



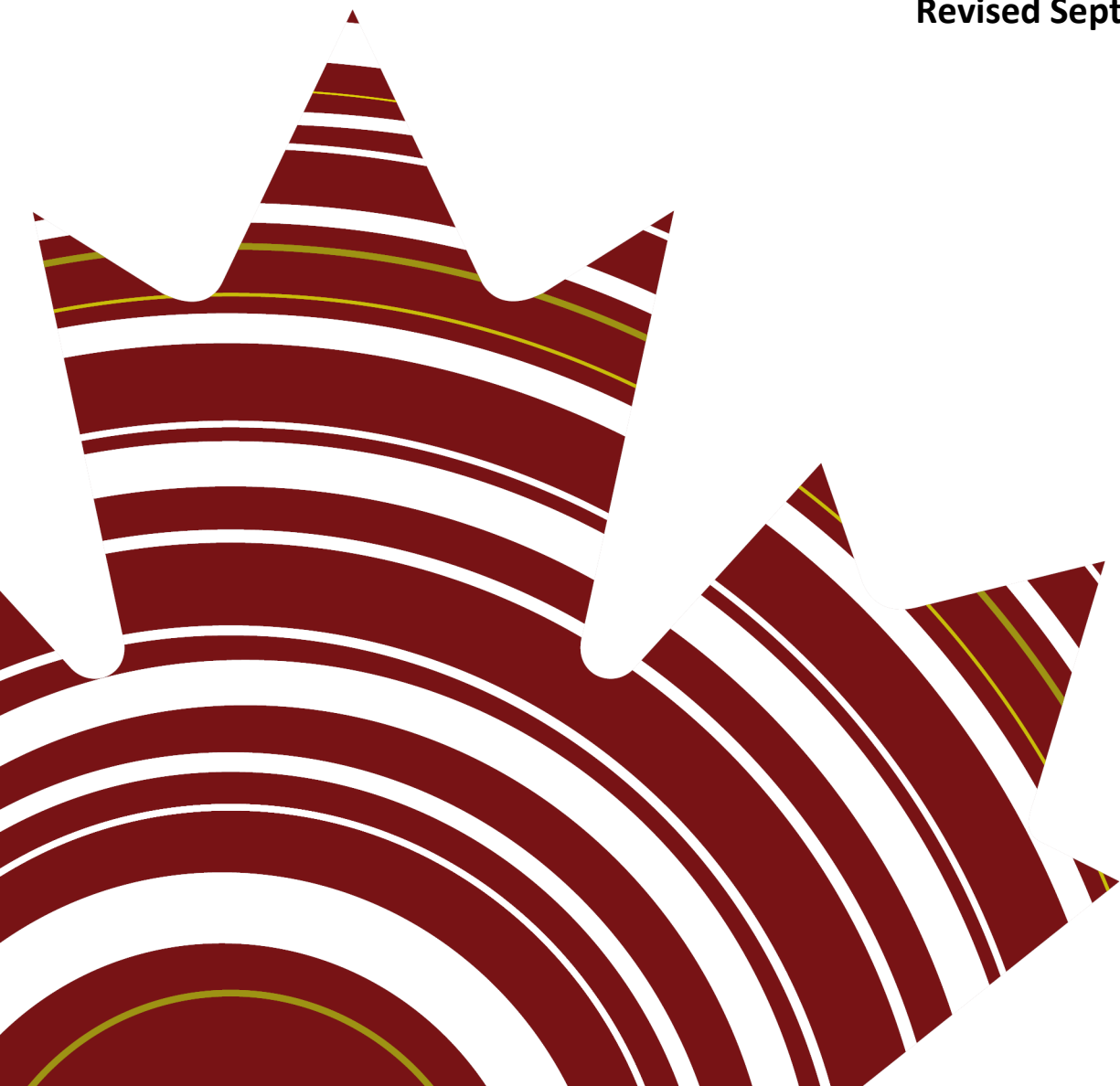
Canadian
Transportation
Agency

Office
des transports
du Canada

Flight delays and cancellations: A guide

Canadian Transportation Agency

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Canada 

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1. Introduction

This is a guide explaining passenger rights and airline obligations if there is a flight delay or cancellation. These apply to flights to, from and within Canada, including connecting flights. The airline operating the affected flight is responsible for meeting obligations to the passenger. This guide describes the different types of flight delays and cancellations and how an airline's obligations are different, depending on their level of control over the situation.

An airline's tariff, which sets out its terms and conditions, cannot offer passengers less than these obligations require. If an airline chooses, their tariff may offer passengers terms that go beyond these minimum requirements.

This guide also provides tips for managing common flight delay or cancellation situations. These are meant to help both airlines and passengers understand what factors the Canadian Transportation Agency (CTA) would consider if a passenger complained to the CTA about a disrupted flight.

This is not a legal document. The explanations and definitions it provides are for general guidance purposes only. Airline obligations related to flight delays and cancellations can be found in the [Air Passenger Protection Regulations](#) (APPR) and [Annex A](#) of this guide. In case of differences between this guide and legislation or regulations, the legislation and regulations prevail.

2. Types of flight delays and cancellations

When a flight is delayed or cancelled (including before the day of travel), an airline has minimum obligations to passengers that could include certain kinds of assistance (standards of treatment), rebooking or refunds, and up to \$1,000 in compensation for inconvenience. Their obligations depend on whether the disruption is within the control of the airline, within the airline's control but required for safety, or outside the airline's control. These situations are described briefly below. More detail, including how to treat the impacts of a flight disruption on other flights, is included in [Types and categories of flight disruption: A guide](#).

