

## Schedule "A"

Decision Nos. LET-C-A-71-2020 and LET-C-A-72-2020 – Cas(e) No. 20-01590

### WO FLIGHTS

#### Flight Count 27: WO820 / Hamilton – Fort Lauderdale / Dec. 18 Date should be January 18

Explanation provided by carrier on the cause(s) of the delay during the Inquiry	Communication provided to passengers	Categorization communicated to passengers in response to complaint or request for compensation	Issues regarding communication, reasons, or categorization	Considerations
Aircraft grounded the previous day due to mechanical defect detected during arrival of previous flight.	<p>Carrier states that notification of delay was provided 12 hours in advance of flight departure.</p> <p>Carrier's log states notifications sent with reason for delay and revised departure times.</p>		Clarity/accuracy of communications	<p>A complainant stated that "Airline check-in claimed they did not have to give any compensation for delays even after I informed them that regulations were changed in December 2019."</p> <p><b>We're not sure why this is a consideration as the information is accurate and Swoop's response was compliant with the APPRs. Travellers were advised 12 hours in advance and airline check-in gave accurate information for the specific delay. Delay was non-compensable as it was within control, but for safety.</b></p>
New aircraft sourced.				
Flight departed.				
POST-EVENT	Carrier denied compensation because flight disruption due to unscheduled aircraft servicing required for safety.	Within control, safety		

## Flight Count 28: WO820 / Hamilton – Fort Lauderdale / Dec. 20

Explanation provided by carrier on the cause(s) of the delay during the Inquiry	Communication provided to passengers	Categorization communicated to passengers in response to complaint or request for compensation	Issues regarding communication, reasons, or categorization	Considerations
<p>Aircraft grounded the previous day due to mechanical defect discovered during previous flight.</p> <p><b>0015 MST (0215 EST) IROP</b>  Notification is sent out indicating that WO820 YHM-FLL was cancelled due to “MTC Consequential – Unplanned Maintenance – Within Carrier Control Safety – Standards of Treatment: Yes”. Maintenance reason: Windshield replacement</p>	<p>Complaint states that carrier delayed flight by nine hours at check-in; website indicated flight on time. <b>This is not accurate - all travellers were notified via email at 0215 on 20 DEC 19</b></p>		<p>Clarity/accuracy of communications</p>	<p>It appears that the carrier website was not up to date. <b>Website is updated automatically when flight is updated in MC web. We have no record of web issues.</b></p>
<p>Aircraft grounded the previous day due to mechanical defect discovered during previous flight.</p>	<p>Complaint states that carrier delayed flight by nine hours at check-in; website indicated flight on time. <b>This is not accurate - all travellers were notified via email at 0215 on 20 DEC 19</b></p>		<p>Timeliness/content of notifications</p>	<p>Airline did not keep record of timing or text of announcements, but complaint states that carrier announced a one-hour delay due to late arrival of incoming aircraft., and then, upon check-in, stated that the flight was delayed by nine hours.</p> <p><b>The traveller may have misunderstood the announcement as WO 179 YHMYWG was delayed for approx. 1 hour due to the late arrival of the aircraft.</b></p> <p><b>Email notifications were sent for WO 820. No airport notification would have been done. Assumption that no pax were at airport as notification of a substantial delay went out well in advance of departure. And check-in opens 3 hours prior.</b></p>

New aircraft sourced.	Carrier sent notification with new flight time for departure the following day, due to unplanned maintenance.  Carrier erroneously sent a notification regarding a different flight, but later sent an update notification apologizing for the error.		Timeliness/content of notifications	Airline did not keep record of timing or text of announcements, but complaint states that verbal explanation provided by staff was that flight disruption was due to a cracked windshield.
New aircraft sourced.	Carrier sent notification with new flight time for departure the following day, due to unplanned maintenance.  Carrier erroneously sent a notification regarding a different flight, but later sent an update notification apologizing for the error.		Clarity/accuracy of communications	Carrier erroneously sent a notification regarding a different flight, but later sent an update notification apologizing for the error. <b>Initial email was sent at 1848 and the correction email was sent at 2039</b>
Flight departed the following day.				
POST-EVENT	Carrier sent notification denying compensation because flight disruption due to maintenance required for safety.	Within control, safety		

