

# **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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## **Provision of Information**

The use of "could affect" in these subsections invites an overly broad interpretation that may continue to perpetuate the same issues with the current regulations, under which many airlines are casting any sort of mechanical issue as a "safety issue" and denying compensation. Suggestion to use "is likely to affect" instead of "could affect" in all places where this phrase is used. For example, section 18(a)(i)(F) should be amended to read "a hidden manufacturing defect in an aircraft that was identified by the manufacturer of the aircraft concerned, or by a competent authority, that is likely to affect flight safety and that requires immediate assessment and possible repair,". This would better shift the responsibility onto the airline to demonstrate how likely an issue was to occur when denying compensation, as opposed to the issue simply being possible. The use of the word "could" without a balance of likeliness is far too open to pure speculation.

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