Within the airline's control

Situations within an airline's control usually happen because of commercial decisions an airline makes in its day-to-day operations. These could include staffing issues and decisions to consolidate flights because of low demand.

Disruptions due to scheduled maintenance (including any work to address issues found during that maintenance) are also considered within the airline's control.

Within the airline's control, but required for safety

In this category, "required for safety" means "required by law to reduce risk to passengers." Generally, these are situations in which an airline must delay or cancel a flight to follow rules put in place to make sure the flight and people on board are safe. These rules include the *Canadian Aviation Regulations* and its standards. For example, flight disruptions due to safety issues identified during pre- or post-flight checks which are performed for every flight to locate last-minute, unforeseeable issues, would fall into this category.

Outside the airline's control

This category covers flight delays and cancellations over which the airline does not have control. These could include security incidents, medical emergencies, bad weather, or orders from applicable authorities.

Additional information:

In the event of a delay on the tarmac, airlines have all the obligations outlined in this guide, depending on their level of control over the situation, as well as other, specific obligations. For more detail, see [Tarmac delay assistance and disembarkation: A guide](#).

3. Obligations: Situations within the airline's control

An airline operating a flight that is delayed or cancelled for reasons **within its control** must do the following for the affected passengers:

- Communicate key information;
- Provide assistance;
- Offer alternate travel arrangements or a refund; and
- Pay compensation for inconvenience.

Communicating with passengers during a Disruption

Airlines have specific communication obligations when they delay or cancel a flight. The airline operating the disrupted flight must give passengers key information, including the reason for the delay or cancellation. The information should be in

plain language without technical jargon and provide enough detail, so the passenger can understand the reason given and how this reason caused the delay or cancellation. Airlines must also tell passengers about the compensation and assistance they may be entitled to, and their rights and options for making a complaint – including to the CTA.

During flight delays, airlines must provide regular flight status updates at least every 30 minutes until a new departure time or flight arrangement has been confirmed. The airline must provide any new information to passengers as soon as is feasible, including new information on the departure time, boarding gate, and reason for the delay.

All communication must be available in a format that is accessible to persons with disabilities.

Communication Guide:

Airlines' communications obligations in the event of a flight delay or cancellation are described in greater detail in [Communicating key information to passengers: A guide](#). This guide includes expectations regarding when and how to communicate this information.

Assistance

When there is a flight disruption, the operating airline must provide the assistance described below to passengers at the airport, if the passengers:

- were informed of the disruption less than 12 hours before the original departure time; and
- have waited two hours since the original departure time

Reasonable amount of food and drink

Airlines must provide reasonable amounts of food and drink, free of charge. They should take into account the following factors when determining the quantity and timing:

- Length of delay/time of day: Airlines should consider the length of the disruption and the time of day it occurred in deciding how much food to

provide and when. For example, serving water and a snack (like a granola bar) could meet the food and drink obligation for a short delay in the middle of the afternoon, but it would be reasonable to expect more food at typical meal times or after a lengthy wait.

- Location of airport: Where the disruption takes place may affect the type and range of food and drink options. For example, options may be more limited in Canada's North and remote areas.

Access to means of communication

Airlines must give passengers access to communication, free of charge. How they do this depends on the circumstances. For example, they could provide access to Wi-Fi, have phones available at the gate for passengers to use, or provide a pre-paid calling card.

Overnight accommodation

When a passenger will have to wait overnight for their flight (and where this would not have been necessary for the original flight), the airline must offer them hotel or other comparable accommodation. This must:

- be free of charge to the passenger;
- be reasonable, considering the passenger's location; and
- include transportation to, and from, the accommodation.

Example:

A passenger's 2:00 pm flight has been cancelled at their point of departure in a remote location. The airline has made new travel arrangements for the passenger on a flight early the following morning.

When arranging the overnight stay for this passenger, the airline should first discuss with the passenger whether accommodations are needed. For example, if the passenger lives near the airport, it may be more convenient for them to stay at their home, in which case, the airline must simply cover their transportation home and back to the airport the next day.

If the passenger does need accommodation, the arrangements the airline makes will depend on the availability of accommodations. The airline is expected to make every reasonable effort to book hotel accommodations for the passenger. In certain circumstances (for example, in a remote community), it may not be possible to book accommodations within a reasonable distance of the airport (to ensure the passenger can make it back to the airport the next morning).

Refusing or limiting the assistance

An airline may only limit or refuse to provide the required assistance if doing so would further delay the passenger. For example, if a flight has been delayed for two hours, but boarding is expected to start within 30 minutes, offering passengers airport food vouchers may prevent timely boarding. In this case, offering water and a simple snack may be reasonable.

Alternate travel arrangements and refunds

Airlines must always ensure that a passenger whose flight has been disrupted completes their journey – either on the original flight or through alternate travel arrangements. The aim must be to get passenger to the destination indicated on their original ticket as soon as possible.

The requirement to provide alternate travel arrangements, free of charge, applies when a flight is cancelled and for flight delays of three hours or more. This could be achieved in the following ways:

- The operating airline makes alternate travel arrangements for all affected passengers, with the option for the passenger to refuse the new arrangements; or
- The operating airline offers alternate travel arrangements to each affected passenger and makes those new arrangements for any passenger who accepts.

In either case, the passenger may choose to accept the alternate travel arrangements offered by the airline, or opt not to travel and receive [a refund](#).

Large and small airlines have different obligations for making alternate travel arrangements.

About large and small airlines

An airline's tariff must say whether it is a large or small airline.

