

## **REDACTED PUBLIC FILE**

Case No. 20-07774

### **CANADIAN TRANSPORTATION AGENCY**

**In the Matter of Applications by Sunwing Airlines Inc. with Respect to Air Passenger Protection Regulations Relating to the Payment of Passenger Compensation and the Requirement of Providing Passengers with Travel on Third Party Carriers**

**And in the Matter of Amendments, Clarifications, Additional Data and Additional Submissions with Respect to the Above Referred to Applications**

#### **Introduction**

1. On October 21, 2020, Sunwing Airlines Inc. (“Sunwing Airlines”) filed Applications with the Canadian Transportation Agency (the “Agency”) in regard to seeking certain exemptions from the Air Passenger Protection Regulation (the “APPR”) (the “Applications”).

Sunwing Airlines now wishes to clarify, amend, provide specific data and provide additional submissions with respect to the Applications.

#### **Amendments/Clarifications to the Sunwing Airlines’ Applications Requests**

2. Sunwing Airlines hereby amends/clarifies certain of its requests set out in paragraph 6 of its Applications as follows:
  - The Agency finds that it is undesirable to provide compensation for the inconvenience of passengers who were informed of a flight delay or cancellation more than 72 hours of their original departure or to passengers who were delayed at destination by less than 6 hours; and
  - The Agency finds it is undesirable that carriers be required to offer alternate travel arrangements that include flights on other air carriers with which they have no commercial agreement.

No change is being made with respect to its request that the period of time of Determination 122 be extended from October 28, 2020 to March 31, 2021.

### **Additional Data**

3. Attached hereto is additional data information.

### **Additional Submissions**

4. Having regard to the additional data attached hereto, Sunwing Airlines further submits as follows:
  - The resumption of its limited scheduled services on November 6, 2020 is not anticipated in break even before \_\_\_\_\_ at the earliest;
  - As a result of the necessity to terminate its scheduled services during the period March 23, 2020 to November 6, 2020, no scheduled passengers were carried as opposed to a total of \_\_\_\_\_ scheduled passengers during the same period of time in 2019;
  - It is not anticipated that its scheduled passenger volumes on its limited scheduled services will reach the volumes carried during the same period of time in 2019-2020 prior to \_\_\_\_\_ ; and
  - The total number of Sunwing Travel Group employees in Canada has been reduced from approximately \_\_\_\_\_ people to \_\_\_\_\_ people, a reduction of approximately \_\_\_\_\_. As of March 31, 2021, it is anticipated that the Sunwing Travel Group employees in Canada will increase substantially;

All of the increases in passenger volumes and employee volumes between November 6, 2020 and March 31, 2021 are contingent upon the granting of its Applications.

DATED at Toronto, this 20th day of November, 2020.

SUNWING AIRLINES INC.

By its solicitor

Edwin T. Nobbs, Q.C.

Professional Corporation

181 University Avenue

Suite 2200

Toronto, ON, M5H 3M7

A handwritten signature in black ink, consisting of a stylized, cursive 'E' followed by a horizontal line that tapers to the right.

Per: \_\_\_\_\_

Edwin T. Nobbs, Q.C.

## **ADDITIONAL DATA APPENDIX**

### **2019 General Information**

1. It should be noted that the Sunwing scheduled services during the months July, August and September of 2019 experienced substantial disruptions as a result of the MAX grounding.

Sunwing Airlines had planned to operate a total of \_\_\_\_\_ scheduled flights during the above period using \_\_\_\_\_ MAX aircraft and \_\_\_\_\_ B737-800 aircraft.

As a result of the \_\_\_\_\_ MAX grounding, Sunwing Airlines only operated \_\_\_\_\_ scheduled flights, a large number of which being operated through the use of wet leased aircraft. The wet leased aircraft consisted both of B737-800 aircraft along with other types of aircraft having a smaller capacity than that of the B737-800.

2. Details of planned versus operated flights are set out below.

<b><u>Month</u></b>	<b><u>Flights Planned</u></b>	<b><u>Flights Operated</u></b>
July		
August		
September		

3. No flights were cancelled between 3 – 14 days of scheduled departure. All cancellations occurred approximately 25 days prior to the scheduled date of departure.

### **2020 General Information**

4. No scheduled flights were operated during the months of July, August and September, 2020 due to the COVID-19 pandemic.

**2019 Flight Cancellations Due to Low Demand and Due to Passenger Cancellations**

5. Details of flight cancellations due to low load factors are set out below.

<b><u>Month</u></b>	<b><u>Flights</u></b>
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July

August

September

All flight cancellations were due to the MAX grounding.

6. Details of the number of passengers who booked within a period of 3 – 14 days prior to the scheduled departure date are set out below.

<b><u>Month</u></b>	<b><u>Number of Passengers</u></b>
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July

August

September

7. Details of passengers who cancelled within a period of 3 – 14 days prior to the scheduled departure date are set out below.

<b><u>Month</u></b>	<b><u>Number of Passengers</u></b>
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July

August

September

**2020 Flight Cancellations Due to Low Demand and Due to Passenger Cancellations**

8. No scheduled flights were operated during the months of July, August and September 2020 due to the COVID-19 pandemic.

**Additional Information and Data**

9. Details of the Sunwing Travel Group employees impact due to the COVID-19 pandemic are set out below.

**2019 Employees**

**2020 Employees**

Approximately

Approximately

10. Sunwing Airlines suspended its scheduled services on March 23, 2020. Limited scheduled services resumed on November 6, 2020.