

**FEDERAL COURT OF APPEAL**

**BETWEEN:**

**DR. GABOR LUKACS**

Appellant

**-and-**

**CANADIAN TRANSPORTATION AGENCY and  
NEWLEAF TRAVEL COMPANY INC.**

Respondents

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**MEMORANDUM OF FACT AND LAW  
OF THE RESPONDENT  
CANADIAN TRANSPORTATION AGENCY**

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**PART I  
STATEMENT OF FACTS**

**A. Overview**

1. This is an appeal of Decision No. 100-A-2016 dated March 29, 2016, in which the Canadian Transportation Agency ("Agency") determined that Indirect Air Service Providers ("ISPs"), also known as resellers, do not operate air services and are not required to hold an air licence as long as they do not hold themselves out to the public as an air carrier operating an air service. In this decision, the Agency also determined that the Respondent NewLeaf Travel Company Inc.

("NewLeaf"), should it proceed with its proposed business model, would not operate an air service and would not be required to hold an air licence.

2. The Agency is providing these submissions to address the factual record and to make submissions on the standard of review and costs.

## **B. Air Licensing**

3. Part II of the *Canada Transportation Act* S.C. 1996, c. 10 (the "CTA") requires that in order to operate an air service, a person is required to hold the appropriate licence. A holder of a licence is subject to certain economic, consumer and industry protection safeguards as found in the CTA and the *Air Transportation Regulations*, SOR/88-58 (the "ATR"), including that it has a tariff that clearly sets out prescribed information and terms and conditions of carriage pursuant to section 107(1) of the ATR as well as to make the tariff public, to apply the tariff's terms and to ensure that it is reasonable and not unduly discriminatory pursuant to sections 67, 67.1 and 67.2(1) of the CTA. These provisions also allow the Agency, on complaint, to take actions such as order a licensee to properly apply its tariff, compensate a person if it has failed to properly apply its tariff, take other appropriate measures or suspend or disallow terms and conditions that are unreasonable or unduly discriminatory and substitute other conditions in their place.

***Canada Transportation Act, S.C. 1996, c. 10, s. 67, 67.1, 67.2(1)***  
***Air Transportation Regulations, SOR/88-58, s. 8.1, 107(1)***  
**Appendix A**

4. In addition, in order to obtain a licence, a person must comply with Canadian ownership requirements, hold a Canadian Aviation Document (CAD) issued by Transport Canada and

have the prescribed insurance, as required by section 61 of the CTA and sections 7, 8 and 10 of the ATR.

***Canada Transportation Act, S.C. 1996, c. 10, s. 61,  
Air Transportation Regulations, SOR/88-58, s. 7, 8  
Appendix A***

5. When the *National Transportation Act, 1987* (subsequently consolidated and revised by the CTA) was introduced, it ushered in the deregulation of the aviation industry, eliminating restrictions on market entry, routes that could be operated, pricing, and the distinction between non-scheduled and scheduled domestic air services. Deregulation resulted in a greater reliance on market forces to achieve more competitive prices and a wider range of services. Industry developed new approaches to the provision of air services, some of which did not always fit squarely into the CTA's licensing parameters. One such approach is the reseller model, whereby the reseller has commercial control over an air service and makes decisions on matters such as routes, scheduling, pricing, and aircraft to be used, while air carriers operate the aircraft on the reseller's behalf.

**Decision No. 100-A-2016 dated March 29, 2016, para. 11**

**C. Greyhound Determination**

6. In 1996, the Agency was required to address a licensing issue when Greyhound Lines of Canada Inc. (Greyhound) proposed to market and sell air services, on its own behalf, while entering into a contract with Kelowna Flightcraft Air Charter Ltd. (Kelowna Flightcraft) to operate the aircraft. In Decision No. 232-A-1996, the National Transportation Agency (the predecessor to the Canadian Transportation Agency) determined that Greyhound required a domestic air

licence, although it did not operate aircraft. Greyhound was found to 'operate an air service' since it exercised commercial control over the air service.

**Agency Decision No. 232-A-1996 dated April 19, 1996.  
Appeal Book, TAB 4**

7. Greyhound and Kelowna Flightcraft requested that the Agency review its decision based on new facts and circumstances. The Agency did not vary or rescind its decision.

**Agency Decision No. 292-A-1996 dated May 10, 1996,  
Appeal Book, TAB 6**

8. However, on Petition by Greyhound and Kelowna Flightcraft pursuant to section 40 of the CTA, the Governor-in-Council (GIC) varied Decision 232-A-1996 and rescinded Decision 292-A-1996, finding that Greyhound would not be the operator of a domestic air service requiring a domestic licence as long as it met conditions, including that Greyhound inform all prospective purchasers that Kelowna Flightcraft would be providing the air service.

**Governor in Council P.C. 1996-849 dated June 7, 1996  
Appeal Book, TAB 7**

9. In 2009, the GIC again reversed an Agency determination, Confidential Decision of the Agency dated June 29, 2009, that a reseller, in that case American Medical Response of Canada Inc., would operate an air service.

**Decision No. 100-A-2016 dated March 29, 2016, para. 14  
Appeal Book, TAB 2**

10. The Agency thereafter continued to apply its interpretation of the licensing provisions made in the Greyhound decision. This approach required the person with commercial control to hold the

licence, irrespective of whether the person operates any aircraft. As of December 1, 2015, 16 persons that did not operate aircraft held licences.