An airline is a **large airline** if it transported at least two million passengers during each of the past two calendar years. This includes all passengers carried throughout the airline's entire network. Otherwise, the airline is a **small airline**.

A small airline transporting passengers on behalf of a large airline under a commercial agreement (like a code share or a block space agreement) will have to follow the large airline obligations for those passengers.

Tip for passengers: If there is a commercial arrangement in place, the passenger's ticket or itinerary will show which two airlines are involved. The first two letters of the flight number are the unique two-letter code of the airline that sold the ticket to the passenger (for example, AC142 is an Air Canada flight, while WS450 is a WestJet flight). The ticket or itinerary should also say which airline is operating the flight on behalf of the first.

Large airlines

Large airlines must book the passenger on the next available flight that is operated by them, or an airline with which they have a commercial agreement. The new flight:

- must take any reasonable route out of the same airport to the passenger's destination indicated on their original ticket; and
- must depart within nine hours of the departure time indicated on the passenger's original ticket.

If the airline cannot provide a reservation on a flight which departs within nine hours, they must book the passenger, as soon as possible, on a flight operated by any airline. The new flight:

- must take any reasonable route out of the same airport to the passenger's destination indicated on their original ticket. This may mean buying a ticket for the passenger on a competing airline; and,
- must depart within 48 hours of the departure time indicated on the passenger's original ticket.

If the airline cannot provide a reservation on a flight which departs within 48 hours of the original departure time, the airline must book the passenger as soon as possible, on a flight operated by any airline, from a nearby airport. They will also have to transport the passenger to that airport, free of charge. The new flight:

- must take any reasonable route out of the nearby airport to the passenger's destination indicated on their original ticket.

Reasonable route: Example

A large airline is making alternate travel arrangements for passengers whose direct flight from Punta Cana to Vancouver was cancelled. In determining options, the airline must consider whether the available flights take reasonable routes.

The first available option involves two connections – in Toronto and Edmonton – and would have the passengers reaching their destination 28 hours later than indicated on their original ticket. This may not be considered a reasonable option, because the length of time and multiple connections would further inconvenience the passengers (especially given they had originally booked a direct flight).

In this case, a direct flight leaving a little later than the first option would likely be considered the more reasonable option.

Small airlines

Small airlines must book the passenger on the next available flight operated by them or an airline with which they have a commercial agreement. The flight must take any reasonable route from the same airport to the passenger's destination indicated on

their original ticket. Small airlines do not have to book the passenger with an airline with which they do not have a commercial agreement.

Comparable conditions and services

To the extent possible, airlines must provide alternate travel arrangements comparable to the ones the passenger originally purchased in terms of:

- the class of service; and
- added services the passenger purchased.

If the arrangements mean the passenger will be travelling in a higher class of service than originally purchased, the airline must not ask for an additional payment. If the passenger will be travelling in a lower class of service, the airline must refund the difference in cost for the applicable portion of the original ticket.

The airline must also provide a refund for any added services the passenger purchased but did not receive on the alternate flight or added services they had to pay for a second time.

For example, if the passenger prepaid for a meal and a meal was not available on the alternate flight, or the passenger had to buy the meal again, the airline is obligated to refund the cost of that prepaid meal.

Diversions

If a flight is diverted to a different airport than the one on the passenger's original ticket, the airline (large or small) must transport the passenger to the airport on the ticket unless the passenger chooses not to accept that transportation. For example, if the diversion is to another airport in the same city, the airline may have to provide shuttles or taxis to the original destination airport on the ticket.

Refund

If an airline (large or small) offers alternate travel arrangements but these do not meet a passenger's needs, the passenger is entitled to a refund. If the passenger's trip no longer

serves its purpose because of the disruption, and the passenger is no longer at their point of origin (for example, if they are at a connecting point in their multi-leg ticket), then the airline must book the passenger on a flight back to their point of origin that accommodates the passenger's travel needs, free of charge, and refund the entire ticket (as if no part of the trip had been made).

In any other case, when the alternate travel arrangements do not meet a passenger's travel needs, the operating airline must provide a refund for the unused portion of the ticket.

Form of refund

Airlines must make refunds to the person who purchased the ticket in the same form of payment the ticket or additional service was purchased.

Airlines may offer another form of refund (for example, travel vouchers), but only if:

- it does not expire;
- the airline informs the person in writing of the value of the ticket and their right to receive a refund in that amount by the original payment method; and
- the person confirms in writing that they have been informed of their right to a refund by the original method of payment and instead have chosen the other form of refund.

The airline will be required to provide the refund within 30 days, regardless of the refund format (for example, cash, credit, alternate forms).

Compensation

Airlines should give passengers as much notice as possible that their flight will be delayed or cancelled. If an airline informs the passengers 14 days or less before their original departure time, they will have to compensate the passengers for the inconvenience of the disruption. The amount of compensation depends on how late the passenger arrives at their destination, compared to the arrival time indicated on their original ticket.

Large airlines must pay:

- \$400 if the passenger arrives three or more hours late, but less than six hours;
- \$700 if the passenger arrives six or more hours late, but less than nine hours;
and
- \$1,000 if the passenger arrives nine or more hours late.

Small airlines must pay:

- \$125 if the passenger arrives three or more hours late, but less than six hours;
- \$250 if the passenger arrives six or more hours late, but less than nine hours;
and
- \$500 if the passenger arrives nine or more hours late.

Passengers who choose to take a ticket refund instead of alternate travel arrangements must still be compensated for inconvenience if the disruption was within the airline's control. Large airlines must pay them \$400 and small airlines, \$125.

