



Air Canada's response to the Canada Transportation Agency's Consultation on an air travel complaints fee proposal



Air Canada makes the following submissions on the *Air travel complaints fee proposal* published on September 18, 2024 by the Canadian Transportation Agency (the “**Agency**” or “**CTA**”).¹

OUR COMMITMENT

Air Canada is committed to deliver safe and reliable air transportation to Canadians, and to customer care and service. We continue to invest to improve our operational performance and customers’ experience and are proud to safely carry more than 120,000 passengers per day on average.

The overwhelming majority of our customers reach their destination without disruption. Long delays and cancellations are infrequent, and when they occur, we strive to treat our customers with care and we compensate them, often beyond regulatory requirements.

SUMMARY

Canada’s guiding principles on regulatory policy are that **regulations protect and advance the public interest and support good government**, that **they establish a process that is modern, open, and transparent**, that **they be supported by evidence**, a robust analysis of costs and benefits, and the assessment of risk, and that they **support a fair and competitive economy**.²

The CTA’s complaints fee proposal does not meet these objectives and is flawed in many respects.

1. Contributes to the affordability challenges of Canadians. Carriers and taxpayers should not bear the expense for the excessive costs incurred by inefficiencies in the CTA’s scheme.

The CTA proposal will promote continued inefficiencies in the CTA’s dispute resolution process, which cost significantly more than the benefits it may yield.³ This calls its merit into question. The CTA’s proposed fee of \$790 is higher than the average compensation amount under APPR, higher than the average award per passenger ordered by the CTA in 35% of the cases in which it ruled against Air Canada, and in fact higher than our average fare.

The high cost of the CTA proposal is disproportionate and indefensible and cannot serve as a foundation for a cost recovery mechanism.

2. Punitive fee structure. The proposal imposes costs on carriers whether or not they are found to be responsible. This is not only an unusual judicial process, but with the fee being equivalent to the average APPR compensation amount, it is also contrary to the core APPR controllability principle that airlines should not pay for events they do not control.
3. Inadequate processing capacity. The CTA proposal is premised on a processing capacity of 23,000 claims per year, which on its face is clearly insufficient. The CTA is silent about how it proposes to bridge the gap with its latest reported backlog of more than 70,000 claims, and at what cost beyond the currently budgeted amount of about \$30 million per year. Additional public funds for a broken system could be utilized in a more meaningful way such as airport infrastructure to enhance the passenger journey.

¹ See [CTA consultation air travel complaints fee proposal](#). Our comments are made without prejudice or admission regarding the enforceability or validity of the proposal as it currently stands or as it may be amended.

² See [Cabinet Directive on Regulation](#). See also Message from Minister Anand, then President of the Treasury Board, in [Annual Report 2023-2024 Federal Regulatory Management Initiatives](#) underlining the need to support “our country’s economic growth while maintaining world-class protections for consumers, health, safety and the environment”.

³ See [Policy on Cost-Benefit Analysis \(Policy cost-benefit analysis\)](#).

4. Abdication of judicial functions. The punitive fee structure appears to effectively be designed to cause carriers to pay claims rather than defend them, thus helping to bridge the backlog gap. Indeed, if carriers are induced to pay unfounded claims, the CTA will not need to rule on them and the backlog will drop accordingly. With this high punitive fee, the CTA would be effectively abdicating its judicial functions by disincentivizing carriers from defending claims.
5. Disproportionate cost. The proposed fee would make the CTA the costliest tribunal in the country for claims of comparable value.⁴ Frameworks on judicial fees in Canada aim to ensure fairness and efficiency of the justice system, and ensure litigants are properly motivated. The CTA proposal undermines each of these objectives.
6. Aggravation of backlog. A high CTA filing fee can in fact be expected to lead to an increase in claims, further aggravating the backlog. For example, the CTA proposal will also incentivize third party claim companies to file claims without regard to their merit, expecting that a settlement will follow and that their own fees will be paid, which is often in the order of up to 30-45% of the claim.
7. Detrimental impact on the Canadian aviation system. Canadians benefit from diverse air connectivity and from the economic strength provided by a well-developed air transportation system. As airlines bear the brunt of costs arising from the CTA complaint process, ticket costs will inevitably be impacted, as well as regional services and Canada's global connectivity. The CTA's fee runs afoul of Canada's national transportation policy.⁵
8. Contrary to legislative intent. To align with Canada's regulatory policy, both passenger compensation regulations and their application should incent good behaviour, such as good decisions by airlines. The underlying intent of the *Canada Transportation Act* is for carriers to compensate passengers when they could have avoided disruptions but did not. This is why under the APPR, airlines are responsible for what they can reasonably control, not for all situations.⁶ By imposing a fee on every single claim, this proposal does precisely the opposite.

