



## **Association of Canadian Travel Agencies and Travel Advisors (ACTA) Submission**

*Proposed Amendments to the Air Passenger Protection Regulations  
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### **I. Introduction**

The Association of Canadian Travel Agencies and Travel Advisors (ACTA) is a non-profit industry association that represents the diverse network of travel agencies and independent travel advisors operating across Canada. Our mandate is to ensure that travellers receive efficient, transparent and reliable services while fostering an industry environment that is both competitive and sustainable. In light of the proposed amendments to the Air Passenger Protection Regulations (APPR), we offer the following recommendations, emphasizing the need to balance enhanced consumer protection with operational realities.

### **II. Context: Industry Recovery**

The travel sector has experienced unprecedented disruption over the past several years due to the COVID-19 pandemic. Extended periods of reduced operations, heightened security protocols and diminished consumer confidence have forced all industry participants to adapt rapidly. Recent improvements in operational processes—including enhanced security measures and improved baggage handling—signal a recovery phase. It is therefore critical that any new regulatory measures recognize these improvements and do not inadvertently reverse the progress made during this arduous period.

Given the current global economic uncertainty, including tariff impositions and strained international relations, additional regulatory burdens could have significant adverse consequences. Elevated operational costs risk being transferred to consumers, thereby reducing overall accessibility and choice within the market. In this delicate phase of recovery, it is imperative that regulatory changes are both judicious and practical, ensuring that consumer interests are protected without compromising the financial and operational viability of industry stakeholders.

### **III. Detailed Analysis of Specific Provisions**

#### **A. Travel Advisory Refund Provisions**

Under the current proposal, refunds are mandated when a government travel advisory is upgraded. ACTA recommends that such provisions should be strictly limited to Level 4 advisories and only when the advisory applies to the region in which the airport is situated. The fundamental issue lies in the inherent disconnect between an airline's ability to ascertain a traveller's post-arrival itinerary and the geographical applicability of the advisory. Once a traveller disembarks, their subsequent movements cannot be reasonably predicted by carriers, meaning that a blanket

refund policy would unduly penalize carriers for decisions made by travellers after the flight. Limiting the refund trigger to situations where the advisory directly affects the airport region would ensure that financial liabilities are imposed only where the risk is immediate and verifiable, thereby aligning regulatory intent with practical application.

The current proposed amendments requiring travel advisories to trigger automatic refund rights face a significant challenge regarding the lack of existing technological infrastructure to effectively communicate and document advisories to both airlines and travel advisors. At present, there is no system in place that allows for real-time, seamless sharing of travel advisory updates with all relevant stakeholders in the industry. This gap poses a practical challenge in ensuring that refunds are applied accurately and promptly for affected passengers. To enable the successful implementation of these provisions, federal investment in the development and deployment of the necessary technology is crucial. Such investments would equip airlines and travel advisors with the tools needed to efficiently monitor and respond to travel advisories, reducing administrative complexity and ensuring that the regulations can be applied as intended.

#### B. Documentation Requirements for Claim Rejections

The proposed amendment stipulates that carriers must provide comprehensive documentary evidence for every instance of claim denial under the APPR. This requirement, while intended to enhance transparency, does not consider the complexity and inaccessibility of airline documentation. Typically, these documents are written in dense, coded, and technical language and are not readily comprehensible to the average traveller or even to experienced travel advisors. Further, they are usually only available in English. The burden of deciphering such documentation could lead to significant delays in claim resolution and create substantial customer service challenges for all stakeholders. Airlines are best equipped to decipher these documents and provide plain-language explanations to travellers.

#### C. Hotel Booking Requirements for Inclement Weather

We have concerns regarding the obligation for carriers to secure hotel accommodations for travellers experiencing delays due to inclement weather. In many regions, hotel capacity is simply insufficient to accommodate a surge of affected passengers, and non-hotel accommodations like short-term rentals may be needed. The logistical challenges inherent in coordinating large-scale hotel bookings at short notice can exacerbate delays and lead to significant customer frustration. ACTA recommends amending the requirement with a reimbursement model. Under such a scheme, travellers would be allowed to secure their own accommodations—with the support and guidance of their travel advisors—and subsequently claim reimbursement for reasonable expenses incurred. This approach not only alleviates the administrative burden on carriers but also provides a more flexible and responsive solution that better reflects regional and operational realities.

#### D. Exceptional Circumstances

ACTA recommends revising the current list of exceptional circumstances that exempt airlines from passenger compensation. We believe the requirement that airlines prove they took "all reasonable measures" should be removed since exceptional circumstances are inherently uncontrollable events. The list should be expanded to include acts of god, force majeure, system outages by essential service providers, and clarified technical defect exceptions that allow determination by maintenance personnel, not just pilots. Airport-related exceptions should cover infrastructure and equipment issues beyond just closures, while malicious IT disruptions and mandatory security compliance should also be recognized as valid exceptional circumstances. These changes would provide greater clarity, reduce unnecessary litigation, and ensure fair application of regulations while maintaining appropriate consumer protections.

#### E. Real-Time Notification Requirements

The amendments also introduce a requirement for carriers to provide real-time notifications regarding compensation entitlements. While prompt communication is a laudable goal, and one that all stakeholders continue to work on, the operational reality is that determining the precise cause of a delay or disruption is a complex process that demands thorough analysis. The technological and procedural infrastructure required to deliver such detailed, instantaneous notifications does not currently exist and it would be nearly impossible to build a system with reliable accuracy.

#### F. Seating Requirements for Children Under 14

The proposed regulations require that at the time of booking, a child under the age of 14 travelling with a parent or guardian is assigned an adjacent seat at no additional charge. This provision poses significant challenges for travel advisors and carriers alike due to the limitations of current booking technologies. Reservation systems, which exist in a global context, lack the necessary functionality to guarantee such seating assignments at the point of booking. Instead, ACTA recommends that the seating requirement be flexible to allow for post-booking assignment adjustments. This would enable carriers and travel advisors to utilize existing systems to manage seating arrangements more effectively while still prioritizing the comfort and safety of young travellers.

### **IV. Conclusion**

ACTA recognises the need for robust consumer protection measures. However, the current proposals within the APPR amendments impose a range of operational and administrative challenges that, if implemented without change, would undermine the recent progress achieved in industry recovery. Specifically, the travel advisory refund provisions must be narrowly defined to apply only to Level 4 advisories affecting the airport region; the documentation requirements



for claim rejections needs to be simplified to ensure accessibility; and the hotel booking requirement for inclement weather should be replaced with a reimbursement scheme that better accommodates regional limitations and allows for better customer service.

Furthermore, the exceptional circumstances provision requires a clearly defined, fixed list to provide certainty for all stakeholders, while the real-time notification mandate must be reconsidered in favour of a more feasible, post-analysis communication model. Finally, the seating requirements for children under 14 must be adjusted to allow for post-booking assignments, recognizing the current technological limitations of booking systems.

ACTA respectfully urges the Government of Canada to revisit these regulatory provisions. A balanced approach that maintains strong consumer protections while recognizing operational realities will ensure that Canadian travellers continue to receive excellent service, fair prices, and that the industry remains competitive in a rapidly evolving global landscape.

### **Contact**

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