A passenger can only receive compensation for inconvenience under the APPR if they have not already received compensation for the same delay or cancellation under other air passenger protection rules in another jurisdiction. Passengers have the right to seek compensation under the regime of their choice – airlines cannot refuse to compensate a passenger simply because that passenger would also be eligible under another jurisdiction's rules. Airlines are encouraged to track claims submitted to them under other rules to make sure the passenger receives compensation for inconvenience once.

Claims for compensation

A passenger has one year from the date the flight delay or cancellation happened to make a compensation claim with the airline. The airline has 30 days to respond by either making the payment or saying why it believes compensation is not owed.

Making a claim using representation

If a passenger would like to have a third party represent them in making a claim with an airline, the passenger should check the airline's policies and procedures in this area. Some airlines may, for example, ask for proof that the passenger has given the other party permission to represent them.

Making the compensation payment:

If compensation is owed, the airline must offer it in a monetary form. This can include cash, cheque, bank drafts, and electronic bank transfers.

An airline may also offer another form of compensation, such as vouchers, but only if:

- it tells the passenger the monetary amount they are entitled to;
- it tells the passenger in writing the value of the other form of compensation it is offering;
- the other form is greater in value than the monetary amount the passenger is entitled to;
- the other form of compensation has no expiry date; and
- the passenger confirms in writing they know that monetary compensation is available, but they choose the other form of compensation.

The amount of the compensation airlines provide must be equal or greater than the required amount of compensation in Canadian dollars. If a passenger requests compensation in a particular currency, airlines are encouraged to accommodate them, if possible. It is recognized that it may not be feasible to offer all currencies.

The compensation must be paid to the passenger who experienced the disruption, regardless of who paid for their ticket.

Rejecting a claim for compensation:

Flight disruptions can be complex – the situation can change over time, there can be more than one reason for the flight disruption, and a passenger can experience more

than one disrupted flight on the way to their destination. In some cases, the airline may only be sure of the primary reason for a flight disruption once it has had time to investigate, after the travel has been completed. This means the primary reason for the disruption may be different from the one originally provided by the airline at the time of the flight disruption.

That is why it is important for the airline to provide a full and clear explanation to the passenger when rejecting a claim for compensation. The explanation must give the passenger enough information to decide whether they would like to file a complaint to challenge the rejection. The airline's explanation must include the reason for the disruption and why it means that no compensation is owed. The 30-day response window gives the airline enough time to look into the claim and collect the necessary information.

Not providing the passenger with a full and clear explanation of why the airline is rejecting the claim for compensation may leave the passenger confused or suspicious. This is especially true if the explanation does not match the reason for disruption originally provided by the airline. In these cases, the airline should explain that the situation evolved, or that new information came to light.

Multiple reasons and multiple flight disruptions

If there were multiple reasons for a flight disruption or multiple disrupted flights on a passenger's itinerary, the airline must decide whether compensation is owed based on the three-step process described in [Types and Categories of Flight Disruption: A Guide](#).

If the airline follows this process and decides that compensation is not owed, their explanation to the passenger must indicate:

- what the different reasons were, the length of delay that each one caused, and which flight was affected (if there was more than one disrupted flight);
- what was the primary reason the passenger arrived at their destination late; and
- what APPR category that reason falls into – outside the airline's control or within the airline's control but required for safety purposes.

Tip for passengers

In addition to the minimum compensation for inconvenience described in this guide, a passenger who is delayed while travelling internationally may also be entitled to make a claim under the [Montreal or Warsaw Convention](#) for certain damages – for example, expenses – that happened because of the delay. It is recommended that passengers first make these claims with the airline in writing. There is a 2-year time limit for any court action to claim damages.

4. Obligations: Situations within the airline's control, but required for safety

If an airline delays or cancels a flight for reasons within its control, but required for safety, it does not have to compensate passengers. However, the airline must meet the other obligations described in "Situations within the airline's control", above.

5. Obligations: Situations outside the airline's control

If an airline delays or cancels a flight for reasons outside its control, it does not have to compensate affected passengers, and the requirement to provide minimum assistance (food, drink, access to communications, and overnight accommodations) does not apply. However, the airline must follow the communication requirements described in [Situations within the airline's control](#), above. It must also make alternate travel arrangements for passengers, or, in certain circumstances.

Alternate travel arrangements

In situations outside its control, the airline operating the flight must ensure that the passengers complete their journey. If a flight is cancelled or once a flight delay has reached **three** hours, the airline must provide the passenger with a confirmed reservation on the next available flight that is operated by the original airline, or an airline with which the original airline has a commercial agreement. The flight must depart **within 48 hours after the departure time indicated on the passenger's original ticket. If the airline cannot provide a reservation on a flight that departs within 48 hours of the original departure time indicated on the passenger's ticket**, the airline must, at the passenger's choice;

- Provide a refund; or
- Make alternate travel arrangements for passengers, free of charge.

Large airlines

Large airlines must book passengers on the next available flight operated by them or an airline with which they have a commercial agreement. The new flight:

- must take any reasonable route from the airport where the passenger is located to the passenger's destination; and
- must depart within 48 hours of the end of the event that caused the delay or cancellation.

The new flight must depart within **48 hours after the departure time indicated on the passengers original ticket.**

If the airline cannot meet this obligation, they must book the passenger as soon as possible on a flight operated by any airline on any reasonable route out of the same airport to the passenger's destination. This may mean buying a ticket for the passenger on a competing airline.

If the airline cannot provide this reservation on a flight from the same airport, the airline must book the passenger as soon as possible on a flight from a nearby airport and transport the passenger to that airport, free of charge.