**Consultation on the Requirement to Hold a Licence  
Appeal Book, TAB 8**

11. All licenced air carriers are required to hold a Canadian Aviation Document issued by the Minister of Transport. Where a person does not operate any aircraft, they are neither required nor entitled to obtain a CAD. The Agency has issued domestic licences to Indirect Air Service Providers on the basis that the CAD requirement is met by the charter air carrier.

**Consultation on the Requirement to Hold a Licence  
Appeal Book, TAB 8**

**D. NewLeaf Inquiry**

12. The agency's enforcement activities revealed that there was a lack of clarity among resellers as to whether or not they are required to hold a licence, given that they do not operate any aircraft.

**Decision No. 100-A-2016 dated March 29, 2016, para. 17  
Appeal Book, TAB 2**

13. In light of its experiences administering the air licensing provisions and the continued development by industry of new business models, in 2014, the Agency initiated an internal review of whether resellers are operating air services and are therefore required to hold a licence. The Agency subsequently became aware of NewLeaf's plan to market and sell air services, while not operating aircraft, and in August 2015, initiated an inquiry, pursuant to section 81 of the CTA, into whether NewLeaf would be operating an air service and therefore would be required to hold a licence. The Agency decided to complete its review of whether

resellers are required to hold a licence as part of this inquiry, and also decided to hold public consultations on the matter.

**Decision No. 100-A-2016 dated March 29, 2016, para. 18  
Appeal Book, TAB 2**

***Canada Transportation Act, S.C. 1996, c. 10, s. 81*  
Appendix A**

## **E. Public Consultation**

14. In the consultation document, the Agency identified its 'approach under consideration', namely:

### Approach under consideration

Indirect Air Service Providers would not normally be required to hold a licence to sell air services directly to the public, as long as they charter licenced air carriers to operate the flights. This would apply to the operation of domestic and international air services. As these providers would not be subject to the licensing requirements, contracts they enter into with the public would not be subject to tariff protection, nor would they be subject to the financial and Canadian ownership requirements.

However, the Agency would preserve its discretion to apply legislative and regulatory requirements in a purposive manner to ensure that the objectives underpinning the air licensing regime continue to be met. Accordingly, should a person who does not operate aircraft hold themselves out to the public as an air carrier and not a charterer or structure their business model to circumvent the licensing requirements, the Agency could determine that they are operating the air service. Considerations in any such determination could include the manner in which they hold themselves out to the public, whether their involvement goes beyond a typical contractual charter arrangement, and the extent to which their operations are integrated into those of the air carrier.

When an air service is marketed and sold by an air carrier that has commercial control and the flights are operated by another air carrier, pursuant to a wet lease, code share, blocked space, capacity purchase agreement or other similar agreement, the Agency will continue to



require the air carrier in commercial control to hold the license for that air service, consistent with existing regulatory requirements.

**Consultation on the Requirement to Hold a Licence  
Appeal Book, TAB 8**

15. In the public consultations, the public was not asked to provide comments specifically on the issue of whether NewLeaf required a licence, nor was the public informed in this document about the ongoing NewLeaf inquiry.

**Consultation on the Requirement to Hold a Licence  
Appeal Book, TAB 8**

**F. The Agency's Determination**

16. On March 29, 2016, the Agency issued its determination in Decision No. 100-A-2016. In its decision, the Agency determined that:

1. Resellers do not operate air services and are not required to hold an air licence, as long as they do not hold themselves out to the public as an air carrier operating an air service.
2. NewLeaf, should it proceed with its proposed business model, would not operate an air service and would not be required to hold an air licence.

**Agency Decision No. 100-A-16 dated March 29, 2016, para. 2  
Appeal Book, TAB 2**

17. In making this determination regarding resellers, the Agency stated:

Paragraph 57(a) of the CTA states that, “no person shall operate an air service unless, in respect of that service, the person holds a licence issued under this Part.” In interpreting the expression “operate an air service,” the words are to be read in their entire context and in their grammatical and ordinary sense, harmoniously with the scheme of the legislation, the object of the legislation, and the intention of Parliament (Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27 at para. 21).

**Agency Decision No. 100-A-16 dated March 29, 2016, para. 25  
Appeal Book, TAB 2**

18. The Agency considered the plain meaning, entire context and history of the statutory language at issue. The Agency also considered the national transportation policy and concluded that allowing resellers to offer their products to consumers without having to hold a licence when their partner air carrier already holds one would be consistent with this policy.

**Agency Decision No. 100-A-16 dated March 29, 2016, paras. 28-36  
Appeal Book, TAB 2**

19. On the issue of passenger protection, the Agency noted that the requirement to hold a licence subjects the licensee to a number of passenger protection provisions. It was noted that when passengers buy tickets through a reseller that is not required to hold an air licence, they will still be covered by the terms and conditions of the tariff issued by the chartered air carrier operating the aircraft on which those passengers travel. Further, the licensed air carrier will be required to hold prescribed passenger and third party liability insurance and to comply with applicable financial requirements. Resellers, on the other hand, will continue to be subject to any provincial travel protection or consumer rights legislation. The Agency concluded that not requiring resellers to obtain a licence does not equate to leaving consumers without protections.

**Agency Decision No. 100-A-16 dated March 29, 2016, paras. 37-39  
Appeal Book, TAB 2**

20. The Agency concluded that resellers do not operate an air service unless they hold themselves out to the public as an air carrier operating an air service:

While the Agency finds that, on balance, the most reasonable interpretation of the statutory licensing provisions and their underlying objectives is that resellers are not operating air services and therefore, are not required to hold a licence, this will only be the case as long as those resellers do not hold themselves out to the public as an air carrier operating an air service. The Agency finds that if they choose to do so, resellers would be operating an air

service and would be required to hold a licence, thereby ensuring that the consumer protection purposes of the legislation are not undermined.