Rather than proposing a fee that fails to solve issues and raises new concerns, the CTA should consider promoting the use of alternative dispute resolution providers to help resolve complaints at a lower cost and more expediently, learning from the experience of European aviation regulators.

⁴ See Annex 1.

⁵ See s. 5, *Canada Transportation Act* ("CT Act"):

"It is declared that a competitive, economic and efficient national transportation system that meets the highest practicable safety and security standards and contributes to a sustainable environment and makes the best use of all modes of transportation at the lowest total cost is essential to serve the needs of its users, advance the well-being of Canadians and enable competitiveness and economic growth in both urban and rural areas throughout Canada"

⁶ See *International Air Transport Association v. Canada (Transportation Agency)*, 2024 SCC 30:

"[90] The Regulations are, thus, best understood as providing for statutory entitlements under a consumer protection scheme. Passengers claiming under the Regulations need not show what harm, if any, they have suffered in order to claim compensation. The Regulations do not tie compensation to harm and inconvenience; rather they mandate compensation for delay, cancellation or denial of boarding based on the time by which a passenger's arrival at their ultimate destination is delayed. Unlike the Montreal Convention, the Regulations do not enable a carrier to avoid having to pay compensation otherwise due to a passenger by invoking a due diligence defence or pointing to contributory negligence. As long as the disruption in question occurred for a reason within the carrier's control and was not required for safety purposes, the compensation is fixed."

CONTEXT

The *Air Passenger Protection Regulations* (the “**APPR**”) were adopted in 2019, shortly before the challenging operating circumstances faced by the airline industry during the pandemic and its aftermath, which has led to its so-called backlog.

Consumer protection for air travellers

New complaints and backlog of complaints at year end

	2023-2024	2022-2023	2021-2022	2020-2021	2019-2020
Complaints received	43,549	42,068	12,158	13,275	19,392
Backlog at year end	71,109	44,319	13,409	16,515	13,467

Note: These statistics only include complaints that were submitted to the Agency – they do not reflect the total number of air travel complaints against air carriers. Many travellers resolve their complaints directly with the carrier.

Air Canada provides its customers with the reason for a disruption at the time of a disruption and responds to claims after receiving them. While most customers who file a claim are satisfied with Air Canada’s response or continue engagement with Air Canada until they are satisfied, some choose to file a complaint with the CTA. Air Canada may only find this out months, sometimes years later when the CTA files a “start notice”, which occurs when the CTA chooses to do so.⁷ Indeed, at the time of writing, the CTA is issuing “start notices” in respect of claims it received in 2022.

