

# Comments on proposed regulations published in Canada Gazette, Part I, Volume 158, Number 51: Regulations Amending the Air Passenger Protection Regulations

**Submitted to:** Canada Gazette, Part I via the on-line commenting feature

**Submission type:** Consumer organization / Passenger advocate

**Name:** AirHelp

**Date:** 03/06/2025

## Issues

We agree that the proposed changes represent a step forward in making the APPR more transparent and effective. Simplifying the categorization of flight disruptions, improving communication requirements, and refining the definition of denied boarding are all necessary improvements that will help eliminate confusion for both passengers and airlines.

The pre-existing legislative framework posed significant challenges, and we acknowledge that the current amendments have taken the appropriate measure addressing main loopholes. Clearer regulations will help ensure passengers fully understand their rights and can exercise them effectively.

We also agree that without strict enforcement mechanisms and a more efficient claim process, the staggering volume of complaints will only continue to grow leading to increased passenger frustration and lack of airline accountability.

Additionally, we support aligning refund requirements with global best practices, such as those in the European Union and the United States. Passengers should not be left at a disadvantage simply because they are traveling within Canada.

In Canada, the process of claiming compensation under the APPR remains excessively complex and time-consuming. Passengers encounter inconsistent interpretations of the regulations, a lack of clarity in their rights, and significant delays in claims processing by both airlines and the Canadian Transportation Agency (CTA). The CTA's complaint-handling system is often slow and bureaucratic, while pursuing legal action through a small claims court is costly and impractical for many travelers.

To enhance passenger protections, the regulations must eliminate provisions that weaken consumer rights—such as the requirement to first contact the airline (CAF

---

clauses)—while also implementing stricter measures to hold airlines accountable. Without meaningful consequences for noncompliance, airlines have little incentive to fulfill their obligations. Strengthening enforcement and streamlining the claims process are essential steps toward ensuring that air passenger rights in Canada are both accessible and effective.

Incorporating third-party specialists to handle complaints and claim assessments will allow the Canadian Transportation Agency (CTA) to optimize resources, reduce its workload, and regain credibility with the public. We also commend the proposals to improve the claims process, enhance communication and transparency, and strengthen enforcement mechanisms, particularly through increased monetary penalties. These are precisely the types of changes AirHelp has advocated for, given the current challenges posed by the existing regulations.

## **Objective**

We fully support the objective of the proposed amendments as the step toward strengthening air passenger protections in Canada.

How we believe those objectives should be regulated and addressed, we will outline in the following sections our recommendations to the amendments to be effective and enforceable.

## **Description**

We suggest the following amendments to the descriptions:

Compensation for inconvenience due to flight disruptions:

We suggest to clarify that “Any third-party representation (such as claims management companies or consumer advocacy groups) are explicitly permitted to seek compensation for delay or cancellation. Passengers should have the right to authorize, assign and transfer their rights and entitlements to external representatives

Identifying exceptional circumstances:

The list of exceptional circumstances includes situations that do not belong on list as currently described.

---

Namely:

Flight disruptions directly attributable to a delay or cancellation on an earlier flight

Technical defects

Labour disputes

We make suggestions to correctly amend these inclusions in our later comments. Any definition of exceptional circumstances should be similarly corrected.

Assistance (standards of treatment):

We suggest removing the limitation of assistance for exceptional circumstances as such a limitation is not in line with international standards.

Refunds:

Refunds should be done in a short period of time (7-10 days) and by any refund method of passengers choice. For third-party bookings, passengers can choose who to claim the refund to. Additionally, passengers should receive notification of such circumstances when the airline knows of them, providing sufficient time for requesting a refund or a rebooking.

Bumping (denial of boarding):

We think the time limit of 24 hours should be removed from the definition of Bumping, as when the passenger is informed is not important, if they previously had a confirmed seat.

### **Implementation compliance and enforcement and service standards**

The Agency's role in monitoring and enforcing compliance ensures that air carriers follow through on their responsibilities. This helps ensure that passenger rights are upheld, with penalties for violations acting as a deterrent.

The increased penalties and the provision that violations continue to be counted for each day of non-compliance increase accountability. This is important for ensuring that air carriers comply with regulations designed to protect passengers.

---

Overall, we welcome the emphasis on accountability, support and passenger-centric solutions to ensure quicker resolutions and better accessibility of information to passengers. However, we suggest the following considerations to be added:

Clear steps for passenger complaints and fast-track resolutions would make the process more accessible and ensure passengers are empowered.