**Agency Decision No. 100-A-16 dated March 29, 2016, para. 42  
Appeal Book, TAB 2**

21. In determining that NewLeaf does not require a domestic licence, the Agency stated:

The Agency has reviewed all available information and finds that if the proposed business model is followed, NewLeaf would be a reseller that does not operate an air service and therefore does not need to obtain a licence. The Agency notes, however, that if NewLeaf were to hold itself out to the public as an air carrier operating an air service, it would be required to hold a licence.

**Agency Decision No. 100-A-16 dated March 29, 2016, para. 52  
Appeal Book, TAB 2**

**PART II  
POINTS IN ISSUE**

22. The Agency proposes to address the following issues:

- A. What is the appropriate standard of review to apply?
- B. Whether costs should be awarded against the Agency.

**PART III  
STATEMENT OF SUBMISSIONS**

**A. Standard of Review**

23. On the issue of whether the Agency erred in its interpretation of whether resellers, including NewLeaf, operate an air service, it would appear that the parties agree that the applicable standard of review is reasonableness.

**Memorandum of Fact and Law of the Respondent, NewLeaf Travel Company Inc., para. 26.**

24. The question of whether resellers operate air services and should therefore be required to hold an air licence is a question of statutory interpretation. The interpretation of what it means to "operate an air service" is rooted in the Agency's home statute, specifically section 57(a) of the CTA. The Supreme Court of Canada has established that where a matter turns on a tribunal's interpretation of its home statute, a standard of reasonableness presumptively applies.

***Ontario (Energy Board) v. Ontario Power Generation Inc.*,  
2015 SCC 44 at para. 73**

25. The courts have generally reviewed decisions of the Agency – an administrative body with specialised expertise – on a deferential standard.

***Canadian National Railway Company v. Canadian Transportation Agency*, 2013 FCA 270, at para. 3, citing *Council of Canadians with Disabilities v. VIA Rail Canada Inc.*, 2007 SCC 15 at para. 100, [2007] 1 S.C.R. 650)**

26. It is submitted that the Agency's decision is one of statutory interpretation and that deference is owed to the Agency's interpretation, to the extent that it is reasonable:

As recently discussed by the Supreme Court in *McLean v. British Columbia (Securities Commission)*, 452 N.R. 340, at paragraphs 32 and 33, legislatures do not always speak with clarity. As a result, applying the principles of statutory

interpretation may not always provide a single, clear interpretation of a provision. The resolution of unclear language in an administrative agency's home statute is usually best left to the agency, because the choice between competing reasonable interpretations will often involve policy considerations the legislature presumably wanted the agency to decide.

***Lukács v. Canada (Transportation Agency)*, 2014 FCA 76, para. 13**

27. In a recent decision concerning the Agency's rail mandate, this Honourable Court recognized that the Agency is entitled to refine its interpretation of terminology contained within the CTA. In that decision, the Court found that it was acceptable for the Agency to consider its past decisions, applicable jurisprudence and the national transportation policy in order to refine its interpretation of statutory terms and to move away from an interpretation used in a previous Agency decision:

In the present case, the Agency recognized that the critical factor was the right “to perform all necessary operations in order to interchange traffic” (see Decision at paragraph 69), a position consistent with this Court’s decision in Fort Rouge. The rights which it identified allowed the Agency to consider that BNSF had a sufficient interest in the Coutts Yard for it to be treated as part of BNSF’s line of railway. The Agency has thus refined its view of when a railway company “has” a line of railway, moving away from a strictly ownership position, as in Celgar, to a more nuanced position based on functional integration. This refinement is in keeping with the Canada’s national transportation policy which favours competition and market forces, and discourages rates and conditions which are an undue obstacle to the movement of traffic. It is entirely within the Agency’s mandate to refine its approach to the issue of what constitutes an interchange.

***Canadian Pacific Railway Company v. Canada (Transport, Infrastructure and Communities)*, 2015 FCA 1, at para. 61**

28. The Appellant argues that the Agency exceeded its jurisdiction in making the decision under appeal because the Agency relieved resellers from the requirements of Canadian ownership and

of maintaining prescribed liability insurance.

**Appellant's Memorandum of Fact and Law, para. 100.**

29. Although the appeal is framed as raising a jurisdictional issue, the Supreme Court of Canada has indicated that such questions are rare, particularly where a tribunal is interpreting its home statute:

While it is possible to frame any interpretation of a tribunal's home statute as a question of whether the tribunal has the jurisdiction to take a particular action, this Court has rejected this definition of jurisdiction in the context of standard of review and emphasized that the category of "true questions of jurisdiction", if it exists at all, is narrow: *Alberta (Information and Privacy Commissioner) v. Alberta Teachers' Association*, 2011 SCC 61, [2011] 3 S.C.R. 654, at para. 34.

***Canadian Broadcasting Corp. v. SODRAC 2003 Inc.*, 2015 SCC 57, at para. 39**

30. The assertion that the Agency has provided an exemption, or has relieved a person from a provision, presumes that the person is otherwise subject to the provision in question. The Agency determined that resellers are not subject to the provisions at issue and therefore they cannot be relieved of a provision which does not apply to them. It is therefore submitted that there is no issue with respect jurisdiction.

**B. Costs**

31. The Agency respectfully requests that the Appellant's request for his disbursements and an amount for his time be denied.

32. Generally, an administrative body like the Agency will neither be entitled to nor be ordered to pay costs, at least when there has been no misconduct or lack of procedural fairness on its part.

