

From: [Kim Leclerc Desaulniers](#)
To: [mazen el-bawab](#); [secretariat](#)
Cc:

Subject: Re: Air Transat - Retard sur l'aire de trafic - Cas no 17-03788 / Air Transat - Tarmac delays - Case No. 17-03788
Date: October-05-17 9:33:28 PM

As a passenger from the flight TS507 I would like to specify that the fact that the food distribution was announced at the intercom (page 20) is totally untrue. It was never announced. The pilot kept us updated on the situation but the flight attendant never told us anything at the intercom about the food. To read that they just give the food to the people who ask for it and that some food was still on the plane when we arrived in Montréal makes just no common sense in the situation we were in. By my side, I was in total hypoglycemia and at one point I ran my way to the toilet to throw up and the only thing that the crew members gave me after that is a glass of water. I think that the staff did not react in an appropriate way in that kind of crisis.

Kim Leclerc Desaulniers

Le jeu. 5 oct. 2017 à 20:07, mazen el-bawab a écrit :

Good evening Mrs Moira

After reading Air Transat submission, I would like to re-submit my initial statement with a few modifications as below:

As a concerned citizen and an affected passenger I feel it is my responsibility to point out a few issues with the statements and testimonies:

- 1- In such situations, it is extremely important to take the voice of the consumer into consideration. We (my wife and I) have submitted our complaint after we managed to recover from this ordeal, but never was I or my wife asked to testify or come forward with our accounts of what happened during the flight. I understand that some consumers might want to take advantage of the situation, but a pregnant woman stranded on a flight is not a matter to be taken lightly. The safety of my wife and soon to be born daughter is in question here.
- 2- It seems to me that this is a game of pointing fingers. I understand that the commanders may be outstanding pilots, but it is clear to me that some mistakes were made: The ALPA states that the commanders were not given more information, but as a manager with a team depending on my ability to make split second decisions, it is of essence to have a longer term vision of things. The moment the commanders were told, for the second or third time, that the delays for re-fueling will exceed 30 to 45 minutes, it would be common sense for such leaders to start looking into a Plan B course of action (for example allowing supplies to come into the aircraft). This was clearly not the case.
- 3- To add to the previous point, passengers inside the aircraft were in fact complaining (at least I know I did complain to the aircrew that my wife was about to lose conscience). The fact that some passengers may have politely said thank you on the way out does not in any way nullify those complaints. The commanders were supposed to poll for the passenger's reactions just as they did for fuel to make sure they are making the right decision for the people stranded in that aircraft, not only based on the time it would take and how much it would cost the carrier. More to the point, their "surprise" of the

complaints from passengers feeds into the fact that they didnt really have a sense of what was happening in the cabin.

4 - It is also surprising to me to see that the commander stated he tried to make himself visible in the cabin going through the aircraft when I have absolutely no recollections of seeing him walking around. I know I would have complained to him directly in case the aircrew had not relayed my complaint.

5 - The ALPA statement portrays the commanders as merely passive operators of an aircraft awaiting information, when in fact they have a discretionary power over the course of actions to take, especially in such situations. And as I mentioned in the points above, many of these decision-making components were passively disregarded while waiting for fuel.

6- Finally, the air carrier affirmation that remaining water and food was distributed in priority to those in need seems overstated. When I went to complain to the aircrew because my pregnant wife was feeling ill after hours of no food or water, not only were they having drinks altogether in the back of the plane, nothing more than "call the paramedics" was offered. Again, as I mentionned it in my original complaint, neither the crew nor the commander took any of that into consideration.

Addendum with regards to AirTransat submission:


1- Point #6: It seems contradictory to focus on the extreme and sudden nature of the Weather forecast yet, at the same time testify that they were aware of the high number of aircraft divergences to Ottawa's airport. As I mentioned before, this should have triggered a different non-passive course of action to ensure the safety and the comfort of the passengers. An educated situation assessment and, again, a sound judgement from the commanders would have helped ease the situation just as it did with all the other 18 flights that were subject to the same extreme circumstances. A 4 hours period contains 8 sequences of 30 minutes, therefore the commanders were informed at least 6 or 7 times of potential delays. By the third 30minutes period, a plan B should have been in motion already.