### Flight Count 29: WO820 / Hamilton – Fort Lauderdale / Dec. 21

Explanation provided by carrier on the cause(s) of the delay during the inquiry	Communication provided to passengers	Categorization communicated to passengers in response to complaint or request for compensation	Issues regarding communication, reasons, or categorization	Considerations
Aircraft required maintenance on previous flight (WO650) on December 20, causing that flight to be delayed resulted in Flight No. WO820 crew timing out. Decision to use the aircraft for another flight.	E-mail notification sent 16 hours before scheduled flight departure, stating that the flight would be delayed by one day due to crew time-out as a result of issue with previous flight.		Knock-on effect claimed	Expectation of airline in terms of reserve capacity for crews for a flight disruption in Hamilton?

<p>Aircraft required maintenance on previous flight (WO650) on December 20, causing that flight to be delayed resulted in Flight No. WO820 crew timing out. Decision to use the aircraft for another flight.</p>	<p>E-mail notification sent 16 hours before scheduled flight departure, stating that the flight would be delayed by one day due to crew time-out as a result of issue with previous flight.</p>		<p>Clarity/accuracy of communications</p>	<p>One passenger states that they were asked to pay \$15 to speak to an airline representative. It appears that this is in a general recording on the carrier's phone line, but it is not applied to passengers that require carrier assistance in circumstances such as these</p> <p><b>Recording states: Spend the savings on yourself. Avoid the \$15 contact centre convenience fee by booking your reservation or managing your existing reservation on flyswoop.com or the flyswoop app. If you are calling about something that cannot be completed on flyswoop.com or the flyswoop app, we'd be pleased to waive the \$15 convenience fee.</b></p>
<p>The flight was then rebuilt but as this was a second flight of the day with the same flight number they had to "cancel" it and use a different flight number. The carrier said it considered this a delay rather than a cancellation.</p>			<p>Clarity/accuracy of communications</p>	<p>Rebuilt flights could cause confusion in the communication if passengers get a cancellation notification then a delayed notification. Constraints around flight numbers operating on the same day may appear misleading.</p> <p><b>This is an incorrect assumption – in general when a flight is canceled and then rebuilt, a traveller receives one notification with the new flight information.</b></p>
<p>Flight departed the following day.</p>				
<p>POST-EVENT</p>	<p>Complainants denied compensation because they were rebooked on flights that resulted in no ultimate delay to the passenger.</p>			

## Flight Count 30: WO210 / Winnipeg – Hamilton / Jan. 10

Explanation provided by carrier on the cause(s) of the delay during the Inquiry	Communication provided to passengers	Categorization communicated to passengers in response to complaint or request for compensation	Issues regarding communication, reasons, or categorization	Considerations
Previous flight (WO312) arrived late into Winnipeg due to weather/de-icing in Abbotsford, resulting in a first delay.	Just over an hour before scheduled departure of Flight No. WO210, carrier sent e-mail message regarding a delay, with no reason provided.  Carrier sent e-mail half an hour after planned departure stating delay due to weather conditions out of carrier control.		Knock-on effect claimed	Expectation of airline in terms of reserve capacity for aircraft and crews for a flight disruption in Winnipeg?
Previous flight (WO312) arrived late into Winnipeg due to weather/de-icing in Abbotsford, resulting in a first delay.	Just over an hour before scheduled departure of Flight No. WO210, carrier sent e-mail message regarding a delay, with no reason provided.  Carrier sent e-mail half an hour after planned departure stating delay due to weather conditions out of carrier control.		Timeliness/content of notifications	Reason for cancellation not provided in first e-mail message. (Note: Carrier states that from December 15 2019 to January 10, 2020, it did not provide reasons for disruption in first e-mail, but this was changed as of January 10, 2020, with reasons being automatically provided as of the first e-mail.)
Flight departed from gate in Winnipeg, but returned to gate following overwing exit door indicator.	Carrier sent various e-mail messages with updated departure times.		Timeliness/content of notifications	Airline did not keep record of timing or text of announcements, but passengers state that carrier employees said that a mechanical issue was to blame.
Aircraft swap.				
Flight departed.				
POST-EVENT	Carrier denied compensation because flight disruption due to weather and maintenance required for safety.	Within control, safety AND Not within control	Categorization of flight disruption	Two independent reasons for the flight disruption: knock-on effect from weather impacting previous flight and mechanical issue with Flight No. WO210.