Where the body has acted in good faith and conscientiously throughout, albeit resulting in error, the reviewing tribunal will not ordinarily impose costs.

***Lang v. British Columbia (Superintendent of Motor Vehicles),***  
**2005 BCCA 244, at para. 47 citing Brown and Evans, Judicial**  
**Review of Administrative Action in Canada (Toronto: Canvasback, 1998)**

33. It is submitted that the Agency has acted in good faith. The submissions of the Agency are limited to issues surrounding the factual record, standard of review and costs. The Agency does not seek costs and submits that in the circumstances it should not be ordered to pay costs.



**PART IV  
ORDER SOUGHT**

34. The Agency respectfully requests that the appeal be dismissed. The Agency does not seek costs.

ALL OF WHICH IS RESPECTFULLY SUBMITTED. Dated at the City of Gatineau, in the  
Province of Quebec, this 11<sup>th</sup> day of August, 2016.



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Allan Matte  
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Canadian Transportation Agency

**PART V**  
**LIST OF AUTHORITIES**

**Statutes and Regulations**

*Canada Transportation Act*, S.C. 1996, c. 10, 61, 67, 67.1, 67.2(1), 81

*Air Transportation Regulations*, SOR/88-55, s. 7, 8.1, 107(1)

**Case Law**

*Canadian National Railway Company v. Canadian Transportation Agency*, 2013 FCA 270

*Council of Canadians with Disabilities v. VIA Rail Canada Inc.*, 2007 SCC 15

*Lukács v. Canada (Transportation Agency)*, 2014 FCA 76

*Ontario (Energy Board) v. Ontario Power Generation Inc.*, 2015 SCC 44

*Canadian Pacific Railway Company v. Canada (Transport, Infrastructure and Communities)*, 2015 FCA 1

*Canadian Broadcasting Corp. v. SODRAC 2003 Inc.*, 2015 SCC 57

*Lang v. British Columbia (Superintendent of Motor Vehicles)*, 2005 BCCA 244

# Appendix A



CANADA

CONSOLIDATION

CODIFICATION

Canada Transportation Act

Loi sur les transports au Canada

S.C. 1996, c. 10

L.C. 1996, ch. 10

Current to June 21, 2016

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municipal government declares an emergency under federal or provincial law, and that government directly or indirectly requests that the air service be provided to respond to the emergency.

#### Public interest

(4) The Minister may, by order, prohibit the provision of an air service under subsection (3) or require the discontinuance of that air service if, in the opinion of the Minister, it is in the public interest to do so.

#### Not a statutory instrument

(5) The order is not a statutory instrument within the meaning of the *Statutory Instruments Act*.

1996, c. 10, s. 56, 2007, c. 19, s. 14.

**56.1** [Repealed, 2007, c. 19, s. 15]

**56.2** [Repealed, 2007, c. 19, s. 15]

**56.3** [Repealed, 2007, c. 19, s. 15]

**56.4** [Repealed, 2007, c. 19, s. 15]

**56.5** [Repealed, 2007, c. 19, s. 15]

**56.6** [Repealed, 2007, c. 19, s. 15]

**56.7** [Repealed, 2007, c. 19, s. 15]

## Prohibitions

#### Prohibition re operation

**57** No person shall operate an air service unless, in respect of that service, the person

- (a) holds a licence issued under this Part;
- (b) holds a Canadian aviation document; and
- (c) has the prescribed liability insurance coverage.

#### Licence not transferable

**58** A licence issued under this Part for the operation of an air service is not transferable.

#### Prohibition re sale

**59** No person shall sell, cause to be sold or publicly offer for sale in Canada an air service unless, if required under this Part, a person holds a licence issued under this Part in respect of that service and that licence is not suspended.

1996, c. 10, s. 59, 2007, c. 19, s. 16.

fédéral, le gouvernement d'une province ou une administration municipale déclare en vertu d'une loi fédérale ou provinciale qu'une situation de crise existe et présente directement ou indirectement une demande en vue d'obtenir ce service pour faire face à la situation de crise.

#### Intérêt public

(4) Le ministre peut, par arrêté, interdire la fourniture d'un service aérien au titre du paragraphe (3) ou exiger qu'il y soit mis fin s'il estime qu'il est dans l'intérêt public de le faire.

#### Loi sur les textes réglementaires

(5) Les arrêtés ne sont pas des textes réglementaires au sens de la *Loi sur les textes réglementaires*.

1996, ch. 10, art. 56, 2007, ch. 19, art. 14.

**56.1** [Abrogé, 2007, ch. 19, art. 15]

**56.2** [Abrogé, 2007, ch. 19, art. 15]

**56.3** [Abrogé, 2007, ch. 19, art. 15]

**56.4** [Abrogé, 2007, ch. 19, art. 15]

**56.5** [Abrogé, 2007, ch. 19, art. 15]

**56.6** [Abrogé, 2007, ch. 19, art. 15]

**56.7** [Abrogé, 2007, ch. 19, art. 15]

## Interdictions

#### Conditions d'exploitation

**57** L'exploitation d'un service aérien est subordonnée à la détention, pour celui-ci, de la licence prévue par la présente partie, d'un document d'aviation canadien et de la police d'assurance responsabilité réglementaire.

#### Incessibilité

**58** Les licences d'exploitation de services aériens sont incessibles.

#### Opérations visant le service

**59** La vente, directe ou indirecte, et l'offre publique de vente, au Canada, d'un service aérien sont subordonnées à la détention, pour celui-ci, d'une licence en règle délivrée sous le régime de la présente partie.

1996, ch. 10, art. 59; 2007, ch. 19, art. 16.

