

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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General Comment

To the Canadian Transportation Agency,

I appreciate the opportunity to participate in the consultation on the Proposed Amendments to the Air Passenger Protection Regulations (APPR). I understand that this consultation period is intended to provide an opportunity for individuals and airlines to state concerns about the amendments to the APPR. However, I would like to state further concerns that may have been overlooked during the initial consultation period for the APPR.

As a Member of Parliament, my job requires frequent air travel. With this, I have experienced firsthand the struggles associated with air travel. Likewise, many of my constituents frequently express concerns about mistreatment within terminals, neglect of lost luggage, major delays, and bumping.

I support the APPR amendments and their pursuit to clarify, simplify and strengthen Canada's air passenger regime. Although, as passenger protection is a complicated and persisting issue, I would like to emphasise the importance of enforcement, proportional consequences for violations and internal CTA investment.

Proper Monitoring and Enforcement:

One of the goals of the amendments is to reduce the backlog of claims sent to the CTA by passengers. The backlog was an astounding 71,000 in 2024 and has only grown since the Canada Transportation Act (the Act) came into effect in 2019:

<https://www.cbc.ca/news/politics/air-passenger-compensation-complaints-1.7183619>.

The mere fact that there is a growing backlog of claims means that monitoring and enforcement are not held to the standard necessary to sufficiently protect passengers. This means there is a critical error in the process of monitoring and enforcing the Act.

I recommend investments in training more Designated Enforcement Officers (DEOs) and then distributing these DEOs to airports based on the number of airlines serviced. For instance, Toronto Pearson Airport services 46 airlines:

<https://www.worlddata.info/america/canada/airports.php>. Having a DEO to monitor each airline company will ensure airlines are compliant with regulations. Some airlines like Air Canada and other major international airlines may require 2-3 DEOs based on size. The goal is to halt possible claims before they are sent to the CTA, cutting them off at the source. This will strengthen passenger satisfaction and allow claim review teams to prioritise the backlog.

Proportional Treatment:

Canada has a wide variety of airlines with considerable differences in the quantity of passengers transported each year. As stated in the Canada Gazette for the proposed amendments, the majority are small airlines that cover regional areas. It is essential that the CTA assess the impact of these regulations and ensure their protection. There are only two separate categories which all airlines operating within and through Canada fit under: small airlines (airlines < 2 million passengers during both of the last two years) and large airlines (airlines > 2 million passengers over both of the last two years).

I recommend diversifying the categorization system based on an airline's capacity, specifically the number of passengers it transports annually. I find it difficult to rationalize categorizing Air Canada (with 45 million passengers in 2023: <https://www.statista.com/statistics/689833/passenger-traffic-air-canada/>) and Flair (with 4.5 million passengers in 2023: <https://canadianaviationnews.ca/flair-airlines-achieves-top-ranking-saves-canadians-415m-in-2023/>) under the same category of large airlines. The result of these two companies having similar financial consequences is that the smaller company bears disproportionately harsher penalties solely based on capacity whereas the larger company faces comparatively milder repercussions.

By creating a system similar to a progressive tax bracket, CTA can incentivise stronger compliance throughout the differently sized companies. Likewise, more categories within the domain of small airlines would protect them while holding them accountable within their means. Using the same rationale for large airlines, the smaller the airline the less it would be charged.

Internal CTA Investments:

Many passengers, including my constituents, are experiencing years-long claim waits, with some reporting 2-3 years with no resolution! I see this as partially a result of insufficient internal CTA investments. The team(s) behind reviewing these claims do not have adequate resources or enough staff to efficiently handle the surplus of backlog and incoming claims. I urge the CTA to invest further into ensuring these teams have the capacity to address the surplus of backlog and manage incoming claims.

Furthermore, as stated in the “Proper Monitoring and Enforcement” section, significant investments must be made into ensuring there are enough DEOs and they have the resources to properly enforce the APPR restrictions. Catching violations before they occur results in a reduced number of incoming claims and neglected passengers. In addition, with more active DEOs, airlines will have access to their expertise and if a violation is about to occur, then they can notify the airline and it can act accordingly to avoid a potential claim.

Final Remark:

For the CTA to make adequate progress in dealing with its surplus of backlogged claims, it must make major investments in internal systems. These must include prioritizing increased DEO training and employment, as well as expanding claim review teams. There must also be proportionate treatment of airlines to deter large corporate airlines from future violations and protect smaller airlines, allowing them to compete and service their local regions.

Thank you again for providing this opportunity to contribute to the decision-making around the Proposed Amendments to the APPR. I hope my recommendations aid in streamlining the APPR amendment process.

Sincerely,

Elizabeth May, O.C.
Member of Parliament
Saanich--Gulf Islands