Small airlines

Small airlines must book the passenger on the next available flight operated by them or an airline with which they have a commercial agreement. The flight must take any reasonable route from the same airport to the passenger's destination indicated on their original ticket. Small airlines are not required to book the passenger with an airline with which they do not have a commercial agreement.

Refunds

Airlines must refund the unused portion of the ticket to the person who originally purchased the ticket, using that person's original payment method (for example, a return on the person's credit card). The airline may offer the refund in another form (for example, travel vouchers), but only if:

- it does not expire;
- the airline informs the person in writing of the value of the ticket and their right to receive a refund in that amount by the original payment method; and
- the person confirms in writing that they have been informed of their right to a refund by the original method of payment and instead have chosen the other form of refund.

The airline must provide the refund within 30 days, regardless of the refund format (for example, cash, credit, travel voucher, etc).

If the passenger's trip no longer serves its purpose because of the disruption, and the passenger is no longer at their point of origin (for example, if they are at a connecting point in their multi-leg ticket), then the airline must book the passenger on a flight back to their point of origin that accommodates the passenger's travel needs, free of charge, and refund the entire ticket (as if no part of the trip had been made).

6. Complaints to the CTA

If a person's travel has been disrupted and they believe that the airline did not meet the obligations in its tariff or the APPR, they should contact the airline in writing. If the airline does not respond after 30 days or if they are not satisfied with the airline's response, they can make a complaint to the CTA.

The CTA can help resolve complaints about air travel to, from and within Canada. The CTA's role is to make sure that airlines apply their terms and conditions of carriage set out in their tariffs, follow the [Air Passenger Protection Regulations](#), and that both passengers and airlines have met their respective responsibilities.

The traveller may choose to have a lawyer or another party act for them in the CTA dispute resolution process. If the traveller chooses a representative that is not a lawyer, the CTA will ask the traveller for certain information and a [signed statement](#) giving the third party permission to act for [them](#).

Recommended practice – information to provide the CTA in the event of a complaint

In the context of air travel complaints filed with the CTA, the CTA expects passengers and airlines to provide detail of what happened when the flight was disrupted.

If a passenger brings forward a complaint to the CTA regarding a flight disruption, the CTA will expect certain information from the passenger and the airline.

If a passenger disagrees with how an airline categorized a flight disruption, the CTA will expect them to justify why they disagree. In turn, the airline will be expected to provide evidence demonstrating which category the disruption falls into. Such evidence is the basis upon which the CTA will decide if the passenger received what they are entitled to under the APPR and the airline's tariff. For example:

If the airline had decided a flight disruption was caused by bad weather and was therefore outside its control, they would be expected to provide the CTA with a weather report or similar evidence describing that weather situation.

If the complaint is that the airline did not meet its obligations during a flight disruption, the CTA will also expect airlines to provide documentation showing the assistance and compensation they provided affected passengers, if any, and how they communicated with them.

More information on the evidence that airlines may have to provide to the CTA if a there is a complaint related to a crew shortage can be found in the [Supplementary Guidance: evidentiary requirement for airlines for complaints relating to crew shortages](#).

Annex A: Legislative and regulatory references

Canada Transportation Act

86.11 (1) The Agency shall, after consulting with the Minister, make regulations in relation to flights to, from and within Canada, including connecting flights,

(a) respecting the carrier's obligation to make terms and conditions of carriage and information regarding any recourse available against the carrier, as specified in the regulations, readily available to passengers in language that is simple, clear and concise;

(b) respecting the carrier's obligations in the case of flight delay, flight cancellation or denial of boarding, including

(i) the minimum standards of treatment of passengers that the carrier is required to meet and the minimum compensation the carrier is required to pay for inconvenience when the delay, cancellation or denial of boarding is within the carrier's control,

(ii) the minimum standards of treatment of passengers that the carrier is required to meet when the delay, cancellation or denial of boarding is within the carrier's control, but is required for safety purposes, including in situations of mechanical malfunctions,

(iii) the carrier's obligation to ensure that passengers complete their itinerary when the delay, cancellation or denial of boarding is due to situations outside the carrier's control, such as natural phenomena and security events

Air Passenger Protection Regulations

Delay, cancellation and denial of boarding

Obligations — situations outside carrier's control

10 (1) This section applies to a carrier when there is delay, cancellation or denial of boarding due to situations outside the carrier's control, including but not limited to the following:

(a) war or political instability;

(b) illegal acts or sabotage;

(c) meteorological conditions or natural disasters that make the safe operation of the aircraft impossible;

(d) instructions from air traffic control;

(e) a NOTAM, as defined in subsection 101.01(1) of the [Canadian Aviation Regulations](#);

(f) a security threat;

(g) airport operation issues;

(h) a medical emergency;

(i) a collision with wildlife;

(j) a labour disruption within the carrier or within an essential service provider such as an airport or an air navigation service provider;

(k) a manufacturing defect in an aircraft that reduces the safety of passengers and that was identified by the manufacturer of the aircraft concerned, or by a competent authority; and

(l) an order or instruction from an official of a state or a law enforcement agency or from a person responsible for airport security.

Earlier flight disruption

(2) A delay, cancellation or denial of boarding that is directly attributable to an earlier delay or cancellation that is due to situations outside the carrier's control, is considered to also be due to situations outside that carrier's control if that carrier took all reasonable measures to mitigate the impact of the earlier flight delay or cancellation.

Obligations

(3) When there is delay, cancellation or denial of boarding due to situations outside the carrier's control, it must

(a) provide passengers with the information set out in section 13;

(b) in the case of a delay of three hours or more, provide alternate travel arrangements, in the manner set out in section 18, to a passenger who desires such arrangements; and

(c) in the case of a cancellation or a denial of boarding, provide alternate travel arrangements in the manner set out in section 18.