### Provision of aircraft with flight crew

**60 (1)** No person shall provide all or part of an aircraft, with a flight crew, to a licensee for the purpose of providing an air service pursuant to the licensee's licence and no licensee shall provide an air service using all or part of an aircraft, with a flight crew, provided by another person except

- (a) in accordance with regulations made by the Agency respecting disclosure of the identity of the operator of the aircraft and other related matters; and
- (b) where prescribed, with the approval of the Agency.

### Conditions and Ministerial directions

**(2)** Approval by the Agency under subsection (1) is subject to any directions to the Agency issued by the Minister and to any terms and conditions that the Agency may specify in the approval, including terms and conditions respecting routes to be followed, points or areas to be served, size and type of aircraft to be operated, schedules, places of call, tariffs, fares, rates and charges, insurance, carriage of passengers and, subject to the *Canada Post Corporation Act*, carriage of goods.

## Licence for Domestic Service

### Issue of licence

**61** On application to the Agency and on payment of the specified fee, the Agency shall issue a licence to operate a domestic service to the applicant if

- (a) the applicant establishes in the application to the satisfaction of the Agency that the applicant
  - (i) is a Canadian,
  - (ii) holds a Canadian aviation document in respect of the service to be provided under the licence,
  - (iii) has the prescribed liability insurance coverage in respect of the service to be provided under the licence, and
  - (iv) meets prescribed financial requirements; and
- (b) the Agency is satisfied that the applicant has not contravened section 59 in respect of a domestic service within the preceding twelve months.

### Qualification exemption

**62 (1)** Where the Minister considers it necessary or advisable in the public interest that a domestic licence be issued to a person who is not a Canadian, the Minister

### Fourniture d'aéronefs

**60 (1)** La fourniture de tout ou partie d'aéronefs, avec équipage, à un licencié en vue de la prestation, conformément à sa licence, d'un service aérien et celle, par un licencié, d'un service aérien utilisant tout ou partie d'aéronefs, avec équipage, appartenant à un tiers sont assujetties :

- a) au respect des règlements, notamment en matière de divulgation de l'identité des exploitants d'aéronefs;
- b) si les règlements l'exigent, à l'autorisation de l'Office.

### Directives ministérielles et conditions

**(2)** L'autorisation est assujettie aux directives que le ministre peut lui donner et peut comporter, lors de la délivrance ou par la suite en tant que de besoin, les conditions qu'il estime indiqué d'imposer, notamment en ce qui concerne les routes aériennes à suivre, les points ou régions à desservir, la dimension et la catégorie des aéronefs à exploiter, les horaires, les escales, les tarifs, l'assurance, le transport des passagers et, sous réserve de la *Loi sur la Société canadienne des postes*, celui des marchandises.

## Service intérieur

### Délivrance de la licence

**61** L'Office, sur demande et paiement des droits indiqués, délivre une licence pour l'exploitation d'un service intérieur au demandeur :

- a) qui, dans la demande, justifie du fait :
  - (i) qu'il est Canadien,
  - (ii) qu'à l'égard du service, il détient un document d'aviation canadien,
  - (iii) qu'à l'égard du service, il détient la police d'assurance responsabilité réglementaire,
  - (iv) qu'il remplit les exigences financières réglementaires;
- b) dont il est convaincu qu'il n'a pas, dans les douze mois précédents, enfreint l'article 59 relativement à un service intérieur.

### Exemption

**62 (1)** Lorsqu'il estime souhaitable ou nécessaire dans l'intérêt public de délivrer une licence intérieure à une personne qui n'a pas la qualité de Canadien, le ministre

### Confidentiality of information

(8) The Agency may take any measures or make any order that it considers necessary to protect the confidentiality of any of the following information that it is considering in the course of any proceedings under this section:

- (a) information that constitutes a trade secret;
- (b) information the disclosure of which would likely cause material financial loss to, or prejudice to the competitive position of, the person providing the information or on whose behalf it is provided; and
- (c) information the disclosure of which would likely interfere with contractual or other negotiations being conducted by the person providing the information or on whose behalf it is provided.

1996, c. 10, s. 66; 2000, c. 15, s. 4; 2007, c. 19, s. 19.

### Tariffs to be made public

**67 (1)** The holder of a domestic licence shall

- (a) display in a prominent place at the business offices of the licensee a sign indicating that the tariffs for the domestic service offered by the licensee, including the terms and conditions of carriage, are available for public inspection at the business offices of the licensee, and allow the public to make such inspections;
- (a.1) publish the terms and conditions of carriage on any Internet site used by the licensee for selling the domestic service offered by the licensee;
- (b) in its tariffs, specifically identify the basic fare between all points for which a domestic service is offered by the licensee; and
- (c) retain a record of its tariffs for a period of not less than three years after the tariffs have ceased to have effect.

### Prescribed tariff information to be included

(2) A tariff referred to in subsection (1) shall include such information as may be prescribed.

### No fares, etc., unless set out in tariff

(3) The holder of a domestic licence shall not apply any fare, rate, charge or term or condition of carriage applicable to the domestic service it offers unless the fare, rate, charge, term or condition is set out in a tariff that has been published or displayed under subsection (1) and is in effect.

### Confidentialité des renseignements

(8) L'Office peut prendre toute mesure, ou rendre toute ordonnance, qu'il estime indiquée pour assurer la confidentialité des renseignements ci-après qu'il examine dans le cadre du présent article :

- a) les renseignements qui constituent un secret industriel;
- b) les renseignements dont la divulgation risquerait vraisemblablement de causer des pertes financières importantes à la personne qui les a fournis ou de nuire à sa compétitivité;
- c) les renseignements dont la divulgation risquerait vraisemblablement d'entraver des négociations — contractuelles ou autres — menées par la personne qui les a fournis.