We set out below the process which led to the resolution of substantially all complaints by reference to Air Canada’s operations in 2023:

- Air Canada carried 46 million passengers in 2023 on an average of 1,025 daily flights.
- Air Canada received about 550,000 APPR-related claims, that is, claims were received from 1.2% of passengers carried.
- Air Canada assessed and successfully resolved substantially all of these claims based on APPR.
- Fewer than 3% of the number of claims or complaints originally received by Air Canada were received by CTA in 2023 regarding Air Canada (close to 16,000 CTA complaints in 2023 out of 550,000 received by Air Canada). Air Canada receives fewer CTA complaints per 100 flights than the industry average.⁸
- Since the CTA implemented its new process in the fall of 2023, the CTA has ruled on about 590 cases per month on average in the case of Air Canada, finding that Air Canada has correctly applied the APPR or that the claim was ineligible in about 65% of the cases.⁹
 - This is the category of the complaints for which the CTA proposes to spend almost \$30 million (prorated based on cases decided upon), 60% of the cost of which would be passed on to carriers.
- We reiterate that the CTA’s backlog of Air Canada-related complaints, which the CTA alone controls, includes complaints made as far back as 2022. The resolution of most of these complaints has taken 18 to 24 months from their receipt by the CTA. The 90-day statutory resolution requirement that applies to the CTA¹⁰ is effectively being disregarded by the CTA, who is only applying it upon the trigger of a “start notice” that it issues, something, as noted, the CTA alone controls. Of those 90-days, the CTA only gives 14 days to carriers

⁷ The CTA’s start notice process does not meet its obligation to respond to complaints within 90 days (CT Act, ss. 85.05-85.06).

⁸ <https://otc-cta.gc.ca/eng/air-travel-complaints-100-flights-airline-july-2023-september-2024>

⁹ Many of the cases where we do not prevail turn on the burden of proof which is expected from airlines by the CTA. Air Canada pays APPR compensation when owed, as CTA’s own enforcement officers have seen during their investigation processes.

¹⁰ *Ibid.*

to gather and provide evidence in support of its position¹¹, a timeline that is often challenging to meet given the complexity of the fact patterns involved in some of these claims.

In sum, almost all complaints are successfully resolved by Air Canada and its customers. Resort to the CTA or to a court process is by far the exception. At Air Canada, we make it our priority to handle and resolve our customers' concerns fairly and to their satisfaction whenever we can. We therefore already absorb the cost to resolve 97% of the claims we receive every year. We value this opportunity to maintain and look to recover our relationships with our customers and address disruptions on an amicable basis.

The CTA's lengthy and costly process discourages conflict resolution, and is at odds with the spirit and thrust of the applicable regulatory framework. The fee proposed would aggravate the situation and is unjustifiable.

¹¹ Even after a "start notice" is filed by the CTA, we consider the settlement of a complaint with our customers, where appropriate. However, because of the CTA's accelerated process, there is very little time to explore that option within the prescribed delays. Indeed, it is unfortunate that the CTA does not actively promote mediated settlements at this time. In practical terms, in any judicial proceeding, settlements help reduce costs for the parties but also the court or other adjudicative system, something that is considered generally desirable. However, within the 14 days of that carriers are provided to file their defence, and the 4 days customers are provided to respond, there is no time to explore settlements. Under the CTA's new process, all parties are therefore disincentivized to settle and encouraged to default to adjudication.

SUBMISSIONS

Proposed fee is disproportionate and unreasonable

The Agency's proposed fee of \$790 is unreasonable, disproportionate and higher than the average indemnification amount, which is in our experience about \$700.¹²

CTA's high fee would make it the costliest adjudication process in Canada

Canadian courts typically set filing fees for parties that increase slightly with the average value of claims. In Canada's small claims court system, which serves as an alternative to the CTA for passengers wishing to file a claim against airlines, plaintiffs must pay between \$50 and \$230 to initiate a claim, depending on the claim's value. Defendants must pay between \$0 and \$364 to file a defense.¹³

The CTA's excessive fee would be more than double the highest small claims court fee for defending a claim of significantly higher value.

Proposed fee risks increasing fares and reducing access by air to remote communities

It is well accepted in aviation economics that added costs imposed on airlines impact air connectivity, as costs are passed on to consumers and affect demand and the profitability of routes, to the detriment of a country's or a region's economy.

