Canadian Transportation Agency on 9 July 2018. As a lawyer, Mary practised in different areas of law, largely in public and administrative law. She appeared before the Pension Appeals Board and the Federal Court of Appeal regarding disability benefits under the Canada Pension Plan and the Old Age Security Act. Mary served as a Board member of the Veterans Review and Appeal Board where she determined eligibility for disability benefits for members of the Canadian Forces and the Royal Canadian Mounted Police. Mary provided legal and policy advice on indigenous issues to the Department of Justice and to Indian and Northern Affairs Canada. She also served as Board member to Tungasuvvingat Inuit, a not-for-profit, charitable organization that provides services to and advocates on behalf of Inuit who live

in southern Canada.

Before becoming a lawyer, Mary worked as a technical editor for the Canadian Transportation Accident and Safety Board (now Transportation Safety Board).

Mary received her Bachelor of Arts from Memorial University of Newfoundland and graduated from Osgoode Hall Law School. She has been a member of the Law Society of Ontario (formerly the Law Society of Upper Canada) since February 1997.

## Heather Smith, Member



Heather Smith became a full-time Member of the Canadian Transportation Agency on August 27, 2018. Heather was most recently Vice-President, Operations at the Canadian Environmental Assessment Agency. In previous positions, Heather was Executive Director in the Government Operations Sector of Treasury Board Secretariat, and Director General in the Strategic Policy Branch at Agriculture and Agri-Food Canada (AAFC). Heather held several management positions within Justice Canada, as General Counsel and Head of AAFC Legal Services, General Counsel and Head of Legal Services at the Canadian Environmental Assessment Agency, and General Counsel in the Legal Services Unit of Social

Development Canada.

Heather also served as legal counsel at Environment Canada Legal Services and Manager of the Canadian Environmental Protection Act Office at Environment Canada. Heather holds a B.A.(Hons.) from the University of King's College and an L.L.B. from the University of Toronto. She has also earned the Chartered Director (C.Dir.) designation from the McMaster/DeGroote Directors College.

## Gerald Dickie, temporary Member



Gerald Dickie comes to the Canadian Transportation Agency after having worked for 36 years in the grain industry at different port locations. He spent the first 6 years in Thunder Bay at the Cargill Terminal. The next 30 years, he worked at the Port of Metro Vancouver. He initially worked on the rehabilitation of the Alberta Wheat Pool Terminal (now Cascadia Terminal) and was part of the team that automated the facility and introduced unit train unloading capabilities. In July of 2007, as a result of the ownership change of Agricore United, he moved to the North Vancouver Cargill Facility (formerly SWP) as the General Manager. He is an experienced manager of people, capital projects, business

operations, labour negotiations, supply chains and strategy.

The 30 years he spent working at the Port of Vancouver included being part of several external groups. He has held every position within the Vancouver Terminal Elevator Association, from President to Secretary. He was a member of the Senior Port Executive Committee Group, the Port Competitiveness Committee, BC Terminals Association and North Shore Waterfront Industry Association. This included leadership roles and active work in everything from port education for the community to Low Level Road Initiative and social licence activities. This experience included a good exposure to the issues that all port tenants, railway companies, vessel companies and customers faced.

He has worked with Transport Canada on the Winter Rail Contingency Meeting programs and on supply chain issues with a number of groups. He is familiar with marine and rail supply chains and with the producers, shippers and customers that rely on these chains.

Gerald has an MBA from Royal Roads University and a BScF from Lakehead University.

## **Lenore Duff, temporary Member**



Lenore Duff is a former public service executive with 28 years of service with the Government of Canada whose positions included Director General, Strategic Initiatives at the Labour Program; Director General, Surface Transportation Policy at Transport Canada; and Senior Privy Council Officer supporting the Social Affairs Committee of Cabinet. Her primary focus throughout her career has been on the development of policy and legislation across a broad range of economic and social policy areas.

As Director General, Surface Transportation Policy at Transport Canada, Lenore was responsible for developing policy options and providing advice on strengthening the freight rail liability and compensation regime, as well as on reforming freight rail provisions as part of the recent modernization of the Canada Transportation Act. At the Labour Program, her work included leading the development of a series of legislative initiatives designed to enhance protections for federally regulated employees. Prior to that, Lenore was responsible for the development of policy initiatives related to income, employment and disability.

In the course of her career, Lenore has also had the opportunity to conduct consultations with a broad range of industry, civil society and government stakeholders to inform the development of policy and legislation.

Lenore earned both a Bachelor of Arts (Honours Sociology) and Master of Arts in Sociology from Carleton University.

**Date modified:**

2019-05-02

This is **Exhibit “H”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature



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## Members

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- [Scott Streiner, Chair and CEO](#)
- [Elizabeth C. Barker, Vice-Chair](#)
- [William G. McMurray, Member](#)
- [Mark MacKeigan, Member](#)
- [Mary Tobin Oates, Member](#)
- [Heather Smith, Member](#)
- [Allan Matte, temporary Member](#)

### Scott Streiner, Chair and CEO



Scott Streiner was appointed Chair and CEO of the Canadian Transportation Agency (CTA) by the Governor in Council in 2015 and reappointed in 2020. His term runs until July 2021.

Scott has taken a series of steps to enhance the CTA's ability to respond to the needs of the national transportation system, its users, and the communities in which it operates. These include reorganizing and streamlining the CTA's internal structures and processes; recruiting top-notch talent

to serve on the executive team; implementing action plans to foster a healthy, high performing, and agile organization; increasing public awareness of the CTA's roles and services; introducing innovative approaches to delivering regulatory and adjudicative mandates; and undertaking a comprehensive review and modernization of all regulations made and administered by the CTA.

Among the most important results of these efforts are the groundbreaking *Air Passenger Protection Regulations* and *Accessible Transportation for Persons with Disabilities Regulations*. Following finalization of these regulations, Scott launched major projects to update the CTA's suite of guidance materials, automate complaint intake, and modernize compliance assurance activities.

Scott led the revitalization of the Council of Federal Tribunal Chairs in 2016 and 2017, and is currently Vice Chair of the Board of Directors of the Council of Canadian Administrative Tribunals and a member of the Bureau (steering committee) of the OECD's Network of Economic Regulators.

Prior to joining the CTA, Scott had a 25-year career in the federal public service. His public service positions included Assistant Secretary to the Cabinet, Economic and Regional Development Policy; Assistant Deputy Minister, Policy with Transport Canada; Executive Director of the Aerospace Review;

Assistant Deputy Minister with the Labour Program; Vice President, Program Delivery with the Canadian Environmental Assessment Agency; Director General, Human Resources with the Department of Fisheries and Oceans; and Director of Pay Equity with the Canadian Human Rights Commission.

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## Allan Matte, temporary Member



Allan Matte was appointed as a temporary Member of the Canadian Transportation Agency effective September 14, 2020. Prior to his appointment, Allan held the position of Senior Counsel with the Agency in its legal services unit. Before accepting a position with the Agency, Allan worked as Counsel with the Department of Justice in the legal services unit of Employment and Social Development Canada, and before that Industry Canada. Allan also worked as Counsel with the federal Office of the Commissioner of Review Tribunals. Allan has appeared as Counsel before numerous administrative tribunals as well as before the courts at all levels including the Ontario Superior Court, the Federal Court, the Federal Court of Appeal and the Supreme Court of Canada.

In 2014, Allan was appointed by the Ontario provincial government as a part-time Member of the Social Benefits Tribunal, a position he held for 5 years until February of 2019.

Allan holds an LLB from Osgoode Hall Law School, a Postgraduate Certificate in Procedural Law, a Postgraduate Diploma in Public Law, and a Master's degree (LLM) in Human Rights Law from the University of London (UK).

### Related pages

[Code of Conduct for Members of the Agency](#)

**Date modified:**

2017-02-07

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This is **Exhibit ‘I’** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature



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# Code of Conduct for Members of the Agency

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## A. CONTEXT

### Mandate of the Agency

(1) The Canadian Transportation Agency (Agency) is an independent, quasi-judicial, expert tribunal and regulator which has, with respect to all matters necessary for the exercise of its jurisdiction, all the powers of a superior court.

(2) The Agency and has three core mandates:

- a. Helping ensure that the national transportation system runs efficiently and smoothly in the interests of all Canadians: those who work and invest in it; the producers, shippers, travellers and businesses who rely on it; and the communities where it operates.
- b. Protecting the fundamental human right of persons with disabilities to an accessible transportation network.
- c. Providing consumer protection for air passengers.

### Roles of the Agency's Chair, Vice-Chair, Members, and staff

(3) The Agency is comprised of up to five regular Members appointed by the Governor in Council (GIC), including the Agency's Chair and Vice-Chair, and up to three temporary Members appointed by the Minister of Transport from a roster approved by the GIC.

(4) Members make adjudicative decisions and regulatory determinations<sup>1</sup>. Their responsibilities in these regards cannot be delegated.

(5) The Chair, who is the also Chief Executive Officer (CEO) and a Member, is responsible for overall leadership of the Agency. He or she sets the Agency's strategic priorities, serves as its public voice, reports on its plans and results to Parliament through the Minister of Transport, and handles relations with Ministers, Parliamentarians, Deputy Ministers, and analogous bodies in other jurisdictions. He or she assigns cases to Members, supervises and directs their work, and chairs regular Members meetings. And as CEO, he or she is the most senior manager of the public servants working in the organization, serves as Deputy Head and Accounting Officer with a broad range of related responsibilities under the Financial Administration Act and other statutes, and chairs the Executive Committee.

(6) The Vice-Chair, who is also a Member, sits on the Executive Committee and assumes the responsibilities of the Chair if the Chair is absent or incapacitated.

(7) Members other than the Chair and Vice-Chair do not have any managerial functions within the Agency.

(8) All Members are supported in the discharge of their decision-making duties by the Agency's public servants, who are responsible for giving Members frank, impartial, evidence-based advice; fully implementing Members' direction; and other tasks assigned to them by the Chair, their managers, or legislation.

## **B. GENERAL PROVISIONS**

### **Purpose, guiding principles, and application of the Code**

(9) This Code establishes the standards for the conduct of Members and applies to all regular and temporary Members. It supplements, and should be read in conjunction with, any applicable requirements and standards set out in the Canada Transportation Act; other legislation administered by the Agency; other legislation establishing ethical and conduct obligations, such as the Conflict of Interest Act; relevant regulations, policies, and guidelines; other relevant codes; and letters of appointment.

(10) The Code reflects:

- a. the Agency's commitment to independent, impartial, fair, transparent, credible, and efficient decision making; and
- b. the Agency's organizational values of respect for democracy, respect for people, integrity, stewardship, and excellence.

(11) Members shall:

- a. adhere to all elements of the Code and other applicable instruments;
- b. uphold the highest ethical standards at all times;
- c. arrange their private affairs in a manner that ensures they have no conflicts of interest;
- d. conduct themselves with integrity, avoid impropriety or the appearance of impropriety, and eschew any action that could cast doubt on their ability to perform their duties with impartiality;
- e. not accept gifts, hospitality, or other advantages or benefits from any party that has an interest in matters handled by the Agency;
- f. recuse themselves from any proceeding where they know or reasonably should know that, in the making of the decision, they would be in a conflict of interest, or where their participation might create a reasonable apprehension of bias. In such case, they shall immediately inform the Chair and provide reason for their recusal. Members are encouraged to seek the advice of the Chair and the General Counsel when dealing with any situation where recusal is contemplated; and
- g. immediately inform to the Chair if they become aware of a situation that may adversely affect the integrity or the credibility of the Agency, including possible non-compliance with the Code.

(12) The Chair is responsible for the administration of the Code, including any matters regarding its interpretation. Members are accountable to the Chair for their compliance with the Code.

### **Members' expertise and work arrangements**

(13) Members have a responsibility to maintain the highest levels of professional competence and expertise required to fulfil their duties. Members are expected to pursue the development of knowledge and skills related to their work, including participation in training provided by the Agency.

(14) Regular, full-time Members must devote at least 37.5 hours per week to the performance of their duties during their term of appointment. If a regular Member is authorized by the Chair to continue to hear

one or more matters before them upon expiry of their term, they shall only request remuneration for actual time worked during the period of continuation.

(15) When temporary Members are appointed on a full-time basis, they must devote at least 37.5 hours per week to the performance of their duties. When temporary Members are appointed on a part-time basis, they shall only request remuneration for actual time worked.

(16) Members' designated workplace is at the Agency's head office. They shall only work from home or other off-site locations with the prior written approval of the Chair.

## **C. DECISION MAKING**

### **Impartiality**

(17) Members must approach each case with an open mind and must be, and be seen to be, impartial and objective at all times.

### **Natural justice and fairness**

(18) Members must respect the rules of natural justice and procedural fairness.

(19) Members must ensure that proceedings are conducted in a manner that is transparent, fair, and seen to be fair.

(20) Members shall render each decision on the merits of the case, based on the application of the relevant legislation and jurisprudence to the evidence presented during the proceeding.

(21) Members shall not be influenced by extraneous or improper considerations in their decision making. Members shall make their decisions free from the improper influence of any other person, institution, stakeholder or interest group, or political actor.

### **Preparation**

(22) Members shall carefully review and consider relevant material – including applications, pleadings, briefing notes, and draft decisions – before attending case-related briefing sessions, meetings, or oral hearings.

### **Timeliness**

(23) Members shall take all reasonable steps to ensure that proceedings progress in a timely fashion, avoiding unnecessary delays but always complying with the rules of natural justice and procedural fairness. Members shall render decisions as soon as possible after pleadings have closed and ensure, to the greatest extent possible, that statutory timelines and internal service standards for the issuance of decisions are met.

### **Quality**

(24) Members shall ensure that their decisions are written in a manner that is clear, logical, complete without being unnecessarily repetitive or lengthy, and consistent with any guidelines or standards established by the Agency regarding the quality and format of decisions.

## Consistency

(25) Members shall be cognizant of the importance of consistency in Agency decisions, notwithstanding the fact that prior decisions on similar matters do not constitute binding precedents. Members should not depart from the principles established in previous decisions unless they have a reasonable basis, and provide well-articulated reasons, for doing so.

## Respect for parties and participants

(26) Members shall conduct proceedings, including oral hearings, in a courteous and respectful manner, while ensuring that proceedings are orderly and efficient.

(27) Members shall conduct proceedings such that those who have cases before the Agency understand its procedures and practices and can participate meaningfully, whether or not they are represented by counsel.

(28) Members must be responsive to accessibility-related needs and implement reasonable accommodation measures to facilitate meaningful participation of parties and other participants with disabilities in Agency hearings.

(29) Members shall be responsive to diversity, gender, and other human rights considerations when conducting proceedings; for example, in the affirmation/swearing in of witnesses and the scheduling of oral hearings. Members shall avoid words, phrases, and actions that could be understood to manifest bias or prejudice based on factors such as disability, race, age, national origin, gender, religion, sexual orientation, or socio-economic status, and shall never draw inferences on a person's credibility on the basis of such factors.

## Case-related communications

(30) Members shall not communicate directly or indirectly with any party, counsel, witness, or other non-Agency participants appearing before them in a proceeding with respect to that proceeding, except in the presence of all parties or their counsel.

(31) Members shall not disclose information about a case or discuss any matter that has been or is in the process of being decided by them or the Agency, except as required in the performance of, and in the circumstances appropriate to, the formal conduct of their duties. Members shall refrain from discussing any case or Agency-related matter in public places.

## D. WORKING RELATIONS AND INTERACTIONS

### Relations with other Members

(32) Members shall foster civil, collegial relations with other Members.

(33) Members should have frank discussions and openly debate issues, while showing respect for one another's expertise, opinions, and roles. Members shall not comment on another Member's views, decisions, or conduct, except directly and privately to that Member himself or herself, or to the Chair pursuant to subsection 11.g of this Code.

(34) Members assigned together to a Panel should strive to reach consensus decisions whenever

possible, but respectfully agree to disagree and prepare a majority opinion and a dissenting opinion where consensus cannot be achieved within a reasonable time period.

(35) Members should share their knowledge and expertise with other Members as requested and appropriate, without attempting to influence decisions in cases to which they are not assigned.

### **Relation with Agency staff**

(36) Members shall at all times treat Agency staff with courtesy and be respectful of their views and recommendations, recognizing that staff are professional public servants who are required to offer their best advice to Members, who make the final decisions.

(37) Any concerns about staff performance should not be communicated directly to working-level employees but rather should be shared with the relevant Branch Head if the concerns are relatively minor and with the Chair if they are significant or systemic.

### **Interactions with non-Agency individuals and organizations**

(38) Members shall not communicate with the news media. Enquiries from the media or members of the public shall be referred to the Chair's Office.

(39) Members shall not communicate with political actors or officials of other federal departments and agencies, provincial or foreign governments, or international organizations regarding a matter that is, was, or could be before the Agency.

(40) Members shall not publicly express an opinion about any past, current, or potential cases or any other issue related to the work of the Agency, and shall refrain from comments or discussions in public or otherwise that may create a reasonable apprehension of bias.

(41) Members shall not disclose or make known, either publicly or privately, any information of a confidential nature that was obtained in their capacity as a Member.

(42) Members shall not use their position or the Agency's resources (e.g., an Agency email account or letterhead) for personal gain.

(43) Members should exercise caution when using social media for personal purposes, and should not identify themselves as Members of the Agency on social media sites, except professional sites such as LinkedIn.

## **E. OUTSIDE ACTIVITIES**

(44) Members shall not accept invitations to attend social events such as receptions or dinners with stakeholder representatives or with persons who are, or may become, a party, counsel, witness, or other non-Agency participants in an Agency proceeding, except in rare instances where there is a compelling justification and the Chair provides prior written approval.

(45) Members may take part in other outside activities that are not incompatible with their official duties and responsibilities and do not call into question their ability to perform their duties objectively, with the prior written approval of the Chair. Such activities may include participation in conferences and training seminars, speeches, teaching assignments, and volunteering.

(46) Requests for the Chair's approval of participation in social events or other outside activities must be

made in writing at least two weeks before those events or activities begin, and must fully disclose all relevant details. Members are also responsible for obtaining any other approval required by applicable legislation, guidelines, codes, or other instruments.

(47) Notwithstanding the foregoing, the Chair may, from time to time, confer with stakeholder representatives, counsel, or other parties in his role as the Agency's public voice, to discuss matters unrelated to any specific proceeding.

## F. AFFIRMATION

(48) Members shall review and affirm their commitment to and compliance with the Code upon initial appointment and every year thereafter on or near the anniversary of their appointment.

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.... In this Code, "decisions" shall be understood to refer to both adjudicative decisions, which deal with disputes between parties, and regulatory determinations, which deal typically involve a single party.

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- Code of Conduct for Members of the Agency last update: March 26, 2018

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**Date modified:**  
2014-01-22

This is **Exhibit “J”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature



# WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020

11 March 2020

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Good afternoon.

In the past two weeks, the number of cases of COVID-19 outside China has increased 13-fold, and the number of affected countries has tripled.

There are now more than 118,000 cases in 114 countries, and 4,291 people have lost their lives.

Thousands more are fighting for their lives in hospitals.

In the days and weeks ahead, we expect to see the number of cases, the number of deaths, and the number of affected countries climb even higher.

WHO has been assessing this outbreak around the clock and we are deeply concerned both by the alarming levels of spread and severity, and by the alarming levels of inaction.

We have therefore made the assessment that COVID-19 can be characterized as a pandemic.

Pandemic is not a word to use lightly or carelessly. It is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death.

Describing the situation as a pandemic does not change WHO's assessment of the threat posed by this virus. It doesn't change what WHO is doing, and it doesn't change what countries should do.

We have never before seen a pandemic sparked by a coronavirus. This is the first pandemic caused by a coronavirus.

And we have never before seen a pandemic that can be controlled, at the same time.

WHO has been in full response mode since we were notified of the first cases.

And we have called every day for countries to take urgent and aggressive action.

We have rung the alarm bell loud and clear.

===

As I said on Monday, just looking at the number of cases and the number of countries affected does not tell the full story.

Of the 118,000 cases reported globally in 114 countries, more than 90 percent of cases are in just four countries, and two of those – China and the Republic of Korea - have significantly declining epidemics.

81 countries have not reported any cases, and 57 countries have reported 10 cases or less.

We cannot say this loudly enough, or clearly enough, or often enough: all countries can still change the course of this pandemic.

If countries detect, test, treat, isolate, trace, and mobilize their people in the response, those with a handful of cases can prevent those cases becoming clusters, and those clusters becoming community transmission.

Even those countries with community transmission or large clusters can turn the tide on this virus.

Several countries have demonstrated that this virus can be suppressed and controlled.

The challenge for many countries who are now dealing with large clusters or community transmission is not whether they **can** do the same – it's whether they **will**.

Some countries are struggling with a lack of capacity.

Some countries are struggling with a lack of resources.

Some countries are struggling with a lack of resolve.

We are grateful for the measures being taken in Iran, Italy and the Republic of Korea to slow the virus and control their epidemics.

We know that these measures are taking a heavy toll on societies and economies, just as they did in China.

All countries must strike a fine balance between protecting health, minimizing economic and social disruption, and respecting human rights.

WHO's mandate is public health. But we're working with many partners across all sectors to mitigate the social and economic consequences of this pandemic.

This is not just a public health crisis, it is a crisis that will touch every sector – so every sector and every individual must be involved in the fight.

I have said from the beginning that countries must take a whole-of-government, whole-of-society approach, built around a comprehensive strategy to prevent infections, save lives and minimize impact.

Let me summarize it in four key areas.

First, prepare and be ready.

Second, detect, protect and treat.

Third, reduce transmission.

Fourth, innovate and learn.

I remind all countries that we are calling on you to activate and scale up your emergency response mechanisms;

Communicate with your people about the risks and how they can protect themselves – this is everybody's business;

Find, isolate, test and treat every case and trace every contact;

Ready your hospitals;

Protect and train your health workers.

And let's all look out for each other, because we need each other.

===

There's been so much attention on one word.

Let me give you some other words that matter much more, and that are much more actionable.

Prevention.

Preparedness.

Public health.

Political leadership.

And most of all, people.

We're in this together, to do the right things with calm and protect the citizens of the world. It's doable.

I thank you.

**[Subscribe to the WHO newsletter →](#)**

This is **Exhibit “K”** to the Affidavit of Dr. Gábor Lukács  
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“Simon Lin”

---

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[Home](#) > [Global Affairs Canada](#)

# Government of Canada advises Canadians to avoid non-essential travel abroad

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**From: [Global Affairs Canada](#)**

## News release

March 13, 2020 - Ottawa, Ontario - Global Affairs Canada

The Honourable François-Philippe Champagne, Minister of Foreign Affairs, today announced that Canada has issued an official global travel advisory to avoid non-essential travel abroad.

In an attempt to limit the spread of the coronavirus (COVID-19), many governments have implemented special entry and exit and movement restrictions for their territories. New restrictions could be imposed, and could severely disrupt Canadians' travel plans.

As a result, the Government of Canada is advising Canadians to avoid non-essential travel outside of Canada until further notice.

Canadians currently outside the country should find out what commercial options are still available and consider returning to Canada earlier than planned if these options are becoming more limited.

We encourage Canadians abroad to register with the [Registration of Canadians Abroad](#) service.

Canadians abroad in need of emergency consular assistance can call Global Affairs Canada's 24/7 Emergency Watch and Response Centre in Ottawa at +1 613-996-8885 (collect calls are accepted where available) or email [sos@international.gc.ca](mailto:sos@international.gc.ca).

## Quotes

“We are monitoring the situation abroad to provide credible and timely information to Canadians to help them make well-informed decisions regarding their travel. We also continue to work around the clock to provide assistance and consular services to Canadians abroad affected by COVID-19.”

- *François-Philippe Champagne, Minister of Foreign Affairs*

## Associated links

- [Travel Advice and Advisories](#)
- [Canadian travellers: Avoid all cruise ship travel due to COVID-19](#)
- [Coronavirus disease \(COVID-19\): Outbreak update](#)
- [Coronavirus disease \(COVID-19\): Resources for Canadian businesses](#)

## Contacts

Syrine Khoury

Press Secretary

Office of the Minister of Foreign Affairs

[Syrine.Khoury@international.gc.ca](mailto:Syrine.Khoury@international.gc.ca)

Media Relations Office

Global Affairs Canada

343-203-7700

[media@international.gc.ca](mailto:media@international.gc.ca)

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**Date modified:**

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## Statement on Vouchers

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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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“Simon Lin”

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## Important Information for Travellers During COVID-19

### Official Global Travel Advisory from the Government of Canada

#### Suspension of all air dispute resolution activities

During these difficult times, the Canadian Transportation Agency (CTA) continues to maintain its normal operations while our employees practice social distancing. Our dedicated employees are working remotely and are available through electronic means to provide service. You can continue to request CTA services, file applications, and do normal business with us through our normal channels.

Please note, however, that the CTA has temporarily paused all dispute resolution activities involving air carriers until June 30, 2020, to permit them to focus on immediate and urgent operational demands. While you can continue to file air passenger complaints with us and all complaints will be processed in due course, we may not be able to respond quickly. On or before June 30, 2020, the Agency will determine if the pause should end on that date or be extended to a later date.

### Air Passenger Protection Obligations During COVID-19 Pandemic

On March 11, 2020, the World Health Organization assessed the outbreak of COVID-19 as a pandemic. Since the outbreak of the virus, a number of countries, including Canada, have imposed travel bans, restrictions, or advisories. Officials have also recommended behaviours, such as enhanced hygiene practices and social distancing, to mitigate the spread of the virus. The situation is evolving rapidly, and further restrictions relating to travel may be implemented.

The Canadian Transportation Agency (CTA) has taken steps to address the major impacts that the COVID-19 pandemic is having on the airline industry by making temporary exemptions to certain requirements of the *Air Passenger Protection Regulations* (APPR) that apply **from March 13, 2020 until June 30, 2020**.

This guide explains these temporary changes and how the APPR apply to certain flight disruptions related to COVID-19.

In addition to the APPR, carriers must also follow their tariffs. In light of the COVID-19 Pandemic, CTA has issued a Statement on Vouchers.

## Related Links

[Air carriers - Exemptions due to COVID-19 pandemic](#)

[A-2020-42 | Determination | 2020-03-13](#)

[Air Canada also carrying on business as Air Canada rouge and as Air Canada Cargo - temporary exemption from the advance notice requirements of section 64 of the CTA](#)

[2020-A-36 | Order | 2020-03-25](#)

[Extension of stay - COVID-19 - immediate and temporary stay of all dispute proceedings involving air carriers](#)

[2020-A-37 | Order | 2020-03-25](#)

[Air carriers - further exemptions due to COVID-19 pandemic](#)

[A-2020-47 | Determination | 2020-03-25](#)

## Delays and Cancellations

The APPR set airline obligations to passengers that vary depending on whether the situation is **within the airline's control, within the airline's control and required for safety purposes, or outside the airline's control**. Descriptions of these categories can be found in [Types and Categories of Flight Disruption: A Guide](#).

The CTA has identified a number of situations related to the COVID-19 pandemic that are considered outside the airline's control. These include:

- flight disruptions to locations that are covered by a government advisory against travel or unnecessary travel due to COVID-19;
- employee quarantine or self-isolation due to COVID-19; and
- additional hygiene or passenger health screening processes put in place due to COVID-19.

Airlines may make decisions to cancel or delay flights for other reasons. Whether these situations are within or outside the airline's control would have to be assessed on a case-by-case basis.

### Airline obligations

In the event of a flight delay or cancellation, airlines must always keep passengers informed of their rights and the cause of a flight disruption. Airlines must also always make sure the passengers reach their destinations (re-booking them on other flights).

If the cause of the disruption is within an airline's control, there are additional obligations, as outlined below.

#### Situations outside airline control (including COVID-19 related situations mentioned above)

In these situations, airlines must:

- [Rebook passengers](#) on the next available flight operated by them or a partner airline.
  - *For disruptions between March 13, 2020 and June 30, 2020, airlines do not have to follow APPR requirements to rebook passengers using an airline with which they have no commercial agreement.*
  - Please refer to the CTA's [Statement on Vouchers](#).
  - This obligation does not require air carriers to rebook passengers who have already completed

their booked trip (including by other means such as a repatriation flight).

### Situations within airline control

In these situations, airlines must:

- **Meet** standards of treatment
- **Rebook passengers** on the next available flight operated by them or a partner airline or a refund, if rebooking does not meet the passenger's needs;
  - *For disruptions between March 13, 2020 and June 30, 2020, airlines do not have to follow APPR requirements to rebook passengers using an airline with which they have no commercial agreement.*
  - Please refer to the CTA's [Statement on Vouchers](#).
  - This obligation does not require air carriers to rebook passengers who have already completed their booked trip (including by other means such as a repatriation flight).
- **Provide compensation:** *For disruptions between March 13, 2020 and June 30, 2020, different compensation requirements are in effect.* If the airline notified the passengers of the delay or cancellation less than 72 hours in advance, they must provide compensation based on how late the passenger arrived at their destination (unless the passenger accepted a ticket refund):
  - *Large airline:*
    - 6-9 hours: \$400
    - 9+ hours: \$700
  - *Small airline:*
    - 6-9 hours: \$125
    - 9+ hours: \$250
- Effective March 25, 2020, the deadline for a carrier to respond to claims filed by passengers for payment of the compensation for inconvenience is suspended until June 30, 2020 (or any further period that the Agency may order). Once the suspension is over, carriers will have 120 days to respond to claims received before or during the suspension.

### Situations within airline control, but required for safety

In these situations, the airline must:

- **Meet** standards of treatment;
- **Rebook passengers** on the next available flight operated by them or a partner airline or a refund, if rebooking does not meet the passenger's needs.
  - *For disruptions between March 13, 2020 and June 30, 2020, airlines do not have to follow APPR requirements to rebook passengers using an airline with which they have no commercial agreement.*
  - Please refer to the CTA's [Statement on Vouchers](#).
  - This obligation does not require air carriers to rebook passengers who have already completed their booked trip (including by other means such as a repatriation flight).

### Other APPR requirements

All other air passenger entitlements under the APPR remain in force, including clear communication, tarmac delays and seating of children. For more information visit the CTA's [Know Your Rights](#) page.

## Refusal to transport

The Government of Canada has barred foreign nationals from all countries other than the United States from entering Canada (with some exceptions). Airlines have also been instructed to prevent all travellers who present COVID-19 symptoms, regardless of their citizenship, from boarding international flights to Canada.

The APPR obligations for flight disruptions would not apply in these situations.

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**CTA.gc.ca** @CTA\_gc · Mar 25

Replying to @johnpeterc88 @TV\_SteveWilks and @AirCanada  
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1



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**CTA.gc.ca** @CTA\_gc · Mar 25

Replying to @FerrisCatWheel @libbyconser and 5 others  
Good afternoon, **please refer to this link that will answer your question:** [otc-cta.gc.ca/eng/statement-...](https://otc-cta.gc.ca/eng/statement-...) Thank you. CTA social media

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**CTA.gc.ca** @CTA\_gc · Mar 25

Replying to @ungraceful\_mi and @airtransat  
Good afternoon, **please refer to this link that will answer your question:** [otc-cta.gc.ca/eng/statement-...](https://otc-cta.gc.ca/eng/statement-...) Thank you. CTA social media

1

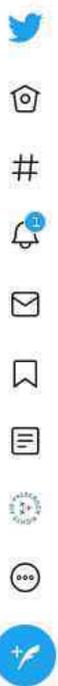


**CTA.gc.ca** @CTA\_gc · Mar 25

Replying to @lan\_saucy and @WestJet  
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**CTA.gc.ca** @CTA\_gc · Mar 19

#COVID19 @CTA\_gc suspends all air dispute resolution activities to allow air carriers to focus on urgent operational demands: [ow.ly/SyJ550yQqqM](https://ow.ly/SyJ550yQqqM). It also suspends all dispute proceedings involving air carriers: [otc-cta.gc.ca/eng/ruling/2020...](https://otc-cta.gc.ca/eng/ruling/2020...) @TravelGoC @Transport\_gc

16 2 2 2

**ashish agarwal** @ashish\_agwl · Apr 2

@CTA\_gc can you pls help. @AirCanada has cancelled flights and now refund is not provided and they are charging cancellation fee. Pls assist. My tickets was booked in august 2019 last year for travel in 2020

**ashish agarwal** @ashish\_agwl · Mar 27

@AirCanada why there is cancellation fee even during COVID where none of the airlines are charges just help people

NON-REFUNDABLE FEES

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29.8K Tweets

Trending in Canada  
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Air transportation charges - unpaid	14848.00	Air transportation charges	0
Taxes, fees and charges - unpaid	1553.00	Taxes, fees and charges	0
<b>Total amount paid</b>	<b>16201.00</b>	<b>Total non-refundable fees</b>	<b>0</b>
		<b>Total amount paid</b>	<b>16201.00</b>
		<b>Cancellation fee</b>	<b>-33.00</b>
		<b>BALANCE (REFUND) Hong Kong dollar</b>	<b>1300</b>



**CTA.gc.ca** @CTA\_gc · 46m

Hi @ashish\_agwl, please refer to the CTA's Statement about vouchers: [otc-cta.gc.ca/eng/statement-...](https://otc-cta.gc.ca/eng/statement-...)

As to the cancellation fee, let us see and we'll get back to you shortly. CTA social media



**Shelly** @shellyseaa · Mar 31

@CTA\_gc Hi, according to your new policy, we are denied a refund for our \$3000+ flight to Italy that was cancelled. I am wondering if there is some way Air Canada can give us the refund or DONATE the money being unused for health products such as masks....



[Show more replies](#)



**Shelly** @shellyseaa · Mar 31

Replying to @shellyseaa

Where my money really needs to be, to support our people.



**CTA.gc.ca** @CTA\_gc · 52m

Hi @shellyseaa, you would have to ask that question to the carrier as to their donation initiatives. CTA social media



**Michael** @MDim15 · Mar 30

@CTA\_gc when will @Westjet be given instructions on how to return money to people who had their trips canceled that do not intent on using the "24 month credit"?

[#OnPoll](#) [#COVID19](#) [#COVID](#) [#COVID\\_19](#) [#Westjet](#)



**CTA.gc.ca** @CTA\_gc · 56m

Hi @MDim15 kindly refer to the CTA statement on the matter. Best, CTA social media

[otc-cta.gc.ca/eng/statement-...](https://otc-cta.gc.ca/eng/statement-...)



**CTA.gc.ca** @CTA\_gc · 57m

Replying to @ananthan1987 @TravelGoC and @Transport\_gc

Hi @ananthan1987, kindly refer to the CTA statement on the matter. Best, CTA social media

[otc-cta.gc.ca/eng/statement-...](https://otc-cta.gc.ca/eng/statement-...)



**Jeff McMaster** @jeff\_mcmaster · Mar 26

@FlySwoop how about you just issue a refund for a cancelled flight ... 2 hours on hold seems excessive to resolve this.



[Show more replies](#)



**Jeff McMaster** @jeff\_mcmaster · Mar 30

Replying to @jeff\_mcmaster

Hey @CTA\_gc .. what are my options ... @FlySwoop cancelled both my flights and hasn't responded in 4 days ... help

2 1

**CTA.gc.ca** @CTA\_gc · 59m  
Hi @jeff\_mcmaster, kindly refer to the CTA statement on the matter. Best CTA social media  
[otc-cta.gc.ca/eng/statement-...](https://otc-cta.gc.ca/eng/statement-...)

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Ian Seggie and 2 others follow

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Travel advice from the Government of Canada | Français: @VoyageGdC

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“Simon Lin”

---

Signature

**From:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Date:** March 27, 2020 at 10:25:26 AM PDT  
**To:** Tammy 2019 <[tammylyn2019@gmail.com](mailto:tammylyn2019@gmail.com)>  
**Subject:** RE: SWOOP AIRLINES

Hello Tammy,

Thanks for following up.

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 may relieve the airline of such obligations in force majeure situations.

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).

Best,

info@ Team  
Office des transports du Canada / Gouvernement du Canada  
[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Tél: 1-888-222-2592 / ATS: 1-800-669-5575  
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Canadian Transportation Agency / Government of Canada  
[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Telephone 1-888-222-2592  
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-----Original Message-----

**From:** Tammy 2019 <[tammylyn2019@gmail.com](mailto:tammylyn2019@gmail.com)>  
**Sent:** Friday, March 20, 2020 11:25 AM  
**To:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Subject:** Re: SWOOP AIRLINES

Hello,

Thank you for your response, but I don't understand the answer.

"However, they would have to make sure the passenger completes their itinerary." If the carrier doesn't - what form of compensation am I entitled to? A refund in the form of a future credit or a refund in the original form of payment?

I have them my money in exchange for a service they are unable to provide. This is also outside of my control and a financial burden to me. All I want is my money returned.

Any info/clarification would be appreciated.

Thank you.

Sent from my iPhone

On Mar 20, 2020, at 7:43 AM, Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)> wrote:

Hello Tammy,

Thanks for contacting the Canadian Transportation Agency.

Air Passenger Protection Regulations provide a list of situations considered 'outside the air carrier's control', including medical emergencies and orders or instructions from state officials. The CTA has identified a number of situations related to this pandemic that are considered 'outside of the air carrier's control'. These include flight disruptions to locations that are covered by a government advisory against travel or unnecessary travel due to COVID-19; <https://rppa-appr.ca/eng/obligations-and-level-control>

In these situations, air carriers would not be required to provide standards of treatment or compensation for inconvenience. However, they would have to make sure the passenger completes their itinerary.

Until April 30th, the time at which passengers will be entitled to compensation for inconvenience related to flight cancellations or delays will be adjusted, to provide air carriers with more flexibility to modify schedules and combine flights. Air carriers will be allowed to make schedule changes without owing compensation to passengers until 72 hours before a scheduled departure time (instead of 14 days), and air carriers will be obligated to compensate passengers for delays on arrival that are fully within the air carrier's control once those delays are 6 hours or more in length (instead of 3 hours).

The CTA has also exempted air carriers from offering alternative travel arrangements that include flights on other air carrier's with which they have no commercial agreement.

Best,

info@ Team

Office des transports du Canada / Gouvernement du Canada

[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Tél: 1-888-222-2592 / ATS: 1-800-669-5575

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Canadian Transportation Agency / Government of Canada

[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Telephone 1-888-222-2592

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-----Original Message-----

From: Tammy 2019 <[tammylyn2019@gmail.com](mailto:tammylyn2019@gmail.com)>

Sent: Friday, March 20, 2020 1:08 AM

To: Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>

Subject: SWOOP AIRLINES

Hello,

I booked a flight with Swoop Airlines for next month and they are cancelling the flight and only offering me a future credit. The flight is from Abbotsford, B.C. to Las Vegas, Nevada and return.

Am I not entitled to a refund back to my card?

Thank you,

Tammy Pedersen

604-308-6926

**From:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Date:** March 27, 2020 at 1:57:05 PM EDT  
**To:** Jenn Mossey <[themosseys@rogers.com](mailto:themosseys@rogers.com)>  
**Subject:** RE: trip cancelled

Hello,

Thanks for contacting the Canadian Transportation Agency.

The CTA has taken steps to address the major impact that the COVID-19 pandemic is having on the airlines industry by making [temporary exemptions](#) to certain requirements of the Air Passenger Protection Regulations (APPR). These exemptions apply to flight disruptions that occur from March 13, 2020 until June 30, 2020.

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 may relieve the airline of such obligations in force majeure situations.

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 \(24 months would be considered reasonable in most cases\)](#).

You should first contact your airline to try and resolve the issues you have raised. Given circumstances, please be patient and provide your airline time to respond to you – a minimum of 30 days. If you do not hear back from your airline, or you are dissatisfied with the response you receive, you may file a complaint with the CTA.

If you decide to file, or have already filed, a complaint with the CTA, please note that in light of the extraordinary circumstances resulting from the COVID-19 pandemic, the CTA has decided to [temporarily pause communications](#) with airlines on complaints against them. This includes all new complaints received, as well as those currently in the facilitation process. The pause is currently set to continue until June 30, and is aimed at allowing the airlines to focus on immediate and urgent operational demands, like getting Canadians home.

Also, effective March 25, 2020, the deadline for a carrier to respond to claims filed by passengers for payment of the compensation for inconvenience is [suspended until June 30, 2020](#) (or any further period that the Agency may order). Once the suspension is over, carriers will have 120 days to respond to claims received before or during the suspension.

Rest assured that once the pause is lifted, we will deal with every complaint. The delay will not change the outcome of our review.

Best,

[info@ Team](#)

Office des transports du Canada / Gouvernement du Canada

[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Tél: 1-888-222-2592 / ATS: 1-800-669-5575

Suivez-nous : [Twitter](#) / [YouTube](#)

Canadian Transportation Agency / Government of Canada

[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Telephone 1-888-222-2592

Follow us: [Twitter](#) / [YouTube](#)

---

**From:** Jenn Mossey <[themosseys@rogers.com](mailto:themosseys@rogers.com)>

**Sent:** Friday, March 27, 2020 1:08 PM

**To:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>

**Subject:** trip cancelled

Good Afternoon,

My trip was cancelled by Sunwing vacations. At which point they were offering a refund (they did this for ONE day).

I filled out the form online and got confirmation that I would be

getting a refund as did I get the same paperwork from I-travel 2000.

They are now telling me that I will not be getting a refund but a voucher.

This was BEFORE you changed the policy to (in my opinion) suit the airlines.

We need our money back since we can't afford to have that money tied up right now because my husband may lose his job permanently after all of this, so there will be no vacations.

Once something is in writing (an email) and they post the policy and you do what you are told during the posted policy you are owed the money.

I am attaching my documentation of confirmation and the policy that was posted when I completed my refund request.

I would like your assistance during these uncertain times.

My husband and I both work in trucking and are currently still working to keep goods flowing.

Jennifer Mossey

519-471-9949

Sent from my iPhone

From: Info <Info@otc-cta.gc.ca>  
Date: Wed., Apr. 8, 2020, 10:57 a.m.  
Subject: RE: Complaint about CTA Conduct  
To: Trevor Smith <trevorsmith.gc@gmail.com>

Hello Trevor,

Thank you for sharing your concerns with us. We understand that air passengers are experiencing challenges and frustrations during these difficult times.

The situation passengers and airlines face as a result of the COVID-19 pandemic is without precedent. When the existing legislation, regulations, and airline tariffs were developed, none anticipated a once-in-a-century pandemic, worldwide disruptions in air travel, huge drops in passenger volumes, and mass layoffs across the airline sector.

Canada's legislative framework, which differs from those of other jurisdictions such as the United States and European Union, does not impose as a minimum obligation the requirement to refund passengers if a flight is cancelled due to situations outside of the airline's control, such as a global pandemic. We recognize, however, that in the context of widespread flight cancellations, passengers who have no prospect of completing their planned travels could be left out-of-pocket for the cost of cancelled flights.

In these extraordinary circumstances, it would not be unreasonable for airlines to provide vouchers or credits, even if this is not clearly required in certain situations, and for passengers to accept them.

This approach strikes a balance between passenger protection and airlines' operational realities during this unprecedented situation. It could help ensure that passengers do not simply lose the full value of their flights and that, over the longer term, the air sector is able to continue providing diverse services.

Any complaint filed with the CTA will, of course, be assessed on its merits, taking into consideration all relevant facts and the law.

If you would like more information, please consult the [statement the CTA issued on March 25, 2020](#).

Thank you again for your message.

Best,

[info@ Team](#)

Office des transports du Canada / Gouvernement du Canada

[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Tél: 1-888-222-2592 / ATS: 1-800-669-5575

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Canadian Transportation Agency / Government of Canada

[info@otc-cta.gc.ca](mailto:info@otc-cta.gc.ca) / Telephone 1-888-222-2592

Follow us: [Twitter](#) / [YouTube](#)

**From:** Trevor Smith <[trevorsmith.gc@gmail.com](mailto:trevorsmith.gc@gmail.com)>

**Sent:** Friday, March 27, 2020 2:48 PM

**To:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>

**Subject:** Complaint about CTA Conduct

This is an official complaint in regards to the recent action of the Canadian Transportation Agency. The statement titled "[Statement on Vouchers](#)" dated March 25, 2020 is reckless and irresponsible. The statement is not based on any case law and/or Tribunal decisions, and clearly lacks any merit. It willfully disregards the rights of Canadian consumers and shows a clear bias towards the airline industry.

Please, tell me what guarantees we have as consumers that these vouchers will be worth anything in the next 24 months? Will the Canadian government repay the millions of dollars consumers lose when the vouchers are worthless? Doubtful.

Show me within case law where Force Majeure has ever been applied to circumstances such as these. Show me a ruling where Force Majeure has been applied to events in the future, where a customer is not actually sitting in an airport, staying at a resort, or enroute to a destination when an unforeseeable event occurs.

Explain to me why you feel a business would be allowed to sit on a consumer's money for years without providing a service? I must have missed the memo where we became

banks for airlines. I must have also missed the memo that we are on the hook to keep airlines afloat during unprecedented times. I have to put food on my table during these unforeseen times and now you expect me to borrow an airline my money for the next two years and trust that they will pay me back. Give me a break. It is not a sensible balance to allow airlines to keep our money so they can pay their executives and lay off thousands of employees. If you want to protect the airline industry, then allow Canadians to choose to support the industry. Don't tell them they have to when they don't. It is the choice of Canadian's to use the services of an airline in the future, not yours. **It is also very much our money, not yours or the airlines!!!!**

The CTA hasn't honoured the mandate they swore to uphold in the slightest. **Instead, the Canadian Transportation Agency just helped large airlines bully their customers into waiving their rights.**

Bottom line, there is no legal support for this statement. I am demanding this statement be retracted and that the Canadian Transportation Agency issue a written apology to Canadian consumers.

Sincerely,

Trevor Smith

**From:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Date:** April 14, 2020 at 10:23:15 AM MDT  
**To:** dale smith <[smith\\_d@shaw.ca](mailto:smith_d@shaw.ca)>  
**Subject:** RE: Airtransat Will not Refund \$\$\$ Formal complaint

Hello Dale,

Thank you for sharing your concerns with us. We understand that air passengers are experiencing challenges and frustrations during these difficult times.

The situation passengers and airlines face as a result of the COVID-19 pandemic is without precedent. When the existing legislation, regulations, and airline tariffs were developed, none anticipated a once-in-a-century pandemic, worldwide disruptions in air travel, huge drops in passenger volumes, and mass layoffs across the airline sector.

Canada's legislative framework, which differs from those of other jurisdictions such as the United States and European Union, does not impose as a minimum obligation the requirement to refund passengers if a flight is cancelled due to situations outside of the airline's control, such as a global pandemic. We recognize, however, that in the context of widespread flight cancellations, passengers who have no prospect of completing their planned travels could be left out-of-pocket for the cost of cancelled flights.

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This approach strikes a balance between passenger protection and airlines' operational realities during this unprecedented situation. It could help ensure that passengers do not simply lose the full value of their flights and that, over the longer term, the air sector is able to continue providing diverse services.

Any complaint filed with the CTA will, of course, be assessed on its merits, taking into consideration all relevant facts and the law. If you would like to file an air travel complaint with the CTA, you may do so here; <https://rppa-appr.ca/eng/file-air-travel-complaint>

If you would like more information, please consult the statement the CTA issued on March 25, 2020; <https://otc-cta.gc.ca/eng/statement-vouchers>

Thank you again for your message.

Yours truly,  
The CTA Team

-----Original Message-----

**From:** dale smith <[smith\\_d@shaw.ca](mailto:smith_d@shaw.ca)>  
**Sent:** Sunday, April 5, 2020 2:52 PM  
**To:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Subject:** Airtransat Will not Refund \$\$\$ Formal complaint

o Whom It May Concern:

My Wife and I had a Holiday booked through Amore Away Travel Consultant Cherie Weber and Air Transat for the booking of April 10, 2002 to April 17, 2020 to Cancun Mexico.

Obviously the flight was cancelled by Air Transat due to the Convid Pandemic and they are not refunding our monies in the amount of \$4,160.00.

I would like to point out the the US issued the following ruling to the Air Lines to refund customers due to flight cancellations:

<https://www.transportation.gov/briefing-room/us-department-transportation-issues-enforcement-notice-clarifying-air-carrier-refund>

I would like to submit this formal complaint to Canadian Transportation Agency and have them look into the Flight Cancellations for many Canadians and rule that the Canadian Airlines refund clients in which their flights were cancelled.

I have submitted a registered letter the Air Transat requesting a refund but have not heard anything back as of yet. They are saying they will issue travel vouchers, this should not be the only option as they have received our monies and we should expect a refund as they have cancelled our Flights and this was out of our control.

Thank-You,  
Dale Smith  
Medicine ,Alberta  
[smith\\_d@shaw.ca](mailto:smith_d@shaw.ca)

From: **Info** <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
Date: Fri, Apr 17, 2020 at 9:50 AM  
Subject: RE: CTA statement regarding vouchers and refunds  
To: Richard T <[richardswtang@gmail.com](mailto:richardswtang@gmail.com)>

Hello Richard,

Thank you for sharing your concerns with us. We understand that air passengers are experiencing challenges and frustrations during these difficult times.

The situation passengers and airlines face as a result of the COVID-19 pandemic is without precedent. When the existing legislation, regulations, and airline tariffs were developed, none anticipated a once-in-a-century pandemic, worldwide disruptions in air travel, huge drops in passenger volumes, and mass layoffs across the airline sector.

Canada's legislative framework, which differs from those of other jurisdictions such as the United States and European Union, does not impose as a minimum obligation the requirement to refund passengers if a flight is cancelled due to situations outside of the airline's control, such as a global pandemic. We recognize, however, that in the context of widespread flight cancellations, passengers who have no prospect of completing their planned travels could be left out-of-pocket for the cost of cancelled flights.

In these extraordinary circumstances, it would not be unreasonable for airlines to provide vouchers or credits, even if this is not clearly required in certain situations, and for passengers to accept them.

This approach strikes a balance between passenger protection and airlines' operational realities during this unprecedented situation. It could help ensure that passengers do not simply lose the full value of their flights and that, over the longer term, the air sector is able to continue providing diverse services.

Any complaint filed with the CTA will, of course, be assessed on its merits, taking into consideration all relevant facts and the law.

If you would like more information, please consult the statement the CTA

issued on March 25, 2020; <https://otc-cta.gc.ca/eng/statement-vouchers>

Thank you again for your message.

Yours truly,

The CTA Team

**From:** Richard T <[richardswtang@gmail.com](mailto:richardswtang@gmail.com)>  
**Sent:** Friday, April 3, 2020 3:34 PM  
**To:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Subject:** CTA statement regarding vouchers and refunds

Hi there,

Considering that the CTA released a statement that was neither an official decision, and in fact goes against current CTA decisions in place, various transborder tariffs, Air Passenger Rights section 17(2) and 17(7), and also various provincial laws that indicate refund in the form of original payment should be issued, why has CTA gone against these regulations? Considering that thousands of Canadian families are now being laid off, the money could be used to support themselves during this Covid-19 crisis. Your statement, while not legally binding, on March 25 has effectively made all airlines and credit card companies to work together and deny refunds and chargebacks. Your ill advised statement has effectively caused further financial difficulty for thousands of Canadians. You should follow in the steps as the US Department of Transportation and order airlines to uphold their tariffs, provincial law, the existing CTA decisions, as they in effect are breaking the law. CTA you are behind in the times and a government agency that does not support Canadians when in need. It is very clear. The reality while this global event is something that was unforeseen, it is the cost of doing business, and they cannot go back on the contracts and laws they've agreed.

Please respond accordingly, and hope you go back on your statement and inform all airlines they have an obligation to fulfill. I did not authorize my credit card to be charge for future credit. CTA effectively made that happen.

Richard

**From:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Date:** April 20, 2020 at 11:56:45 AM EDT  
**To:** Paola Ferguson <[fergusonpjc@hotmail.com](mailto:fergusonpjc@hotmail.com)>  
**Subject:** RE: Airlines refusing refund in original form of payment

Hello,

Thank you for sharing your concerns with us. We understand that air passengers are experiencing challenges and frustrations during these difficult times.

The situation passengers and airlines face as a result of the COVID-19 pandemic is without precedent. When the existing legislation, regulations, and airline tariffs were developed, none anticipated a once-in-a-century pandemic, worldwide disruptions in air travel, huge drops in passenger volumes, and mass layoffs across the airline sector.

Canada's legislative framework, which differs from those of other jurisdictions such as the United States and European Union, does not impose as a minimum obligation the requirement to refund passengers if a flight is cancelled due to situations outside of the airline's control, such as a global pandemic. We recognize, however, that in the context of widespread flight cancellations, passengers who have no prospect of completing their planned travels could be left out-of-pocket for the cost of cancelled flights.

In these extraordinary circumstances, it would not be unreasonable for airlines to provide vouchers or credits, even if this is not clearly required in certain situations, and for passengers to accept them.

This approach strikes a balance between passenger protection and airlines' operational realities during this unprecedented situation. It could help ensure that passengers do not simply lose the full value of their flights and that, over the longer term, the air sector is able to continue providing diverse services.

Any complaint filed with the CTA will, of course, be assessed on its merits, taking into consideration all relevant facts and the law.

If you would like more information, please consult the statement the CTA issued on March 25, 2020; <https://otc-cta.gc.ca/eng/statement-vouchers>

Thank you again for your message.

Yours truly,  
The CTA Team

-----Original Message-----

**From:** Paola Ferguson <[fergusonpjc@hotmail.com](mailto:fergusonpjc@hotmail.com)>  
**Sent:** Thursday, April 16, 2020 3:56 PM  
**To:** Info <[Info@otc-cta.gc.ca](mailto:Info@otc-cta.gc.ca)>  
**Subject:** Airlines refusing refund in original form of payment

Good Afternoon,

I am writing to you about the issue regarding airlines refusing to issue a refund to Canadian consumers who either have had their flights cancelled or who no longer wish to travel due to the current pandemic. Other federal governments in other countries, like the United States, have already directed airlines to refund money to consumers in the original form of payment as is outlined in the signed contracts all consumers possess.

<https://www.cnn.com/2020/04/03/politics/airlines-canceled-flights-refunds/index.html>

Your organization can help all Canadians deal with the economic hardships this pandemic has caused. Many people have lost jobs and airlines, who are protecting their businesses, are holding these funds unfairly. What is the plan of the CTA to address this issue?

Thank you for your attention to this matter. Please email me at [fergusonpj@hotmai.com](mailto:fergusonpj@hotmai.com) or call me at the number below.

Sent from my iPhone

This is **Exhibit “P”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

---

**Fwd: Air travel complaint: 20-84843**

---

**Reine Desrosiers** <reinedesrosiers@gmail.com>  
To: Gabor Lukacs <lukacs@airpassengerrights.ca>

Mon, Apr 20, 2020 at 2:58 PM

----- Forwarded message -----

From: **Canadian Transportation Agency** <[pta-atc@otc-cta.gc.ca](mailto:pta-atc@otc-cta.gc.ca)>  
Date: Mon., Apr. 6, 2020, 7:05 p.m.  
Subject: Air travel complaint: 20-84843  
To: <[reinedesrosiers@gmail.com](mailto:reinedesrosiers@gmail.com)>

**Thank you. We have successfully received your complaint. Your case number is [20-84843](#)**

## **Suspension of all air dispute resolution activities**

### **CTA Operations during the COVID-19 crisis**

During these difficult times, the Canadian Transportation Agency (CTA) continues to maintain its normal operations while our employees practice social distancing. Our dedicated employees are working remotely and are available through electronic means to provide service. You can continue to request CTA services, file applications, and do normal business with us through our normal channels.

### **Dispute resolutions involving air carriers during the COVID-19 crisis**

If you have not already done so, you should first contact your airline to try and resolve the issues you have raised. Given circumstances, please be patient and provide your airline time to respond to you – a minimum of 30 days. If you do not hear back from your airline, or you are dissatisfied with the response you receive, you may file a complaint with the CTA.

Please note that the CTA has temporarily paused all dispute resolution activities involving air carriers until June 30, 2020, to permit them to focus on immediate and urgent operational demands. While you can continue to file air passenger complaints with us and all complaints will be processed in due course, we may not be able to respond quickly. On or before June 30, 2020, the Agency will determine if the pause should end on that date or be extended to a later date.

Also, effective March 25, 2020, the deadline for a carrier to respond to claims filed by passengers for payment of the compensation for inconvenience is [suspended until June 30, 2020](#) (or any further period that the Agency may order). Once the suspension is over, carriers will have 120 days to respond to claims received before or during the suspension.

## [Air carriers' obligations during the global COVID-19 pandemic](#)

The CTA has taken steps to address the major impact that the COVID-19 pandemic is having on the airlines industry by making [temporary exemptions](#) to certain requirements of the Air Passenger Protection Regulations (APPR). These exemptions apply to flight disruptions that occur from March 13, 2020 until June 30, 2020.

[Statement on Vouchers for flight disruptions](#)

## Status of Your Complaint

You can [check the status of your complaint](#) online. Please note it can take up to 24 hours for your case to process before your status is available online.

## Need immediate help during your trip?

[Official Global Travel Advisory from the Government of Canada](#)

## IMPORTANT NOTICE FOR BAGGAGE COMPLAINTS – TIME LIMITS IN EFFECT

- **7 day time limit for damaged baggage or missing items:**  
You must submit a written claim with your airline within 7 days of receipt of your baggage if your claim relates to damaged baggage or missing items.
- **21 day time limit for lost baggage:**  
You must submit a written claim with your airline within 21 days for baggage that is potentially lost.

Failure to submit a written claim to the airline within the set time limits could result in the carrier denying your claim. All claims are subject to proof of loss so be sure

to include all out of pocket expenses.

**Note:** You can update your case file by emailing [pta-atc@otc-cta.gc.ca](mailto:pta-atc@otc-cta.gc.ca) or by faxing 819-953-6019.

---

 20-84843\_2020-04-06T185531.pdf  
382K

This is **Exhibit “Q”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature

---

## Fw: Quick question re: CTA and vouchers

---

Nathaniel.Erskine-Smith.P9@parl.gc.ca <Nathaniel.Erskine-Smith.P9@parl.gc.ca>  
 To: lukacs@airpassengerrights.ca

Tue, Oct 6, 2020 at  
 11:10 AM

Here's the response I've received in writing, by way of follow up.

---

From: Oliver, Blake <Blake.Oliver@tc.gc.ca>  
 Sent: October 05, 2020 5:06 PM  
 To: Erskine-Smith, Nathaniel - Personal  
 Subject: RE: Quick question re: CTA and vouchers

Yes, that's correct.

From: Erskine-Smith, Nathaniel - Personal [mailto:Nathaniel.Erskine-Smith.P9@parl.gc.ca]  
 Sent: Monday, October 05, 2020 5:04 PM  
 To: Oliver, Blake <Blake.Oliver@tc.gc.ca>  
 Subject: Re: Quick question re: CTA and vouchers

That's what I thought, so fair to say it was approved by the members, vice-chair, and chair.

Get Outlook for iOS<<https://aka.ms/o0ukef>>

---

From: Oliver, Blake <Blake.Oliver@tc.gc.ca><mailto:Blake.Oliver@tc.gc.ca>>  
 Sent: Monday, October 5, 2020 5:02:29 PM  
 To: Erskine-Smith, Nathaniel - Personal <Nathaniel.Erskine-Smith.P9@parl.gc.ca><mailto:Nathaniel.Erskine-Smith.P9@parl.gc.ca>>  
 Subject: RE: Quick question re: CTA and vouchers

Hi Nate, all guidance and decisions issued by the CTA are taken as a body, not at the individual level. I hope that helps.

Warmly,

Blake

---

From: Erskine-Smith, Nathaniel - Personal [mailto:Nathaniel.Erskine-Smith.P9@parl.gc.ca]  
 Sent: Monday, October 05, 2020 4:50 PM  
 To: Oliver, Blake <Blake.Oliver@tc.gc.ca><mailto:Blake.Oliver@tc.gc.ca>>  
 Subject: Quick question re: CTA and vouchers

Blake,

I've been asked by Gabor Lukacs about the authorship of the CTA's statement on vouchers,

and specifically whether any individual takes responsibility, or whether it is a statement from the board/chair.

I know there is litigation on this issue, but it also seems like an answer that should be available. I recall asking this question before, but I might have only done it over the phone as I can't find a written answer.

Thanks for the help.

Nate

This is **Exhibit “R”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 2nd SESSION

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# Standing Committee on Transport, Infrastructure and Communities

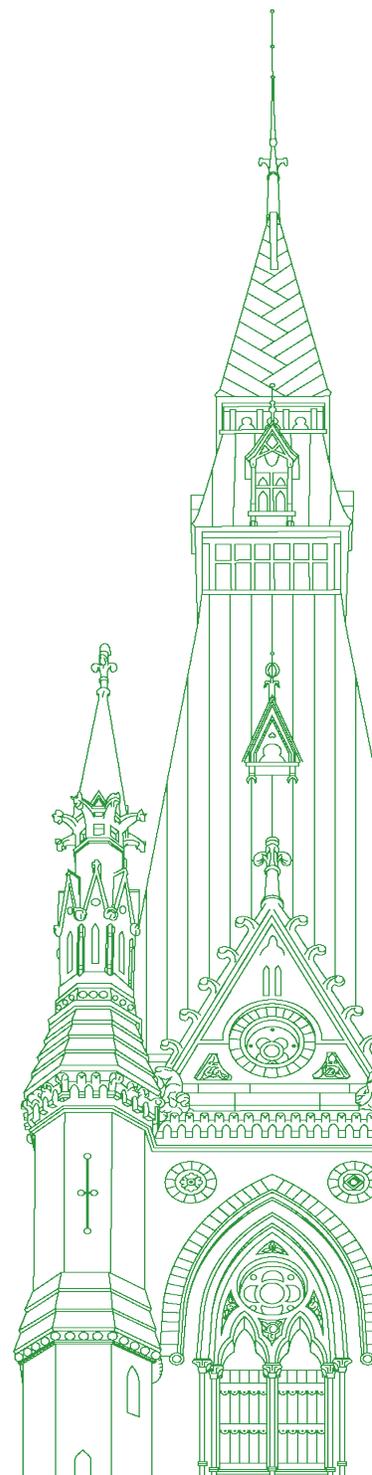
EVIDENCE

**NUMBER 008**

Tuesday, December 1, 2020

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Chair: Mr. Vance Badawey



## Standing Committee on Transport, Infrastructure and Communities

Tuesday, December 1, 2020

• (1535)

[English]

**The Chair (Mr. Vance Badawey (Niagara Centre, Lib.)):** I call this meeting to order. Welcome to Meeting number eight of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

Today's meeting is taking place in a hybrid format, pursuant to the House order of September 23. The proceedings will be made available via the House of Commons website. So that you are aware, the webcast will always show the person speaking, rather than the entire committee.

To ensure an orderly meeting, I would like to outline a few rules to follow. Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of either the floor, English or French.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the directives from the Board of Internal Economy regarding masking and health protocols.

Before speaking, please wait until I recognize you by name. If you are on video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. I will remind you that all comments by members and witnesses should be addressed through the chair. When you are not speaking, your mike should be on mute. With regard to a speaking list, the committee clerk and I will do the best we can to maintain the order of speaking for all members, whether they be participating virtually or in person.

Members, pursuant to Standing Order 108(2), the committee is meeting today to begin its study on the impact of COVID-19 on the aviation sector.

Now I would like to welcome our witnesses. Between 3:30 and 4:30, we have from the Canadian Transportation Agency, the CTA, Scott Streiner, chair and chief executive officer; Valérie Lagacé, senior general counsel and secretary; and Marcia Jones, chief strategy officer. From the Department of Transport, we have Lawrence Hanson, assistant deputy minister, policy; Aaron McCrorie, associate assistant deputy minister, safety and security; Nicholas Robinson, director general, civil aviation; Colin Stacey, director general, air policy; Christian Dea, director general, transportation and economic analysis and chief economist. Welcome, all you folks.

With that, I'm going to move to our witnesses. I'm not sure who has been queued to start us off with their five-minute presentation. I'll leave that up to you folks. The floor is yours.

• (1540)

**Mr. Lawrence Hanson (Assistant Deputy Minister, Policy, Department of Transport):** Thank you, Chair, I will begin.

Honourable members, thank you for the invitation to speak to you about the impact of the COVID-19 pandemic on the air transport sector in Canada.

My name is Lawrence Hanson, and I'm the ADM of policy at Transport.

Owing to the fact that Canada is a very large country with a widely dispersed population, and has a material number of people for whom the air mode is the only viable source of supply for parts of the year, we rely on air travel more than many other countries.

Canada has built a strong and effective air transport system that connects Canadians to each other and the world. It supports tourism, regional economic development, and an aerospace supply chain that produces aircraft with world-leading environmental performance.

The air sector employs about 108,000 people in Canada. Although the pandemic has had an impact on every sector of the economy, the decline in the air sector has been the most severe, and its recovery is expected to take relatively longer. Eight months into the pandemic, passenger levels are still down almost 90% from the same period last year.

Canada's air system has been traditionally funded by passengers themselves. Currently, however, we have a user-pay system that has almost no users. Consequently, airlines and airports continue to face significant fixed costs with little or no off-setting revenue.

Inevitably, this has led to efforts by key players to either find new revenue or, more likely, cut costs. There have been widespread layoffs, route suspensions and cancellations by airlines. Airports and the non-profit corporation that provides air navigation services, Nav Canada, have raised rates and fees.

Over and above these negative outcomes, Canadians across the country have received vouchers in lieu of refunds for travel cancelled due to the pandemic, and they are understandably angry.

To mitigate the severe impact and instability caused by the pandemic across all sectors, the government has implemented broad-based measures like the Canada emergency wage subsidy. These have been helpful in providing initial stability for air operators.

In addition, in March, the government waived payments for airport authorities that lease airports from the federal government for the remainder of 2020. The government also took action to ensure service to remote communities that rely on air transport for essential goods and services, with funding of up to \$174 million announced in August, and a separate program of \$17.3 million announced in April for the territories alone.

However, the impacts on the air sector during COVID-19 are without precedent, and service providers are unable to respond to these ongoing challenges on their own. This threatens the ability of Canadians to access reasonable air transport services at a reasonable cost, and these impacts could have important implications for communities, regions and the wider economy. It also threatens the many jobs in air transport and in the industries that rely upon it.

That is why, on November 8, Minister Garneau announced that in order to protect the interests of Canadians, the government is developing an assistance package for Canadian airlines, airports and the aerospace sector. Yesterday's fall economic statement provided additional information regarding rent and infrastructure support that will be provided to airports.

The minister's statement made it clear that support to air carriers would be dependent on securing real outcomes for Canadians, including the provision of refunds in place of vouchers, maintaining regional connectivity, and remaining good customers of the Canadian aerospace industry.

Helping to ensure the economic viability of the sector, and protecting the interests of Canadians is a necessary but not a sufficient condition for the successful restart of the air industry. It will also be important to ensure that air travel remains safe and secure, and addresses the added public health dimension created by the pandemic.

For that and related issues, I will turn to my colleague, the associate assistant deputy minister of safety and security at Transport, Aaron McCrorie.

**The Chair:** Mr. McCrorie, the floor is yours.

**Mr. Aaron McCrorie (Associate Assistant Deputy Minister, Safety and Security, Department of Transport):** Thank you, Mr. Chair.

Good afternoon. It's a pleasure to be here.

I'm Aaron McCrorie, the associate assistant deputy minister for safety and security at Transport Canada.

Since the outbreak of the COVID-19 pandemic, guided by the latest public health advice, Transport Canada has worked hard to respond quickly to ensure that Canadians remain safe while supporting the ongoing flow of critical goods and services across the country.

To reduce the risk of transmission of COVID throughout the aviation sector, Transport Canada has worked with partner departments, public health authorities, provinces and territories and the transportation industry to implement a system of layered measures, guidance, and requirements to ensure that transportation operations are safe for workers and passengers.

These include health screening measures and temperature checks to prevent symptomatic passengers from boarding flights to, from and within Canada. Workers at the 15 busiest airports in Canada are also subject to temperature checks before entering restricted areas. In addition, passengers on all flights departing or arriving at Canadian airports must have an appropriate mask or face covering when going through security checkpoints, when boarding and deplaning and on board the aircraft. These requirements also apply to some air crew members and airport workers.

The department also issued a notice restricting most overseas flights to landing at four airports in Canada: Montreal-Trudeau, Toronto-Pearson, Calgary, and Vancouver. This was done to support the work of health authorities to conduct medical assessments of symptomatic passengers and to notify passengers of the need to self-isolate for a period of 14 days. Transport Canada acted quickly to protect Canadians and air travel passengers to reduce the risk of transmission on an aircraft and the risk of importation. Making sure air travel is safe is a key factor in supporting the recovery of the air sector.

On August 14, Transport Canada released "Canada's Flight Plan for Navigating COVID-19". This document is the foundation for aligning Canada's current and future efforts to address the safety impacts of COVID-19 on the aviation sector and was developed in close collaboration with industry partners. It demonstrates to Canadians the extensive and multi-layered system of measures that have been implemented to support public health, including temperature checks, health checks and face coverings as well as measures implemented by industry such as increased cleaning and disinfecting protocols, enhanced air conditioning and filtration systems and new protocols to encourage physical distancing.

Canada's flight plan is based on the comprehensive standards and recommendations from the International Civil Aviation Organization's Council Aviation Recovery Task Force, or CART, in order to ensure that Canada is aligned with the gold standard of international best practices. This document will be refined as we continue to learn more about COVID-19 and as guidance and public health measures evolve at the local, provincial, national and international levels.

Preventing the spread of the pandemic has been and remains the top priority of the government. The various regulatory requirements that were put in place will likely remain for the foreseeable future; however, there is room for adjustment to support the restart of the air sector. Transport Canada will actively assess orders that have been issued to see what can be done and will be consulting with industry on possible amendments as we move forward.

The department is also working closely with other federal departments to explore risk-based opportunities that will allow Canada to ease travel restrictions and reopen our borders. This includes implementing a sustainable approach to reducing public health risks today and building resilience to safeguard the system against similar risks in the future. For example, by leveraging opportunities for safe, contactless processing of passengers, these approaches will help rebuild public confidence in the safety of air travel.

Health Canada and the Public Health Agency of Canada, working with other key federal departments such as Global Affairs Canada, Transport Canada and the Canadian Border Services Agency, are responsible for making decisions related to the lifting of travel and quarantine restrictions. Presently, testing pilot projects are under way or in development across Canada to establish a good base of evidence for possible reduction of quarantine requirements. For example, Air Canada and the Greater Toronto Airports Authority, in partnership with McMaster University, launched a testing project in September focused on testing passengers arriving in Canada.

The Public Health Agency of Canada, in partnership with the Province of Alberta, launched a testing project in November for passengers and workers arriving by land at Coutts border crossing and by air at the Calgary International Airport.

• (1545)

**The Chair:** You have one minute, Mr. McCrorie.

**Mr. Aaron McCrorie:** Thank you, Mr. Chair.

It's clear that ensuring a healthy and safe transportation sector is essential for reopening borders, restarting the tourism industry, and for the safety and security of Canadians at large. Transportation will play a vital role in supporting the country's economic recovery. Continued collaboration and shared insights are crucial in overcoming the challenges this pandemic has brought to the air sector. That is why the department will continue its important engagement with stakeholders and other partners as we work to address challenges faced by the air sector in Canada today and to ensure that we have a strong industry into the future.

Thank you very much.

**The Chair:** Thank you, Mr. McCrorie, and thank you, Mr. Hanson.

Do we have other witnesses who wish to speak? Is anybody speaking from the CTA?

Mr. Streiner, the floor is yours for five minutes.

You are on mute, Mr. Streiner.

• (1550)

**Mr. Scott Streiner (Chair and Chief Executive Officer, Canadian Transportation Agency):** Okay: Can you hear me now?

**The Chair:** You're good to go.

**Mr. Scott Streiner:** All right. This is our lives now, eh? We have to overcome all these technical issues.

I will start again. Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Streiner.

[*Translation*]

**Mr. Scott Streiner:** I want to thank the committee for inviting my colleagues and me to appear today.

We're living through an unusual and difficult time. I hope all of you and your loved ones have remained healthy and safe over the last nine months. While we have our respective roles to play, we are, first and foremost, fellow citizens.

I have the privilege to lead the Canadian Transportation Agency. The CTA was established in 1904 and is Canada's second-largest independent, quasi-judicial tribunal and regulator.

[*English*]

At no time in the century since the dawn of commercial aviation have airlines and their customers gone through the sorts of events we have witnessed since mid-March. Canadian airlines carried 85% fewer passengers between March and September 2020 than during the same period in 2019. Such a collapse in volumes is without precedent.

Through this turmoil, the Canadian Transportation Agency has worked to protect air passengers. Despite the fact that almost every CTA employee has worked from home since the pandemic struck, the 300 dedicated public servants who make up the organization have spared no effort to continue providing services to Canadians.

Immediately after the crisis began, we updated our website with key information for travellers so that those scrambling to get home would know their rights. We temporarily paused adjudications involving airlines to give them the ability to focus on repatriating the Canadians stranded abroad. We took steps to ensure that no Canadian who bought a non-refundable ticket would be left out-of-pocket for the value of their cancelled flights. We worked around the clock to process and issue the air licences and permits required for emergency repatriation flights and cargo flights to bring urgently needed PPE to Canada.

