

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

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## Description

It is of the utmost importance that the regulations prevent airlines from using ""technical issues"" to prevent compensation for delayed or cancelled flights. While I support a defined exhaustive list of exceptional circumstances, the notion of ""unforeseen technical problem"" still remains, as copied below. This information is only within the hands of the airline, and it is impossible for a passenger to be able to validate any claims made by the airline that the situation below has been met and that compensation is not owed. The inclusion of ""technical defects"" should be removed from the list of extraordinary circumstances.

an unforeseeable technical defect in, or other unforeseeable technical problem with, the aircraft if

- (a) the required scheduled maintenance of the aircraft is up to date,
  - (b) the defect or problem was discovered after the completion of the most recent required scheduled maintenance,
  - (c) the pilot-in-command has determined that the defect or problem affects the airworthiness of the aircraft and makes it unsafe to operate the aircraft until the defect is repaired or the problem is resolved, and
  - (d) the defect or problem was not caused by an act or omission of the carrier or of any person for whom the carrier is responsible;
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