Because of the more challenging economics of regional routes (cost structure and lower number of passengers), the CTA's new fee may disproportionately affect Canadian passengers in remote communities who rely on air travel as a primary means of transportation. Higher airfares could in turn impact access to essential air services, undermining the economic vitality of these regions.¹⁴

CTA's proposal is inherently punitive

The imposition of a high and disproportionate fee on airlines for defending claims will have an inherently punitive impact on carriers. The APPR were established with the primary objective of ensuring a balanced approach to air travel, where passengers are provided with compensation and other rights, in a manner that "reflect[s] the operational reality of carriers".¹⁵

The intent of the APPR was never to unduly burden operators or negatively affect ticket prices for consumers.¹⁶ However, the CTA proposes to impose significant fees on carriers for

¹² The indemnification for passengers under the APPR for inconvenience following a delay or cancellation typically ranges between \$400 and \$1,000 for large carriers depending on the delay at the final destination.

¹³ Annex 1 provides an overview of fees in other Canadian courts, such as small claims court across the country, as well as examples of other federal courts, which are usually free for both parties. If requested, fees can typically be recovered by the successful party, at the court's discretion.

¹⁴ See for example "Public policy and regulation can powerfully facilitate air connectivity – or hinder it by constraining development of a country's air transport network" [pwc-air-connectivity.pdf](#). See also a research article from the Transportation Research Board which discusses how increased taxes in the aviation industry lead to higher ticket prices, which can reduce passenger demand and affect the number of flights on certain routes. [TaxationNetworks_TRB.pdf](#). See also the following fact sheet "High aviation taxes and fees may discourage airlines from operating flights to certain destinations, particularly those with lower passenger demand or thinner profit margins. This can limit air connectivity, reduce tourism arrivals, and hinder economic development in regions dependent on air travel for business and leisure purposes." [The Impact of Aviation Tax on Industry Growth and Sustainability | by Advocate Consulting Legal Group, PLLC. | Medium](#). This issue has been raised repeatedly by the National Airline Council of Canada: "Additionally, the proposed framework for Canada's Air Passenger Protection Regulations released in July 2023 stands to add additional costs to air travel in this country. If these regulations are adopted without significant amendments, they will threaten regional connectivity and further isolate our nation as one of the most uncompetitive jurisdictions in the world." (<https://airlinecouncil.ca/august-14-2024-the-hill-times-competitive-air-travel-in-canada-starts-with-public-investment/>).

¹⁵ See objective #2 of the Air Passenger Protection Regulations - Regulatory Impact Analysis Statement, [Air Passenger Protection Regulations - Regulatory Impact Analysis Statement | Canadian Transportation Agency](#).

¹⁶ See [Transportation Canada APPR](#). The APPR should be interpreted so as not to conflict with the National Transportation Policy (see CT Act, s. 5).

defending claims, even when carriers are found to have correctly applied APPR, in an amount comparable if not higher to the average compensation payable to passengers.

By doing so, the CTA would undermine the balanced approach envisioned by the APPR and conflict with APPR's objective by causing carriers to incur financial liability for all events, even events beyond their control, such as weather disruptions.

Proposed fee constitutes a barrier

The imposition of a high fee creates a significant barrier to access to justice, a cornerstone of the judicial system. All parties, regardless of their financial status, should be able to have their disputes resolved judicially, fairly and equitably.

When fees are set so high that they are disproportionate with the quantum of the dispute, this causes "undue hardship". As stated by Brown J. of the Supreme Court of Canada:¹⁷

"[131] [A]ny means of dispute resolution that serves as a final resort for contracting parties must be just. [...] Where the cost to pursue a claim is disproportionate to the quantum of likely disputes arising from the agreement, this suggests the possibility of undue hardship."

Thus, undue hardship occurs when the financial burden of fees prevents a party from pursuing or defending a claim, thereby denying them access to justice.¹⁸ The term "undue" has been interpreted as meaning "improper, inordinate, excessive or oppressive"¹⁹ or otherwise disproportionate within a given context. In the context of court fees, therefore, undue hardship cannot be associated solely with a party's capacity to pay, but to the amount of fees in the context in which they are charged.

