

Submitted by email to Canadian Transportation Agency via Secretariat

From: Melanie Burneau on behalf of Hunter Troup

Subject: LET-AT-55-2022

Feb 13th, 2023

I note that Hunter Troup is named in these proceedings but was not notified that this is happening and currently has a Human Rights Complaint against the CTA and Air Canada.

Hunter's dog is a service dog, task trained to mitigate their disability and not an ESA.

I have attached some documents for Hunter's case.

Hunter Troup Dr Letter

Smita Sauvé
License Number: 101997

Medical Trust Clinic - Simcoe
247 Simcoe Street North
Suite 101
Oshawa Ontario, Canada L1G 4T3
Phone: 905-728-7915
Fax: 905-443-0171

5th May 2022

Hunter WILKES Fedwick ON Phone

To Whom it may concern

Order for service dog
to mitigate Ms Hunter Wilkes Fedwick Disability

Sincerely,

Dr. Smita Sauvé
Tel: 905-728-7915
Fax: 905-443-0171
Billing #: 030248

Smita Sauvé
License Number: 101997 / Signed on 5th May 2022

Dr. Smita Sauvé

License Number: 101997 / Signed on 5th May 2022 Page 1 of 1

The Airlines (Air Canada and West Jet but not limited to) also like using Emotional Support Animal (ESA) when labeling our Service Dogs as a way to discredit our Service Dogs. ESA's are not reconized in Canada. If your Service Animal supplies Emotional Support it still must be goverened as any other Service Animal. It must behave in an acceptable manner and follow all commands and work accordingly as any other Service Animal is expected to. The Airlines or any other service may only refuse them if there is bad behavior on the part of the SD. However there must be a grace period of a few minutes to allow the handler to correct such behavior. In the end if the SD is not 'working' in a positive way the Airline has ultimate control to have the SD removed.

I have family I see in Cuba. I am suffering that I can not see them due to these new rules.

They will not reconize my need for my Service Animal.

They will not reconize that Cayo has been fully trained by myself and is able to fly and work for me.

What Canadian Transportation Agency has done is in fact 'grounded' me and took away my independence.

They have treated myself and many others with disrespect, and ignored our medical needs. Nor have they followed and complied the Disability Act in respect to our rights to Accomodate, Not To Cause Undue Hardship, and Equal Access Rights. Nor do they respect Ontario Law in regards to Owner Train our Service Dogs.

We need to change laws to reflect this.

Hunter Fedwick

201 White Oaks Court

Apt 700

Whitby, Ontario.

are trained through Lions Club and the CNIB with private trainers. All other training for Service Dogs can, and is Private Trained and Owner Trained. A private Trainer is a person who has learned from another person techniques and rules of general rules. It may contain, Obedience Training, Service Training, and possibly Task Training.

It is a business like any other, except they use "Professional" in their title. They have classes and workshops. There is no School Training or Higher Learning Governed to be taught. Yes they can write a Certification to state the SD has been Professionally Trained. The Handler must follow instructions, and do so on a repetitive basis. Regardless, of how training was done by trainer. If the handler does not do the actual work, then the SD is a failure. There is no guarantee that a SD trained by a "Professional Trainer" will merit a Professional level of a SD.

Therefore in Ontario it is acceptable for Owners to train their own Service Dogs.

I have raised dogs all my life. Obedience Trained them all. I have spent many hours following the courses of training. For Service Training I did my research as well as read many reports on the subject. I have watched over 200 hours of professional trainers on You Tube, as well as on TV. I have joined groups pertaining to Ontario Service Dogs on Facebook. I self taught Cayo all of her Service Training requirements.

For the Respondant to demand certification, I would have to pay anywhere from \$5000 - \$10000, for each step of the process. To retrain Cayo, in order to obtain a piece of paper that I could write myself. It is extremely unreasonable. The bare minimum of \$15 000 to as high as \$30 000 could be the final cost.

These Rules and Regulations, must be over hauled to reflect the rights of people with a Disability. Especially, for those who have a Service Dog to mitigate their Disabilities. In order to keep their dignity, freedom, and independence. I have constantly offered an affidavit to state all the training I have done with my Service Dog Cayo. It has been refused each time.

Service dogs (SD) or Assistance Dogs~ Are working dogs that have been specially trained to assist persons with disabilities. The ADA has special guidelines regarding service dogs and their treatment in public places. A true service dog is trained to behave well in all types of situations so the dog can accompany the handler anywhere. Therapy dogs and emotional support dogs are NOT service dogs.