1996, ch. 10, art. 66; 2000, ch. 15, art. 4; 2007, ch. 19, art. 19.

### Publication des tarifs

**67 (1)** Le licencié doit :

- a) poser à ses bureaux, dans un endroit bien en vue, une affiche indiquant que les tarifs et notamment les conditions de transport pour le service intérieur qu'il offre sont à la disposition du public pour consultation à ses bureaux et permettre au public de les consulter;
- a.1) publier les conditions de transport sur tout site Internet qu'il utilise pour vendre le service intérieur;
- b) indiquer clairement dans ses tarifs le prix de base du service intérieur qu'il offre entre tous les points qu'il dessert;
- c) conserver ses tarifs en archive pour une période minimale de trois ans après leur cessation d'effet.

### Renseignements tarifaires

(2) Les tarifs comportent les renseignements exigés par règlement.

### Interdiction

(3) Le titulaire d'une licence intérieure ne peut appliquer à l'égard d'un service intérieur que le prix, le taux, les frais ou les conditions de transport applicables figurant dans le tarif en vigueur publié ou affiché conformément au paragraphe (1).

#### Copy of tariff on payment of fee

(4) The holder of a domestic licence shall provide a copy or excerpt of its tariffs to any person on request and on payment of a fee not exceeding the cost of making the copy or excerpt.

1996, c. 10, s. 67; 2000, c. 15, s. 5; 2007, c. 19, s. 20.

#### Fares or rates not set out in tariff

**67.1** If, on complaint in writing to the Agency by any person, the Agency finds that, contrary to subsection 67(3), the holder of a domestic licence has applied a fare, rate, charge or term or condition of carriage applicable to the domestic service it offers that is not set out in its tariffs, the Agency may order the licensee to

- (a) apply a fare, rate, charge or term or condition of carriage that is set out in its tariffs;
- (b) compensate any person adversely affected for any expenses they incurred as a result of the licensee's failure to apply a fare, rate, charge or term or condition of carriage that was set out in its tariffs; and
- (c) take any other appropriate corrective measures.

2000, c. 15, s. 6; 2007, c. 19, s. 21.

#### When unreasonable or unduly discriminatory terms or conditions

**67.2 (1)** If, on complaint in writing to the Agency by any person, the Agency finds that the holder of a domestic licence has applied terms or conditions of carriage applicable to the domestic service it offers that are unreasonable or unduly discriminatory, the Agency may suspend or disallow those terms or conditions and substitute other terms or conditions in their place.

#### Prohibition on advertising

(2) The holder of a domestic licence shall not advertise or apply any term or condition of carriage that is suspended or has been disallowed.

2000, c. 15, s. 6; 2007, c. 19, s. 22(F).

#### Non-application of fares, etc.

**68 (1)** Sections 66 to 67.2 do not apply in respect of fares, rates or charges applicable to a domestic service provided for under a contract between a holder of a domestic licence and another person whereby the parties to the contract agree to keep its provisions confidential.

#### Exemplaire du tarif

(4) Il fournit un exemplaire de tout ou partie de ses tarifs sur demande et paiement de frais non supérieurs au coût de reproduction de l'exemplaire.

1996, ch. 10, art. 67; 2000, ch. 15, art. 5; 2007, ch. 19, art. 20.

#### Prix, taux, frais ou conditions non inclus au tarif

**67.1** S'il conclut, sur dépôt d'une plainte, que le titulaire d'une licence intérieure a, contrairement au paragraphe 67(3), appliqué à l'un de ses services intérieurs un prix, un taux, des frais ou d'autres conditions de transport ne figurant pas au tarif, l'Office peut, par ordonnance, lui enjoindre :

- a) d'appliquer un prix, un taux, des frais ou d'autres conditions de transport figurant au tarif;
- b) d'indemniser toute personne lésée des dépenses qu'elle a supportées consécutivement à la non-application du prix, du taux, des frais ou des autres conditions qui figureraient au tarif;
- c) de prendre toute autre mesure corrective indiquée.

2000, ch. 15, art. 6; 2007, ch. 19, art. 21.

#### Conditions déraisonnables

**67.2 (1)** S'il conclut, sur dépôt d'une plainte, que le titulaire d'une licence intérieure a appliqué pour un de ses services intérieurs des conditions de transport déraisonnables ou injustement discriminatoires, l'Office peut suspendre ou annuler ces conditions et leur en substituer de nouvelles.

#### Interdiction d'annoncer

(2) Il est interdit au titulaire d'une licence intérieure d'annoncer ou d'appliquer une condition de transport suspendue ou annulée.

2000, ch. 15, art. 6; 2007, ch. 19, art. 22(F).

#### Non-application de certaines dispositions

**68 (1)** Les articles 66 à 67.2 ne s'appliquent pas aux prix, taux ou frais applicables au service intérieur qui fait l'objet d'un contrat entre le titulaire d'une licence intérieure et une autre personne et par lequel les parties conviennent d'en garder les stipulations confidentielles.



(b) an action taken by the person is as effective as actual compliance with the provision; or

(c) compliance with the provision by the person is unnecessary, undesirable or impractical.

#### Exemption not to provide certain relief

(2) No exemption shall be granted under subsection (1) that has the effect of relieving a person from any provision of this Part that requires a person to be a Canadian and to have a Canadian aviation document and prescribed liability insurance coverage in respect of an air service.