In the subsequent months, we invested substantial resources and long hours to deal with the unprecedented tsunami of complaints filed since 2019. Between the full coming into force on December 15, 2019, of the air passenger protection regulations, the APPR, and the start of the pandemic three months later, the CTA received around 11,000 complaints—a record. Since then we've received another 11,000.

[Translation]

To put these numbers in perspective, in all of 2015, just 800 complaints were submitted. In other words, we've been getting more complaints every two to four weeks than we used to get in a year.

We've already processed 6,000 complaints since the pandemic reached Canada. By early 2021, we'll start processing complaints filed during the pandemic, including those related to the contentious issue of refunds. If the recently announced negotiations between the government and airlines result in the payment of refunds to some passengers, a portion of those complaints may be quickly resolved.

[English]

On the topic of refunds, it's important to understand that the reason the air passenger protection regulations don't include a general obligation for airlines to pay refunds when flights are cancelled for reasons outside their control is that the legislation only allows the regulations to require that airlines ensure that passengers can complete their itineraries. As a result, the APPR's refund obligation applies exclusively to flight cancellations within airlines' control.

No one realized at the time how important this gap was. No one foresaw mass, worldwide flight cancellations that would leave passengers seeking refunds frustrated; airlines facing major liquidity issues; and tens of thousands of airline employees without jobs.

Because the statutory framework does not include a general obligation around refunds for flight cancellations beyond airlines' control, any passenger entitlements in this regard depend on the wording of each airline's applicable tariff. Every refund complaint will be examined on its merits, taking the relevant tariff language into account.

• (1555)

**The Chair:** You have one minute, Mr. Streiner.

**Mr. Scott Streiner:** Thank you, Mr. Chair.

The APPR rules are among the strongest air passenger protection rules in the world. They cover a wider range of passenger concerns than any other regime, but we now know that the gap highlighted by the pandemic is significant. If and when the CTA is given the authority to fix that gap, we'll act quickly.

Just before wrapping up, Mr. Chair, I'd like to mention one more area where the CTA has been active: accessibility.

Since the groundbreaking accessible transportation regulations came into effect last June, we've been providing guidance to Canadians with disabilities and to industry to ensure that these new rules are well understood and respected, and we've continued to play a leading role in encouraging the aviation sector in Canada and

around the world to integrate accessibility into the rebuilding process. Persons with disabilities should not be left behind as air travel gradually recovers.

Let me conclude, Mr. Chair, by noting that because of the CTA's independent status and the quasi-judicial nature of our adjudications, it would not be appropriate for me to comment on government policy or on any matters that are currently before the CTA, but within those limits, my colleagues and I would be happy to respond to any questions the committee may have.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Streiner, and to all our witnesses, thank you.

Are there any more witnesses who would like to speak? I see none.

We're now going to our first round of members' questions for six minutes, starting off with the Conservative Party and Ms. Kusie, followed by the Liberal Party and Mr. Rogers, and then the Bloc Québécois, with Mr. Barsalou-Duval, and the New Democratic Party, with Mr. Taylor Bachrach.

Ms. Kusie, you have six minutes. The floor is yours.

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Thank you, Chair. I appreciate the opportunity to have these witnesses before us today.

Thank you very much for being here.

I'm going to start by going back to Mr. McCrorie's comments regarding rapid testing.

As he mentioned, there's currently a pilot project going on in my hometown of Calgary, in my home province of Alberta, a project in YYC and Alberta that we are very proud of. What it allows individuals to do, of course is to take the COVID test upon arrival and, if they receive a negative test, to reduce their quarantine going forward.

I'm wondering if I can get some information as to how long it took Transport Canada, as well as other various governmental departments, to get this pilot project under way.

**Mr. Aaron McCrorie:** Thank you for the question, Mr. Chair.

When it comes to the pilot projects, the testing projects, we've been playing a supporting role. I hate to defer the question, but I think for you to get a sense of the timelines and the level of effort to get it launched, you'd probably be better off asking our colleagues from the Public Health Agency of Canada and Health Canada, who are joining you, I believe, after this session. They were the leads in terms of putting the pilot in place.

I can say that Transport has played a supporting role over the last several months, in particular in working as a liaison between PHAC and Health Canada and the airport authority and the airlines involved and helping to facilitate those relationships. The actual implementation of the test and the design of it fell to our colleagues in the Health portfolio.

**Mrs. Stephanie Kusie:** Okay. Thank you very much, Mr. Chair.

Can you confirm, though, that you are in the process of implementing this at other airports across the country?

**Mr. Aaron McCrorie:** Again, when it comes to the implementation of the pilots themselves, typically it's going to be Health Canada and PHAC that are the leads, but there are other pilot projects that are being contemplated. The Vancouver airport is contemplating a pilot project, for example, and I believe Montreal is. There is a series of pilot projects that are being contemplated, and we're doing our best to support them.

**Mrs. Stephanie Kusie:** Okay. I'm going to go, then, to the announcement yesterday in the fall economic statement, which said:

To further assist airports to manage the financial implications of reduced air travel, the government proposes to provide \$65 million in additional financial support to airport authorities in 2021-22.

Would you, Mr. McCrorie or Mr. Hansen, be able to provide any further information as to how these funds will be distributed and when they'll be distributed, and again, as you mentioned briefly, I believe, in the opening, the conditions tied to the money?

**Mr. Lawrence Hanson:** Thank you very much, Chair.

With regard to the FES announcement yesterday, I'm not really in a position to give any additional details beyond what the Minister of Finance laid out yesterday. I would note that the conditional points really related more to a potential agreement and support for airlines, as opposed to yesterday's funding, which was more exclusively directed toward airports.

• (1600)

**Mrs. Stephanie Kusie:** Okay. I appreciate that.

Of course, I'm sure you saw across the media that there was widespread disappointment from the airline sector. It certainly fell significantly short of the October 1 ask of \$7 billion.

I was wondering if the government had conducted a comparative analysis of how Canada could support the sector compared with other nations and, if so, what it concluded. Are there supports for the airline sector that we've seen in other nations compared with what was offered to the Canadian airline sector yesterday?

**Mr. Lawrence Hanson:** Thank you, Chair.

Certainly, we have looked at what other countries have done. The comparisons are different, of course, because sometimes it's in support for individuals versus support for carriers. Some countries have taken equity positions in carriers. We have done those comparisons. It's not always easy to get to an apples to apples comparison.

When it comes to a final comparison with what's done in the airline sector, obviously it will ultimately be dependent on what the eventual terms of an agreement with the air carriers looks like.

**Mrs. Stephanie Kusie:** Would you be able to table your research and the conclusion up to this point of what has been evaluated versus what was offered yesterday and versus what will be offered in the future?

**Mr. Lawrence Hanson:** Chair, we would be happy to provide information on what we have learned about other countries' supports. To be candid, we have compiled information that is quite largely publicly available.

Obviously, we can't speculate on what future support might look like here in Canada.

**Mrs. Stephanie Kusie:** Thank you, Chair.

Mr. Streiner, the APPR gives airlines 30 days to respond to customer complaints. Why can't your own agency meet that standard?

You have said today you have a backlog. Why do you think any Canadian, or anyone for that matter, would complain to your agency and wait when they can complain to a carrier and get an answer in 30 days?

**Mr. Scott Streiner:** Mr. Chair, I think the folks seeking compensation should and, under the APPR, must turn to the airline to make their claims.

If we're talking about compensation, or the inconvenience associated with flight delays or cancellations, the regulations state that a claim should be made with the airline. But if they can't resolve that claim with the airline, then they can file a complaint with the CTA. We deal with all of those complaints on their merit, as I have said.

As far as the backlog goes, obviously the CTA wants to get through complaints as quickly as it can. As I noted in my opening comments, we received an unprecedented and extraordinary number of complaints after the APPR came into force, 11,000 complaints and another 11,000 since the pandemic began. It's unheard of for a quasi-judicial tribunal to receive 22,000 complaints when just five years earlier it was receiving 800.

We are absolutely mobilizing to get through those complaints as quickly as possible. We have already cleared 6,000 of them since the pandemic began, and we will continue to do everything we can to provide timely service to Canadians.

**The Chair:** Thank you, Mr. Streiner, and thank you, Ms. Kusie.

**Mrs. Stephanie Kusie:** Thank you, Mr. Chair.

[Translation]

Thank you to the witnesses, too.

[English]

**The Chair:** We're now going to move on for six minutes to Mr. Rogers of the Liberal party.

**Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.):** Thank you, Mr. Chair.

I welcome all the guests today.

A few of my questions may fall under transport or the health sector, but I will leave it to our guests to decide if they want to respond to some of the questions.

For the last number of weeks and months, all of us MPs have been meeting with airline officials, airport security people, airport CEOs, regional airlines, large airlines, and many of them have been advocating for support for the industry.

Interestingly enough, rapid testing was certainly a big part of what I was lobbied for by many people. There were other supports such as rent relief and fees that are charged across the country to airports and airlines. Many of these proposed solutions were broad ranging. Ms. Kusie referred to some of the numbers in the area of \$7 billion, but also, of course, the industry was suggesting that maybe some of that might be in the form of loan guarantees, non-repayable grants and a whole slew of possible solutions.

I want to focus a little on rapid testing in particular, because interestingly enough, many of the people I talked to really focused on that and said that things like that were more important than some of the money they were requesting.

Can you tell me how many rapid tests have been deployed by the federal government to the provinces so far, and whether or not these are still being deployed across the country?

• (1605)

**Mr. Aaron McCrorie:** Mr. Chair, perhaps I could take that question.

**The Chair:** Go ahead, Mr. McCrorie.

**Mr. Aaron McCrorie:** In terms of the number of tests that have been deployed, we'd have to defer to our colleagues at Health Canada and the Public Health Agency of Canada.

I could note that from a Transport Canada perspective, we saw that the restrictions at the border, obviously at the outset of the pandemic, were very effective in limiting the importation of COVID-19. We are, as I've noted, working with our partners to look at what measures could be put in place to reduce or change some of those border restrictions, in particular via testing. The pilot projects are a great example of gathering evidence to support, perhaps, a national program of testing as an alternative to quarantine. Ultimately, it will be our colleagues in the health sector who will make decisions about which tests are used, when to apply them and how to apply them.

Again, I think we play a really important role from a facilitation point of view. We've done some work with airports to look at what a testing regime would look like logistically and how you would set it up in your airport, for example. We've developed what is called an "operational plan" to support that, if and when a decision for testing is made. We've worked with the International Civil Aviation

Organization and other international partners to look at some of the international standards or best practices for a testing regime, if we go down that path.

Again, as I've suggested, we've been working with domestic partners like the Calgary airport and the Vancouver airport as well as the airlines to help them set up the testing pilot projects that are being led by our health colleagues.

**Mr. Churence Rogers:** I'd like to ask you a follow-up question.

Can rapid testing at airports and other types of border crossings affect traffic? Is rapid testing going to be an option to consider for boosting the tourist industry and attracting international travellers?

Finally, what are the COVID-19 screening best practices at airports around the world that you might be familiar with?

**The Chair:** You're on mute, Mr. McCrorie.

**Mr. Aaron McCrorie:** Sorry about that, Mr. Chair. I was hoping I'd go through my career without being told I was on mute, but apparently not.

**The Chair:** No problem.

**Mr. Aaron McCrorie:** Again, the idea of the pilot projects is exactly to determine the most effective types of tests to use and where to apply them. There are concerns, obviously, if you're looking at the land border, about what that might mean from a congestion point of view. Consideration is even being given to testing prior to departure so that we can look at reduced congestion at the airport.

I talked a bit about trying to build a touchless journey. What we're really trying to do is to make sure that we can maintain physical distancing in an airport environment and reduce that congestion.

The pilot projects are giving us good information about what tests to use and where to apply them, and we're really proud to be working with our health colleagues on that. In terms of which specific test to use under what circumstances, I'd have to defer to my health colleagues for that.

**Mr. Churence Rogers:** I have one final question for you.

Based on your experience and that of the travel industry and what you know about rapid testing, do you think it's one of the key solutions for getting people back in the aircrafts and flying again so that we can have people moving across the country for the benefit of the tourism industry?

**Mr. Aaron McCrorie:** We tried to look at it from an aviation safety and security point of view, or even a transportation safety and security point of view. We look at layers of measures. It's about building layers of measures that protect...but also as we make adjustments, putting in place different layers of measures. Testing of some kind or another, I think, is showing a lot of promise as an alternative to quarantine. We're not there yet, but the pilot projects are helping us build that evidence base that will allow us to make that decision down the road. I think some changing of the measures is going to be key to the successful relaunch of the aviation industry.

• (1610)

**The Chair:** Thank you, Mr. McCrorie.

Thank you, Mr. Rogers.

We're now going to move on for six minutes to the Bloc Québécois.

Mr. Barsalou-Duval, the floor is yours.

[*Translation*]

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Thank you very much, Mr. Chair.

My first question is for Mr. Streiner of the Canadian Transportation Agency.

I'd like to know if you and the Canadian Transportation Agency are very familiar with the Air Transportation Regulations.

**Mr. Scott Streiner:** Thank you for your question, Mr. Barsalou-Duval. The answer is very short: yes.

**Mr. Xavier Barsalou-Duval:** Thank you very much, Mr. Streiner.

Actually, I'd like to know if you are familiar with subparagraph 122(c)(xii), which talks about the right to obtain a refund when the carrier fails to provide transportation for any reason.

In your opening remarks, you mentioned that nowhere in the legislation does it state that companies had to make these refunds. However, subparagraph 122(c)(xii) states the opposite:

(xii) refunds for services purchased but not used, whether in whole or in part, either as a result of the client's unwillingness or inability to continue or the air carrier's inability to provide the service for any reason...

**Mr. Scott Streiner:** In fact, this provision and regulation requires that the carrier or the airline specify its terms and conditions of services. This regulation doesn't specifically require terms and conditions of service. In other words, there is no minimum obligation in this regulation to refund customers in these situations.

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Streiner. However, if we read paragraph 122(c) correctly, what I just mentioned is one of the minimum conditions that tariffs must contain. So it's contained in the price of all tickets and in all carrier fares. This regulation applies to everyone, doesn't it?

**Mr. Scott Streiner:** This regulation applies, but it says that the airline must specify its terms and conditions of service. It does not specify exactly what conditions of service the tariffs must contain. It does not establish a minimum obligation.

**Mr. Xavier Barsalou-Duval:** Mr. Streiner, paragraph 122(c) states that, "Every tariff shall contain ... the following matters, namely", among which is noted that there must be a refund if the service is not provided. I think it's pretty clear that there has to be a refund.

**Mr. Scott Streiner:** It's clear that carriers must explain to passengers the terms and conditions of service contained in their tariffs. The interpretation of this regulation is clear. I don't want to repeat myself, but this regulation does not specify the exact content of tariffs.

**Mr. Xavier Barsalou-Duval:** I think we're playing word games.

Are you able to name a single case in the jurisprudence that supports the interpretation that passengers aren't entitled to a refund in these circumstances?

**Mr. Scott Streiner:** As a quasi-judicial tribunal, we make decision case by case based on the facts and on the relevant act and regulations. This means that we consider all terms and conditions and all circumstances.

It's a question of interpretation of the legislation. I think all the honourable members understand that it isn't appropriate for me, as chair of the Canadian Transportation Agency, to interpret the legislation here or make formal rulings. There is a legal process for that.

**Mr. Xavier Barsalou-Duval:** I'd like to know if the people who work at the Canadian Transportation Agency know the provisions of the Quebec civil code relating to consumers.

**Mr. Scott Streiner:** I suppose some of them do.

It's provincial legislation. We're responsible for applying federal legislation.

**Mr. Xavier Barsalou-Duval:** According to the Quebec civil code, when a service has not been rendered, it must be refunded. It would be interesting if federal institutions, such as the Canadian Transportation Agency, could recognize and enforce the legislation that already exists.

I have another question. The Canadian Transportation Agency recently released new details about its statement on vouchers. You say that this statement isn't a binding decision. I'm trying to understand.

Does the Canadian Transportation Agency have the power to issue a statement that is unenforceable but in conflict with the legislation?

• (1615)

**Mr. Scott Streiner:** The agency has the power to issue statements and guidance material on any topic within its scope.

As you specified, the statement does not change the obligations of the airlines or the rights of the passengers. The statement contains suggestions, and only suggestions. It isn't a binding decision.

**Mr. Xavier Barsalou-Duval:** Does the Canadian Transportation Agency have the power to change the legislation?

**Mr. Scott Streiner:** Of course not. The legislation exists, and our responsibility is to enforce it, which we always do impartially and objectively.

**Mr. Xavier Barsalou-Duval:** Don't you think the positions that have been taken by the Canadian Transportation Agency call into question its impartiality?

**Mr. Scott Streiner:** Not at all.

**Mr. Xavier Barsalou-Duval:** But that's the impression many people have.

The Canadian Transportation Agency is currently nearly two years behind in processing the various complaints. Last spring, the agency also said that none of the complaints regarding air travel and ticket refunds would be dealt with until September.

What kind of message does it send to the airlines when it says that it won't deal with travel complaints? Are they being told not to issue refunds to their customers, because they're not going to get a slap on the wrist anyway?

**Mr. Scott Streiner:** With all due respect, I must say that our employees work very hard to deal with all the complaints received. It should be noted that 99% of these complaints were submitted to the agency as of December 15. So there isn't a two-year delay in processing. The processing of complaints takes a long time, I agree. It would be preferable to do it faster, but it's a matter of volume. The volume is unprecedented: we've received 22,000 complaints since December 15. We're working very hard to deal with all these complaints.

With respect to the complaints that were received during the pandemic, we will begin processing them in early 2021. The number of complaints is remarkable and challenging. We're working very hard on it.

**Mr. Xavier Barsalou-Duval:** I'd like your opinion on the following situation. Let's say that I manage a complaints department—

[*English*]

**The Chair:** Thank you, Mr. Barsalou-Duval and Mr. Streiner.

We're now going to move to Mr. Bachrach, for six minutes.

**Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP):** Thank you, Mr. Chair, and thank you to our witnesses.

During this pandemic, Canadians have been hurt financially in so many ways. I hear from constituents all the time who've lost their income, who are in financial distress and having trouble paying their bills. Now, a relatively modest number of Canadians were in a very specific situation where they bought airplane tickets, some of these very expensive in the thousands of dollars, from airlines that up until the pandemic were doing very well.

The airlines are huge corporations that in 2019 were celebrating billions of dollars in profits, and had access to billions of dollars in liquidity. We're being told by the government that these Canadians, who purchased these airfares, are not able to get a refund, because the government is concerned that the airline corporations are going to go bankrupt.

You're putting citizens in a situation where they're essentially involuntary or unwilling creditors to these huge corporations. To either Mr. Streiner or Mr. Hanson, how could you possibly construe this as a fair situation?

**Mr. Lawrence Hanson:** Mr. Chair, I'd be happy to take this question.

I would direct the member's attention to the statement by Minister Garneau on November 8, which was quite explicit on this point. Although the government is prepared to consider assistance for air carriers, given the significant pressures on their liquidity, it is not prepared to do so unless Canadians, whose flights were cancelled due to the pandemic, receive a refund rather than a voucher.

• (1620)

**The Chair:** Mr. Bachrach.

**Mr. Taylor Bachrach:** Mr. Hanson, is it fair to say the government has been forced into supporting a situation that is profoundly unfair for those Canadians who are out of pocket from an airfare?

**Mr. Lawrence Hanson:** The government has always recognized the difficult situation, on the one hand, of individuals whose flights were cancelled as a result of the pandemic, and on the other hand, a situation where air carriers themselves have very constrained liquidity and cash flow because their revenues have collapsed. That's why it's come forward with an approach that says that it's prepared to provide support for the airlines, but putting conditionality on it in terms of refunds for passengers.

**Mr. Taylor Bachrach:** Mr. Streiner, in your opening remarks, if I understood you correctly, you indicated that the CTA was somewhat caught off guard by this gap in the regulation, and that in hindsight, this should have been rectified.

Is it fair to say you weren't aware of a gap in the air passenger protection regulations that could have avoided this situation?

**Mr. Scott Streiner:** I don't think anybody identified the gap. To be clear, the gap stems from the legislation. The legislation gave the CTA the authority to make the air passenger protection regulations.

If you read the relevant section related to cancellations that are outside the control of airlines, it constrains our ability to make regulations to only requiring that airlines ensure that passengers can complete their itineraries.

Frankly, if the section had been more permissive, we might well have established a refund obligation as we did for cancellations within the control of airlines, but we were constrained by the language of the legislation. I don't think anybody at the time, not parliamentarians, nor consumer rights advocates, recognized that the gap in the legislation and regulations could be as significant as we now realize it is.

**Mr. Taylor Bachrach:** Mr. Streiner, the reason I mention this is because the organization Air Passenger Rights wrote to the CTA during the crafting of those regulations and said very specifically:

APR is deeply concerned about the omission of a number of important issues from the Proposed Regulations. This state of affairs creates the incorrect impression that airlines are free to do as they please in these areas. APR strongly believes this was not Parliament's intent.

So here they are; they've identified the gap and they're bringing it to your attention. Was there nothing that the CTA could do to address the situation in the regulations?

**Mr. Scott Streiner:** In terms of establishing a refund obligation—I assume that's the question—for flight cancellations beyond airline control, the answer is no. The legislation constrained us. There was no way we could establish that obligation in the regulations given the wording of the legislation.

**Mr. Taylor Bachrach:** Picking up where Mr. Barsalou-Duval left off, I did not get clarity on this in the answers to his questions, so I'm going to ask them again.

**Mr. Scott Streiner:** Certainly.

**Mr. Taylor Bachrach:** In the air transportation regulations, it very specifically speaks to the refunds issue, yet the statement on vouchers says, “The law does not require airlines to include refund provisions in their tariffs for flights that are cancelled for reasons beyond their control.”

If you read the regulations, section 122, which Mr. Barsalou-Duval read earlier, it very clearly says:

Every tariff shall contain...(xii) refunds for services purchased but not used, whether in whole or in part, either as a result of the client’s unwillingness or inability to continue or the air carrier’s inability to provide the service for any reason

These seem to be in direct conflict with each other. How do you explain this?

**Mr. Scott Streiner:** The air transportation regulations in the section that you and your colleague referred to outline the areas or topics that must be addressed by an airline’s tariff. They don’t establish the minimum obligations. They don’t establish what the terms are; they simply indicate that terms must be established in these areas. Therefore, they don’t establish a minimum obligation to pay compensation or to pay refunds in situations beyond airlines’ control, only that a tariff has to address those questions.

**The Chair:** Thank you, Mr. Streiner, and Mr. Bachrach.

We’re now going to to our second round of five minutes each from Mr. Soroka of the Conservative Party, as well as Mr. El-Khoury from the Liberal Party, and we have two and a half minutes each for Mr. Barsalou-Duval of the Bloc and Mr. Bachrach of the NDP.

Mr. Soroka, for five minutes you have the floor.

**Mr. Gerald Soroka (Yellowhead, CPC):** Thank you, Mr. Chair.

I’m not trying to put words in Mr. Hanson’s mouth but it sounds like if the federal government gives support to airlines, there will be a condition that they have to refund passengers their money if the passenger wants that. If that’s the case, if there’s going to be a time frame attached to that, how long will you give airlines to refund all passengers who have had their trips cancelled so that the airlines can comply with the conditions the federal government has set?

• (1625)

**Mr. Lawrence Hanson:** Yes, I think when we get to the point of the payment of refunds, there would certainly need to be some sort of approach for detailing the manner and timing in which they would be provided.

**Mr. Gerald Soroka:** But you don’t have a time frame right now as to what that will look like. Is it still in its infancy?

**Mr. Lawrence Hanson:** I don’t have a timeline. I think I will that say that a lot of people will be contacted individually. A lot of people, as you are probably aware, purchase their tickets through third-party vendors online, companies like Expedia and Travelocity, etc., but we would obviously be pushing for this to be done in a very timely fashion, because lengthy delays in getting refunds are not consistent with the idea of providing Canadians refunds that they’re expecting.

**Mr. Gerald Soroka:** I recently held a Zoom call with several independent travel advisers. That association has over 1,200 members across Canada and each one of them owns or operates a small busi-

ness. They are self-employed. Independent travel advisers work on 100% commission and have been hit very hard by COVID. Many in my riding do not qualify for existing CERB programs as well, so does the department have a plan in place to ensure that travel advisers won’t be collateral damage from airline passengers getting refunded by airlines clawing back their commissions? Do you think that will be part of the conditions as well when you’re negotiating or not?

**Mr. Lawrence Hanson:** That is a great question. It points out some of the challenges associated with this and the need to get it right, because, as you say, there is a potential spinoff consequence for travel agents who suddenly see a collapse in commissions as a result of a massive wave of air refunds.

What I can tell the member is that we are aware of this issue. We are discussing it with our colleagues at ISED who work more with the sector than we do. Obviously, I can’t say what solution we will arrive at, but I can assure the member that it’s very much on the radar.

**Mr. Gerald Soroka:** Yes, it’s very good to hear that you’re at least aware of that and trying to work towards some kind of solution.

You also spoke about how there could be different types of conditions on travel. Currently we have face masks and temperature checking. Do you think that will now become a standard practice in airports? Is this just an anomaly, or will this continue after the COVID crisis is over?

**The Chair:** Go ahead, Mr. Hanson.

**Mr. Aaron McCrorie:** If I may, Mr. Chair, perhaps I could take that question.

**The Chair:** Go ahead, Mr. McCrorie.

**Mr. Aaron McCrorie:** We’re constantly reassessing the measures that we have put in place from a health point of view, and we’re adapting them as we go along based on the latest health guidance that we get. Depending on how the pandemic plays out over the weeks and months to come, and how, for example, a vaccine testing regime is implemented, we may be able to move away from some of these measures as new measures come into place or as the pandemic comes under control, but I think the bottom line is that we have the flexibility to adapt to changing health conditions and respond to the changing health advice.

A good example is how our requirements around face masks have evolved over time. We have adjusted them from the initial requirements in the spring to more recent requirements based on the latest health guidance that has provided more flexibility for parents travelling with younger children when using face masks.

We will evolve over time based on the latest information.

**Mr. Gerald Soroka:** Okay, that's quite interesting. It kind of sounds like a yes or a no. I know it's a hard decision to come forward right now.

I get a lot of residents with conspiracy theories about vaccinations and all of these kinds of stories. Do you think this will be a condition for travel where, if they do not take the vaccine, they will not be allowed to travel? Is there the potential for that?

Please alleviate my fears, because I have to deal with this on a regular basis.

**Mr. Aaron McCrorie:** I'm sorry, Mr. Chair, I missed the beginning part of the question, but I think it was if vaccination will be a standing requirement for travel.

**The Chair:** That's correct.

• (1630)

**Mr. Aaron McCrorie:** Again, it's premature to know for sure. Our colleagues from Health Canada may have some views on that as well, but it's certainly, I would say, in the repertoire of tools that we can bring to bear to manage the health risk.

For example, we talked about testing looking at people coming into the country and if there would be a requirement for a test prior to departure. Would we be looking for proof of vaccination prior to people getting on an aircraft? Those are certainly all options we're looking at, but it's premature to make any declarations at this point in time.

**The Chair:** Thank you, Mr. McCrorie.

Thank you, Mr. Soroka.

We're now going to move on to Mr. El-Khoury for five minutes.

Mr. El-Khoury, the floor is yours.

[*Translation*]

**Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.):** Thank you, Mr. Chair.

I'd like to thank the witnesses. Their being here with us is really important and useful to the committee.

We are in the middle of a really complicated and dangerous situation. The impact of the pandemic on the airline industry is unprecedented. Here, in Canada, we rely heavily on our airline industry, much more so than most other countries.

My first question is for Mr. Streiner.

Mr. Streiner, you explained the provisions of the Air Transportation Regulations regarding the obligation to refund—or not—customers. Could you tell us what happens in case of a force majeure? And can the pandemic be called a force majeure?

**Mr. Scott Streiner:** I thank the honourable member for his question.

I can't really answer that question, for one simple reason: as a quasi-judicial tribunal, we might have to deal with this issue. It's a matter of interpretation of the situation, the facts and the legislation. In order to maintain our impartiality, it's important to wait for the decision-making process before answering this important question.

**Mr. Fayçal El-Khoury:** Can you tell us how the pandemic has affected independent travel agents?

**Mr. Scott Streiner:** If this question is for me, I would say that travel agents aren't under federal jurisdiction. From what we've read in the media, they fall under provincial jurisdiction.

**Mr. Fayçal El-Khoury:** If you had issued an order stipulating that the airlines had to refund customers, this would still have been legal, given the terms and conditions of service in the airlines' tariffs. I am thinking here of the provisions that apply in cases of a force majeure and the distinction made at the time of purchase between refundable and non-refundable tickets

[*English*]

**The Chair:** Mr. Streiner.

[*Translation*]

**Mr. Scott Streiner:** Thank you, Mr. Chair.

It's true that these distinctions can be important. Some Canadians have purchased refundable tickets, while others have purchased non-refundable tickets. The provisions for a force majeure may be relevant to this discussion. That said, all of these issues must be dealt with in a quasi-judicial process of formal decision-making. These are the kinds of issues we will be addressing in our discussions and decision-making processes.

**Mr. Fayçal El-Khoury:** In the context of this pandemic, in your opinion, Mr. Streiner, what would have happened to the airlines if they had been required to pay cash refunds to all passengers who applied for them? And what might have been the impact on Canadian travellers and communities?

**Mr. Scott Streiner:** Once again, I think this question should be directed more to my colleagues at Transport Canada, but I'll give a bit of an answer anyway.

We know that this crisis is unprecedented, but we don't know exactly what the consequences might have been in the situation you describe. Our role is simply to determine what the obligations of airlines are and what the rights of air passengers are under the law. These are the issues we are dealing with. I don't want to speculate by commenting on hypothetical situations.

• (1635)

**Mr. Fayçal El-Khoury:** Why did you issue directives that credits may be an acceptable alternative to cash reimbursement for travellers whose flights have been cancelled due to COVID-19?

**Mr. Scott Streiner:** The reason is simple: we did it to reduce the risk of air passengers ending up without any compensation. As I said, the legislation refers to this great variability in the conditions of service of different airlines; that's what creates this risk for air passengers. The objective of our Statement on Vouchers was to reduce this risk.

**Mr. Fayçal El-Khoury:** When you say—

[English]

**The Chair:** Thank you, Mr. Streiner and Mr. El-Khoury.

[Translation]

**Mr. Fayçal El-Khoury:** Thank you.

[English]

**The Chair:** We will now move on for two and a half minutes to Mr. Barsalou-Duval of the the Bloc.

Mr. Barsalou-Duval, the floor is yours.

[Translation]

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Chair.

Mr. Streiner, it was mentioned earlier that there is currently a long wait for complaints to be processed. I have a question for you. If I ran a complaints department and there was a two-year wait for complaints to be processed, and I hadn't processed any complaints in the last nine months, do you think I would keep my job?

**Mr. Scott Streiner:** I'm sorry; could you repeat the question?

**Mr. Xavier Barsalou-Duval:** If I ran a complaints department, had two years of backlogged complaints on my desk, and hadn't processed any complaints in the last nine months, would I lose my job?

**Mr. Scott Streiner:** For me, the question would be whether all employees work hard and come together to deal with complaints. If it were employees of the Canadian Transportation Agency, the answer would be yes. Everybody is rallying to deal with complaints. As I said, we've managed to handle 6,000 complaints since—

**Mr. Xavier Barsalou-Duval:** Thank you. I'm sorry for interrupting you, but I have only two and a half minutes.

**Mr. Scott Streiner:** Yes, that's fine.

**Mr. Xavier Barsalou-Duval:** You still announced that you wouldn't deal with any complaints about cancelled airline tickets until September 2020, and then you postponed it until 2021.

In March, the Canadian Transportation Agency released the Statement on Vouchers, which was recently revised. I'd like to know if you had any input into this statement.

**Mr. Scott Streiner:** All statements, guidelines and guidance material are written by the organization and, as head of the organization, I am always involved, of course.

**Mr. Xavier Barsalou-Duval:** Have there been any communications where the office of the Minister of Transportation has expressed a willingness to consider the direction the agency might take or the issue of ticket refunds?

**Mr. Scott Streiner:** We have communicated with the office of the Minister of Transportation throughout the crisis. Indeed, coordination is important in a crisis like this. It's a question of transparency. The purpose of these communications wasn't to obtain permissions or receive instructions, but to ensure that we don't create confusion in this time of crisis.

[English]

**The Chair:** Thank you, Mr. Streiner and Mr. Barsalou-Duval.

We're now going to move on to the NDP with Mr. Bachrach, for two and a half minutes.

The floor is yours.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair.

Mr. Streiner, which individuals authored and approved the March 25 statement on vouchers?

**Mr. Scott Streiner:** With regard to the statement on vouchers, like all guidance material posted by the CTA—and we post a great deal of non-binding guidance material, policy statements and information—there are many people who participate in its preparation, in its drafting and in its review, so it's a large number of employees who contributed to that.

**Mr. Taylor Bachrach:** Who approved it?

**Mr. Scott Streiner:** Ultimately, every statement like this is an expression of the organization's guidance. As I emphasized earlier, the statement on vouchers, like these other documents, was non-binding in nature, and it's an expression of guidance or a suggestion to the travelling public by the institution.

**Mr. Taylor Bachrach:** An email from a policy adviser at Transport Canada to Member of Parliament Erskine-Smith revealed that the CTA's members, vice-chair and chair would have approved the statement on vouchers, which gave airlines clearance to refuse refunds.

Is this correct?

**Mr. Scott Streiner:** Mr. Chair, I'm not sure about that email. I haven't seen the email. It's not in front of me.

The office of the Minister of Transport would not have been privy to the internal decision-making processes at the CTA, and I would simply reiterate that every statement—non-binding—that's made by the CTA, every guidance document is a reflection of institutional guidance and of course is reviewed by senior members of the organization.

• (1640)

**Mr. Taylor Bachrach:** Mr. Streiner, will you commit to providing this committee with all internal documents, memos and emails concerning the March 25 statement on vouchers and the subsequent clarification?

**Mr. Scott Streiner:** The CTA is subject to the same access to information rules as any other organization. We have a policy of transparency, and so we try to come forward. I will commit to certainly providing the committee with those documents that it's appropriate to provide, but we are a quasi-judicial tribunal, an independent regulator, and certain material is privileged.

**Mr. Taylor Bachrach:** The challenge here, Mr. Streiner, as I'm sure you can guess from this line of questioning, is that as a quasi-judicial body, the CTA is in a position to fairly and without prejudice adjudicate these complaints that have come in from air passengers. Does this statement on vouchers not prejudice that process? This very clearly sets out the outcome of those complaints related to refunds. You've already said that it's reasonable, so why adjudicate the specific complaint if you've already said that it's a reasonable approach?

**Mr. Scott Streiner:** I want to give a very clear response to this question. The non-binding statement on vouchers was issued in order to protect passengers from ending up with nothing at all as a result of this situation, in part because of the legislative gap that I spoke about earlier. Nothing in that non-binding statement in any way affected or affects the rights of anybody who brings a complaint before us. The Federal Court of Appeal has already recognized that passengers' rights aren't affected. Right in the body of the statement, we said that every complaint would be considered on its merit. Every complaint will be considered on its merit, impartially, based on the evidence and the law.

**The Chair:** Thank you, Mr. Streiner and Mr. Bachrach.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair.

**The Chair:** Thank you to the witnesses.

[Translation]

**Mr. Xavier Barsalou-Duval:** Excuse me, Mr. Chair.

[English]

**The Chair:** Yes, go ahead.

[Translation]

**Mr. Xavier Barsalou-Duval:** I'd like to put forward a motion about what was discussed. Is it possible to do that now?

[English]

**The Chair:** Go ahead.

[Translation]

**Mr. Xavier Barsalou-Duval:** That's perfect, Mr. Chair.

Actually, I'd like to put forward a motion that has already been tabled at committee on October 26. The motion is as follows:

That, pursuant to Standing Order 108(1)(a), an Order of the Committee do issue for correspondence between Transport Canada, including the Minister of Transport and his staff, and the Canadian Transportation Agency regarding cancelled plane tickets and the right of air passengers to be reimbursed, and that these documents be provided to the Committee Clerk within 15 days following the adoption of this motion.

[English]

**The Chair:** Okay, I'm assuming, Mr. Barsalou-Duval, that this is the motion you presented a few days ago, which you distributed.

Do you want to put on the table right now?

[Translation]

**Mr. Xavier Barsalou-Duval:** Mr. Chair, it is not the motion on Air Transat, it's actually the one about the Canadian Transportation Agency. So it's a different motion and it pertains to today's meeting.

The motion I have just read to you has already been introduced, but the committee has not discussed it.

[English]

**The Chair:** Mr. Clerk, does the committee have a copy of that motion?

**The Clerk of the Committee (Mr. Michael MacPherson):** I'm just going to double-check, but I do believe that it was distributed.

**The Chair:** Members, while we check, I would like to get some clarification from Mr. Hanson regarding Mr. Soroka's question, even though this might not be the norm for a chair to do. Mr. Soroka

asked a question about travel agents, and it's within this committee's interest. The importance of this issue has been discussed previously, too, by members of the committee because sometimes it can fall through the cracks, or these folks, travel agents, maybe seemed to have fallen through the cracks. I thought Mr. Soroka brought up a great point, a great question, with respect to that. I just want to get clarity from you to declare the travel agents.... Do you see them in a similar way as you would see the passengers who are unable to get refunds?

**Mr. Lawrence Hanson:** Thanks. It's a very fair question, Mr. Chair. I don't know if I'm in a position where I could declare that it would be policy to see them as analogous. That would be for someone other than me. I think what I can say is that the reality is that a mass kind of series of refunds done all at the same time would have implications for those travel agents. I think we need to understand that better, but I think I would kind of be creating policy on the fly to say that it is analogous to something else. I think I would really just be saying that we absolutely recognize that this issue is a consequence of the refund issue and that we have to be looking at it. I'm sorry that I can't be more precise than that, Mr. Chair.

**The Chair:** Okay. Thank you, Mr. Hanson.

Thank you to all of the other witnesses too.

We're now going to suspend for five minutes. Thank you, ladies and gentlemen.

• (1640)

(Pause)

• (1640)

**The Chair:** We have that notice of motion by Mr. Barsalou-Duval that was distributed Monday, October 26, 2020.

Mr. Barsalou-Duval, is that the motion you are putting on the floor?

[Translation]

**Mr. Xavier Barsalou-Duval:** Yes, Mr. Chair.

[English]

**The Chair:** Thank you, Mr. Barsalou-Duval.

Mr. Clerk, I am going to be asking for a vote by the committee to actually debate this now, as it is now being placed on the floor.

Members of the committee, Mr. Barsalou-Duval wishes to place this on the floor for debate. I'll take it, first of all, as a motion to debate it. First off, I'm going to be asking for a vote to place it on the floor for debate. All those in favour?

The clerk is telling me that we don't need a vote to get it on the floor. That's fine.

Debate has begun for this motion. Mr. Barsalou-Duval, I'll give you the floor.

• (1650)

[Translation]

**Mr. Xavier Barsalou-Duval:** Thank you very much, Mr. Chair.

The discussions we had today with the official from the Canadian Transportation Agency actually support the reason why this motion was introduced. The goal of the motion is to better understand where the agency's statement on travel credits came from. It will tell us what interaction it had with the government and whether any directives were given during those interactions. Specifically, it would be helpful to find out whether there was a desire on the government's part to influence a judicial or quasi-judicial tribunal. That would be most unwelcome.

This is something that has an impact on thousands of families. Thousands of dollars are at stake. This has been a highly publicized issue. I hope that all members of the committee will want to obtain that information.

[English]

**The Chair:** Thank you, Mr. Barsalou-Duval.

I will now go to Mr. Sidhu.

Mr. Sidhu, you have the floor.

**Mr. Maninder Sidhu (Brampton East, Lib.):** Thank you, Mr. Chair.

Yes, I do understand the importance, but I also understand the importance of the witnesses being here. We're ready to ask them the questions that we have. There's a lot of important information. I know my constituents are waiting on answers in terms of rapid testing and a lot of other important matters.

With respect to our witnesses, we need to hear from them. They took the time; we prepared our questions. I think that's what we need to do here.

Thank you.

**The Chair:** Thank you, Mr. Sidhu.

I have Mrs. Kusie, Mr. El-Khoury and Ms. Jaczek.

Mrs. Kusie, the floor is yours.

**Mrs. Stephanie Kusie:** I support what Mr. Sidhu said, in particular, in the light that the witnesses from the first hour were.... When I say were not prepared, I mean did not feel comfortable responding to questions better directed to the Department of Health and the Public Health Agency.

I would ask that we return to the witnesses at this time. As well, I would ask the clerk if he could possibly redistribute the motion, if he has not done so already. I am attempting to locate it within my documents, and I'm struggling to do that. I would go out on a limb and say that I'm not alone.

Thank you.

• (1655)

**The Chair:** Thank you, Mrs. Kusie.

I have Mr. Bittle, followed by Mr. El-Khoury, Ms. Jaczek and Mr. Bachrach.

Mr. Bittle, the floor is yours.

**Mr. Chris Bittle (St. Catharines, Lib.):** I thank Mrs. Kusie, and I agree with her sentiment. I move that debate now be adjourned.

**The Chair:** Thank you, Mr. Bittle.

With no questions or no debate on that motion, Mr. Clerk, perhaps you can do roll call.

(Motion agreed to: yeas 9; nays 2)

**The Chair:** Thank you, Mr. Clerk, and thank you, members.

We're now going to move on to our next session.

Mr. Clerk, I believe all witnesses are on board.

While we're waiting, the next round is going to start with the Conservatives with Mrs. Kusie for six minutes, followed by Ms. Jaczek for six minutes for the Liberal Party, followed by the Bloc and Mr. Barsalou-Duval for six minutes and Mr. Bachrach of the NDP for six minutes as well.

Once we get the witnesses on board and the sound checks done, we'll be ready to go.

Mr. Clerk, I'll leave it to you.

I will suspend for three minutes.

• (1655) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1700)

**The Chair:** We are now going to be entering the second part of our session.

From the Department of Health we have Ms. Frison, the acting assistant deputy minister, programs and implementation. From the Public Health Agency of Canada we have Ms. Diogo, vice president, health security infrastructure branch.

I'm going to ask both witnesses to be brief because we only have half an hour and I'm being told by the House that we have until 5:30 because we have 6:30 committees and we don't want to take away the resources from them. If you can be as brief as possible that will allow for more questions from members and that would be wonderful.

Ms. Frison, go ahead. The floor is yours.

**Ms. Monique Frison (Acting Assistant Deputy Minister, Programs and Implementation, Department of Health):** Thank you, Mr. Chair.

I want to begin by thanking the committee for the opportunity to speak to you today.

I work at Health Canada in the testing, contact tracing and data management secretariat. We know that COVID-19 has had devastating impacts right across the country, and the aviation sector is no exception. I'm sure the efforts of this committee to examine the consequences of this pandemic will undoubtedly shape the efforts to strengthen that sector, which is so vital to the Canadian economy and the lives of Canadians.

This is **Exhibit “S”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature

Marcia,  
[REDACTED]

Thanks.

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**From:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 10:40 AM  
**To:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** RE: push button ready

[REDACTED] Thanks.

----- Original message -----

**From:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Date:** 2020-03-25 10:36 a.m. (GMT-05:00)  
**To:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>, Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>, Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** push button ready

Mr. Streiner,  
[REDACTED]

Valérie

**Nadine Landry**

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**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 1:55 PM  
**To:** Renée Langlois  
**Cc:** Tim Hillier; Vincent Turgeon; Valérie Lagacé; Caitlin Hurcomb  
**Subject:** FW: Statement  
**Attachments:** Statement.docx

Over to you! 😊

**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 1:35 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>; Liz Barker <Liz.Barker@otc-cta.gc.ca>  
**Subject:** Statement

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada  
Chair and Chief Executive Officer, Canadian Transportation Agency  
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

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

**Nadine Landry**

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**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 2:30 PM  
**To:** Matilde Perruslet  
**Cc:** Vincent Turgeon; Cynthia Jolly; Simon Fecteau Labbé  
**Subject:** RE: Go live

Great!!

Tim

**From:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:29 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** RE: Go live



CTA services should also appear in the quick links very soon, once the cache is cleared.

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:27 PM  
**To:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** RE: Go live

THANKS!!!!!!!!!!!!!!

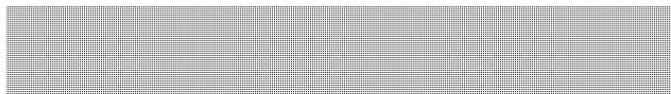
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**From:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:25 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** RE: Go live

It's LIVE, here are the links:

FR: <https://otc-cta.gc.ca/fra/information-importante-pour-voyageurs-pour-periode-covid-19>  
ENG: <https://otc-cta.gc.ca/eng/important-information-travellers-during-covid-19>

<https://otc-cta.gc.ca/eng/statement-vouchers>  
<https://otc-cta.gc.ca/fra/message-concernant-credits>



**From:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 2:10 PM  
**To:** Matilde Perrusclet <[Matilde.Perrusclet@otc-cta.gc.ca](mailto:Matilde.Perrusclet@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly  
<[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Simon Fecteau Labbé <[Simon.FecteauLabbe@otc-cta.gc.ca](mailto:Simon.FecteauLabbe@otc-cta.gc.ca)>  
**Subject:** Go live



Thanks,

Tim

Tim Hillier  
Directeur, Communications, Direction générale de l'analyse et de la liaison  
Office des transports du Canada / Gouvernement du Canada  
[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca) / Tél: 819-953-8926 / ATS: 1-800-669-5575  
Suivez-nous : [Twitter](#) / [YouTube](#)

Tim Hillier  
Director, Communications, Analysis and Outreach Branch  
Canadian Transportation Agency / Government of Canada  
[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca) / Tel: 819-953-8926 / TTY: 1-800-669-5575  
Follow us: [Twitter](#) / [YouTube](#)

This is **Exhibit “T”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature

# THE STAR

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## BUSINESS

# Email raises questions about potential bias at transport regulator

By **Christopher Reynolds** The Canadian Press

Wed., Oct. 7, 2020 | ⌚ 2 min. read

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Questions about potential bias at the Canadian Transportation Agency came to the fore this week after a government official acknowledged that CTA board members greenlit the regulator's stance in favour of travel vouchers over refunds.

Transport Canada policy adviser Blake Oliver said in an Oct. 5 email to Liberal MP Nathaniel Erskine-Smith that the agency's members, vice-chair and chair would have approved its statement on vouchers, which has been cited by airlines and financial institutions to refuse reimbursements and chargebacks.

The March 25 statement said vouchers or flight credits — as opposed to refunds — for travellers generally amount to an appropriate response by airlines following flight cancellations prompted by the COVID-19 pandemic.

Since then, the CTA has received more than 8,000 complaints, some of which are likely to come before board members for adjudications on refund claims.

The agency's code of conduct says board members should not express an opinion about potential cases in order to avoid creating "a reasonable apprehension of bias."

The agency has said the statement on vouchers is not legally binding, and was posted in light of the risk that some passengers would receive nothing at all following a cancelled flight and amid the "severe liquidity crisis" facing airlines.

Erskine-Smith agreed to share the email, which he sent at the request of the Air Passenger Rights advocacy group.

CTA members who endorsed a statement that comes down on one side of a dispute now arising in thousands of complaints could be seen as biased when overseeing the adjudications that those complaints would result in, said Air Passenger Rights founder Gabor Lukacs.

“A judge cannot comment on a case that is before them or likely to come before them. If they do, it is likely to create a reasonable apprehension of bias,” Lukacs said, drawing a comparison with the CTA board.

“They have pronounced their views without hearing evidence, without hearing both sides,” he said. “Effectively they are already discouraging people from pursuing their rights.”

The CTA disagrees with that view.

“As indicated on our website and as we have said publicly on multiple occasions, if passengers think they’re entitled to a refund and the airline refuses to provide one or offers a voucher with conditions passengers don’t want to accept, they can file a complaint with the CTA, which will determine if the airline complied with the terms of its tariff. Each case is decided on its merits. The voucher statement did not affect anyone’s right,” the CTA said in an email in August.

The agency acknowledged Wednesday that “the statement represents the position of the CTA.”

Last week, a Federal Court of Appeal judge dismissed an attempt by the regulator to prevent a hearing on its voucher statement after Air Passenger Rights asked the court in April to order its removal from the website.

The appeal court said in an earlier ruling that “the statements on the CTA website...do not determine the right of airline passengers to refunds where their flights have been cancelled by airlines for pandemic-related reasons...It thus remains open to affected passengers to file complaints with the CTA.”

This report by The Canadian Press was first published Oct. 7, 2020.

## More from The Star & Partners

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This is **Exhibit “U”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature

s.19(1)  
s.21(1)(a)  
s.21(1)(b)

160  
144

**Nadine Landry**

---

**From:** Timothy Zarins  
**Sent:** Wednesday, March 11, 2020 10:50 AM  
**To:** Caitlin Hurcomb  
**Subject:** RE: by way of example

Hi Cait,

Ireland has adapted CAA's guidance and added a small FAQ table: <https://www.aviationreg.ie/news/covid-19-related-advice-%e2%80%93-guidance-on-regulation-ec2612004-947.html>

US DOT has so far issued an Enforcement Notice informing the public that airlines may deny boarding if they are traveling to the US from a country with a CDC travel health notice: <https://www.transportation.gov/individuals/aviation-consumer-protection/enforcement-notice-regarding-denying-boarding-airlines>

Tim

**Tim Zarins**  
819-953-9903

**From:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Sent:** Wednesday, March 11, 2020 10:04  
**To:** Timothy Zarins <Timothy.Zarins@otc-cta.gc.ca>  
**Subject:** FW: by way of example

Hi Tim,

Thanks!

**From:** Marcia Jones  
**Sent:** Wednesday, March 11, 2020 9:59 AM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Cc:** Allan Burnside <Allan.Burnside@otc-cta.gc.ca>  
**Subject:** FW: by way of example

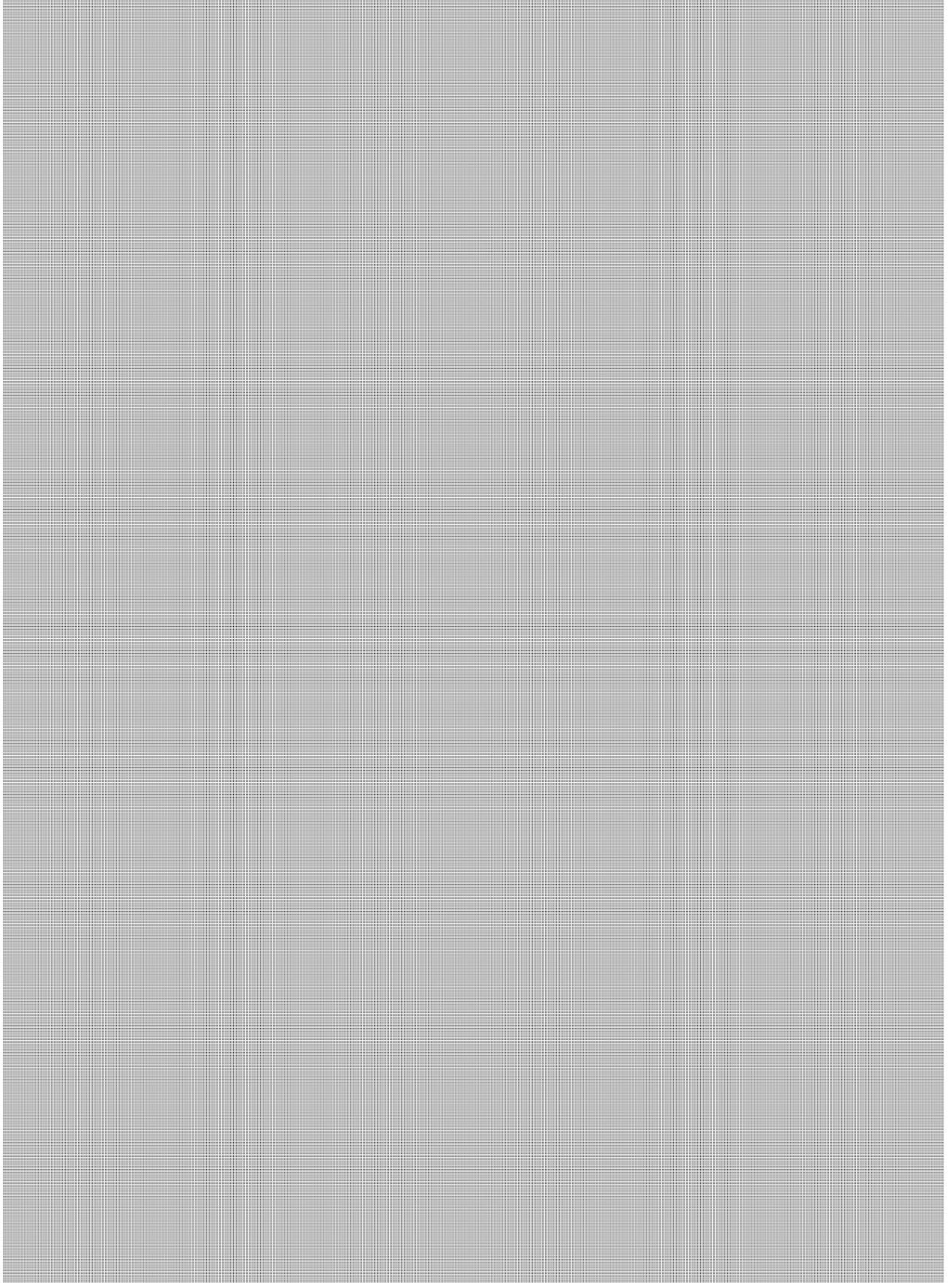
Cait

- thanks

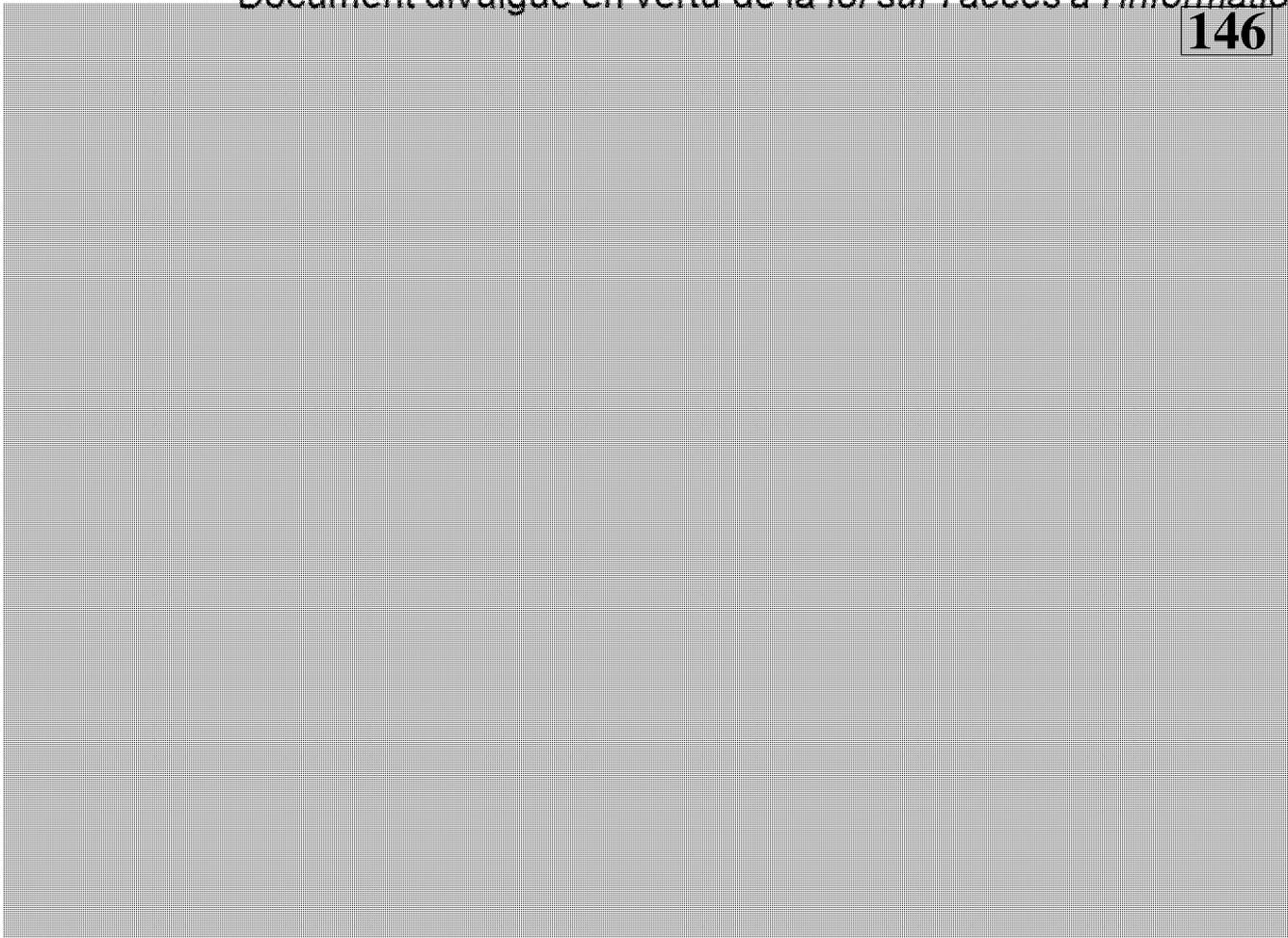
**From:** [REDACTED] <[REDACTED]@westjet.com>  
**Sent:** Wednesday, March 11, 2020 9:48 AM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** by way of example

s.20(1)(b)  
s.20(1)(c)

Record released pursuant to the *Access to Information Act* /  
Document divulgué en vertu de la *loi sur l'accès à l'information*  
**Guidance on the application of Regulation EC261/2004 in the context of the** **145**  
**developing situation with Covid-19**



s.19(1)  
s.20(1)(b)  
s.20(1)(c)



Government Relations and Regulatory Affairs

116 Lisgar Street, Suite 600  
Ottawa, ON  
K2P 0C2

P [redacted] | W [westjet.com](http://westjet.com)



Love Where You're Going

This is **Exhibit “V”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

**Nadine Landry**

---

**From:** Marcia Jones  
**Sent:** Thursday, March 12, 2020 11:41 AM  
**To:** Caitlin Hurcomb; Valérie Lagacé  
**Subject:** FW: APPR Guidelines - COVID-19

FYI – does not quite capture accurately what I stated we would do, and I will respond to clarify, but you can see that refund is also an issue for the carriers, and also alternative travel arrangements.

---

**From:** George Petsikas <George.Petsikas@transat.com>  
**Sent:** Thursday, March 12, 2020 11:18 AM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Bernard Bussi eres <Bernard.Bussieres@transat.com>; Karen Abugaber <Karen.Abugaber@transat.com>; Howard Liebman <Howard.Liebman@transat.com>  
**Subject:** APPR Guidelines - COVID-19

Marcia

Many thanks again for taking time out of your busy schedule to speak with me this morning re the above-mentioned matter.

As discussed and agreed, we are in an unprecedented situation regarding travel market demand caused by the COVID-19 situation and the related growing list of travel bans and quarantines. As you undoubtedly also saw yesterday, the WHO has now formally declared a pandemic so we can expect many more challenges in this regard.

Consequently, we are strenuously attempting to deal with this situation in a manner that minimizes travel disruptions and customer inconvenience, but also in a way that ensures the continued viability of our company and avoids potential impact on employment levels. We are obviously not alone in this task.

We are therefore heartened to learn that the Agency is working on issuing guidelines by end of business tomorrow that will assist industry and consumers in better understanding their respective rights and obligations per the APPR *within the context of this extraordinary situation*. As we are actively managing scheduling and capacity in an effort to minimize negative impacts on our business in the face of enormous downward pressures on demand per the above, we would especially appreciate clarity with respect to the application of the APPR provisions dealing with cancellations and resulting refund and alternative travel arrangement requirements.

As I will be out of the loop for the first half of tomorrow, I would greatly appreciate if you would ensure that your staff copies myself as well as my colleagues copied herein when you go live with this tomorrow. As you can imagine, time is of the essence in managing this rapidly evolving matter so we would like to make sure we don't lose any valuable time to this end.

Thanks again for your assistance and please don't hesitate should you have any questions or require any additional info re the above.

Kind regards.

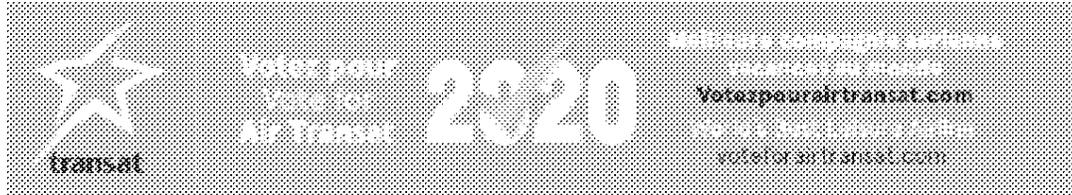
George Petsikas

Directeur principal Affaires gouvernementales et de l'industrie  
Senior Director, Government and Industry Affairs

T 514-842-9612

C

s.19(1)



Transat A.T. inc.  
300, rue Léo-Pariseau, bureau 600  
Montréal (Québec) H2X 4C2

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This is **Exhibit “W”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

**Nadine Landry**

---

**From:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Sent:** Tuesday, March 24, 2020 12:40 PM  
**To:** Caitlin Hurcomb  
**Subject:** RE: CTA announcement tomorrow

thanks

**From:** Caitlin Hurcomb [mailto:Caitlin.Hurcomb@otc-cta.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:31 PM  
**To:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

**From:** Millette, Vincent [mailto:vincent.millette@tc.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:28 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

**From:** Caitlin Hurcomb [mailto:Caitlin.Hurcomb@otc-cta.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:25 PM  
**To:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent,

**From:** Millette, Vincent [mailto:vincent.millette@tc.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:07 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

Hi Cait -

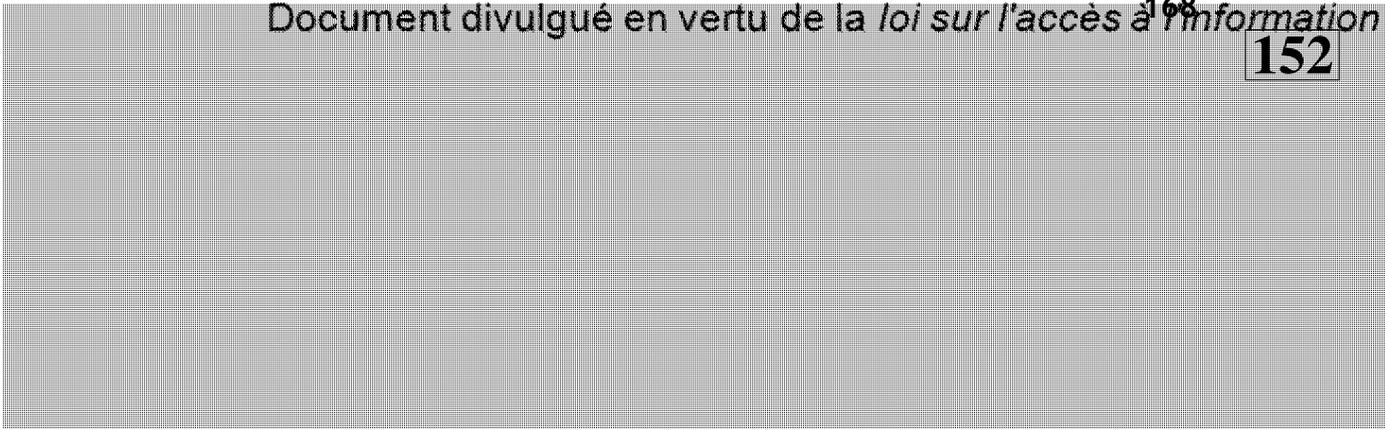
Thanks

**From:** Caitlin Hurcomb [mailto:Caitlin.Hurcomb@otc-cta.gc.ca]  
**Sent:** Monday, March 23, 2020 11:04 AM  
**To:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent,

s.21(1)(a)  
s.21(1)(b)

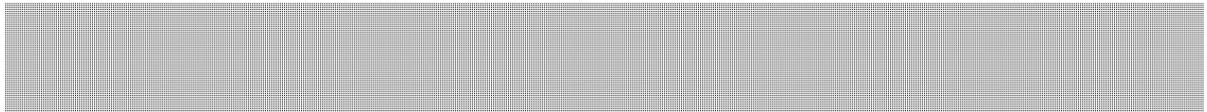
168  
152



Cait

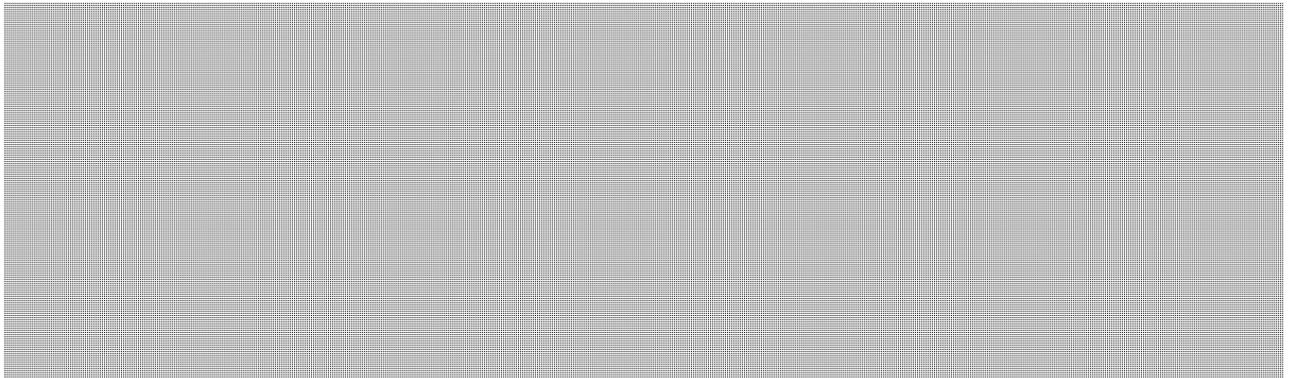
---

**From:** Millette, Vincent [<mailto:vincent.millette@tc.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:20 AM  
**To:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow



**From:** Caitlin Hurcomb [<mailto:Caitlin.Hurcomb@otc-cta.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:15 AM  
**To:** Millette, Vincent <[vincent.millette@tc.gc.ca](mailto:vincent.millette@tc.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent,



Cait

---

**From:** Millette, Vincent [<mailto:vincent.millette@tc.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:02 AM  
**To:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow

Hi Cait -



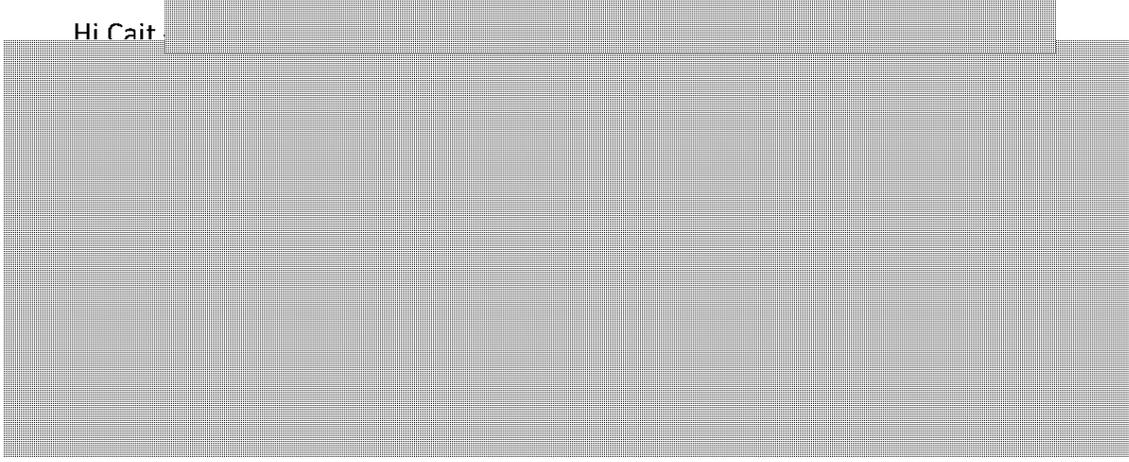
Thanks

s.21(1)(a)

s.21(1)(b)

**From:** Millette, Vincent  
**Sent:** Sunday, March 22, 2020 2:22 PM  
**To:** 'Caitlin Hurcomb' <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** CTA announcement tomorrow

Hi Cait,



Thanks!

Sent from my BlackBerry 10 smartphone on the Rogers network.

This is **Exhibit “X”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature



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**Air Transat (@airtransat) has sent you a Direct Message on Twitter!**

1 message

---

**Air Transat (via Twitter)** <notify@twitter.com>  
To: Adam Bacour <flitox@laposte.net>

Thu, Mar 26, 2020 at 3:55 PM



Air Transat sent you a Direct Message.

Hello, Sorry for the late reply. As you can imagine, we've been receiving high volumes of messages in the past few days, and we're working hard to respond as soon as possible. We strongly believe that the 24-month credit offered to our customers to compensate for their cancelled travel plans is a flexible proposition in these exceptional circumstances. We also continue to be flexible in our payment terms to meet the needs of our customers. In this regard, the Canadian Transportation Agency recently issued an opinion on the subject, which supports our decision and emphasizes that the solution proposed by Transat, among others,

is appropriate given the current situation. Jessica\_AirTransat

172

156

Reply

[Settings](#) | [Help](#) | [Opt-out](#) | [Download app](#)

Twitter, Inc. 1355 Market Street, Suite 900 San Francisco, CA 94103



Dear travel agents,

We would like to thank you for your continued support and patience. As you can imagine, we are moving quickly during this unprecedented time. That is why, as part of our efforts to keep our employees and customers safe, we were the first airline in Canada to suspend all southbound flights and focus solely on bringing our customers home.

Last week, we expanded our repatriation efforts to offer vacant seats free to any Canadian stranded in destination on our ongoing northbound flights. On March 23rd, we completed our repatriation efforts by bringing home more than 60,000 people including 3,300 stranded Canadians that were non-Sunwing customers.

Initially, we offered customers booked on our flights during this suspension the choice between a future travel credit valid for 12 months and a full cash refund. However, after the Government of Canada's non-essential travel advisory, we adjusted our policy to be aligned with all other Canadian airlines and tour operators. This decision is also consistent with the ruling made by the Canadian Transportation Agency on March 26, 2020. All customers booked on our flights will receive a future travel credit and, as a further gesture, we have extended the validity of this credit for two years. Your commission for bookings will be protected; however, no further commission will be paid when customers re-book using their future travel credit.

While we understand that some customers would have preferred a refund, we are confident that during the next two years they will be able to take the flights or vacations they had planned.

We want to reiterate that any customer who purchased travel insurance is still eligible for a refund in accordance with the terms of their policy. Customers that purchased the Worry Free Cancellation Waiver may be entitled to a partial refund with their future travel credit. These partial refunds will be processed as quickly as possible as we continue to work through adjusting thousands of backlogged files. We ask for your patience as we work through our backlog.

As a reminder, all our southbound flights up to and including April 30, 2020, have been cancelled. We have introduced a new flexible policy for departures between May 1 and June 30, 2020 where final payments can be provided up to 25 days before the departure date (as opposed to the standard 45 days).

Please continue to check our website for important updates.

Thank you for your continued support and stay well.

## COVID-19 Frequently Asked Questions

### **Where can I find more information about COVID-19?**

Canadians are encouraged to consult the destination page on [www.travel.gc.ca](http://www.travel.gc.ca) for the latest advice – the Public Health Agency of Canada (PHAC) is constantly updating this page with advice for travellers based on the latest science available. Anyone travelling should also register with the Government of Canada at [www.travel.gc.ca/register](http://www.travel.gc.ca/register) prior to travel.

### **I've tried emailing and calling, why is it taking so long for someone to get back to me?**

We know that it can be frustrating waiting for a reply, and we apologize for the long delays. As you can imagine, we have been inundated with calls and emails from concerned customers. Over the past few weeks we have handled over 77,000 calls. Our focus has been ensuring the safety of all our passengers and staff during this challenging time and bringing Canadians home. All our operations were moved from our head offices in Toronto and Montreal to be home-based in order to keep our employees safe per government recommendations regarding social distancing. Now that our repatriation efforts are completed and we have ensured the safety of our employees, we're answering your calls and messages as quickly as possible. Please note that all files with departures between March 17<sup>th</sup> and April 30<sup>th</sup> are being processed by our finance team as quickly as possible and there is no need to contact us.

### **My clients are scheduled to travel between now and April 30, 2020 – what do I need to do?**

Customers with departure dates for flights or vacation packages between March 17<sup>th</sup> and April 30<sup>th</sup> are

eligible to receive a future travel credit in the value of the original amount paid. No action is needed from you or your customers to receive this. Their original booking number will be the code of their future travel credit. We will communicate formally via the email address we have on file (including group travel bookings). You and your client do not need to contact us. This credit can be redeemed against future travel for travel up to 24 months from original departure date to anywhere Sunwing Airlines operates.