In this case, the proposed fee is completely disproportionate to the average value of claims. As a result, it would create a disincentive to defend against claims, even when compensation is not owed. The result is a *de facto* denial of access to justice, especially for cases where airlines are not liable; they will now have to pay fees that in most cases exceed the compensation payable under the APPR.

Proposed fee contradicts principle that costs should deter a misuse of the justice system

The proposed fee structure is contrary to the principle that costs should deter unfounded litigation²⁰ and that a successful party in a court case should not bear costs²¹

The proposed fee will encourage unfounded claims, thereby promoting unnecessary litigation, and penalizing carriers for cases where they have correctly applied the APPR.

Fee structure would materially increase the number of complaints

The proposed fee structure would lead to an increased number of complaints because there would be an obvious incentive for claim companies to file claims.

Claim companies in Europe are known to retain a portion of the compensation due to passengers by charging fees for the task of filing a claim with an airline or with a relevant

¹⁷ *Uber Technologies Inc. v. Heller*, 2020 SCC 16.

¹⁸ *Ibid.*, and *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59.

¹⁹ *Council of Canadians with Disabilities v. VIA Rail Canada Inc.*, [2007] 1 S.C.R. 650, 2007 SCC 15, at par. 140. [Council of Canadians with Disabilities v. VIA Rail Canada Inc. - SCC Cases](#)

²⁰ "Most would agree that the process of shifting of costs and fees acts as a deterrent to litigation." H. Patrick Glenn, "Costs And Fees In Common Law Canada And Quebec" (online: [National reports Canada](#)).

²¹ *British Columbia (Minister of Forests) v. Okanagan Indian Band*, 2003 SCC 71 at paras 19-22; *Chartered Professional Accountants of Ontario v. Gujral*, 2020 ONCJ 307; *Ryan v. McGregor*, 1925 CanLII 460 (ON CA) ; Section 340 Quebec Code of Civil Procedure, C-25.01; Professor H. Patrick Glenn, "Costs And Fees In Common Law Canada And Quebec", online: [National reports Canada](#).

court or adjudication body.²² The percentages charged can range from 20-44%, sometimes in function of complexity and outcomes. In Canada, we understand that one such company takes a 30% commission on successful passenger claims made with the airline and 45% if the compensation is obtained pursuant to legal proceedings.

A high fee would not incent CTA to improve its unfair and inefficient processes

The CTA has failed to establish an efficient system for processing claims. Inefficiencies in the CTA's system have been highlighted to CTA by carriers, in particular in respect of:

- lack of guidance to travelers on how complaints are handled under APPR, leading to ill-founded claims;
- absence of an effective mediation process to resolve claims amicably and faster;
- contradictory rulings when cases share the same fact patterns²³;
- excessive and unreasonable evidentiary expectations;
- failure to deem ineligible cases that should be deemed as such²⁴ (these are cases for which the \$790 should not be paid, but would become payable if nevertheless erroneously processed as eligible).

Moreover, the Agency has no process for reviewing its own erroneous or inconsistent decisions. The only mechanism available to contest CRO decisions is judicial control before Federal Court, which implies significant costs for airlines and passengers. Attempts to use the Agency's internal review process have been met with refusal, even when they contain clear fundamental errors, such as two contradictory decisions on the same flight, with the same evidence presented in both cases.²⁵

With a high fee to offset the CTA's operational costs, the CTA will not be incentivized to improve its burdensome, inefficient, and inconsistent processes. The CTA should not move this proposal forward until an internal review of its internal processes has been conducted and addressed.

CTA's backlog is higher than it was when the new process was introduced, and the proposed fee will not address this

The backlog is now significantly higher than what it was before the CTA implemented its new review process. Despite the additional funding allocated to the CTA, it typically takes 18 to 24 months for it to resolve claims before it. This is lengthier than many courts in Canada, and disproportional to the value and nature of these claims. Concerns about such lengthy delays have regularly been raised, including because gathering specific evidence relating to a past disruption becomes more and more challenging over time.