My Service Dog (SD) is Cayo Coco who I have had 3 1/2 years. I have owner trained her myself.

* There 3 steps to training A SD

General Obedience

~ Sit, stay, no barking, best behaviors etc.

Service Dog Obedience (Some but not limited)

~ Desensitized - to sounds and smells. ex. Malls have over thousands smells and numerous noise, Airports have millions of smells and very loud open space which cause dogs severe stress ~Focus on The Handler

~Command Bathroom for the SD to void in an acceptable place while traveling.

~Learn Cues - Turn left, turn right, stop, take me home, ignore (food, kids, people trying to get their attention and many more reasons) etc.

Task Training - Task that help mitigate a persons Disability.

Some examples of Service Dogs include but not limited too.

Guide dogs for the blind

Mobility assistance dogs

Seizure dogs and other medical Assistance Dogs

Hearing dogs for the deaf or hearing impaired.

PTSD and Mental Health needs.

This means that some assistance animals may be trained by individuals or organizations that are not generally recognized, or independently trained by or for an individual with a disability.

Additionally, some assistance animals may not have been trained by a recognized professional service animal institution because of the type of tasks they perform for persons with disabilities. For example, some persons with disabilities may need to be accompanied by a Service Dog that provides emotional support, whose very presence provides the disability-related assistance. Because the animal's comforting and calming presence is the task that the animal performs for the individual, it is unlikely to have received training by a recognized professional service animal institution to perform this task.

- Handler doesn't qualify for a non-profit program dog (most programs train for specific tasks for specific disabilities and these tasks do not meet the needs of every disabled individual, e.g. guide dogs such as seeing eye dogs, hearing dogs, or assistance dogs for veterans suffering from PTSD).
 - Wait times for program dogs are very long (years at times).
 - Handler can't afford to buy a dog from a for-profit organization (costs average \$25'000 - \$35'000).
 - Handler has difficulty accessing or affording to hire a private trainer to train their service dog.
 - There is no specific service dog training in Canada.
 - Training a service dog takes about 2-3 years from puppyhood and is a very time-consuming, intense process. While even owner training is expensive, it is far less costly than acquiring a program dog or sending a dog to a trainer for months.
- In Ontario, there is no Certification Agency or Regulated Institute. Guide dogs

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"guide dog" means a guide dog as defined in section 1 of the Blind Persons' Rights Act; ("chien-guide")

"service animal" means an animal described in subsection (4); ("animal d'assistance")

"support person" means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities. ("personne de soutien"). O. Reg. 165/16, s. 16.

(4) For the purposes of this Part, an animal is a service animal for a person with a disability if,

(a) the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or

(b) the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:

(i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.

(ii) A member of the College of Chiropractors of Ontario.

(iii) A member of the College of Nurses of Ontario.

(iv) A member of the College of Occupational Therapists of Ontario.

(v) A member of the College of Optometrists of Ontario.

(vi) A member of the College of Physicians and Surgeons of Ontario.

(vii) A member of the College of Physiotherapists of Ontario.

(viii) A member of the College of Psychologists of Ontario.

(ix) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario. O. Reg. 165/16, s.

To Whom It May Concern

The recent changes (March 2021) by the Canadian Transportation Agency regarding flying with a service dog have caused these issues below.

Not recognizing my Service Dog (SD) as an Owner Trained Service Dog. As outlined in Ontario Legal standards.

Failing their Duty to Accommodate as directed under the Disability Act for a person who has disabilities.

Failing to give Equal Access Rights as directed by the Disability Act for a person who has disabilities.

Failing to NOT Cause Undue Hardship as directed under the Disability Act for a person who has disabilities.

O. Reg. 191/11: INTEGRATED ACCESSIBILITY STANDARDS

under Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11

Part IV.2

customer service standards

Scope and interpretation

80.45 (1) The standards set out in this Part apply to obligated organizations that are providers of goods, services or facilities. O. Reg. 165/16, s. 16.

(2) In this Part, a reference to a provider is a reference to an obligated organization as a provider of goods, services or facilities, unless the context requires otherwise. O. Reg. 165/16, s. 16.