Obligations when required for safety purposes

11 (1) Subject to subsection 10(2), this section applies to a carrier when there is delay, cancellation or denial of boarding that is within the carrier's control but is required for safety purposes.

Earlier flight disruption

(2) A delay, cancellation or denial of boarding that is directly attributable to an earlier delay or cancellation that is within that carrier's control but is required for safety purposes, is considered to also be within that carrier's control but required for safety purposes if that carrier took all reasonable measures to mitigate the impact of the earlier flight delay or cancellation.

Delay

(3) In the case of a delay, the carrier must

(a) provide passengers with the information set out in section 13;

(b) if a passenger is informed of the delay less than 12 hours before the departure time that is indicated on their original ticket, provide the standard of treatment set out in section 14; and

(c) if the delay is a delay of three hours or more, provide alternate travel arrangements or a refund, in the manner set out in section 17, to a passenger who desires such arrangements.

Cancellation

(4) In the case of a cancellation, the carrier must

(a) provide passengers with the information set out in section 13;

(b) if a passenger is informed of the cancellation less than 12 hours before the departure time that is indicated on their original ticket, provide the standard of treatment set out in section 14; and

(c) provide alternate travel arrangements or a refund, in the manner set out in section 17.

Obligations when within carrier's control

12 (1) Subject to subsection 10(2), this section applies to a carrier when there is delay, cancellation or denial of boarding that is within the carrier's control but is not referred to in subsections 11(1) or (2).

Delay

(2) In the case of a delay, the carrier must

(a) provide passengers with the information set out in section 13;

(b) if a passenger is informed of the delay less than 12 hours before the departure time that is indicated on their original ticket, provide them with the standard of treatment set out in section 14;

(c) if the delay is a delay of three hours or more, provide alternate travel arrangements or a refund, in the manner set out in section 17, to a passenger who desires such arrangements; and

(d) if a passenger is informed 14 days or less before the departure time on their original ticket that the arrival of their flight at the destination that is indicated on that original ticket will be delayed, provide the minimum compensation for inconvenience in the manner set out in section 19.

Cancellation

(3) In the case of a cancellation, the carrier must

(a) provide passengers with the information set out in section 13;

(b) if a passenger is informed of the cancellation less than 12 hours before the departure time that is indicated on their original ticket, provide the standard of treatment set out in section 14;

(c) provide alternate travel arrangements or a refund, in the manner set out in section 17; and

(d) if a passenger is informed 14 days or less before the original departure time that the arrival of their flight at the destination that is indicated on their ticket will be delayed, provide the minimum compensation for inconvenience in the manner set out in section 19.

Information — cancellation, delay, denial of boarding

13 (1) A carrier must provide the following information to the passengers who are affected by a cancellation, delay or a denial of boarding:

(a) the reason for the delay, cancellation or denial of boarding;

(b) the compensation to which the passenger may be entitled for the inconvenience;

(c) the standard of treatment for passengers, if any; and

(d) the recourse available against the carrier, including their recourse to the Agency.

Communication every 30 minutes

(2) In the case of a delay, the carrier must communicate status updates to passengers every 30 minutes until a new departure time for the flight is set or alternate travel arrangements have been made for the affected passenger.

New information

(3) The carrier must communicate to passengers any new information as soon as feasible.

Audible and visible announcement

(4) The information referred to in subsection (1) must be provided by means of audible announcements and, upon request, by means of visible announcements.

Method of communication

(5) The information referred to in subsection (1) must also be provided to the passenger using the available communication method that they have indicated that they prefer, including a method that is compatible with adaptive technologies intended to assist persons with disabilities.

Standards of treatment

14 (1) If paragraph 11(3)(b) or (4)(b) or 12(2)(b) or (3)(b) applies to a carrier, and a passenger has waited two hours after the departure time that is indicated on their original ticket, the carrier must provide the passenger with the following treatment free of charge:

(a) food and drink in reasonable quantities, taking into account the length of the wait, the time of day and the location of the passenger; and

(b) access to a means of communication.

Accommodations

(2) If paragraph 11(3)(b) or (4)(b) or 12(2)(b) or (3)(b) applies to a carrier and the carrier expects that the passenger will be required to wait overnight for their original flight or for a flight reserved as part of alternate travel arrangements, the air carrier must offer,

free of charge, hotel or other comparable accommodation that is reasonable in relation to the location of the passenger, as well as transportation to the hotel or other accommodation and back to the airport.

Refusing or limiting treatment

(3) The carrier may limit or refuse to provide a standard of treatment referred to in subsection (1) or (2) if providing that treatment would further delay the passenger.

Alternate arrangements — within carrier's control

17 (1) If paragraph 11(3)(c), (4)(c) or (5)(c) or 12(2)(c), (3)(c) or (4)(c) applies to a carrier, it must provide the following alternate travel arrangements free of charge to ensure that passengers complete their itinerary as soon as feasible:

(a) in the case of a large carrier,

(i) a confirmed reservation for the next available flight that is operated by the original carrier, or a carrier with which the original carrier has a commercial agreement, is travelling on any reasonable air route from the airport at which the passenger is located to the destination that is indicated on the passenger's original ticket and departs within nine hours of the departure time that is indicated on that original ticket,

(ii) a confirmed reservation for a flight that is operated by any carrier and is travelling on any reasonable air route from the airport at which the passenger is located to the destination that is indicated on the passenger's original ticket and departs within 48 hours of the departure time that is indicated on that original ticket if the carrier cannot provide a confirmed reservation that complies with subparagraph (i), or

(iii) transportation to another airport that is within a reasonable distance of the airport at which the passenger is located and a confirmed reservation for a flight that is operated by any carrier and is travelling on any reasonable air route from that other airport to the destination that is indicated on the passenger's original ticket, if the carrier cannot provide a confirmed reservation that complies with subparagraphs (i) or (ii); and

(b) in the case of a small carrier, a confirmed reservation for the next available flight that is operated by the original carrier, or a carrier with which the original carrier has a commercial agreement, and is travelling on any reasonable air route from the airport at which the passenger is located to the destination that is indicated on the passenger's original ticket.