²² Anna TIMS, "Beware firms trying to take a cut of your flight delay claim... you can do it for free", *The Guardian* (October 28, 2018), [Guardian flight delay compensation pay out claims firms; HFW | Regulation \(EC\) 261/2004 litigation: claim agencies](#).

²³ See examples of inconsistent decisions: decisions on cases 24-00140 (decision 387982-CO-2024) and 23-61618 (decision 387597-CO-2024) were rendered by the same CRO on the same day but are different, even though these cases pertained to the same flight, and Air Canada provided the same evidence in both cases. The same issue occurred on cases 23-53691 (decision 379685-CO-2024) and 23-53693 (379687-CO-2024), both from different passengers, regarding the same disruption. Air Canada provided the same evidence, but received decisions with different outcomes.

²⁴ See for example: [Case 23-18949](#): CRO issued a decision dismissing the claim, on the basis that a decision on another case for the same passenger, same event, had already been rendered. This case should never had been opened in the first place, let alone lead to a decision; [Case 24-00918](#): Claim that had already been paid by Air Canada, and it should have been deemed ineligible; [Case 24-01933](#): A duplicate of another complaint, which had previously been deemed ineligible by a CRO. Yet, complaint 24-01933 itself was not deemed ineligible and was proceeded with, and fully defended; [Case 24-02628](#): Delay under 3 hours that should have been deemed ineligible, but was not. A decision was issued after a full defence was produced.

²⁵ The Agency has refused to review CRO decisions under s. 32 of Act, which is the only internal review mechanism that exists short of a judicial review to Federal Court, a disproportionately lengthy and costly process, which, when used, has generated media coverage that spread the misguided view that airlines are "suing passengers".

The CTA's own consultation states that it is targeting a capacity to close about 23,000 eligible air travel complaints per year. The CTA's backlog is currently at over 70,000 cases. Accordingly, we expect that with CTA's current capacity, its backlog of cases will continue to grow and parties will continue to wait longer before obtaining resolution.

The retroactive application of the CTA's fee is unjustified and rewards inefficiency

The CTA proposed fee applies to complaints which were made to it, even prior to the implementation of its new process on September 30, 2023, just over one year ago. In Air Canada's case this means that thousands of claims, sometimes dating back to 2022, would be subject to the proposed fee. The CTA will in effect be collecting a fee for handling it years later.

Not only is this unjustifiable from a policy point of view, but the retroactive application of the fee is contrary to the guiding principles of regulatory law, including as to the temporal application of laws and regulatory foreseeability.

The proposal does not represent sound regulatory policy

The regulatory framework that applies to our activities is governed by the objectives set out in section 5 of the *Canada Transportation Act* for "a competitive, economic and efficient national transportation system". Canada's regulatory system generally "serves Canadians by growing our economy and maintaining important protections for health, safety, security, and the environment".²⁶ To those ends, the guiding principles of federal regulatory policy²⁷ are aimed at ensuring that regulations result in the greatest overall benefits to Canadians.

We note also that modern dispute resolution processes generally encourage parties to reach agreement amicably, rather than falling back on costly, time-consuming adjudicative frameworks, which should be a last resort. This is the case in many jurisdictions in Canada."²⁸ The CTA is required to engage in mediation,²⁹ but in practice does not under its new system.

WHERE TO GO FROM HERE

We value our relationships with all our customers and make it our priority to handle and resolve any concerns fairly and to their satisfaction whenever we can. We value those opportunities to maintain and look to recover our customer relationships and address disruptions on an amicable basis. Accordingly, almost all complaints we receive are successfully resolved and resort to the CTA or court process is by far the exception.

We believe that no fee should be implemented until the CTA has addressed core issues with the efficiency of its dispute resolution process. In our view, an open public consultation³⁰ on the [Guideline on the Canadian Transportation Agency's Complaint Resolution Office air travel complaints process](#) would prompt the development of a more efficient, well-balanced, equitable, and cost-effective process.