### **Why are my clients receiving a future travel voucher instead of a full cash refund?**

While we initially offered customers booked on our flights a choice between a future travel credit valid for 12 months and a full cash refund, after the announcement of the Government of Canada's non-essential travel advisory, we adjusted our policy to be aligned with all other Canadian airlines and tour operators. This decision is also consistent with the ruling made by the Canadian Transportation Agency on March 26, 2020. All customers booked on our flights will be offered a future travel credit, and as a further gesture, we have extended the validity of this credit to two years.

### **My clients submitted a request for a refund before the policies changed – will they still receive a refund?**

All non-processed refund requests were automatically transferred over to our new policy and customers will be receiving a future travel credit. We understand that some customers would have preferred a refund, but we are confident that during the next two years they will be able to take the flights or vacations they had planned.



## COVID-19 Frequently Asked Questions

### **What is the future travel credit process and how does it work?**

We've made the travel credit process quite simple for our customers to redeem. When your clients are ready to rebook their vacation, the previous booking number is the key to their credit. Customers will only need to answer security questions to access and apply this credit to their new booking. If they do not use the full amount, it will remain as a credit on file and can be used at a later date.

### **When will booking cancellations be processed?**

Our finance team has been working around the clock to process thousands of files. We hope to have the majority of them complete by April 9, 2020.

### **My clients purchased the Worry Free Cancellation Waiver – will they receive a refund?**

Sunwing's Worry Free Cancellation Waiver lets customers cancel their vacation for any reason up to three hours prior to departure. Depending on when your clients cancelled, they may be entitled to a partial refund in combination with a future travel voucher. Please see our [website](#) for full terms and conditions. These partial refunds will be processed as quickly as possible as we continue to work through adjusting thousands of backlogged files. We ask for your patience as we work through our backlog.

### **What are my clients' next steps if they purchased travel insurance through an insurance provider?**

Once your clients' file has been processed, we will let them know via the email address on file. At that point, they can then provide this document to their insurance provider who will guide them through next steps.

### **My clients made a deposit on a vacation departing after May 1 – what are their options?**

We have adjusted our policy to make it more flexible for customers on final payment. We have introduced a new flexible policy for departures between May 1 and June 30, 2020 where final payments can be provided up to 25 days before the departure date (as opposed to the standard 45 days). By extending our final payment window, your clients can make a more informed decision about their travel. Please note that all other terms and conditions apply and cancelling will result in the loss of your clients' deposit.

### **When will I receive my commission?**

All commissions are paid 21 days prior to departure dates and all bookings with unpaid commissions will be looked at in the next couple of weeks. We need to finalize all booking cancellations before we can issue commissions payments and we appreciate your patience.

### **Is my commission protected with future travel credits?**

Your commission for bookings will be protected; however, no further commission will be paid when customers rebook using their future travel credit.

### **Can my clients still make a future booking?**

Of course! Our sales centre and website are fully operational with our schedule for the upcoming summer and winter seasons in place and up to date. Our team is also ready to assist with all you group and wedding bookings. New bookings can be made on available packages departing from May 1, 2020 onwards.

From: **AC Medical** <[acmedical@aircanada.ca](mailto:acmedical@aircanada.ca)>  
Date: Fri., Mar. 27, 2020, 1:30 p.m.  
Subject: 21MAR BELISLE AHREN N4N4CA additional information  
To: Ahren Belisle <[belisle.ahren@gmail.com](mailto:belisle.ahren@gmail.com)>

Good day Mr. Belisle,

Thank you for your email.

Please be advised that we will not be able to accommodate your request.

As mention previously the maximum we can provide is to keep your ticket as a credit for 24 months ( 2 years ).

If I look at this link you provided this seems to be a law for resale agency we are an direct seller and provider as an airline.

The policy we follow at the moment is supported by the CTA ( Canadian air transportation agency).

Please contact customer relation directly for any additional question as this is not something the medical desk can assist you with any further.

<https://acc-prod.microsoftcrmportals.com/en-CA/air-canada-contact-us/>

Best regards,

Nancy

AC\_logo

**Medical Desk/ Bureau Médical**

T 1-800-667-4732 | 514-369-7039 | F 1-888-334-7717

MON-FRI: 6AM – 8PM ET | SAT-SUN: 6AM - 6PM ET

LUN-VEN: 0600-2000 | SAM-DIM: 0600-1800 heure de l'est

[ACmedical@aircanada.ca](mailto:ACmedical@aircanada.ca)

**From:** Ahren Belisle <[belisle.ahren@gmail.com](mailto:belisle.ahren@gmail.com)>  
**Sent:** Thursday, March 26, 2020 3:11 PM  
**To:** AC Medical <[acmedical@aircanada.ca](mailto:acmedical@aircanada.ca)>  
**Subject:** Re: Verbal disability NANCY WILL SPEAK TO GABE ON 27MAR

How do I get this cert? What tangible Code do I get?

I request a refund or a gift card with no expiry instead.

I've attached the law

Kind Regards,

Ahren Belisle

On Wed., Mar. 25, 2020, 2:11 p.m. AC Medical, <[acmedical@aircanada.ca](mailto:acmedical@aircanada.ca)> wrote:

Good day,

The credit is valid for **24 Months (2 years)**.

This is the policy we have been given, if you wish to communicate with customer relations in regards to this policy you can do so by emailing then via the Air Canada website.

Regards,

Jesyka

**From:** Ahren Belisle <[belisle.ahren@gmail.com](mailto:belisle.ahren@gmail.com)>  
**Sent:** Wednesday, March 25, 2020 11:53 AM  
**To:** AC Medical <[acmedical@aircanada.ca](mailto:acmedical@aircanada.ca)>  
**Subject:** Re: Verbal disability

I actually meant 2021 in my original email. A voucher that is only good until December 2020 is not sufficient in this crisis as I will not be traveling by then.

My flights got cancelled by the airline and as per the law, I am entitled to a full refund.

I will accept a gift card with no expiry date, or a refund. A voucher that must be used by December is not sufficient. Please respond.

Kind Regards,

Ahren Belisle

On Mon., Mar. 16, 2020, 4:46 p.m. AC Medical, <[acmedical@aircanada.ca](mailto:acmedical@aircanada.ca)> wrote:

Good day,

Thank you for your email.

Air Canada's good will policy is applicable.

We are waiving a 1 time change fee, any fare difference is applicable.

You must begin travel by 18 December 2020.

The flights have been cancelled, and the ticket is being held as a credit.

You may refer to your booking reference N4N4C when rebooking.

Best regards,

Linda

**Medical Desk/ Bureau Médical**

T 1-800-667-4732 | 514-369-7039 | F 1-888-334-7717

MON-FRI: 6AM – 8PM ET | SAT-SUN: 6AM - 6PM ET

LUN-VEN: 0600-2000 | SAM-DIM: 0600-1800 heure de l'est

[ACmedical.aircanada.ca](http://ACmedical.aircanada.ca)

**From:** Ahren Belisle <[belisle.ahren@gmail.com](mailto:belisle.ahren@gmail.com)>

**Sent:** Monday, March 16, 2020 4:37 PM

**To:** AC Medical <[acmedical@aircanada.ca](mailto:acmedical@aircanada.ca)>

**Subject:** Verbal disability

Hello, I have a speech disability and I would like to cancel my flight from yyz to yvr on Saturday.

Reservation code n4n4ca

Last name Belisle.

I will accept credit for future travel in 2020. Can you help me in this medium?

cheers,

Ahren Belisle

### 3 attachments

**Duty of registrant who resells travel services**

46. If a registrant acquires rights to travel services for resale to other registrants or to customers and the supplier fails to provide the travel services paid for by a customer, the registrant who acquired the rights for resale shall reimburse the customer or provide comparable alternate travel services acceptable to the customer. O. Reg. 26/05, s. 46.

**FB\_IMG\_1585249781078.jpg**

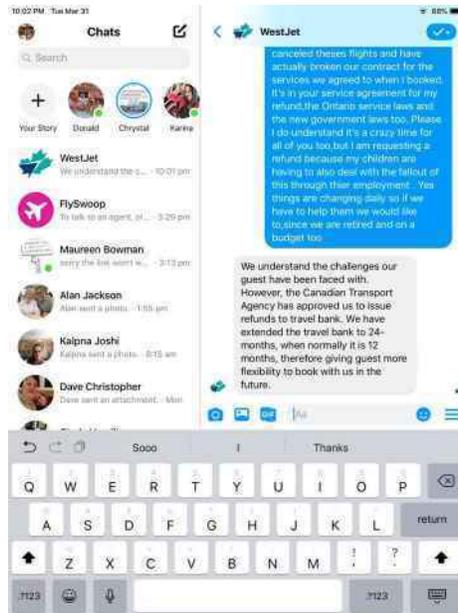
18K

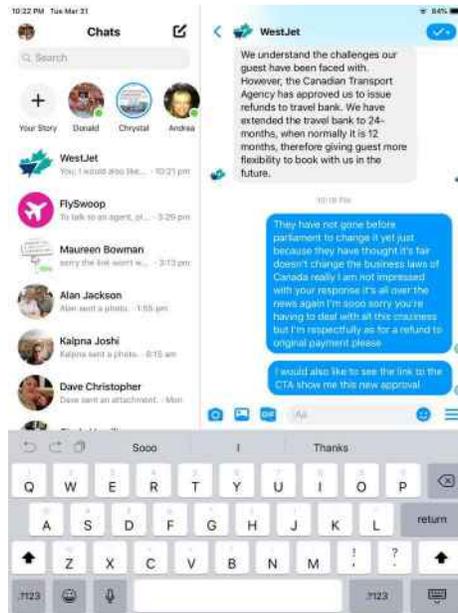


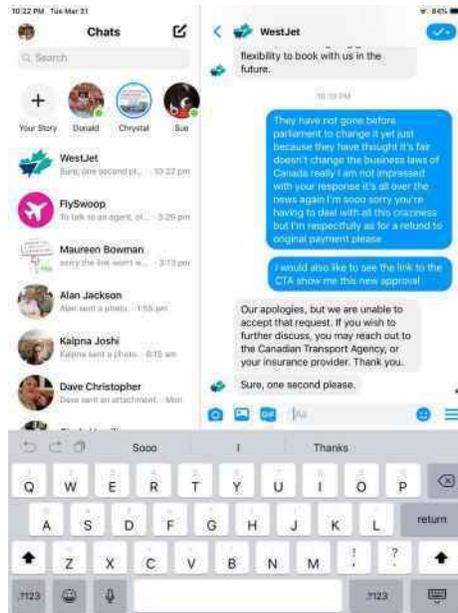
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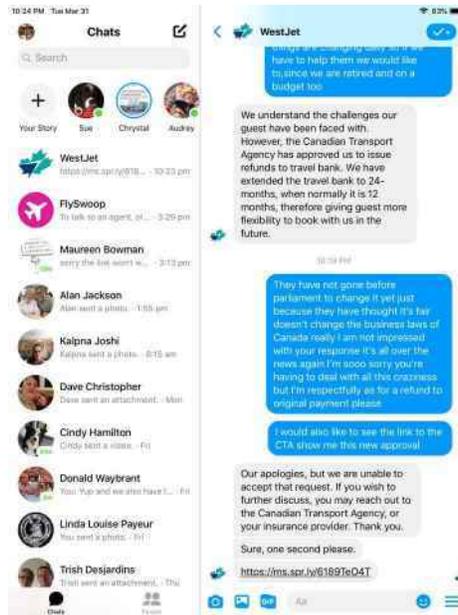
4K











The screenshot shows a mobile browser interface. At the top, the address bar displays 'Steffany Christopher's Profile' and 'https://cta.gc.ca'. The page header features the Canadian Transportation Agency logo and a search icon. The main content area is titled 'Statement on Vouchers' and contains several paragraphs of text. At the bottom of the page, there is a 'Share this page' button and a 'Date modified: 2020-03-25' label. The browser's bottom navigation bar includes 'About us' and 'News' sections, along with icons for 'Like', 'Comment', 'Share', and 'Bookmark'.

**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 empty the 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 (4 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.

Share this page | Date modified: 2020-03-25

About us | News | Like | Comment | Share | Bookmark

**From:** Air Canada Concierge <[conciierge@aircanada.ca](mailto:conciierge@aircanada.ca)>  
**Date:** April 1, 2020 at 12:29:49 EDT  
**To:** Michael Foulkes <[Michael.foulkes@rogers.com](mailto:Michael.foulkes@rogers.com)>  
**Subject:** Re: Booking MMHHTM

Hello / Bonjour Mr. Foulkes,

I would like to attach two links from the Canadian Transportation Agency website as they may help clarify some of your questions. The CTA has issued temporary exemptions to the Air Passenger Protection Regulations regarding refund request and extension of ticket validity.

<https://www.otc-cta.gc.ca/eng/content/canadian-transportation-agency-issues-temporary-exemptions-certain-air-passenger-protection>

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

Kind Regards.

Yda

Air Canada  
**Concierge Desk / Bureau Concierge**  
[conciierge@aircanada.ca](mailto:conciierge@aircanada.ca)

---

**From:** Michael Foulkes <[michael.foulkes@rogers.com](mailto:michael.foulkes@rogers.com)>  
**Sent:** Wednesday, April 1, 2020 12:24  
**To:** Air Canada Concierge <[conciierge@aircanada.ca](mailto:conciierge@aircanada.ca)>  
**Subject:** Re: Booking MMHHTM

Thank you for your prompt reply.

I don't believe these options are in accordance with applicable tariffs or Canadian or EU regulations. Before choosing which way to proceed I will look into this more closely, as well as consult with both the Expedia for TD and TD Visa where the booking was made.

Thank you again for your response. Best personal regards for your well-being.

Michael Foulkes

MICHAEL A FOULKES | [67 THORNCREST ROAD ETOBICOKE ONTARIO CANADA M9A 1S8](#) | TEL: +1-416-999-9422 | FAX: +1-416-234-9618 | [MICHAEL.FOULKES@ROGERS.COM](mailto:MICHAEL.FOULKES@ROGERS.COM)

On Apr 1, 2020, at 9:53 AM, Air Canada Concierge <[conciierge@aircanada.ca](mailto:conciierge@aircanada.ca)> wrote:

Hello / Bonjour Mr. Foulkes,

Thank you for contacting the Air Canada Concierge Desk.

I am sorry hear that your return flight was cancelled. Due to the COVID-19 crisis, our schedule change policy has been modified. Itineraries that have been affected by an schedule change (in your case cancel flight) actioned after the 19th of March are not refunded. Your flight was cancelled on the 27th of March. We can offer you two options:

- Put your reservation aside for future use. You will have no change fee for the first re-booking (which is 500cad per passenger). You have 24 months to use this credit since the day of the schedule change; in this case 27 March 2022.
- Refund your ticket with a cancellation penalty of 600cad per passenger.

Please let me know how you will like to proceed.

Kind Regards.

Yda

Air Canada

Concierge Desk / Bureau Concierge  
[concierge@aircanada.ca](mailto:concierge@aircanada.ca)

**From:** Michael Foulkes <[michael.foulkes@rogers.com](mailto:michael.foulkes@rogers.com)>  
**Sent:** Wednesday, April 1, 2020 09:32  
**To:** Air Canada Concierge <[concierge@aircanada.ca](mailto:concierge@aircanada.ca)>  
**Subject:** Booking MMHHTM

I received the attached email from Air Canada on Monday regarding a previously booked flight. I would appreciate your assistance in having this reservation refunded.

I request a full refund for this reservation as the return portion has apparently already been cancelled by Air Canada. I have not received any formal notification of the cancellation, but the May 31 return from Dublin Ireland (on the same booking reference) has disappeared from my Air Canada App itinerary and is no longer shown on your schedule. It is my understanding that under these circumstances, a cash refund is applicable and I would appreciate it you could direct this request to the appropriate area to have it processed.

If this is not possible, I would appreciate a written explanation.

Thank you.

Michael Foulkes  
718-542-434

MICHAEL A FOULKES | 67 THORNCREST ROAD ETOBICOKE ONTARIO CANADA M9A 1S8 | TEL: +1-416-999-9422 | FAX: +1-416-234-9618 | [MICHAEL.FOULKES@ROGERS.COM](mailto:MICHAEL.FOULKES@ROGERS.COM)

Begin forwarded message:

**From:** "Air Canada" <[communications@Mail.aircanada.com](mailto:communications@Mail.aircanada.com)>  
**Subject:** Confirm or cancel your booking / Confirmation ou annulation de votre réservation  
**Date:** March 30, 2020 at 8:00:16 PM EDT  
**To:** <[MICHAEL.FOULKES@ROGERS.COM](mailto:MICHAEL.FOULKES@ROGERS.COM)>  
**Reply-To:** "Air Canada" <[communications@Mail.aircanada.com](mailto:communications@Mail.aircanada.com)>

[Web version](#)



VERSION FRANÇAISE ↓

## Confirm or cancel your booking

Booking reference: MMHHTM

As the global impact of COVID-19 continues to evolve, we would like to know whether this has impacted your travel plans.

### I wish to confirm my booking

If you still plan to fly from Toronto (YYZ) to London (LHR), please review any applicable entry requirements [here](#). If you are eligible to fly, please confirm below:

CONFIRM MY BOOKING

**I wish to cancel my booking**

Alternatively, we can appreciate that you may wish to alter your upcoming trip from Toronto (YYZ) to London (LHR), or are not able to travel due to new entry restrictions found [here](#).

To give you more flexibility, we've waived change fees and are making an exception on non-refundable fares by providing the unused ticket value to be used towards a future ticket purchase. If you would like to cancel your booking but have been unable to reach your travel agency, you may be able to do so directly on our easy Air Canada self-service form.

**Can I cancel my Travel Agency flight booking online with Air Canada directly?**

I purchased a flight only:

- Yes, you can cancel your flight and receive **100% of the unused value of your ticket** as a future travel credit. This credit is valid for travel before March 31, 2021.

## CANCEL MY BOOKING

I purchased a package (flight + hotel, car rental, etc.):

- No, unfortunately you will need to connect directly with your travel agency.

Your patience and understanding is greatly appreciated as we continue to adapt to this dynamic situation.

---

ENGLISH VERSION ↑

**Confirmation ou annulation de votre réservation**

Numéro de réservation : MMHHTM

Alors que l'impact mondial de la COVID-19 continue d'évoluer, nous souhaitons savoir si la pandémie a des conséquences sur vos plans de voyage.

**Je souhaite confirmer ma réservation**

Si vous prévoyez toujours de voyager au départ de Toronto (YYZ) et à destination de Londres (LHR), veuillez passer en revue [ici](#) les exigences d'entrée applicables. Si vous êtes autorisé à voyager, veuillez le confirmer ci-dessous :

## CONFIRMER MA RÉSERVATION

**Je souhaite annuler ma réservation**

Il se peut aussi que vous souhaitiez annuler la réservation de votre voyage à venir au départ de Toronto (YYZ) et à destination de Londres (LHR), ou que vous ne puissiez voyager en raison des nouvelles restrictions d'entrée que vous trouverez [ici](#).

Pour vous donner plus de flexibilité, nous avons annulé les frais de modification et faisons une exception pour les tarifs non remboursables : vous pouvez obtenir un crédit intégral à utiliser pour un prochain voyage. Si vous souhaitez annuler votre réservation, mais que vous n'êtes pas en mesure de communiquer avec votre agence de voyages, vous pouvez le faire directement au moyen du formulaire en libre-service d'Air Canada, facile à utiliser.

**Puis-je annuler en ligne, directement auprès d'Air Canada, ma réservation faite à l'origine par une agence de voyages?**

J'ai uniquement acheté un billet d'avion :

- Oui, vous pouvez annuler votre vol et recevoir **la valeur intégrale de votre billet inutilisé** sous la forme d'un crédit pour un voyage effectué d'ici le 31 mars 2021.

**ANNULER MA RÉSERVATION**

J'ai acheté un forfait (vol + hôtel, voiture de location, etc.) :

- Non, vous devez malheureusement communiquer directement avec votre agence de voyages.

Nous vous remercions de votre patience et de votre compréhension dans ce contexte de changements rapides.

If you have made changes to your flights within the past 48 hours, this email may not reflect your current booking. Please refer to your booking reference for current flight information.

Please do not reply to this email, as this inbox is not monitored. If you have any questions please visit [aircanada.com](http://aircanada.com).

Si vous avez apporté des modifications à vos vols au cours des 48 dernières heures, ce courriel peut ne pas être pertinent pour votre réservation actuelle. Veuillez vous reporter à votre source de réservation pour les informations sur le vol à jour.

To ensure delivery to your inbox, please add [communications@Mail.aircanada.com](mailto:communications@Mail.aircanada.com) to your address book or safe list.

This service email was sent by Air Canada to MICHAEL.FOULKES@ROGERS.COM because you purchased an Air Canada flight and provides important flight information that must be communicated to you. This service email is not a promotional email.

Your privacy is important to us. To learn how Air Canada collects, uses, and protects the personal information you provide, please view our [Privacy Policy](#).

**Please do not reply to this email, as this inbox is not monitored.** If you have any questions please visit [aircanada.com](http://aircanada.com).

Air Canada, PO Box 64239, RPO Thorncliffe, Calgary, Alberta, T2K 6J7

Pour assurer la livraison de vos courriels, veuillez ajouter [communications@Mail.aircanada.com](mailto:communications@Mail.aircanada.com) à votre carnet d'adresses ou liste de contacts.

Ce courriel de service a été envoyé par Air Canada à MICHAEL.FOULKES@ROGERS.COM parce que vous avez acheté un vol Air Canada et il vous fournit d'importants renseignements sur votre vol. Ce courriel de service n'est pas un courriel promotionnel.

Votre vie privée est importante pour nous. Pour savoir comment Air Canada collecte, utilise et protège les informations privées que vous nous transmettez, veuillez consulter la politique d'Air Canada sur [la protection des renseignements personnels](#).

**Veillez ne pas répondre à ce courriel, car cette boîte de réception n'est pas surveillée.** Si vous avez des questions, veuillez visiter [aircanada.com](http://aircanada.com).

Air Canada, C.P. 64239, RPO Thorncliffe, Calgary (Alberta) T2K 6J7.

This is **Exhibit “Y”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature



**Source:** Canadian Life and Health Insurance Association

April 01, 2020 16:34 ET

## **Advisory: Travel cancellation insurance and airline vouchers or credits**

TORONTO, April 01, 2020 (GLOBE NEWSWIRE) -- Some travel insurance policies provide coverage that may pay for costs that consumers cannot recover when trips are cancelled. In past, travel service providers usually provided consumers with refunds where the service provider was unable to provide service. Over the past month, many service providers have changed this practice and are now offering vouchers or credits that consumers can use for future travel.

On March 25, 2020, the Canadian Transportation Agency updated its endorsement of the use of vouchers or credits as an appropriate approach for Canada's airlines as long as these vouchers or credits do not expire in an unreasonably short period of time.

Travel insurers are advising policyholders that if you have been offered this type of full credit, or voucher for future use by an airline, train or other travel provider, in many instances, under the terms of your insurance policy you will not be considered to have suffered an insurable loss.

Customers are encouraged to consider the above and review the terms of your policy prior to submitting a claim for trip cancellation coverage. You should also check your insurer's website for guidance that may be posted. Each insurer will assess the particulars of each circumstance in accordance with the terms and conditions of your policy.

Disputes over refunds and credits should be directed to your travel service provider, transportation carrier or the Canadian Transportation Agency.

You can find the contact information for your insurer in your contract or at: <https://www.olhi.ca/for-insurers/member-list/>

### **About the CLHIA**

The CLHIA is a voluntary association whose member companies account for 99 per cent of Canada's life and health insurance business. The industry provides a wide range of financial security products such as life insurance, annuities (including RRSPs, RRIFs and pensions) and supplementary health insurance to almost 29 million Canadians. It

also holds over \$850 billion in assets in Canada and employs more than 156,000 Canadians.

For more information:

Kevin Dorse  
Assistant Vice President, Strategic Communications and Public Affairs  
(613) 691-6001 / [kdorse@clhia.ca](mailto:kdorse@clhia.ca)

This is **Exhibit “Z”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 1st SESSION

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# Special Committee on the COVID-19 Pandemic

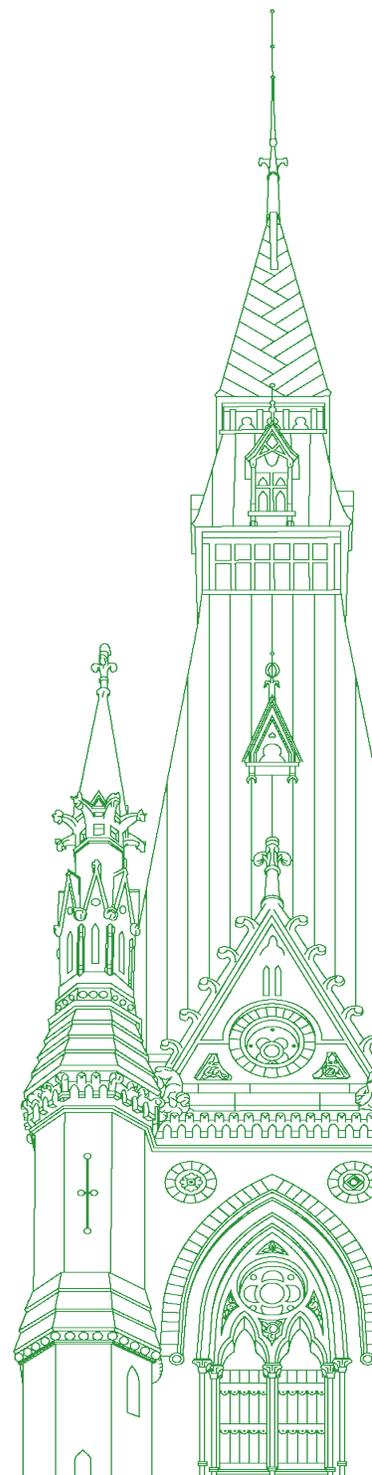
EVIDENCE

**NUMBER 013**

Thursday, May 28, 2020

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Chair: The Honourable Anthony Rota



At the beginning of the crisis, the government called on entrepreneurs in Quebec and Canada, inviting them to set an example in the situation we are experiencing. Many of them turned to the supplemental unemployment benefit (SUB) plan to maintain the employment relationship and to preserve some security, enabling their employees to get through this difficult period with more peace of mind.

However, on May 22, despite the fact that these entrepreneurs had made sure that the SUB program would still be in place when the CERB was introduced, they were surprised. Employees were told at that time that they would have to repay the CERB because of the alleged gains they had made under the SUB program. At SO-PREMA, one of the large employers in the Drummondville region, 150 employees are affected. At Bridgestone, in Joliette, 1,100 employees are affected by this decision. At Goodyear, in Valleyfield, 150 employees are affected, and there are dozens more.

Does the minister intend to correct this mistake so that employers who are able and willing to do so can treat their employees better during this difficult period?

• (1315)

[English]

**Hon. Carla Qualtrough:** When we put in place the Canada emergency response benefit, the underlying goal was to make sure that every worker who needed it had access to income support as they were losing their employment for COVID reasons. We understood that meant some workers would not have access moving forward, although let me clarify that SUB plans that existed prior to March 15 are definitely in place. We consider the fact that workers have access to \$1,000 a month in addition to CERB—and we've spoken with employers about this—to permit employers to assist their employees in an equitable way.

[Translation]

**The Chair:** Mr. Champoux, you have 15 seconds for your question.

**Mr. Martin Champoux:** Mr. Chair, employers received absolutely no news from the government before this measure was implemented, despite the fact that they were assured that this measure would be transferred to the CERB. That's not an answer when those folks acted honestly and in good faith. They feel cheated, and rightly so.

Does the government intend to fix this mistake, which would simply be the right thing to do?

[English]

**Hon. Carla Qualtrough:** Mr. Chair, I can assure the member opposite that the SUB plans that were in place prior to March 15 are indeed in place now. In addition, employees who are now on the CERB as an alternative have access to \$1,000 of income in addition to their CERB. We are working with employers to perhaps provide the \$1,000 in lieu of the SUB plans.

[Translation]

**The Chair:** We will continue with you, Mr. Barsalou-Duval.

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Thank you, Mr. Chair.

On April 27, Option consommateurs sent a letter to the Minister of Transport to warn him that the airlines' refusal to reimburse their customers for cancelled flights was contrary to Quebec's laws.

What is the minister going to do to put an end to this situation?

**Hon. Marc Garneau (Minister of Transport):** Mr. Chair, I sympathize with the people who would have preferred to get a refund, and I understand their frustration. It is not an ideal situation. The airlines are going through a very difficult time right now. If they were forced to refund their customers immediately, many of them would go bankrupt.

**Mr. Xavier Barsalou-Duval:** Mr. Chair, the minister sounds like a broken record.

A few hours ago, the following motion was passed unanimously: "THAT the National Assembly ask the Government of Canada to order airlines and other carriers under federal jurisdiction to allow customers whose trips have been cancelled because of the current pandemic to obtain a refund."

What will the Minister of Transport tell the National Assembly of Quebec?

**Hon. Marc Garneau:** Mr. Chair, as my hon. colleague knows, the Canadian Transportation Agency has ruled on this issue and has ruled that, in the present circumstances and in a non-binding way, it is acceptable for airlines to offer credits for up to two years. In the case of Air Canada, the credit has no expiry date.

**The Chair:** Mr. Barsalou-Duval, you have about 15 seconds for a question.

**Mr. Xavier Barsalou-Duval:** Mr. Chair, I find it rather odd that the Minister of Transport and the Canadian Transportation Agency are telling the airlines that Quebec's regulations and laws are not important and that they can override them. It seems to me that this is a strange way to operate. Theoretically, under the famous Canadian Constitution, which they imposed on us, that is not how it should work.

Can they uphold their own constitution?

**The Chair:** The hon. minister can answer in 15 seconds or less, please.

**Hon. Marc Garneau:** Mr. Chair, as my hon. colleague probably knows, the Canadian Transportation Agency is a quasi-judicial body that operates at arm's length from Transport Canada and the Government of Canada.

**The Chair:** We will now take a short break.

[English]

We're going to take a short break to allow employees supporting the meeting to switch in safety, including myself.

**The Acting Chair (Mr. Bruce Stanton (Simcoe North, CPC)):** We will now carry on with Mr. Baker for Etobicoke Centre.

Mr. Baker, go ahead.

This is **Exhibit “AA”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature



[Home](#)

## FAQs: Statement on Vouchers

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*The CTA has been asked a number of questions about its Statement on Vouchers. Below are answers to the most frequently-posed questions.*

### **What is the purpose of the Statement on Vouchers?**

The Statement on Vouchers, although not a binding decision, offers suggestions to airlines and passengers in the context of a once-in-a-century pandemic, global collapse of air travel, and mass cancellation of flights for reasons outside the control of airlines.

This unprecedented situation created a serious risk that passengers would simply end up out-of-pocket for the cost of cancelled flights. That risk was exacerbated by the liquidity challenges faced by airlines as passenger and flight volumes plummeted.

For flights cancelled for reasons beyond airlines' control, the *Air Passenger Protection Regulations*, which are based on legislative authorities, require that airlines ensure passengers can complete their itineraries but do not obligate airlines to include refund provisions in their tariffs.

The statement indicated that the use of vouchers could be a reasonable approach in the extraordinary circumstances resulting from the COVID-19 pandemic, when flights are cancelled for reasons outside airlines' control and passengers have no prospect of completing their itineraries. Vouchers for future travel can help protect passengers from losing the full value of their flights, and improve the odds that over the longer term, consumer choice and diverse service offerings -- including from small and medium-sized airlines -- will remain in Canada's air transportation sector. Of course, as noted in the statement, passengers can still file a complaint with the CTA and each case will be decided on its merits.

### **Why did the CTA talk about vouchers when US and EU regulators have said that airlines should give refunds?**

The American and European legislative frameworks set a minimum obligation for airlines to issue refunds when flights are cancelled for reasons outside their control. Canada's doesn't. That's the reason for the difference in the statements.

Some jurisdictions have relaxed the application or enforcement of requirements related to refunds in light of the impacts of the COVID-19 pandemic, including European countries that have approved the issuance of vouchers instead of refunds.

### **Do I have to accept a voucher if I think I'm owed a refund?**

The Statement on Vouchers suggests what could be an appropriate approach in extraordinary circumstances, but doesn't affect airlines' obligations or passengers' rights.

Some airline tariffs might not provide for a refund and others might include *force majeure* exceptions to

refund provisions.

If you think that you're entitled to a refund for a flight that was cancelled for reasons related to the COVID-19 pandemic and you don't want to accept a voucher, you can ask the airline for a refund.

Sometimes, the airline may offer a voucher that can be converted to a refund if the voucher hasn't been used by the end of its validity period. This practice reflects the liquidity challenges airlines are facing as a result of the collapse of air travel while giving passengers added protection in the event that they ultimately can't take advantage of the voucher.

If you think you are entitled to a refund and the airline refuses to provide one or offers a voucher with conditions you don't want to accept, you can file a complaint with the CTA, which will determine if the airline complied with the terms of its tariff. Each case will be decided on its merits.

 Share this page

**Date modified:**

2020-04-22

This is **Exhibit “AB”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

[Home](#)

## Statement on Vouchers

This non-binding statement on vouchers was issued on March 25, 2020, in the face of unprecedented and extraordinary circumstances impacting domestic and international air travel. Because the law does not require airlines to include refund provisions in their tariffs for flights that are cancelled for reasons beyond their control, there was a real risk that many passengers would end up getting nothing for cancelled flights. This statement was intended to help ensure that didn't happen.

This statement changes nothing with respect to airline obligations and passenger rights under individual airline tariffs. Any passenger who believes they're owed a refund under the relevant tariff and hasn't received one can [file a complaint with us](#). All complaints are dealt with on their merits.

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. **185**

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The statement indicated that the use of vouchers could be a reasonable approach in the extraordinary circumstances resulting from the COVID-19 pandemic, when flights are cancelled for reasons outside airlines' control and passengers have no prospect of completing their itineraries. Vouchers for future travel can help protect passengers from losing the full value of their flights, and improve the odds that over the longer term, consumer choice and diverse service offerings -- including from small and medium-sized airlines -- will remain in Canada's air transportation sector. Of course, as noted in the statement, passengers can still file a complaint with the CTA and each case will be decided on its merits.

### Why did the CTA talk about vouchers when US and EU regulators have said that airlines should give refunds?

The American and European legislative frameworks set a minimum obligation for airlines to issue refunds when flights are cancelled for reasons outside their control. Canada's doesn't. That's the reason for the difference in the statements.

Some jurisdictions have relaxed the application or enforcement of requirements related to refunds in light of the impacts of the COVID-19 pandemic, including European countries that have approved the issuance of vouchers instead of refunds.

### Do I have to accept a voucher if I think I'm owed a refund?

The Statement on Vouchers suggests what could be an appropriate approach in extraordinary circumstances, but doesn't affect airlines' obligations or passengers' rights.

Some airline tariffs might not provide for a refund and others might include force majeure exceptions to refund provisions. **186**

If you think that you're entitled to a refund for a flight that was cancelled for reasons related to the COVID-19 pandemic and you don't want to accept a voucher, you can ask the airline for a refund.

Sometimes, the airline may offer a voucher that can be converted to a refund if the voucher hasn't been used by the end of its validity period. This practice reflects the liquidity challenges airlines are facing as a result of the collapse of air travel while giving passengers added protection in the event that they ultimately can't take advantage of the voucher.

If you think you are entitled to a refund and the airline refuses to provide one or offers a voucher with conditions you don't want to accept, you can file a complaint with the CTA, which will determine if the airline complied with the terms of its tariff. Each case will be decided on its merits.

**Date modified:**

2020-03-25

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This is **Exhibit “AC”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

Office  
des transports  
du Canada



Canadian  
Transportation  
Agency

---

By Email: [FCARegistry-CAFGreffe@cas-satj.gc.ca](mailto:FCARegistry-CAFGreffe@cas-satj.gc.ca)

August 20, 2020

The Judicial Administrator  
Federal Court of Appeal  
90 Sparks Street, 5<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 0H9

Dear Sir/Madam:

**Re: *Air Passenger Rights v Canadian Transportation Agency***  
**Court File No.: A-102-20**

We are writing in response to the Applicant's request which purports to be made under Rule 317 of the *Federal Courts Rules* SOR/98-106.<sup>1</sup>

Given that the application does not relate to an "order" of a tribunal, Rule 317 does not apply. The Canadian Transportation Agency will therefore not be transmitting any documents.

We trust the foregoing is satisfactory.

Yours truly,

A handwritten signature in black ink, appearing to read 'AM2'.

Allan Matte  
Senior Counsel  
Legal Services Directorate  
Canadian Transportation Agency  
15 Eddy Street, 19<sup>th</sup> Floor  
Gatineau, Quebec  
K1A 0N9

Tel: (819) 953-0611  
Fax: (819) 953-9269

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<sup>1</sup> Notice of Application dated April 6, 2020, pp.14.  
Court File A-102-20, Recorded Entry No. 1

Office  
des transports  
du Canada



Canadian  
Transportation  
Agency

189

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Email: [Allan.Matte@otc-cta.gc.ca](mailto:Allan.Matte@otc-cta.gc.ca)

Email: [Servicesjuridiques/LegalServicesOTC/CTA@otc-cta.gc.ca](mailto:Servicesjuridiques/LegalServicesOTC/CTA@otc-cta.gc.ca)

c.c.: Simon Lin

Counsel for the Applicant, Air Passenger Rights

This is **Exhibit “AD”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

August 25, 2020

Federal Court of Appeal  
90 Sparks Street, 5th floor  
Ottawa, Ontario K1A 0H9

Dear Registry Officer,

**RE: Air Passenger Rights v. Canadian Transportation Agency (A-102-20)**

---

We are counsel for the Applicant, Air Passenger Rights. Please kindly bring this letter to the attention of Boivin, J.A. By Order dated August 18, 2020, Boivin, J.A. is seized of this file.

This letter relates to the letter dated August 20, 2020 from the Respondent, the Canada Transportation Agency (“**Agency**”), delivered in accordance with Rule 318(2), raising a single objection to the Applicant’s request for records pursuant to Rule 317. The Agency has not raised any other objections. By way of this letter, the Applicant provides its response to the Agency’s sole objection and further seeks directions from the Court under Rule 318(3) on the procedure for making submissions to address the Agency’s single objection.<sup>1</sup>

The Agency’s sole objection under Rule 318(2) is, the Agency claims, that there was no “order” of a tribunal. The Agency has overlooked that “order” (*ordonnance*) is broadly defined under Rule 2 of the *Federal Courts Rules* using the word “includes” rather than “means”. Moreover, “ordonnance” specifically includes “*autre mesure prise par un office federal*,” (emphasis added), clearly confirming that Rule 317 captures more than simply “decisions or orders”.

The Agency has failed to substantiate how the impugned Publications is not a “measure” of the Agency. Indeed, in the previous motions,<sup>2</sup> the Agency has taken the position that the impugned Publications were “policies” or “guidance” that were part of the Agency’s actions or responses in respect to the COVID-19 pandemic.

Notably, the Federal Court has previously ruled that Rule 317-8 is sufficiently flexible to permit the court to order that relevant materials for judicial review of an administrative agency’s “policies, practices, or actions” be disclosed as part of the procedure in Rule 318.<sup>3</sup> Those Federal Court rulings are consistent with Stratas, J.A.’s more recent guidance on the flexible interpretation of Rule 318<sup>4</sup> and that orders under Rule 318 comes in “any shape and size, limited only by the

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<sup>1</sup> [Lukács v. Canada \(Transportation Agency\)](#), 2016 FCA 103 at paras. 3-4

<sup>2</sup> Including the Applicant’s motion for interlocutory injunctions and the Agency’s motion to strike

<sup>3</sup> [Renova Holdings Ltd. v. Canadian Wheat Board](#), 2006 FC 1505 at paras. 13 and 17-19; [Airth v. Canada \(National Revenue\)](#), 2007 FC 415 at paras. 5-8

<sup>4</sup> [Lukács v. Canada \(Transportation Agency\)](#), 2016 FCA 103 at para. 14

creativity and imagination of counsel and courts” with the goal of furthering and reconciling as much as possible the objectives of:<sup>5</sup>

- (1) meaningful review of administrative decisions in accordance with Rule 3 of the *Federal Courts Rules* and s. 18.4 of the *Federal Courts Act* and the principles discussed at paras. 6-7 of *Lukács v. Canada (Transportation Agency)*, 2016 FCA 103;
- (2) procedural fairness; and
- (3) the protection of any legitimate confidentiality interests while permitting as much openness as possible in accordance with the Supreme Court’s principles in *Sierra Club*.

In this instance, the Applicant submits that the Court could consider directing the Agency to provide short written submissions on why their narrow technical objection (i.e., their objection that there being no “order”) should not be dismissed, assuming the Agency still intends to pursue that technical objection. The Applicant further submits that this Honourable Court could also direct the parties to provide, as part of their Rule 318 submissions, short written submissions on the issuance of a subpoena under Rule 41 against the chief executive officer of the Agency<sup>6</sup> to produce the materials the Applicant has requested<sup>7</sup> in its Notice of Application.

The Applicant submits that a streamlined procedure would be the most suitable for this judicial review considering the materials that the Applicant requests clearly relates to the RAB Ground and/or Misinformation Ground for judicial review.

Should the Court have any directions, we would be pleased to comply.

Yours truly,

**EVOLINK LAW GROUP**



SIMON LIN

Cc: Mr. Allan Matte, counsel for the Respondent, Canada Transportation Agency

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<sup>5</sup> *Lukács v. Canada (Transportation Agency)*, 2016 FCA 103 at paras. 15 and 18; see also *Tsleil-Waututh Nation v. Canada (Attorney General)*, 2017 FCA 128 at paras. 78-9 and 83

<sup>6</sup> Under section 13 of the *Canada Transportation Act*, the Chairperson has supervision over the work of all staff and members.

<sup>7</sup> See *Tsleil-Waututh Nation v. Canada (Attorney General)*, 2017 FCA 128 at para. 103 where Stratas, J.A. provided some guidance on Rule 41 as a possible option for an applicant to obtain records.

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By Email: [FCARegistry-CAFGreffe@cas-satj.gc.ca](mailto:FCARegistry-CAFGreffe@cas-satj.gc.ca)

August 27, 2020

The Judicial Administrator, Federal Court of Appeal  
90 Sparks Street, 5<sup>th</sup> Floor,  
Ottawa, Ontario K1A 0H9

Dear Sir/Madam:

**Re: *Air Passenger Rights v Canadian Transportation Agency***  
**Court File No.: A-102-20**

---

We are writing in response to the Applicant's letter to the Court dated August 25, 2020.

In this letter, the Applicant makes submissions regarding the Canadian Transportation Agency's objection to the request for documents purportedly filed pursuant to Rule 317 of the *Federal Courts Rules*. We will not address the submissions made in this letter regarding the request for documents on the merits. Our arguments in response to these submissions are more properly reserved for the procedure that the Court directs pursuant to Rule 318(3), if deemed necessary.

Having said this, it is noteworthy that the Applicant now maintains that there *is* an "order" at stake in this case, to support its request pursuant to Rule 317. This is a complete reversal of its previous position taken on the motion for an interlocutory injunction where the Applicant conceded that the statements on the Agency's website "do not reflect decisions, determinations, **orders** or legally binding rulings on the part of the Agency"<sup>1</sup> (emphasis added).

This change in position brings into question the basis for the application for judicial review itself. The Applicant is asking the Court to issue a Declaration that the Agency's statement **is not** a decision, order, determination, or any other ruling of the Agency.<sup>2</sup> If the Applicant wants the Court to declare that the statement is not an order, then one wonders why the Applicant now says that it *is* an order.

There is no indication that the Applicant intends to amend the Notice of Application in this regard. If the Applicant now maintains that the statement is an order of the Agency, then presumably the proper procedure would have been to proceed by way of an appeal, for which leave is required.<sup>3</sup>

Put simply, the main premise of the application for judicial review is that the Agency's statement is not an order, and the Applicant asks that the Court declare that it is not an order. However, the Applicant

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<sup>1</sup> *Air Passenger Rights v. Canada (Transportation Agency)*, [2020 FCA 92](#) at para. 21.

<sup>2</sup> Notice of Application issued the 8th day of April, 2020.

<sup>3</sup> *Canada Transportation Act*, [S.C. 1986, c. 10](#), subs 41(1).

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Canadian  
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Agency

is now telling the Court that it is an order. It would be useful for the Applicant to explain these inconsistent positions.

Subsection 18.1(1) of the *Federal Courts Act*<sup>4</sup> provides for judicial review in respect of a "matter". This Court has determined that judicial review is not available in this case<sup>5</sup>, that there is no "matter" which can be made subject to judicial review. Rule 317 refers more narrowly to an "order". It is difficult to understand how the Applicant intends to argue that while there is no "matter" at stake in this case, there is an "order" upon which it can base a Rule 317 request for documents.

In light of this development, the Agency submits that submissions with respect to the Rule 317 request proceed by way of motion. We submit that the Applicant should be required to file a motion in writing justifying the request for documents, including relevance, and addressing how it proposes to reconcile its positions taken on whether the statement at issue is an "order". We would then propose that the Agency submit a responding motion record outlining its objection to the request within ten (10) days.

In its letter to the Court, the Applicant attempts to characterize the Agency's objection to the request to produce documents as raising only the single issue of whether there is an "order" pursuant to Rule 317. If the Applicant intends now to argue that the Agency's statement is an "order", then the Agency will argue in the alternative that the documents requested are not relevant, may be subject to privilege, and that the Applicant is on a fishing expedition which the Court should not permit.

Rule 42 has no relevance to the current controversy of whether the Court should issue directions pursuant to Rule 318(3) of the *Federal Court Rules*.

Currently pending before the Court is the Agency's motion to strike the application for judicial review, precisely for the reason outlined above – the Agency's statement is not amenable to judicial review. We would therefore submit that it would be appropriate that the Court await a determination of the motion to strike before issuing directions pursuant to Rule 318(3) of the *Federal Courts Rules*, since if the motion is granted any order under Rule 318(3) would be rendered moot.

We trust the foregoing is satisfactory.

Yours truly,

Allan Matte  
Senior Counsel  
Canadian Transportation Agency

<sup>4</sup> R.S.C. 1985, c. F-7

<sup>5</sup> *Air Passenger Rights v. Canada (Transportation Agency)*, *supra*, note 1, at para. 20.

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c.c.: Simon Lin

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Canada

August 31, 2020

Federal Court of Appeal  
90 Sparks Street, 5th floor  
Ottawa, Ontario K1A 0H9

Dear Registry Officer,

**RE: Air Passenger Rights v. Canadian Transportation Agency (A-102-20)**

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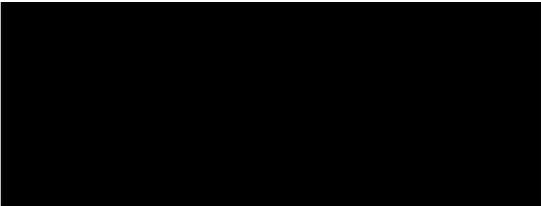
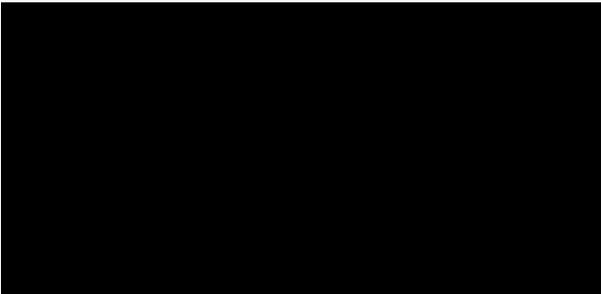
We are counsel for the Applicant, Air Passenger Rights. Please kindly bring this letter to the attention of Boivin, J.A. By Order dated August 18, 2020, Boivin, J.A. is seized of this file.

This letter is in response to the Agency’s letter dated August 27, 2020. At the eleventh hour to resurrect its motion to strike, the Agency is seeking to infuse further confusion by making an unfounded allegation that the Applicant has taken an “inconsistent position”. The Agency further alleges that the Applicant should, instead of a judicial review, seek leave to appeal an “order” under s. 41 of the *Canada Transportation Act*. The Agency’s allegations are grossly misleading.

**An “Order” under the Federal Courts Rules**

The Agency’s faulty allegations resolve around the word “order” and is easily answered with a basic principle of statutory interpretation – **defined terms**. The word “order” is not a defined term under the *Canada Transportation Act* [CTA], nor the *Federal Courts Act* [FCA]. Hence, “order” under the FCA and CTA would be guided by the ordinary meaning of that term.

On the other hand, the *Federal Courts Rules* [FCR] defines “order” in a non-exhaustive manner in Rule 2 using the expression “includes”, which extends the ordinary meaning of the term “order”.<sup>1</sup>

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<sup>1</sup> Statutory Interpretation 3/e, Ruth Sullivan at page 79-81 (**enclosed**)

In essence, “order” (as used under the *FCR* only) is broader than the ordinary term “order” (as used in the *FCA* or *CTA*), as evidenced by the fact that the Rules Committee specifically included “autre mesure” in the defined term. Accordingly, the Applicant submits that the broadly defined term “order” in the *FCR* would extend to the underlying Publications (the “policy” and “guidance” that is the subject of this judicial review).

The Applicant has not changed its position, nor adopted any inconsistent position. The Applicant’s Rule 317 request was already included in its April 9, 2020 Notice of Application. It is the Agency that has failed to appreciate the statutory frameworks and the above basic principle of statutory interpretation. The Applicant’s position has always been that the impugned Publications could not be an “order” (in the ordinary sense). However, the Publications could fall within the extended meaning of an “order” (as that term is broadly defined in the *FCR*), which would trigger the application of Rule 317. Hence, the Applicant has made its request for materials under Rule 317.

### **The Agency’s Rule 318(2) Objection**

In its letter, the Agency purports to change the reasons for objection that they already provided under Rule 318(2) on August 20, 2020, or otherwise bootstrap every other imaginable reason for objection (i.e., relevance, privilege, and/or fishing).

It was imperative for the Agency to bring their “best foot forward” when they stated their reasons for objection under Rule 318(2) on the deadline of August 20, 2020. Indeed, the Agency has had nearly four months to carefully consider any reason it wishes to rely upon, as opposed to the standard 20-days. The Agency’s belated attempt to assert every imaginable reason for objection, and without any further explanation or elaboration, is odd and not supported by the *Rules*.

Furthermore, the Applicant submits that it would be inappropriate to indefinitely defer the Rule 318(3) determination and/or the Rule 41 subpoena request until the Agency’s motion to strike is finally determined, which may be many months later when a hearing could be scheduled before a three or five judge panel. Judicial reviews should be decided with due dispatch (*FCA* s. 18.4).

It is also in the Agency’s interest for this Court to render a prompt determination of the judicial review *on the merits* to “clear the air”. Part of the Applicant’s judicial review is an allegation that the Agency’s members exhibited a reasonable apprehension of bias by participating in the impugned actions. A prompt disclosure of the relevant records, assuming the Agency’s members were not involved in the impugned actions, would be a substantial step in “clearing the air” and significantly advancing this judicial review to the merits stage. It is inexplicable why the Agency is seeking to raise a myriad of objections that would inevitably delay the merits hearing and, potentially, a vindication of the allegations that they are contesting against.

In these circumstances, the Applicant submits that the most appropriate course would be for the Court to summarily dismiss the Agency's objection(s) for lack of any specificity. Alternatively, the Court could consider directing the Agency substantiate their objection on a proper evidentiary basis by bringing a motion under Rule 369, followed by the Applicant's response.

*[8] Now to objections under Rule 318(2). Where the relevant administrative decision-maker, here the Agency, objects under Rule 318(2) to disclosing some or all of the material requested under Rule 317 and the applicant does not dispute the objection, then the material is not transmitted. However, if, as here, the applicant disputes the objection, either the applicant or the administrative decision-maker may ask the Court for directions as to how the objection should be litigated: see Rule 318(3).*

*[9] In response to a request for directions, the Court may determine that the objection cannot succeed solely on the basis of the reasons given by the administrative decision-maker under Rule 318(2). In that case, it may summarily dismiss the objection and require the administrative decision-maker to transmit the material under Rule 318(1) within a particular period of time.*

*[10] In cases where the Rule 318(2) objection might have some merit, the Court can ask for submissions from the parties on a set schedule. But sometimes the Court will need more than submissions: in some cases, there will be real doubt and complexity and sometimes evidence will have to be filed by the parties to support or contest the objection. In cases like these, the Court may require the administrative decision-maker to proceed by way of a written motion under Rule 369. That Rule provides for motion records, responding motion records and replies, and also the deadlines for filing those documents. The motion records require supporting affidavits and written representations.<sup>2</sup>*

[emphasis added]

An Applicant should not be the moving party in such a motion and be placed in a position to have to address every imaginable objection that may, or could, be raised in a Rule 317 request, which is precisely what the Agency is seeking to advance in this instance.

Should the Court have any directions, we would be pleased to comply.

Yours truly,  
**EVOLINK LAW GROUP**

  
SIMON LIN

Cc: Mr. Allan Matte, counsel for the Respondent, Canada Transportation Agency

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<sup>2</sup> *Lukács v. Canada (Transportation Agency)*, 2016 FCA 103 at paras. 8-10; *Bernard v. Public Service Alliance of Canada*, 2017 FCA 35 at para. 12; see also the directions of de Montigny, J.A., that also involved the Agency and a similar circumstance relating to Rule 317-8 (*A-431-17 Dr. Gábor Lukács v. Canadian Transportation Agency and Air Transat A.T. Inc.*) (**enclosed**)

ESSENTIALS OF  
CANADIAN LAW

STATUTORY  
INTERPRETATION  
THIRD EDITION

RUTH SULLIVAN



## 1) Statutory Definitions

Many statutes and regulations begin with a section or subsection, sometimes quite a long one, setting out definitions of words or expressions that are used in the Act. Definitions may also be found at the beginning of divisions, parts, or individual sections.<sup>21</sup> Because the legislature is sovereign, it may assign meanings to words that bear little or no relation to their ordinary meaning. It can deem “red” to mean blue or “land” to include sky and ocean. But legislatures generally have little interest in major departures from conventional usage, and most definitions incorporate, clarify, or only slightly modify the ordinary meaning, or in some cases the technical meaning, of the defined words.

The federal *Interpretation Act*<sup>22</sup> sets out a number of rules applicable to statutory definitions:

15 (1) Definitions or rules of interpretation in an enactment apply to all the provisions of the enactment, including the provisions that contain those definitions or rules of interpretation.

(2) Where an enactment contains an interpretation section or provision, it shall be read and construed

(a) as being applicable only if a contrary intention does not appear; and

(b) as being applicable to all other enactments relating to the same subject-matter unless a contrary intention appears.

16. Where an enactment confers power to make regulations, expressions used in the regulations have the same respective meanings as in the enactment conferring the power.

Similar rules apply to provincial and territorial legislation as well.

### a) Exhaustive versus Non-exhaustive Definitions

It is important to distinguish between statutory definitions that are exhaustive and those that are non-exhaustive.

Exhaustive definitions are usually introduced by the word “means” followed by a definition that comprises the sole meaning the word may bear throughout the statute and throughout any regulations made under it, for example:

21 Section 8 of the Uniform Law Conference Drafting Conventions says, “Definitions should be set out in the first section of the Act, unless they apply only to a particular Part, section or group of sections. In that case, they should be placed at the beginning of the passage in question.” In older Acts and in some jurisdictions, definitions are set out at the end of Acts, parts, or sections.

22 RSC 1985, c I-21.

## 80 STATUTORY INTERPRETATION

In this section,

“fishing gear” means any tackle, netting, or other device designed or adapted to catch fish or marine mammals.

Unless a drafting error has occurred, the meaning assigned to “fishing gear” by this definition may not be varied or supplemented by ordinary usage or by other convention.

Non-exhaustive definitions are usually introduced by the expression “includes,” or “does not include,” followed by a directive which adds to or subtracts from the ordinary (or technical) meaning of the defined term, for example:

In this Part,

“nets” includes crab pots and lobster traps but does not include gill nets.

This definition presupposes that the interpreter knows or will be able to determine the ordinary meaning of “nets” in this context. The point of the definition is not to fix the meaning of “nets” but to ensure that the provisions governing the use of nets apply equally to crab pots and lobster traps, which are functional equivalents, and do not apply to gill nets, which are meant to be governed by different rules.

Note that definitions in legislation sometimes use the word to be defined as part of the definition. This generally is done to limit the scope of the defined term and does not indicate a lack of skill on the part of the drafter; it simply reflects the fact that statutory definitions have a different function than dictionary definitions.

### b) Uses of Statutory Definitions

Statutory definitions are used for a variety of purposes. One important use is to create a short form of reference for lengthy or awkward expressions, for example:

In this Act,

“investigation” means an investigation carried out by the Competition Commissioner pursuant to s. 19 of the *Competition Act*;

“Minister” means the Minister of Employment and Immigration.

When readers come across the term “investigation” or “Minister” in the Act, they are expected to fill in the details identifying the relevant investigation or minister. This avoids having to repeat these details each time a reference is made.

Statutory definitions are also used to narrow the usual scope of a word or expression, for example:

In this Part,

“grain” does not include rice or wild rice;

“employee” means an employee who is not a member of a union;

“will” means a will made before 1 January 1957.

These definitions rely on the ordinary (or technical) meanings of the defined terms, which are then narrowed by excluding things that might normally fall within the meaning (the first example above) or by adding qualifying words or expressions that describe a subclass within the meaning (the next two examples).

Statutory definitions are also used to expand the usual scope of a word or expression, for example:

In this section,

“fish” includes shell fish, crustaceans, and marine mammals;

“sale” includes a promise to sell;

“will” means any writing signed by a person, whether witnessed or not, that contains a direction respecting the disposition of their property to take effect after their death.

In these examples, the statutory definition enlarges the ordinary (or technical) meaning of the defined terms by including things that might normally be thought to fall outside their denotation. The first two examples are non-exhaustive; the verb “includes” is used to extend the defined term to the things singled out for special mention—shell fish and some mammals, mere promises to sell—so that they are subject to the same rules as the things within the ordinary scope of the terms—standard types of fish, enforceable contracts of sale. In the third example, an exhaustive definition is used to expand the defined term to writings that are not ordinarily considered wills—an insurance contract naming the beneficiary of life insurance, for example.

Finally, statutory definitions are used to resolve possible doubt or ambiguity:

In this Act,

“mammal” includes whales and other marine mammals;

“fruit” does not include tomatoes;

“counsel” means a member of the Law Society of Upper Canada;

“vehicle” means any car, cart, truck, motorcycle, tractor, or other conveyance capable of travelling on roadways at a speed of 30 k.p.h. or more.

These definitions are meant to clarify rather than qualify the ordinary (or technical) meaning of the defined terms—to create precise meanings and sharp distinctions, to resolve doubt. They are often included by drafters in an effort to anticipate and resolve the interpretation issues that are likely to arise in the application of the legislation. Sometimes they are added to legislation by way of amendment in response to complaints or unsatisfactory judicial interpretations.

As these examples indicate, statutory definitions do not necessarily lighten the interpreter's load. Many simply add to the ordinary or technical meaning of the defined term, which must still be determined in the usual way. And since all consist of words, all require interpretation, like any other legislative text. In the definition of "vehicle" set out above, for example, although the interpreter is given help in determining the scope of the defined term, he or she must now tackle "conveyance," "roadway," and "capable."

## 2) Interpretation Acts

Each Canadian jurisdiction has an Act that applies to all the legislation enacted by that jurisdiction. Most are called "Interpretation Act," but Ontario's is called the *Legislation Act* because it applies to other legislative matters as well.

Although there are some significant variations in the Acts of the different jurisdictions, in many respects they are similar or identical. All include provisions about enactment, the coming into force of legislation, and its temporal and territorial application; all have a smattering of interpretation rules. In addition, some have rules for making appointments, conferring powers, tabling reports, taking oaths, computing time, and other miscellaneous matters. And finally, there are numerous definitions of particular words—words like "Act," "bank," "contravene," "standard time," "writing," and the auxiliary verbs "may" and "shall" or "must"—that might occur in legislation dealing with any subject.

In the federal Act, for example, "person" is defined to include corporations while "corporation" is defined to exclude partnerships, even partnerships that are considered separate legal entities under provincial law. This means that each time the word "person" is used in a federal enactment, it is presumed to refer to individuals and corporations but not to partnerships.

Interpretation Acts apply generally unless a "contrary intention" is either expressed or implied in the legislation being interpreted. For example, section 3 of the federal *Interpretation Act* says:

Federal Court of Appeal



Cour d'appel fédérale

**TO :** Appeal Registry**FROM :** de Montigny J.A.**DATE :** March 13, 2018**RE :** A-431-17  
*Dr. Gábor Lukács v. Canadian Transportation Agency and Air Transat A.T. Inc.*

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**DIRECTION**

The applicant has sought directions, pursuant to Rule 318(3) of the *Federal Courts Rules*, S.O.R. 98/106, with respect to the procedure to be followed for making submissions in relation to the Canadian Transportation Agency's failure and/or objection to transmit records. Having reviewed the record, and more particularly the exchange of letters dated February 6, 8 and 12, 2018 between the parties, I have come to the conclusion that the issue ought to be decided on the basis of a written motion under Rule 369. The Canadian Transportation Agency shall therefore file a Motion Record under that Rule, complete with evidence and written representations, to assert its objections to the requested material in the Notice of Application. Such motion shall be filed within 10 days of this Direction, and the time limits set out in Rule 369 shall apply for the Canadian Transportation Agency's record and for the reply. If the Agency wishes part of its Motion Record to be sealed pursuant to Rules 151-152, it shall make such a request in its Notice of Motion and provide evidence to support the request.

"YdM"

This is **Exhibit “AE”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature



# Access to Information and Personal Information Request Service

[Welcome](#) → [Search](#) → [Select Institution](#) → [Request Details](#) → [Attachments](#)  
→ [Contact Information](#) → Confirm Details

## Confirm request details

### Request

**Request type** Access to Information Request

### Institution

**Institution** Canadian Transportation Agency

### Request details

**Eligibility** Canadian citizen

**Request label** Statement on Vouchers

**Request description** All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020.

**Format of request** Electronic copy (The institution may provide the records via Email, CD or DVD depending on size)

[Edit request details](#)

### Attached documents

[Edit documents](#)**Contact information****Family name** Lukacs**Given name** Gabor**Address** 6507 Roslyn Road**Country** Canada**Province** Nova Scotia**City** Halifax**Postal code** B3L2M8**Phone** 647 724 1727**Email** lukacs@AirPassengerRights.ca**Requester type** Member of the public[Edit contact information](#)[Previous](#)[Next](#)**Version:**

2.1.0.0

---

**Transaction Receipt - Do Not Reply**

---

**TBS - CIOB / IPPD** <esp\_receipt@moneris.com>  
To: lukacs@airpassengerrights.ca

Tue, Aug 25, 2020 at 4:12 PM

## TBS - CIOB / IPPD

ATIP Online Request Service Service de demande AIPRP en ligne

### TRANSACTION APPROVED - THANK YOU

#### PAYMENT DETAILS

TYPE PURCHASE

DATE 2020-08-25 15:12:07

ORDER ID 2020\_013463

AMOUNT(CAD) \$5.00

CARDHOLDER Dr. Gabor Lukacs

CARD NUM \*\*\*\* \* 7949

ACCOUNT MC

REF NUM 664278010016230220

AUTH CODE 06249Z

#### ITEM DETAILS

DESCRIPTION	PRODUCT CODE	QUANTITY	ITEM AMOUNT
ATI Request		1	\$5.00

**TOTAL(CAD) \$5.00**

Please keep this email as your transaction receipt.  
This receipt has been sent from an unmonitored email account.  
Do not reply to this email.

---

## Confirmation of your access to information request

---

noreply-nepasrepondre-atip-airpr@tbs-sct.ca <noreply-nepasrepondre-atip-airpr@tbs-sct.ca> Tue, Aug 25, 2020 at 4:12 PM  
To: lukacs@airpassengerrights.ca

## Successfully submitted!

Thank you for your access to information request submission.

Your request "Statement on Vouchers" to Canadian Transportation Agency has been successfully submitted. Your AORS reference number is **2020\_013463**.

Our ability to respond to requests within the timelines mandated by the Access to Information Act and the Privacy Act may be affected by the exceptional measures put in place to curb the spread of the novel coronavirus (COVID-19) and protect the health and safety of Canadians. Access to information and personal information requests received from the public continue to be important to us. We will continue to make best efforts to respond to requests, in accordance with operational realities and the necessity to comply with direction concerning measures to mitigate the spread of COVID19 and to protect the health and well-being of federal employees and the public.

Thank you in advance for your patience and understanding as we all navigate these unprecedented challenges.

For more information about the request process, refer to the "[How access to information and personal information requests work](#)" page.

To contact the institution about your request, refer to the [list of access to information and privacy coordinators](#).

ATIP Online Request Service - Client Support  
Treasury Board of Canada Secretariat / Government of Canada  
[atip-web-airpr@tbs-sct.gc.ca](mailto:atip-web-airpr@tbs-sct.gc.ca)

Service de demande d'AIPRP en ligne - Services à la clientèle  
Secrétariat du Conseil du Trésor du Canada / Gouvernement du Canada  
[atip-web-airpr@tbs-sct.gc.ca](mailto:atip-web-airpr@tbs-sct.gc.ca)

This is **Exhibit “AF”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

---

## AI-2020-00002 - Access to Information Act Request

---

OTC.AIPRP-ATIP.CTA <OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca> Thu, Sep 3, 2020 at 8:51 AM  
To: "lukacs@AirPassengerRights.ca" <lukacs@airpassengerrights.ca>

Dear Gabor Lukacs:

We have received your request under the *Access to Information Act*.

Should you have any questions or concerns, please do not hesitate to contact our ATIP Office at [OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca](mailto:OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca).

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies

Office des transports du Canada / Gouvernement du Canada

Myriame.Cote@otc-cta.gc.ca / Tél. : 819-934-9966

ATIP Coordinator, Information Management & Technology Services Directorate

Canadian Transportation Agency / Government of Canada

Myriame.Cote@otc-cta.gc.ca / Tel. : 819-934-9966

This is **Exhibit “AG”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

---

**RE: AI-2020-00002 - Access to Information Act Request**

---

**Myriame Côté** <Myriame.Cote@otc-cta.gc.ca>

Mon, Sep 28, 2020 at 2:35 PM

To: "lukacs@AirPassengerRights.ca" <lukacs@airpassengerrights.ca>

Cc: Myriame Côté <Myriame.Cote@otc-cta.gc.ca>, Nadine Landry <Nadine.Landry@otc-cta.gc.ca>

Dear Gabor Lukacs:

Please note that we are closing this request AI-2020-00002 and will process your request under a formal access request. We will provide you with the new request number by tomorrow.

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies

Office des transports du Canada / Gouvernement du Canada

Myriame.Cote@otc-cta.gc.ca / Tél. : 819-934-9966

ATIP Coordinator, Information Management & Technology Services Directorate

Canadian Transportation Agency / Government of Canada

Myriame.Cote@otc-cta.gc.ca / Tel. : 819-934-9966

---

**De :** OTC.AIPRP-ATIP.CTA

**Envoyé :** 3 septembre 2020 07:51

**À :** lukacs@AirPassengerRights.ca

**Objet :** AI-2020-00002 - Access to Information Act Request

Dear Gabor Lukacs:

We have received your request under the *Access to Information Act*.

Should you have any questions or concerns, please do not hesitate to contact our ATIP Office at [OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca](mailto:OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca).

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies  
Office des transports du Canada / Gouvernement du Canada  
Myriame.Cote@otc-cta.gc.ca / Tél. : 819-934-9966

ATIP Coordinator, Information Management & Technology Services Directorate  
Canadian Transportation Agency / Government of Canada  
Myriame.Cote@otc-cta.gc.ca / Tel. : 819-934-9966

From lukacs@AirPassengerRights.ca Mon Sep 28 14:51:31 2020  
Date: Mon, 28 Sep 2020 14:51:30 -0300 (ADT)  
From: Gabor Lukacs <lukacs@AirPassengerRights.ca>  
To: Myriame Côté <Myriame.Cote@otc-cta.gc.ca>  
Cc: Nadine Landry <Nadine.Landry@otc-cta.gc.ca>  
Subject: RE: AI-2020-00002 - Access to Information Act Request

[ The following text is in the "ISO-8859-15" character set. ]  
[ Your display is set for the "ISO-8859-2" character set. ]  
[ Some special characters may be displayed incorrectly. ]

Dear Ms. Cote:

On August 25, 2020, I made a \*\*\*formal\*\*\* request under the Access to Information Act:

All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020.

I also paid the ATIP fee.

On September 3, 2020, you advised me that "We have received your request under the Access to Information Act" and assigned file no. AI-2020-00002 to the request.

You are now telling me that you are closing that file number, assigning a new file number, and that you would process it under a formal access request.

Could you please what did you do between September 3, 2020 and now in terms of processing my request?

Given that the request was filed on August 25, 2020, the records are already overdue.

Kindly please advise when I may expect to receive the requested records.

Best wishes,  
Dr. Gabor Lukacs

--

Dr. Gabor Lukacs, President (Founder and Coordinator)  
Air Passenger Rights  
Tel : (647) 724 1727  
Web : <http://AirPassengerRights.ca>  
Twitter : @AirPassRightsCA  
Facebook: <https://www.facebook.com/AirPassengerRights/>

On Mon, 28 Sep 2020, Myriame Côté wrote:

>  
> Dear Gabor Lukacs:  
>

>  
>  
> Please note that we are closing this request AI-2020-00002 and will process your request under a formal access request. We will provide you with the new request number by tomorrow.  
>  
>  
>  
> Sincerely,  
>  
>  
>  
> Myriame Côté  
>  
>  
>  
> Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies  
>  
> Office des transports du Canada / Gouvernement du Canada  
>  
> Myriame.Cote@otc-cta.gc.ca / Tél. : 819-934-9966  
>  
>  
>  
> ATIP Coordinator, Information Management & Technology Services Directorate  
>  
> Canadian Transportation Agency / Government of Canada  
>  
> Myriame.Cote@otc-cta.gc.ca / Tel. : 819-934-9966  
>  
>  
>  
> De : OTC.AIPRP-ATIP.CTA  
> Envoyé : 3 septembre 2020 07:51  
> ? : lukacs@AirPassengerRights.ca  
> Objet : AI-2020-00002 - Access to Information Act Request  
>  
>  
>  
> Dear Gabor Lukacs:  
>  
> We have received your request under the Access to Information Act.  
>  
> Should you have any questions or concerns, please do not hesitate to contact our ATIP Office at OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca.  
>  
> Sincerely,  
>  
> Myriame Côté  
>  
>  
>  
> Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies  
>  
> Office des transports du Canada / Gouvernement du Canada  
>  
> Myriame.Cote@otc-cta.gc.ca / Tél. : 819-934-9966  
>  
>  
>  
> ATIP Coordinator, Information Management & Technology Services Directorate  
>

> Canadian Transportation Agency / Government of Canada  
>  
> Myriame.Cote@otc-cta.gc.ca / Tel. : 819-934-9966  
>  
>  
>  
>  
>

---

**Request A-2020-00029 (formerly AI-2020-00002)**

---

OTC.AIPRP-ATIP.CTA <OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca>  
To: Gabor Lukacs <lukacs@airpassengerrights.ca>

Tue, Sep 29, 2020 at 6:32 PM

September 29, 2020

**PROTECTED A**

Our file: A-2020-00029 (formerly AI-2020-00002)

Dear Dr. Lukacs:

This is further to your access request received at our office on August 25, 2020. We note that, pursuant to the *Access to Information Act*, you wish to obtain the following records:

**All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020.**

As discussed by telephone with Myriame Côté, your request was inadvertently recorded as an informal request for information due to an administrative error. We have corrected the error and entered the request in our system as a formal ATIA request. Your file number is 2020-A-00029. Under normal circumstances we would have requested an extension of time to process this request, however the time to respond has already expired, so we are unable to do so.

We will do our best to process the request in a timely fashion however it should be noted that we are experiencing a combination of issues processing files due to the COVID-19 telework realities and the large number of formal requests currently with our office. We will contact you October 13, 2020 to provide you with an update on your request.

Should you have any questions, please do not hesitate to contact the ATIP office by email at [OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca](mailto:OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca).

Please be advised that you are entitled to complain to the Information Commissioner concerning the processing of your request within 60 days after the day that you become aware that grounds for a complaint exist. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

The Information Commissioner of Canada  
30 Victoria Street, 7th Floor  
Gatineau, Quebec K1A 1H3

Telephone: (613) 995-2410 (National Capital Region)

1-800-267-0441 (Toll-free)

You may obtain additional information on the complaint process by visiting the website of the Office of the Information Commissioner at [www.oic-ci.gc.ca](http://www.oic-ci.gc.ca).