(3) In this Part,

With respect to documentation about the service dog itself, sub-section 51(2) of the ATPDR allows a carrier to require an attestation to the animal's training at the time of booking. In addition, this sub-section also allows a carrier to require, before departure, that the person present an ID card or other document that identifies the person with a disability and attests that the service dog has been individually trained by an organization or person specializing in service dog training to perform a task to assist the person with a disability with a need related to their disability.

The regulations do not prescribe how a carrier must determine if a service dog meets the definition of a service dog set out in the ATPDR, or how a carrier applies the provisions regarding documentation for service dogs. Carriers have the flexibility to establish their own policies, including the flexibility to accept owner-trained service dogs.

In situations where a person feels that a carrier's policy poses a potential barrier to their ability to access the federal transportation network, the person has the option to file a complaint with the Canadian Transportation Agency (CTA). The CTA offers informal dispute resolution through facilitation and mediation, as well as a formal adjudication process, where a passenger with a disability feels that the carrier's policy or contract creates an undue barrier to accessing the federal transportation network.

Should you have any further questions, please do not hesitate to follow up with me.

Sincerely,

Sabitha Rajan

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From: [redacted]
To: [redacted]
Subject: [redacted]

In June 2020, the [Accessible Transportation for Persons with Disabilities Regulations](#) (ATPDR) came into force. These regulations require carriers to accept service dogs for transport subject to the person controlling the dog with a leash, tether or harness during travel, and providing an identification card or other document that is issued by an organization or person specializing in service dog training that identifies the person with a disability and attests that the service dog has been individually trained by the organization or person to perform a task to assist the person with a disability with a need related to their disability.

Prior to these regulations coming into force, [Part VII of the Air Transportation Regulations](#) (which is a domestic regulation that is still in place for smaller carriers not subject to the ATPDR) required carriers to accept service animals for carriage that were certified as having been trained to assist a person by a professional service animal institution if the animal is properly harnessed in accordance with standards established by a professional service animal institution.

A carrier may assess the documentation presented by a person about their service dog. The regulations do not prescribe how this can be done, however, possible ways of gaining the assurance needed could include online research in addition to verbal assurance from the passenger to establish that the service dog is properly trained.

Neither the ATPDR, nor Part VII of the [Air Transportation Regulations](#), include any reference or requirement for either the organization or the person specializing in service dog training to advertise their services on the internet or to have a website.

The guidance material on travel with service dogs recommends that carriers establish a clear, written policy regarding the transportation of service dogs, and that carriers communicate their policy to all relevant personnel. Having such policies in place can ensure consistent practices for dealing with the issues of conflicting disability-related needs on a flight.

With respect to documentation about the service dog itself, sub-section 51(2) of the ATPDR allows a carrier to require an attestation to the animal's training at the time of booking. In addition, this sub-section also allows a carrier to require, before departure, that the person present an ID card or other document that identifies the person with a disability and attests that the service dog has been individually trained by an organization or person specializing in service dog training to perform a task to assist the person with a disability with a need related to their disability.

The regulations do not prescribe how a carrier must determine if a service dog meets the definition of a service dog set out in the ATPDR, or how a carrier applies the provisions regarding documentation for service dogs. Carriers have the flexibility to establish their own policies, including the flexibility to accept owner-trained service dogs.

In situations where a person feels that a carrier's policy poses a potential barrier to their ability to access the federal transportation network, the person has the option to file a complaint with the Canadian Transportation Agency (CTA). The CTA offers informal dispute resolution through facilitation and mediation, as well as a formal adjudication process, where a passenger with a disability feels that the carrier's policy or contract creates an undue barrier to accessing the federal transportation network.