#### Exemption not to provide certain relief — section 69

(3) No exemption shall be granted under subsection (1) that has the effect of relieving a person from the provisions of section 69 that require, in order to be eligible to hold a scheduled international licence,

(a) a Canadian to be designated by the Minister to hold such a licence; or

(b) a non-Canadian to be designated by a foreign government or an agent of a foreign government to operate an air service under the terms of an agreement or arrangement between that government and the Government of Canada.

1996, c. 10, s. 80; 2013, c. 31, s. 7.

#### Inquiry into licensing matters

81 For the purposes of ensuring compliance with this Part, the Agency may inquire into any matter for which a licence, permit or other document is required under this Part.

#### Licensee to provide notification

82 Every licensee shall notify the Agency without delay, in writing, if

(a) the liability insurance coverage in respect of the air service for which the licence is issued is cancelled or is altered in a manner that results in the failure by the licensee to have the prescribed liability insurance coverage for that service;

(b) the licensee's operations change in a manner that results in the failure by the licensee to have the prescribed liability insurance coverage for that service; or

(c) any change occurs that affects, or is likely to affect, the licensee's status as a Canadian.

c) se trouve dans une situation ne rendant ni nécessaire, ni même souhaitable ou commode, cette application.

#### Exception

(2) L'exemption ne peut avoir pour effet de soustraire quiconque aux dispositions relatives à la qualité de Canadien et à la détention d'un document d'aviation canadien et d'une police d'assurance responsabilité réglementaire en matière de service aérien.

#### Exception — article 69

(3) L'exemption ne peut avoir pour effet de soustraire quiconque aux dispositions de l'article 69 qui exigent, en vue de permettre la détention d'une licence pour l'exploitation d'un service international régulier, selon le cas :

a) la désignation d'un Canadien, par le ministre, l'habilitant à détenir une telle licence;

b) la désignation d'un non-Canadien, par un gouvernement étranger ou un mandataire de celui-ci, l'habilitant à exploiter un service aérien aux termes d'un accord ou d'une entente entre ce gouvernement et celui du Canada.

1996, ch. 10, art. 80; 2013, ch. 31, art. 7.

#### Enquêtes sur les licences

81 Dans le but de faire appliquer la présente partie, l'Office peut faire enquête sur toute question relative à une licence, un permis ou un autre document requis par la présente partie.

#### Avis

82 Le licencié est tenu d'aviser l'Office par écrit et sans délai de l'annulation de la police d'assurance responsabilité ou de toute modification — soit de celle-ci, soit de son exploitation — la rendant non conforme au règlement et de toute modification touchant ou susceptible de toucher sa qualité de Canadien.



CANADA

CONSOLIDATION

CODIFICATION

## Air Transportation Regulations

## Règlement sur les transports aériens

SOR/88-58

DORS/88-58

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- (ii) scheduled international service, medium aircraft,
  - (iii) scheduled international service, large aircraft, and
  - (iv) scheduled international service, all-cargo aircraft; and
- (b) with respect to services operated by a non-Canadian air carrier, scheduled international service.

(3) The following classes of air services that may be operated under a non-scheduled international licence are hereby established:

- (a) with respect to services operated by a Canadian air carrier,
- (i) non-scheduled international service, small aircraft,
  - (ii) non-scheduled international service, medium aircraft,
  - (iii) non-scheduled international service, large aircraft, and
  - (iv) non-scheduled international service, all-cargo aircraft; and
- (b) with respect to services operated by a non-Canadian air carrier, non-scheduled international service.

(4) Where an air carrier holds a licence that authorizes the operation of an air service of a class established by subsection (1), (2) or (3), that air carrier and that licence shall be assigned the same designation as that of the class of air service.

SOR/96-335, s. 2.

## Liability Insurance

6 In section 7 and Schedule I, “passenger seat” means a seat on board an aircraft that may be permanently occupied by a passenger for the period during which the aircraft is being used for a domestic service or an international service.

7 (1) No air carrier shall operate a domestic service or an international service unless, for every accident or incident related to the operation of that service, it has

- (a) liability insurance covering risks of injury to or death of passengers in an amount that is not less than the amount determined by multiplying \$300,000 by

- (ii) service international régulier (aéronefs moyens),
  - (iii) service international régulier (gros aéronefs),
  - (iv) service international régulier (aéronefs tout-cargo);
- b) quant aux services exploités par le transporteur aérien non canadien, le service international régulier.

(3) Sont établies les catégories suivantes de services aériens qui peuvent être exploités aux termes d'une licence internationale service à la demande :

- a) quant aux services exploités par le transporteur aérien canadien :
- (i) service international à la demande (petits aéronefs),
  - (ii) service international à la demande (aéronefs moyens),
  - (iii) service international à la demande (gros aéronefs),
  - (iv) service international à la demande (aéronefs tout-cargo);
- b) quant aux services exploités par le transporteur aérien non canadien, le service international à la demande.

(4) Le transporteur aérien qui détient une licence pour l'exploitation d'un service aérien d'une catégorie visée aux paragraphes (1), (2) ou (3) de même que cette licence sont désignés par la même appellation que la catégorie de service aérien.

DORS/96-335, art. 2.

## Assurance responsabilité

6 Aux fins de l'article 7 et de l'annexe I, «siège passager» désigne un siège d'un aéronef qui peut être occupé en permanence par un passager pendant que l'aéronef est affecté à un service intérieur ou à un service international.