Sincerely,

Patrice Bellerose

Directrice, Direction générale des services juridiques et des services du  
Secrétariat

Office des transports du Canada / Gouvernement du Canada

patrice.bellerose@otc-cta.gc.ca / Tél. : 819-994-2564 / ATS : 1-800-669-5575

Director, Legal & Secretariat Services Branch

Canadian Transportation Agency / Government of Canada

patrice.bellerose@otc-cta.gc.ca / Tel. : 819-994-2564 / TTY : 1-800-669-5575

This is **Exhibit “AH”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature



Office  
des transports  
du Canada

Canadian  
Transportation  
Agency

Secure Mail

Reply to Sender

**From** Nadine.Landry@otc-cta.gc.ca  
**Sent On** 2020/10/16 10:36:24 AM  
**Subject** A-2020-00029 - Your Access to Information request with the Canadian Transportation Agency (response letter - first installment)

**Message**  
October 16, 2020

**PROTECTED A**

Our file: A-2020-00029

Dear Gabor Lukacs:

This is further to your request received at our office on August 25<sup>th</sup>, 2020 and submitted under the *Access to Information Act* (Act) for the following records:

***"All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020."***

Please find enclosed the first installment of the records relevant to your request and disclosed under the authority of the Act. Please be advised that certain records or portions thereof have been withheld under the following dispositions of the Act:

19(1)	personal information
21(1)(a)	advice or recommendations
21(1)(b)	consultations or deliberations
23	solicitor-client privilege information

Feel free to review the above dispositions of the Act at <https://laws-lois.justice.gc.ca/eng/acts/A-1/page-1.html>.

The second installment of the records (pages 82-85) will be provided to you once the consultation with Transport Canada is completed. Should you have any questions, please do not hesitate to contact the ATIP office by email at [OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca](mailto:OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca).

Please be advised that you are entitled to complain to the Information Commissioner of Canada concerning the processing of your request within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

The Information Commissioner of Canada  
 30 Victoria Street, 7th Floor  
 Gatineau, Quebec K1A 1H3  
 Telephone: (613) 995-2410 (National Capital Region)  
 1-800-267-0441 (Toll-free)

You may obtain additional information on the complaint process by visiting the website of the Office of the Information Commissioner at [www.oic-ci.gc.ca](http://www.oic-ci.gc.ca).

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies

Office des transports du Canada / Gouvernement du Canada

[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tél. : 819-743-7259

ATIP Coordinator, Information Management & Technology Services Directorate

Canadian Transportation Agency / Government of Canada

[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tel. : 819-743-7259

Attachments *(click on the file name to download)*

---

File	Size
<a href="#">A-2020-00029 - Release copy.pdf</a>	34.07 MB

Powered by [GoAnywhere](#)

From lukacs@AirPassengerRights.ca Fri Oct 16 13:06:59 2020  
 Date: Fri, 16 Oct 2020 13:06:57 -0300 (ADT)  
 From: Gabor Lukacs <lukacs@AirPassengerRights.ca>  
 To: Myriame Côté <Myriame.Cote@otc-cta.gc.ca>  
 Cc: Nadine Landry <Nadine.Landry@otc-cta.gc.ca>  
 Subject: Re: A-2020-00029 - Your Access to Information request with the Canadian Transportation Agency (response letter - first installment)

[ The following text is in the "ISO-8859-15" character set. ]  
 [ Your display is set for the "ISO-8859-2" character set. ]  
 [ Some special characters may be displayed incorrectly. ]

Dear Ms. Cote,

I am writing in relation to the release received today.

I was perplexed by the records sent to me, because I was unable to find any reference therein to the Statement on Vouchers.

As you know the Statement on Vouchers, which was explicitly referenced in my access request, states among other things that:

[...] 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).

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

I was unable to find any reference to these sentences or views in the records you sent me. Nor was I able to find any correspondence relating to discussions or approval of this statement or instructions to post them on the CTA's website. We do know that they were approved by the Members (it was confirmed to MP Erskine-Smith), so some form of email correspondence or minutes must exist.

I was wondering if you might be available for a call today.

Best wishes,  
 Dr. Gabor Lukacs

--

Dr. Gabor Lukacs, President (Founder and Coordinator)  
 Air Passenger Rights  
 Tel : (647) 724 1727  
 Web : <http://AirPassengerRights.ca>  
 Twitter : @AirPassRightsCA  
 Facebook: <https://www.facebook.com/AirPassengerRights/>

On Fri, 16 Oct 2020, Nadine Landry wrote:

>  
 > TRANSFERT PROTÉGÉ DE L'OTC  
 >  
 >  
 > Les fichiers suivants vous ont été envoyés par Nadine.Landry@otc-cta.gc.ca.

> Pour les télécharger, veuillez copier le mot de passe et cliquer sur le lien  
> suivant.  
>  
> Télécharger les documents  
>  
> A-2020-00029 - Release copy.pdf  
> 34.07 MB  
> Si le lien ci-dessus ne s'ouvre pas, veuillez copier-coller le URL suivant  
> dans votre navigateur Web :  
> <https://tfs-sft.otc-cta.gc.ca/pkg?token=933aacd1-7d93-45e8-a197-3a042f3eeef>  
> d  
>  
>  
> Si vous n'êtes pas le destinataire prévu de ce courriel, veuillez détruire  
> toute copie du message initial.  
>  
> Cet avis vous a été envoyé par l'Office des transports du Canada.  
>  
>  
>  
>  

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>  
>  
> CTA SECURE DELIVERY  
>  
>  
> The following file(s) have been sent to you from  
> Nadine.Landry@otc-cta.gc.ca. To download, please copy the password and click  
> on the following link.  
>  
> Click here to download the file(s) listed below  
>  
> A-2020-00029 - Release copy.pdf  
> 34.07 MB  
> If the link above does not open, please copy and paste the following URL  
> into your browser:  
> <https://tfs-sft.otc-cta.gc.ca/pkg?token=933aacd1-7d93-45e8-a197-3a042f3eeef>  
> d  
>  
>  
> If you are not the intended recipient of this email, please destroy all  
> copies of the original message.  
>  
> This notification has been sent to you by the Canadian Transportation  
> Agency.  
>  
>  
>

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**RE: A-2020-00029 - Your Access to Information request with the Canadian Transportation Agency (response letter - first installment)**

---

**Myriame Côté** <Myriame.Cote@otc-cta.gc.ca>

Mon, Oct 19, 2020 at 2:57 PM

To: Gabor Lukacs <lukacs@airpassengerrights.ca>

Cc: Nadine Landry <Nadine.Landry@otc-cta.gc.ca>, Myriame Côté <Myriame.Cote@otc-cta.gc.ca>

Dear Gabor Lukacs:

As requested, as a follow-up to the phone conversation we just had, please note that the documents we sent you in response to your request were provided to you as a courtesy. These documents were initially disclosed in response to the ATIP request A-2020-00002. The wording of your request and the request A-2020-0002 were practically similar and this is for this reason we kindly decided to send them to you.

For reference below the wording of the request A-2020-00002:

Clarification (received June 4 2020):

simply mean records not on CTA website or published initial request: Provide the unpublished background meetings, notes and exchanges that lead to CTA March 13/2020 ruling to temporarily suspend certain provisions in the air passenger bill of rights such as on cancellations/disruptions and to its subsequent March 25/20 statement on vouchers and the its subsequent FAQ answers on vouchers and refunds. Only include unpublished notes and exchanges at CTA. TIMEFRAME June 1, 2019 to March 25, 2020."

As mentioned, we are currently processing your request A-2020-000029. We are working on completing the retrieval stage of the records. As promised, I will contact you next Thursday October 29th, 2020 to give you the status of you request and when you could expect to receive the documents responsive to your request A-2020-00029.

Also, I will send you today a revised version of the response letter we sent you on Oct.15, 2020 in order to highlight the fact that the documents provided to you were provided as a courtesy and should not be considered a response to your request.

Please let me know if I missed some points of our discussion.

Sincerely,

Myriame Côté

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies  
Office des transports du Canada / Gouvernement du Canada  
[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tél. : 819-743-7259

ATIP Coordinator, Information Management & Technology Services Directorate  
Canadian Transportation Agency / Government of Canada  
[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tel. : 819-743-7259

-----Message d'origine-----

De : Myriame Côté

Envoyé : 16 octobre 2020 14:00

À : Gabor Lukacs <lukacs@AirPassengerRights.ca>

Cc : Nadine Landry <[Nadine.Landry@otc-cta.gc.ca](mailto:Nadine.Landry@otc-cta.gc.ca)>; Myriame Côté <[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca)>

Objet : RE: A-2020-00029 - Your Access to Information request with the Canadian Transportation Agency (response letter - first installment)

Dear Gabor Lukacs:

Yes, it is fine with me.

Sincerely,

Myriame Côté

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies  
Office des transports du Canada / Gouvernement du Canada

[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tél. : 819-743-7259

ATIP Coordinator, Information Management & Technology Services Directorate  
Canadian Transportation Agency / Government of Canada

[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tel. : 819-743-7259

-----Message d'origine-----

De : Gabor Lukacs [mailto:[lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)]

Envoyé : 16 octobre 2020 12:55

À : Myriame Côté <[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca)>

Cc : Nadine Landry <[Nadine.Landry@otc-cta.gc.ca](mailto:Nadine.Landry@otc-cta.gc.ca)>

Objet : RE: A-2020-00029 - Your Access to Information request with the Canadian Transportation Agency (response letter - first installment)

Dear Ms. Cote:

Would 1pm ET on Monday work for you?

Best wishes,  
Gabor

On Fri, 16 Oct 2020, Myriame Côté wrote:

> Dear Gabor Lukacs:

>

> Further to your email, please note that I will be available on Monday October 19, 2020 in the afternoon. You can call me at 819-743-7259.

>

>

> Sincerely,

>

>

>

>

>

> Myriame Côté

>

> Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies

> Office des transports du Canada / Gouvernement du Canada

> [Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tél. : 819-743-7259

>

> ATIP Coordinator, Information Management & Technology Services Directorate

> Canadian Transportation Agency / Government of Canada

> [Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca) / Tel. : 819-743-7259

>  
> -----Message d'origine-----  
> De : Gabor Lukacs [mailto:[lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)]  
> Envoyé : 16 octobre 2020 12:07  
> ? : Myriame Côté <[Myriame.Cote@otc-cta.gc.ca](mailto:Myriame.Cote@otc-cta.gc.ca)>  
> Cc : Nadine Landry <[Nadine.Landry@otc-cta.gc.ca](mailto:Nadine.Landry@otc-cta.gc.ca)>  
> Objet : Re: A-2020-00029 - Your Access to Information request with the Canadian  
Transportation Agency (response letter - first installment)  
>  
> Dear Ms. Cote,  
>  
> I am writing in relation to the release received today.  
>  
> I was perplexed by the records sent to me, because I was unable to find  
> any reference therein to the Statement on Vouchers.  
>  
> As you know the Statement on Vouchers, which was explicitly referenced in  
> my access request, states among other things that:  
>  
> [...] 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).  
>  
> <https://otc-cta.gc.ca/eng/statement-vouchers>  
>  
> I was unable to find any reference to these sentences or views in the  
> records you sent me. Nor was I able to find any correspondence relating to  
> discussions or approval of this statement or instructions to post them on  
> the CTA's website. We do know that they were approved by the Members (it  
> was confirmed to MP Erskine-Smith), so some form of email correspondence  
> or minutes must exist.  
>  
> I was wondering if you might be available for a call today.  
>  
> Best wishes,  
> Dr. Gabor Lukacs  
>  
> --  
> Dr. Gabor Lukacs, President (Founder and Coordinator)  
> Air Passenger Rights  
> Tel : (647) 724 1727  
> Web : <http://AirPassengerRights.ca>  
> Twitter : @AirPassRightsCA  
> Facebook: <https://www.facebook.com/AirPassengerRights/>  
>  
>  
>  
>  
>  
> On Fri, 16 Oct 2020, Nadine Landry wrote:  
>  
>>  
>> TRANSFERT PROTÉGÉ DE L'OTC  
>>  
>>  
>> Les fichiers suivants vous ont été envoyés par [Nadine.Landry@otc-cta.gc.ca](mailto:Nadine.Landry@otc-cta.gc.ca).  
>> Pour les télécharger, veuillez copier le mot de passe et cliquer sur le lien

>> suivant.  
>>  
>> Télécharger les documents  
>>  
>> A-2020-00029 - Release copy.pdf  
>> 34.07 MB  
>> Si le lien ci-dessus ne s'ouvre pas, veuillez copier-coller le URL suivant  
>> dans votre navigateur Web :  
>> <https://tfs-sft.otc-cta.gc.ca/pkg?token=933aacd1-7d93-45e8-a197-3a042f3eeef>  
>> d  
>>  
>>  
>> Si vous n'êtes pas le destinataire prévu de ce courriel, veuillez détruire  
>> toute copie du message initial.  
>>  
>> Cet avis vous a été envoyé par l'Office des transports du Canada.  
>>  
>>  
>>  
>> \_\_\_\_\_  
>>  
>>  
>> CTA SECURE DELIVERY  
>>  
>>  
>> The following file(s) have been sent to you from  
>> [Nadine.Landry@otc-cta.gc.ca](mailto:Nadine.Landry@otc-cta.gc.ca). To download, please copy the password and click  
>> on the following link.  
>>  
>> Click here to download the file(s) listed below  
>>  
>> A-2020-00029 - Release copy.pdf  
>> 34.07 MB  
>> If the link above does not open, please copy and paste the following URL  
>> into your browser:  
>> <https://tfs-sft.otc-cta.gc.ca/pkg?token=933aacd1-7d93-45e8-a197-3a042f3eeef>  
>> d  
>>  
>>  
>> If you are not the intended recipient of this email, please destroy all  
>> copies of the original message.  
>>  
>> This notification has been sent to you by the Canadian Transportation  
>> Agency.  
>>  
>>  
>>  
>

---

**TR: A-2020-00029 - Access to Information**


---

Myriame Côté <Myriame.Cote@otc-cta.gc.ca>

Mon, Oct 19, 2020 at 3:52 PM

To: Gabor Lukacs <lukacs@airpassengerrights.ca>

Cc: Myriame Côté <Myriame.Cote@otc-cta.gc.ca>, Nadine Landry <Nadine.Landry@otc-cta.gc.ca>

**REVISED VERSION –**

**To disregard the letter of October 15, 2020**

October 19 2020

**PROTECTED A**

Our file: A-2020-00029

Dear Gabor Lukacs:

This is further to your request received at our office on August 25<sup>th</sup>, 2020 and submitted under the *Access to Information Act* (Act) for the following records:

***"All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020."***

Given that your request A-2020-00029 is still being processed and that the request A-2020-00002's processing was completed and similar to your request, we thought of providing you with a copy of those records which you may find of a certain interest. The attached documents indicates A-2020-00029, but the documents are those of A-2020-00002. The request reads as follows:

***Clarification (received June 4 2020):***

***simply mean records not on CTA website or published initial request: Provide the unpublished background meetings, notes and exchanges that lead to CTA March 13/2020 ruling to temporarily suspend certain provisions in the air passenger bill of rights such as on cancellations/disruptions and to its subsequent March 25/20 statement on vouchers and the its subsequent FAQ answers on vouchers and refunds. Only include unpublished notes and exchanges at CTA. TIMEFRAME June 1, 2019 to March 25, 2020."***

As a courtesy, please find enclosed the first installment of the records relevant to the ATIP request A-2020-00002 disclosed under the authority of the Act. Please note that certain

records or portions thereof have been withheld under the following dispositions of the Act listed below. Feel free to review the above dispositions of the Act at <https://laws-lois.justice.gc.ca/eng/acts/A-1/page-1.html>.

19(1)	personal information
21(1)(a)	advice or recommendations
21(1)(b)	consultations or deliberations
23	solicitor-client privilege information

If you are not interested in receiving the attached records of the request A-2020-00002, please disregard this email. Otherwise and upon request, we will provide you with the second installment of the records (pages 82-85) once the consultation with Transport Canada is completed.

Should you have any questions, please do not hesitate to contact the ATIP office by email at [OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca](mailto:OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca).

Please be advised that you are entitled to complain to the Information Commissioner of Canada concerning the processing of your request A-2020-00029 within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

The Information Commissioner of Canada  
 30 Victoria Street, 7th Floor  
 Gatineau, Quebec K1A 1H3  
 Telephone: (613) 995-2410 (National Capital Region)  
 1-800-267-0441 (Toll-free)

You may obtain additional information on the complaint process by visiting the website of the Office of the Information Commissioner at [www.oic-ci.gc.ca](http://www.oic-ci.gc.ca).

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies

Office des transports du Canada / Gouvernement du Canada

Myriame.Cote@otc-cta.gc.ca / Tél. : **819-743-7259**

ATIP Coordinator, Information Management & Technology Services Directorate

Canadian Transportation Agency / Government of Canada

Myriame.Cote@otc-cta.gc.ca / Tel. : **819-743-7259**

---

**De : Nadine Landry**

Envoyé : 15 octobre 2020 08:06  
 À : Myriame Côté <Myriame.Cote@otc-cta.gc.ca>  
 Objet : A-2020-00029 - Access to Information

October 14 2020

**PROTECTED A**

Our file: A-2020-00029

Dear Gabor Lukacs:

This is further to your request received at our office on August 25<sup>th</sup>, 2020 and submitted under the *Access to Information Act* (Act) for the following records:

***"All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020."***

Please find enclosed the first installment of the records relevant to your request and disclosed under the authority of the Act. Please be advised that certain records or portions thereof have been withheld under the following dispositions of the Act:

19(1)	personal information
21(1)(a)	advice or recommendations
21(1)(b)	consultations or deliberations
23	solicitor-client privilege information

Feel free to review the above dispositions of the Act at <https://laws-lois.justice.gc.ca/eng/acts/A-1/page-1.html>.

The second installment of the records (pages 82-85) will be provided to you once the consultation with Transport Canada is completed. Should you have any questions, please do not hesitate to contact the ATIP office by email at [OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca](mailto:OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca).

Please be advised that you are entitled to complain to the Information Commissioner of Canada concerning the processing of your request within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

The Information Commissioner of Canada  
 30 Victoria Street, 7th Floor  
 Gatineau, Quebec K1A 1H3  
 Telephone: (613) 995-2410 (National Capital Region)  
 1-800-267-0441 (Toll-free)

You may obtain additional information on the complaint process by visiting the website of the Office of the Information Commissioner at [www.oic-ci.gc.ca](http://www.oic-ci.gc.ca).

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies  
Office des transports du Canada / Gouvernement du Canada  
Myriame.Cote@otc-cta.gc.ca / Tél. : **819-743-7259**

ATIP Coordinator, Information Management & Technology Services Directorate  
Canadian Transportation Agency / Government of Canada  
Myriame.Cote@otc-cta.gc.ca / Tel. : **819-743-7259**

---

 **RDIM-2249776-A-2020-00029 - Release copy-R.PDF**  
34891K

This is **Exhibit “AI”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

---

**A-2020-00029 re: the status of your request**

---

**Myriame Côté** <Myriame.Cote@otc-cta.gc.ca>  
To: Gabor Lukacs <lukacs@airpassengerrights.ca>  
Cc: Myriame Côté <Myriame.Cote@otc-cta.gc.ca>

Thu, Oct 29, 2020 at 2:19 PM

Dear Gabor Lukacs,

I just tried to call you but your line is busy.

As promised, I was calling you about the status of your request A-2020-00029. We have completed the search of the records. Our system has generated a large volume of 10 000 pages approximately. As the ATIP office is currently receiving many requests and I am the only analyst to review them, It may takes me a few weeks to complete the processing of your request. I will do my best to provide you with a response within 2-4 weeks.

Please let me know if you want to discuss.

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies

Office des transports du Canada / Gouvernement du Canada

Myriame.Cote@otc-cta.gc.ca / Tél. : **819-743-7259**

ATIP Coordinator, Information Management & Technology Services Directorate

Canadian Transportation Agency / Government of Canada

Myriame.Cote@otc-cta.gc.ca / Tel. : **819-743-7259**

This is **Exhibit “AJ”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

---

Signature

**Nadine Landry**

---

**From:** Sébastien Bergeron  
**Sent:** Friday, March 20, 2020 7:30 PM  
**To:** Alysia Lau  
**Cc:** Lesley Robertson  
**Subject:** TR: EC March 20 - Decisions and Follow-ups

Praises for you, Alysia (see below) ! Have a great weekend to you two !

Seb

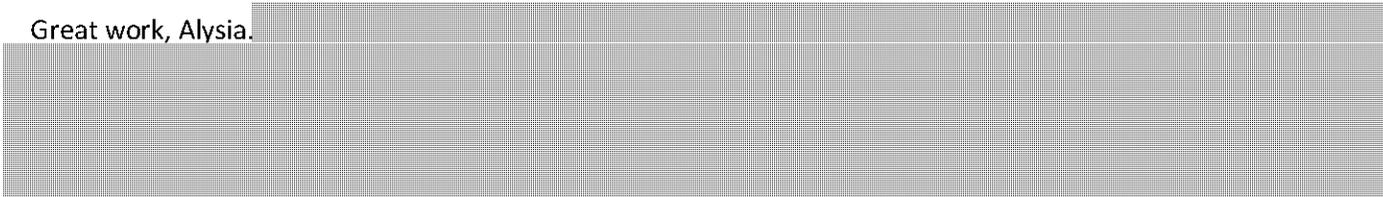
**Sébastien Bergeron**

Chef de cabinet | Bureau du président et premier dirigeant  
Office des transports du Canada | Gouvernement du Canada  
[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer  
Canadian Transportation Agency | Government of Canada  
[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

**De :** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Envoyé :** 20 mars 2020 17:00  
**À :** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Objet :** RE: EC March 20 - Decisions and Follow-ups

Great work, Alysia.

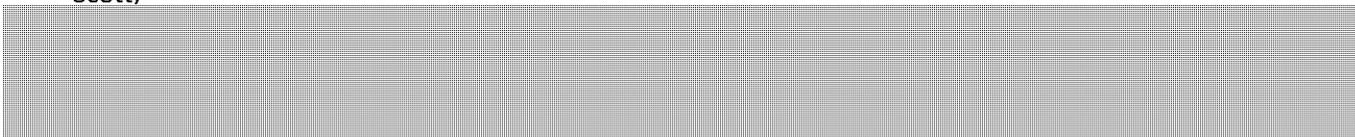


Thanks,

S

**From:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Sent:** Friday, March 20, 2020 4:49 PM  
**To:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Subject:** TR: EC March 20 - Decisions and Follow-ups

Scott,



**Pages 2 to / à 3  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(a), 21(1)(b)**

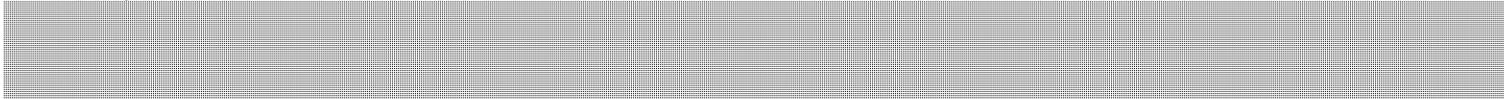
**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Nadine Landry**

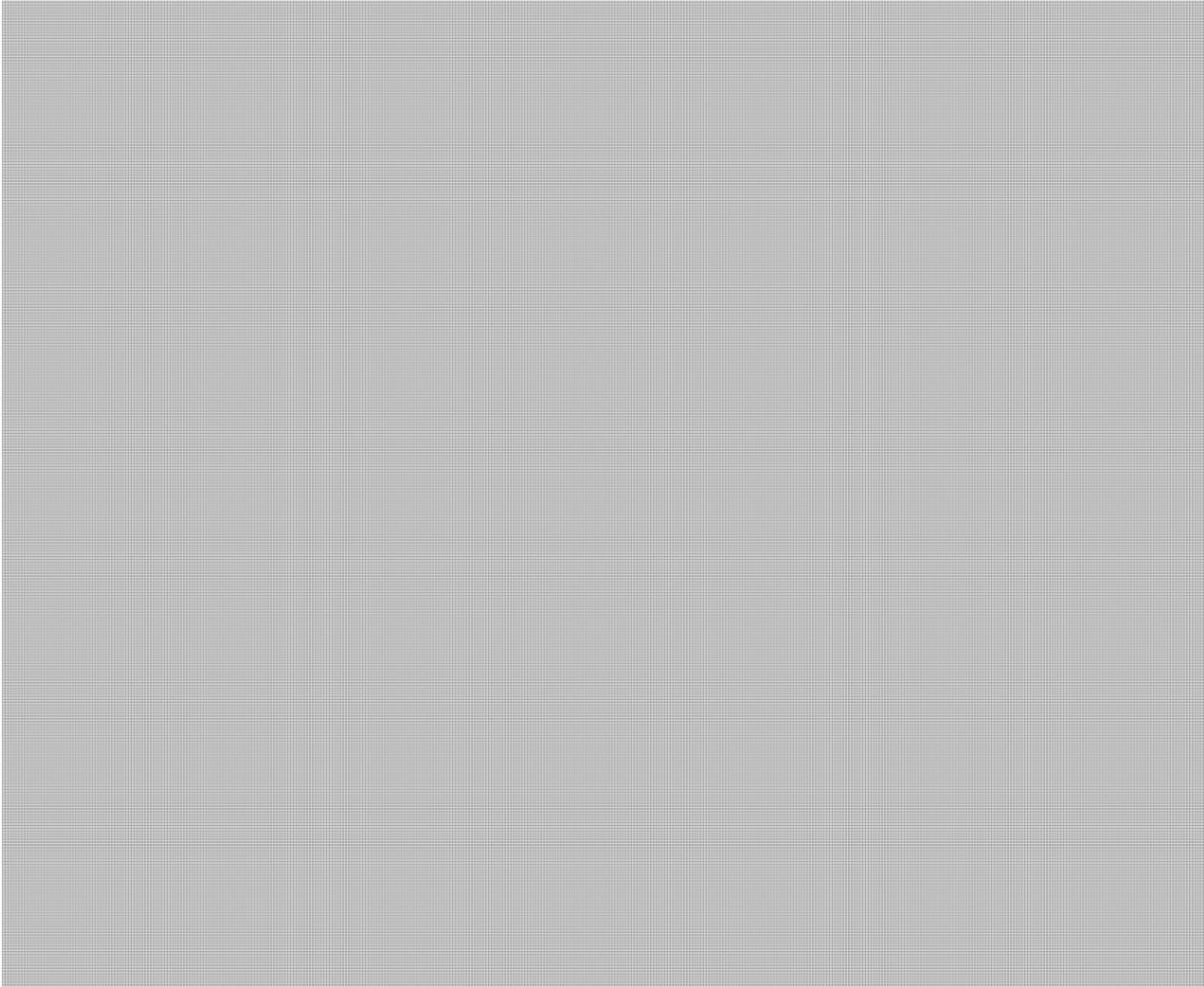
---

**From:** Alysia Lau  
**Sent:** Friday, March 20, 2020 4:07 PM  
**To:** Sébastien Bergeron; Lesley Robertson  
**Subject:** EC March 20 - Decisions and Follow-ups

Hi Seb,



Thanks,  
Alysia



**Page 5**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Nadine Landry**

---

**From:** Patrice Bellerose  
**Sent:** Thursday, March 26, 2020 8:44 AM  
**To:** Vincent Turgeon; Marcia Jones; Tim Hillier  
**Cc:** Caitlin Hurcomb; Valérie Lagacé; Matilde Perruslet; Renée Langlois; Caroline Joly; Sébastien Bergeron  
**Subject:** RE: Statement - problem  
**Attachments:** RDIM-2127049-Statement\_on\_Vouchers\_-\_French-1.DOCX.DRF

I thank you.  
PB

**From:** Patrice Bellerose  
**Sent:** Thursday, March 26, 2020 8:24 AM  
**To:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>; Renée Langlois <Renee.Langlois@otc-cta.gc.ca>; Caroline Joly <Caroline.Joly@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement - problem

PB

---

**From:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>  
**Sent:** Thursday, March 26, 2020 8:18 AM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>  
**Subject:** RE: Statement - problem

---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Thursday, March 26, 2020 8:01 AM  
**To:** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>  
**Cc:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** Fwd: Statement - problem

Sent from my Bell Samsung device over Canada's largest network.

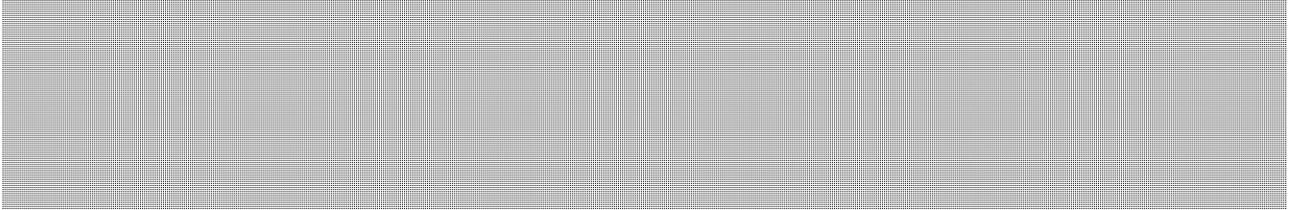
----- Original message -----

From: Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>

Date: 2020-03-26 7:34 AM (GMT-05:00)

To: Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>, Sébastien Bergeron  
<[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>

Subject: RE: Statement - problem



Ihanks.

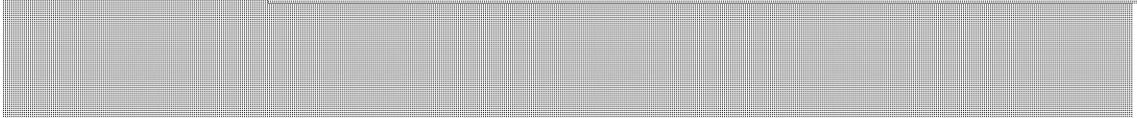
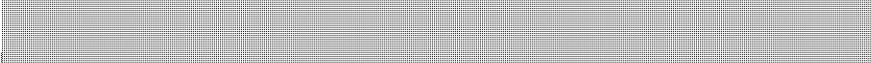
**From:** Scott Streiner

**Sent:** Thursday, March 26, 2020 7:30 AM

**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Sébastien Bergeron  
<[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>

**Subject:** Statement - problem

Hi, Marcia and Seb.



Thanks,

S

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada

Chair and Chief Executive Officer, Canadian Transportation Agency

[scott.streiner@otc-cta.gc.ca](mailto:scott.streiner@otc-cta.gc.ca) - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

La pandémie de COVID-19 a gravement perturbé le transport aérien intérieur et international.

En ce qui concerne les perturbations de vol indépendantes de la volonté de la compagnie aérienne, la *Loi sur les transports au Canada* et le *Règlement sur la protection des passagers aériens* exigent seulement que la compagnie aérienne veille à ce que les passagers effectuent leur itinéraire au complet. Certaines compagnies aériennes ont intégré dans leurs tarifs des règles prévoyant des remboursements dans certaines situations. Elles peuvent également y avoir prévu des dispositions par lesquelles elles se croient exemptées de telles obligations dans des cas de force majeure.

Les différentes dispositions législatives, réglementaires et tarifaires ont été rédigées pour des perturbations à court terme relativement localisées. Aucune n'a été envisagée

[REDACTED] sont survenues au cours des dernières semaines en conséquence de la pandémie. Il est important de tenir compte de la façon dont nous devons établir un équilibre qui soit

[REDACTED] opérationnelles des compagnies aériennes dans ces circonstances extraordinaires et sans précédent.

D'une part, les passagers qui n'ont aucune possibilité d'effectuer au complet l'itinéraire prévu avec l'assistance d'une compagnie aérienne ne devraient pas avoir à assumer des dépenses pour des vols annulés. D'autre part, on ne peut pas s'attendre à ce que les compagnies aériennes qui voient leurs volumes de passagers et leurs revenus baisser de façon vertigineuse prennent des mesures qui risqueraient de menacer leur viabilité économique.

L'Office des transports du Canada (OTC) examinera le bien-fondé de chaque situation précise qui lui sera présentée, mais il estime que, de façon générale, une solution qui serait convenable dans le contexte actuel serait que les compagnies aériennes fournissent aux passagers touchés des bons ou des crédits pour des vols futurs qui n'expireront pas dans un délai déraisonnablement court (un délai de 24 mois serait jugé raisonnable dans la plupart des cas).

L'OTC continuera de fournir des renseignements, des conseils et des services aux passagers et aux compagnies aériennes, à mesure que nous passerons à travers cette période difficile.

**Nadine Landry**

---

**From:** Scott Streiner  
**Sent:** Thursday, March 26, 2020 8:24 AM  
**To:** Marcia Jones; Sébastien Bergeron  
**Subject:** RE: Statement - problem

---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Thursday, March 26, 2020 8:09 AM  
**To:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** Re: Statement - problem

Marcia

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Date:** 2020-03-26 8:05 AM (GMT-05:00)  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>, Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement - problem

Thanks.

---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Thursday, March 26, 2020 8:03 AM  
**To:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** Re: Statement - problem

Scott,

Marcia

Sent from my Bell Samsung device over Canada's largest network.

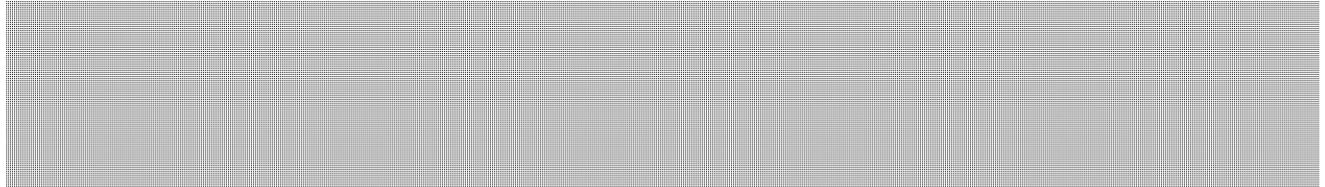
----- Original message -----

From: Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>

Date: 2020-03-26 7:58 AM (GMT-05:00)

To: Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>, Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>

Subject: RE: Statement - problem



Thanks.

---

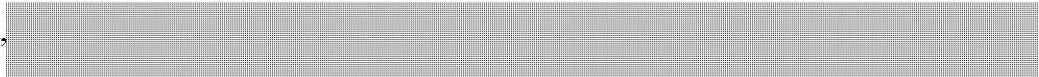
**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>

**Sent:** Thursday, March 26, 2020 7:57 AM

**To:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>

**Subject:** Re: Statement - problem

Scott,



Marcia

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

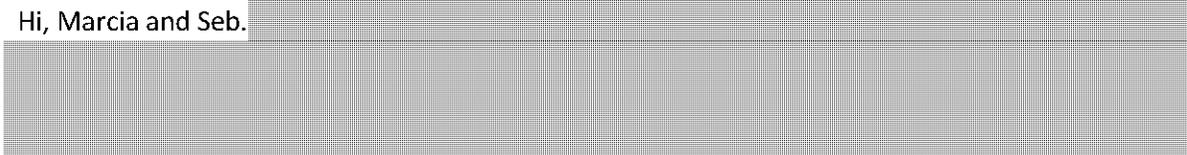
From: Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>

Date: 2020-03-26 7:29 AM (GMT-05:00)

To: Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>, Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>

Subject: Statement - problem

Hi, Marcia and Seb.



Thanks,

S

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada

**Record released pursuant to the *Access to Information Act* /  
Document divulgué en vertu de la *loi sur l'accès à l'information***

Chair and Chief Executive Officer, Canadian Transportation Agency  
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

**Nadine Landry**

---

**From:** Marcia Jones  
**Sent:** Thursday, March 26, 2020 7:56 AM  
**To:** Patrice Bellerose; Tim Hillier; Vincent Turgeon  
**Cc:** Caitlin Hurcomb; Valérie Lagacé; Sébastien Bergeron  
**Subject:** Fwd: Statement - problem  
**Attachments:** Statement.docx

**Importance:** High

Hi there,

Thanks,  
Marcia

Sent from my Bell Samsung device over Canada's largest network.

**Nadine Landry**

---

**From:** Caitlin Hurcomb  
**Sent:** Wednesday, March 25, 2020 2:30 PM  
**To:** Marcia Jones  
**Subject:** RE: push button ready  
**Attachments:** [REDACTED]

[REDACTED]

**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 2:29 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: push button ready

[REDACTED]

**From:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:27 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: push button ready

[REDACTED]

**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 2:17 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: push button ready

Thanks,

[REDACTED]

**From:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:13 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: push button ready

[REDACTED]

**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 2:12 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: push button ready

Thanks –

**From:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 2:08 PM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** RE: push button ready

**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 2:07 PM  
**To:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** RE: push button ready

**From:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 2:03 PM  
**To:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>; Renée Langlois <[Renee.Langlois@otc-cta.gc.ca](mailto:Renee.Langlois@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** RE: push button ready

**From:** Sébastien Bergeron  
**Sent:** Wednesday, March 25, 2020 1:59 PM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>; Renée Langlois <[Renee.Langlois@otc-cta.gc.ca](mailto:Renee.Langlois@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** RE: push button ready

**Sébastien Bergeron**

Chef de cabinet | Bureau du président et premier dirigeant  
Office des transports du Canada | Gouvernement du Canada  
[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer  
Canadian Transportation Agency | Government of Canada  
[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

---

**De :** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>

**Envoyé :** 25 mars 2020 13:55

**À :** Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>; Renée Langlois <[Renee.Langlois@otc-cta.gc.ca](mailto:Renee.Langlois@otc-cta.gc.ca)>

**Cc :** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>

**Objet :** RE: push button ready

**From:** Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>

**Sent:** Wednesday, March 25, 2020 1:53 PM

**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>; Renée Langlois <[Renee.Langlois@otc-cta.gc.ca](mailto:Renee.Langlois@otc-cta.gc.ca)>

**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>

**Subject:** RE: push button ready

thanks

PB

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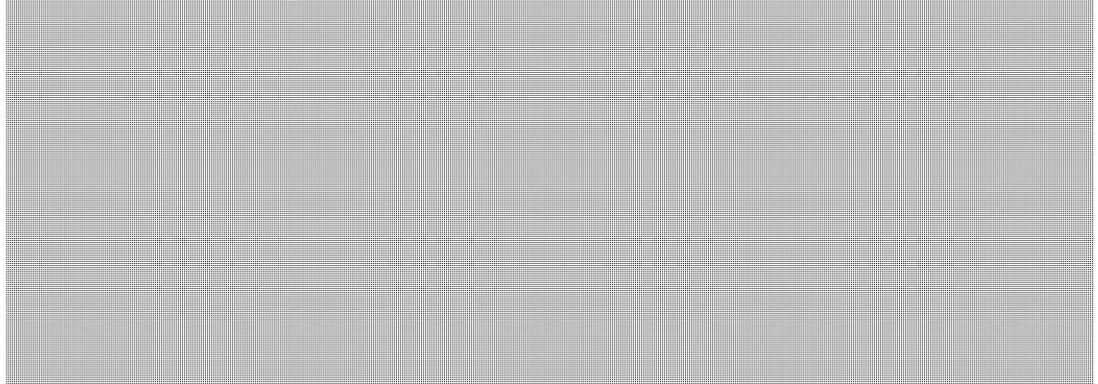
**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>

**Sent:** Wednesday, March 25, 2020 1:49 PM

**To:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>

**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>

**Subject:** RE: push button ready



Marcia

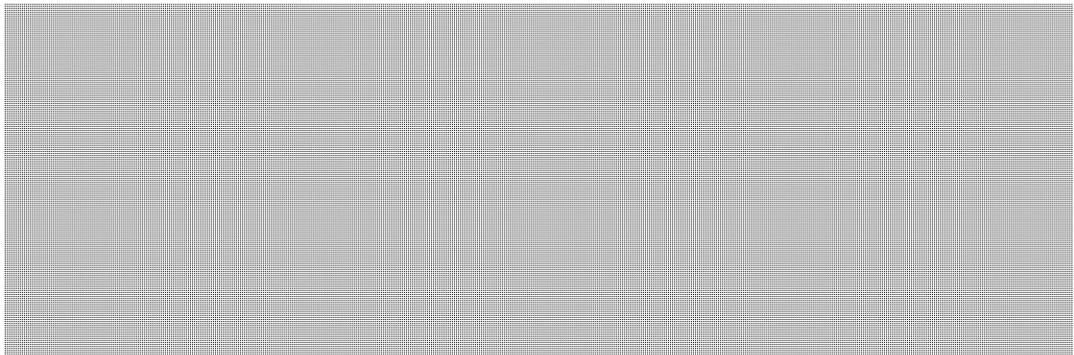
**From:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 1:37 PM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** RE: push button ready



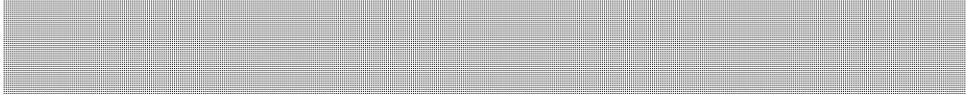
Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
Date: 2020-03-25 1:35 PM (GMT-05:00)  
To: Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>, Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>, Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>, Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>, Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
Cc: Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>, Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
Subject: RE: push button ready

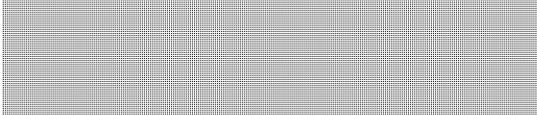


**From:** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 1:27 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Allan Burnside <Allan.Burnside@otc-cta.gc.ca>  
**Cc:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** RE: push button ready

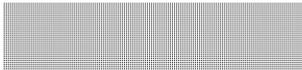


---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 1:23 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Allan Burnside <Allan.Burnside@otc-cta.gc.ca>  
**Cc:** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** RE: push button ready  
**Importance:** High



**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 1:11 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Allan Burnside <Allan.Burnside@otc-cta.gc.ca>  
**Subject:** FW: push button ready  
**Importance:** High



**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 12:47 PM  
**To:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc:** Liz Barker <Liz.Barker@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>; Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: push button ready



Marcia,  
[REDACTED]

Thanks.

---

**From:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 10:40 AM  
**To:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** RE: push button ready

[REDACTED] Thanks.

----- Original message -----

**From:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Date:** 2020-03-25 10:36 a.m. (GMT-05:00)  
**To:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>, Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>, Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** push button ready

Mr. Streiner,  
[REDACTED]

Valérie

**Nadine Landry**

---

**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 2:30 PM  
**To:** Matilde Perrusclet  
**Cc:** Vincent Turgeon; Cynthia Jolly; Simon Fecteau Labbé  
**Subject:** RE: Go live

Great!!

Tim

**From:** Matilde Perrusclet <Matilde.Perrusclet@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:29 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** RE: Go live

☺

CTA services should also appear in the quick links very soon, once the cache is cleared.

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:27 PM  
**To:** Matilde Perrusclet <Matilde.Perrusclet@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** RE: Go live

THANKS!!!!!!!!!!!!!!

---

**From:** Matilde Perrusclet <Matilde.Perrusclet@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:25 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** RE: Go live

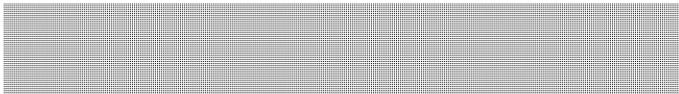
It's LIVE, here are the links:

FR: <https://otc-cta.gc.ca/fra/information-importante-pour-voyageurs-pour-periode-covid-19>

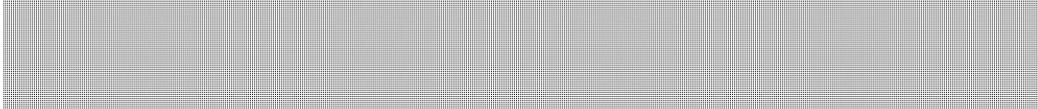
ENG: <https://otc-cta.gc.ca/eng/important-information-travellers-during-covid-19>

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

<https://otc-cta.gc.ca/fra/message-concernant-credits>



**From:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 2:10 PM  
**To:** Matilde Perrusclet <[Matilde.Perrusclet@otc-cta.gc.ca](mailto:Matilde.Perrusclet@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Simon Fecteau Labbé <[Simon.FecteauLabbe@otc-cta.gc.ca](mailto:Simon.FecteauLabbe@otc-cta.gc.ca)>  
**Subject:** Go live



Thanks,

Tim

Tim Hillier  
Directeur, Communications, Direction générale de l'analyse et de la liaison  
Office des transports du Canada / Gouvernement du Canada  
[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca) / Tél: 819-953-8926 / ATS: 1-800-669-5575  
Suivez-nous : [Twitter](#) / [YouTube](#)

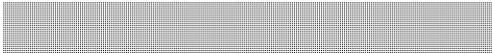
Tim Hillier  
Director, Communications, Analysis and Outreach Branch  
Canadian Transportation Agency / Government of Canada  
[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca) / Tel: 819-953-8926 / TTY: 1-800-669-5575  
Follow us: [Twitter](#) / [YouTube](#)

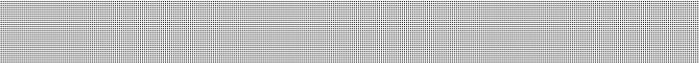
s.21(1)(a)  
s.21(1)(b)

**Nadine Landry**

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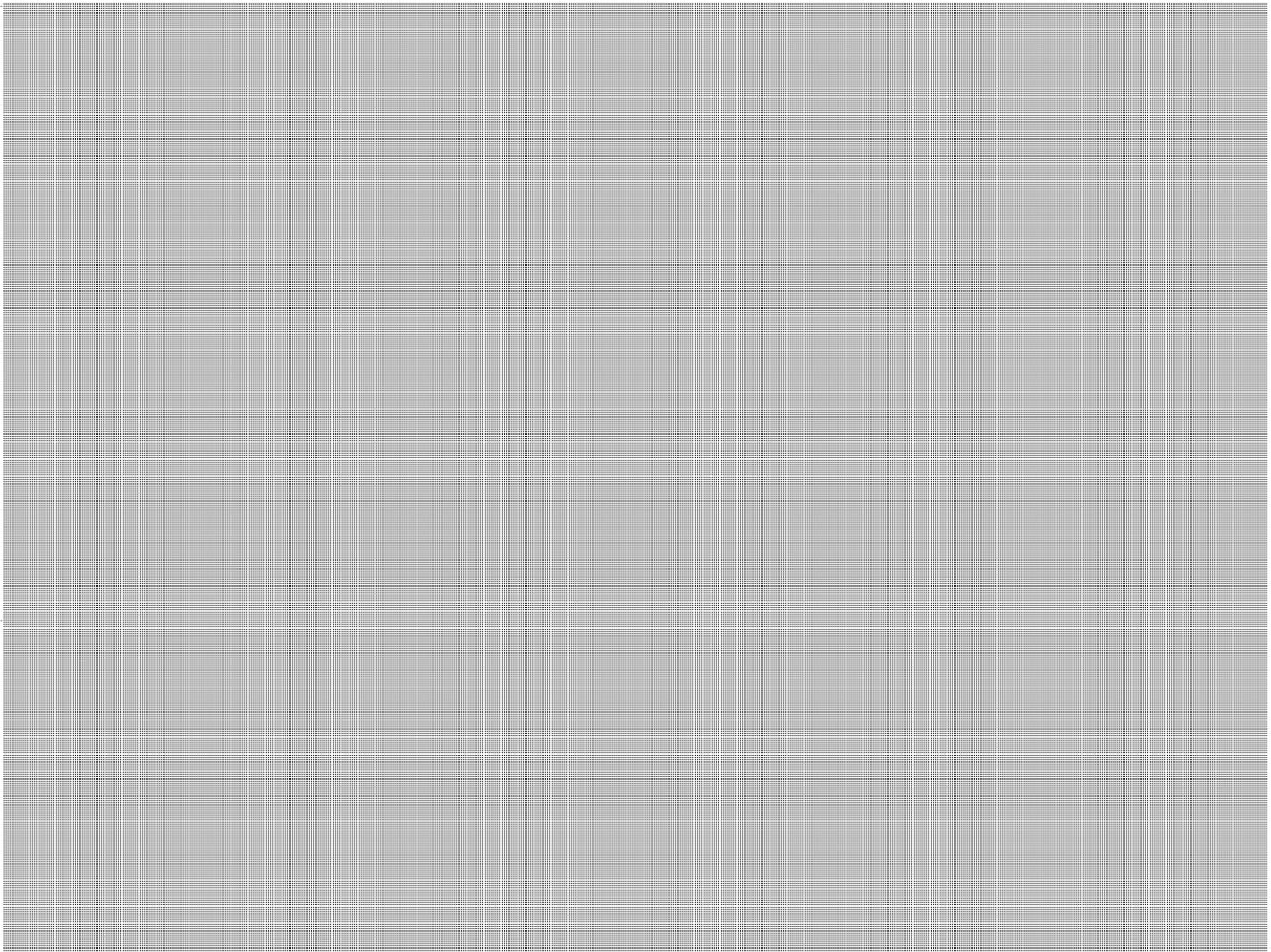
**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 2:29 PM  
**To:** Tim Hillier  
**Cc:** Caitlin Hurcomb; Vincent Turgeon  
**Subject:** RE: Go live

Wonderful, thanks again for your efforts and the team's efforts. 

  
**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 2:26 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>  
**Subject:** FW: Go live

We are live

**Duplicate**



**Page 22**  
**is a duplicate**  
**est un duplicata**

**Nadine Landry**

---

**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 2:02 PM  
**To:** Matilde Perrusclet  
**Cc:** Vincent Turgeon  
**Subject:** FW: Statement re passenger refunds  
**Attachments:** RDIM-2127038-COVID-19\_APPR\_Statement-2.DOCX.DRF; RDIM-2127049-COVID-19\_APPR\_Statement\_-\_French-1.DOCX.DRF

Here it is.

Tim

---

**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 10:55 AM  
**To:** Matilde Perrusclet (Matilde.Perrusclet@otc-cta.gc.ca) <Matilde.Perrusclet@otc-cta.gc.ca>; Simon Fecteau Labbé (Simon.FecteauLabbe@otc-cta.gc.ca) <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly (Cynthia.Jolly@otc-cta.gc.ca) <Cynthia.Jolly@otc-cta.gc.ca>  
**Subject:** FW: Statement re passenger refunds

Tim

**From:** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 10:34 AM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement re passenger refunds

Hello,

Thanks  
PB

---

**From:** Patrice Bellerose  
**Sent:** Tuesday, March 24, 2020 12:18 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement re passenger refunds

s.21(1)(a)  
s.21(1)(b)  
s.23

Hi Tim,

[REDACTED]

thank you.  
PB

**From:** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>  
**Sent:** Tuesday, March 24, 2020 10:13 AM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement re passenger refunds

[REDACTED] Thank you.

PB

----- Original message -----

**From:** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>  
**Date:** 2020-03-24 8:53 AM (GMT-05:00)  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>, Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>, Martine Maltais <Martine.Maltais@otc-cta.gc.ca>  
**Subject:** RE: Statement re passenger refunds

Hello

[REDACTED]

Thank you.  
PB

---

**From:** Patrice Bellerose  
**Sent:** Monday, March 23, 2020 12:46 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: Statement re passenger refunds

[REDACTED]

Thanks  
PB

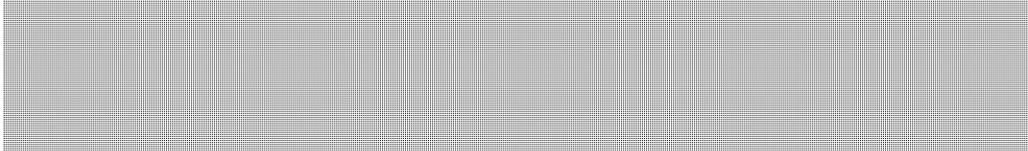
---

**From:** Patrice Bellerose  
**Sent:** Monday, March 23, 2020 12:43 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>

s.21(1)(a)  
s.21(1)(b)  
s.23

Record released pursuant to the *Access to Information Act* /  
Document divulgué en vertu de la *loi sur l'accès à l'information*

Cc: Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
Subject: RE: Statement re passenger refunds

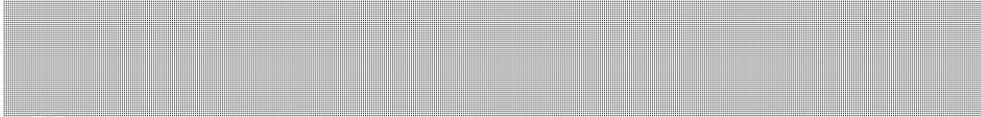


PB

---

**From:** Patrice Bellerose  
**Sent:** Monday, March 23, 2020 12:30 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: Statement re passenger refunds

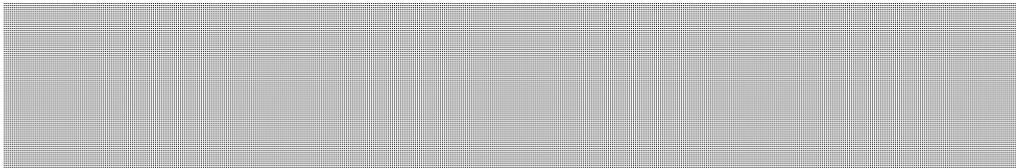
Hello,



PB

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Monday, March 23, 2020 12:24 PM  
**To:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>  
**Subject:** Statement re passenger refunds

Hi Valérie,



Thanks,

Tim

Tim Hillier  
Directeur, Communications, Direction générale de l'analyse et de la liaison  
Office des transports du Canada / Gouvernement du Canada  
[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca) / Tél: 819-953-8926 / ATS: 1-800-669-5575  
Suivez-nous : [Twitter](#) / [YouTube](#)

Tim Hillier  
Director, Communications, Analysis and Outreach Branch  
Canadian Transportation Agency / Government of Canada  
[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca) / Tel: 819-953-8926 / TTY: 1-800-669-5575  
Follow us: [Twitter](#) / [YouTube](#)

La pandémie de COVID-19 a gravement perturbé le transport aérien intérieur et international.

En ce qui concerne les perturbations de vol indépendantes de la volonté de la compagnie aérienne, la *Loi sur les transports au Canada* et le *Règlement sur la protection des passagers aériens* exigent seulement que la compagnie aérienne veille à ce que les passagers effectuent leur itinéraire au complet. Certaines compagnies aériennes ont intégré dans leurs tarifs des règles prévoyant des remboursements dans certaines situations. Elles peuvent également y avoir prévu des dispositions par lesquelles elles se croient exemptées de telles obligations dans des cas de force majeure.

Les différentes dispositions législatives, réglementaires et tarifaires ont été rédigées pour des perturbations à court terme relativement localisées. Aucune n'a été envisagée

[REDACTED]

sont survenues au cours des dernières semaines en conséquence de la pandémie. Il est important de tenir compte de la façon dont nous devons établir un équilibre qui soit

[REDACTED]

opérationnelles des compagnies aériennes dans ces circonstances extraordinaires et sans précédent.

D'une part, les passagers qui n'ont aucune possibilité d'effectuer au complet l'itinéraire prévu avec l'assistance d'une compagnie aérienne ne devraient pas avoir à assumer des dépenses pour des vols annulés. D'autre part, on ne peut pas s'attendre à ce que les compagnies aériennes qui voient leurs volumes de passagers et leurs revenus baisser de façon vertigineuse prennent des mesures qui risqueraient de menacer leur viabilité économique.

L'Office des transports du Canada (OTC) examinera le bien-fondé de chaque situation précise qui lui sera présentée, mais il estime que, de façon générale, une solution qui serait convenable dans le contexte actuel serait que les compagnies aériennes fournissent aux passagers touchés des bons ou des crédits pour des vols futurs qui n'expireront pas dans un délai déraisonnablement court (un délai de 24 mois serait jugé raisonnable dans la plupart des cas).

L'OTC continuera de fournir des renseignements, des conseils et des services aux passagers et aux compagnies aériennes, à mesure que nous passerons à travers cette période difficile.

**Nadine Landry**

---

**From:** Matilde Perruslet  
**Sent:** Wednesday, March 25, 2020 1:58 PM  
**To:** Tim Hillier; Vincent Turgeon  
**Subject:** FW: Statement  
**Attachments:** Statement.docx

Tim

---

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 9:57 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Martine Maltais <[Martine.Maltais@otc-cta.gc.ca](mailto:Martine.Maltais@otc-cta.gc.ca)>  
**Cc:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** FW: Statement

**Duplicate**

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

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

unprecedented circumstances.

On the one hand, passengers who have no prospect of completing their planned

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.

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

**Nadine Landry**

---

**From:** Caitlin Hurcomb  
**Sent:** Wednesday, March 25, 2020 1:53 PM  
**To:** Tim Hillier; Marcia Jones  
**Cc:** Vincent Turgeon  
**Subject:** RE: push button ready

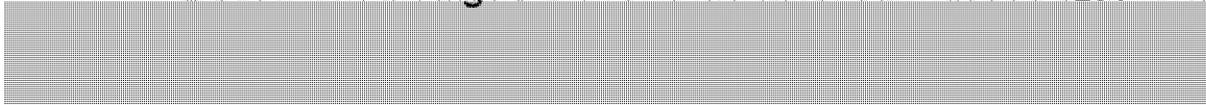
---

**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 1:47 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: push button ready

Tim

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 1:44 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: push button ready

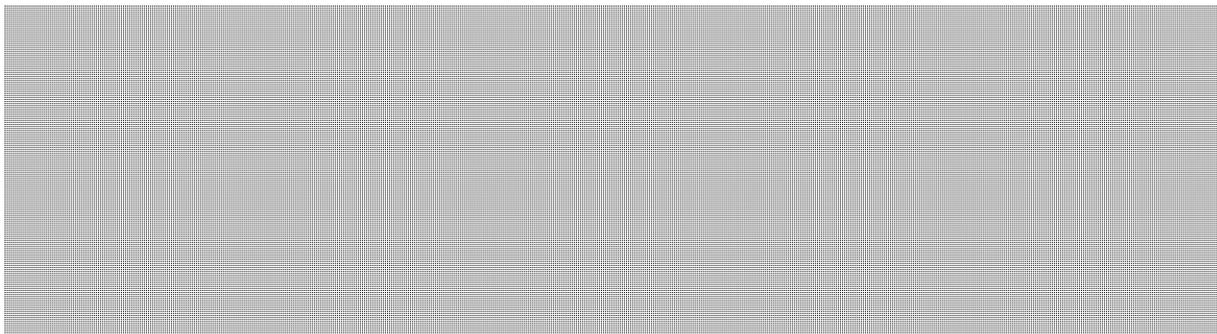
**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 1:41 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: push button ready



Tim

---

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 1:35 PM  
**To:** Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Subject:** RE: push button ready



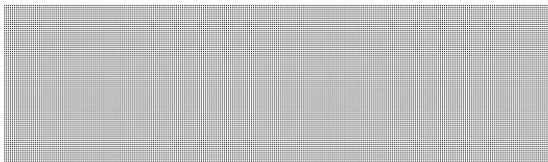
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**From:** Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 1:27 PM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** RE: push button ready



---

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 1:23 PM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Cc:** Patrice Bellerose <[Patrice.Bellerose@otc-cta.gc.ca](mailto:Patrice.Bellerose@otc-cta.gc.ca)>; Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** RE: push button ready  
**Importance:** High



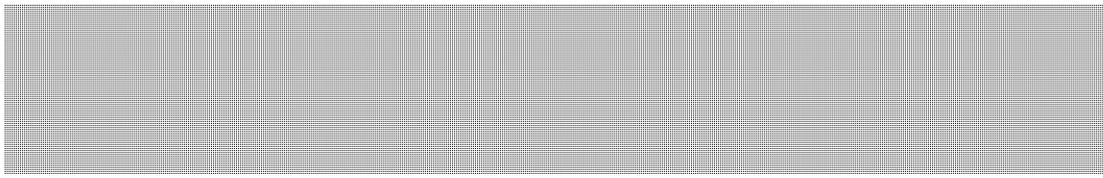
s.21(1)(a)  
s.21(1)(b)  
s.23

Record released pursuant to the *Access to Information Act* /  
Document divulgué en vertu de la *loi sur l'accès à l'information*

**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 1:11 PM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** FW: push button ready  
**Importance:** High

Hello, 

**From:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 12:47 PM  
**To:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** RE: push button ready



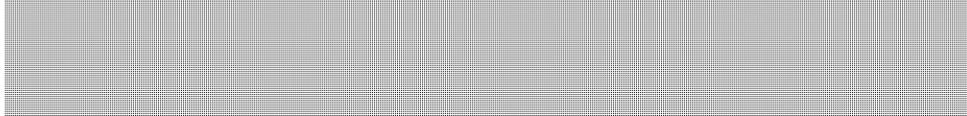
Thanks.

**From:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 10:40 AM  
**To:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>; Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** RE: push button ready

 Thanks.

----- Original message -----

**From:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Date:** 2020-03-25 10:36 a.m. (GMT-05:00)  
**To:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>, Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>, Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** push button ready

Mr. Streiner,  


Valérie

**Nadine Landry**

---

**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 1:44 PM  
**To:** Matilde Perruslet; Simon Fecteau Labbé; Cynthia Jolly; Vincent Turgeon; Martine Maltais  
**Subject:** FW: Statement  
**Attachments:** [REDACTED]

Hi Matilde,

[REDACTED]

Tim

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 1:36 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Allan Burnside <Allan.Burnside@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** FW: Statement

[REDACTED] Thanks again, everyone.

**From:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 1:35 PM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Cc:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>  
**Subject:** Statement

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada  
Chair and Chief Executive Officer, Canadian Transportation Agency  
[scott.streiner@otc-cta.gc.ca](mailto:scott.streiner@otc-cta.gc.ca) - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

**Nadine Landry**

---

**From:** Matilde Perruslet  
**Sent:** Wednesday, March 25, 2020 12:24 PM  
**To:** Tim Hillier; Martine Maltais; Simon Fecteau Labbé; Cynthia Jolly; Vincent Turgeon  
**Subject:** RE: A few more changes

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Date:** 2020-03-25 12:05 p.m. (GMT-05:00)  
**To:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>, Martine Maltais <Martine.Maltais@otc-cta.gc.ca>, Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>, Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>, Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>  
**Subject:** RE: A few more changes

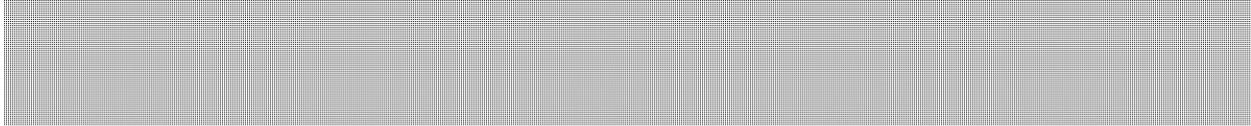
Tim

**From:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 11:52 AM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>  
**Subject:** RE: A few more changes

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 11:37 AM  
**To:** Martine Maltais <Martine.Maltais@otc-cta.gc.ca>; Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly

<Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>

**Subject:** RE: A few more changes



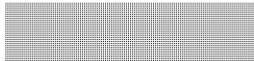
Tim

**From:** Martine Maltais <Martine.Maltais@otc-cta.gc.ca>

**Sent:** Wednesday, March 25, 2020 11:32 AM

**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>

**Subject:** RE: A few more changes

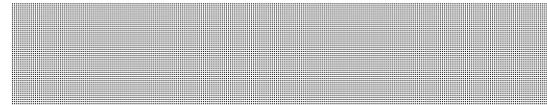


**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>

**Sent:** Wednesday, March 25, 2020 11:30 AM

**To:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>

**Subject:** RE: A few more changes



Tim

---

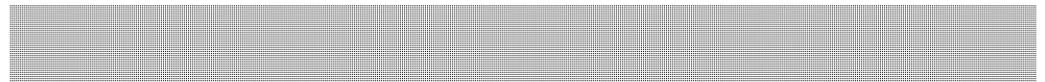
**From:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>

**Sent:** Wednesday, March 25, 2020 11:29 AM

**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>

**Subject:** RE: A few more changes

Hi Tim,



Matilde

---

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>

**Sent:** Wednesday, March 25, 2020 11:24 AM

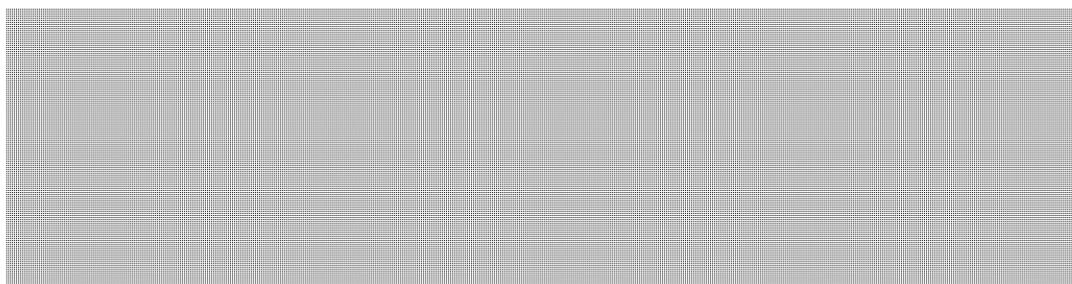
**To:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>

**Subject:** A few more changes

s.21(1)(a)  
s.21(1)(b)

Record released pursuant to the *Access to Information Act* /  
Document divulgué en vertu de la *loi sur l'accès à l'information*

Hi Matilde,



Thanks,

Tim

**Nadine Landry**

---

**From:** Matilde Perruslet  
**Sent:** Wednesday, March 25, 2020 11:30 AM  
**To:** Tim Hillier  
**Subject:** RE: Text on refunds and other revisions to important information page

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 10:36 AM  
**To:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>  
**Cc:** Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>  
**Subject:** FW: Text on refunds and other revisions to important information page

Tim

**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 10:23 AM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: Text on refunds and other revisions to important information page

Tim

---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 10:17 AM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Subject:** RE: Text on refunds and other revisions to important information page

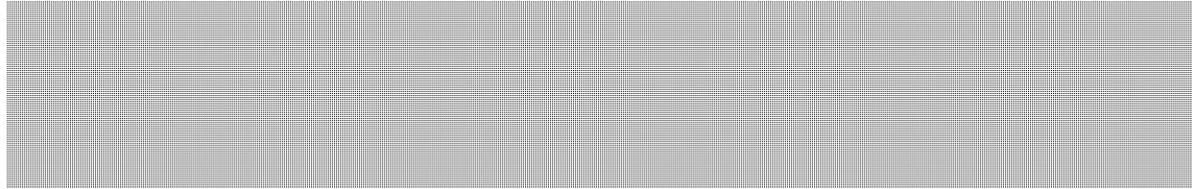
Hi Tim,

s.21(1)(a)

s.21(1)(b)

s.23

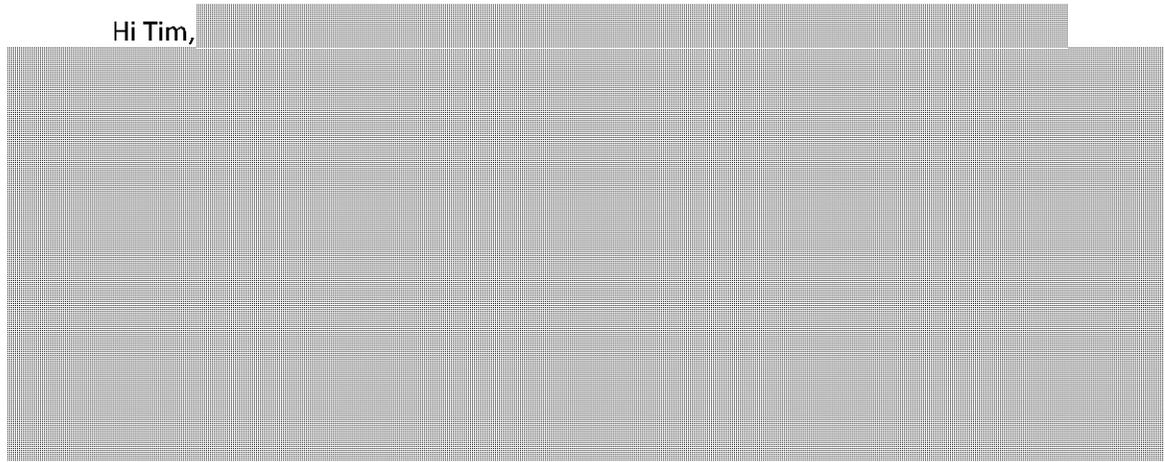
**From:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 10:03 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** FW: Text on refunds and other revisions to important information page



Tim

**From:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 9:45 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** RE: Text on refunds and other revisions to important information page

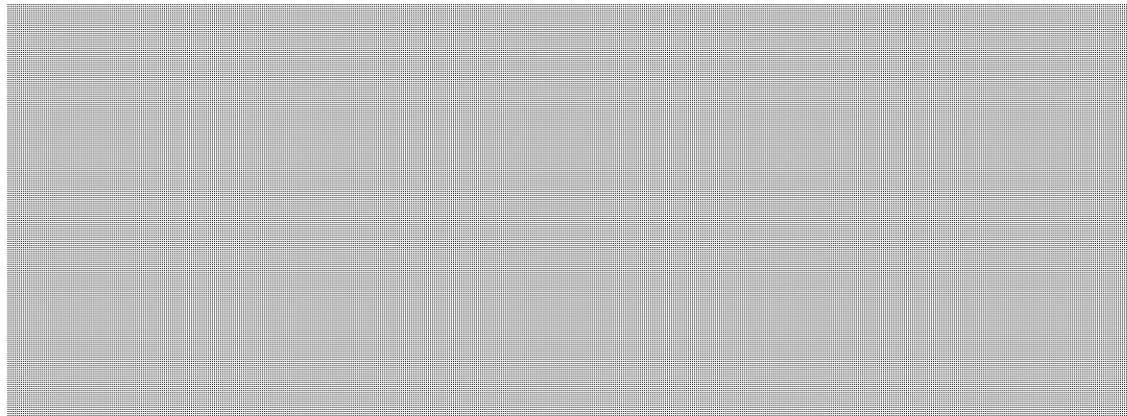
Hi Tim,



Valérie

**De :** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Envoyé :** 25 mars 2020 09:36  
**À :** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Cc :** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Objet :** FW: Text on refunds and other revisions to important information page

Hi Valérie,



Thanks,

Tim

---

**From:** Tim Hillier

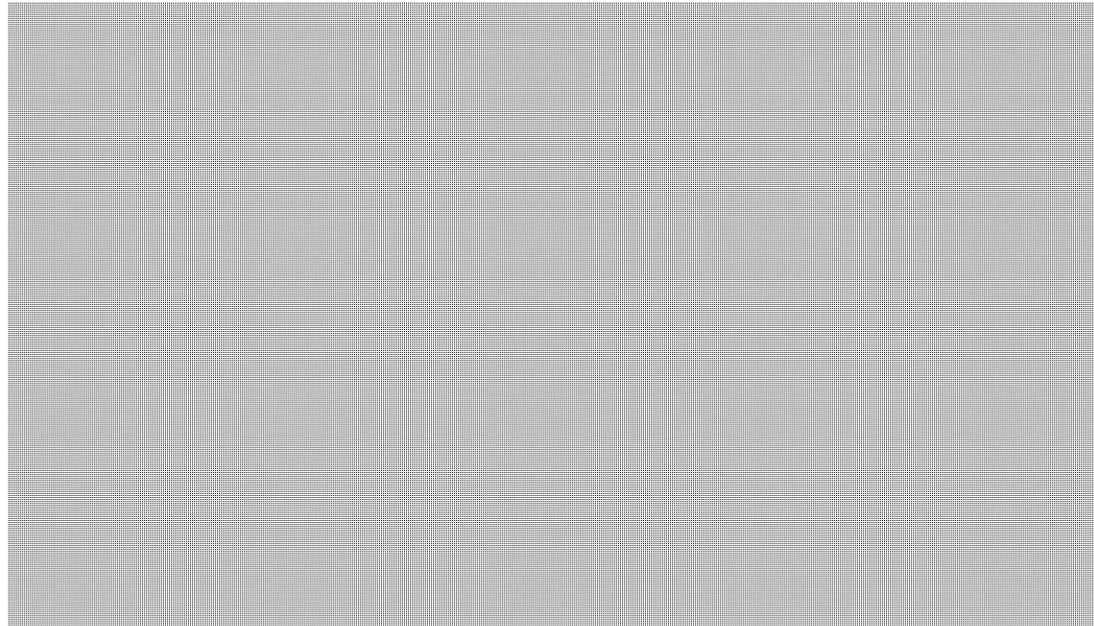
**Sent:** Tuesday, March 24, 2020 4:42 PM

**To:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>; Alysia Lau <[Alysia.Lau@otc-cta.gc.ca](mailto:Alysia.Lau@otc-cta.gc.ca)>

**Cc:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Cynthia Jolly ([Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)) <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Vincent Turgeon ([Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)) <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Matilde Perruslet ([Matilde.Perruslet@otc-cta.gc.ca](mailto:Matilde.Perruslet@otc-cta.gc.ca)) <[Matilde.Perruslet@otc-cta.gc.ca](mailto:Matilde.Perruslet@otc-cta.gc.ca)>; Simon Fecteau Labbé ([Simon.FecteauLabbe@otc-cta.gc.ca](mailto:Simon.FecteauLabbe@otc-cta.gc.ca)) <[Simon.FecteauLabbe@otc-cta.gc.ca](mailto:Simon.FecteauLabbe@otc-cta.gc.ca)>

**Subject:** Text on refunds and other revisions to important information page

Hi Sébastien,



Cheers,

Tim

**Nadine Landry**

---

**From:** Sébastien Bergeron  
**Sent:** Wednesday, March 25, 2020 11:27 AM  
**To:** Marcia Jones  
**Subject:** RE: Answer

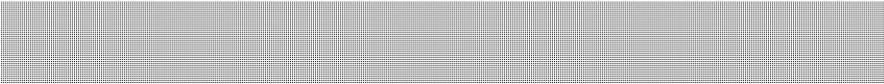
Thanks.