Refund

(2) If the alternate travel arrangements offered in accordance with subsection (1) do not accommodate the passenger's travel needs, the carrier must

(a) in the case where the passenger is no longer at the point of origin that is indicated on the ticket and the travel no longer serves a purpose because of the delay, cancellation or denial of boarding, refund the ticket and provide the passenger with a confirmed reservation that

(i) is for a flight to that point of origin, and

(ii) accommodates the passenger's travel needs; and

(b) in any other case, refund the unused portion of the ticket.

Comparable services

(3) To the extent possible, the alternate travel arrangements must provide services that are comparable to those of the original ticket.

Refund of additional services

(4) A carrier must refund the cost of any additional services purchased by a passenger in connection with their original ticket if

(a) the passenger did not receive those services on the alternate flight; or

(b) the passenger paid for those services a second time.

Higher class of service

(5) If the alternate travel arrangements provide for a higher class of service than the original ticket, the carrier must not request supplementary payment.

Lower class of service

(6) If the alternate travel arrangements provide for a lower class of service than the original ticket, the carrier must refund the difference in the cost of the applicable portion of the ticket.

Method used for refund

(7) Refunds under this section must be paid by the method used for the original payment and to the person who purchased the ticket or additional service.

Alternate arrangements — outside carrier's control

18 (1) If paragraph 10(3)(b) or (c) applies to a carrier, it must provide the following alternate travel arrangements free of charge to ensure that passengers complete their itinerary as soon as feasible:

(a) in the case of a large carrier,

(i) a confirmed reservation for the next available flight that is operated by the original carrier, or a carrier with which the original carrier has a commercial agreement, is travelling on any reasonable air route from the airport at which the passenger is located to the destination that is indicated on the passenger's original ticket and departs within 48 hours of the end of the event that caused the delay, cancellation or denial of boarding,

(ii) if the carrier cannot provide a confirmed reservation that complies with subparagraph (i),

(A) a confirmed reservation for a flight that is operated by any carrier and is travelling on any reasonable air route from the airport at which the passenger is located, or another airport that is within a reasonable distance of that airport, to the destination that is indicated on the passenger's original ticket, and

(B) if the new departure is from an airport other than the one at which the passenger is located, transportation to that other airport; and

(b) in the case of a small carrier, a confirmed reservation for the next available flight that is operated by the original carrier, or a carrier with which the original carrier has a commercial agreement, and is travelling on any reasonable air route from the same airport to the destination that is indicated on the passenger's original ticket.

Comparable services

(2) To the extent possible, the alternate travel arrangements must provide services that are comparable to those of the original ticket.

Higher class of service

(3) If the alternate travel arrangements provide for a higher class of service than the original ticket, the carrier must not request supplementary payment.

Compensation for delay or cancellation

19 (1) If paragraph 12(2)(d) or (3)(d) applies to a carrier, it must provide the following minimum compensation:

(a) in the case of a large carrier,

(i) \$400, if the arrival of the passenger's flight at the destination that is indicated on the original ticket is delayed by three hours or more, but less than six hours,

(ii) \$700, if the arrival of the passenger's flight at the destination that is indicated on the original ticket is delayed by six hours or more, but less than nine hours, or

(iii) \$1,000, if the arrival of the passenger's flight at the destination that is indicated on the original ticket is delayed by nine hours or more; and

(b) in the case of a small carrier,

(i) \$125, if the arrival of the passenger's flight at the destination that is indicated on the original ticket is delayed by three hours or more, but less than six hours,

(ii) \$250, if the arrival of the passenger's flight at the destination that is indicated on the original ticket is delayed by six hours or more, but less than nine hours, or

(iii) \$500, if the arrival of the passenger's flight at the destination that is indicated on the original ticket is delayed by nine hours or more.

Compensation in case of refund

(2) If paragraph 12(2)(c) or (3)(c) applies to a carrier and the passenger's ticket is refunded in accordance with subsection 17(2), the carrier must provide a minimum compensation of

(a) \$400, in the case of a large carrier; and

(b) \$125, in the case of a small carrier.

Deadline to file request

(3) To receive the minimum compensation referred to in paragraph (1) or (2), a passenger must file a request for compensation with the carrier before the first anniversary of the day on which the flight delay or flight cancellation occurred.

Deadline to respond

(4) The carrier must, within 30 days after the day on which it receives the request, provide the compensation or an explanation as to why compensation is not payable.

Regulations Amending the Air Passenger Protection Regulations

Subsection 2(3) of the French version of the *Air Passenger Protection Regulations* is replaced by the following:

Titre de voyage

(3) Le transporteur émetteur d'un titre de voyage à un passager est responsable envers ce dernier des obligations prévues aux articles 5 et 6 ou, si elles prévoient des conditions plus avantageuses pour celui-ci, de celles figurant dans les tarifs applicables et concernant les mêmes sujets.