2- Point #13 section b: This is simply untrue as I will further explain.

3- Point #14: What is asked of AirTransat was not to change the weather or the circumstances, but rather take the right measures when facing those circumstances for the safety and comfort of their clients. The fact is that Airtransat didn't do enough for their passengers, or at least not as much as all the other 18 aircrafts that were stranded in Ottawa that day.

4- Points #60-65: As a passenger on TS507 I did not hear any communication to the passengers with regards to food and drinks, nor was it communicated to any ground handlers as it is apparent from the testimonies (Only fuel was the subject matter of their communications). Furthermore, the tariff doesn't mention that the passengers have to explicitly request water and food services, it is mandatory. My wife and I had no idea of what was going on. We didn't know we were supposed to explicitly ask for food knowing that we were seated at the emergency exit and members of the crew were there (as mentioned) and aware of my wife's situation. Also, It seems absurd that the aircrew mentions that it was "impossible" for them to go to the cabin and get food yet I saw them gathered in the back of the plane having drinks when I went and complained about my pregnant wife almost losing conscience (let me also remind you of their answer to this complaint: "Call the paramedics if you have to").

6- Point #66: This also goes against the statement that it was impossible to distribute food and drinks. It angers me even more to know that, in fact, there was water and food left yet we were not offered any even after I complained to the crew.

7- I would also like to add that, had I not been too busy and focused trying to keep my wife from loosing conscience, I would have called 911 too. 

Please note that this is not meant to influence the inquiry in any way. We will trust and accept the judgment of the CTA on this matter whether the points above are considered or not. It is, however, my duty as a responsible citizen to clarify and point out such inconsistencies.

I also want to commend the CTA for this inquiry. It shows to all Canadians that their rights are above the revenue size of any major corporation.

Thank you
Mazen Elbawab

2017-09-12 17:02 GMT-04:00 secretariat <Secretariat.Secretariat@otc-cta.gc.ca>:

English follows

Sujet: Enquête de l'Office des transports du Canada (OTC) sur le retard sur l'aire de trafic des vols d'Air Transat n^{os} 157 (en provenance de Bruxelles) et 507 (en provenance de Rome), le 31 juillet 2017.

La formation de membres m'a chargé de communiquer les directives suivantes au sujet du processus de l'OTC lié à cette enquête suivant l'audience publique de l'OTC qui a été tenue le 31 août 2017.

Veillez noter que l'OTC a publié les transcriptions de l'instance sur son site Web à l'adresse <https://otc-cta.gc.ca/fra/enquete-2017-retard-vols-dair-transat-sur-laire-traffic> . Les réponses en ce qui a trait aux engagements pris par l'aéroport d'Ottawa et First Air à l'audience publique de l'OTC se trouvent sur le site Web de l'OTC sous « Soumissions ».

L'OTC acceptera maintenant les présentations écrites suivantes :

- Les participants suivants : Administration de l'aéroport international d'Ottawa; Aircraft Service International Group; First Air Operations; Syndicat canadien de la fonction publique et Air Line Pilots Association ont cinq jours ouvrables, ou jusqu'à 17 h, heure de Gatineau, le 19 septembre 2017 pour déposer un énoncé de position s'ils le souhaitent.

- Air Transat aura ensuite 10 jours ouvrables, ou jusqu'à 17 h, heure de Gatineau, le 3 octobre 2017 pour déposer ses arguments finaux au sujet des deux questions à l'étude dans cette instance :
 1. Air Transat a-t-elle correctement appliqué son tarif dans le cadre de ces incidents, en vertu du paragraphe 110 (4) du *Règlement sur les transports aériens*, DORS 88/58, modifié (RTA)?