**Sébastien Bergeron**

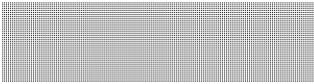
Chef de cabinet | Bureau du président et premier dirigeant  
Office des transports du Canada | Gouvernement du Canada  
[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer  
Canadian Transportation Agency | Government of Canada  
[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

**De :** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Envoyé :** 25 mars 2020 11:26  
**À :** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Objet :** RE: Answer



**From:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 11:11 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Subject:** RE: Answer

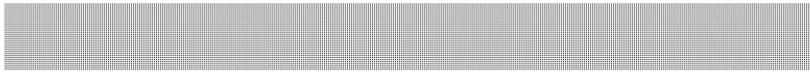


**Sébastien Bergeron**

Chef de cabinet | Bureau du président et premier dirigeant  
Office des transports du Canada | Gouvernement du Canada  
[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer  
Canadian Transportation Agency | Government of Canada  
[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

**De :** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Envoyé :** 25 mars 2020 11:10  
**À :** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Objet :** FW: Answer



s.21(1)(a)

s.21(1)(b)

**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 11:10 AM  
**To:** Martine Maltais <[Martine.Maltais@otc-cta.gc.ca](mailto:Martine.Maltais@otc-cta.gc.ca)>; Sébastien Bergeron <[Sébastien.Bergeron@otc-cta.gc.ca](mailto:Sébastien.Bergeron@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** RE: Answer

Hi,

**From:** Martine Maltais <[Martine.Maltais@otc-cta.gc.ca](mailto:Martine.Maltais@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 10:15 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Sébastien Bergeron <[Sébastien.Bergeron@otc-cta.gc.ca](mailto:Sébastien.Bergeron@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** RE: Answer

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 10:00 AM  
**To:** Sébastien Bergeron <[Sébastien.Bergeron@otc-cta.gc.ca](mailto:Sébastien.Bergeron@otc-cta.gc.ca)>; Martine Maltais <[Martine.Maltais@otc-cta.gc.ca](mailto:Martine.Maltais@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>  
**Subject:** FW: Answer

Hi

**From:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Sent:** Wednesday, March 25, 2020 9:53 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Sébastien Bergeron <[Sébastien.Bergeron@otc-cta.gc.ca](mailto:Sébastien.Bergeron@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>  
**Subject:** RE: Answer

Hi, Marcia

Thanks.

s.21(1)(a)

s.21(1)(b)

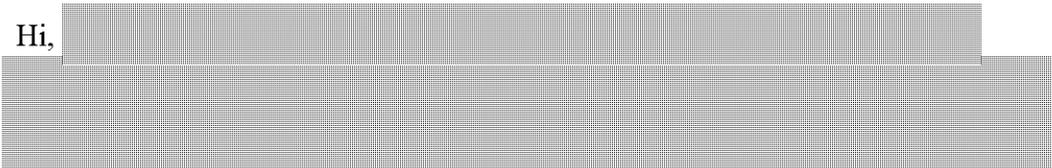
**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 8:53 PM  
**To:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>; Sébastien Bergeron  
<[Sébastien.Bergeron@otc-cta.gc.ca](mailto:Sébastien.Bergeron@otc-cta.gc.ca)>  
**Subject:** RE: Answer

Hi Scott,



**From:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 7:34 PM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Sébastien Bergeron  
<[Sébastien.Bergeron@otc-cta.gc.ca](mailto:Sébastien.Bergeron@otc-cta.gc.ca)>  
**Subject:** Answer

Hi,



Thanks.

S

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada

Chair and Chief Executive Officer, Canadian Transportation Agency

scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

**Nadine Landry**

---

**From:** Liz Barker  
**Sent:** Wednesday, March 25, 2020 11:04 AM  
**To:** Scott Streiner  
**Subject:** RE: Answer

Liz

---

**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Sent:** March-25-20 10:43 AM  
**To:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>; Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Liz Barker <Liz.Barker@otc-cta.gc.ca>  
**Subject:** RE: Answer

----- Original message -----

**From:** Sébastien Bergeron <[Sebastien.Bergeron@otc-cta.gc.ca](mailto:Sebastien.Bergeron@otc-cta.gc.ca)>  
**Date:** 2020-03-25 10:26 a.m. (GMT-05:00)  
**To:** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>, Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Cc:** Liz Barker <[Liz.Barker@otc-cta.gc.ca](mailto:Liz.Barker@otc-cta.gc.ca)>  
**Subject:** RE: Answer

Scott,

Seb

**Sébastien Bergeron**

Chef de cabinet | Bureau du président et premier dirigeant

Office des transports du Canada | Gouvernement du Canada

[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer

Canadian Transportation Agency | Government of Canada

[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

**Duplicate**

**Pages 47 to / à 48  
are duplicates  
sont des duplicatas**

**Nadine Landry**

---

**From:** Caitlin Hurcomb  
**Sent:** Wednesday, March 25, 2020 10:47 AM  
**To:** Tim Hillier  
**Subject:** RE: Text on refunds and other revisions to important information page

[REDACTED]

Thanks!

---

**From:** Tim Hillier  
**Sent:** Wednesday, March 25, 2020 10:38 AM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** FW: Text on refunds and other revisions to important information page

Hi Cait,

Marcia [REDACTED]

Thanks,

Tim

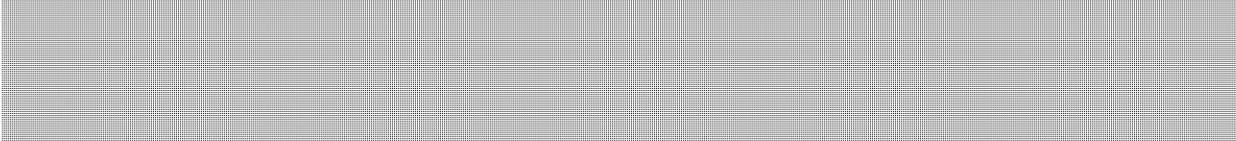
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sont des duplicatas**

**Nadine Landry**

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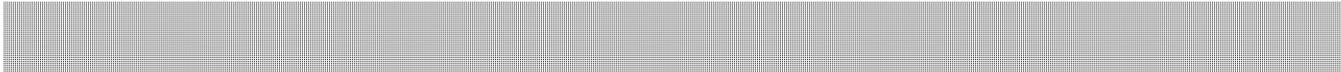
**From:** Patrice Bellerose  
**Sent:** Wednesday, March 25, 2020 10:42 AM  
**To:** Marcia Jones; Tim Hillier  
**Cc:** Valérie Lagacé; Martine Maltais; Sébastien Bergeron  
**Subject:** RE: Statement re passenger refunds



PB

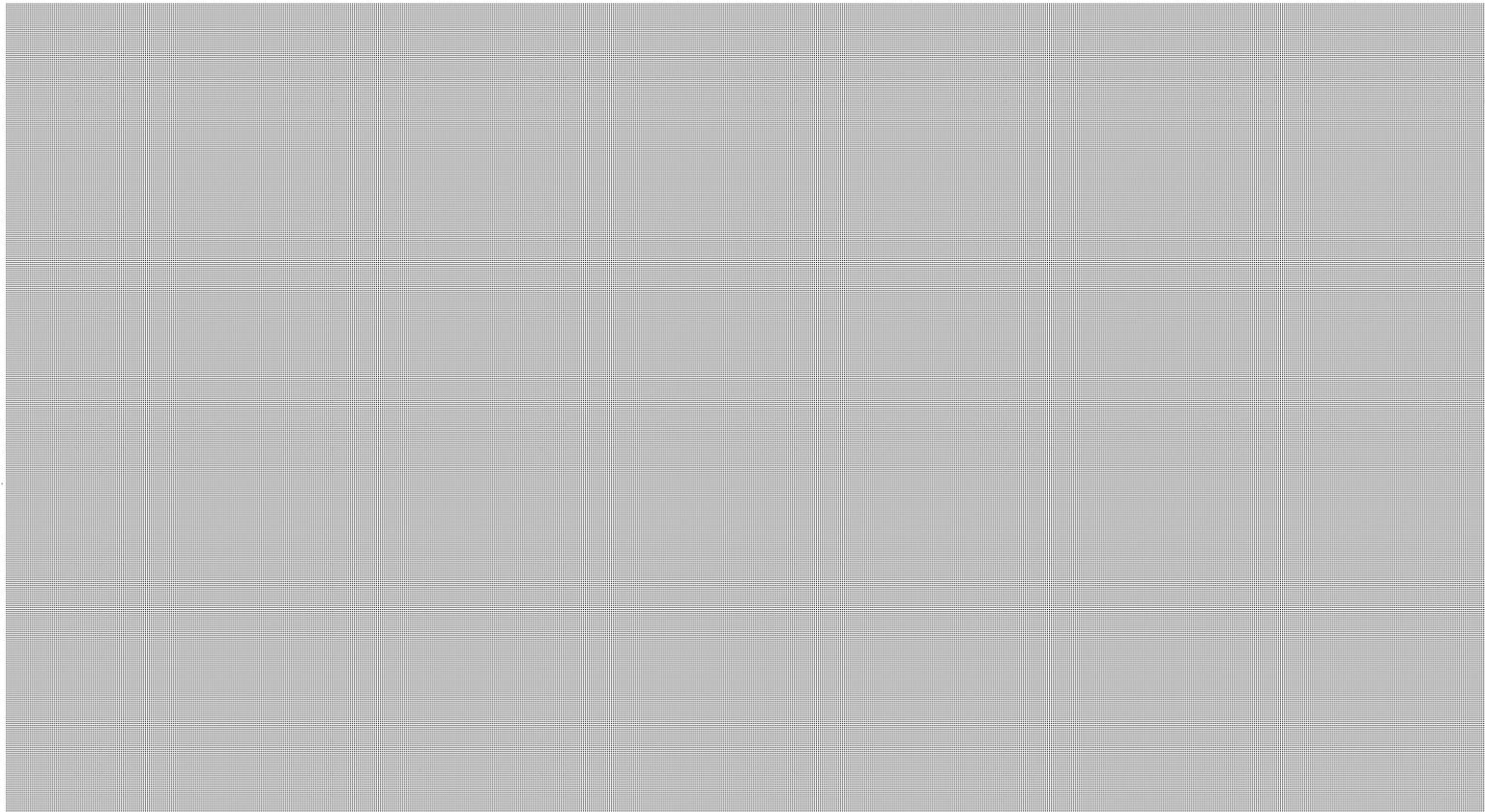
**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 10:37 AM  
**To:** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement re passenger refunds

Hi,



Marcia

**Duplicate**

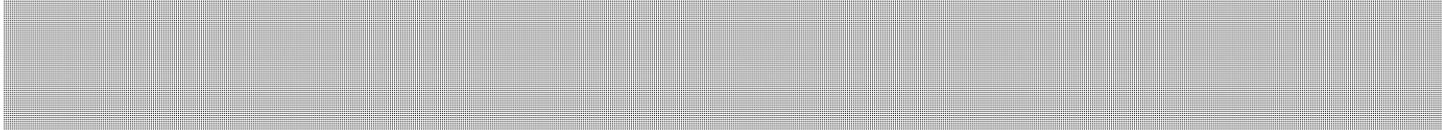


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are duplicates  
sont des duplicatas**

**Nadine Landry**

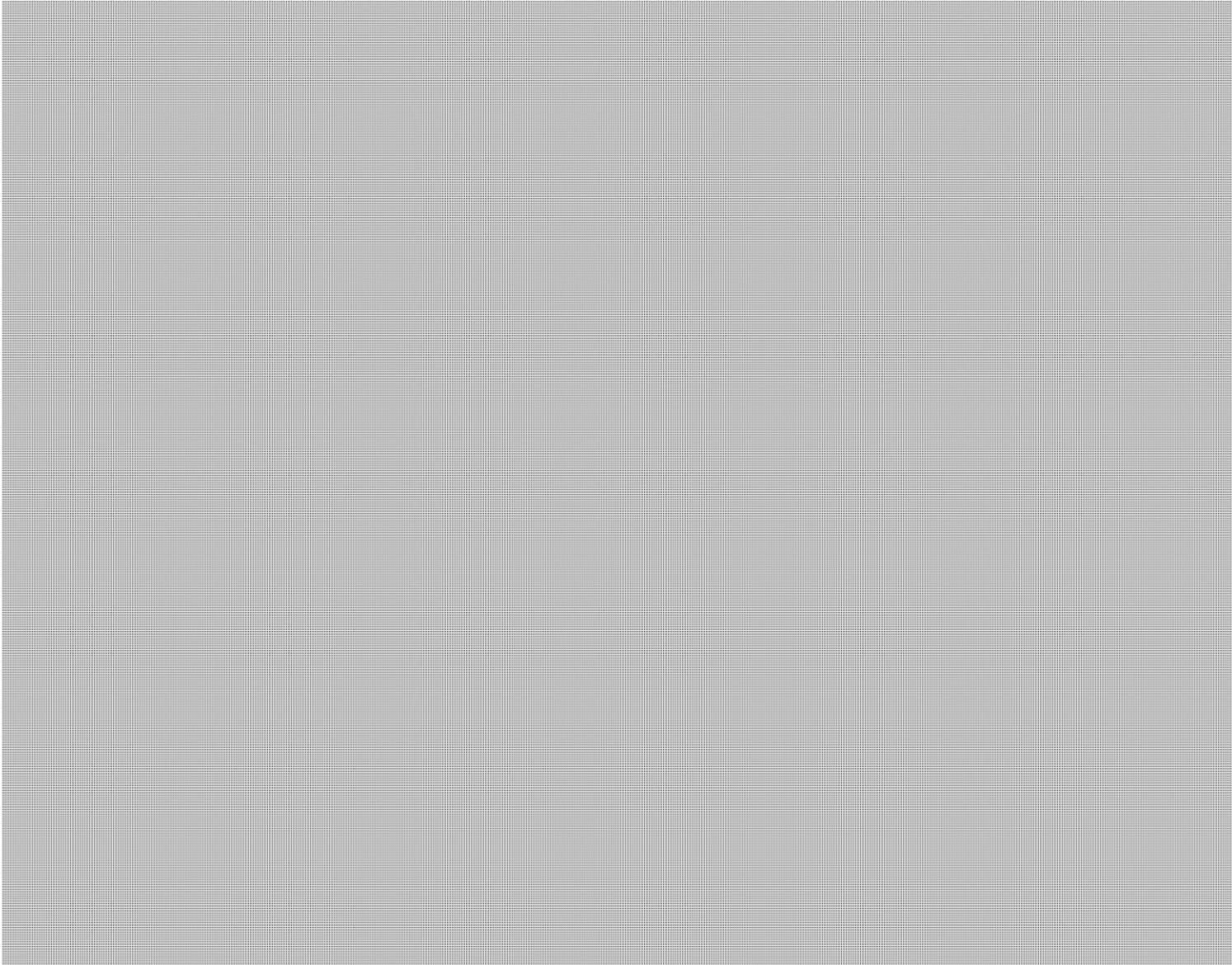
---

**From:** Matilde Perruslet  
**Sent:** Wednesday, March 25, 2020 10:20 AM  
**To:** Tim Hillier; Simon Fecteau Labbé; Cynthia Jolly  
**Subject:** RE: Statement



Matilde

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 10:07 AM  
**To:** Matilde Perruslet <Matilde.Perruslet@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>  
**Subject:** FW: Statement **Duplicate**



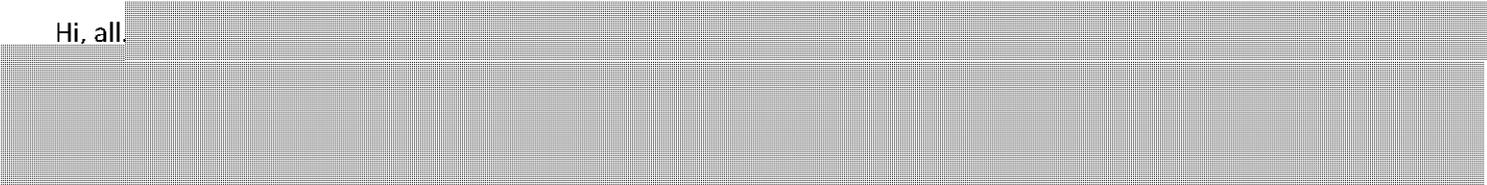
**Page 63**  
**is a duplicate**  
**est un duplicata**

**Nadine Landry**

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**From:** Scott Streiner  
**Sent:** Wednesday, March 25, 2020 9:45 AM  
**To:** Valérie Lagacé  
**Cc:** Marcia Jones; Tom Oommen; Sébastien Bergeron; Lesley Robertson  
**Subject:** Statement  
**Attachments:** Statement.docx

Hi, all.



Thanks,

S

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada  
Chair and Chief Executive Officer, Canadian Transportation Agency  
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

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

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

unprecedented circumstances.

On the one hand, passengers who have no prospect of completing their planned

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.

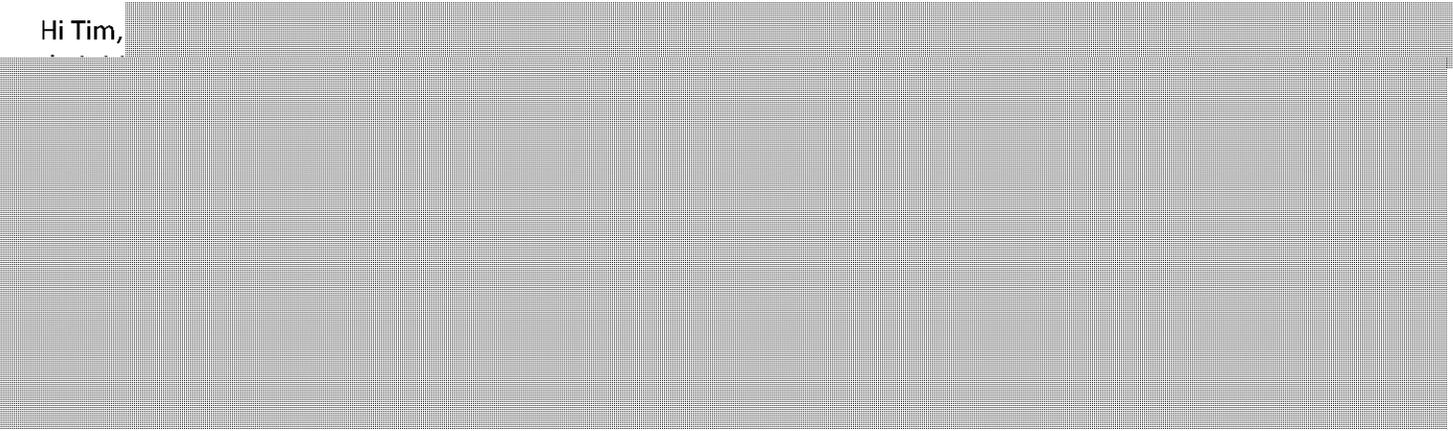
The CTA will continue to provide information, guidance, and services to passengers and airlines as we make our way through this challenging period.

**Nadine Landry**

---

**From:** Valérie Lagacé  
**Sent:** Wednesday, March 25, 2020 9:45 AM  
**To:** Tim Hillier  
**Cc:** Marcia Jones  
**Subject:** RE: Text on refunds and other revisions to important information page

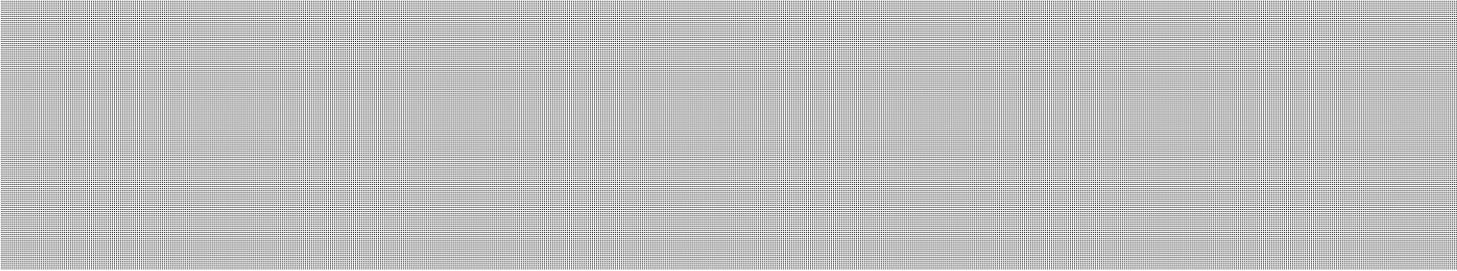
Hi Tim,



Valérie

**De :** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Envoyé :** 25 mars 2020 09:36  
**À :** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc :** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Objet :** FW: Text on refunds and other revisions to important information page

Hi Valérie,



Thanks,

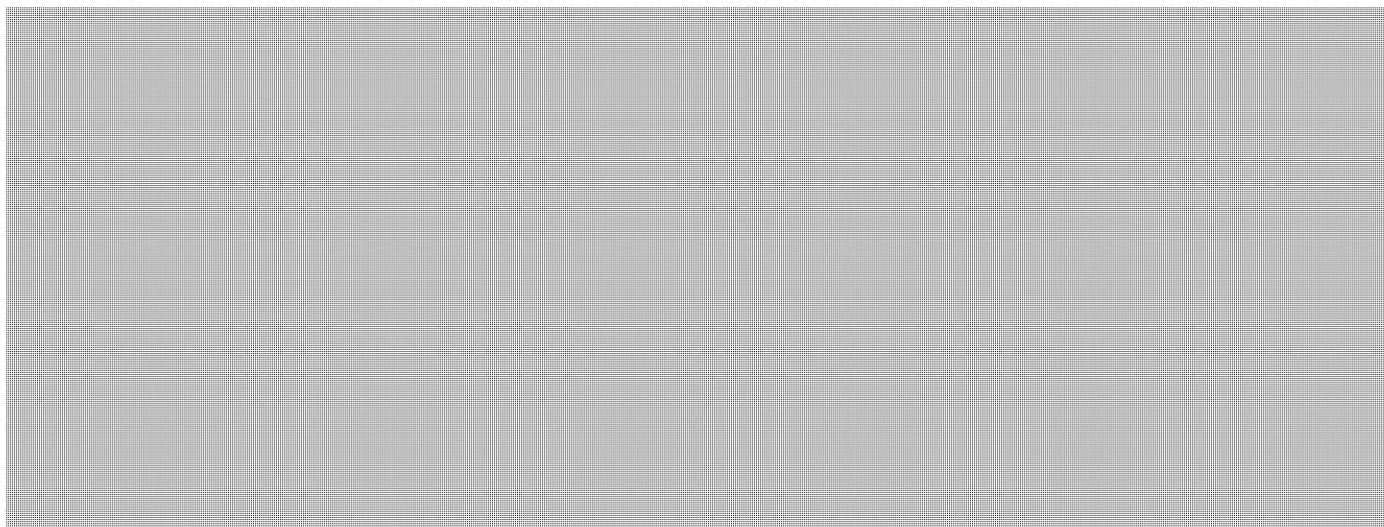
Tim

**From:** Tim Hillier  
**Sent:** Tuesday, March 24, 2020 4:42 PM  
**To:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>; Alysia Lau <Alysia.Lau@otc-cta.gc.ca>  
**Cc:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Cynthia Jolly (Cynthia.Jolly@otc-cta.gc.ca)  
<Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon (Vincent.Turgeon@otc-cta.gc.ca)  
<Vincent.Turgeon@otc-cta.gc.ca>; Matilde Perrusclet (Matilde.Perrusclet@otc-cta.gc.ca)  
<Matilde.Perrusclet@otc-cta.gc.ca>; Simon Fecteau Labbé (Simon.FecteauLabbe@otc-cta.gc.ca)  
<Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** Text on refunds and other revisions to important information page

s.21(1)(a)

s.21(1)(b)

Hi Sébastien,



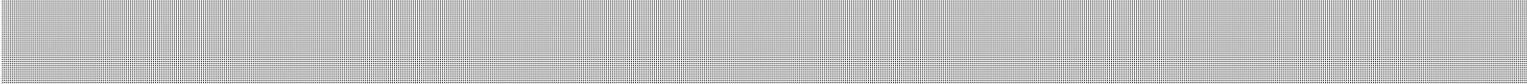
Cheers,

Tim

**Nadine Landry**

---

**From:** Valérie Lagacé  
**Sent:** Wednesday, March 25, 2020 9:38 AM  
**To:** Tim Hillier  
**Subject:** RE: Text on refunds and other revisions to important information page



Duplicate



**Page 69**  
**is a duplicate**  
**est un duplicata**

**Nadine Landry**

---

**From:** Sébastien Bergeron  
**Sent:** Tuesday, March 24, 2020 5:52 PM  
**To:** Tim Hillier; Alysia Lau  
**Cc:** Marcia Jones; Cynthia Jolly; Vincent Turgeon; Matilde Perruslet; Simon Fecteau Labbé  
**Subject:** RE: Text on refunds and other revisions to important information page

Tim,

seb

**Sébastien Bergeron**

Chef de cabinet | Bureau du président et premier dirigeant  
Office des transports du Canada | Gouvernement du Canada  
[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer  
Canadian Transportation Agency | Government of Canada  
[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

**Duplicate**

**Page 71**  
**is a duplicate**  
**est un duplicata**

s.21(1)(a)

Nadine Landry

s.21(1)(b)

---

**From:** Marcia Jones  
**Sent:** Tuesday, March 24, 2020 5:45 PM  
**To:** Sébastien Bergeron; Vincent Turgeon  
**Cc:** Alysia Lau; Tim Hillier; Martine Maltais  
**Subject:** RE: Question urgente de La Presse

**From:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Sent:** Tuesday, March 24, 2020 5:23 PM  
**To:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Alysia Lau <Alysia.Lau@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>  
**Subject:** RE: Question urgente de La Presse

Vincent,

**Sébastien Bergeron**

Chef de cabinet | Bureau du président et premier dirigeant  
Office des transports du Canada | Gouvernement du Canada  
[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer  
Canadian Transportation Agency | Government of Canada  
[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

**De :** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>  
**Envoyé :** 24 mars 2020 17:19  
**À :** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Cc :** Alysia Lau <Alysia.Lau@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>  
**Objet :** RE: Question urgente de La Presse  
**Importance :** Haute

Vincent

---

**From:** Vincent Turgeon  
**Sent:** Tuesday, March 24, 2020 5:13 PM

s.19(1)

Record released pursuant to the *Access to Information Act* /  
Document divulgué en vertu de la *loi sur l'accès à l'information*

s.21(1)(a)

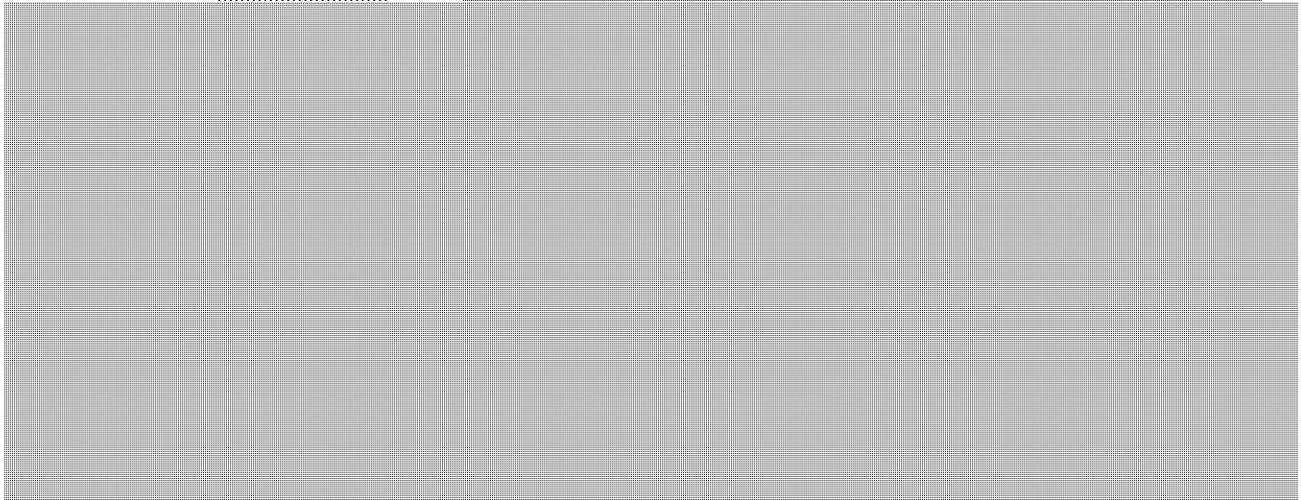
s.21(1)(b) **To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>

**Cc:** Alysia Lau <Alysia.Lau@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Martine Maltais <Martine.Maltais@otc-cta.gc.ca>

**Subject:** FW: Question urgente de La Presse

**Importance:** High

Hi, the media request below



Vincent

**From:** Grammond, Stéphanie [mailto:sgrammond@lapresse.ca]

**Sent:** Tuesday, March 24, 2020 4:17 PM

**To:** Media Relations / Relations Medias <media@tc.gc.ca>

**Subject:** Question urgente de La Presse

Bonjour,

Au lieu de rembourser les clients dont les vols sont annulés à cause de la COVID-19, plusieurs transporteurs leur offrent un crédit valide pour 12-24 mois. En ces temps difficiles, les consommateurs qui sont nombreux à avoir perdu leur emploi préféreraient avoir l'argent dans leurs poches.

Avez-vous beaucoup de plaintes à cet égard?

Est-il légal de la part des transporteurs de refuser de rembourser les clients à qui ils n'ont pas fourni le vol prévu?

Merci de me revenir d'ici la fin de la journée,

SG



**Stéphanie Grammond**

Chroniqueuse

La Presse, Affaires

T 514 285-7000, poste [redacted]  
750, boulevard Saint-Laurent, Montréal (Québec) H2Y 2Z4



**Nadine Landry**

---

**From:** Caitlin Hurcomb  
**Sent:** Tuesday, March 24, 2020 3:52 PM  
**To:** Marcia Jones  
**Subject:** RE: FAQs for review

[REDACTED]

**From:** Marcia Jones  
**Sent:** Tuesday, March 24, 2020 3:51 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** Re: FAQs for review

Hi Cait -

[REDACTED]

Marcia

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Date:** 2020-03-24 3:47 PM (GMT-05:00)  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: FAQs for review

Hi Marcia,

[REDACTED]

---

**From:** Martine Maltais  
**Sent:** Tuesday, March 24, 2020 3:44 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Tim Hillier <Tim.Hillier@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: FAQs for review

Marcia,

[REDACTED]

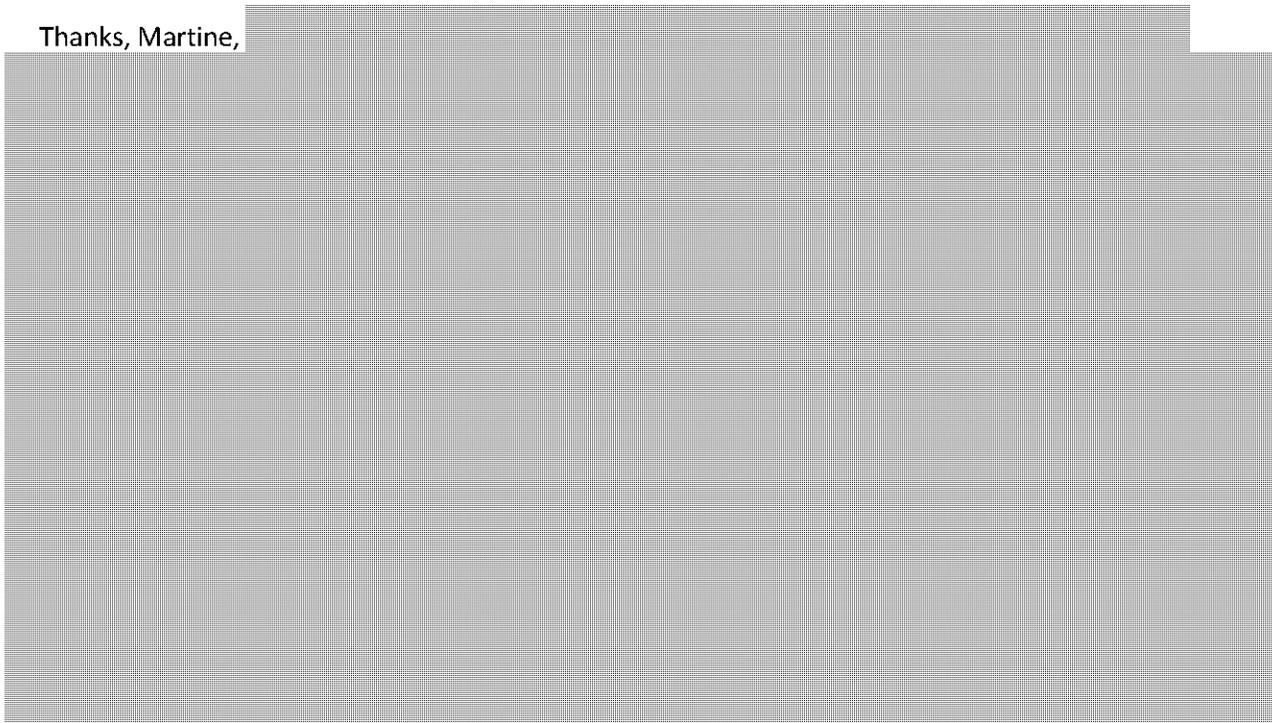
---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Tuesday, March 24, 2020 1:42 PM  
**To:** Martine Maltais <Martine.Maltais@otc-cta.gc.ca>

s.21(1)(a)  
s.21(1)(b)

Cc: Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
Subject: RE: FAQs for review

Thanks, Martine,



Thanks,  
Marcia

**From:** Martine Maltais <[Martine.Maltais@otc-cta.gc.ca](mailto:Martine.Maltais@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 1:17 PM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Subject:** FAQs for review

Marcia,

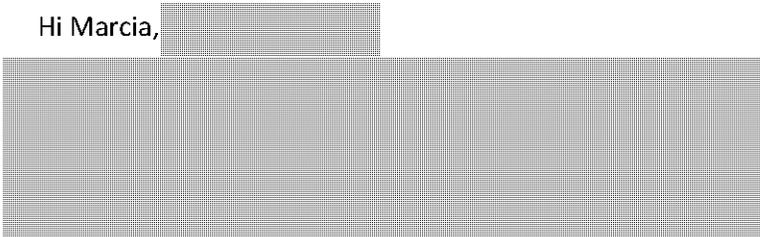


Martine

---

**From:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 10:50 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>; Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Cc:** Martine Maltais <[Martine.Maltais@otc-cta.gc.ca](mailto:Martine.Maltais@otc-cta.gc.ca)>  
**Subject:** RE: heads up

Hi Marcia,



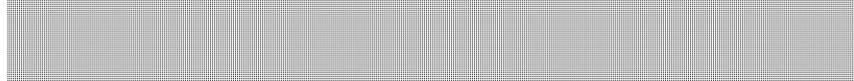
VINCENT

s.21(1)(a)

s.21(1)(b)

**From:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 10:28 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Vincent Turgeon  
<[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>  
**Subject:** RE: heads up

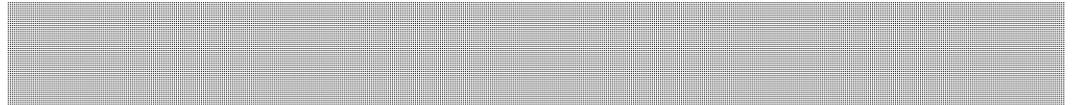
Thanks Marcia,



Thanks,

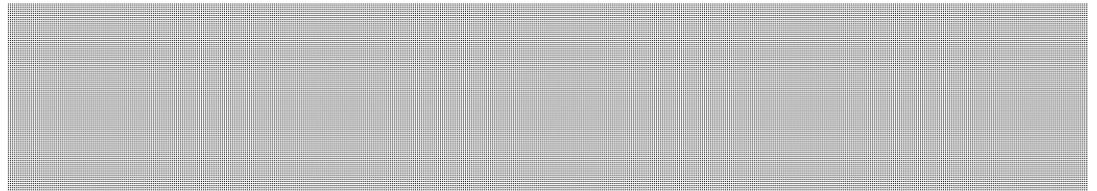
Tim

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 10:26 AM  
**To:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Tim Hillier  
<[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Subject:** RE: heads up



Marcia

**From:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 9:50 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Subject:** RE: heads up



Vincent

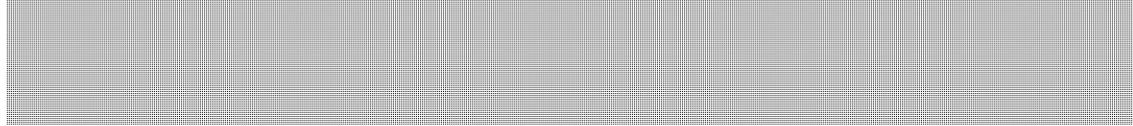
---

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 9:37 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly  
<[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** RE: heads up



Marcia

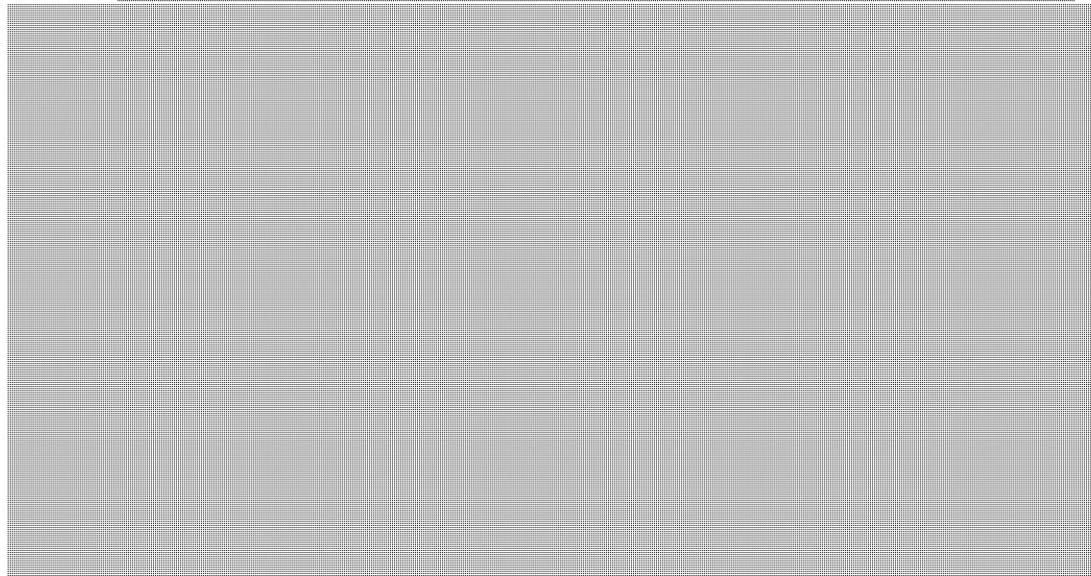
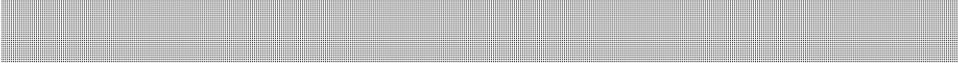
**From:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 9:30 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** RE: heads up



Tim

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 8:44 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** heads up  
**Importance:** High

Hi Tim,



Marcia Jones  
Dirigeante principale, Stratégies/Chief Strategy Officer  
Office des transports du Canada/Canadian Transportation Agency  
15, rue Eddy/15 Eddy Street  
Gatineau, QC, K1A 0N9  
(819) 953-0327  
[marcia.jones@otc-cta.gc.ca](mailto:marcia.jones@otc-cta.gc.ca)

**Nadine Landry**

---

**From:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Sent:** Tuesday, March 24, 2020 12:40 PM  
**To:** Caitlin Hurcomb  
**Subject:** RE: CTA announcement tomorrow

thanks

**From:** Caitlin Hurcomb [mailto:Caitlin.Hurcomb@otc-cta.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:31 PM  
**To:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

[REDACTED]

**From:** Millette, Vincent [mailto:vincent.millette@tc.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:28 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

[REDACTED]

**From:** Caitlin Hurcomb [mailto:Caitlin.Hurcomb@otc-cta.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:25 PM  
**To:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent,

[REDACTED]

**From:** Millette, Vincent [mailto:vincent.millette@tc.gc.ca]  
**Sent:** Tuesday, March 24, 2020 12:07 PM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

Hi Cait - [REDACTED]

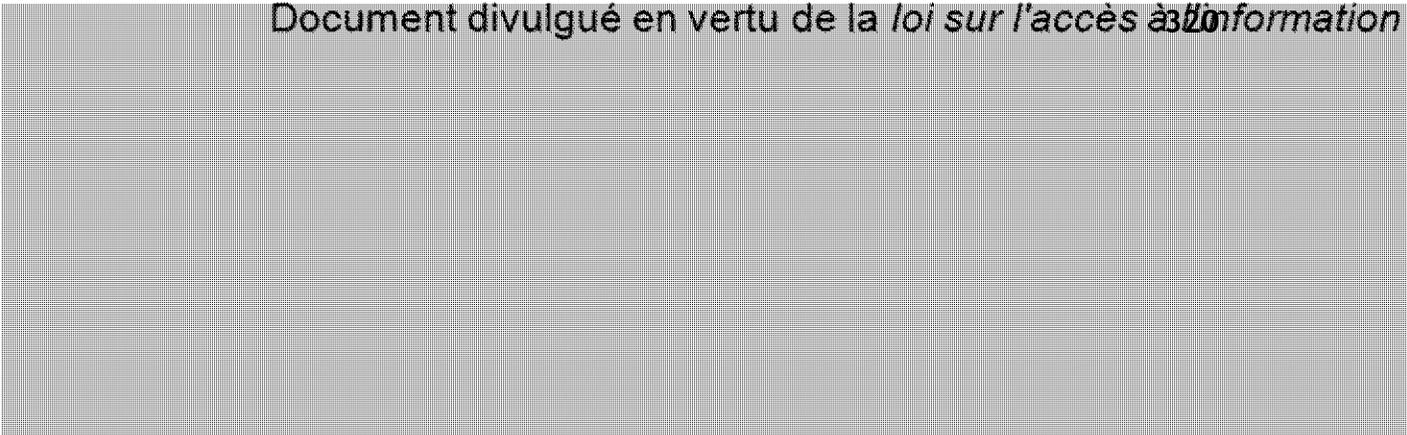
Thanks

**From:** Caitlin Hurcomb [mailto:Caitlin.Hurcomb@otc-cta.gc.ca]  
**Sent:** Monday, March 23, 2020 11:04 AM  
**To:** Millette, Vincent <vincent.millette@tc.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent,

[REDACTED]

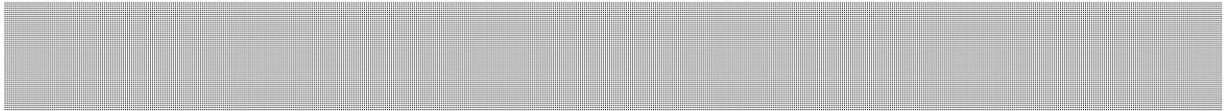
s.21(1)(a)  
s.21(1)(b)



Cait

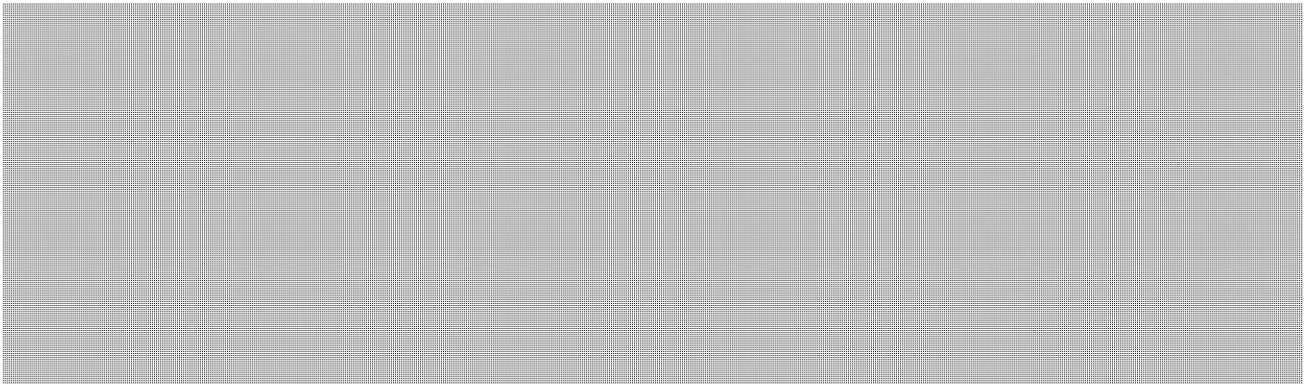
---

**From:** Millette, Vincent [<mailto:vincent.millette@tc.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:20 AM  
**To:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow



**From:** Caitlin Hurcomb [<mailto:Caitlin.Hurcomb@otc-cta.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:15 AM  
**To:** Millette, Vincent <[vincent.millette@tc.gc.ca](mailto:vincent.millette@tc.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent,

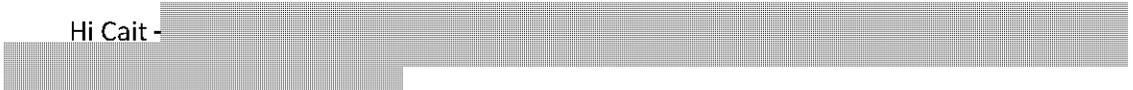


Cait

---

**From:** Millette, Vincent [<mailto:vincent.millette@tc.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:02 AM  
**To:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow

Hi Cait -



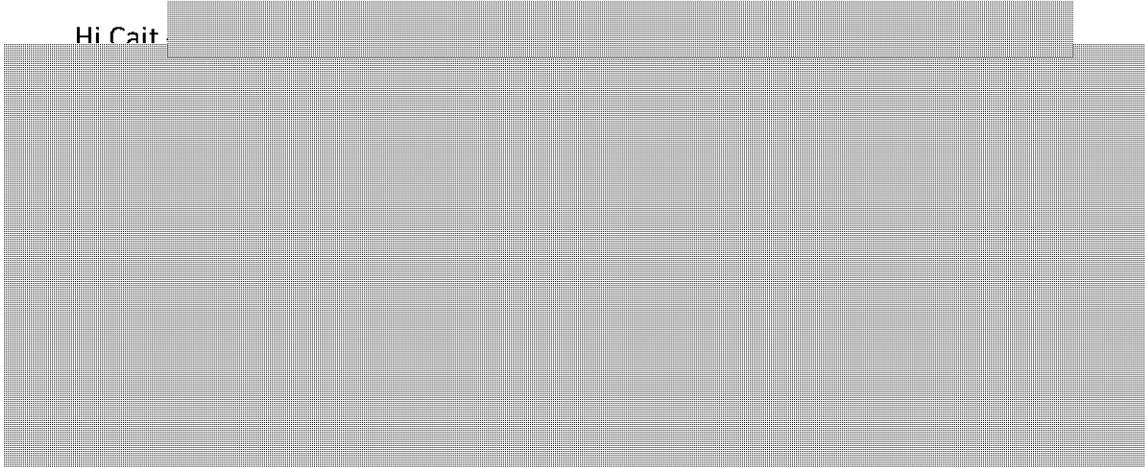
Thanks

s.21(1)(a)

s.21(1)(b)

**From:** Millette, Vincent  
**Sent:** Sunday, March 22, 2020 2:22 PM  
**To:** 'Caitlin Hurcomb' <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** CTA announcement tomorrow

Hi Cait,



Thanks!

Sent from my BlackBerry 10 smartphone on the Rogers network.

**Nadine Landry**

---

**From:** Tim Hillier  
**Sent:** Tuesday, March 24, 2020 11:38 AM  
**To:** Matilde Perrusclet  
**Cc:** web  
**Subject:** RE: heads up

Tim

**From:** Matilde Perrusclet <Matilde.Perrusclet@otc-cta.gc.ca>  
**Sent:** Tuesday, March 24, 2020 11:28 AM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** web <web@otc-cta.gc.ca>  
**Subject:** RE: heads up

Hi Tim,

**Items ready to publish**

- Modification of the 'Suspension of all air dispute resolution activities' on each page it,s already published – including APPR
- Statement text in French and English on the Important Information page
- Add the CTA services section on all landing pages.

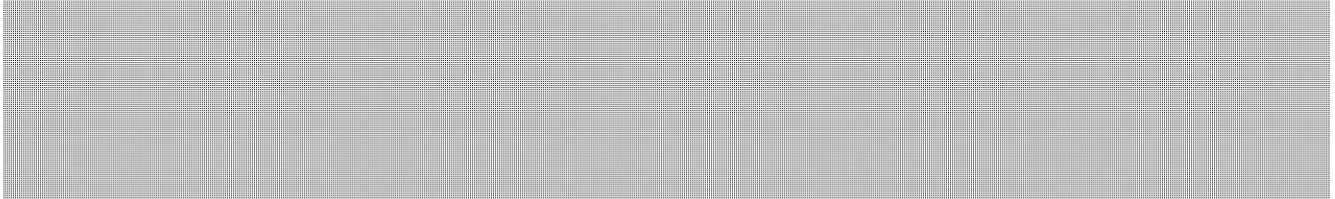
I'll be waiting for your confirmation to publish.

Matilde

**From:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Sent:** Tuesday, March 24, 2020 11:06 AM  
**To:** Matilde Perrusclet <Matilde.Perrusclet@otc-cta.gc.ca>  
**Cc:** web <web@otc-cta.gc.ca>  
**Subject:** RE: heads up

s.21(1)(a)

s.21(1)(b)



Tim

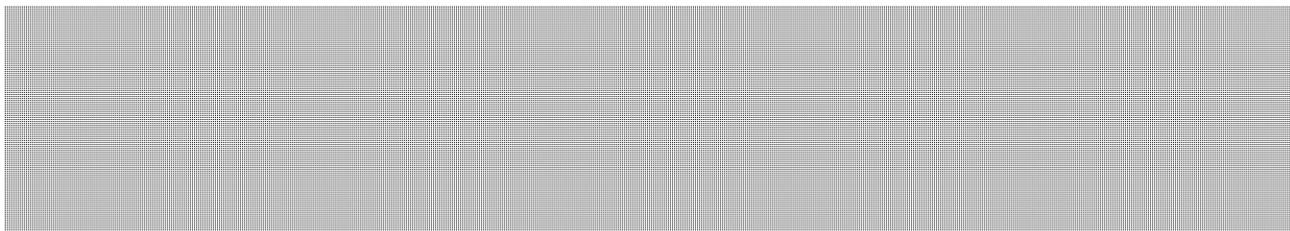


**From:** Matilde Perruslet <[Matilde.Perruslet@otc-cta.gc.ca](mailto:Matilde.Perruslet@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 10:42 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>

s.21(1)(a)  
s.21(1)(b)

Cc: web <[web@otc-cta.gc.ca](mailto:web@otc-cta.gc.ca)>  
Subject: RE: heads up

Hi Tim,



Matilde

---

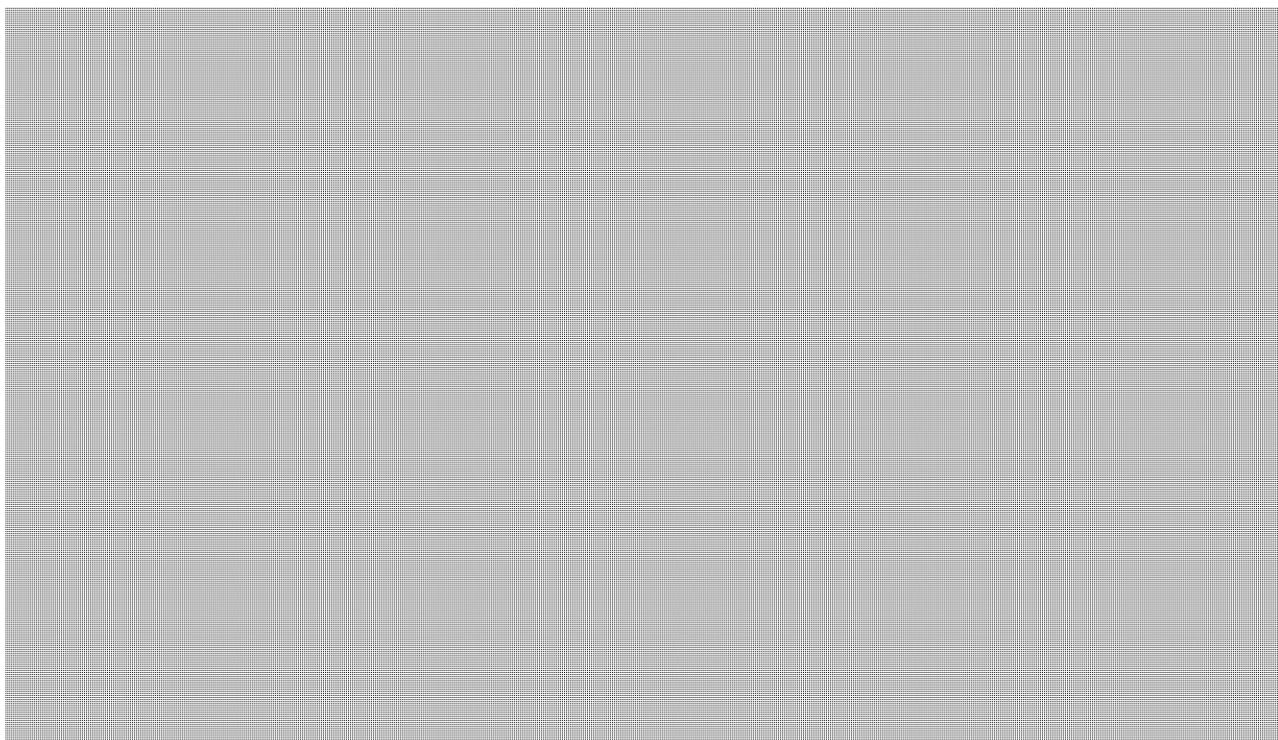
**From:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 10:11 AM  
**To:** Matilde Perruscllet <[Matilde.Perruscllet@otc-cta.gc.ca](mailto:Matilde.Perruscllet@otc-cta.gc.ca)>  
**Cc:** web <[web@otc-cta.gc.ca](mailto:web@otc-cta.gc.ca)>  
**Subject:** FW: heads up



Tim

---

**From:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 10:03 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>; Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** RE: heads up



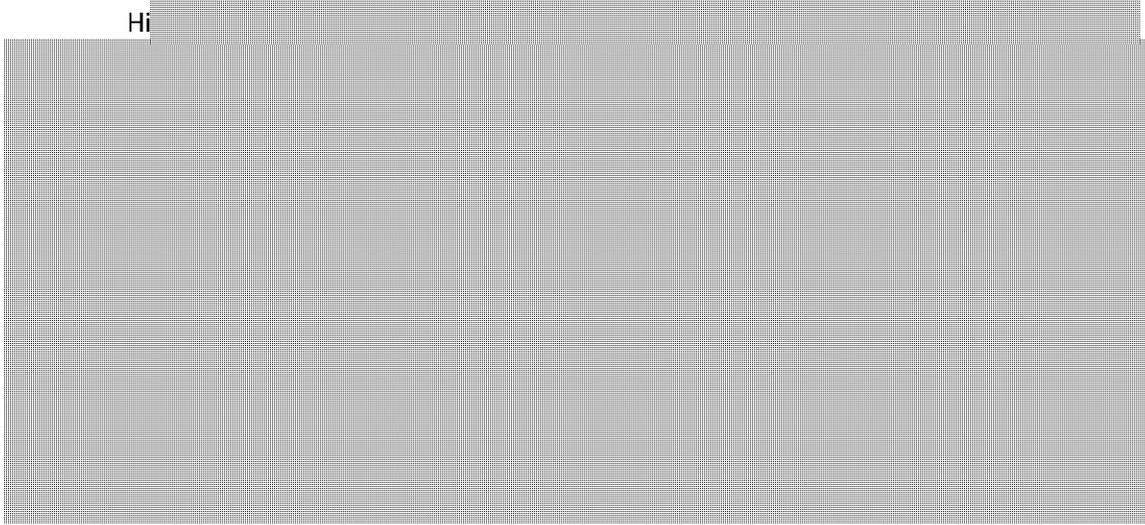
s.21(1)(a)  
s.21(1)(b)



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**From:** Marcia Jones  
**Sent:** Tuesday, March 24, 2020 9:57 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** RE: heads up

Hi



**Page 86**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

[Redacted]

Marcia

---

**From:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 9:16 AM  
**To:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** RE: heads up

[Redacted]

Tim

**From:** Marcia Jones <[Marcia.Jones@otc-cta.gc.ca](mailto:Marcia.Jones@otc-cta.gc.ca)>  
**Sent:** Tuesday, March 24, 2020 8:50 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** RE: heads up

Hi, here is the final version of the statement on vouchers going online, [Redacted]

[Redacted]

Thanks,  
Marcia

**From:** Marcia Jones  
**Sent:** Tuesday, March 24, 2020 8:44 AM  
**To:** Tim Hillier <[Tim.Hillier@otc-cta.gc.ca](mailto:Tim.Hillier@otc-cta.gc.ca)>  
**Cc:** Vincent Turgeon <[Vincent.Turgeon@otc-cta.gc.ca](mailto:Vincent.Turgeon@otc-cta.gc.ca)>; Cynthia Jolly <[Cynthia.Jolly@otc-cta.gc.ca](mailto:Cynthia.Jolly@otc-cta.gc.ca)>; Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>; Allan Burnside <[Allan.Burnside@otc-cta.gc.ca](mailto:Allan.Burnside@otc-cta.gc.ca)>  
**Subject:** heads up  
**Importance:** High

Hi Tim, just a heads up that we are preparing to post/issue the following **today**:

- The statement on vouchers - [Redacted]
- The determination exempting carriers from the obligation to provide 120 days' advance notice before discontinuing or reducing a domestic route;

[Redacted]

s.21(1)(a)  
s.21(1)(b)



Marcia Jones  
Dirigeante principale, Stratégies/Chief Strategy Officer  
Office des transports du Canada/Canadian Transportation Agency  
15, rue Eddy/15 Eddy Street  
Gatineau, QC, K1A 0N9  
(819) 953-0327  
[marcia.jones@otc-cta.gc.ca](mailto:marcia.jones@otc-cta.gc.ca)

s.21(1)(a)

s.21(1)(b)

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

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

unprecedented circumstances.

On the one hand, passengers who have no prospect of completing their planned itineraries with an airline's assistance and must find other ways of getting home 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.

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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OF 14-0377-20-020-ELECTRONIC

La pandémie de COVID-19 a gravement perturbé le transport aérien intérieur et international.

En ce qui concerne les perturbations de vol indépendantes de la volonté de la compagnie aérienne, la *Loi sur les transports au Canada* et le *Règlement sur la protection des passagers aériens* exigent seulement que la compagnie aérienne veille à ce que les passagers effectuent leur itinéraire au complet. Certains tarifs de compagnies aériennes prévoient des remboursements dans certaines situations, mais renferment habituellement des articles qui peuvent dégager la compagnie aérienne de telles obligations dans des cas de force majeure.

Les différentes dispositions législatives, réglementaires et tarifaires ont été rédigées pour des perturbations à court terme relativement localisées. Aucune n'a été envisagée pour les types d'annulations massives de vols à l'échelle de la planète qui sont survenues au cours des dernières semaines en conséquence de la pandémie. Il est important de tenir compte de la façon dont nous devons établir un équilibre qui soit

les réalités opérationnelles des compagnies aériennes dans ces circonstances extraordinaires et sans précédent.

D'une part, les passagers qui n'ont aucune possibilité d'effectuer au complet l'itinéraire prévu avec l'assistance d'une compagnie aérienne, et qui doivent trouver d'autres moyens de revenir à la maison, ne devraient pas avoir à assumer des dépenses pour des vols annulés. D'autre part, on ne peut pas s'attendre à ce que les compagnies aériennes qui voient leurs volumes de passagers et leurs revenus baisser de façon vertigineuse prennent des mesures qui risqueraient de menacer leur viabilité économique.

L'Office des transports du Canada (OTC) examinera le bien-fondé de chaque situation précise qui lui sera présentée, mais il estime que, de façon générale, une solution qui serait convenable dans le contexte actuel serait que les compagnies aériennes fournissent aux passagers touchés des bons ou des crédits pour des vols futurs qui n'expireront pas dans un délai déraisonnablement court.

L'OTC continuera de fournir des renseignements, des conseils et des services aux passagers et aux compagnies aériennes, à mesure que nous passerons à travers cette période difficile.

**Nadine Landry**

---

**From:** Marcia Jones  
**Sent:** Tuesday, March 24, 2020 8:50 AM  
**To:** Tim Hillier  
**Cc:** Vincent Turgeon; Cynthia Jolly; Caitlin Hurcomb; Allan Burnside  
**Subject:** RE: heads up  
**Attachments:** Statement.docx

Hi, here is the final version of the statement on vouchers going online [REDACTED]

Thanks,  
Marcia

---

**From:** Marcia Jones  
**Sent:** Tuesday, March 24, 2020 8:44 AM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>; Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>; Allan Burnside <Allan.Burnside@otc-cta.gc.ca>  
**Subject:** heads up  
**Importance:** High

Hi Tim, just a heads up that we are preparing to post/issue the following **today**:

- The statement on vouchers - [REDACTED]

Marcia Jones  
Dirigeante principale, Stratégies/Chief Strategy Officer  
Office des transports du Canada/Canadian Transportation Agency  
15, rue Eddy/15 Eddy Street  
Gatineau, QC, K1A 0N9  
(819) 953-0327  
[marcia.jones@otc-cta.gc.ca](mailto:marcia.jones@otc-cta.gc.ca)

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

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

unprecedented circumstances.

On the one hand, passengers who have no prospect of completing their planned itineraries with an airline's assistance and must find other ways of getting home 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.

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

**Nadine Landry**

---

**From:** Scott Streiner  
**Sent:** Tuesday, March 24, 2020 8:40 AM  
**To:** Marcia Jones; Valérie Lagacé  
**Cc:** Sébastien Bergeron  
**Subject:** RE: Statement  
**Attachments:** Statement.docx

**From:** Scott Streiner  
**Sent:** Tuesday, March 24, 2020 8:38 AM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Tuesday, March 24, 2020 8:35 AM  
**To:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** RE: Statement

Good morning,

Thanks,  
Marcia

**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Sent:** Tuesday, March 24, 2020 7:40 AM  
**To:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Subject:** Statement

Bon matir

Thanks,

S

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada  
Chair and Chief Executive Officer, Canadian Transportation Agency  
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

**Nadine Landry**

---

**From:** Valérie Lagacé  
**Sent:** Monday, March 23, 2020 12:12 PM  
**To:** Patrice Bellerose  
**Cc:** Sébastien Bergeron  
**Subject:** TR: Revised statement  
**Attachments:** Statement.docx

Hi Patrice,

thanks

valérie

**Duplicate**

**Nadine Landry**

---

**From:** Scott Streiner  
**Sent:** Monday, March 23, 2020 12:09 PM  
**To:** Valérie Lagacé  
**Cc:** Liz Barker; Marcia Jones  
**Subject:** RE: Revised statement

[REDACTED] Thanks.

----- Original message -----

**From:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Date:** 2020-03-23 12:07 p.m. (GMT-05:00)  
**To:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Cc:** Liz Barker <Liz.Barker@otc-cta.gc.ca>, Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: Revised statement

[REDACTED]

---

**De :** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Envoyé :** 23 mars 2020 12:00  
**À :** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc :** Liz Barker <Liz.Barker@otc-cta.gc.ca>; Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Objet :** RE: Revised statement

[REDACTED]

**From:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Sent:** Monday, March 23, 2020 11:43 AM  
**To:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Cc:** Liz Barker <Liz.Barker@otc-cta.gc.ca>  
**Subject:** RE: Revised statement

[REDACTED] Valérie

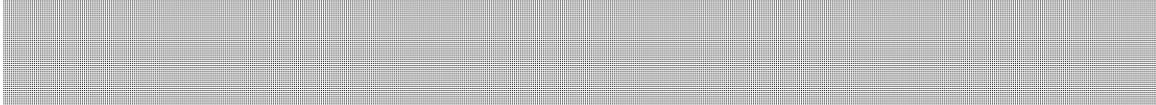
**De :** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Envoyé :** 23 mars 2020 11:37  
**À :** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Cc :** Liz Barker <Liz.Barker@otc-cta.gc.ca>  
**Objet :** RE: Revised statement

[REDACTED]  
Hi, Valérie.

[REDACTED]  
Thanks,

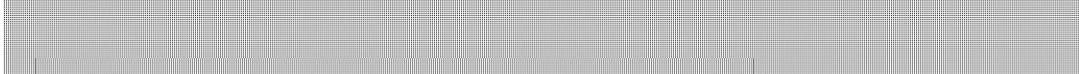
S

**From:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Sent:** Monday, March 23, 2020 9:23 AM  
**To:** Tom Oommen <Tom.Oommen@otc-cta.gc.ca>; Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; +\_EC <\_EC@otc-cta.gc.ca>  
**Subject:** RE: Revised statement



---

**De :** Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Envoyé :** 23 mars 2020 09:21  
**À :** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; +\_EC <\_EC@otc-cta.gc.ca>  
**Objet :** RE: Revised statement



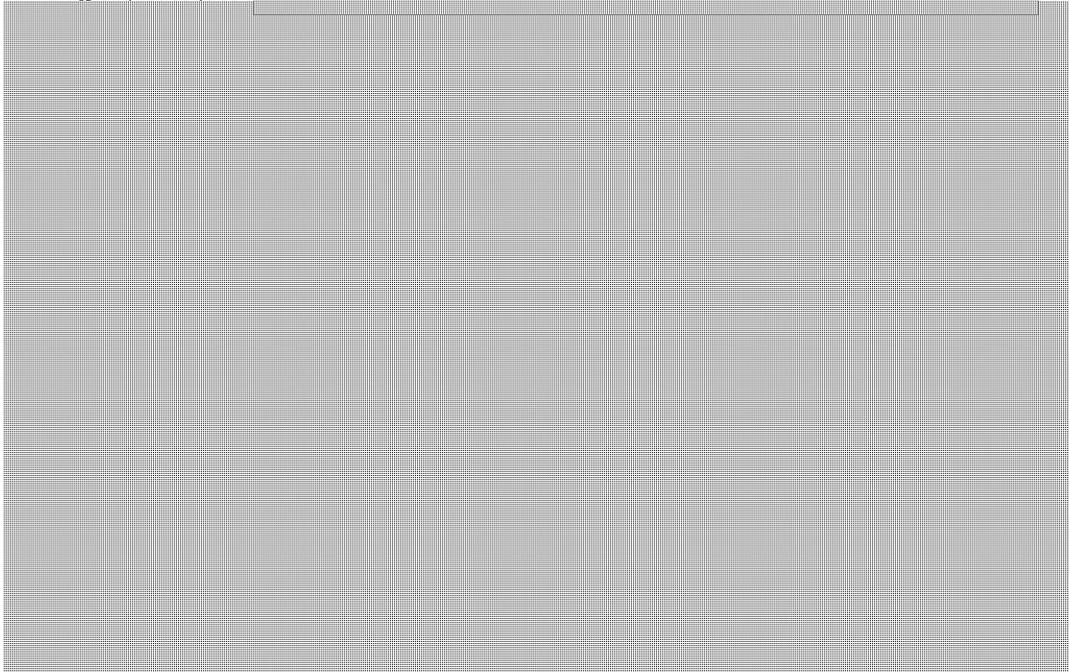
Tom

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Date:** 2020-03-23 9:09 AM (GMT-05:00)  
**To:** +\_EC <\_EC@otc-cta.gc.ca>  
**Subject:** RE: Revised statement

Hi again, everyone

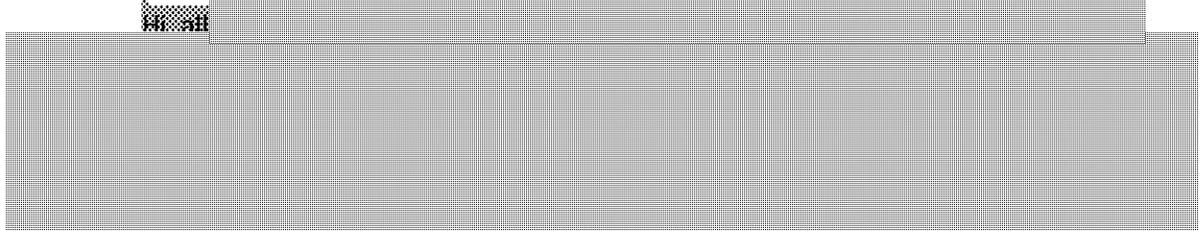
  


Thanks,

S

**From:** Scott Streiner  
**Sent:** Sunday, March 22, 2020 2:57 PM  
**To:** +\_EC < EC@otc-cta.gc.ca >  
**Subject:** Revised statement

Hi,



Thanks,

S

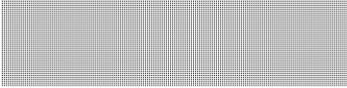
**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada  
Chair and Chief Executive Officer, Canadian Transportation Agency  
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

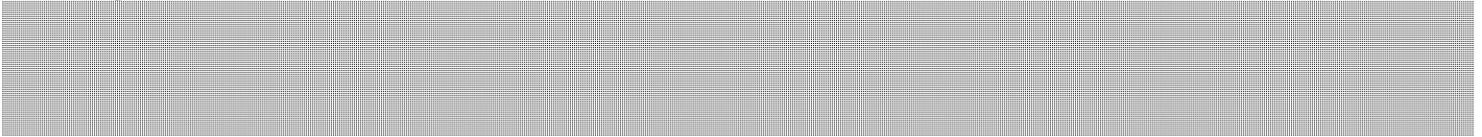
**Nadine Landry**

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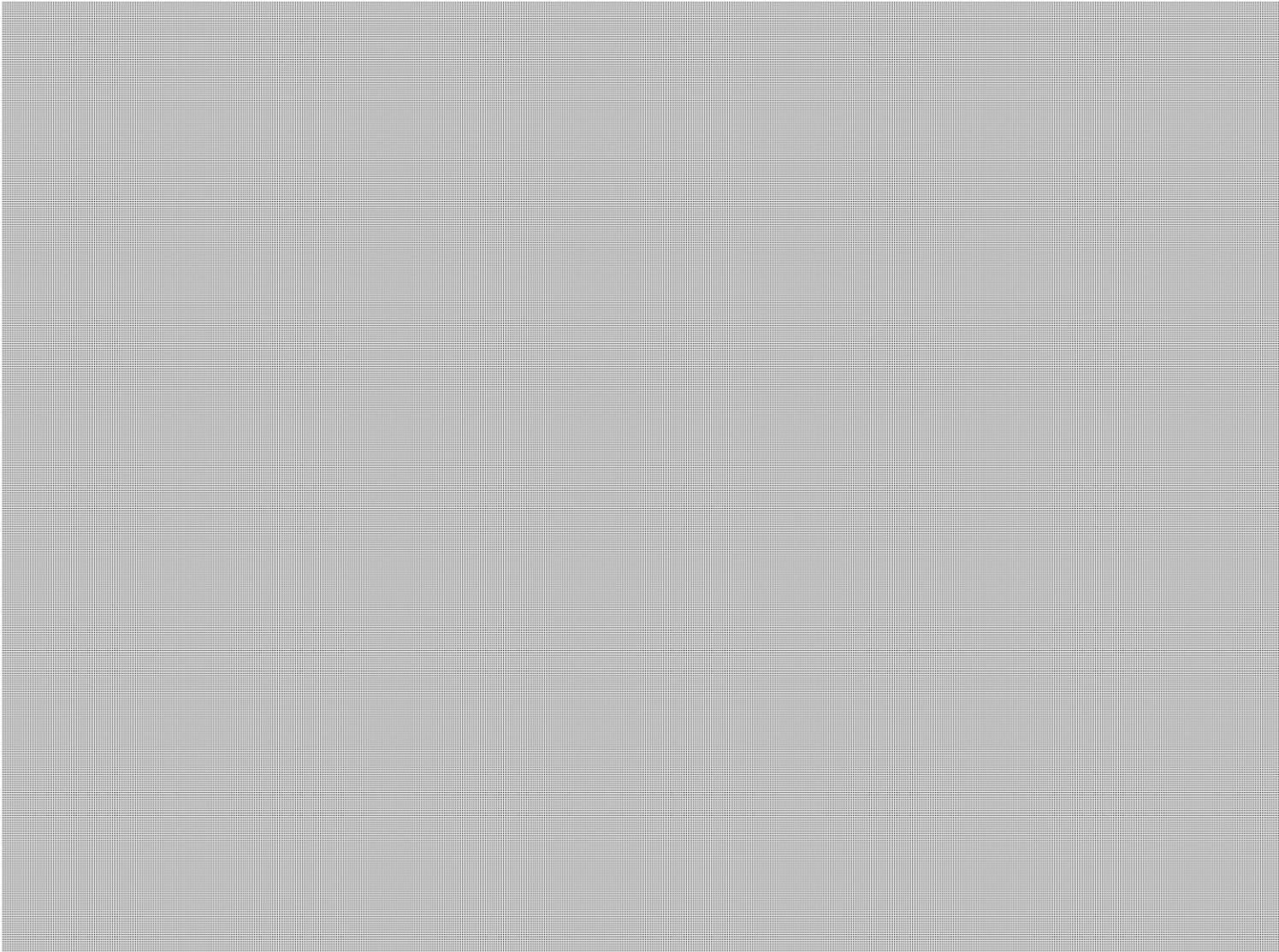
**From:** Liz Barker  
**Sent:** Monday, March 23, 2020 11:59 AM  
**To:** Scott Streiner  
**Subject:** RE: Revised statement



**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Sent:** March-23-20 11:56 AM  
**To:** Liz Barker <Liz.Barker@otc-cta.gc.ca>  
**Subject:** FW: Revised statement



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**Nadine Landry**

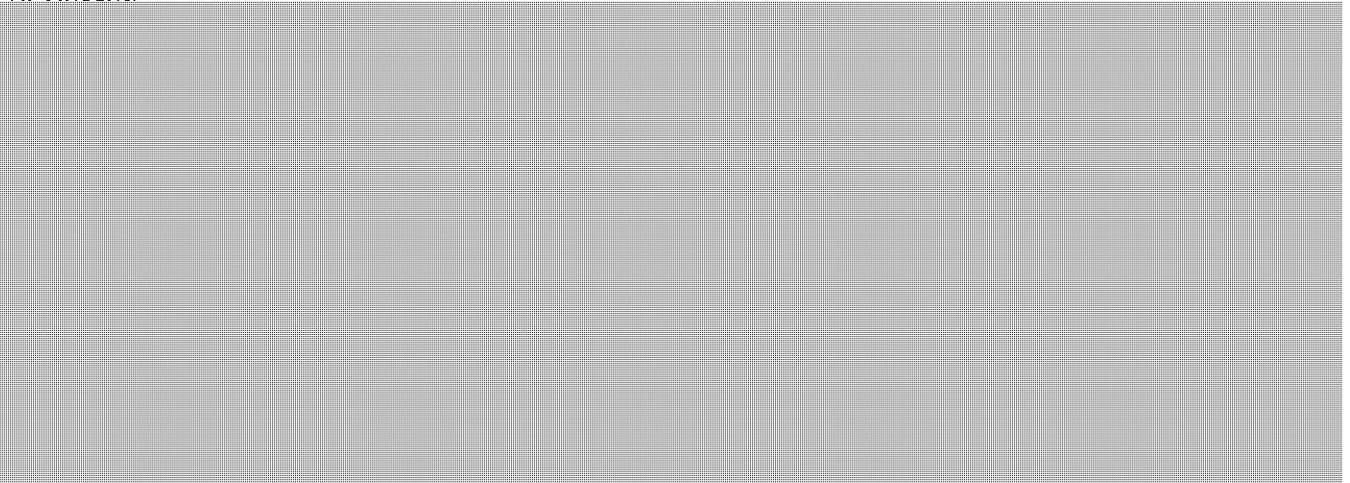
---

**From:** Caitlin Hurcomb  
**Sent:** Monday, March 23, 2020 11:05 AM  
**To:** Marcia Jones  
**Subject:** FW: CTA announcement tomorrow

FYI – my response to TC

**From:** Caitlin Hurcomb  
**Sent:** Monday, March 23, 2020 11:04 AM  
**To:** 'Millette, Vincent' <vincent.millette@tc.gc.ca>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent.



