



Canadian
Transportation
Agency

Office
des transports
du Canada

LET-C-A-12-2020

February 24, 2020

Case No. 20-01590

BY E-MAIL:

Multiple applicants)
(listed in the Appendix)

BY E-MAIL:

martine.deserres@aircanada.ca
Air Canada
Attention: Martine de Serres

lorne.mackenzie@westjet.com
WestJet
Attention: Lorne Mackenzie

chantal.chlala@transat.com
Air Transat A.T. Inc.
Attention: Chantal Chala

barto.johnson@united.com
United Airlines, Inc.
Attention: Barton Johnson

patti.chan@sunwing.ca
Sunwing Airlines Inc.
Attention: Patti Chan

jackie.strangis@flyswoop.com
Swoop Inc.
Attention: Jackie Strangis

Dear applicants, Martine De Serres, Lorne Mackenzie, Chantal Chala, Barton Johnson, Patti Chan and Jackie Strangis:

Re: Application by multiple applicants against Air Canada, WestJet, Air Transat A.T. Inc., United Airlines, Inc., Sunwing Airlines Inc. and Swoop Inc.

This Decision is further to the Canadian Transportation Agency's (Agency) e-mailed message of February 13, 2020, to Air Canada and WestJet, in which it communicated its decision to join 11 applications submitted by air passengers involving 9 flights, open an inquiry into those applications, and appoint the Agency's Chief Compliance Officer as Inquiry Officer.

Canada

The purposes of this proceeding are to look into allegations made on communications-related issues in multiple complaints in an efficient manner, and to ensure that the communications-related requirements of the *Air Passenger Protection Regulations*, SOR/2019-150 (APPR) are clear for both passengers and air carriers.

Joinder of additional applications

The Agency has conducted a comprehensive review of all applications filed between December 15, 2019—the date on which the full APPR came into force—and February 13, 2020, alleging that air carriers failed to accurately communicate the reasons for flight delays or cancellations that occurred on or after December 15, 2019, as required by the APPR. This review has revealed that the Agency received 3,037 such applications during this period.

The Agency has concluded that this is too large a number of complaints to be examined in a single proceeding, with the Agency's existing resources. Instead, the Agency has determined that an additional 559 applications, listed in Appendix, which includes 78 new flights, and a total of 6 air carriers, should be added at this stage to this proceeding. The applications have been selected based on the issues raised, the number of complaints per carrier, and the number of complaints per flight.

Joining these applications will broaden the evidentiary record of the proceeding and provide an efficient and effective process to resolve them. It will also assist the Agency in providing any required interpretive guidance to passengers and air carriers regarding the requirements of the APPR.

Accordingly, the applications listed in Appendix are hereby joined to this proceeding pursuant to subsection 5(2) and section 39 of the [Canadian Transportation Agency Rules \(Dispute Proceedings and Certain Rules Applicable to All Proceedings\)](#), SOR/2014-104 (Dispute Adjudication Rules), and will be included in the inquiry. Copies of the applications will be provided to the air carriers in a separate communication.

The remaining applications in which communications-related allegations are made for the December 15, 2019, to February 13, 2020, period will be considered at a later date. Some or all may eventually be joined to this proceeding, or resolved through separate processes.

The pleadings process

The [Dispute Adjudication Rules](#) set out the process to be followed during adjudication.

In the circumstances of this case, it is appropriate that the normal pleadings process in an adjudication outlined in the [Dispute Adjudication Rules](#) be suspended for the period during which the Inquiry Officer is conducting his investigation and preparing his report to the Panel assigned to adjudicate the case. Therefore, pursuant to subsection 5(2) and section 6 of the [Dispute Adjudication Rules](#), the assessment of the applications for completeness and the filing of the Respondents' answers will not be required at this time. However, additional information may be sought from the applicants.

The parties should anticipate being contacted by the Inquiry Officer in the coming days and weeks.

Important information

Personal and confidential information

The Agency is required to make any submissions or documents filed during adjudication available on the public record, unless a [request for confidentiality](#) has been made to and accepted by the Agency. Before submitting documents to the Agency, please remove any irrelevant personal information, such as credit card or passport numbers, that should not be included on the public record.

Note: If personal or confidential information has already been submitted and a party does not want it made public, a request for confidentiality must be filed immediately.

If you have any questions regarding how to make a request for confidentiality, or any other procedural matter, please contact the Agency's secretariat at secretariat@otc-cta.gc.ca.

For more information

To learn more about the personal information submitted to the Agency during adjudication, refer to the Agency's [Public Record Advisory Notice](#).

Please refer to Case No. 20-01590 in any submissions or correspondence with the Agency's Secretariat.

BY THE AGENCY:

(signed)

Scott Streiner
Member

(signed)

Elizabeth C. Barker
Member

(signed)

Lenore Duff
Member