 2. Les dispositions applicables du tarif d'Air Transat sont-elles raisonnables, en vertu du paragraphe 111(1) du RTA?

- Enfin, les passagers qui se sont plaints auront alors cinq jours ouvrables, ou jusqu'à 17 h, heure de Gatineau, le 11 octobre 2017 pour soumettre leurs arguments finaux en réplique, s'ils le souhaitent.

Soyez avisés que les répliques ne doivent soulever aucune nouvelle question ou aucun nouvel argument qui n'ont pas été traités dans la présentation d'Air Transat et ne doivent introduire aucune nouvelle preuve à moins qu'une requête ait été déposée auprès de l'OTC et accordée par ce dernier en vertu de l'article 34 (hyperlien) des *Règles de l'Office des transports du Canada (Instances de règlement des différends et certaines règles applicables à toutes les instances)*, DORS/2014-104 (Règles pour le règlement des différends). Pour de plus amples renseignements, veuillez consulter les Règles annotées pour le règlement des différends à l'adresse suivante : <https://otc-cta.gc.ca/fra/publication/regles-annotees-pour-reglement-des-differends#toc-tm-7-8>. Les actes de procédure seront par la suite fermés et la formation de membres commencera ses délibérations.

Tous les documents doivent être déposés à l'adresse courriel de l'OTC suivante : secretariat@otc-cta.gc.ca et une copie doit être fournie simultanément à tous les autres destinataires du présent courriel.

Veuillez accuser réception à tous les intéressés.

XXX

Subject: Canadian Transportation Agency (CTA) inquiry into Air Transat tarmac delays for Flight Nos. 157 from Brussels and 507 from Rome, on July 31, 2017.

I have been instructed by the Panel to communicate the following direction regarding the CTA's process in this inquiry, following completion of the CTA's oral hearing on August 31, 2017.

Please note that the CTA has posted the transcripts of the proceeding on its website <https://otc-cta.gc.ca/eng/2017-air-transat-tarmac-delay-inquiry>. Responses to undertakings made by Ottawa Airport and First Air at the CTA's oral hearing can be found on the CTA's website under "Submissions".

The CTA will now allow the following written submissions to be made:

- The following hearing participants, Ottawa International Airport Authority, Aircraft Service International Group, First Air Operations, Canadian Union of Public

Employees and Air Line Pilots Association have five business days, or until 5:00 p.m. Gatineau local time on September 19, 2017, to submit a position statement, if they wish.

- Air Transat will then have 10 business days, or until 5:00 p.m. Gatineau local time on October 3, 2017, to submit its final argument regarding the two issues being considered in this proceeding:

1. Did Air Transat properly apply its Tariff during these incidents, pursuant to subsection 110(4) of the *Air Transportation Regulations*, SOR/88-58, as amended (ATR)?

2. Are Air Transat's applicable Tariff provisions reasonable, pursuant to subsection 111(1) of the ATR?

- Finally, the passenger complainants will then have five business days, or until 5:00 p.m. Gatineau local time on October 11, 2017, to submit their final argument in reply, if they wish.

Please note that replies must not raise new issues or arguments that have not been addressed in Air Transat's submission and must not introduce new evidence unless a request has been filed with and granted by the CTA under section 34 (please make this a hyperlink) of the *Canadian Transportation Agency Rules (Dispute Proceedings and Certain Rules Applicable to All Proceedings)*, SOR/2014-104 (Dispute Adjudication Rules). For more information, please refer to the CTA's Annotation of the Dispute Adjudication Rules at <https://otc-cta.gc.ca/eng/publication/annotated-dispute-adjudication-rules#section-34>.

Following this, pleadings will be closed and the Panel will commence its deliberations.

All documents must be filed through the CTA's Secretariat e-mail address: secretariat@otc-cta.gc.ca and must be copied to all other recipients of this e-mail.

Please confirm receipt to all.

Elizabeth C. Barker

Secrétaire de l'Office des transports du Canada

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there are 10 kinds of poeple, those who know binary and those who dont