Cait

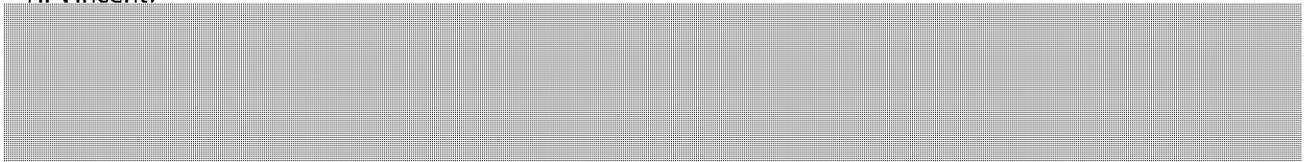
**From:** Millette, Vincent [<mailto:vincent.millette@tc.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:20 AM  
**To:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow

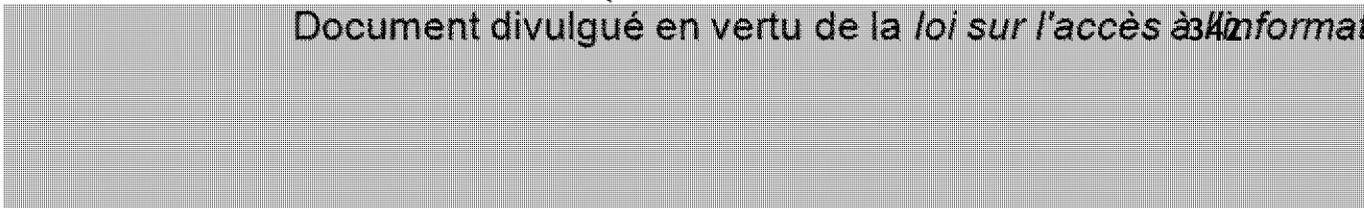


---

**From:** Caitlin Hurcomb [<mailto:Caitlin.Hurcomb@otc-cta.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:15 AM  
**To:** Millette, Vincent <[vincent.millette@tc.gc.ca](mailto:vincent.millette@tc.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent.





Cait

**From:** Millette, Vincent [<mailto:vincent.millette@tc.gc.ca>]  
**Sent:** Monday, March 23, 2020 10:02 AM  
**To:** Caitlin Hurcomb <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** RE: CTA announcement tomorrow

Hi Cait

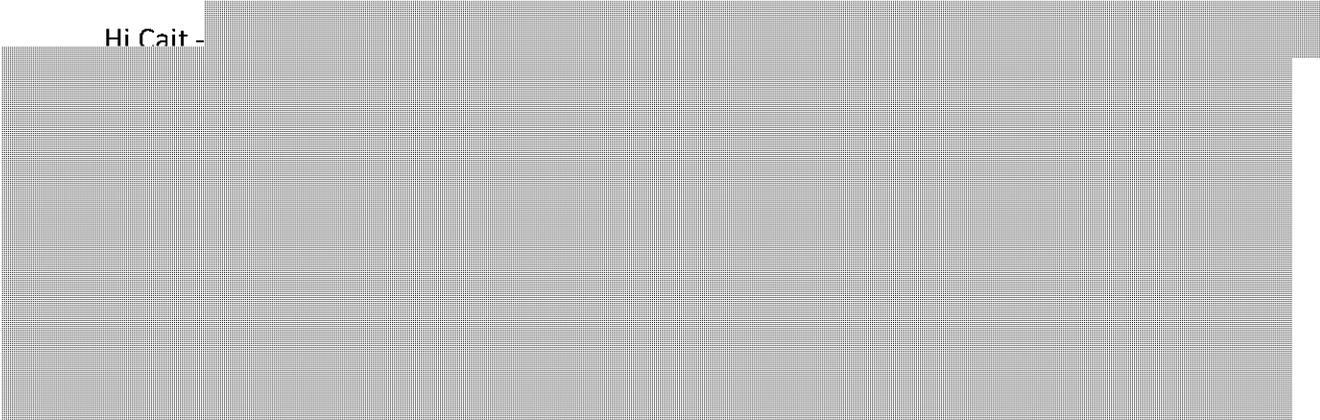


Thanks

---

**From:** Millette, Vincent  
**Sent:** Sunday, March 22, 2020 2:22 PM  
**To:** 'Caitlin Hurcomb' <[Caitlin.Hurcomb@otc-cta.gc.ca](mailto:Caitlin.Hurcomb@otc-cta.gc.ca)>  
**Subject:** CTA announcement tomorrow

Hi Cait -



Thanks!

Sent from my BlackBerry 10 smartphone on the Rogers network.

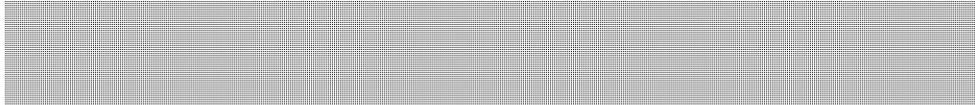
**Nadine Landry**

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**From:** Caitlin Hurcomb  
**Sent:** Monday, March 23, 2020 10:46 AM  
**To:** Marcia Jones  
**Subject:** RE: CTA announcement tomorrow



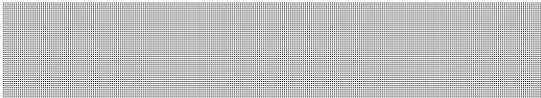
**From:** Marcia Jones  
**Sent:** Monday, March 23, 2020 10:45 AM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** Re: CTA announcement tomorrow



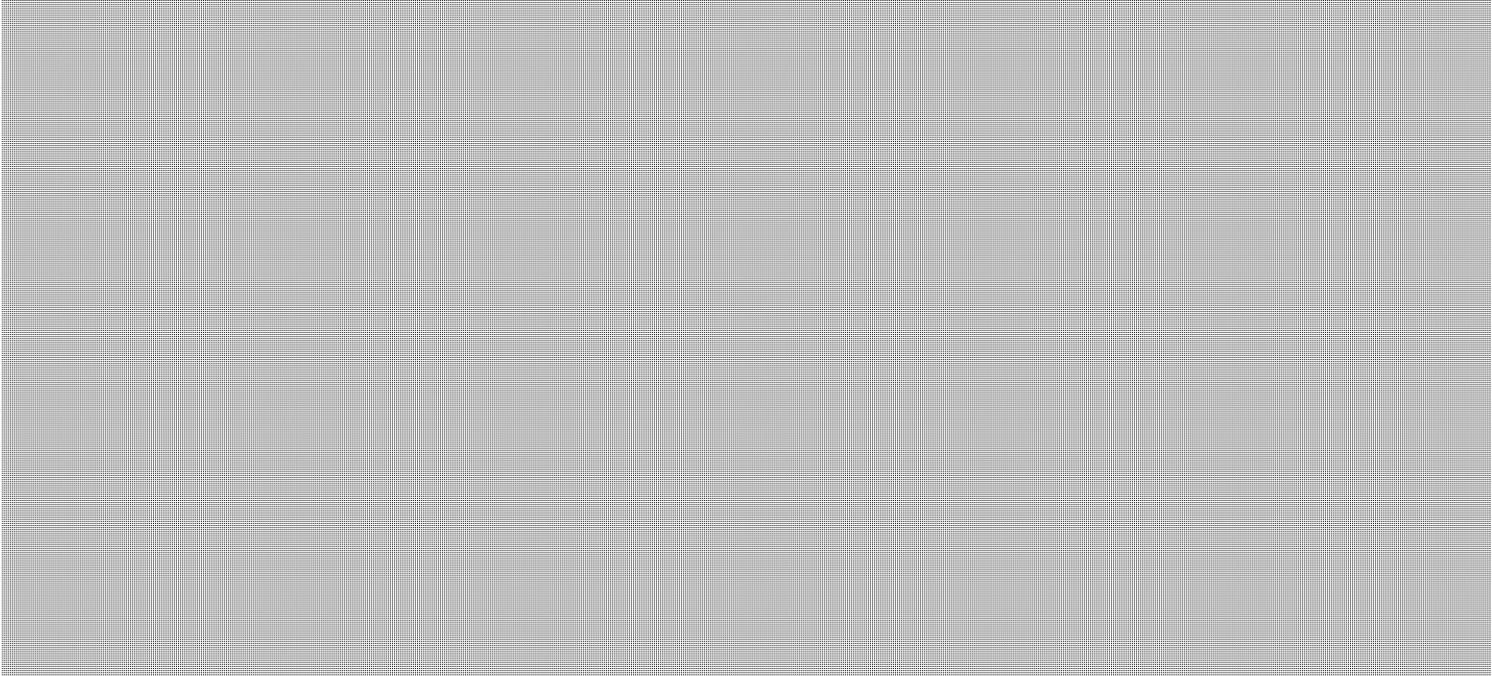
Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Date:** 2020-03-23 10:23 AM (GMT-05:00)  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** RE: CTA announcement tomorrow



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**Nadine Landry**

---

**From:** Caitlin Hurcomb  
**Sent:** Monday, March 23, 2020 10:40 AM  
**To:** Millette, Vincent  
**Subject:** RE: CTA announcement tomorrow

Hi Vincent,  
I'm in a meeting right now, but will get back to you soon.

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**Nadine Landry**

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**From:** Liz Barker  
**Sent:** Monday, March 23, 2020 9:52 AM  
**To:** Marcia Jones; Sébastien Bergeron; Valérie Lagacé; Tom Oommen; Scott Streiner; +\_EC  
**Subject:** RE: Revised statement

Liz

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** March-23-20 9:47 AM  
**To:** Liz Barker <Liz.Barker@otc-cta.gc.ca>; Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Tom Oommen <Tom.Oommen@otc-cta.gc.ca>; Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; +\_EC <+\_EC@otc-cta.gc.ca>  
**Subject:** RE: Revised statement

Hi all,

Thanks,  
Marcia

**From:** Liz Barker <Liz.Barker@otc-cta.gc.ca>  
**Sent:** Monday, March 23, 2020 9:38 AM  
**To:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>; Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Tom Oommen <Tom.Oommen@otc-cta.gc.ca>; Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; +\_EC <+\_EC@otc-cta.gc.ca>  
**Subject:** RE: Revised statement

**From:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Sent:** March-23-20 9:29 AM  
**To:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>; Tom Oommen <Tom.Oommen@otc-cta.gc.ca>; Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; +\_EC <+\_EC@otc-cta.gc.ca>  
**Subject:** RE: Revised statement



Seb

**Sébastien Bergeron**

Chef de cabinet | Bureau du président et premier dirigeant  
Office des transports du Canada | Gouvernement du Canada  
[sebastien.bergeron@otc-cta.gc.ca](mailto:sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

Chief of Staff | Office of the Chair and Chief Executive Officer  
Canadian Transportation Agency | Government of Canada  
[Sebastien.bergeron@otc-cta.gc.ca](mailto:Sebastien.bergeron@otc-cta.gc.ca) | Tél. 819-712-0827

**De :** Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>

**Envoyé :** 23 mars 2020 09:23

**À :** Tom Oommen <[Tom.Oommen@otc-cta.gc.ca](mailto:Tom.Oommen@otc-cta.gc.ca)>; Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>; +\_EC <[\\_EC@otc-cta.gc.ca](mailto:_EC@otc-cta.gc.ca)>

**Objet :** RE: Revised statement

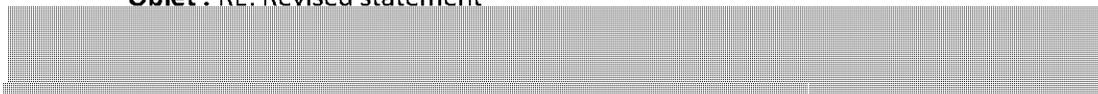


**De :** Tom Oommen <[Tom.Oommen@otc-cta.gc.ca](mailto:Tom.Oommen@otc-cta.gc.ca)>

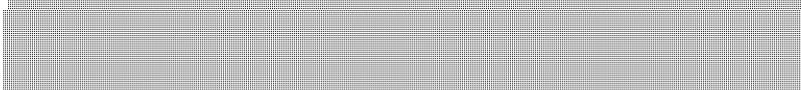
**Envoyé :** 23 mars 2020 09:21

**À :** Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>; +\_EC <[\\_EC@otc-cta.gc.ca](mailto:_EC@otc-cta.gc.ca)>

**Objet :** RE: Revised statement



Tom



Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

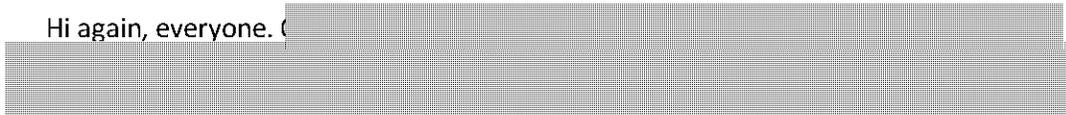
From: Scott Streiner <[Scott.Streiner@otc-cta.gc.ca](mailto:Scott.Streiner@otc-cta.gc.ca)>

Date: 2020-03-23 9:09 AM (GMT-05:00)

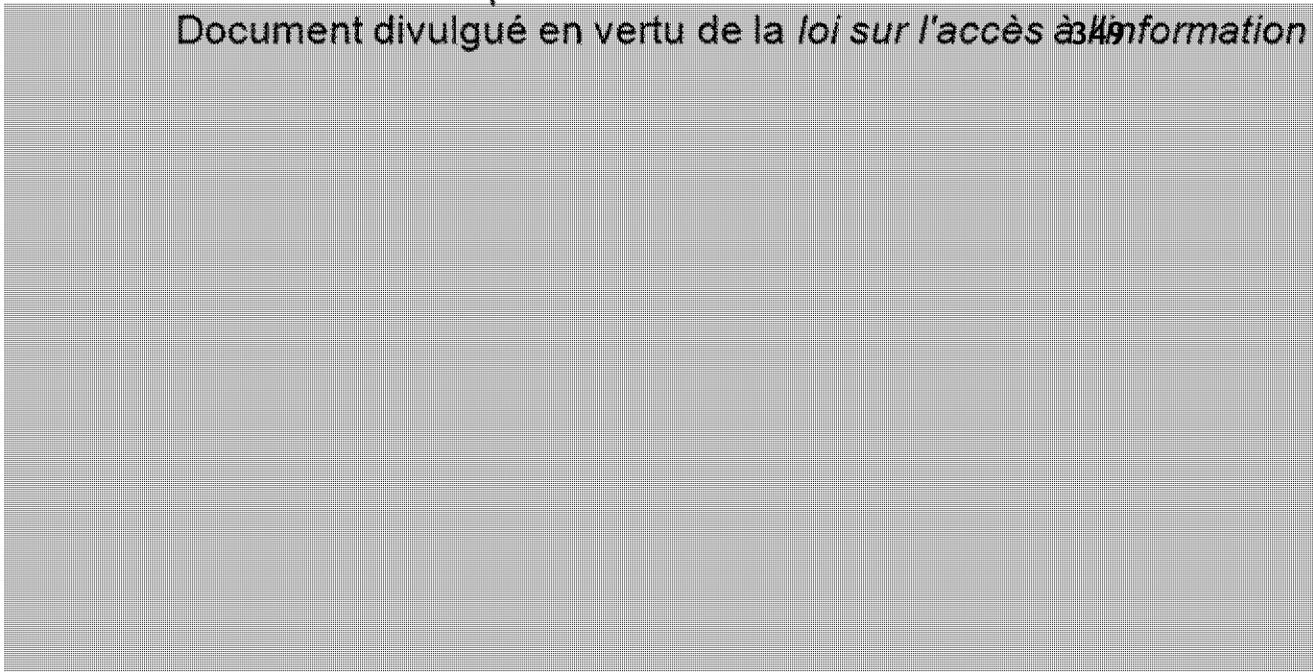
To: +\_EC <[\\_EC@otc-cta.gc.ca](mailto:_EC@otc-cta.gc.ca)>

Subject: RE: Revised statement

Hi again, everyone. (



s.21(1)(a)  
s.21(1)(b)  
s.23

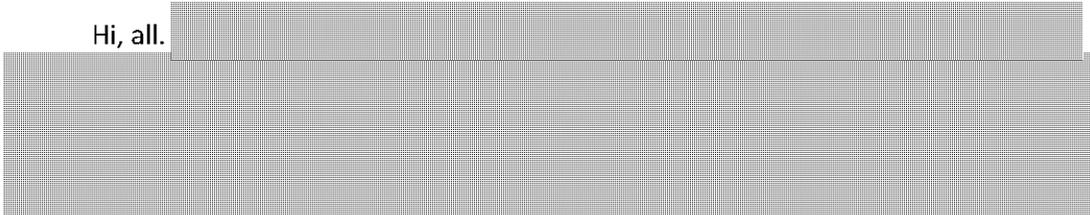


Thanks,

S

**From:** Scott Streiner  
**Sent:** Sunday, March 22, 2020 2:57 PM  
**To:** +\_EC <EC@otc-cta.gc.ca>  
**Subject:** Revised statement

Hi, all.



Thanks,

S

**Scott Streiner**  
Président et premier dirigeant, Office des transports du Canada  
Chair and Chief Executive Officer, Canadian Transportation Agency  
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

**Nadine Landry**

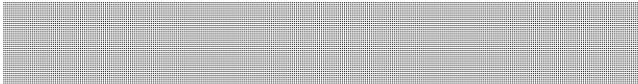
---

**From:** Valérie Lagacé  
**Sent:** Monday, March 23, 2020 9:50 AM  
**To:** Simon-Pierre Lessard  
**Subject:** TR: Revised statement  
**Attachments:** Statement.docx

---

**De :** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Envoyé :** 22 mars 2020 21:21  
**À :** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>  
**Cc :** Patrice Bellerose <Patrice.Bellerose@otc-cta.gc.ca>  
**Objet :** Fwd: Revised statement

Bonsoir sebastian,

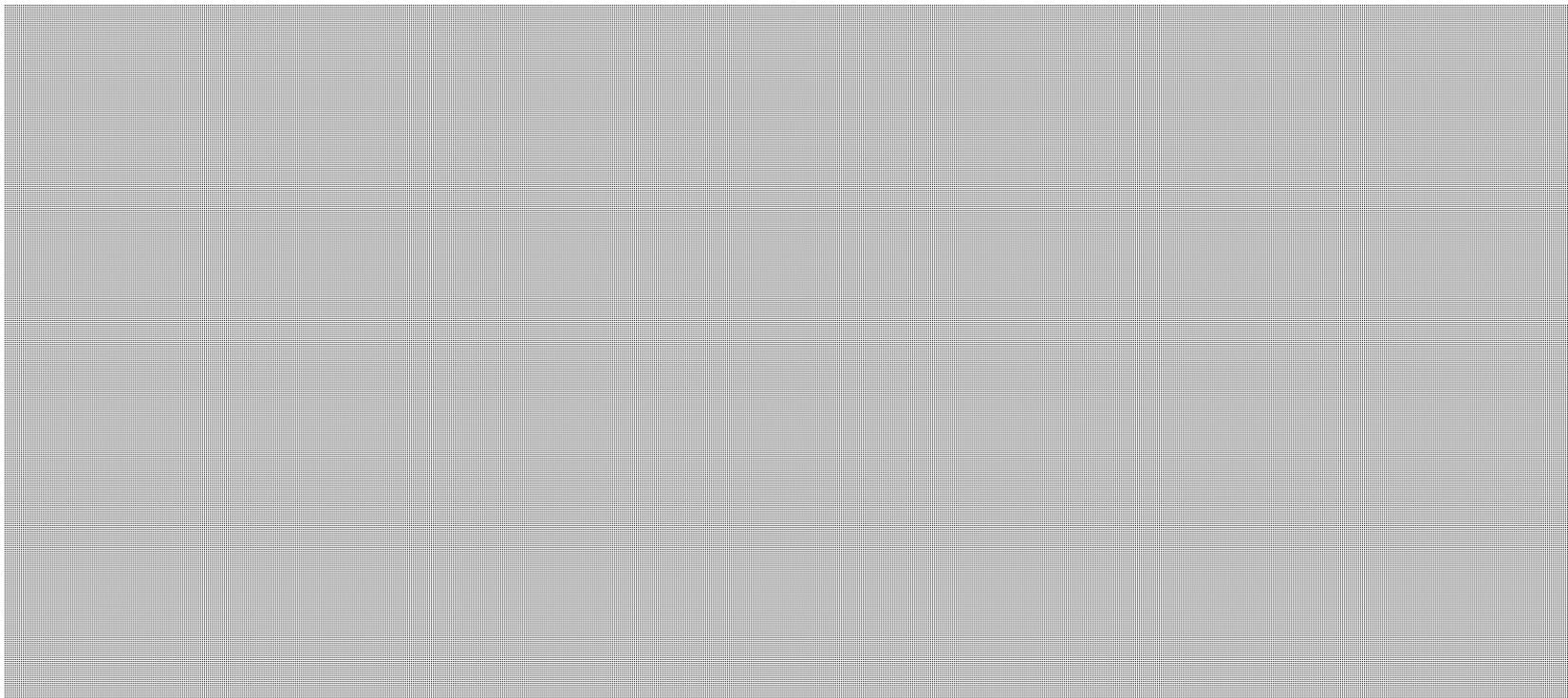


Merci!

Valérie

Sent from my Bell Samsung device over Canada's largest network.

**Duplicate**



s.21(1)(a)

s.21(1)(b)

s.23

**Nadine Landry**

---

**From:** Marcia Jones  
**Sent:** Monday, March 23, 2020 9:47 AM  
**To:** Liz Barker; Sébastien Bergeron; Valérie Lagacé; Tom Oommen; Scott Streiner; +\_EC  
**Subject:** RE: Revised statement  
**Attachments:** [Redacted]

Hi all,

[Redacted]

Thanks,  
Marcia

**Duplicate**

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s.21(1)(a)  
s.21(1)(b)

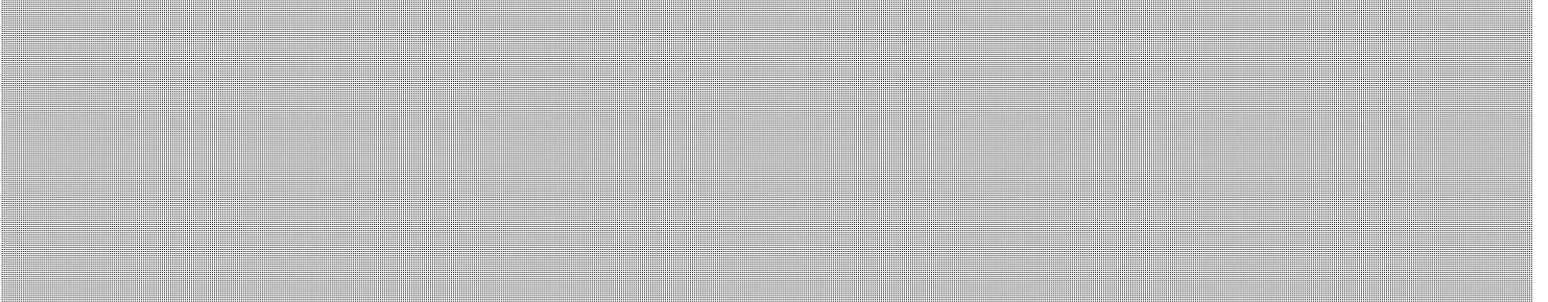
s.23

**Nadine Landry**

---

**From:** Marcia Jones  
**Sent:** Monday, March 23, 2020 9:41 AM  
**To:** Valérie Lagacé; Tom Oommen; Scott Streiner; +\_EC  
**Subject:** RE: Revised statement

Hi,



Marcia

---

**From:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Sent:** Monday, March 23, 2020 9:23 AM  
**To:** Tom Oommen <Tom.Oommen@otc-cta.gc.ca>; Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; +\_EC <+\_EC@otc-cta.gc.ca>  
**Subject:** RE: Revised statement



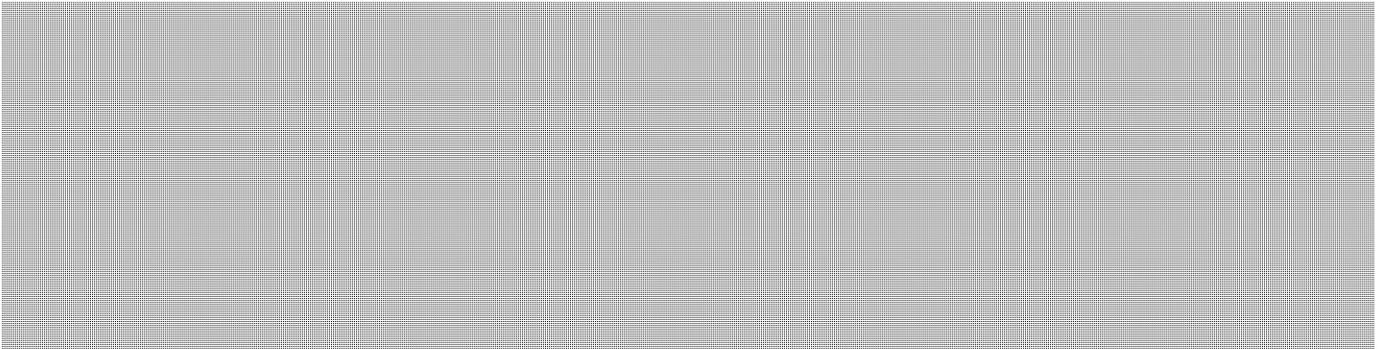
**De :** Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Envoyé :** 23 mars 2020 09:21  
**À :** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>; +\_EC <+\_EC@otc-cta.gc.ca>  
**Objet :** RE: Revised statement



Tom

Sent from my Bell Samsung device over Canada's largest network.

**Duplicate**



**Page 116**  
**is a duplicate**  
**est un duplicata**

s.21(1)(a)

s.21(1)(b)

**Nadine Landry**

---

**From:** Simon Fecteau Labbé  
**Sent:** Monday, March 23, 2020 9:33 AM  
**To:** Cynthia Jolly  
**Subject:** FW: Current drafts  
**Attachments:** [REDACTED]; Statement.docx  
**Importance:** High

Do you want me to post the statement on the website once it's done ?  
I can coordinate with Maxime for Cision and Canada.ca

---

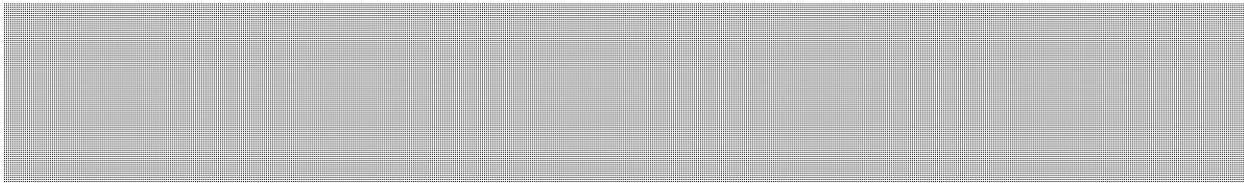
**From:** Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>  
**Sent:** March-23-20 8:38 AM  
**To:** Michael Parsons <Michael.Parsons@otc-cta.gc.ca>; Catherine Pirie <Catherine.Pirie@otc-cta.gc.ca>; Karen Jacob <Karen.Jacob@otc-cta.gc.ca>; Matilde Perruscler <Matilde.Perruscler@otc-cta.gc.ca>; Simon Fecteau Labbé <Simon.FecteauLabbe@otc-cta.gc.ca>  
**Subject:** FW: Current drafts  
**Importance:** High

---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Sunday, March 22, 2020 3:31 PM  
**To:** Tim Hillier <Tim.Hillier@otc-cta.gc.ca>  
**Cc:** Cynthia Jolly <Cynthia.Jolly@otc-cta.gc.ca>; Vincent Turgeon <Vincent.Turgeon@otc-cta.gc.ca>  
**Subject:** Fwd: Current drafts  
**Importance:** High

Hi, just a heads up you will be asked to post on Monday, a statement and a decision.

The statement deals with passenger refunds via vouchers.



Marcia

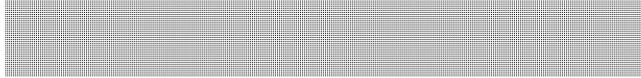
Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----  
**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Date:** 2020-03-22 12:42 PM (GMT-05:00)  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>

Subject: Current drafts

s.21(1)(a)

s.21(1)(b)



S

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada

Chair and Chief Executive Officer, Canadian Transportation Agency

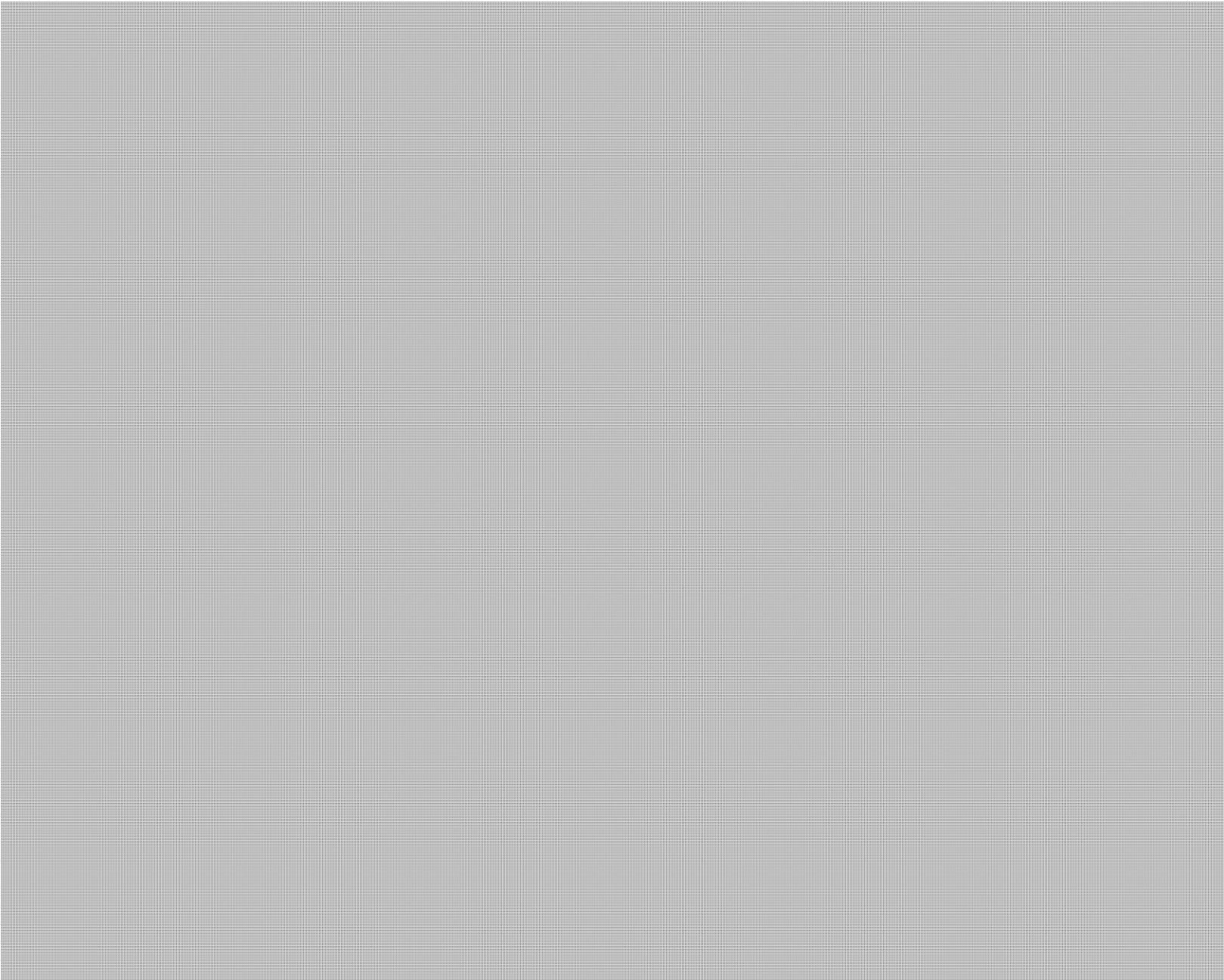
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

**Nadine Landry**

---

**From:** Cynthia Jolly  
**Sent:** Monday, March 23, 2020 8:38 AM  
**To:** Michael Parsons; Catherine Pirie; Karen Jacob; Matilde Perruslet; Simon Fecteau  
Labbé  
**Subject:** FW: Current drafts  
**Attachments:** [Redacted] Statement.docx  
**Importance:** High  
**Categories:** To do

**Duplicate**



**Page 120  
is a duplicate  
est un duplicata**

**Nadine Landry**

---

**From:** Tom Oommen  
**Sent:** Sunday, March 22, 2020 6:53 PM  
**To:** John Dodsworth; Martin Dalpé; John Touliopoulos  
**Cc:** Valérie Lagacé  
**Subject:** RE: Debrief from Sunday EC

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** John Dodsworth <John.Dodsworth@otc-cta.gc.ca>  
**Date:** 2020-03-22 6:48 PM (GMT-05:00)  
**To:** Martin Dalpé <Martin.Dalpe@otc-cta.gc.ca>, John Touliopoulos <John.Touliopoulos@otc-cta.gc.ca>, Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Cc:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** RE: Debrief from Sunday EC

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Martin Dalpé <Martin.Dalpe@otc-cta.gc.ca>  
**Date:** 2020-03-22 18:37 (GMT-05:00)  
**To:** John Dodsworth <John.Dodsworth@otc-cta.gc.ca>, John Touliopoulos <John.Touliopoulos@otc-cta.gc.ca>, Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Cc:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** RE: Debrief from Sunday EC

Martin

**From:** John Dodsworth <John.Dodsworth@otc-cta.gc.ca>  
**Sent:** Sunday, March 22, 2020 6:21 PM  
**To:** Martin Dalpé <Martin.Dalpe@otc-cta.gc.ca>; John Touliopoulos <John.Touliopoulos@otc-cta.gc.ca>; Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Cc:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** RE: Debrief from Sunday EC

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Martin Dalpé <Martin.Dalpe@otc-cta.gc.ca>  
**Date:** 2020-03-22 18:19 (GMT-05:00)  
**To:** John Dodsworth <John.Dodsworth@otc-cta.gc.ca>, John Touliopoulos <John.Touliopoulos@otc-cta.gc.ca>, Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Cc:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** RE: Debrief from Sunday EC

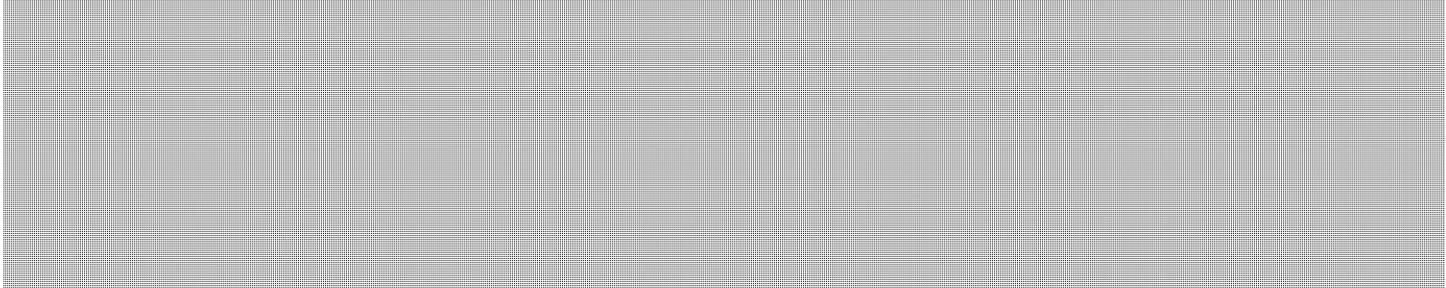
*Martin Dalpé*

Gestionnaire, Licences et affrètements  
Manager, Licences and Charters  
Office des transports du Canada (OTC)  
Canadian Transportation Agency (CTA)  
Tel. 819 953-9788 Cel. 819 635-6311

----- Original message -----

**From:** John Dodsworth <John.Dodsworth@otc-cta.gc.ca>  
**Date:** 2020-03-22 6:06 p.m. (GMT-05:00)  
**To:** Martin Dalpé <Martin.Dalpe@otc-cta.gc.ca>, John Touliopoulos <John.Touliopoulos@otc-cta.gc.ca>, Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Cc:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Subject:** RE: Debrief from Sunday EC

s.21(1)(a)  
s.21(1)(b)  
s.23



Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

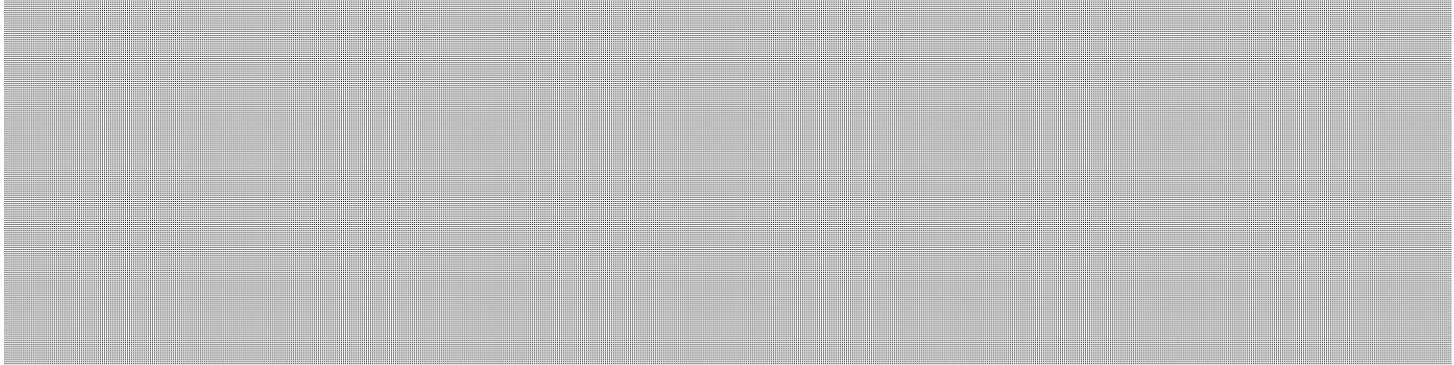
From: Martin Dalpé <[Martin.Dalpe@otc-cta.gc.ca](mailto:Martin.Dalpe@otc-cta.gc.ca)>

Date: 2020-03-22 18:00 (GMT-05:00)

To: John Dodsworth <[John.Dodsworth@otc-cta.gc.ca](mailto:John.Dodsworth@otc-cta.gc.ca)>, John Touliopoulos <[John.Touliopoulos@otc-cta.gc.ca](mailto:John.Touliopoulos@otc-cta.gc.ca)>, Tom Oommen <[Tom.Oommen@otc-cta.gc.ca](mailto:Tom.Oommen@otc-cta.gc.ca)>

Cc: Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>

Subject: RE: Debrief from Sunday EC



Martin

*Martin Dalpé*

Gestionnaire, Licences et affrètements

Manager, Licences and Charters

Office des transports du Canada (OTC)

Canadian Transportation Agency (CTA)

Tel. [819 953-9788](tel:819-953-9788) Cel. [819 635-6311](tel:819-635-6311)

----- Original message -----

From: John Dodsworth <[John.Dodsworth@otc-cta.gc.ca](mailto:John.Dodsworth@otc-cta.gc.ca)>

Date: 2020-03-22 5:49 p.m. (GMT-05:00)

To: John Touliopoulos <[John.Touliopoulos@otc-cta.gc.ca](mailto:John.Touliopoulos@otc-cta.gc.ca)>, Tom Oommen <[Tom.Oommen@otc-cta.gc.ca](mailto:Tom.Oommen@otc-cta.gc.ca)>

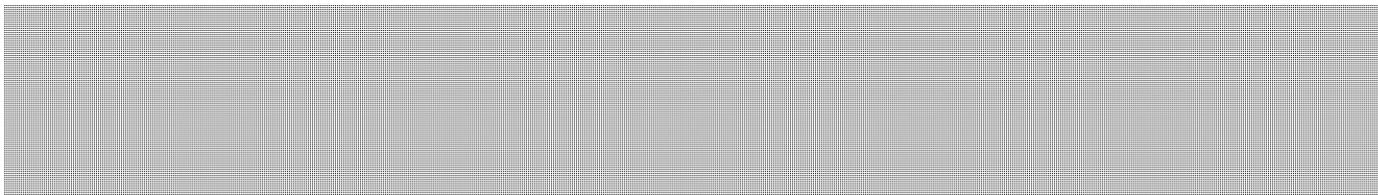
Cc: Martin Dalpé <[Martin.Dalpe@otc-cta.gc.ca](mailto:Martin.Dalpe@otc-cta.gc.ca)>, Valérie Lagacé <[Valerie.Lagace@otc-cta.gc.ca](mailto:Valerie.Lagace@otc-cta.gc.ca)>

s.21(1)(a)

s.21(1)(b)

s.23

Subject: RE: Debrief from Sunday EC



Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: John Touliopoulos <[John.Touliopoulos@otc-cta.gc.ca](mailto:John.Touliopoulos@otc-cta.gc.ca)>

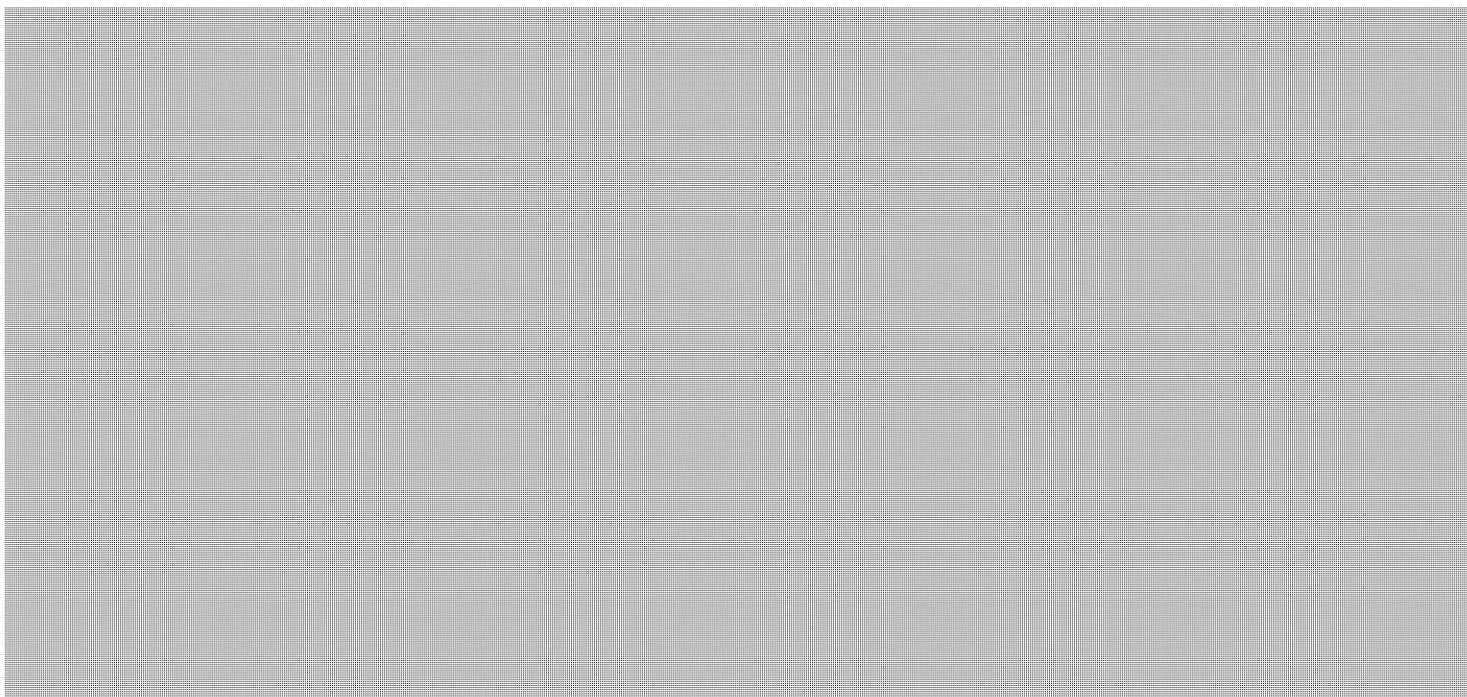
Date: 2020-03-22 16:16 (GMT-05:00)

To: Tom Oommen <[Tom.Oommen@otc-cta.gc.ca](mailto:Tom.Oommen@otc-cta.gc.ca)>, John Dodsworth <[John.Dodsworth@otc-cta.gc.ca](mailto:John.Dodsworth@otc-cta.gc.ca)>

Cc: Martin Dalpé <[Martin.Dalpe@otc-cta.gc.ca](mailto:Martin.Dalpe@otc-cta.gc.ca)>

Subject: RE: Debrief from Sunday EC

Tom



John

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Tom Oommen <[Tom.Oommen@otc-cta.gc.ca](mailto:Tom.Oommen@otc-cta.gc.ca)>

s.21(1)(a)

s.21(1)(b)

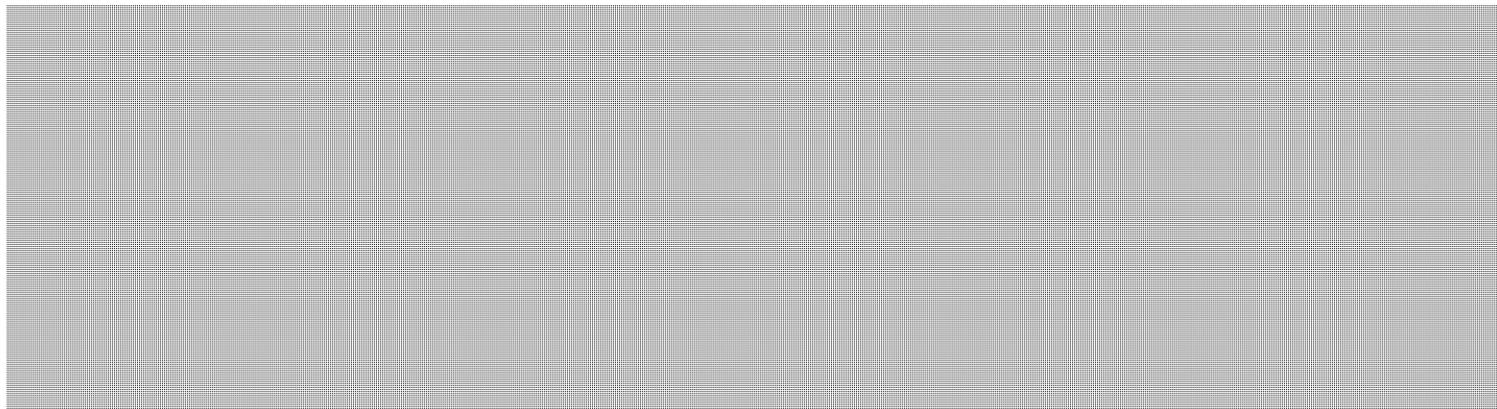
s.23

Record released pursuant to the *Access to Information Act* /  
Document divulgué en vertu de la *loi sur l'accès à l'information*

Date: 2020-03-22 11:10 AM (GMT-05:00)

To: John Touliopoulos <[John.Touliopoulos@otc-cta.gc.ca](mailto:John.Touliopoulos@otc-cta.gc.ca)>, Martin Dalpé <[Martin.Dalpe@otc-cta.gc.ca](mailto:Martin.Dalpe@otc-cta.gc.ca)>, Jason Tsang <[Jason.Tsang@otc-cta.gc.ca](mailto:Jason.Tsang@otc-cta.gc.ca)>, Marc Thomson <[Marc.Thomson@otc-cta.gc.ca](mailto:Marc.Thomson@otc-cta.gc.ca)>, Carole Girard <[Carole.Girard@otc-cta.gc.ca](mailto:Carole.Girard@otc-cta.gc.ca)>

Subject: Debrief from Sunday EC



s.21(1)(a)

s.21(1)(b)

**Nadine Landry**

s.23

---

**From:** Valérie Lagacé  
**Sent:** Sunday, March 22, 2020 6:52 PM  
**To:** Martin Dalpé; John Dodsworth; John Touliopoulos; Tom Oommen  
**Subject:** Re: Debrief from Sunday EC

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Martin Dalpé <Martin.Dalpe@otc-cta.gc.ca>  
**Date:** 2020-03-22 6:50 PM (GMT-05:00)  
**To:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>, John Dodsworth <John.Dodsworth@otc-cta.gc.ca>, John Touliopoulos <John.Touliopoulos@otc-cta.gc.ca>, Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Subject:** RE: Debrief from Sunday EC

Martin

---

**From:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Sent:** Sunday, March 22, 2020 6:46 PM  
**To:** Martin Dalpé <Martin.Dalpe@otc-cta.gc.ca>; John Dodsworth <John.Dodsworth@otc-cta.gc.ca>; John Touliopoulos <John.Touliopoulos@otc-cta.gc.ca>; Tom Oommen <Tom.Oommen@otc-cta.gc.ca>  
**Subject:** Re: Debrief from Sunday EC

Sent from my Bell Samsung device over Canada's largest network.

**Duplicate**

**Pages 127 to / à 130  
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s.21(1)(a)

**Nadine Landry**

s.21(1)(b)

s.23

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**From:** Valérie Lagacé  
**Sent:** Sunday, March 22, 2020 6:51 PM  
**To:** Patrice Bellerose  
**Subject:** Fwd: Revised statement  
**Attachments:** Statement.docx

Hi Patrice,

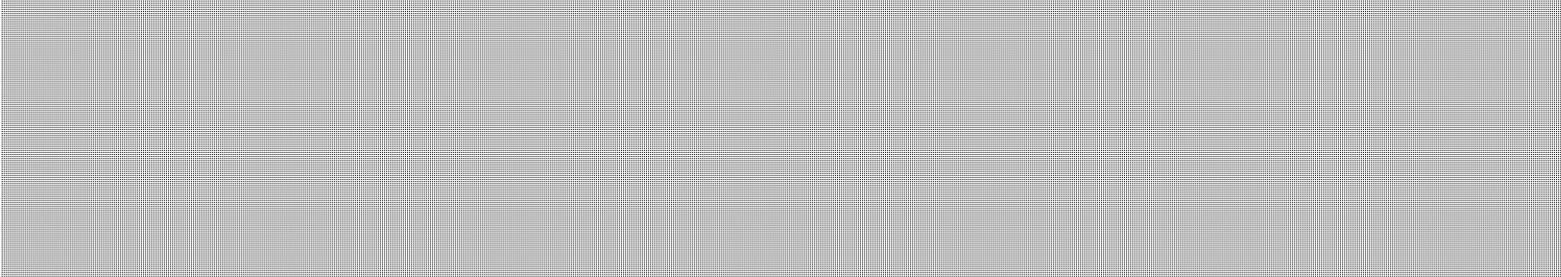
Sent from my Bell Samsung device over Canada's largest network.

**Duplicate**

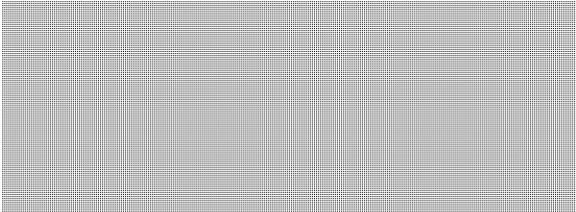
**Nadine Landry**

---

**From:** Valérie Lagacé  
**Sent:** Sunday, March 22, 2020 12:08 PM  
**To:** John Dodsworth  
**Subject:** RE: they will go ahead with a section 80 exemption



**De :** John Dodsworth <John.Dodsworth@otc-cta.gc.ca>  
**Envoyé :** 22 mars 2020 11:23  
**À :** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Objet :** RE: they will go ahead with a section 80 exemption

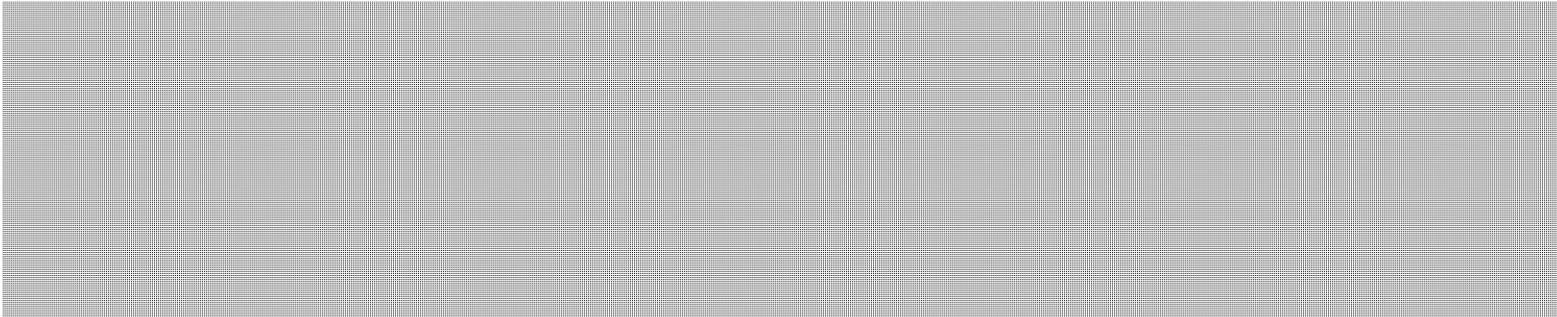


Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Valérie Lagacé <Valerie.Lagace@otc-cta.gc.ca>  
**Date:** 2020-03-22 11:20 (GMT-05:00)  
**To:** John Dodsworth <John.Dodsworth@otc-cta.gc.ca>  
**Subject:** they will go ahead with a section 80 exemption

Hi John,

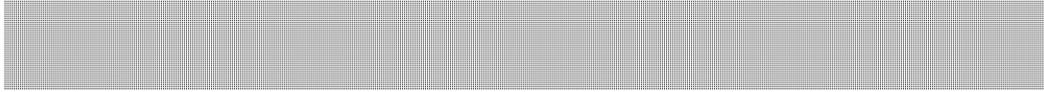


thanks

valérie

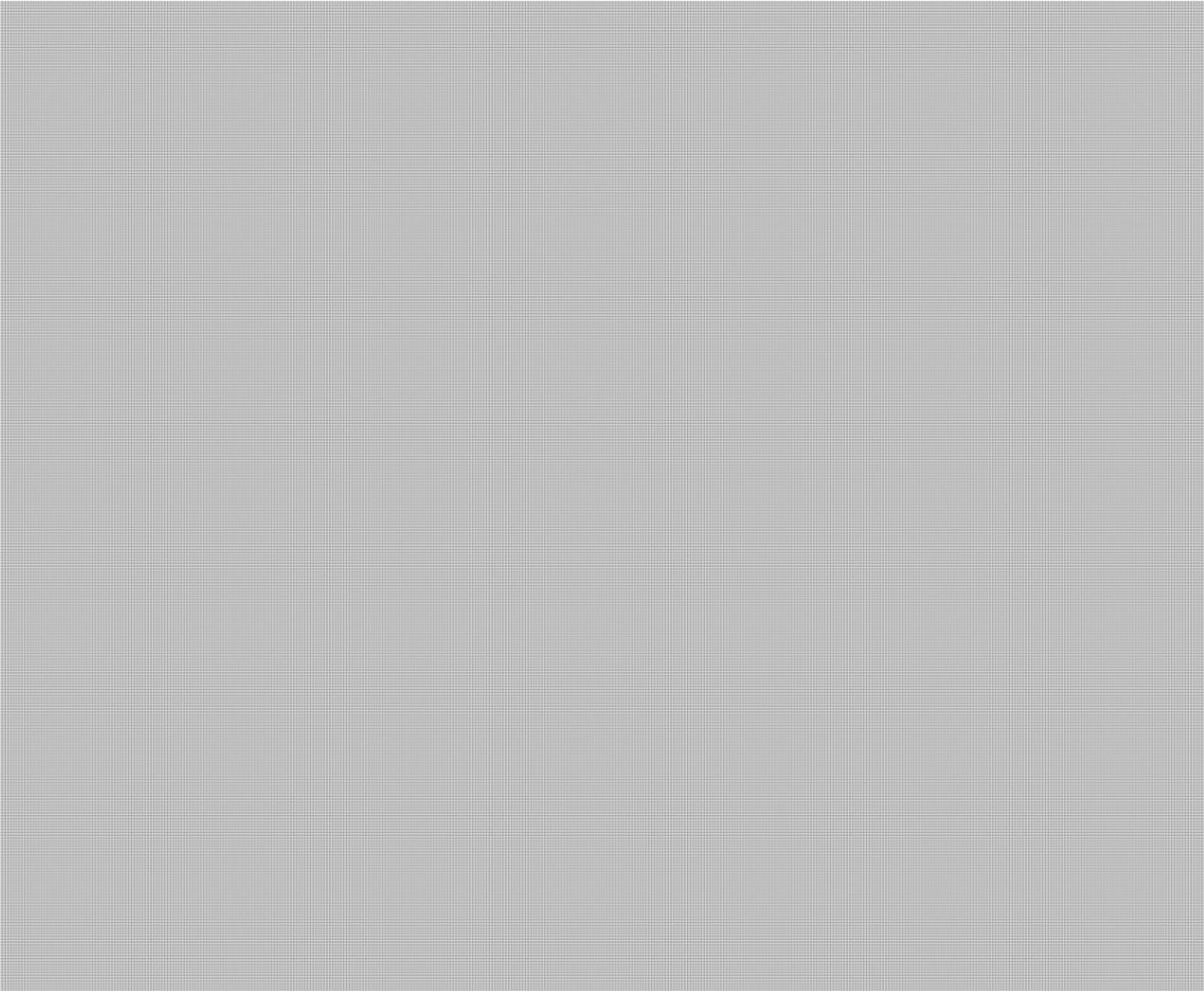
**Nadine Landry**

---

**From:** David Dawson  
**Sent:** Tuesday, March 17, 2020 11:59 AM  
**To:** Kristen Webster; Victorhea Rivilla-Biaoco; Zubair Parkar; Megan Grandmaison Carroll; Mandy Chan  
**Subject:** FW: COVID 19 APR tracking  
**Attachments:** 

Fyi

**Duplicate**



**Page 134**  
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**est un duplicata**

s.19(1)  
s.21(1)(a)  
s.21(1)(b)

**Nadine Landry**

---

**From:** Timothy Zarins  
**Sent:** Wednesday, March 11, 2020 10:50 AM  
**To:** Caitlin Hurcomb  
**Subject:** RE: by way of example

Hi Cait,

Ireland has adapted CAA's guidance and added a small FAQ table: <https://www.aviationreg.ie/news/covid-19-related-advice-%e2%80%93-guidance-on-regulation-ec2612004-.947.html>

US DOT has so far issued an Enforcement Notice informing the public that airlines may deny boarding if they are traveling to the US from a country with a CDC travel health notice: <https://www.transportation.gov/individuals/aviation-consumer-protection/enforcement-notice-regarding-denying-boarding-airlines>

Tim

**Tim Zarins**  
819-953-9903

**From:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Sent:** Wednesday, March 11, 2020 10:04  
**To:** Timothy Zarins <Timothy.Zarins@otc-cta.gc.ca>  
**Subject:** FW: by way of example

Hi Tim,

Thanks!

**From:** Marcia Jones  
**Sent:** Wednesday, March 11, 2020 9:59 AM  
**To:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Cc:** Allan Burnside <Allan.Burnside@otc-cta.gc.ca>  
**Subject:** FW: by way of example

Cait

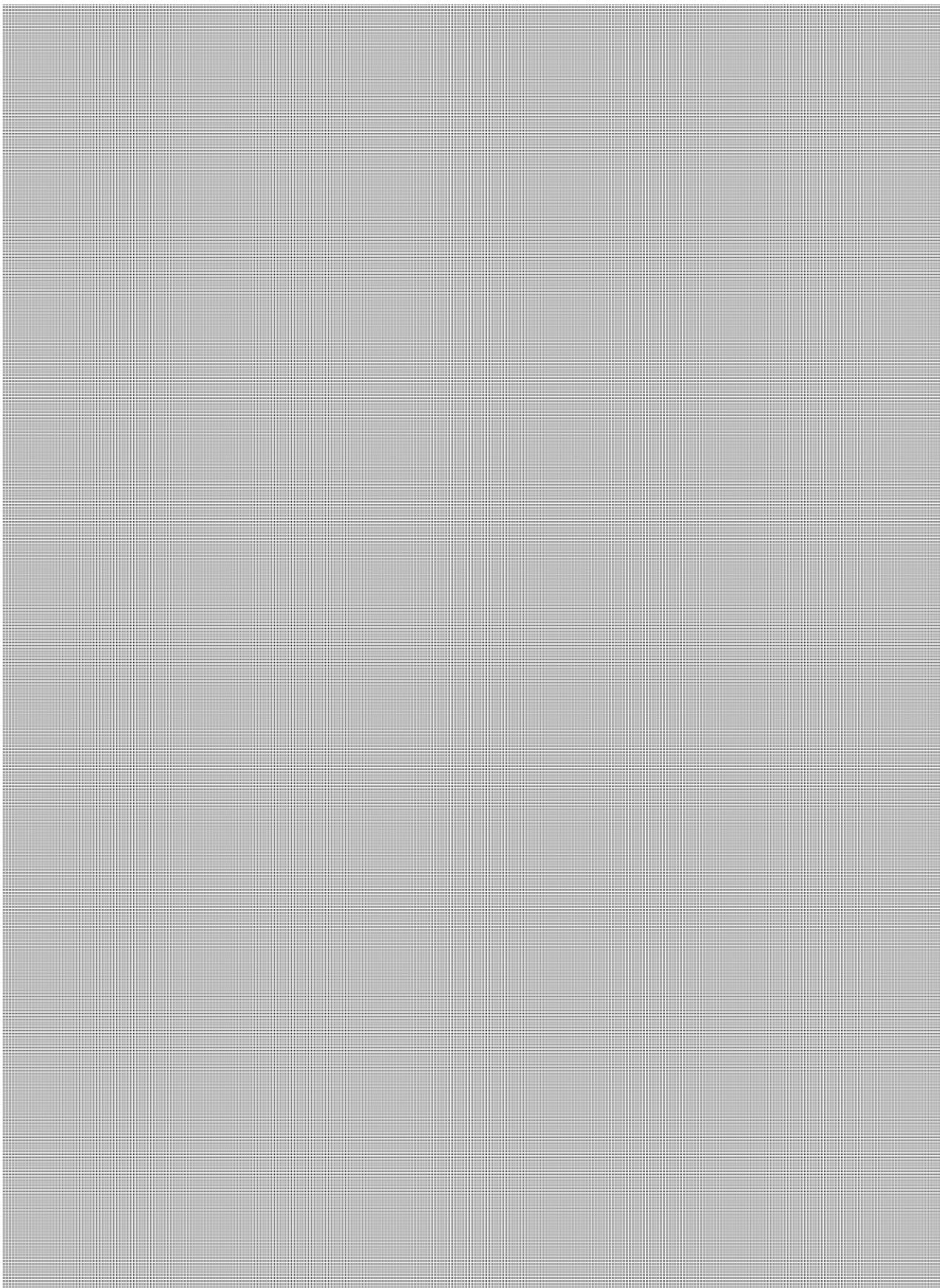
- thanks

**From:** [REDACTED] <[REDACTED]@westjet.com>  
**Sent:** Wednesday, March 11, 2020 9:48 AM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Subject:** by way of example

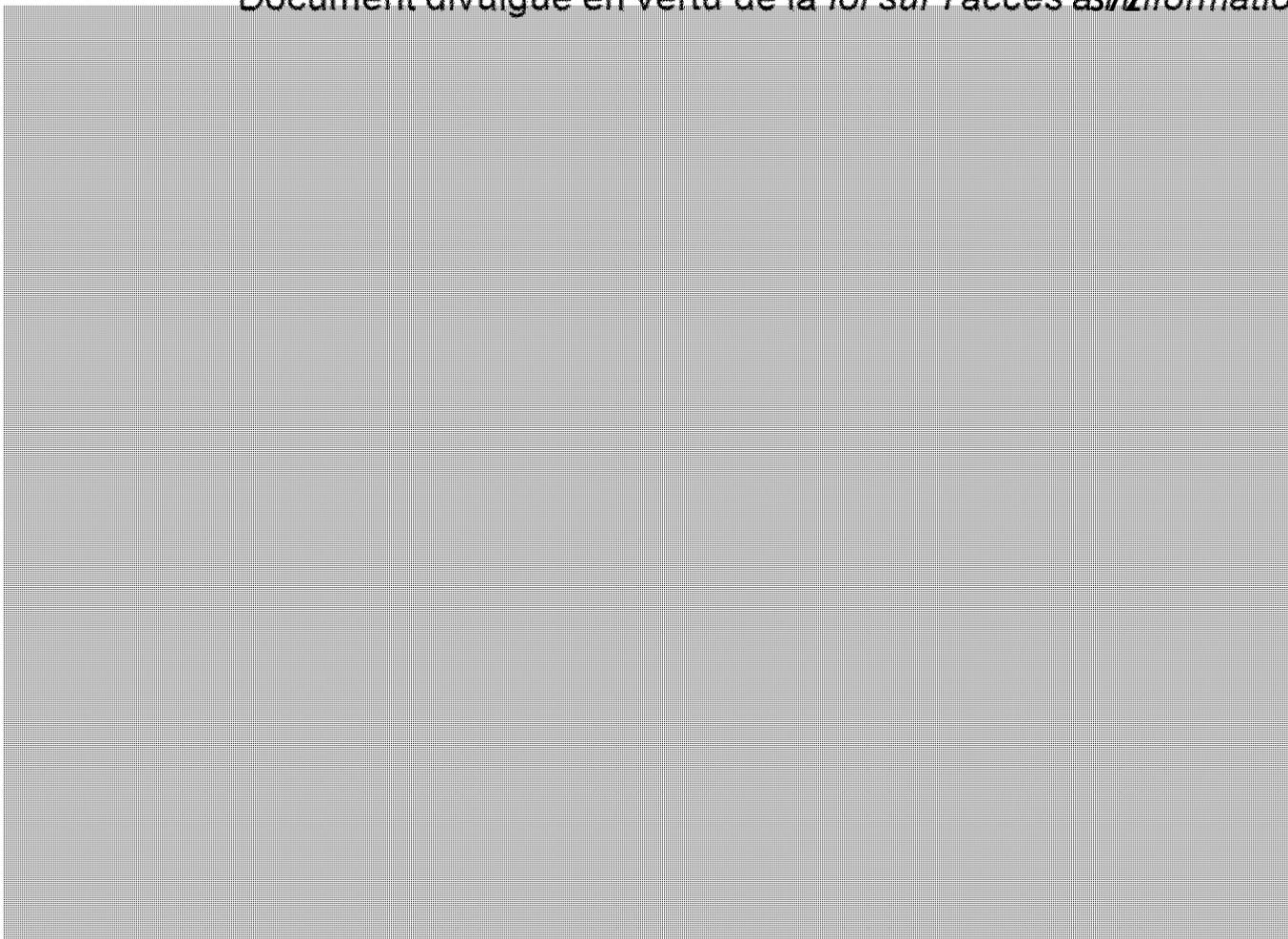
s.20(1)(b)

s.20(1)(c)

**Guidance on the application of Regulation EC261/2004 in the context of the  
developing situation with Covid-19**



s.19(1)  
s.20(1)(b)  
s.20(1)(c)



Government Relations and Regulatory Affairs

116 Lisgar Street, Suite 600  
Ottawa, ON  
K2P 0C2

P [redacted] | W [westjet.com](http://westjet.com)



s.21(1)(a)

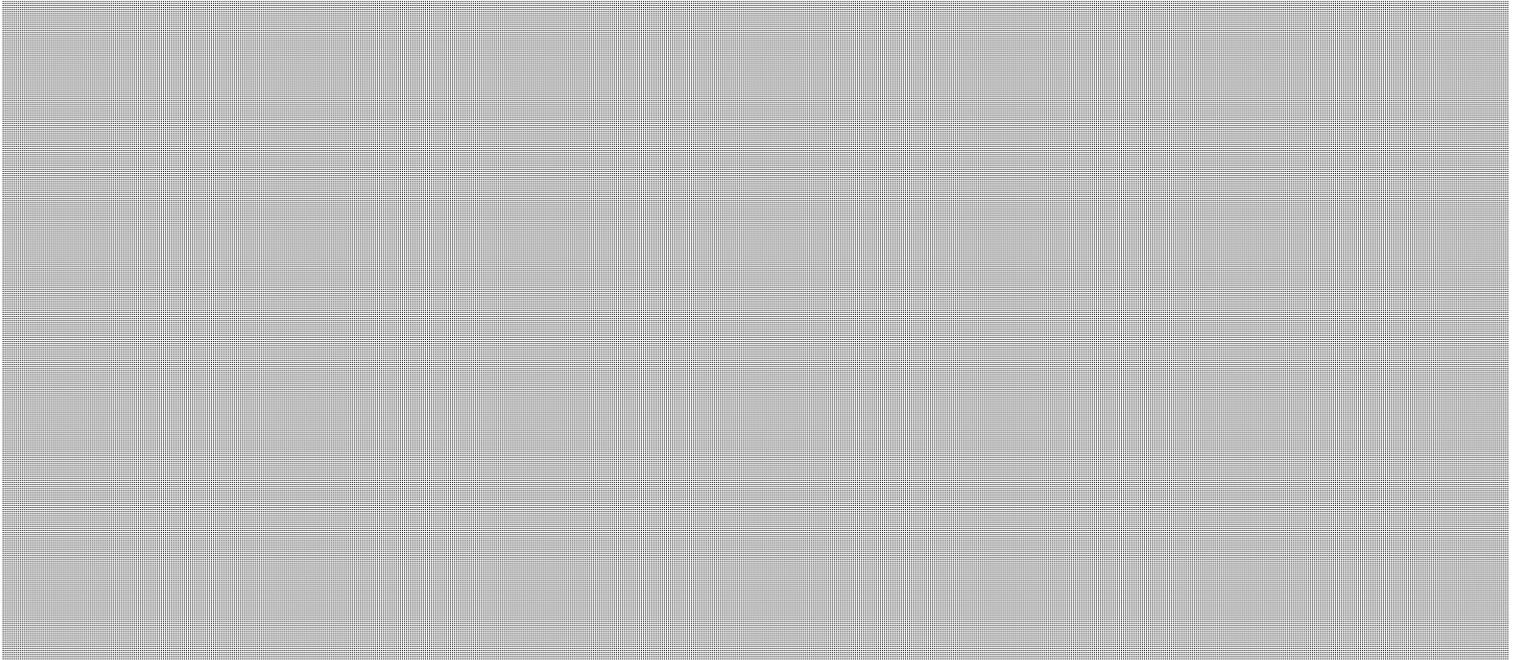
s.21(1)(b)

**Nadine Landry**

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**From:** Timothy Zarins  
**Sent:** Friday, March 13, 2020 3:39 PM  
**To:** Marcia Jones  
**Cc:** Caitlin Hurcomb  
**Subject:** RE: Coronavirus : l'Italie a trouvé la parade au remboursement des voyages... quid de la France ?