Paragraphs 10(3)(b) and (c) of the Regulations are replaced by the following:

(b) in the case of a delay of three hours or more, provide alternate travel arrangements or a refund, in the manner set out in section 18, to a passenger who desires such arrangements;

(c) in the case of a cancellation, provide alternate travel arrangements or a refund, in the manner set out in section 18; and

(d) in the case of a denial of boarding, provide alternate travel arrangements in the manner set out in section 18.

(1) Paragraph 12(3)(c) of the French version of the Regulations is replaced by the following:

c) fournit des arrangements de voyage alternatifs ou un remboursement aux termes de l'article 17;

(2) Paragraph 12(3)(d) of the Regulations is replaced by the following:

(d) if a passenger is informed of the cancellation 14 days or less before the departure time that is indicated on their original ticket, provide the minimum compensation for inconvenience in the manner set out in section 19.

(1) The portion of subsection 17(1) of the Regulations before paragraph (a) is replaced by the following:

Alternate arrangements — within carrier's control

17 (1) If paragraph 11(3)(c), (4)(c) or (5)(c) or 12(2)(c), (3)(c) or (4)(c) applies to a carrier, it must provide to the passenger, free of charge, the following alternate travel arrangements to ensure that the passenger completes their itinerary as soon as feasible:

(2) Paragraph 17(2)(a) of the Regulations is replaced by the following:

(a) if the passenger is no longer at the point of origin that is indicated on the original ticket and the travel no longer serves a purpose because of the delay, cancellation or denial of boarding, refund the ticket and provide to the passenger, free of charge, a confirmed reservation for a flight to that point of origin that accommodates the passenger's travel needs; and

(3) Subsection 17(4) of the Regulations is repealed.

(4) Subsections 17(6) and (7) of the Regulations are repealed.

Subsection 18(1) of the Regulations is replaced by the following:

Delay or cancellation — outside carrier's control

18 (1) If paragraph 10(3)(b) or (c) applies to a carrier, it must provide to the passenger, free of charge, a confirmed reservation for the next available flight that is operated by the original carrier, or a carrier with which the original carrier has a commercial agreement, is travelling on any reasonable air route from the airport at which the passenger is located to the destination that is indicated on the passenger's original ticket and departs within 48 hours of the departure time that is indicated on that ticket.

Passenger's choice

(1.1) If a carrier cannot provide a confirmed reservation in accordance with subsection (1), it must, at the passenger's choice, refund any unused portion of the ticket or provide the following alternate travel arrangements, free of charge:

(a) in the case of a large carrier, a confirmed reservation for the next available flight that is operated by any carrier and is travelling on any reasonable air route from the airport at which the passenger is located, or another airport that is within a reasonable distance of that airport, to the destination that is indicated on the passenger's original ticket and, if the new departure is from an airport other than the one at which the passenger is located, transportation to that other airport; or

(b) in the case of a small carrier, a confirmed reservation for the next available flight that is operated by the original carrier, or a carrier with which the original carrier has a commercial agreement, and is travelling on any reasonable air route from the airport at which the passenger is located to the destination that is indicated on the passenger's original ticket.

Return to point of origin

(1.2) However, if a passenger who chooses to be refunded is no longer at the point of origin that is indicated on the original ticket and the travel no longer serves a purpose

because of the delay or cancellation, the carrier must refund the ticket and provide to the passenger, free of charge, a confirmed reservation for a flight to that point of origin that accommodates the passenger's travel needs.

Refund

(1.3) A passenger who is eligible to be refunded under subsection (1.1) may choose a refund at any time prior to being provided with a confirmed reservation.

Denial of boarding — outside carrier's control

(1.4) If paragraph 10(3)(d) applies to a carrier, it must provide to the passenger, free of charge, the following alternate travel arrangements to ensure that the passenger completes their itinerary as soon as feasible:

(a) in the case of a large carrier, the arrangements specified in subsection (1) or, if it cannot provide such arrangements, a confirmed reservation in accordance with paragraph (1.1)(a); or

(b) in the case of a small carrier, a confirmed reservation in accordance with paragraph (1.1)(b).

The Regulations are amended by adding the following after section 18:

Refund of additional services

18.1 (1) A carrier must refund the cost of any additional services purchased in connection with a passenger's original ticket if the passenger has been provided with alternate travel arrangements under section 17 or 18 and

(a) the passenger did not receive those services; or

(b) those services were paid for a second time.

Refund for lower class of service

(2) If the alternate travel arrangements provide for a lower class of service than the original ticket, the carrier must refund the difference in the cost of the applicable portion of the ticket.

Method used for refund

18.2 (1) All refunds provided under these Regulations must be paid to the person who purchased the ticket or additional service and must be paid using the method used for the original payment, unless

(a) the person has been informed in writing of the monetary value of the original ticket or additional service and the availability of a refund by the method used for the original payment;

(b) the refund is offered in another form that does not expire; and

(c) the person confirms, in writing, that they have been informed of their right to receive the refund by the method used for the original payment and have chosen to receive the refund in another form.

Refund deadline

(2) Refunds must be provided by a carrier within 30 days after the day on which the carrier becomes obligated to provide the refund.

The portion of subsection 19(2) of the Regulations before paragraph (a) is replaced by the following:

Compensation in case of refund

(2) Despite subsection (1), if paragraph 12(2)(d) or (3)(d) applies to a carrier and the passenger's ticket is refunded in accordance with subsection 17(2), the carrier must provide a minimum compensation of

Item 45 of the schedule to the Regulations is repealed.

Coming into Force

These Regulations come into force on the 90th day after the day on which they are registered.