Incorporating passenger feedback mechanisms that allow passengers to report back on their experiences.

## **Amendments**

We propose the following changes:

### 1 (3)

Denial of Boarding:

We recommend removing “no earlier than 24 hours before the scheduled departure time of a flight”.

If a passenger has a confirmed reservation, and the airline does not permit them to board for the reasons specified, it should be considered a denied boarding, no matter when it occurs. The current wording will only encourage airlines to deny boarding earlier, rather than eliminate the practice.

### 2 2.2 (1)

Refunds:

The conditions related to alternative methods of refund (such as vouchers, miles, or other methods) need to be clearly defined to prevent confusion. The provision could emphasize that the alternative method cannot come with undue restrictions or unreasonable expiration terms that would disadvantage the passenger.

Additionally, passengers should have the right to receive refunds via their preferred method, including the option to receive the refund through a third-party representative, provided the passenger has explicitly authorized this choice in writing. This ensures passengers have the flexibility to choose how they receive their refund, according to their needs.

---

Refund deadline:

We recommend this specify 10 days instead of 15.

Refunds should be provided in a shorter period of time, to better align with passengers expectations from other regulations such as EC 261. A timeline between 7-10 days would be fairer.

### **Provision of Information**

We propose the following changes:

10 (4)

Passenger on aircraft

We recommend defining what can be considered “reasons of safety”. This provision could create ambiguities and uncertainty for passengers, as it does not clearly define what qualifies as a valid safety concern. Airlines may need to remove passengers for legitimate reasons, such as regulatory compliance (e.g., visa issues) or disruptive behavior. These situations, however, should be clearly outlined and communicated to passengers to prevent arbitrary removals.

12 (2) (a) Eligible passengers

We suggest removing “unless they were informed of the delay or cancellation at least 12 hours before the departure time that is indicated for that flight on their ticket

The passengers eligible for treatment benefits under the regulation should include anyone traveling on a flight operated by the air carrier that has been delayed, canceled, or caused a missed connection, regardless of when they were informed of the disruption.

12 (4)

Limitation — exceptional circumstances

We recommend deleting this clause. The period of entitlement is adequately covered under 12 (3) and providing exceptions for exceptional circumstances takes Canadian laws out of alignment with international standards.

13

---

## Alternate travel arrangements

This section should include clearer guidelines on how such arrangements are made, especially if the alternative arrangements require significant out-of-pocket expenses. Clearer standards or written confirmation of arrangements would protect passengers' interests.

15 (3)

## Payment

Timelines for compensation processing should be shorter to expedite compensation. EC261 often processes payments within 7 to 14 days and CA Regulation mandates payment for denied boarding within 48h of denied boarding, therefore, the same time period should be applicable for all case scenarios.

18

## Exceptional circumstances

(a)(i)(G)

This exception should be deleted, as we do not consider technical defects are "unforeseeable".

Technical defects other than described in (F) should not be considered an exceptional circumstance. The safety and maintenance of their fleet must be a top responsibility of the airline. An exception for technical defects doesn't align with requirements passengers have of their airline: that they properly maintain their fleet, can repair defects promptly, and have contingency measures in place.

(a) (i) (L)

We suggest this be replaced with:

"a labour dispute involving an external essential service provider such as an airport managing body, air navigation service provider or ground handling service provider, or

Labour disputes that involve the carrier should not be considered exceptional circumstances, as employers must always be considered responsible for their staff.

(a)(ii)

---

We suggest this clause replaces the term “an earlier flight” with “the immediately prior flight”.

This limits the impact of knock-on delays to just the one flight directly after the original disruption, and incentivises airlines to take measures to avoid knock-on impacts on later flights.

We include our list of exceptional circumstances

### **Travel Advisory**

We propose the following changes:

22 (2)

No adjacent seats available

We would like the wording to be clearer that airlines must consider all seating categories and classes in order to accommodate the child and their accompanying adult. If the airline is unable to fulfill their obligation to seat the child and adult, appropriate compensation or alternative arrangements must be provided.

24 (2)

Obligation to carry

Airlines must clearly outline their policies in terms of carry on musical instruments in a clear manner. Those policies should be aligned with other conventions such as Montreal Convention in terms of liability and EC 261 that allows small musical instruments as part of cabin baggage even those slightly larger than standard carry-ons should be allowed if airlines have available cabin space or can be securely stored under the seat.

---