Hi Marcia,



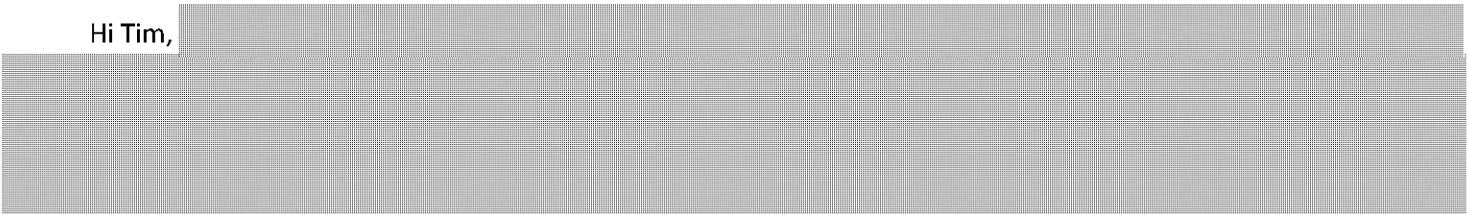
Tim

**Tim Zarins**  
819-953-9903

---

**From:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Sent:** Friday, March 13, 2020 15:10  
**To:** Timothy Zarins <Timothy.Zarins@otc-cta.gc.ca>  
**Cc:** Caitlin Hurcomb <Caitlin.Hurcomb@otc-cta.gc.ca>  
**Subject:** Coronavirus : l'Italie a trouvé la parade au remboursement des voyages... quid de la France ?  
**Importance:** High

Hi Tim,



[https://www.tourmag.com/Coronavirus-l-Italie-a-trouve-la-parade-au-remboursement-des-voyages-quoi-de-la-France\\_a102778.html](https://www.tourmag.com/Coronavirus-l-Italie-a-trouve-la-parade-au-remboursement-des-voyages-quoi-de-la-France_a102778.html)

Thanks,  
Marcia

**Nadine Landry**

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**From:** Timothy Zarins  
**Sent:** Tuesday, March 17, 2020 11:56 AM  
**To:** David Dawson  
**Subject:** COVID 19 APR tracking  
**Attachments:** RE: by way of example; RE: Coronavirus : l'Italie a trouvé la parade au remboursement des voyages... quid de la France ?

Hi Dave,

[REDACTED]

(<https://www.iata.org/en/programs/safety/health/diseases/government-measures-related-to-coronavirus/>)

[REDACTED]

([https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/mobility\\_en](https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/mobility_en))

Italy notably issued a decree that required all transportation service providers to provide full refunds for cancelled trips (second email).

[REDACTED]

Tim

**Tim Zarins**

Analyste subalterne, Affaires réglementaires  
Office des transports du Canada | Gouvernement du Canada  
[timothy.zarins@otc-cta.gc.ca](mailto:timothy.zarins@otc-cta.gc.ca) | 819-953-9903

Junior Analyst, Regulatory Affairs  
Canadian Transportation Agency | Government of Canada  
[timothy.zarins@otc-cta.gc.ca](mailto:timothy.zarins@otc-cta.gc.ca) | 819-953-9903

**Nadine Landry**

---

**From:** Matilde Perruslet  
**Sent:** Thursday, March 26, 2020 8:32 AM  
**To:** Vincent Turgeon  
**Subject:** FW: Statement - problem  
**Attachments:** RDIM-2127038-Statement on Vouchers-R.DOCX

**Duplicate**



**Page 142  
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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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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 Canadian Transportation Agency (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.

**Nadine Landry**

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**From:** Marcia Jones  
**Sent:** Wednesday, March 25, 2020 1:55 PM  
**To:** Renée Langlois  
**Cc:** Tim Hillier; Vincent Turgeon; Valérie Lagacé; Caitlin Hurcomb  
**Subject:** FW: Statement  
**Attachments:** Statement.docx

Over to you! 😊

**From:** Scott Streiner <Scott.Streiner@otc-cta.gc.ca>  
**Sent:** Wednesday, March 25, 2020 1:35 PM  
**To:** Marcia Jones <Marcia.Jones@otc-cta.gc.ca>  
**Cc:** Sébastien Bergeron <Sebastien.Bergeron@otc-cta.gc.ca>; Liz Barker <Liz.Barker@otc-cta.gc.ca>  
**Subject:** Statement

**Scott Streiner**

Président et premier dirigeant, Office des transports du Canada  
Chair and Chief Executive Officer, Canadian Transportation Agency  
scott.streiner@otc-cta.gc.ca - Tél. : 819-997-9233 - ATS/TTY: 1-800-669-5575

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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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.

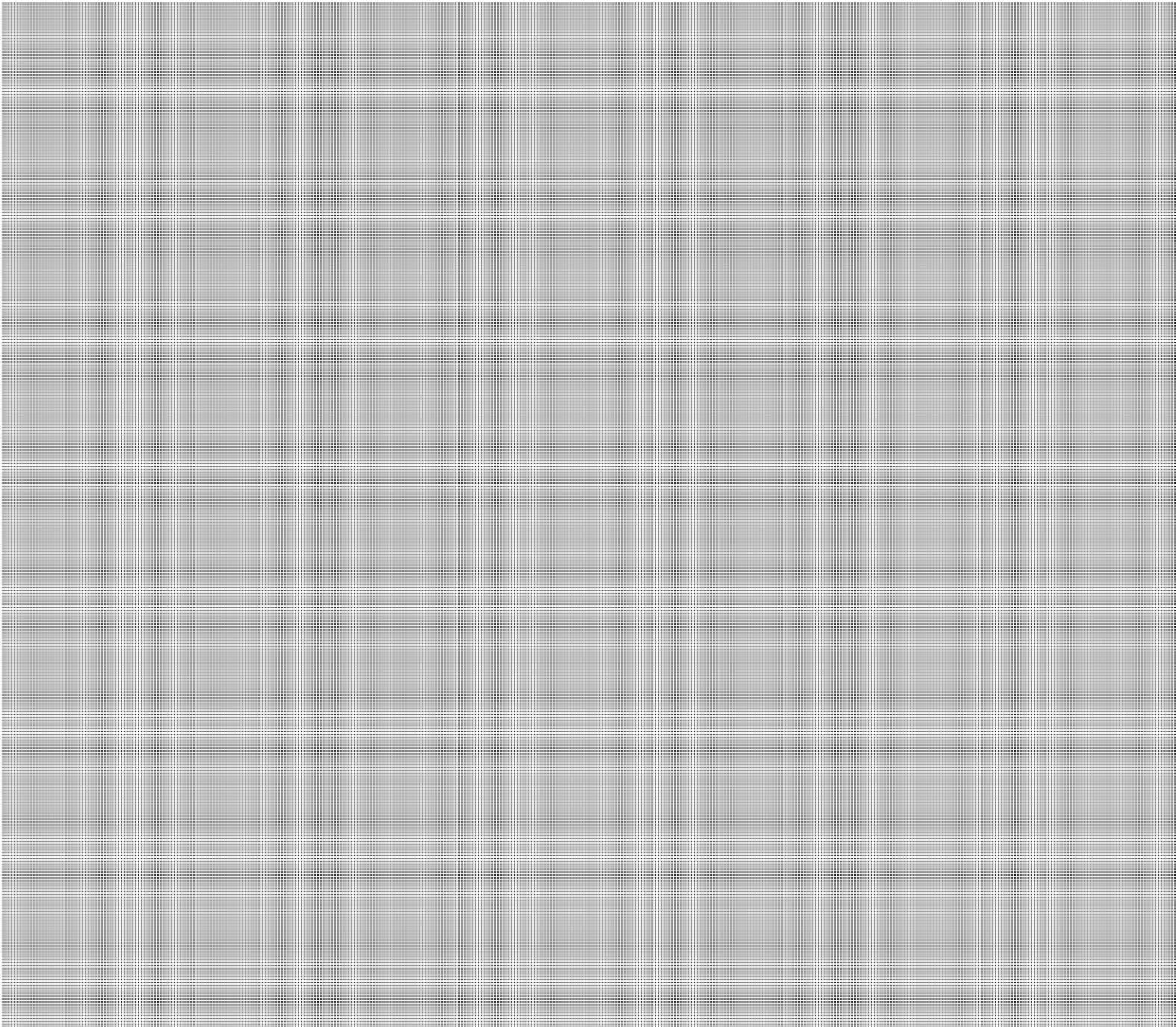
**Nadine Landry**

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**From:** Cynthia Jolly  
**Sent:** Tuesday, March 24, 2020 10:00 AM  
**To:** Matilde Perrusclet  
**Subject:** FW: Statement re passenger refunds  
**Attachments:** RDIM-2127038-COVID-19 APPR Statement-R.DOCX; RDIM-2127049-COVID-19 APPR Statement - French-R.DOCX

**Importance:** High

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**Nadine Landry**

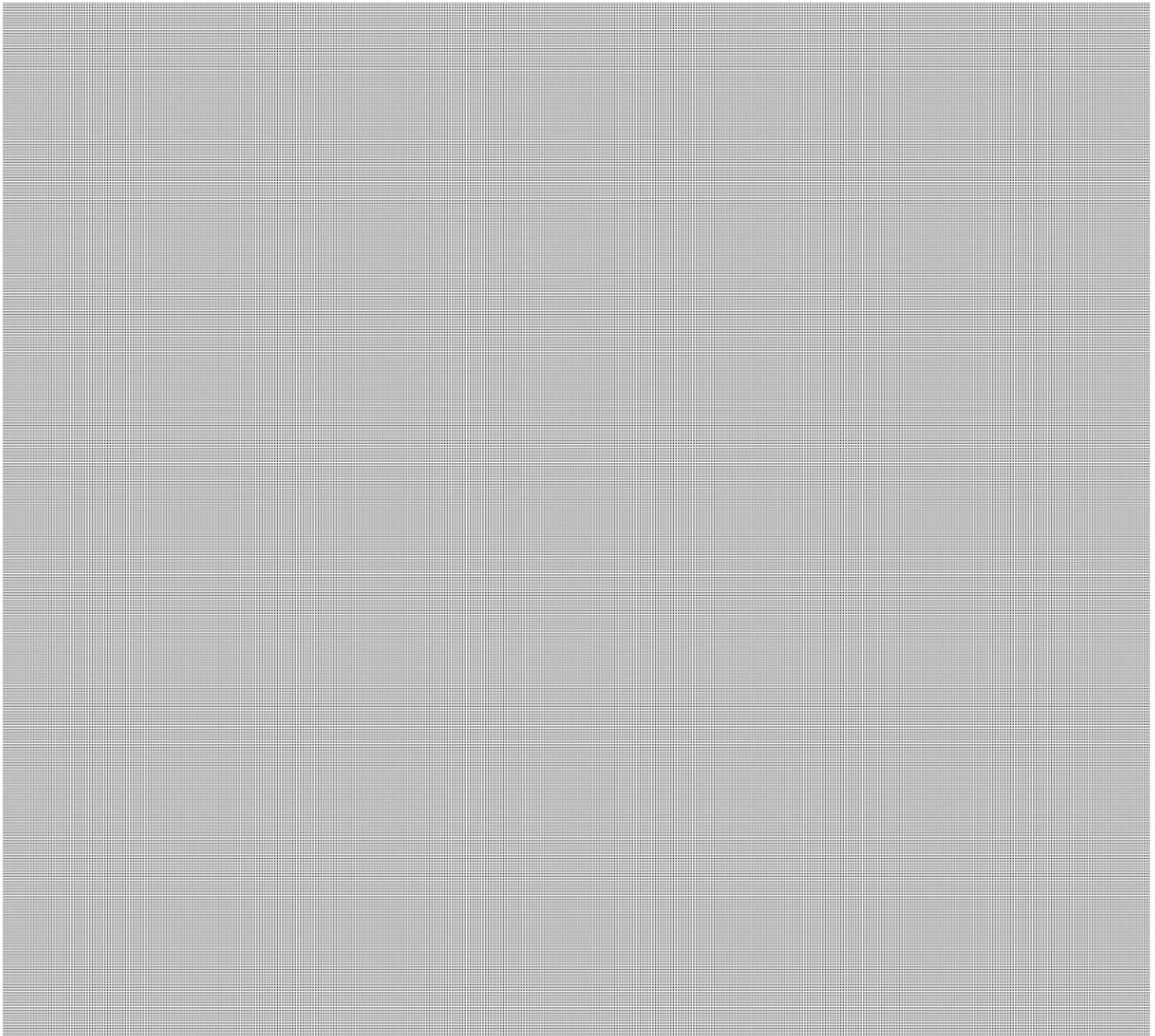
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**From:** Cynthia Jolly  
**Sent:** Tuesday, March 24, 2020 8:46 AM  
**To:** web; Matilde Perrusclet; Simon Fecteau Labbé  
**Subject:** FW: heads up - UPCOMING web publicshing today

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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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 typically have clauses that relieve the airline 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 concerns 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 and must find other ways of getting home 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.

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

**Pages 154 to / à 161  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

This is **Exhibit “AK”** to the Affidavit of Dr. Gábor Lukács  
affirmed before me on January 3, 2021

“Simon Lin”

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Signature

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**A-2020-00029 - Access to Information - Notice of release**

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OTC.AIPRP-ATIP.CTA <OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca>  
To: "lukacs@AirPassengerRights.ca" <lukacs@airpassengerrights.ca>

Wed, Dec 23, 2020 at 7:49 AM

December 23, 2020

**PROTECTED A**

Our file: A-2020-00029

Dear Gabor Lukacs:

This is in response to your request received at our office on August 25<sup>th</sup>, 2020 and submitted under the *Access to Information Act* (Act) for the following records:

**"All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020."**

Further to the email that was sent to you on September 29<sup>th</sup>, 2020, please find enclosed the records which are responsive to your request. Please be advised that certain records or portions thereof have been withheld under the following dispositions of the Act:

- 19(1) personal information
- 20(1)(b) financial, commercial, scientific or technical information given in confidence to the government and treated in a consistently in a confidential manner by the third party.
- 20(1)(c) information that could result in a financial loss or gain
- 21(1)(a) advice or recommendations
- 21(1)(b) consultations or deliberations
- 23 solicitor-client privilege information

Feel free to review the above dispositions of the Act at <https://laws-lois.justice.gc.ca/eng/acts/A-1/page-1.html>.

Please be advised that you are entitled to complain to the Information Commissioner of Canada concerning the processing of your request within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

The Information Commissioner of Canada  
[30 Victoria Street, 7th Floor](#)  
Gatineau, Quebec K1A 1H3  
Telephone: (613) 995-2410 (National Capital Region)  
1-800-267-0441 (Toll-free)

You may obtain additional information on the complaint process by visiting the website of the Office of the Information Commissioner at [www.oic-ci.gc.ca](http://www.oic-ci.gc.ca).

Should you have any questions, please do not hesitate to contact the ATIP office by email at [OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca](mailto:OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca).

Sincerely,

**Myriame Côté**

Coordonnatrice d'AIPRP, Direction, Gestion de l'information et des technologies

Office des transports du Canada / Gouvernement du Canada

Myriame.Cote@otc-cta.gc.ca / Tél. : **819-743-7259**

ATIP Coordinator, Information Management & Technology Services Directorate

Canadian Transportation Agency / Government of Canada

Myriame.Cote@otc-cta.gc.ca / Tel. : **819-743-7259**

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 **A-2020-00029 - Release copy.pdf**  
1419K

Exhibit C of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths



Court File No.: A-102-20

**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

– and –

**CANADIAN TRANSPORTATION AGENCY**

Respondent

**NOTICE OF MOTION**

**TAKE NOTICE THAT THE MOVING PARTY** will make a motion in writing to the Court under Rule 369 of the *Federal Courts Rules*, S.O.R./98-106.

**THE MOTION IS FOR:**

1. An Order, pursuant to Rule 318(4), that within ten days the Agency transmit in electronic format to the Registry and to the Applicant complete and unredacted copies of all records from March 9 - April 8, 2020 in respect of the Publications (defined further below), including but not limited to emails, meeting agendas, meeting minutes, notes, draft documents, and memos [**Materials**];
2. In the alternative, an Order pursuant to Rule 41, directing the issuance of a subpoena to the Chief Executive Officer of the Agency to produce the Materials within ten days;
3. costs and/or reasonable out-of-pocket expenses of this motion; and
4. such further and other relief or directions as the counsel may request and this Honourable Court deems just.

**THE GROUNDS FOR THE MOTION ARE:**

1. At the outset of the COVID-19 pandemic, the Agency widely disseminated two public statements, the “Statement on Vouchers” and the “Important Information for Travellers During COVID-19” page, which the Agency published or updated on March 25, 2020 [the **Publications**], purporting to inform, or otherwise influence the perception of, the travelling public regarding their rights to refunds of unused airfares for flights affected during the COVID-19 pandemic.
2. The Agency was not acting independently in respect of the Publications. Both the airlines and Transport Canada had input into or guided the Publications.
3. The Agency’s chairperson, vice-chairperson, and unnamed appointed members ultimately approved, supported, and/or otherwise endorsed those Publications.
4. The Applicant is a non-profit group that advocates for the rights of the travelling public, seeking judicial review on behalf and for the benefit of the travelling public in respect of the Publications on two distinct and independent grounds:
  - (a) **Reasonable Apprehension of Bias Ground [RAB Ground]** — the Agency’s issuing of the Publications is contrary to the Agency’s own *Code of Conduct*, **and** gives rise to a reasonable apprehension of bias with respect to the Agency’s members who supported and/or endorsed the Publications; and
  - (b) **Misinformation Ground** — the content of the Publications contains misinformation and omissions about passengers’ legal rights vis-à-vis the airlines, and creates confusion for the travelling public.
5. At the outset, the Applicant also brought a motion for interlocutory injunctions.
6. On May 22, 2020, Mactavish, J.A. dismissed the motion for injunctions, ruling that the irreparable harm criterion was not met at that time, although the Applicant demonstrated a *serious issue to be tried* for the RAB Ground.

7. On August 3, 2020, the Agency brought a motion to strike the Applicant's application for judicial review.
8. On October 2, 2020, Webb, J.A. dismissed the Agency's motion to strike and ruled that the application for judicial review should be heard on the merits, and reaffirmed that the RAB Ground raises a *serious issue to be tried*.
9. On October 29, 2020, the Agency confirmed, in response to a request under the *Access to Information Act*, that its search identified approximately 10,000 pages of documents in respect of the drafting, review, approval, and/or publication of the Agency's Statement on Vouchers.
10. On November 13, 2020, Webb, J.A. directed that the Applicant bring a motion to compel the production of the materials that it requests from the Agency.
11. On December 1, 2020, the Agency's Chief Executive Officer testified before the House of Commons Transport Committee regarding the Agency's Publications.
12. On December 23, 2020, the Agency disclosed, under the *Access to Information Act*, 137 pages out of the aforementioned approximately 10,000 pages of documents that it identified. Although the 137 pages were substantially redacted, they reinforce both the existence and the relevance of the requested Materials.

**The Materials are Relevant and Necessary for Adjudicating the RAB Ground**

13. Justices of this Court have already twice confirmed that there is a *serious issue to be tried* for the RAB Ground, and that it must be addressed on its merits.
14. The Materials are necessary for a fair and just adjudication of the RAB Ground of this judicial review.
  - (a) On the interlocutory injunctions motion, Mactavish, J.A. held that allegations of an apprehension of bias should normally be assessed against the conduct or involvement of each specifically named Agency member.

- (b) The Agency's appointed members' involvement with the Publications and the nature and extent of their involvement are facts in dispute.
  - (c) It will therefore fall upon this Honourable Court to make findings of fact as to which members of the Agency were involved with the Publications, and also the nature and extent of each of those members' involvement.
  - (d) The Materials will demonstrate:
    - i. the names of the specific appointed members of the Agency who participated in the issuance of the Publications by approving, supporting, or otherwise endorsing the Publications, and the nature of their respective involvement; and
    - ii. the Agency's objective in issuing the Publications, including the nature and extent of the external influences on the Agency from the airline industry and/or Transport Canada.
15. As a matter of law, an applicant is entitled to the production of documents in the possession of the tribunal which demonstrate, or tend to demonstrate, bias on the part of a member of that board, or that board generally: *Majeed v. Canada (Minister of Employment & Immigration)*, [1993] F.C.J. No. 908 at para. 3.
16. The question on this motion is therefore not *whether* the Materials should be produced, but *how* to order production of the Materials from the Agency (i.e., the procedural means).
17. Whether the Court orders production of the Materials from the Agency based on a purposive interpretation of Rules 317-318, or based on an application of the "exceptional evidence" approach under Rule 41, is a question of form, not substance. Without production of the Materials, the Agency's appointed members will effectively be immunized from judicial scrutiny and oversight.

**Order Pursuant to Rule 318 for the Agency to Transmit the Materials**

18. In the Notice of Application, the Applicant requested under Rule 317 that the Agency transmit material to the Registry and the Applicant.
19. The Agency objected to transmitting any of the requested material, arguing that this judicial review does not relate to an “order” from a tribunal.
20. In the interest of swift resolution of this motion and the application, only a small portion of the transmittal request is being pursued. The Applicant has further particularized and refined the request as follows:

Complete and unredacted copies of all records from March 9 - April 8, 2020 in respect of the Publications, including but not limited to emails, meeting agendas, meeting minutes, notes, draft documents, and memos [Materials].

21. Pursuant to Rule 318(4) of the *Federal Courts Rules*, this Honourable Court may order production of the Materials.

**Subpoena to the Chief Executive Officer of the Agency under Rule 41 for Production of the Materials**

22. Alternatively, a subpoena may be issued under Rule 41 for production of the Materials. The requirements for Rule 41 are satisfied in this case.
  - (a) The Materials are necessary, and the Agency’s conduct thus far demonstrates that there is no other way of obtaining them.
  - (b) The Applicant is clearly not engaging in a fishing expedition and there is a strong evidentiary basis that the Materials exist.
  - (c) The Agency’s Chief Executive Officer has supervision over and direction of the Agency’s work, and as such, has possession and/or control of the Materials.

23. Although subrule 41(5) empowers this Court to issue the subpoena on an *ex parte* motion, the Applicant will be giving notice to the Chief Executive Officer of the Agency. In any event, the Agency itself is already a party in this application.
24. The Chief Executive Officer of the Agency is presently Mr. Scott Streiner with an address for service at 15 Eddy Street, Gatineau, Quebec K1A 0N9 Canada and e-mail address at Scott.Streiner@otc-cta.gc.ca.

**Statutes and Regulations Relied Upon**

25. *Canada Transportation Act*, S.C. 1996, c. 10 and, in particular, sections 7, 13, 16, and 19;
26. *Federal Courts Rules*, S.O.R./98-106, and in particular, Rules 41, 81, 317-318, and 369; and
27. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used for the motion:

1. Affidavit of Dr. Gábor Lukács, affirmed on January 3, 2021.
2. Such further and additional materials as counsel may advise and this Honourable Court may allow.

January 3, 2021

“Simon Lin”

---

**SIMON LIN**

Evolink Law Group  
4388 Still Creek Drive, Suite 237  
Burnaby, British Columbia, V5C 6C6

Tel: 604-620-2666

Fax: 888-509-8168

*simonlin@evolinklaw.com*

**Counsel for the Applicant,  
Air Passenger Rights**

**TO: CANADIAN TRANSPORTATION AGENCY**

**AND TO: SCOTT STREINER**  
15 Eddy Street  
Gatineau, QC K1A 0N9  
Email: *Scott.Streiner@otc-cta.gc.ca*

Exhibit D of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths



Court File No.: A-102-20

**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

– and –

**ATTORNEY GENERAL OF CANADA**

Respondent

– and –

**CANADIAN TRANSPORTATION AGENCY**

Intervener

**NOTICE OF MOTION  
(Show Cause Motion for Contempt of Court)**

**TAKE NOTICE THAT THE MOVING PARTY** will make a motion in writing to the Court under Rule 369.2 of the *Federal Courts Rules*, S.O.R./98-106.

**THE MOTION IS FOR:**

1. An Order that within five (5) calendar days of the Court's Order, the Canadian Transportation Agency [**CTA**] shall transmit to the Court and to the Applicant the Withheld Materials as defined in Schedule "A";
2. A direction that within one (1) calendar day of the Court's Order, the solicitor of record for the CTA shall bring the Court's Order and the October 15, 2021 Order to the attention of the following individuals at the CTA:
  - (a) Ms. France Pégeot, Chairperson and Chief Executive Officer of the CTA;
  - (b) Ms. Elizabeth C. Barker, Vice-Chairperson of the CTA; and
  - (c) Ms. Valérie Lagacé, Secretary and Senior General Counsel of the CTA;

3. A direction that within two (2) calendar days of the Court's Order, counsel for the CTA shall confirm to the Court compliance with paragraph 2;
4. An Order directing that if the Withheld Materials are not disclosed in accordance with paragraph 1, on proof by affidavit evidence of such a failure to comply, an Order in the form set out in Schedule "B" be issued to the persons below pursuant to Rule 467(1) for non-compliance with both the October 15, 2021 Order of Gleason, J.A. and this Order:
  - (a) the Canadian Transportation Agency;
  - (b) Ms. France Pégeot, Chairperson and Chief Executive Officer of the CTA;
  - (c) Ms. Elizabeth C. Barker, Vice-Chairperson of the CTA; and
  - (d) Ms. Valérie Lagacé, Secretary and Senior General Counsel of the CTA;
5. An Order under Rule 147 validating the service of this motion record on:
  - (a) Ms. France Pégeot, Chairperson and Chief Executive Officer of the CTA;
  - (b) Ms. Elizabeth C. Barker, Vice-Chairperson of the CTA; and
  - (c) Ms. Valérie Lagacé, Secretary and Senior General Counsel of the CTA;
6. An Order under Rule 467(4) that the Rule 467(1) Order in paragraph 4 above, as well as any further documents relating to the Rule 467(1) Order, shall be served on the Alleged Contemnors by the Applicant via email as specified in paragraph 4 of Schedule "B";
7. A direction that the Registry email and deliver by regular post the Rule 467(1) Order in paragraph 4 above to the Alleged Contemnors upon issuance of that Order, as specified in paragraph 5 of Schedule "B";
8. Costs and/or reasonable out-of-pocket expenses of this motion, payable by the CTA forthwith and in any event of the cause; and
9. Such further and other relief or directions as the counsel may request and this Honourable Court deems just.

**THE GROUNDS FOR THE MOTION ARE:**

1. At the outset of the COVID-19 pandemic, on March 25, 2020, the CTA widely disseminated a public statement entitled “Statement on Vouchers” [the **Statement on Vouchers**], purporting to inform, or otherwise influence the perception of, the travelling public regarding their rights to refunds of unused airfares for flights affected during the COVID-19 pandemic.
2. The Applicant is a non-profit group that advocates for the rights of the travelling public, seeking judicial review on behalf and for the benefit of the travelling public in respect of the Publications on two distinct and independent grounds:
  - (a) **Reasonable Apprehension of Bias Ground [RAB Ground]** — the CTA’s issuing of the Statement on Vouchers is contrary to the CTA’s own *Code of Conduct*, **and** gives rise to a reasonable apprehension of bias with respect to the CTA as a whole, or alternatively, the CTA’s members who supported and/or endorsed the Statement on Vouchers; and
  - (b) **Misinformation Ground** — the content of the Statement on Vouchers contains misinformation and omissions about passengers’ legal rights vis-à-vis the airlines, and infuses confusion for the travelling public.
3. The RAB Ground is two-fold and concerns, first, the pre-judgement by the CTA as an institution, or, in the alternative, by its constituent members of passengers’ entitlement to reimbursement for flights cancelled due to the COVID-19 pandemic and, second, external third-party influence in the development of the impugned Statement on Vouchers.
4. On October 2, 2020, Webb, J.A. dismissed the CTA’s motion to strike, and ruled that the application for judicial review should be heard on the merits, and reaffirmed that the RAB Ground raises a *serious issue to be tried*.

**The October 15, 2021 Disclosure Order of Gleason, J.A.**

5. On October 15, 2021, Gleason, J.A. ordered, *inter alia*, that within 60 days of that Order the CTA shall disclose to the Applicant in electronic format:
  - (a) all non-privileged documents sent to or by a member of the CTA (including its Chairperson or Vice-Chairperson) between March 9 and March 25, 2020 concerning the statement on vouchers posted on the CTA's website on March 25, 2020 [**CTA Member Correspondences**];
  - (b) all non-privileged documents sent to a third party by the CTA or received from a third party by the CTA between March 9 and March 25, 2020 concerning the statement on vouchers posted on the CTA's website on March 25, 2020 [**Third-Party Correspondences**]; and
  - (c) all non-privileged documents related to any meeting attended by a CTA member (including its Chairperson or Vice-Chairperson) between March 9 and March 25, 2020 where the statement on vouchers posted on the CTA's website on March 25, 2020 was discussed [**Meeting Documents**].
6. The October 15, 2021 Order of Gleason, J.A. [**Disclosure Order**] was not appealed, and the CTA did not seek any clarification of the Disclosure Order.
7. In her reasons for the Disclosure Order, Gleason J.A. stated that:

[23] For clarity, meetings include telephone conversations, video conferences and internet meetings as well as in-person meetings and third parties include anyone other than a member or employee of the CTA.

**The CTA's Continued Failure to Comply with the Disclosure Order**

8. On December 14, 2021, the CTA disclosed only a limited number of documents, but failed to disclose at least fifteen (15) sets of documents that clearly exist and fall within the Disclosure Order's scope.

9. The CTA failed to disclose the fifteen (15) sets of missing documents despite the CTA acknowledging receipt of the Applicant's multiple requests for compliance with the Disclosure Order and production of the missing fifteen (15) sets of documents. On December 24, 2021, the CTA provided an incomplete response:
  - (a) The CTA provided only three (3) out of the fifteen (15) sets of the missing documents in an alternative scanned paper format, rather than the electronic Microsoft Word format that contained metadata;
  - (b) The CTA also provided a partial response to another three (3) of the fifteen (15) sets of the missing documents; and
  - (c) The CTA did not deny that the remaining nine (9) sets of missing documents exist, but the CTA failed to provide a legal justification for why the CTA would be excused from providing those documents.
10. On January 11, 2022, the Applicant delivered to the CTA a particularized list of the twenty-one (21) missing items, consisting of the Withheld Materials set out in Schedule "A", taking into account the CTA's partial response on December 24, 2021, and includes six additional items that the Applicant subsequently discovered were missing.

#### **Key Personnel Shielded from Knowledge of the Disclosure Order**

11. Pursuant to ss. 13-14 and 21 of the *Canada Transportation Act*, the CTA's Chairperson, Vice-Chairperson, and Secretary are key personnel having supervision and/or control of Agency members, staff, and/or the Withheld Materials.
12. Counsel for the CTA has been shielding the CTA's key personnel from provable knowledge of the Disclosure Order and responsibility for breaches of same.
  - (a) On December 20 and 30, 2021, the Applicant requested counsel for the CTA to bring the Disclosure Order and the Applicant's December 17, 2021 letter to the attention of: (1) the Chairperson; (2) the Vice-

Chairperson; and (3) the Secretary and Senior General Counsel.

- (b) Despite the two requests from the Applicant, counsel for the CTA has consistently and repeatedly refused to confirm whether the Disclosure Order was brought to the attention of the CTA's key personnel.

### **Progressive Enforcement of the Disclosure Order**

13. The Applicant has established the constituent elements of a *prima facie* case of contempt of court by the CTA:
  - (a) the Disclosure Order exists;
  - (b) the CTA has knowledge of the Disclosure Order; and
  - (c) the CTA knowingly disobeyed the Disclosure Order by refusing to disclose some or all of the Withheld Materials.
14. The Applicant is seeking this Court's assistance in progressively enforcing the Disclosure Order, bearing in mind that the Court's contempt power is a last resort for an order's enforcement: *Hyundai Motor America v. Cross Canada Auto Body Supply (West) Limited*, 2007 FC 120 (*per* Dawson, J. as she then was).
15. While the Disclosure Order is clear and unambiguous, it would serve the interests of judicial economy and efficiency if the Court first issued a specific Order compelling the CTA to disclose the Withheld Materials in Schedule "A", thereby affording the CTA and its key personnel a final opportunity to comply with their obligations under the Disclosure Order.
16. If the CTA continues to disobey the Disclosure Order, then an order for a contempt of court hearing ought to be issued under Rule 467 without further delay.

### **Statutes and Regulations Relied Upon**

17. *Canada Transportation Act*, S.C. 1996, c. 10, and in particular, sections 7, 13-14, and 21;

18. *Federal Courts Act*, R.S.C. 1985, c. F-7, and in particular, sections 3, 18.1, 28, and 44; and
19. *Federal Courts Rules*, S.O.R./98-106, and in particular, Rules 63, 127, 138, 139, 365, 369.2, and 466-472; and
20. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used for the motion:

1. Certified Tribunal Record (Material in Possession of the Canadian Transportation Agency), filed on December 24, 2021.
2. Affidavit of Dr. Gábor Lukács, affirmed on January 16, 2022.
3. Such further and additional materials as counsel may advise and this Honourable Court may allow.

January 16, 2022

“Simon Lin”

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**SCHEDULE “A”  
(the “Withheld Materials”)**

**A. CTA Member Correspondences**

- A1. **The Microsoft Word Files for the Statement on Vouchers.** The original Microsoft Word files for the Statement on Vouchers, and drafts of the Statement on Vouchers, attached to emails that were sent to/from a CTA Member (including the Chairperson and Vice-Chairperson) between March 9, 2020 and March 25, 2020.
- A2. **Documents Regarding the Statement on Vouchers on March 23, 2020.** All documents regarding the Statement on Vouchers that were sent to/from a CTA Member (including the Chairperson and Vice-Chairperson) on or about March 23, 2020.
- A3. **Documents Regarding the Statement on Vouchers on March 24, 2020.** All documents regarding the Statement on Vouchers that were sent to/from a CTA Member (including the Chairperson and Vice-Chairperson) on or about March 24, 2020 between 8:30AM and 7:00PM.
- A4. **Documents Regarding the Announcement of the Statement on Vouchers to Third-Parties.** All documents regarding Ms. Jones’s email on March 24, 2020 with the subject line “message to carriers - signals check” that was sent to/from a CTA Member (including the Chairperson and Vice-Chairperson) between March 24, 2020 and March 25, 2020.
- A5. **Chairperson’s Template Response to Media in MS Word Format.** The original Microsoft Word file(s) for the template media response in the March 24, 2020 at 7:34PM email sent by the Chairperson with subject line “Answer,” which were sent to/from a CTA Member (including the Chairperson and Vice-Chairperson) between March 24, 2020 and March 25, 2020.
- A6. **Ms. Jones’s Draft FAQs about the Statement on Vouchers.** All documents in respect of Ms. Jones’s draft FAQs first circulated on March 24, 2020 in response in the email with subject line “RE: Answer,” which was sent to/from a CTA Member (including the Chairperson and Vice-Chairperson) between March 24, 2020 and March 25, 2020.

**B. Third-Party Correspondences**

- B1. **Original Email Announcing the Statement on Vouchers.** Original version of the e-mail sent by Ms. Marcia Jones on March 25, 2020 with the subject line “Update: CTA measures/Mise à jour: mesures prises par l’OTC.”

- B2. **Original Email from Transport Canada on March 18, 2020.** Original version of the e-mail sent by Mr. Colin Stacey at Transport Canada to Ms. Marcia Jones on March 25, 2020 with the subject line “FW: From MinO:[Redacted],” including all attachments to that email.
- B3. **Correspondences in respect of Ms. Jones’s and the Assistant Deputy Minister’s Meeting(s).** All non-privileged correspondences in respect of the meeting(s) between Ms. Marcia Jones and the Assistant Deputy Minister of Transport on or about March 21-22, 2020.
- B4. **CTA’s Info Email and Twitter Messages.** All non-privileged documents sent to or from the CTA in respect of the Statement on Vouchers between March 9, 2020 and March 25, 2020 using:
- (a) the CTA’s Info email account (*info@otc-cta.gc.ca*); and
  - (b) the CTA’s Twitter accounts in English (*CTA\_gc*) and French (*OTC\_gc*), including but not limited to Private Messages.
- B5. **Correspondences to/from PIAC.** All non-privileged correspondences to/from PIAC between March 9, 2020 and March 25, 2020 regarding the Statement on Vouchers.

C. **Meeting Documents**

- C1. **Documents for the March 19 EC Call.** All non-privileged documents in respect of the CTA’s EC call on March 19, 2020, including but not limited to:
- (a) the meeting agenda;
  - (b) correspondences to schedule and/or set up the meeting;
  - (c) video or audio recordings of the meeting;
  - (d) meeting minutes;
  - (e) notes taken by or on behalf of any of the participants; and
  - (f) correspondences of the meeting’s decisions and deliverables.
- C2. **Documents for the March 20 EC Call.** All non-privileged documents in respect of the CTA’s EC call on March 20, 2020, including but not limited to:
- (a) the meeting agenda;
  - (b) correspondences to schedule and/or set up the meeting;
  - (c) video or audio recordings of the meeting;
  - (d) meeting minutes;

- (e) notes taken by or on behalf of any of the participants; and
  - (f) correspondences of the meeting's decisions and deliverables.
- C3. **CTA Chairperson's March 21-22, 2020 Weekend Meeting(s).** All non-privileged documents in respect of the meeting(s) between the CTA's Chairperson, the Deputy Minister of Transport, an unidentified individual, and/or some of them over the course of the weekend of March 21-22, 2020 about the Statement on Vouchers, including but not limited to:
- (a) documents sent to/from those third-parties before or after the meeting(s), including draft(s) of the Statement on Vouchers;
  - (b) the meeting agenda;
  - (c) correspondences to schedule and/or set up the meeting;
  - (d) video or audio recordings of the meeting;
  - (e) meeting minutes;
  - (f) notes taken by or on behalf of any of the participants; and
  - (g) correspondences of the meeting's decisions and deliverables.
- C4. **CTA Chairperson's March 21 and/or 22, 2020 Discussions with Vice-Chairperson.** All non-privileged documents in respect of the meeting(s) between the CTA's Chairperson and Vice-Chairperson over the course of the weekend of March 21-22, 2020 about the Statement on Vouchers, including but not limited to:
- (a) documents circulated between them before or after their meeting(s), including draft(s) of the Statement on Vouchers;
  - (b) the meeting agenda;
  - (c) correspondences to schedule and/or set up the meeting;
  - (d) meeting minutes;
  - (e) notes taken by or on behalf of any of the participants; and
  - (f) correspondences regarding the meeting(s).
- C5. **Documents for the March 22 CTA Key Personnel Call.** All non-privileged documents in respect of the call on March 22, 2020 at or about 10:30AM, including but not limited to:
- (a) the meeting agenda;
  - (b) correspondences to schedule and/or set up the meeting;
  - (c) video or audio recordings of the meeting;
  - (d) meeting minutes;
  - (e) notes taken by or on behalf of any of the participants; and
  - (f) correspondences of the meeting's decisions and deliverables.

- C6. **Documents for the March 23 EC Call.** All non-privileged documents in respect of the CTA's EC call on March 23, 2020, including but not limited to:
- (a) the meeting agenda;
  - (b) correspondences to schedule and/or set up the meeting;
  - (c) video or audio recordings of the meeting;
  - (d) meeting minutes;
  - (e) notes taken by or on behalf of any of the participants; and
  - (f) correspondences of the meeting's decisions and deliverables.
- C7. **Documents for the March 24 CTA Members' Call.** All non-privileged documents in respect of the CTA Members' Call on March 24, 2020, including but not limited to:
- (a) the meeting agenda;
  - (b) correspondences to schedule and/or set up the meeting;
  - (c) video or audio recordings of the meeting;
  - (d) meeting minutes;
  - (e) notes taken by or on behalf of any of the participants; and
  - (f) correspondences of the meeting's decisions and deliverables.
- C8. **Documents for the March 25 Discussions Involving Chair and/or Vice-Chair.** All non-privileged documents in respect of the discussions involving the Chairperson or Vice-Chairperson, and/or other persons on March 25, 2020 regarding the Statement on Vouchers, including but not limited to:
- (a) the meeting agenda;
  - (b) correspondences to schedule and/or set up the meeting;
  - (c) video or audio recordings of the meeting;
  - (d) meeting minutes;
  - (e) notes taken by or on behalf of any of the participants; and
  - (f) correspondences of the meetings' decisions and deliverables.
- C9. **Documents for the Cancelled March 25 Call.** All non-privileged documents for the March 25, 2020 meeting originally scheduled for 10:00AM, including but not limited to:
- (a) the meeting agenda;
  - (b) correspondences to schedule and/or set up the meeting; and
  - (c) draft documents circulated prior to the scheduled meeting.

C10. **The CTA Chairperson’s Discussion(s) with “Other Federal Players”**. All non-privileged documents in respect of the discussion(s) between the Chairperson and “other federal players” on or before March 23, 2020 regarding the Statement on Vouchers, including but not limited to:

- (a) the meeting agenda;
- (b) correspondences to schedule and/or set up the meeting;
- (c) video or audio recordings of the meeting;
- (d) meeting minutes;
- (e) notes taken by or on behalf of any of the participants; and
- (f) correspondences of the meeting’s decisions and deliverables.

Exhibit E of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths





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**CERTIFICATION**

I, Amanda Hamelin, of the City of Ottawa, Province of Ontario, Information Technology Manager of the Canadian Transportation Agency, **DO HEREBY ATTEST** that the category of documents listed below are true and correct copies of the additional documents, in accordance with in the Federal Court of Appeal Order dated April 11, 2022, as citation 2022 FCA 64:

A1. The Microsoft Word files for the Statement on Vouchers, provided in their original electronic form dated between March 9 to March 25, 2020;

A5. Chairperson's Template Response to Media in Microsoft Word Format, as attached to the email dated March 24, 2020 at 7:34PM, provided in the original electronic form;

B4. CTA's Info Email and Twitter Messages in respect of the Statement on Vouchers dated between March 9 to March 25, 2020;

C1. Documents from the March 19 EC Call;

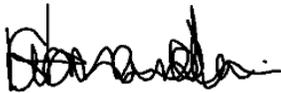
C2. Documents for the March 20 EC Call;

C5. Documents for the March 22 CTA Key Personnel Call; and

C6. Documents for the March 23 EC Call

at Gatineau, Province of Quebec, this 20<sup>th</sup> day of April, 2022.

4/20/2022

X 

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Signed by: Hamelin, Amanda

Amanda Hamelin  
Information Technology Manager of the Canadian Transportation Agency

Exhibit F of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths



Court File No.: A-102-20

**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

-and-

**ATTORNEY GENERAL OF CANADA**

Respondent

**CANADIAN TRANSPORTATION AGENCY**

Intervener

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**AFFIDAVIT OF BARBARA CUBER**  
**AFFIRMED APRIL 21, 2022**

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I, Barbara Cuber, of the City of Gatineau in the Province of Québec, AFFIRM THAT:

1. I am Senior Counsel in the Legal Services Directorate of the Enabling Services Branch of the Canadian Transportation Agency ("Agency") and, as such, have personal knowledge of the matters hereinafter deposed to except where stated to be based on information and belief, in which case I believe such information to be true.
2. In an Order dated April 11, 2022 ("the April Order"), the Court ordered that the person responsible for complying with this Court's previous Order dated October 15, 2021 ("the October Order") should be required to serve and file an affidavit detailing what has been done to ensure the required disclosure was made.

3. In my capacity as counsel of record at the time, I was the individual at the Agency who was tasked with gathering documents responsive to the October Order, and with producing these to the parties.
4. I was assisted in this task by the Director of Registrar, Secretariat and Information Management; the Access to Information and Privacy Division; the Information Technology Services Division; the Office of the Chair and Chief Executive Officer; members of the Executive Committee; and the Legal Services Directorate.
5. In paragraph 47 of the April Order, the Court indicated that it expects this affidavit to address the following questions:
  - (a) how the CTA narrowed down the several thousands of pages of documents to less than two hundred pages it has disclosed;
  - (b) what steps were taken, if any, to gather and/or preserve documents upon being served with the Notice of Application on April 9, 2020;
  - (c) who at the CTA conducted the searches for documents;
  - (d) whether the CTA reviewed its encrypted emails or documents;
  - (e) what record-keeping systems the CTA has, and whether all of them were searched for responsive documents;
  - (f) whether the CTA has any backups or archives of their emails and other electronic documents, and whether those backups or archives were searched;

(g) whether the CTA conducted any investigation after learning that some documents no longer exist, and any steps taken to recover those documents; and

(h) whether the CTA's audio or video conferencing system has a recording feature and whether the conferences between March 9 and 25, 2020 were recorded.

6. In the paragraphs below, I have responded to each question set out in paragraph 47 of the April Order. However, I have re-arranged the order of the questions in order to respond to the April Order as fully and accurately as possible.
7. Nothing in this affidavit should be interpreted as waiving solicitor-client privilege or litigation privilege.

**What steps were taken, if any, to gather and/or preserve documents upon being served with the Notice of Application on April 9, 2020 (question (b) in paragraph 47 of the April Order)**

8. On April 14, 2020, Allan Matte, counsel of record at the time, sent a notification to relevant Agency personnel, including members. He informed them of the Notice of Application and the request for material pursuant to Rule 317 of the *Federal Courts Rules*, SOR 98-106. He notified personnel of the need to identify and preserve documents responsive to this request.

**What record-keeping systems the CTA has, and whether all of them were searched for responsive documents (question (e) in paragraph 47 of the April Order)**

9. The Agency uses an electronic corporate repository called RDIMS.
10. The Agency is required to preserve all documents of business value and to delete all transitory records, as set out in the following document: "What to Keep! What Not to Keep!"

at Exhibit A.

11. All paper documents that constitute records of business value are required to be saved in RDIMS, as outlined in the following document: "Conseils de nettoyage de documents papiers/Paper Documents Clean Up Tips" at Exhibit B.
12. All Microsoft Outlook items that are of business value are required to be saved in RDIMS. Agency personnel are required to delete transitory records from their Outlook account, as outlined in the following documents: MS Outlook 2016 Email Clean Up Tips at Exhibit C; and Tips on Managing Your Emails at Exhibit D.
13. RDIMS was searched for responsive documents.
14. In addition to RDIMS, the Outlook accounts of Agency staff and members were searched for responsive documents.

**Who at the CTA conducted the searches for documents (question (c) in paragraph 47 of the April Order)**

15. Staff in the Information Technology Division, Information Management Division, Access to Information and Privacy Directorate, and Office of the Chair and Chief Executive Officer conducted searches for documents.

**Steps taken to comply with disclosure required in the October Order**

16. To ensure that disclosure required by the October Order was made, I reviewed each document that had previously been gathered and preserved in connection with two Access to Information requests and one Parliamentary Standing Committee request, each of which

related to the subject matter of the Statement on Vouchers.

17. The first Access to Information request, A-2020-00002, was received by the Agency on or around May 5, 2020. It sought unpublished notes and exchanges that led to the Statement on Vouchers and subsequent FAQ answers on vouchers and refunds.

18. The text of the request reads as follows:

Simply mean records not on CTA website or published initial request: Provide the unpublished background meetings, notes and exchanges that lead to CTA March 13/2020 ruling to temporarily suspend certain provisions in the air passenger bill of rights such as on cancellations/disruptions and to its subsequent March 25/20 statement on vouchers and the its subsequent FAQ answers on vouchers and refunds. Only include unpublished notes and exchanges at CTA. TIMEFRAME June 1, 2019 to March 25, 2020.<sup>1</sup>

19. On October 26, 2021, I contacted Myriame Côté, Access to Information and Privacy Coordinator at the Agency, to obtain access to search records. Ms. Côté is the person at the Agency responsible for responding to Access to Information requests. I was provided with access to the search results from this request on November 1, 2021.

20. The search results consisted of 683 items. I reviewed each one of these items to identify documents responsive to the October Order.

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<sup>1</sup> Motion Record of Air Passenger Rights, Motion pursuant to Rules 41 and 318 of the Federal Courts Rules, Affidavit of Gábor Lukács dated January 3, 2021, Exhibit AH at 225 and 229.

21. The second Access to Information request, A-2020-00029, was received by the Agency on or around August 25, 2020. The request was made by Gábor Lukács, President and Director of Air Passenger Rights.
22. That Request sought all documents relating to the drafting, review, approval and/or publication of the Statement on Vouchers between March 11 and April 9, 2020.
23. The text of the request reads as follows:

All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020.<sup>2</sup>
24. On October 18 and 26, 2021, I contacted Myriame Côté to request access to the complete, unredacted search results associated with this request.
25. On October 29, November 1 and December 3, 2021, I was provided with access to these search results. These results consisted of 1417 Outlook items, 25 electronic documents, and a 5099-page working copy of the search results.
26. I reviewed each document contained in this collection of search results to identify documents responsive to the October Order.

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<sup>2</sup> Motion Record of Air Passenger Rights, Motion pursuant to Rules 41 and 318 of the Federal Courts Rules, Affidavit of Gábor Lukács dated January 3, 2021, Exhibit AE at 206.

27. On or around October 22, 2021, I spoke with Patrice Bellerose about documents required to be produced pursuant to the October Order. Ms. Bellerose is the Director of Secretariat, Registrar and Information Management at the Agency. Both the Information Management Division and Access to Information and Privacy Directorate fell under her authority.
28. Following our discussion, I consulted a collection of documents that were preserved in RDIMS in early April 2021. This collection of documents consisted of communications between Transport Canada, including the Minister of Transport's Office, and the Agency regarding cancelled plane tickets.
29. This collection stemmed from a motion from the Standing Committee on Transportation, Infrastructure and Communities from March 25, 2021.
30. According to the Minutes of Proceedings from March 25, 2021, the Motion read as follows:
- That, pursuant to Standing Order 108(1)(a), an Order of the Committee do issue for correspondence between Transport Canada, including the Minister of Transport's office, and the Canadian Transportation Agency regarding cancelled plane tickets and that these documents be provided to the Committee Clerk within 30 days following the adoption of this motion.<sup>3</sup>
31. I reviewed each document in this collection on or around November 29, 2021 to identify documents responsive to the October Order.

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<sup>3</sup> See Air Passenger Rights Informal Motion in connection with its motion under Rules 41 and 318 of the Federal Courts Rules, dated May 12, 2021 and accompanying affidavit of Gábor Lukács affirmed on May 12, 2021.

32. All responsive documents I found in the search results from these previous document searches were produced to the parties in compliance with the October Order.
33. In addition to reviewing documents from these three searches, on October 26, 2021, I contacted Lesley Robertson, Executive Coordinator of the Office of the Chair and CEO of the Agency. Ms. Robertson worked directly with the Chair, Scott Streiner, in March 2020.
34. From our exchange, Ms. Robertson provided five documents.
35. I reviewed each of these documents and determined that one of the documents was responsive to the October Order.
36. This document consisted of a letter to Scott Streiner from Jean-Marc Eustache from Air Transat dated March 22, 2020. This document was produced to the parties on December 14, 2021.
37. On October 22 and 26 and November 19 and 22, 2021, I communicated with Jonathan Guindon, who is Manager of Information Technology Operations in the Information Technology Services Division of the Agency. Mr. Guindon is the person responsible for searches conducted in the Outlook accounts of Agency staff and members.
38. Based on our exchanges, staff in the Information Technology Services Division conducted an electronic search in all Agency staff and member Outlook accounts in order to search for documents responsive to the October Order.
39. I was given access to the search results, consisting of 799 items, on November 26, 2021.

40. I reviewed each document contained in the results from this search to identify documents responsive to the October Order.
41. I provided all responsive documents that I found from this search to the parties on December 14, 2021.
42. After the Agency disclosed responsive documents on December 14, 2021, Air Passenger Rights wrote several letters alleging deficiencies in the disclosure package. In response to these letters, I repeatedly verified the existing search results to ensure that I had not overlooked any items.
43. I verified my findings with Patrice Bellerose as she was familiar with the Access to Information requests outlined above.
44. I also spoke with the Agency's Chief of Staff, Sébastien Bergeron; Senior General Counsel Valérie Lagacé; Lesley Robertson; and various members of the Executive Committee during this time to confirm my findings.
45. On December 22, 2021, after receiving a letter from counsel for Air Passenger Rights concerning a missing covering e-mail that would have accompanied Jean-Marc Eustache from Air Transat's March 22, 2020 letter to the Agency, I contacted Ms. Robertson to ask if she had that covering email. As set out in paragraph 36, on October 26, 2021, she had provided me with Mr. Eustache's letter to Mr. Streiner.
46. She checked her records again and concluded that she did have the covering email. She sent it to me immediately. I provided the covering email to the parties on December 24, 2021

and explained that its omission was an oversight.

**How the CTA narrowed down the several thousands of pages of documents to less than two hundred pages it has disclosed (question (a) in paragraph 47 of the April Order)**

47. I understand this question to be a reference to the thousands of pages of documents that were generated from Access to Information Request A-2020-00029, and/or to the Agency's reference to the thousands of pages it reviewed in complying with the October Order.

48. In reviewing these search results, thousands of documents that fell outside of the timeframe of the Order were excluded; internal documents not shared with Members were excluded pursuant to paragraph 27 of the October Order; duplicates were excluded; and documents unrelated to the Statement on Vouchers were excluded.

49. For ease of reference, paragraph 27 of the October Order read as follows:

However, the applicant has provided no evidence to substantiate disclosure of documents post-dating the date the impugned statement was posted. Similarly, the applicant has failed to establish that documents that were purely internal to the CTA and which were not shared with its members are relevant. In short, there is no basis to suggest that such documents would contain information about whether CTA members or third parties were involved in making the decision to post the impugned statement, which is the essence of the applicant's bias allegations. Thus, these additional documents need not be disclosed.<sup>4</sup>

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<sup>4</sup> *Air Passenger Rights v Canada (Attorney General)*, [2021 FCA 201](#) at para 27.

**Whether the CTA reviewed its encrypted emails or documents (question (d) in paragraph 47 of the April Order)**

50. All emails and documents which were identified during the search were reviewed. No encrypted emails or documents were identified during the search.

**Whether the CTA has any backups or archives of their emails and other electronic documents, and whether those backups or archives were searched (question (f) in paragraph 47 of the April Order)**

51. As a corporate repository, all documents of business value are archived in RDIMS. RDIMS was searched for responsive documents.

52. All documents that are transitory are required to be deleted.

53. All documents in Outlook are kept on backup tapes for a period of 10 days. These tapes are then moved offsite and kept for 12 weeks.

54. The Agency did not search these tapes.

**Whether the CTA conducted any investigation after learning that some documents no longer exist, and any steps taken to recover those documents (question (g) in paragraph 47 of the April Order)**

55. The Agency did not conduct any investigation after learning that some documents no longer exist.

56. The Agency searched its records in RDIMS and in Outlook for responsive documents.

**Whether the CTA's audio or video conferencing system has a recording feature and whether the conferences between March 9 and 25, 2020 were recorded (question (h) in paragraph 47 of the April Order)**

57. The Agency's audio and video conferencing systems have a recording feature.

58. No. These meetings were not recorded.

59. This affidavit is made at the request of this Court following the April 11, 2022 Order and for no other or improper purpose.

DATED at the City of Gatineau, in the Province of Quebec, this 21<sup>st</sup> day of April, 2022.

AFFIRMED BEFORE ME  
at the City of Gatineau,  
in the Province of Quebec,  
this 21<sup>st</sup> day of April, 2022.

Commissioner of Oaths



BARBARA CUBER

Exhibit A of the affidavit of Barbara Cuber  
affirmed before me on April 21, 2022

A handwritten signature in blue ink, appearing to be 'K. BF', written in a cursive style.

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Signature



# WHAT TO KEEP!

# WHAT NOT TO KEEP!

It is the responsibility of every individual working for the Agency to preserve corporate records, and dispose of transitory records, in support of the Agency's information management goals.

## WHAT TO KEEP!

### Corporate Records:

any type of information collected or created by the Agency in order to control, support, or document the delivery of programs, carry out operations, to make decisions, or to account for the activities of the Agency. Examples include records which:

- document the delivery of programs or services;
- record decisions and actions;
- provide evidence of financial and legal transactions;
- have policy, program and procedural implications;
- give or request direction or comments on Agency activity; and
- are substantive drafts that demonstrate a document's evolution, the decision making process, or the development of policy and legislation.

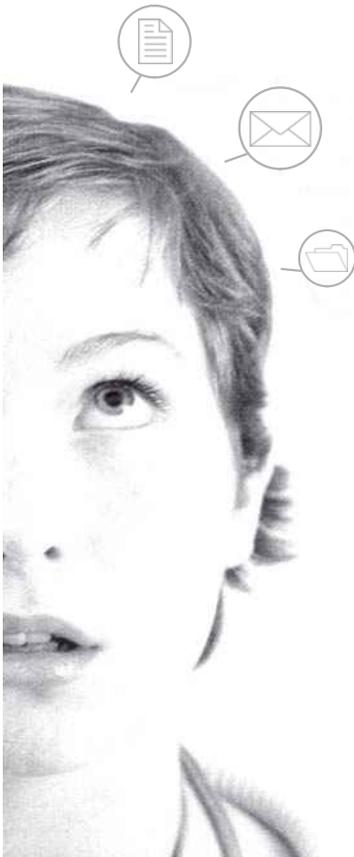
## WHAT NOT TO KEEP!

### Transitory Records:

are only required for a limited time to complete a routine action or to prepare a subsequent record. An employee must dispose of or delete transitory records, including e-mail messages and attachments, once they have served their purpose. The sheer volume of transitory records can impede the ability to manage official records. Examples include:

- records with no business, legal, financial or administrative value;
- records needed only for a limited time to complete a routine action or prepare a subsequent record;
- draft documents, where all substantive content/changes have been incorporated into a subsequent document;
- duplicate copies used for convenience only;
- casual communications, FYI e-mail and information received as part of a distribution list;
- e-mail that are captured in a more recent message; and
- personal information.

**IMPORTANT:** You cannot dispose of or delete transitory records that are required for an active ATIP request.





# DOCUMENT À CONSERVER! ET À NE PAS CONSERVER!

Il incombe à chaque employé(e) de l'Office de conserver les documents officiels et de disposer des documents éphémères, conformément aux objectifs de l'Office en matière de gestion de l'information.

## DOCUMENTS À CONSERVER!

### Documents officiels :

Toute information produite ou conservée sert à contrôler, à appuyer ou documenter l'exécution des programmes, le déroulement des activités, la prise de décisions, ou encore pour rendre compte des activités de l'Office. Citons à titre d'exemples de documents organisationnels, ceux qui :

- documentent l'exécution des programmes ou la prestation des services;
- documentent la prise de décisions et de mesures;
- témoignent de transactions financières et d'actes juridiques;
- ont des incidences sur les politiques, les programmes et les procédures;
- constituent des demandes de directives ou présentent des commentaires relativement aux activités de l'Office;
- constituent des ébauches de fond faisant état de leur évolution, du processus décisionnel ou de l'élaboration d'une politique ou d'une loi.

## DOCUMENTS À NE PAS CONSERVER!

### Documents éphémères:

Les documents éphémères sont des documents dont on a besoin seulement pour une période limitée, afin d'achever un travail en cours ou de rédiger d'autres documents. Ils **doivent être supprimé ou éliminé**, notamment les messages électroniques, **dès qu'ils ne sont plus utiles**. Le nombre de documents éphémères à lui seul peut nuire à la capacité de gérer les documents organisationnels de l'Office. Citons à titre d'exemples :

- les documents sans valeur organisationnelle, juridique, financière ou administrative;
- les documents nécessaires pendant un certain temps en vue d'achever un travail courant ou de préparer un document ultérieur;
- les ébauches si les principaux éléments ou les changements ont été incorporés dans un document ultérieur;
- les copies utilisées à des fins de commodité seulement;
- les communications informelles transmises uniquement à des fins d'information.
- les messages électroniques qui sont repris dans un messages plus récent;
- l'information personnelle.

**IMPORTANT :** Vous ne pouvez pas éliminer ou supprimer des documents éphémères requis dans le cadre d'une demande active d'AIPRP

Exhibit **B** of the affidavit of Barbara Cuber  
affirmed before me on April 21, 2022

A handwritten signature in blue ink, appearing to be 'K. BF', written in a cursive style.

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Signature

## Conseils de nettoyage de documents papiers

### Paper Documents Clean-up Tips

Click [HERE](#) to jump to English version

#### Mythe à déboulonner!

Mythe : J'ai tellement de papiers que ça ne vaut pas la peine d'essayer de faire le ménage!

Vérité : Certaines études suggèrent que nous perdons de une à deux heures par journée de travail à chercher de l'information. Un ménage dans vos dossiers papiers facilitera la conservation, le repérage et la communication de l'information à l'avenir.

## 1. Faites le ménage dans vos papiers en trois étapes :

1. Apprenez à CONNAÎTRE la valeur de votre information
2. CLASSEZ votre information
3. PASSEZ À L'ACTION en conservant ou en éliminant l'information

### Apprenez à CONNAÎTRE la valeur de votre information

Quel que soit le type d'information que vous avez ou l'endroit où elle se trouve, sa valeur détermine ce que vous devez en faire.

#### INFORMATION À VALEUR OPÉRATIONNELLE

Les ressources documentaires à valeur opérationnelle (RDVO) sont des documents de l'organisation qui, quelle qu'en soit la forme,

- **appuient la prestation des programmes et des services** (p. ex., politiques, lignes directrices, dossiers des clients, documents de planification)
- **rendent compte des activités opérationnelles** (p. ex., attribution des tâches, documents relatifs aux projets et aux processus, offres d'emploi, contrats, transactions)
- **font état des données et des raisons justifiant les décisions ou les mesures prises** (p. ex., comptes rendus de décision, autorisations, notes d'information, avis juridiques, documents relatifs aux réunions)
- appuient l'élaboration des rapports ministériels, des rapports sur le rendement et la reddition de comptes ministérielle (p. ex., plans stratégiques, rapports de l'organisation, statistiques)
- Vous devez conserver ce type d'information.

# Conseils de nettoyage de documents papiers

## Paper Documents Clean-up Tips

### INFORMATION ÉPHÉMÈRE

L'information éphémère comprend l'information qui :

- **appuie la création d'information à valeur opérationnelle, mais n'est nécessaire que pour une durée limitée** (p. ex., copies de présentations ou de documents faites pour des besoins pratiques, courriels envoyés pour information, bulletins d'information, documents de formation, et documents de travail dont les modifications importantes ont été enregistrées dans une version ultérieure)
- **n'appuie pas la création de l'information à valeur opérationnelle** (p. ex., pourriels, invitations à des réunions, avis concernant les congés et les vacances, renseignements personnels)

**Vous devez détruire\* cette information quand vous n'en avez plus besoin.**

\*Exception : Si l'information éphémère est visée par une demande d'accès à l'information en cours, une affaire judiciaire (investigation électronique), ou une vérification, l'information doit être conservée. En cas de doute, communiquez avec la Gestion de l'information.

## 2. CLASSEZ votre information

Le saviez-vous? Par papier, on entend les documents imprimés, les cahiers de notes, les papillons adhésifs (Post-it), les dossiers et les télécopies.

À conserver	À jeter	Ne sait pas
Information à valeur opérationnelle	Information éphémère	Information que vous ne savez pas où classer*

\*Lorsque vous vous demandez s'il s'agit d'une RDVO ou d'information éphémère, ou si vous devez numériser votre document, communiquez avec votre gestionnaire.

Qu'en est-il des ouvrages de référence? Toutes les publications doivent être envoyées à l'équipe de Gestion de l'information, conformément à la loi. Les publications sont souvent visées par des initiatives à l'échelle gouvernementale comme des programmes de recyclage internationaux.

## Conseils de nettoyage de documents papiers

### Paper Documents Clean-up Tips

## 3. PASSEZ À L'ACTION en conservant ou en éliminant l'information

### Mythe à déboulonner!

Mythe : Je peux numériser et détruire toutes mes informations papier.

Vérité : Les RDVO peuvent être numérisées, mais cela implique beaucoup plus qu'une simple copie digitale ou électronique. Les imprimantes-scanners du réseau de l'Office ont été configurées pour respecter les lignes directrices du gouvernement fédéral afin de s'assurer que les normes sont respectées en ce qui a trait à la qualité et à l'admissibilité des documents numériques. Suivez les instructions pour numériser vos documents et les enregistrer dans le SGDDI. Si numérisé, SVP informer la GI.

Faites le ménage dans vos papiers en fonction de la valeur et du niveau de confidentialité de l'information.

Information Ephémère	Action
Non classifié ou protégé A	<ul style="list-style-type: none"> <li>Mettre en boîtes et identifiez la boîte: <b>Éphémère</b></li> <li>Apportez à la GI <b>en personne</b></li> </ul>
Protégé B ou Classifié	<ul style="list-style-type: none"> <li>Mettre en boîtes et identifiez la boîte: <b>Éphémère sécurisé</b></li> <li>Apportez à la GI <b>en personne</b></li> </ul>

Ressources documentaires à valeur opérationnelle (RDVO)	Action
Dossiers avec ou sans code-barres	<ul style="list-style-type: none"> <li>Rassembler les dossiers officiels ensemble (avec code-barres)</li> <li>Rassembler les dossiers non officiels (sans code-barres) ensemble et, si possible, ajoutez une note sur le dessus identifiant le numéro de dossier / sujet.</li> <li>Mettre en boîte <u>tous les dossiers</u> et identifiez la boîte: <b>RDVO</b></li> <li>Apportez à la GI <b>en personne</b></li> </ul>

## Conseils de nettoyage de documents papiers

### Paper Documents Clean-up Tips

RDVO éparpillées	<ul style="list-style-type: none"><li>• Rassembler les RDVO qui se rapporte à un même dossier (officiel ou non) et identifier le dossier auquel il doivent appartenir soit par le titre soit par le numéro de dossier.</li><li>• Mettre en boîte <u>tous les RDVO éparpillées</u> et identifiez la boîte: <b>RDVO</b></li><li>• Apportez à la GI <b>en personne</b></li></ul>
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## Conseils de nettoyage de documents papiers

### Paper Documents Clean-up Tips

#### Myth buster!

Myth: I have so much paper it's pointless to try and clean it up!

Truth: Some studies suggest we lose 1–2 hours each work day hunting for information. Cleaning up your paper files will make it easier to store, find and share information going forward.

### 1. Three steps to clean up your paper:

4. KNOW the value of your information
5. SORT your information
6. ACT to keep or destroy information

### KNOW the value of your information

No matter what kind of information you have or where it is stored, its value determines how you should clean it up.

#### INFORMATION OF BUSINESS VALUE

Information resources of business value (IRBVs) are corporate records in any form that:

- **support the delivery of programs and services** (e.g. policies, guidelines, client records, planning documents)
- **capture business activities** (e.g. task assignments, project and process documentation, employment offers, contracts, transactions)
- **record the evidence and rationale for decisions or actions** (e.g. records of decision, authorizations, briefing notes, legal advice, meeting documents)
- support departmental reporting, performance and accountability (e.g. strategic plans, corporate reports, statistics)

**This kind of information you must keep.**

# Conseils de nettoyage de documents papiers

## Paper Documents Clean-up Tips

### TRANSITORY INFORMATION

Transitory information includes information that:

- **supports the creation of information of business value but is only needed only for a limited time** (e.g. convenience copies of presentations or documents, FYI emails, newsletters, training material, and working drafts where major changes were documented in a later version)
- **does not support the creation of information of business value** (e.g. junk mail, meeting notices, holiday and vacation notices, personal information)

**This information you must destroy\* when it is no longer needed.**

\*Exception: If the transitory information is the subject of an open ATIP, legal case (e-Discovery), or audit, you must keep it. When in doubt, contact Information Management.

## 2. SORT your information

Did you know? Paper includes printed documents, notebooks, Post-it notes, files and faxes.

Keepers	Trash	Unknown
Information of Business Value	Transitory Information	Information you're not sure of*

\*If you're aren't sure whether your information is an IRBV or transitory, or whether to digitize your paper, contact your manager.

What about reference books? All public publication must be sent to the Information Management team as per legislation. Publications are often part of government-wide initiatives such as international recycling programs.

## Conseils de nettoyage de documents papiers

### Paper Documents Clean-up Tips

### 3. ACT to keep or destroy information

#### Myth buster!

Myth: I can scan and destroy all my paper records.

Truth: IRBVs can be digitized, but this involves much more than simply scanning. The Agency network printers/scanners have been configured to meet federal government guidelines to ensure standards are met for the quality and admissibility of digital records. Follow these instructions to digitize and save to RDIMS. If digitized, please inform IM.

Clean up your paper information based on its value.

Transitory Information	Action
Unclassified or Protected A	<ul style="list-style-type: none"> <li>• Put in boxes and mark as: <b>Transitory</b></li> <li>• Bring to IM <b>in person</b></li> </ul>
Protected B or above	<ul style="list-style-type: none"> <li>• Put in boxes and mark as: <b>Secured Transitory</b></li> <li>• Bring to IM <b>in person</b></li> </ul>

Information of Business Value (IRBV)	Action
Files folders with or without bar codes	<ul style="list-style-type: none"> <li>• Keep official files (with bar codes) together</li> <li>• Keep un-official files together (without bar codes) and if possible, add note on top identifying file # / subject.</li> <li>• Box all files and mark as: <b>IRBV Files</b></li> <li>• Bring to IM <b>in person</b></li> </ul>
Loose IRBV	<ul style="list-style-type: none"> <li>• Keep all IRBV that relate to a file or subject (official file or not) together and identify the file to which it belongs using either the file number or file subject.</li> <li>• Box all records and mark as: <b>IRBV</b></li> <li>• Bring to IM <b>in person</b></li> </ul>

Exhibit C of the affidavit of Barbara Cuber  
affirmed before me on April 21, 2022

A handwritten signature in blue ink, appearing to be 'K. BF', is written above a horizontal line.

Signature

# Conseils pour le nettoyage des comptes de courriel dans MS Outlook 2016

## MS Outlook 2016 Email Clean-up Tips

[English text starts on page 5](#)

### Contenu / Contents

1.	Qu'est-ce qui est inclus dans votre boîte aux lettres? .....	1
2.	Comprendre ce que représente la taille d'un dossier.....	2
3.	Prioriser le nettoyage selon la taille des dossiers .....	3
4.	Filtrer les courriels par taille .....	3
5.	Nettoyage du calendrier.....	4
6.	Déplacer les ressources documentaires à valeur opérationnelle (RDVO) dans le SGDDI.....	4
1.	What is included in your mailbox? .....	6
2.	Understanding file size.....	6
3.	Prioritize clean-up based on size .....	6
4.	Filter by size.....	7
5.	Calendar clean-up .....	8
6.	Move information resources of business value (IRBV) to RDIMS.....	8

## 1. Qu'est-ce qui est inclus dans votre boîte aux lettres?

Il est important de prendre conscience que la taille d'une boîte aux lettres dépend de l'ensemble de ses éléments, à savoir :

- La boîte de réception
- Le dossier des éléments envoyés
- Tous les dossiers (qu'ils soient générés par le système ou créés par l'utilisateur)

- Tous les éléments du calendrier
- Etc.

## 2. Comprendre ce que représente la taille d'un dossier

Les octets sont des données, et un **fichier** est composé d'octets.

1 kilo-octet (Ko) = 1000 octets

1 mégaoctet (Mo) = 1000 Ko

1 gigaoctet (Go) = 1000 Mo

1 téraoctet (To) = 1000 Go

### 3. Prioriser le nettoyage selon la taille des dossiers

Un coup d'œil à la taille de dossiers vous permettra de décider lesquels devraient être nettoyés en premier :

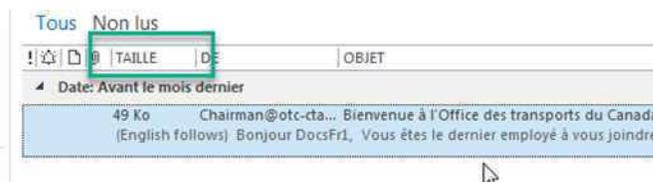
- Cliquez sur l'onglet « Fichier ».
- Sous « Outils de nettoyage », cliquez sur « Nettoyer la boîte aux lettres... ».
  - Cliquez sur « Afficher la taille de la boîte aux lettres... ».