Response to Report

File 20220611

Hunter Fedwick

1. Air Canada states that they should not be named in this matter because a complaint was made the Canadian Transport Agency in 2019. The Canadian Transport Agency (CTA) did not resolve the matter. They closed the matter, and the Complainant then filed with the Human Rights Commission as they still cannot fly within their own province with their medically needed service dog. The complainant supplied a medical letter requiring her task trained service dog, and they offered to send training proof, which Air Canada refused.
2. Air Canada staff and the CTA are not a medical professionals, and they have not ever done an assessment of this service dog for their handler – they cannot state the service dog is an Emotional support dog or pet with no evidence of such, this is discriminatory. Air Canada does require able people, people with allergies, wheelchair users, people who require an assistance person, etc. for such information as they have asked the Complainant to provide.
3. Section 51 of the ATPDR came into effect on June 25, 2020 and applies to large carriers transporting service dogs. In essence, section 51 provides that a carrier must, on the request of a person with a disability, accept the service dog for transport and permit the animal to accompany the person on board when certain requirements are met, including providing a declaration that the service dog has been individually trained by an organization or person specializing in service dog training to perform a task to assist a person with a disability with a need related to their disability. The Complainant offered an attestation, and was informed that her Service dog was not able to fly because it was not “certified” – Federal certification does not exist, and the complainant provided proof that the service dog is trained by herself, as an individual who trains her own service dog, thus, the Service dog meets the requirements of being individually trained by a person specializing in service dog training.
4. When the CTA was emailed prior to any complaints being filed, they stated in a reply that, “The regulations do not prescribe how a carrier must determine if a service dog meets the definition of a service dog set out in the ATPDR, or how a carrier applies the provisions regarding documentation for service dogs. Carriers have the flexibility to establish their own policies, including the flexibility to accept owner-trained service dogs.” Yet, they were asked by the Complainant to investigate the complaint, and still have not resolved the issue. As the complainant originally filed her complaint in June 2019, this is an inordinate amount of time for this to be resolved. Furthermore, the CTA has referred to her Service dog as an Emotional Support Animal in their own documentation.
5. When Air Canada was emailed to ask what they require as training proof and what trainers they accept, they stated they could not give that information.

6. Under the Canadian Constitution, the Canadian Human Rights Act, Part 2, Canadian Human Rights Commissions, Powers, Duties and Functions under Section 1- 27(1-c) states: shall maintain close liaison with similar bodies or authorities in the provinces in order to foster common policies and practices and to avoid conflicts respecting the handling of complaints in cases of overlapping jurisdiction.
7. Air Canada is not a medical professional, and has not ever seen this service dog task for their handler – they cannot state the service dog is an Emotional support dog with no evidence of such, this is discriminatory, This is equivalent to stating that a person in a wheelchair must prove their wheel chair is required before getting on the plane, and then deciding that the wheel chair is just a dining room chair because they didn't approve of what the disabled person gave them. This action has caused great harm to the complainant.
8. Section 51 of the ATPDR came into effect on June 25, 2020 and applies to large carriers transporting service dogs. In essence, section 51 provides that a carrier must, on the request of a person with a disability, accept the service dog for transport and permit the animal to accompany the person on board when certain requirements are met, including providing a declaration that the service dog has been individually trained by an organization or person specializing in service dog training to perform a task to assist a person with a disability with a need related to their disability. The Complainant offered an attestation and was informed that her Service dog was not able to fly because it was not "certified" – Federal certification does not exist, thus is the complainant can provide proof that the service dog is task trained, the Service dog meets the requirements of being individually trained by a person specializing in service dog training.
9. Air Canada is relying on a regulation that the Canadian Transport Agency created that airlines are interpreting, yet there is no federal certification for Service Dogs in Canada. In the respondent's province of Ontario, there is also no provincial certification.
10. We are in agreement that section 1(1) of the Accessible Transportation for Persons with Disabilities Regulations define a service dog as "individually trained by an organization or person specializing in service dog training to perform a task to assist a person with a disability with a need related to their disability."
11. Service dogs perform many tasks to support people with disabilities. Some examples include: guiding a person who has a visual impairment; alerting a hearing-impaired person to the presence of people or sounds such as an alarm or telephone; pulling a wheelchair; alerting a person to specific physical changes that may occur before a seizure; and assisting a person with post-traumatic stress disorder. This list is not exhaustive.
12. We understand that Emotional Support Animals do not hold the same certifications or status as service dogs. Major Canadian carriers can refuse to accept Emotional Support Animals on board. In such circumstances, regular animal (pet) travel rules and fees may apply. Service dogs differ from emotional support animals because they receive special training in order to perform specific tasks to support people with disabilities, and in every

province in Canada it is required under each Human Rights Code that a Service Dog be prescribed by a doctor. Furthermore, none of the provinces recognized Emotional Support Animals as having any public access rights other than housing under special circumstances.

13. Under the Charter of Rights and Freedoms, Mobility Rights, Part 6 Section 1, it states:

Mobility of citizens

6 (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

The Canadian Government also state on their website that: Governments in Canada can't discriminate based on what province someone used to live or currently lives in.