## Flight Count 31: WO651 / Cancun - Hamilton / Jan. 14

Explanation provided by carrier on the cause(s) of the delay during the Inquiry	Communication provided to passengers	Categorization communicated to passengers in response to complaint or request for compensation	Issues regarding communication, reasons, or categorization	Considerations
<p>Crew member injured in Cancun, prior to flight.</p> <p><b>This is not fully accurate – the Crew member was injured on decent into Cancun.</b></p>				
<p>Flight delayed due to incomplete crew complement.</p>	<p>E-mail at 3:44 p.m.: "New departure time is 5:30 p.m. The delay of your flight is due to a traveler medical incident, which is outside Swoop's control. You may be eligible for completion of your itinerary."</p> <p><b>This email was sent at 1344 (1:44 pm)</b></p>		<p>Timeliness/content of notifications</p>	<p>Airline did not keep record of timing or text of announcements, but passengers state that various reasons provided both verbally and by e-mail, including crew medical issue, traveler medical issue, controllable operational issues, and uncontrollable operational issues.</p>
<p>Flight cancelled due to incomplete crew complement.</p>	<p>E-mail at 6:04 p.m.: "Your flight has been cancelled We are working on rebooking options and will notify you by e-mail as soon as we can. The cancellation of your flight is due to uncontrollable operational issues, which are outside Swoop's control."</p> <p><b>This email was sent at 1604 (4:04 pm)</b></p>			
<p>Passengers rebooked on various other Swoop flights departing between 2 and 9 days later.</p>	<p>E-mail to one passenger at 7:23 p.m.: "New itinerary: Departure: 25 Jan 2020 at 8:05 p.m. The change of your flight is due to controllable operational issues, which are within Swoop's control. You may be eligible for completion of your itinerary, standards of treatment and compensation."</p>		<p>Communication re Standard of Treatment (2-9 day delay)</p>	<p>It appears that accommodations and meals were provided to passengers staying at all-inclusive resorts until passengers departed two to nine days later. But this does not appear to have been the case for other passengers.</p>

	This email was sent at 1723 (7:23 pm)			<p>Swoop's email notification to travellers accommodation and meals read as follows:</p> <p>"Please accept our sincerest apologies for the disruption to your travel plans. If a hotel is required, please click the link below to book your accommodation.  <a href="https://sw.rq.rs/s/3gzxglf">https://sw.rq.rs/s/3gzxglf</a> food vouchers are required, please see a Customer Service Agent at the airport. Thank you for your understanding."</p>
POST-EVENT	Carrier stated that flight disruption was due to injury to crew. Two complainants state they received \$250 each.	<p>Not within control,  then changed to  Within control, safety</p> <p>On the recommendation of the CTA, Swoop's final categorization was controllable and APPR compensation was applicable. Swoop continues to disagree with this categorization.</p>	Categorization of flight disruption	<p>Although flight disruption began with crew issue, it lasted several days given decision by carrier to return the aircraft to Canada to operate other flights while providing no solution for passengers stranded in Cancun.</p> <p>Travellers in Cancun were moved to alternate Swoop flights with hotel and food vouchers provided. Airport staff booked alternate carrier for travellers who requested it. Follow up email was sent advising any alternate flights economy class flights from Cancun to Hamilton that were not arranged and paid for by Swoop would be reimbursed if receipts were supplied.</p>