### 4. Filtrer les courriels par taille

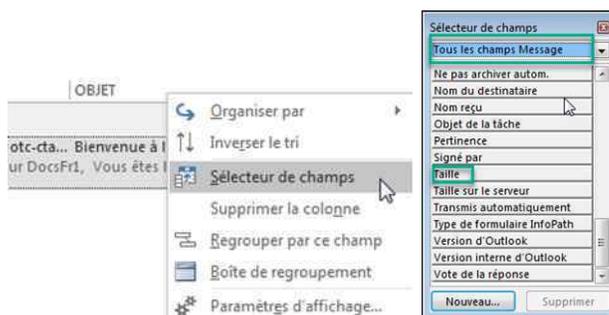
Une fois que vous avez choisi les dossiers à nettoyer en premier, vous pouvez filtrer les courriels par taille afin de supprimer ceux qui ont des pièces jointes volumineuses :

- Repérez le dossier.
- Cliquez sur la colonne « Taille ».



Si la colonne « Taille » n'apparaît pas, voici la marche à suivre pour l'ajouter :

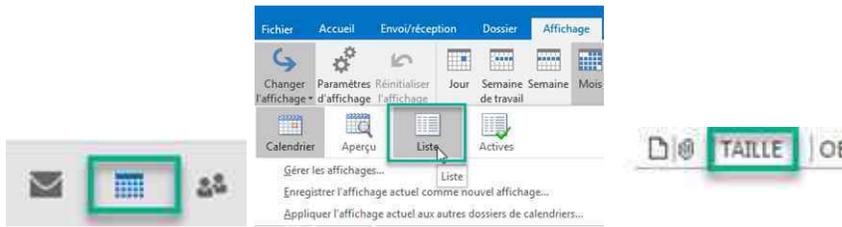
- Cliquez à droite sur n'importe quelle colonne, puis choisissez « Sélecteur de champs ».
- Glissez le champ « Taille », à partir de la liste des « Champs souvent utilisés » ou de « Tous les champs Message », vers la zone des colonnes.



## 5. Nettoyage du calendrier

Pour nettoyer votre calendrier en fonction de la taille de ses éléments, procédez comme suit :

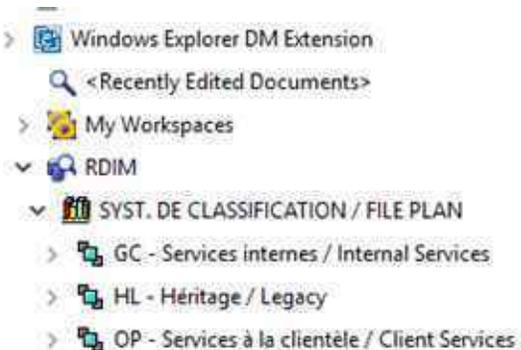
- Cliquez sur l'icône « Calendrier ».
- Sous l'onglet « Affichage », cliquez sur « Changer l'affichage » et sélectionnez « Liste ».
- Cliquez sur la colonne « Taille ». Si la colonne « Taille » n'apparaît pas, [suivre la démarche décrite à l'étape numéro 4](#).
- Examinez les éléments pour supprimer ceux dont vous n'avez plus besoin.



## 6. Déplacer les ressources documentaires à valeur opérationnelle (RDVO) dans le SGDDI

Après avoir supprimé les courriels et les éléments du calendrier en fonction de leur taille, il vous faut maintenant déplacer les RDVO dans le SGDDI et supprimer les courriels éphémères (utiles pour une durée limitée).

La première étape recommandée consiste à localiser dans le système de classement de l'Office le numéro de dossier correspondant à chaque dossier Outlook. Vous pourrez ainsi enregistrer en bloc une série de courriels dans le SGDDI. Dans Windows Explorer, le système de classement de l'Office se trouve sous le SGDDI (Windows Explorer DM Extension)



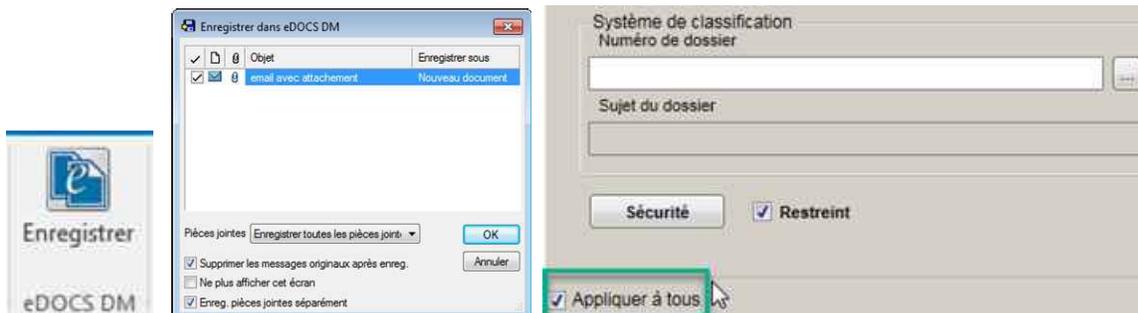
Ouvrir les différentes fonctions du système de classement jusqu'à ce que vous trouviez le numéro de dossier correspondant à chaque dossier Outlook. Si le dossier voulu ne se trouve pas dans le système de classement de l'Office, vous pouvez demander à votre gestionnaire si quelqu'un de votre groupe dispose des droits d'accès nécessaires pour y ajouter de nouveaux dossiers. Si ce n'est pas le cas, n'hésitez pas à envoyer une demande à [Services-GI-IM@otc-cta.gc.ca](mailto:Services-GI-IM@otc-cta.gc.ca). Veuillez fournir le plus de détails possible; précisez, par exemple, où le dossier devrait se trouver dans le système de classement de l'Office.

Une fois que vous avez trouvé, le numéro de dossier particulier correspondant à un dossier Outlook, vous pouvez déplacer en bloc des courriels vers le SGDDI. Il est recommandé de déplacer environ 30 courriels à la fois. Au-delà de ce nombre, le système risque de figer.

Une fois les courriels sélectionnés, cliquez sur l'icône « Enregistrer eDOCS DM ». Assurez-vous ensuite que les options suivantes sont sélectionnées dans l'écran « Enregistrer dans eDOCS DM » :

- Pièces jointes : Enregistrer toutes les pièces jointes
- Supprimer les messages originaux après enreg.
- Enreg. pièces jointes séparément

Après avoir cliqué sur OK, il reste à remplir le profil. Assurez-vous de cocher la case « Appliquer à tous ».



Même si vous avez l'impression que le système est figé, donner lui le temps nécessaires pour compléter les sauvegardes. C'est le temps d'un café? :)

# MS Outlook 2016 Email Clean-up Tips

## 1. What is included in your mailbox?

It's important to realize that the mailbox size includes everything related to the mailbox, which contains:

- In-box
- Sent folder
- All folders (system and user created)
- All calendar items
- Etc.

## 2. Understanding file size

Bytes are pieces of information and a **file** is made up of bytes.

1 kilobyte (KB) = 1000 bytes

1 megabyte (MB) = 1000 KB

1 gigabyte (GB) = 1000 MB

1 terabyte (TB) = 1000 GB

## 3. Prioritize clean-up based on size

Looking at the folder size of folders will allow you to decide which folders to cleanup first.

- Click on the File tab.
- Under Cleanup Tools, click on Mailbox Cleanup...
  - Click on View Mailbox Size...



## 4. Filter by size

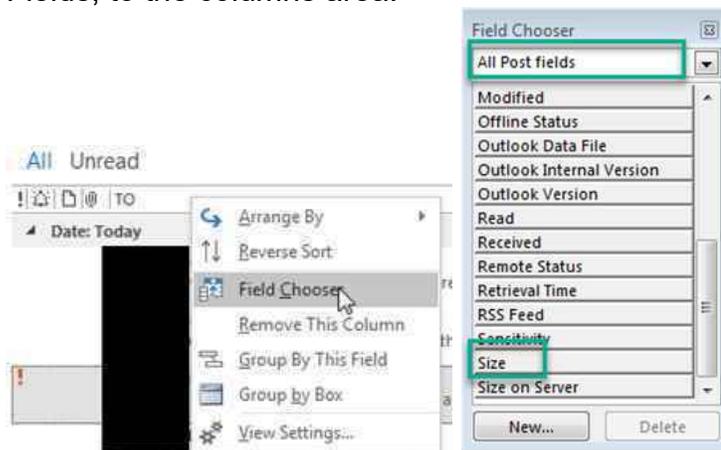
Once you have decided on the folder(s) to clean-up first, you can filter by size and delete emails that have large attachments:

- Locate the folder.
- Click on the Size column.



If the size column is not present, you can add it by:

- Right clicking on any column and selecting Field Chooser.
- Dragging the Size field, from either the Frequently used Fields or the All Post Fields, to the columns area.



## 5. Calendar clean-up

To clean-up your calendar based on size, follow the following steps.

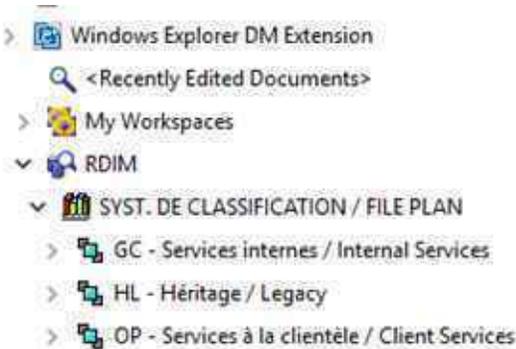
- Click on the Calendar icon.
- Under the View tab, click on Change View and select List.
- Click on the size column. If the size column is not present, you can add it by following the steps described in step number 4.
- Review and delete items you no longer need.



## 6. Move information resources of business value (IRBV) to RDIMS

Once you have deleted emails and calendars items based on size, you now need to move IRBVs to RDIMS and delete transitory (required for a limited time) emails.

The recommend first step is to identify each file (file #) from the Agency File Plan (AFP) that relates to each Outlook folder. This will allow you to mass save emails to RDIMS. In Windows Explorer the AFP is located under the RDIMS (Windows Explorer DM Extension)



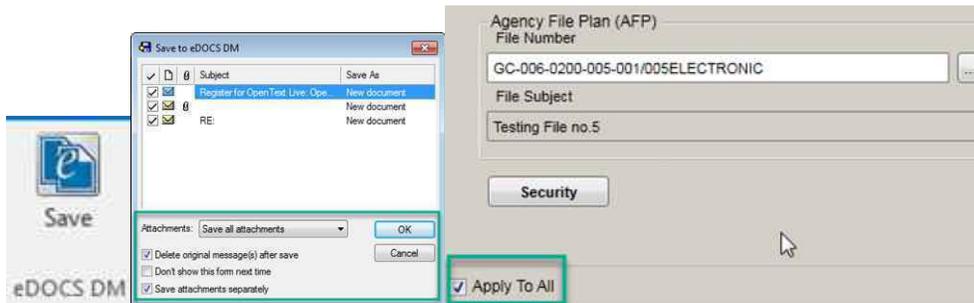
Expand the various functions of the AFP until you locate a specific file # for each Outlook folder. If a file does not exist in the AFP, you can ask your manager if someone within your group has access to add new files in the AFP. If your group does not have such a person, you can send a request to [Services-GI-IM@otc-cta.gc.ca](mailto:Services-GI-IM@otc-cta.gc.ca). Please provide as much details as possible such as where in the AFP the file should be located.

Once you have identified a specific AFP file # for a specific Outlook folder, you can mass move emails to RDIMS. It is recommend to move about 30 emails at a time. Anything more will cause performance issues (freeze).

Once emails have been selected, click on the Save to eDOCS DM icon. The Save to eDOCS DM screen should have the following selected:

- Attachments: Save all attachments
- Delete original messages(s) after save
- Save attachments separately

After clicking OK, the profile needs to be completed. Make sure to select the Apply To All checkbox.



Even if it appears frozen, give it time to complete the saves. Time for a coffee? :)

Exhibit **D** of the affidavit of Barbara Cuber  
affirmed before me on April 21, 2022

A handwritten signature in blue ink, appearing to be 'K. B. C.', is written above a horizontal line.

Signature

# Reminder

## Importance of managing your emails

Properly managing your emails ensures you meet your information management responsibilities and that you adhere to Government of Canada policies such as the [Standard on Email management](#).

It's important to realize that the mailbox includes:

- Inbox folder
- Sent Items folder
- All folders (system and user created)
- All calendar items

The quickest way to free up space in your mailbox is to sort your emails by size, and save information of corporate value to RDIMS and delete any transitory or duplicate information.

You will find the following tools on the Hub [Information Management](#) page to assist you: [Managing your Emails Against the Clock](#) (RDIMS# 2124835), [MS Outlook 2016 Email Clean-up Tips](#) (RDIMS# 1630226), [What to Keep! What NOT to Keep!](#) (RDIMS# 1313103) .

Best practices:

- Take 5-10 minutes to review all emails you have sent and received in a day, either at the beginning or end of your day, delete the transitory and/or emails strings. Then save information of corporate value to RDIMS.
- Avoid duplication. Email sender is responsible for saving information of corporate value to RDIMS. Save the last email string that captures the complete story and delete any previous strings, as they are transitory, using the conversation cleanup feature in Outlook. Redundant messages throughout a Conversation (email thread) are moved to the Deleted Items folder. This feature is most useful on Conversations with many responses back and forth, and many recipients. On the Home tab, in the Delete group, click Clean Up. Click Clean Up Conversation. The current Conversation of the email you selected is reviewed, and redundant messages are deleted.
- Send RDIMS document references instead of attachments as they take up less space in mailboxes.
- Use the expire function in Outlook. When sending an email click Options tab; in the More Options group, click the Message Options dialog box launcher. Under Delivery options, check Expires after and select the date and time. When the expiration date passes, the message remains visible in the message list with a strikethrough. It can still be opened, but provides a visual cue that the message is out of date and no longer needed.

Once you've deleted the items, don't forget to empty your Deleted items folder!

Need help? [Contact the Information Management team](#)

Exhibit G of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths



**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

– and –

**ATTORNEY GENERAL OF CANADA**

Respondent

– and –

**CANADIAN TRANSPORTATION AGENCY**

Intervener

**DIRECTION TO ATTEND**

TO: Barbara Cuber

YOU ARE REQUIRED TO ATTEND A CROSS-EXAMINATION for your affidavit affirmed on April 21, 2022 on behalf the Canadian Transportation Agency [**Affidavit**], on **Tuesday, May 3, 2022 at 12:00 pm (Eastern Time)** via Zoom:

Meeting ID: 853 1187 7451      Passcode: 536989

YOU ARE ALSO REQUIRED TO BRING WITH YOU and produce at the examination the following documents and things:

**A. Notification of Agency Personnel on April 14, 2020 Regarding Application**

1. With reference to the Affidavit at paragraph 8, the original notification that was sent on April 14, 2020, including the names of the recipients.
2. With reference to the Affidavit at paragraph 8, all the responses from the recipients in respect of the notification mentioned therein.

**B. Inquiries for Documents with Former Agency Personnel**

3. All written correspondences, between October 15, 2021 to April 22, 2022, between Ms. Cuber, and Ms. Marcia Jones (former Chief Strategy Officer) or Mr. Scott Streiner (former Chairperson), in respect of compliance with the October Order (as defined in the Affidavit) and/or April Order (as defined in the Affidavit), including any requests to Ms. Jones and/or Mr. Streiner to assist in providing and/or locating documents.

4. All written correspondences, between October 15, 2021 to April 22, 2022, between a member or staff of the Canadian Transportation Agency (other than Ms. Cuber), and Ms. Jones or Mr. Streiner, in respect of compliance with the October Order and/or April Order, including any requests to for assistance in providing and/or locating documents.

5. The Canadian Transportation Agency's policy on retaining of data on computer hard drives and mobile devices of departing personnel.

**C. Inquiry with Ms. Lesley Robertson, Office of the Chairperson**

6. With reference to the Affidavit at paragraph 33, all written correspondences with Ms. Lesley Robertson in respect of the inquiry and/or search for documents responsive to the October Order and/or the April Order.

7. With reference to the Affidavit at paragraph 34, copies of the five documents.

**D. Inquiry with Mr. Guindon and Other Information Technology Personnel**

8. With reference to the Affidavit at paragraphs 37-38, all written correspondences with Mr. Jonathan Guindon or personnel in the Information Technology Services Division [collectively, **Information Technology Personnel**] regarding the search for documents responsive to the October Order and/or the April Order.

9. With reference to the Affidavit at paragraph 38, all documents showing the search terms employed for the electronic search referred to therein.

10. With reference to the Affidavit at paragraphs 38-39, the list of Agency staff whose Outlook accounts returned documents in the 799 item search results.

11. With reference to the Affidavit at paragraph 38, documents showing if searches were made on the Outlook accounts of the former Chief Strategy Officer (Marcia Jones) and the former Chairperson (Scott Streiner).

12. The Outlook system logs showing when the following emails were deleted from Ms. Marcia Jones' Outlook account:

(a) Email received by Ms. Marcia Jones on March 18, 2020 from Mr. Colin Stacey with the subject line "FW: From MinO: Air Transat."

(b) Email sent by Ms. Marcia Jones on March 25, 2020 with the subject line "Update: CTA measures/Mise à jour: mesures prises par l'OTC."

**E. Searching the Canadian Transportation Agency's Corporate Repository**

13. With reference to paragraph 13 of the Affidavit, all documents showing the search terms that were employed for the search(es) made on RDIMS (the Canadian Transportation Agency's corporate repository) for documents responsive to the October Order and/or the April Order.

**F. Records of or Recordings of the March 9-25, 2020 Meetings**

14. With reference to paragraph 38 of the Affidavit, printouts from the Outlook calendars for Mr. Scott Streiner and Ms. Marcia Jones of the scheduled events between March 18-25, 2020, including the weekend of March 21-22, 2020.
15. With reference to the April 20, 2022 Documents, the first page of Appendix C1.pdf shows the meeting invite from Mr. Streiner with his dial-in code of 935311571, a printout from the teleconferencing platform showing all conferences that were hosted using this dial-in code between March 9 and 25, 2020, including the weekend of March 21-22, 2020.
16. With reference to paragraph 58 of the Affidavit, a printout from the teleconferencing platform listing all the meetings between March 9 and 25, 2020 that were recorded.

**G. Inquiries after Producing the Initial Documents on December 14, 2021**

17. With reference to paragraph 42 of the Affidavit, the written documents showing what "the existing search results" were.
18. With reference to the documents disclosed by the Canadian Transportation Agency on April 20, 2022 [**April 20, 2022 Documents**], a printout of the Outlook search results relied upon by Ms. Amanda Hamelin or other Information Technology Personnel to identify the April 20, 2022 Documents.

**H. Document Referred to in the April 20, 2022 Documents Package**

19. With reference to the April 20, 2022 Documents, page 47 of Appendix C1.pdf refers to a "Circulate updated Members Committee Agenda" for March 24, 2020. Please provide the Members Committee Agenda referred to therein.

**I. Microsoft Outlook Backups**

20. With reference to paragraph 53 of the Affidavit, the Canadian Transportation Agency's policy document on Outlook retention standards referred to in paragraph 53 of the Affidavit (i.e., periods of 10 days and 12 weeks).
21. With reference to paragraph 54 of the Affidavit, all written correspondences between Ms. Cuber and a member or staff of the Canadian Transportation Agency, regarding retrieving the Outlook backup tapes for searching.
22. With reference to paragraphs 53-54 of the Affidavit, a list of all the backup tapes for Outlook that are still being kept, including the dates covered by those backup tapes.
23. The Canadian Transportation Agency's policy on retaining backup of Outlook documents other than on backup tapes, such as backups on Amazon Cloud, Microsoft 365, or other cloud platforms.

**J. Inquiry Relating to ATI Requests A-2020-00002 and A-2020-00029**

24. With reference to the Affidavit at paragraphs 17-20 and 21-25, any index, table of contents, summary, and/or listings for:
  - (a) the 683 items for A-2020-00002; and/or
  - (b) the 1417 Outlook items, the 25 electronic documents, and/or the 5099-page working copy of the search results for A-2020-00029.

**K. Inquiry Relating to TRAN Committee Motion Documents**

25. With reference to the Affidavit at paragraph 29, any index, table of contents, summary, and/or listings of the collection of documents stemming from the motion from the Standing Committee on Transportation, Infrastructure and Communities on March 25, 2021 [**TRAN Committee Motion**].

TRAVEL EXPENSES for 1 day of attendance is served with this direction, calculated in accordance with Tariff A of the Federal Courts Rules, as follows:

Transportation allowance \$0  
 Overnight accommodations and meal allowance \$0  
 TOTAL \$0

- 5 -

If further attendance is required, you will be entitled to additional money.

THE EXAMINATION WILL BE CONDUCTED IN ENGLISH. If you prefer to be examined in the other official language, an interpreter may be required and you must immediately advise the solicitor for the party conducting the examination.

IF YOU FAIL TO ATTEND OR REMAIN UNTIL THE END OF THIS EXAMINATION, YOU MAY BE COMPELLED TO ATTEND AT YOUR OWN EXPENSE AND YOU MAY BE FOUND IN CONTEMPT OF COURT.

INQUIRIES CONCERNING THIS DIRECTION may be directed to Simon Lin (simonlin@evolinklaw.com).

April 22, 2022



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**SIMON LIN**

Evolink Law Group  
4388 Still Creek Drive, Suite 237  
Burnaby, British Columbia, V5C 6C6

Tel: 604-620-2666

Fax: 888-509-8168

*simonlin@evolinklaw.com*

**Counsel for the Applicant,  
Air Passenger Rights**

Exhibit H of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths





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VIA EMAIL: [FCARegistry-CAFGrefe@cas-satj.gc.ca](mailto:FCARegistry-CAFGrefe@cas-satj.gc.ca)

April 28, 2022

The Judicial Administrator  
Federal Court of Appeal  
90 Sparks Street, 1<sup>st</sup> Floor  
Ottawa, Ontario  
K1A 0H9

Dear Sir/Madam:

**Re: *Air Passenger Rights v Attorney General of Canada***  
**Court File No.: A-102-20**

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We are writing to request a Case Management Teleconference to address the Applicant's latest request for production of documents.

Pursuant to the Court's Order dated April 11, 2022 ("Additional Production Order"), the Canadian Transportation Agency ("Agency") was ordered to produce additional documents to the parties and was also ordered to file an affidavit from the individual responsible for producing documents further to the Court's previous October 15, 2021 Order ("October Order").

The additional production has been made<sup>1</sup> and the affidavit has been filed.<sup>2</sup>

The Applicant has sent a Direction to Attend proposing to cross-examine the Agency's affiant on May 3, 2022. and is now seeking the production of an additional twenty-five (25) categories of documents.

In the Agency's submission, the Court's intervention is required to avoid any unnecessary steps in this proceeding, limit the number of objections during cross-examination, and to move the matter forward in an efficient and orderly manner towards a hearing on the merits.

### **Background**

The Application for Judicial Review is in relation to a Statement on Vouchers, published on the Agency's website on March 25, 2020, shortly after the onset of the COVID-19 pandemic. The Application seeks judicial review of the Statement on Vouchers and alleges, among other things,

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<sup>1</sup> Original material consisting of documents, exhibits and certificate filed April 21, 2022, Court File No. A-102-20, Recorded Entries.

<sup>2</sup> Affidavit of Barbara Cuber dated April 21, 2022, Court File No. A-102-20, Doc. #122.

that the issuance of the Statement on Vouchers gives rise to a reasonable apprehension of bias on the part of the Agency.<sup>3</sup>

The Notice of Application issued on April 9, 2020, included a request for production of the Agency's record pursuant to Rule 317 of the *Federal Courts Rules*, and sought the following documents;

1. Complete and unredacted copies of all correspondences, meetings, notes, and/or documents involving the appointed members of the Agency relating to the Statement [on Vouchers] and/or the issuance of vouchers or credits in relation to the COVID-19 incident, including both before and after publication of the Statement [on Vouchers];
2. The number of times the URLs for the Statements [on Vouchers] were accessed...
3. Complete and unredacted copies of all correspondences, meetings, notes, and/or documents between the Canadian Transportation Agency and the travel industry ...from February 15, 2020 to the present in respect of issuing of credits, coupons, or vouchers to passengers in lieu of a refund for travel affected by COVID-19; and
4. Complete and unredacted copies of all correspondences, emails, and/or complaints that the Agency received from passengers between February 15, 2020 to the present in respect of the issuing of credits, coupons, or vouchers to passengers in lieu of a refund for travel affected by COVID-19.<sup>4</sup>

On August 25, 2020, Mr. Lukacs, President (Founder and Coordinator) of the Applicant, submitted a formal request to the Agency under the *Access to Information Act* for the following documents;

All documents, including e-mails, notes, meeting minutes, internal correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020.<sup>5</sup>

Mr. Lukacs received documents in response to his Access to Information request on October 16, 2020, and on December 23, 2020.<sup>6</sup> He submitted a complaint to the Office of the Information Commissioner of Canada on November 23, 2020 with respect to this request.<sup>7</sup>

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<sup>3</sup> *Air Passenger Rights v Attorney General of Canada*, 2022 FCA 64 at paras 3-4.

<sup>4</sup> Notice of Application dated April 9, 2020, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #1.

<sup>5</sup> Affidavit of Gabor Lukacs dated January 3, 2021 at para 61, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #45.

<sup>6</sup> Affidavit of Gabor Lukacs dated January 3, 2021 at paras 64 and 69, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #45.

<sup>7</sup> Affidavit of Gabor Lukacs dated January 3, 2021 at para. 68, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #45.

The Applicant brought a motion dated January 3, 2021 seeking production of documents from the Agency pursuant to subsection 318(4) of the *Federal Courts Rules*.<sup>8</sup> The documents sought in this request were as follows;

An Order, pursuant to Rule 318(4), that within ten days the Agency transmit in electronic format to the Registry and to the Applicant complete and unredacted copies of all records from March 9 - April 8, 2020 in respect of the Publications (defined further below), including but not limited to emails, meeting agendas, meeting minutes, notes, draft documents, and memos.<sup>9</sup>

By decision dated October 15, 2021 ("October Disclosure Order"), the Court ordered that the Agency produce documents regarding the Statement on Vouchers.

[29] I would accordingly order that, within 60 days from the date of the Order in these matters, all non-privileged documents sent to or by a member of the CTA (including its Chairperson or Vice-Chairperson) between March 9 and March 25, 2020 or sent to a third party by the CTA or received from a third party by the CTA between the same dates concerning the impugned statement or related to a meeting attended by a CTA member (including its Chairperson or Vice-Chairperson) between March 9 and March 25, 2020 where the impugned statement was discussed shall be provided electronically to the applicant. I would also order that, within the same period, the AGC shall provide the Court, on a confidential basis, copies of any document over which the CTA claims privilege, that would otherwise be subject to disclosure, along with submissions outlining the basis for the privilege claim. Such filing may be made via way of informal motion and should be supported by an affidavit attaching copies of the documents over which privilege is claimed. A redacted version of the AGC's submissions, from which all details regarding the contents of the documents are deleted, shall be served and filed. The applicant shall have 30 days from receipt to make responding submissions, if it wishes. These materials shall then be forwarded to the undersigned for a ruling on privilege.

By motion dated January 16, 2022, the Applicant claimed that the Agency had failed to comply with the October Disclosure Order, and sought various forms of relief, including additional production of documents. Attached to the Notice of Motion is a schedule of documents that the Applicant described as "Withheld Materials". This schedule lists twenty-one (21) categories of documents that the Applicant alleged were being withheld by the Agency, identified as items A1-A6, B1-B5, and items C1 to C10.<sup>10</sup>

In the Additional Production Order dated April 11, 2022, the Court addressed whether the Agency had complied with the October Disclosure Order. The Agency was ordered to produce documents

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<sup>8</sup> [SOR/98-106](#); *Air Passenger Rights v Attorney General of Canada*, [2021 FCA 112](#) at para 1.

<sup>9</sup> Notice of Motion dated January 3, 2021, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #52.

<sup>10</sup> Notice of Motion dated January 16, 2022, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #52.

that had previously been produced but this time required that they be produced in Microsoft Word format. Of the 21 categories of documents listed in the Applicant's motion for additional disclosure, the Court Ordered the Agency to produce the documents identified by the Applicant as items A1, A5, B4, C2. The Court also ordered that if the Statement on Vouchers was discussed during meetings on March 19, 22 and 23, it must disclose documents identified as items C1, C5 and C6 of the Reasons for Order. The Court did not Order that the remaining categories of documents sought by the Applicant be produced.<sup>11</sup>

In the Additional Production Order, the Court also ordered that the Agency serve and file an affidavit from the person responsible for complying with the October Order detailing what has been done to ensure the required disclosure was made.<sup>12</sup>

The production required of the Agency as a result of the Additional Production Order has been provided to the parties. An updated Certificate, attesting to the authenticity of the additional documents has been filed with the Court.<sup>13</sup> The affidavit of Barbara Cuber dated the 21<sup>st</sup> day of April, was filed with the Court that same day. It is 12 pages long and describes in great detail the Agency's search for documents in response to the October Order.

On April 22, 2022, the Agency was sent the Direction to Attend in relation to Ms. Cuber's affidavit. The Direction to Attend requests that Ms. Cuber attend the examination and bring with her an additional 25 categories of documents.

### **The Agency's Affidavit**

The Additional Production Order required the filing of an affidavit from the person responsible for ensuring the Agency's compliance with the October Order. Ms. Barbara Cuber, Counsel at the Agency, swore the affidavit which provided the information outlined in the Additional Production Order, including the steps taken to gather and preserve documents, who conducted searches for documents, and what record-keeping systems are maintained at the Agency.

It can be inferred from the Court's reasons that the purpose of the affidavit is to establish that the Agency has complied with the October Order. In the Agency's submission, the affidavit is detailed and provides this assurance.

The Additional Production Order contemplates that there would be cross-examination of the Agency's affiant. However, the Applicant's Direction to Attend goes far beyond the four corners of the affidavit, treats the cross-examination as discovery, and is an attempt at conducting another round of document production from the Agency.

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<sup>11</sup> *Air Passenger Rights v. Attorney General of Canada*, 2022 FCA 64.

<sup>12</sup> *Ibid.*

<sup>13</sup> Original material consisting of documents, exhibits, and certificate pursuant to the order dated April 11, 2022, Federal Court of Appeal Record Entries, Court File No. A-102-20.

### **The Applicant is Exceeding the Scope of Cross-Examination on Affidavit**

The proposed cross-examination of the Agency's affiant is governed by Rule 91 of the *Federal Courts Rules*. In respect of a cross-examination on an affidavit, the direction to attend may direct the person to be examined to produce for inspection at the examination all documents and other material in that person's possession, power or control that are relevant to the application or motion.

What is relevant to the Application, in this case, has already been determined by the Court in the October Disclosure Order and the Additional Production Order.

The Federal Court has stated that Rule 91 may not be used in an application for judicial review to expand production of documents so that the process becomes similar to discovery of documents in an action. Production is limited to what is required by relevancy.<sup>14</sup> A direction to attend is not about expanding production of documents beyond what is allowed pursuant to Rule 317 of the *Federal Courts Rules*. Rule 317 governs production of documents by a tribunal.

"In my view, Rule 317, which is the rule of narrower application, governs production of documents by a tribunal. A demand is made of the tribunal and if the tribunal objects, it can do so following the procedure in Rule 318. A Direction to Attend issued under Rule 91 can be used to compel the deponent of an affidavit on the part of the tribunal to produce at the cross examination those documents referred to in the demand under Rule 317 for which an objection to production has not been upheld. But, in the case of a deponent on behalf of the tribunal, it is not appropriate to use Rule 91 to expand the scope of the demand for production beyond what has been demanded under Rule 317. It is clear that production under Rule 317 is circumscribed in a way that a demand under Rule 91 is not. For example, Rule 94 limits objections to production to claims of privilege which is a narrower ground that is available under Rule 318. See *Canadian Arctic Resources Committee Inc. v. Diavik Diamond Mines Inc.*, [2000 CanLII 15536 \(FC\)](#), [2000] F.C.J. No. 910 (Prothonotary Hargrave)."<sup>15</sup>

As further detailed below, the additional 25 categories of documents listed by the Applicant in the Direction to Attend are irrelevant to the Application. In the Agency's submission, the Applicant is seeking discovery rather than documents relevant to the Application. As such, the documents listed in the Direction to Attend should not be produced.

In addition to being irrelevant, many of the documents now being sought are clearly covered by solicitor-client privilege.

### **The Direction to Attend Seeks Irrelevant documents**

The Direction to Attend lists 25 categories of documents. None of the documents listed are relevant to the Application or any pending motion. Put simply, the Agency has provided an affidavit setting out the steps taken to produce relevant documents. The Applicant is now asking that the Agency

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<sup>14</sup> *Stanfield v Canada (Minister of National Revenue)*, [2004 FC 584](#) at para 18.

<sup>15</sup> *Bristol-Myers Squibb Co. v Canada (Attorney General)*, [2002 FCT 208](#) at para 17.

produce all documents that may be related to the affidavit, regardless of the fact that they are irrelevant to the Application.

For example, the Applicant seeks documents in relation to statements made by the Agency's affiant in which she describes steps she took to comply with the October Order. The Applicant seeks;

- (a) copies of the notification sent on April 14, 2020, to relevant personnel including Members of the Applicant's request for documents pursuant to Rule 317.
- (b) Copies of any responses to the notification referred to in paragraph (a);
- (c) Copies of the documents produced by Ms. Lesley Robertson which were determined to be irrelevant; and
- (d) A printout from the teleconferencing platform listing all meetings between March 9 and March 25 that were recorded;

Clearly, the Applicant is treating the cross-examination of the Agency's affiant as discovery, something which the Federal Court has explicitly stated should not be permitted.

**The Direction to Attend Seeks Documents Protected by Solicitor-Client Privileged**

The Direction to Attend also seeks documents that are clearly subject to solicitor-client privilege. Paragraphs 1, 2, 3, 6, 8 and 21, seeks copies of communications between Counsel and staff or Members of the Agency. The Agency submits that communications subject to solicitor-client privilege need not be produced.

## Conclusion

The Agency is seeking the Court's intervention prior to the cross-examination so as to avoid any unnecessary steps in this proceeding. Without the Court's intervention, the Agency will have no choice but to object to the production of the documents during the cross-examination, which will inevitably have to be determined by the Court and may require the Agency's affiant to be reexamined. Furthermore, given the existence of the October Disclosure Order and the Additional Production Order, and considering the extent of the new request for documents, the Direction to Attend raises serious concerns regarding the principle of proportionality set out in Rule 3(b) of the *Federal Courts Rules*.

Yours truly,



Kevin Shaar  
Counsel / Avocat  
Canadian Transportation Agency / Office des transports du Canada  
Legal Services Directorate / Services Juridiques, Direction générale des services soutien  
15 Eddy Street, 19<sup>th</sup> Floor / 15 rue Eddy, 19<sup>ème</sup> étage  
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c.c.: Simon Lin, Counsel for the Applicant via email: [simonlin@evolinklaw.com](mailto:simonlin@evolinklaw.com)

c.c.: Sandy Graham and Lorne Ptack, Counsel for the Attorney General of Canada,  
via email: [sandy.graham@justice.gc.ca](mailto:sandy.graham@justice.gc.ca), [Lorne.Ptack@justice.gc.ca](mailto:Lorne.Ptack@justice.gc.ca)

Exhibit I of the Affidavit of Meredith Desnoyers  
affirmed on May 12, 2022



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A Commissioner for Taking Oaths



Federal Court of Appeal



Cour d'appel fédérale

**TO :** APPEAL REGISTRY**FROM :** MACTAVISH J.A.**DATE :** May 2, 2022**RE :** *A-102-20: Air Passenger Rights v. The Attorney General of Canada et al.*

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**DIRECTION**

The Canadian Transportation Agency seeks a case management conference to be held in advance of a cross-examination set for tomorrow. It is apparent from the correspondence from the parties that they disagree with respect to the documents to which the applicant is entitled.

The *Federal Courts Rules*, S.O.R./98-106, and, in particular, Rule 94 thereof, provides a mechanism for resolving disputes of this nature. Given the history of this litigation and the nature of the dispute between the parties, the Court is of the view that the issues currently in dispute are best resolved through a formal motion supported by a proper evidentiary record.

Consequently, the Court will not be scheduling a case management conference at this time.

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“Anne L. Mactavish”

J.A.

Court File No.: A-102-20

**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

- and -

**ATTORNEY GENERAL OF CANADA**

Respondent

- and -

**CANADIAN TRANSPORTATION AGENCY**

Intervener  
(Moving Party)

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**WRITTEN REPRESENTATIONS OF THE MOVING PARTY,  
CANADIAN TRANSPORTATION AGENCY**  
(Motion for Relief from Production)

---

Kevin Shaar  
Counsel

Legal Services Directorate  
Canadian Transportation Agency  
15 Eddy Street, 19th Floor  
Gatineau, Quebec  
K1A 0N9

Tel: 613-894-4260  
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Counsel for the Moving Party (Intervener), Canadian Transportation Agency

TO: REGISTRAR  
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AND TO: **SIMON LIN**  
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**FEDERAL COURT OF APPEAL**

BETWEEN:

**AIR PASSENGER RIGHTS**

Applicant

- and -

**ATTORNEY GENERAL OF CANADA**

Respondent

- and -

**CANADIAN TRANSPORTATION AGENCY**Intervener  
(Moving Party)

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**WRITTEN REPRESENTATIONS OF THE MOVING PARTY,  
CANADIAN TRANSPORTATION AGENCY**  
(Motion for Relief from Production, Rule 94(2) of the *Federal Courts Rules*)

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**PART I – OVERVIEW & STATEMENT OF FACTS****A. Overview**

1. This is a motion for relief from production in relation to the Direction to Attend sent by the Applicant seeking to examine the affiant of the Canadian Transportation Agency ("Agency"). The Agency submits that the documents listed in the Direction to Attend are not relevant and should not be produced.
2. The Application seeks judicial review of a statement ("Statement on Vouchers") published on the Agency's website at the onset of the COVID-19 pandemic, suggesting that it could be appropriate for air carriers to provide vouchers to passengers for flights which were cancelled as a result of the worldwide health situation.
3. The Applicant alleges, among other things, that the Statement on Vouchers gives rise to a

reasonable apprehension of bias on the part of Members of the Agency.

4. In October 2021, the Agency was ordered to produce documents in relation to the Application for Judicial Review. In April 2022, the Agency was ordered to produce further documents and to file an affidavit detailing its search for documents in response to the October Order. The Agency has complied with both production orders. The Agency has also provided an affidavit outlining the extent of the efforts made to respond to the Applicant's endless quest for documents.
5. In addition to cross-examining the Agency's affiant, the Applicant is now seeking production of additional documents above and beyond what has already been ordered by the Court. The Agency submits that, in the circumstances, the Applicant's latest request for production of material in the Direction to Attend is unreasonable and constitutes a fishing expedition, and that no further documents should be produced. Accordingly, the Agency seeks relief from production of the documents sought by the Applicant.

#### **B. Statement of Facts**

6. This Application for Judicial Review is in relation to a Statement on Vouchers, published on the Agency's website on March 25, 2020, shortly after the onset of the COVID-19 pandemic. The Application alleges, among other things, that the issuance of the Statement on Vouchers gives rise to a reasonable apprehension of bias on the part of the Agency.<sup>1</sup>
7. The Notice of Application, which initially named the Agency as the Respondent and was issued on April 9, 2020, included a request for production of the Agency's record pursuant to Rule 317 of the *Federal Courts Rules*,<sup>2</sup> and sought the following documents;
  1. Complete and unredacted copies of all correspondences, meetings, notes, and/or documents involving the appointed members of the Agency relating to the Statement [on Vouchers] and/or the issuance of vouchers or credits in relation to the COVID-19 incident, including both before and after publication of the Statement [on Vouchers];
  2. The number of times the URLs for the Statements [on Vouchers] were

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<sup>1</sup> *Air Passenger Rights v Attorney General of Canada*, 2022 FCA 64 at paras 3-4 [Additional Production Order].

<sup>2</sup> [SOR/98-106](#) [Federal Courts Rules].

accessed...

3. Complete and unredacted copies of all correspondences, meetings, notes, and/or documents between the Canadian Transportation Agency and the travel industry ...from February 15, 2020 to the present in respect of issuing of credits, coupons, or vouchers to passengers in lieu of a refund for travel affected by COVID-19; and

4. Complete and unredacted copies of all correspondences, emails, and/or complaints that the Agency received from passengers between February 15, 2020 to the present in respect of the issuing of credits, coupons, or vouchers to passengers in lieu of a refund for travel affected by COVID-19.<sup>3</sup>

8. The Applicant sought an interlocutory order that, among other things, would require that the statements on the Agency's website be removed, and would enjoin Members of the Agency from dealing with passenger complaints with respect to refunds on the basis that a reasonable apprehension of bias exists as a result of the statements on the Agency's website. This motion was dismissed. In so doing, the Court concluded that the Applicant had not established that the statements on the Agency's website were amenable to judicial review:

[27] It thus cannot be said that the impugned statements affect rights, impose legal obligations, or cause prejudicial effects on either APR or airline passengers. While this finding is sufficient to dispose of APR's motion for mandatory relief, as will be explained below, I am also not persuaded that it has satisfied the irreparable harm component of the test.<sup>4</sup>

9. In its response to the Applicant's motion for an interlocutory injunction, the Agency asked that the application for judicial review be dismissed. The Court declined to dismiss the application on the basis that no motion was before the Court and that such a motion would have to be heard by a panel of judges, rather than a single judge.<sup>5</sup>

10. On August 25, 2020, Mr. Lukacs, the President and Director of the Applicant, submitted a formal request to the Agency under the *Access to Information Act*<sup>6</sup> ("ATIA") for the following documents:

All documents, including e-mails, notes, meeting minutes, internal

<sup>3</sup> Notice of Application dated April 9, 2020, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "A".

<sup>4</sup> *Air Passenger Rights v Canada (Transportation Agency)*, [2020 FCA 92](#).

<sup>5</sup> *Ibid* at para 39.

<sup>6</sup> [RSC 1985, c A-1](#) [ATIA].

correspondences, and any other written record, relating to the drafting, review, approval, and/or publication of the Statement on Vouchers (<https://otc-cta.gc.ca/eng/statement-vouchers>). The time period we request is March 11, 2020 to April 9, 2020.<sup>7</sup>

11. Mr. Lukacs received documents in response to his Access to Information request on October 16, 2020, and on December 23, 2020, and subsequently complained to the Office of the Information Commissioner of Canada.<sup>8</sup>
12. By decision dated October 2, 2020, the Court addressed the Agency's formal motion to strike the application for judicial review on the basis that the Statement on Vouchers on the Agency's website is not a "decision" within the meaning of the *Federal Courts Act*. The motion to strike was dismissed. The Court concluded that the Applicant's arguments that the Statement on Vouchers gives rise to a reasonable apprehension of bias should proceed to the hearing of the judicial review application.<sup>9</sup>
13. The Applicant brought a motion dated January 3, 2021 seeking production of documents from the Agency pursuant to subsection 318(4) of the *Federal Courts Rules*.<sup>10</sup> The documents sought in this request were as follows:

An Order, pursuant to Rule 318(4), that within ten days the Agency transmit in electronic format to the Registry and to the Applicant complete and unredacted copies of all records from March 9 - April 8, 2020 in respect of the Publications (defined further below), including but not limited to emails, meeting agendas, meeting minutes, notes, draft documents, and memos.<sup>11</sup>

14. By decision dated October 15, 2021 ("October Disclosure Order"), the Court ordered that the Agency produce documents regarding the Statement on Vouchers:

[29] I would accordingly order that, within 60 days from the date of the Order in these matters, all non-privileged documents sent to or by a member of the CTA (including its Chairperson or Vice-Chairperson) between March 9 and

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<sup>7</sup> Affidavit of Gabor Lukacs dated January 3, 2021 at para 61, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "B".

<sup>8</sup> *Ibid* at paras 64 and 69.

<sup>9</sup> *Air Passenger Rights v Canada (Transportation Agency)*, [2020 FCA 155](#).

<sup>10</sup> *Federal Courts Rules*, *supra* note 2; *Air Passenger Rights v Attorney General of Canada*, [2021 FCA 112](#) at para 1.

<sup>11</sup> Notice of Motion dated January 3, 2021, Federal Court of Appeal Recorded Entries, Court File No. A-102-20, Doc. #52, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "C".

March 25, 2020 or sent to a third party by the CTA or received from a third party by the CTA between the same dates concerning the impugned statement or related to a meeting attended by a CTA member (including its Chairperson or Vice-Chairperson) between March 9 and March 25, 2020 where the impugned statement was discussed shall be provided electronically to the applicant. I would also order that, within the same period, the AGC shall provide the Court, on a confidential basis, copies of any document over which the CTA claims privilege, that would otherwise be subject to disclosure, along with submissions outlining the basis for the privilege claim. Such filing may be made via way of informal motion and should be supported by an affidavit attaching copies of the documents over which privilege is claimed. A redacted version of the AGC's submissions, from which all details regarding the contents of the documents are deleted, shall be served and filed. The applicant shall have 30 days from receipt to make responding submissions, if it wishes. These materials shall then be forwarded to the undersigned for a ruling on privilege.<sup>12</sup>

15. By motion dated January 16, 2022, the Applicant claimed that the Agency had failed to comply with the October Disclosure Order, and sought various forms of relief, including the additional production of documents. Attached to the Notice of Motion is a schedule of documents that the Applicant described as "Withheld Materials". This schedule lists twenty-one (21) categories of documents that the Applicant alleged were being withheld by the Agency, identified as items A1-A6, B1-B5, and items C1 to C10.<sup>13</sup>
16. In the Additional Production Order dated April 11, 2022, the Court addressed whether the Agency had complied with the October Disclosure Order. The Agency was ordered to produce documents that had previously been produced but this time required that they be produced in Microsoft Word format. Of the 21 categories of documents listed in the Applicant's motion for additional disclosure, the Court ordered the Agency to produce the documents identified by the Applicant as items A1, A5, B4, and C2. The Court also ordered that if the Statement on Vouchers was discussed during meetings on March 19, 22 and 23, it must disclose documents identified as items C1, C5 and C6 of the Reasons for Order. The Court did not order that the remaining categories of documents sought by the Applicant be produced.<sup>14</sup>

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<sup>12</sup> *Air Passenger Rights v Canada (Attorney General)*, [2021 FCA 201](#).

<sup>13</sup> Notice of Motion dated January 16, 2022, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "D".

<sup>14</sup> *Additional Production Order*, *supra* note 1.

17. In the Additional Production Order, the Court also ordered that the Agency serve and file an affidavit from the person responsible for complying with the October Order detailing what had been done to ensure the required disclosure was made.<sup>15</sup>
18. The production required of the Agency as a result of the Additional Production Order has been provided to the parties. An updated Certificate, attesting to the authenticity of the additional documents has been filed with the Court.<sup>16</sup> The affidavit of Barbara Cuber, Senior Legal Counsel at the Agency, dated the 21<sup>st</sup> day of April, was filed with the Court that same day. It is 12 pages long and describes in great detail the Agency's search for documents in response to the October Order.<sup>17</sup>
19. On April 22, 2022, the Applicant sent a Direction to Attend in relation to Ms. Cuber's affidavit. The Direction to Attend requests that Ms. Cuber attend the examination and bring with her an additional 25 categories of documents.<sup>18</sup>
20. By letter dated April 28, 2022, the Agency sought the Court's intervention by means of case management conference prior to the proposed cross-examination of Ms. Cuber to address the latest request for documents included in the Applicant's Direction to Attend.<sup>19</sup>
21. By Direction dated May 2, 2022, the Court directed that the Agency's request should be dealt with by means of formal motion and referenced Rule 94 of the *Federal Courts Rules*.<sup>20</sup> This is that motion.

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<sup>15</sup> *Ibid* at para 47.

<sup>16</sup> Certificate pursuant to the order dated April 11, 2022, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "E".

<sup>17</sup> Affidavit of Barbara Cuber sworn the 21<sup>st</sup> day of April, 2022, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "F".

<sup>18</sup> Direction to Attend a cross-examination on behalf of the Applicant to Barbara Cuber on May 3, 2022, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "G" [*Direction to Attend*].

<sup>19</sup> Agency letter dated April 28, 2022, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "H".

<sup>20</sup> Court Direction dated May 2, 2022, Affidavit of Meredith Desnoyers, affirmed the 12<sup>th</sup> day of May, 2022, Exhibit "I".

## PART II – POINTS IN ISSUE

22. The issue in this motion is whether the Agency must now produce documents in addition to those which the Court has determined are relevant to the Application and producible pursuant to Rule 317 of the *Federal Courts Rules*.

## PART III – STATEMENT OF SUBMISSIONS

### A. What is Relevant Has Been Ordered and Produced

23. A party may request material relevant to an application that is in the possession of a tribunal whose order is the subject of the application and not in the possession of the party by serving on the tribunal and filing a written request, identifying the material requested.<sup>21</sup>

24. The Court may order that a certified copy, or the original, of all or part of the material requested be forwarded to the Registry.<sup>22</sup>

25. In the present case, there is no order from the Agency and therefore no tribunal record. However, this Court has set out very clearly in the October Disclosure Order and in the Additional Production Order, the documents which the Agency is required to produce because they are relevant to the Applicant's allegations of bias. Those documents have been produced to the parties and have been filed with the Court.

### B. The Purpose of the Affidavit and Scope of Cross-Examination

26. In addition to providing the documents identified in the October Disclosure Order and the Additional Disclosure Order, the Court required that the individual at the Agency responsible for complying with the October Disclosure Order serve and file an affidavit detailing what had been done to ensure that the required disclosure was made. The Court listed issues that it expected would be addressed in the affidavit, namely:

- a) how the CTA narrowed down the several thousands of pages of documents to less than two hundred pages it has disclosed;
- b) what steps were taken, if any, to gather and/or preserve documents upon being served with the Notice of Application on April 9, 2020;

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<sup>21</sup> Rule 317(1) of the *Federal Courts Rules*, *supra* note 2.

<sup>22</sup> Rule 318(4) of the *Federal Courts Rules*, *supra* note 2.

- c) who at the CTA conducted the searches for documents;
- d) whether the CTA reviewed its encrypted emails or documents;
- e) what record-keeping systems the CTA has, and whether all of them were searched for responsive documents;
- f) whether the CTA has any backups or archives of their emails and other electronic documents, and whether those backups or archives were searched;
- g) whether the CTA conducted any investigation after learning that some documents no longer exist, and any steps taken to recover those documents; and
- h) whether the CTA's audio or video conferencing system has a recording feature and whether the conferences between March 9 and 25, 2020 were recorded.<sup>23</sup>

27. The Court did not require that the affidavit include any further documents not already identified in the October Disclosure Order or the Additional Production Order. The Additional Production Order did not require that the Agency's affidavit be supported by documentary evidence, and the order did not require an affidavit of documents.<sup>24</sup>

28. In requiring the Agency to produce an affidavit, the Court references two decisions. Firstly, *Vancouver Fraser Port Authority*<sup>25</sup> and, secondly, *Constantinescu*.<sup>26</sup> These decisions are key, because they establish principles that should guide this Court in ordering the production of an affidavit describing the search for materials, where relevant. They do not, however, open the door for endless production or beyond what has been ordered by the Court.

29. *Constantinescu* was an application for judicial review of a response by the Correctional Service of Canada ("CSC") pursuant to the *Access to Information Act*<sup>27</sup> that documents requested by the Applicant did not exist. The Court concluded that for CSC to argue that it had no other documents in its possession, without further explanation, is incomprehensible.<sup>28</sup>

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<sup>23</sup> *Additional Production Order*, *supra* note 1 at para 47.

<sup>24</sup> *Ibid.*

<sup>25</sup> *GCT Canada Limited Partnership v Vancouver Fraser Port Authority*, [2021 FC 624](#) [*Vancouver Fraser Port Authority*].

<sup>26</sup> *Constantinescu v Canada (Correctional Service)*, [2021 FC 229](#) [*Constantinescu*].

<sup>27</sup> *ATIA*, *supra* note 6.

<sup>28</sup> *Constantinescu*, *supra* note 26 at para 77.

30. CSC was ordered to serve an affidavit of documents containing all ancillary documents relevant to the existence of records requested by Ms. Constantinescu in her access request:

[99] Issuing a direction that an affidavit of documents be served by CSC on Ms. Constantinescu seemed to me to be the most efficient way to proceed in this case. While such a procedure would normally be reserved for actions under Part 4 of the *Federal Courts Rules, SOR/98-106* [FCR], rather than applications under Part 5 of the *FCR*, I see no reason why the Court could not draw on a procedure normally provided for in one part of the *FCR* and apply the principles of *section 3* of the *FCR* to another part of the *FCR*. In the end, the Court has the inherent power to apply the *FCR* in a manner that allows for the just, most expeditious and least expensive determination of the dispute (*section 3 FCR*; *Hryniak v Mauldin*, [2014 SCC 77 \(CanLII\)](#), [2014] 1 SCR 87; *Tsleil-Waututh Nation v Canada (Attorney General)*, [2017 FCA 128](#) at paras [84 and 101](#)).<sup>29</sup>

31. The Court's decision was based on the fact that under the ATIA, there is a clear and broad authority to review all relevant records in the context of the an application for judicial review. This includes documents that are ancillary to an access request where these are the only kind of relevant evidence available in a judicial review of a refusal based on the non-existence of records. [emphasis added]
32. The Court then addressed the question of whether the Applicant was entitled to cross-examine the person who swore the affidavit of documents ordered by the Court.
33. Once the CSC had filed its affidavit as required by the Court to explain why it did not have documents, the Court was satisfied that it had all documents necessary to conduct the judicial review. The Court refused the applicant's request to cross-examine the affiant because the intent of the cross-examination was to go beyond the application for judicial review:

[125] The onus is on Ms. Constantinescu to provide the Court with persuasive evidence that existing documents were not listed in the Affidavit of Documents (*Pharmascience inc. v Glaxosmithkline inc.*, [2007 FC 1261](#) at paras [17 to 19](#)). Ms. Constantinescu has not persuaded me of this, and I cannot conclude that the Affidavit of Documents is inaccurate or insufficient.

[126] In seeking to examine the affiant of the Affidavit of Documents, Ms. Constantinescu is also attempting to learn more about the documents produced during the investigation of the late Mr. Durdu, including the Investigation

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<sup>29</sup> *Ibid* at para 99.

Report, in particular whether they were in fact all gathered together in a binder and given to the affiant of the Affidavit of Documents.

[127] At this point, I find that Ms. Constantinescu's intent is beyond the scope of this application for review. There is no doubt that the affiant consulted the documents in question in order to prepare the Affidavit of Documents. Further, and more importantly, the purpose of directing CSC to serve an Affidavit of Documents was to allow the Court to better appreciate the context surrounding its refusal to disclose documents; it was not to give Ms. Constantinescu more leverage to pursue avenues of inquiry in the proceedings before the CHRT.

[128] In this case, I am of the view that the Court now has the necessary evidence to rule on this application for review, and while Ms. Constantinescu continues to speculate as to whether the personal notes referred to in the Investigation Report are in fact Document 20, the Statement of Mr. Durdu, that inquiry should be conducted at the hearing before the CHRT. At this time, I am not persuaded that allowing Ms. Constantinescu to cross-examine the affiant of the Affidavit of Documents will shed any further light on this issue.<sup>30</sup>

34. In the present case, the Court's decision explained clearly that the purpose of its Order requiring that the Agency to file an affidavit was to address issues that had arisen with disclosure and compliance with the October Disclosure Order and to ensure that the Agency had taken reasonable steps to ensure that the disclosure which had been ordered to be produced had been taken:

I agree with the applicant that the individual at the CTA who was responsible for complying with this Court's October 15, 2021 Order should be required to serve and file an affidavit detailing what has been done to ensure the required disclosure was made.<sup>31</sup>

35. We submit that Ms. Cuber's affidavit does exactly this, and that it demonstrates that the Court now has all the documents necessary to conduct the judicial review. In fact, the affidavit shows that Ms. Cuber's search for materials, and the subsequent production, went beyond documents related to the Statement on Vouchers or what was relevant to the Applicant's allegation of bias.
36. The Court's Order dated April 11, 2022, does not specifically provide for cross-examination of the Agency's affiant. The Reasons for the Additional Production Order however clearly

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<sup>30</sup> *Ibid* at para 125-128.

<sup>31</sup> *Additional Production Order, supra* note 1 at para 47.

contemplate that there would be cross-examination of the Agency's affiant:

[50] To allow for any necessary cross-examinations of the CTA's affiant, within 40 days of the date of the Order that accompanies these Reasons, the applicant shall file any additional affidavit(s) it intends to rely on in support of this application. All further steps for the perfection of this application shall be governed by the Rules.<sup>32</sup>

37. Although the Court anticipated that cross-examination of the Agency's affiant would occur, it is not an opportunity to go beyond the issues raised in the application for judicial review, nor is it an opportunity to revisit the Court's previous Orders and include additional documents. Given the breadth of the Applicant's Direction to Attend, this is almost certain to occur, and will multiply the proceedings in this case and further postpone the hearing on the merits. The Court's intervention is required.
38. *Vancouver Fraser Port Authority*, the other decision referenced by the Court, dealt specifically with Rule 318 of the *Federal Courts Rules*. In that case, the applicant brought a motion pursuant to Rule 318 seeking further disclosure from the Vancouver Fraser Port Authority ("VFPA") in response to its Rule 317 request for the "record".<sup>33</sup>
39. The VFPA was ordered to produce additional documents and was also ordered to provide an affidavit from a senior official that outlined the nature and scope of the search for documents and that explained why documents which fell within the relevant categories and time frame were not disclosed.<sup>34</sup>
40. Unsatisfied with the documents that had been produced in response to its Rule 317 request, the applicant sought to cross-examine the person who had certified that the disclosure produced by the VRPA was complete. The motion for leave to cross-examine this person was dismissed.<sup>35</sup>
41. In rendering its decision, the Court in *Vancouver Fraser Port Authority* confirmed four core

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<sup>32</sup> *Additional Production Order*, *supra* note 1 at para 50.

<sup>33</sup> *Vancouver Fraser Port Authority*, *supra* note 25 at para 1.

<sup>34</sup> *Ibid* at para 3.

<sup>35</sup> *Ibid* at para 9.

elements of the disclosure obligation consistently applied by Federal Court of Appeal:

- i. it only requires disclosure of material that is “relevant to an application” defined with reference to the wording of the application for judicial review (*Tsleil-Waututh* at paras 106-10; *Canadian National* at para 14);
- ii. it only requires disclosure of material that is “in the possession” of the administrative decision-maker, not others (*Tsleil-Waututh* at para 111);
- iii. in most cases, it is limited to material that was before the decision-maker when it made the decision under review. There are certain exceptions to this, including where a party claims a denial of procedural fairness or bias, which may require greater disclosure to enable a court to assess the merits of the claim (*Humane Society of Canada Foundation v Canada (National Revenue)*, [2018 FCA 66](#) at paras 4-6 [*Humane Society*]); and
- iv. it does not serve the same purpose as documentary discovery in an action and cannot be used on a fishing expedition (*Tsleil-Waututh* at para 115).<sup>36</sup>

42. The Court addressed the applicant's request for further production. The VFPA was ordered to produce additional documents, and was also ordered to produce an affidavit detailing its search for responsive records:

[126] If further records are identified, certified copies of such documents shall be deposited with the Registry and copies provided to GCT and the Attorney General of Canada, pursuant to Rule 318(4). Additionally, VFPA must serve and file an affidavit prepared by a senior official of VFPA. The affidavit shall set out, in respect of each category of documents, the nature and scope of the document search that was undertaken, the search parameters used, and an explanation for any documents that are not disclosed even though they fall within these categories during the relevant periods.<sup>37</sup>

43. The *Vancouver Fraser Port Authority* decision makes no mention of any potential cross-examination on the affidavit contemplated by paragraph 126 of the decision.

44. The *Constantinescu* and the *Vancouver Fraser Port Authority* decisions, relied on in the Court's reasons to order the affidavit, establish the following principles:

- a) In the context of an application for judicial review, the tribunal that issued the decision which is the subject of the application must produce only documents which are relevant to the application;
- b) Rule 317 does not serve the same purpose as documentary discovery in an action and

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<sup>36</sup> *Ibid* at para 23.

<sup>37</sup> *Ibid* at para 126.

cannot be used on a fishing expedition;

- c) The Court should be satisfied that the tribunal has produced all relevant records; and
- d) Affidavits explaining a tribunal's steps in collecting documents responding to a rule 317 request may be required, but Cross-examination on an affidavit which proposes to go beyond the scope of the application for judicial review should not be permitted.

### **C. The Direction to Attend is a Fishing Expedition**

45. The Applicant proposes to cross-examine Ms. Cuber, the Agency's affiant, on her affidavit sworn pursuant to the Additional Production Order. In addition to the documents that this Court has ordered be produced by the Agency in the October Production Order and in the Additional Disclosure Order, and in addition to the documents he has already received pursuant to his Access to Information request, the Applicant's Direction to Attend now lists an additional twenty-five (25) categories of documents.<sup>38</sup>

46. As detailed below, none of the documents requested in the Direction to Attend are relevant to the Application for Judicial Review, including the Applicant's allegation of bias. The overreaching nature of the request for documents is further demonstrated by the fact that many of the documents now sought by the Applicant are out of scope of the affidavit, are subject to solicitor-client privilege, or simply do not exist.

#### **(a) All of the Documents sought in the Direction to Attend are Irrelevant**

47. The issue of what documents the Agency must produce in response to the Applicant's Rule 317 request for documents has been thoroughly litigated and been addressed by the Court. The Court has issued two (2) Orders detailing what documents must be produced. The Agency has complied with these Orders. Production pursuant to Rule 317 should now be complete.

48. As part of the Additional Production Order, the Court ordered that the Agency serve and file an affidavit detailing the Agency's efforts to comply with the October Production Order. This affidavit has been filed.

49. Cross-examination of an affidavit filed in the context of an application for judicial review is not akin to discovery. A Rule 91 Direction to Attend may not be used to obtain documents

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<sup>38</sup> *Direction to Attend*, *supra* note 18.

beyond what is required on judicial review.<sup>39</sup>

50. Rule 91(2) of the *Federal Courts Rules* states clearly that a direction to attend may direct the person to be examined in respect of an affidavit to produce for inspection all documents in that person's possession, power or control that are relevant to the application or motion. Production is limited to what is required by relevancy.<sup>40</sup>

51. The Direction to Attend in this case suggests an additional round of production which goes far beyond what is required under Rule 317, something which the Federal Court has specifically stated cannot be done.<sup>41</sup> This is especially apparent in this case, where the Court has identified the relevant documents which the Agency must produce in accordance with Rule 317, and this production has been completed. It follows that all relevant documents have been provided to the parties and are available to the Court for purposes of considering the Application for Judicial Review. There is therefore no basis upon which the Applicant can require that the Agency's affiant to produce documents in addition to those required by Rule 317 based on existing case law.

52. Essentially, the Applicant's Direction to Attend seeks to require that the Agency now produce, in addition to relevant documents identified by the Court and produced by the Agency, all irrelevant documents which were identified during the Agency's search, and in some cases even beyond.<sup>42</sup> This should not be permitted.

53. The Applicant's Direction to Attend is clearly an effort to obtain production of documents beyond what is required by Rule 317, and beyond those documents that the Court has already determined should be produced. The Agency seeks the Court's intervention to prevent the Applicant's efforts to re-litigate these Orders so that the matter can proceed to a hearing on the merits.

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<sup>39</sup> *Stanfield v Canada (Minister of National Revenue)*, [2004 FC 584](#) at para 22.

<sup>40</sup> *Ibid* at para 18.

<sup>41</sup> *Bristol-Myers Squibb Co. v Canada (Attorney General)*, [2002 FCT 208](#) at para 17.

<sup>42</sup> See item 22 of *Direction to Attend*, *supra* note 18.

(b) The Direction to Attend seeks Documents Which are Out of Scope

54. The Direction to Attend seeks documents which, in addition to being irrelevant, are outside of the scope of the Agency's affidavit.

55. The Court's Order requiring that the Agency file an affidavit is limited to evidence with respect to the search for documents in response to the October Disclosure Order:

7. Within 10 days of the date of this Order, the individual at the CTA responsible for compliance with this Court's October 15, 2021 Order shall serve and file an affidavit detailing the CTA's efforts to comply with the October 15, 2021 Order, the whole in accordance with the directions provided in the Reasons for this Order at paragraph 47. [emphasis added]

56. The Direction to Attend seeks numerous categories of documents unrelated to the search for documents in response to the October Disclosure Order. Specifically, it lists requests for the following documents:

3. All written correspondences, between October 15, 2021 to April 22, 2022, between Ms. Cuber, and Ms. Marcia Jones (former Chief Strategy Officer) or Mr. Scott Streiner (former Chairperson), in respect of compliance with the October Order (as defined in the Affidavit) and/or April Order (as defined in the Affidavit), including any requests to Ms. Jones and/or Mr. Streiner to assist in providing and/or locating documents

4. All written correspondences, between October 15, 2021 to April 22, 2022, between a member or staff of the Canadian Transportation Agency (other than Ms. Cuber), and Ms. Jones or Mr. Streiner, in respect of compliance with the October Order and/or April Order, including any requests to for assistance in providing and/or locating documents.

(...)

6. With reference to the Affidavit at paragraph 33, all written correspondences with Ms. Lesley Robertson in respect of the inquiry and/or search for documents responsive to the October Order and/or the April Order.

(...)

8. With reference to the Affidavit at paragraphs 37-38, all written correspondences with Mr. Jonathan Guindon or personnel in the Information Technology Services Division [collectively, Information Technology Personnel] regarding the search for documents responsive to the October Order and/or the April Order.

(...)

13. With reference to paragraph 13 of the Affidavit, all documents showing the

search terms that were employed for the search(es) made on RDIMS (the Canadian Transportation Agency's corporate repository) for documents responsive to the October Order and/or the April Order.

(...)

15. With reference to the April 20, 2022 Documents, the first page of Appendix C1.pdf shows the meeting invite from Mr. Streiner with his dial-in code of 935311571, a printout from the teleconferencing platform showing all conferences that were hosted using this dial-in code between March 9 and 25, 2020, including the weekend of March 21-22, 2020.

(...)

18. With reference to the documents disclosed by the Canadian Transportation Agency on April 20, 2022 [April 20, 2022 Documents], a printout of the Outlook search results relied upon by Ms. Amanda Hamelin or other Information Technology Personnel to identify the April 20, 2022 Documents.

19. With reference to the April 20, 2022 Documents, page 47 of Appendix C1.pdf refers to a "Circulate updated Members Committee Agenda" for March 24, 2020. Please provide the Members Committee Agenda referred to therein. [emphasis added]<sup>43</sup>

57. The documents sought by the Applicant reference the Additional Production Order issued in April of 2022. The Court's Order clearly stated that the Agency's affidavit should address the collection of documents relevant to the October Disclosure Order. This is what was done.

(c) The Direction to Attend seeks Documents Subject to Solicitor-Client Privilege

58. Pursuant to Rule 94(1) of the *Federal Courts Rules*, a person being examined shall produce for inspection at the examination all documents and other material requested in the Direction to Attend that are within that person's possession and control other than documents for which privilege has been claimed.

59. The Direction to Attend seeks documents which, in addition to being irrelevant, are privileged. Items 1, 2, 6 and 8 list documents which are subject to solicitor-client privilege.

1. With reference to the Affidavit at paragraph 8, the original notification that was sent on April 14, 2020, including the names of the recipients.

2. With reference to the Affidavit at paragraph 8, all the responses from the recipients in respect of the notification mentioned therein.

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<sup>43</sup> *Direction to Attend*, *supra* note 18.

(...)

6. With reference to the Affidavit at paragraph 33, all written correspondences with Ms. Lesley Robertson in respect of the inquiry and/or search for documents responsive to the October Order and/or the April Order.

(...)

8. With reference to the Affidavit at paragraphs 37-38, all written correspondences with Mr. Jonathan Guindon or personnel in the Information Technology Services Division [collectively, Information Technology Personnel] regarding the search for documents responsive to the October Order and/or the April Order.<sup>44</sup>

60. The Agency recognizes that a motion need not be filed for objections pursuant to Rule 94(1), however, in the interest of being clear and transparent, the Agency will be objecting to the production of these documents at the cross-examination. They are communications between Counsel and staff at the Agency that are protected by solicitor-client privilege.

(d) The Direction to Attend seeks Documents that do not Exist

61. Similarly, the Agency will not be producing several categories of documents on the basis that they do not exist or have otherwise not been identified. Pursuant to Rule 94(1) of the *Federal Courts Rules*, a person being examined shall produce documents for inspection at the examination only documents which are in that person's power, possession and control.

62. The Direction to Attend seeks documents which, in addition to being irrelevant, do not exist or have otherwise not been identified:

3. All written correspondences, between October 15, 2021 to April 22, 2022, between Ms. Cuber, and Ms. Marcia Jones (former Chief Strategy Officer) or Mr. Scott Streiner (former Chairperson), in respect of compliance with the October Order (as defined in the Affidavit) and/or April Order (as defined in the Affidavit), including any requests to Ms. Jones and/or Mr. Streiner to assist in providing and/or locating documents

4. All written correspondences, between October 15, 2021 to April 22, 2022, between a member or staff of the Canadian Transportation Agency (other than Ms. Cuber), and Ms. Jones or Mr. Streiner, in respect of compliance with the October Order and/or April Order, including any requests to for assistance in providing and/or locating documents.

5. The Canadian Transportation Agency's policy on retaining of data on

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<sup>44</sup> *Direction to Attend*, *supra* note 18.

computer hard drives and mobile devices of departing personnel.

(...)

12. The Outlook system logs showing when the following emails were deleted from Ms. Marcia Jones' Outlook account:

(a) Email received by Ms. Marcia Jones on March 18, 2020 from Mr. Colin Stacey with the subject line "FW: From MinO: Air Transat."

(b) Email sent by Ms. Marcia Jones on March 25, 2020 with the subject line "Update: CTA measures/Mise à jour: mesures prises par l'OTC."

(...)

14. With reference to paragraph 38 of the Affidavit, printouts from the Outlook calendars for Mr. Scott Streiner and Ms. Marcia Jones of the scheduled events between March 18-25, 2020, including the weekend of March 21-22, 2020.

(...)

16. With reference to paragraph 58 of the Affidavit, a printout from the teleconferencing platform listing all the meetings between March 9 and 25, 2020 that were recorded.

17. With reference to paragraph 42 of the Affidavit, the written documents showing what "the existing search results" were.

(...)

20. With reference to paragraph 53 of the Affidavit, the Canadian Transportation Agency's policy document on Outlook retention standards referred to in paragraph 53 of the Affidavit (i.e., periods of 10 days and 12 weeks).

21. With reference to paragraph 54 of the Affidavit, all written correspondences between Ms. Cuber and a member or staff of the Canadian Transportation Agency, regarding retrieving the Outlook backup tapes for searching.

(...)

23. The Canadian Transportation Agency's policy on retaining backup of Outlook documents other than on backup tapes, such as backups on Amazon Cloud, Microsoft 365, or other cloud platforms.

#### **D. Conclusion**

63. The cross-examination of the Agency's affiant it is not an opportunity to go beyond the issues raised in the application for judicial review, nor is it an opportunity to revisit the Court's previous Orders and include additional documents. The Agency has complied with the Court's Orders and, as is demonstrated by Ms. Cuber's affidavit, has even gone beyond what was required of it. The Court has all the material needed to dispose of the issue. The Applicant's latest request for production of material in the Direction to Attend is not

remotely relevant to the issues raised in the Application Judicial Review, including the Applicant's allegation of bias. It unreasonable and constitutes a fishing expedition. No further documents should be produced. Accordingly, the Agency seeks relief from production of the documents sought by the Applicant.

#### **PART IV – RELIEF SOUGHT**

64. The Agency seeks an Order that it be relieved from the requirement to produce for inspection the documents listed in the Direction to Attend.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Ottawa, in the Province of Ontario, this 12<sup>th</sup> day of May, 2022.



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Counsel for the Moving Party (Intervener), Canadian Transportation Agency

## PART V – LIST OF AUTHORITIES

### A. Appendix A - Statutes and Regulations

1. *Federal Courts Rules*, [SOR/98-106](#), ss [317](#), [318](#).

### B. Appendix B - Case Law

1. *Air Passenger Rights v Attorney General of Canada*, [2021 FCA 112](#) at para [1](#).
2. *Air Passenger Rights v Attorney General of Canada*, 2022 FCA 64 at paras 3-4, 47.
3. *Air Passenger Rights v Canada (Attorney General)*, [2021 FCA 201](#).
4. *Air Passenger Rights v Canada (Transportation Agency)*, [2020 FCA 92](#) at para [39](#).
5. *Air Passenger Rights v Canada (Transportation Agency)*, [2020 FCA 155](#).
6. *Bristol-Myers Squibb Co. v Canada (Attorney General)*, [2002 FCT 208](#) at para [17](#).
7. *Constantinescu v Canada (Correctional Service)*, [2021 FC 229](#) at paras [77](#), [87](#), [89](#), [99](#), [120](#), [125-128](#).
8. *GCT Canada Limited Partnership v Vancouver Fraser Port Authority*, [2021 FC 624](#) at paras [1](#), [3](#), [9](#), [23](#), [126](#).
9. *Stanfield v Canada (Minister of National Revenue)*, [2004 FC 584](#) at paras [18](#), [22](#).