14. Under the Charter of Rights and Freedoms, Equality Rights, Part 15 Section 1

Equality before and under law and equal protection and benefit of law

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The Canadian Government also defines this portion of law on their website as:

Equality rights

Equality rights are at the core of the Charter. They are intended to ensure that everyone is treated with the same respect, dignity and consideration (i.e. without discrimination), regardless of personal characteristics such as race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, sexual orientation, residency, marital status or citizenship.

As a result, everyone should be treated the same under the law. Everyone is also entitled to the same benefits provided by laws or government policies. However, the Charter does not require the government to always treat people in exactly the same way. Sometimes protecting equality means that we must adapt rules or standards to take account of people's differences. An example of this would be allowing people to observe different religious holidays without losing their job. Governments can also promote equality by passing laws or creating programs that aim to improve the conditions of people who have been disadvantaged because of the personal characteristics listed above. For example, governments can create affirmative action programs targeted at increasing employment for persons with disabilities.

15. Under the Charter of Rights and Freedoms, Enforcement, Part 24 Section 1 states:

Enforcement of guaranteed rights and freedoms

24 (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Furthermore, it also states under Other Rights and Freedoms not affected by the Charter, Section 26, that:

26 The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

16. In every province in Canada, Service Dog are recognized, even when trained by owner-trainers, as long as they have training logs or proof of training from a trainer, and a doctor's letter stating their requirement for a Service Dog. As there is no formal national standard in Canada, this would mean that every province's laws have set a precedent. Furthermore, Service Dog handlers who travel from one province to the other are to follow the laws of the province they are travelling to, and thus if travelling from instance in BC, the BC Human Rights Act applies until you land in the province or country you are travelling to, in which case, you would then follow the laws at that location.
17. Every province in Canada except for Ontario requires a Service Dog to be task trained to mitigate the handler's disability. Ontario requires that the service dog be used to mitigate the disability but does not specify task trained in their Service Dog laws. There are three provinces that have voluntary Service Dog Certification that allows the handler additional protections under the respective Service Dog Acts on top of the provincial Human Rights Act protections. Those provinces are BC, Alberta and Nova Scotia. This certification is voluntary, requires the handler to pay a fee and take a public access test, and once this test is passed by 100%, the government issues an ID card. There is no other certification in Canada.
18. Trainers will sometimes issue an ID card, but not every trainer does this. Some will issue a certificate of completion, or just write a letter stating the Service Dog has been trained. Not all trainers have websites, and some trainers not only train service dogs, but therapy or pet dogs as well.
19. The Dog Training Industry is an unregulated industry. There are many "accreditation" that exist for trainers, and not all will allow trainers to join, nor do all check the trainers credentials. For instance, the Canadian Service Dog Trainer Association only allows those who train with Meghan Search and Rescue and their friends into the association for a fee, and the Assistance Dogs International and International Guide Dog Association only allow non-profit trainers to join. The list for Service Dogs is very long, and some non-profits are not even accepting applications. This leaves handlers to either train on their own or hire a trainer to help them. Most handlers take owner-training very seriously and train their Service Dog to exceed the existing standards based on ADI/IGDF and the three provinces in which certification exists. Handlers are always recommended to keep logs if they do not train with a trainer.
20. Air Canada is supposed to make airline transportation more accessible to disabled people, yet have not defined individual or professional organizations that specialize in service

dog training, and as such has allowed the airlines to interpret this as they see fit, causing a huge barrier and discriminating against persons with task trained service dogs. When asked to define these by letter, they did not respond.

21. According to the CTA documents, the Complainant began her complaint with the CTA in 2019, and the CTA failed to help that Complainant over the two year period. This has caused the complainant to have severe stress and anxiety, and the complainant has not been unable to fly through Canada with her Service dog being able to task and help her. They would have had to fly with a “pet in cabin”, meaning her Service Dog is in a kennel when she flies. The service dog would not be able to do the required medical tasks it is trained to do to help their handler. Air Canada continues to discriminate against this Claimant.
22. The Canadian Transport Agency created the regulation that airlines are interpreting, yet there is no federal certification for Service Dogs in Canada. In the respondent’s province of Quebec, there is also no provincial certification. The CTA allows the airlines to interpret this, and Air Canada has failed to allow a disabled person to fly in Canada. Air Canada has discriminated against this complainant and the CTA failed to help this complainant fly with their medical device. We ask that the Human Rights Commission intercede to help them.