In particular, the CTA should consider allowing alternative dispute resolution platforms to be used and adjudicate APPR complaints through binding decisions, incentivizing the development of cost-effective mechanisms and assisting the CTA with managing its backlog.

²⁶ See Message from the President of the Treasury Board, in [Annual Report 2022 2023: Federal Regulatory Management Initiatives](#).

²⁷ See [Cabinet Directive on Regulation](#).

²⁸ For example, parties to a dispute in Quebec "must consider private dispute prevention and resolution (DPR) processes before referring a misunderstanding, problem, dispute or conflict to the courts. This obligation is intended to ensure that the parties to a dispute take steps to reach an agreement before the situation deteriorates to the point where it is brought before the courts. The obligation is also intended to assist in the shift from a trial-based to an agreement-based culture." See [Quebec dispute prevention resolution processes](#). See also [Ontario mandatory mediation civil cases](#).

²⁹ S. 85.05(1) CT Act.

³⁰ S. 85.12(3) CT Act

European regulators have been in the same situation as the CTA, and have implemented ADR schemes³¹ to manage complaints on a more effective, equitable basis. There are precedent for such schemes in Canada, in the banking sector.³²

We also believe that other areas could be considered through a consultation, including that CROs participate in mediation and promote consumer education regarding their rights, that carriers not be required to pay a fee when they are found to have correctly applied the regulations,³³ that fees better align with those charged by courts, and that claim companies be subject to the same fee than airlines for claim they lose.

We believe in fair and efficient dispute resolution, and will work collaboratively with the CTA and other stakeholders to improve the current system and resolve its backlog.

³¹ See for example in the UK: [Alternative dispute resolution | Civil Aviation Authority](#). Europe has an Alternative Dispute Resolution Directive in place which is currently under review: [Alternative dispute resolution for consumers - European Commission](#)

³² See Section 627.48(3) of the Bank Act, which requires every institution to be a member of the external complaints body, which is defined as a corporation designated by the Minister of Finance to be the external complaints body to deal with complaints that have not been resolved by its member institutions to the satisfaction of the persons who made the complaints or that have not been dealt with within the prescribed period. The two schemes currently in existence are the Ombudsman for Banking Services and Investments (<https://www.obsi.ca/>), and ADR Chambers Banking Ombuds Office (https://bankingombuds.ca/?page_id=1369&lang=en).

³³ A loss should not include cases where a carrier is ordered to pay any amount, like reimburse small expenses but not ordered to pay compensation, for example. For flight disruptions, a case would be loss when the CRO deems a flight to be controllable, and compensation to be payable.

Annex 1
Filing fees for claims of similar value as APPR claims before the CTA

Tribunal	Plaintiff / Claimant	Defendant / Respondent
BC (CRT)	\$75 online / \$100 email or mail (claims up to \$3,000)	\$0 online/\$25 email or mail
BC Small claims	\$100 (claims up to \$3,000))	\$26 (claims up to \$3,000) / \$50 (claims over \$3,000)
AB Small claims	\$100 (claims up to \$7,500)	\$25
SK Small claims	\$100	\$50
MA Small claims	\$75 (claims up to \$5,000)	\$50
ON Small claims	\$108	\$77
QC Small claims	\$115 (claims up to \$5,000)	\$182 (claims up to \$5,000) ³⁴
NB Small claims	\$50 (claims up to \$3,000)	\$25
NS Small claims	\$99.70 (claims below \$5,000)	
NL Small claims	\$100 (claims from \$500 to \$25,000)	
PE Small claims	\$100	\$100
CHRC (Federal)	Free	Free
CHRT (Federal)	Free	Free
CRTC (Federal)	Free	Free
Federal Court of Appeal	\$150 (Notice of application: \$50)	\$150

³⁴ Amount for legal persons; lower for natural persons.