7 (1) Il est interdit au transporteur aérien d'exploiter un service intérieur ou un service international à moins de posséder les assurances suivantes couvrant tout accident ou incident lié à l'exploitation du service :

- a) une assurance responsabilité couvrant les blessures et le décès de passagers pour un montant au moins

the number of passenger seats on board the aircraft engaged in the service; and

**(b)** insurance covering risks of public liability in an amount that is not less than

**(i)** \$1,000,000, where the MCTOW of the aircraft engaged in the service is not greater than 7,500 pounds,

**(ii)** \$2,000,000, where the MCTOW of the aircraft engaged in the service is greater than 7,500 pounds but not greater than 18,000 pounds, and

**(iii)** where the MCTOW of the aircraft engaged in the service is greater than 18,000 pounds, \$2,000,000 plus an amount determined by multiplying \$150 by the number of pounds by which the MCTOW of the aircraft exceeds 18,000 pounds.

**(2)** The insurance coverage required by paragraph (1)(a) need not extend to any passenger who is an employee of an air carrier if workers' compensation legislation governing a claim for damages against that air carrier by the employee is applicable.

**(3)** No air carrier shall take out liability insurance to comply with subsection (1) that contains an exclusion or waiver provision reducing insurance coverage for any accident or incident below the applicable minima determined pursuant to that subsection, unless that provision

**(a)** consists of standard exclusion clauses adopted by the international aviation insurance industry dealing with

**(i)** war, hijacking and other perils,

**(ii)** noise and pollution and other perils, or

**(iii)** aviation radioactive contamination;

**(b)** is in respect of chemical drift;

**(c)** is to the effect that the insurance does not apply to liability assumed by the air carrier under any contract or agreement unless such liability would have attached to the air carrier even in the absence of such contract or agreement; or

**(d)** is to the effect that the entire policy shall be void if the air carrier has concealed or misrepresented any material fact or circumstance concerning the insurance or the subject thereof or if there has been any fraud, attempted fraud or false statement by the air carrier touching any matter relating to the insurance or the subject thereof, whether before or after a loss.

égal au produit de 300 000 \$ multiplié par le nombre de sièges passagers à bord de l'aéronef affecté au service;

**b)** une assurance couvrant la responsabilité civile pour un montant au moins égal à :

**(i)** 1 000 000 \$ si la MMHD de l'aéronef affecté au service ne dépasse pas 7 500 livres,

**(ii)** 2 000 000 \$ si la MMHD de l'aéronef affecté au service est supérieure à 7 500 livres sans dépasser 18 000 livres,

**(iii)** si la MMHD de l'aéronef affecté au service est supérieure à 18 000 livres, 2 000 000 \$ plus le produit de 150 \$ multiplié par l'excédent de la MMHD.

**(2)** Il n'est pas nécessaire que l'assurance prescrite à l'alinéa (1)a) s'étende aux passagers qui sont les employés du transporteur aérien si les réclamations en dommages des employés contre ce transporteur aérien sont régies par une loi sur les accidents de travail.

**(3)** Il est interdit au transporteur aérien de souscrire, pour se conformer au paragraphe (1), une assurance responsabilité comportant une clause d'exclusion ou de renonciation qui réduit l'étendue des risques assurés en cas d'accident ou d'incident en deçà des montants minimaux prévus à ce paragraphe, sauf si cette clause, selon le cas :

**a)** est une clause d'exclusion usuelle adoptée par les compagnies d'assurance en aviation internationale, qui vise :

**(i)** soit la guerre, la piraterie aérienne et d'autres dangers,

**(ii)** soit le bruit, la pollution et d'autres dangers,

**(iii)** soit la contamination radioactive aérienne;

**b)** porte sur l'épandage de produits chimiques;

**c)** précise que l'assurance ne s'applique pas à la responsabilité assumée par le transporteur aérien aux termes d'un contrat ou d'une entente, sauf si le transporteur aérien avait à s'acquitter de pareille responsabilité même en l'absence du contrat ou de l'entente;

**d)** précise que la police devient nulle si le transporteur aérien a caché ou faussé un fait ou une circonstance pertinents concernant l'assurance ou le sujet assuré, ou s'il y a eu fraude, tentative de fraude ou fausse déclaration de la part du transporteur aérien

**(4)** An air carrier may have a comprehensive single limit liability coverage where liability risks are covered by a single policy or a combination of primary and excess policies, but no single limit liability coverage of that air carrier shall be for an amount that is less than the applicable combined insurance minima determined pursuant to paragraphs (1)(a) and (b).

SOR/96-335, s. 3.

**8 (1)** Every applicant for a licence or for an amendment to or renewal of a licence, and every licensee, shall file with the Agency, in respect of the service to be provided or being provided, as the case may be, a valid certificate of insurance in the form set out in Schedule I.

**(2)** A person referred to in subsection (1) who files a certificate of insurance electronically shall, on the request of the Agency, file forthwith a certified true copy of the certificate.

SOR/96-335, s. 4.

## Financial Requirements

**8.1 (1)** In this section, “applicant” means a Canadian who applies for

**(a)** a domestic licence, non-scheduled international licence or scheduled international licence that authorizes the operation of an air service using medium aircraft, or for the reinstatement of such a licence that has been suspended for 60 days or longer; or

**(b)** a domestic licence, non-scheduled international licence or scheduled international licence that authorizes the operation of an air service using large aircraft, or for the reinstatement of such a licence that has been suspended for 60 days or longer.

**(2)** Subject to subsection (3), an applicant shall

**(a)** in respect of the air service specified in the application, provide the Agency with a current written statement of the start-up costs that the applicant has incurred in the preceding 12 months, with written estimates of start-up costs that the applicant expects to incur and with written estimates of operating and overhead costs for a 90-day period of operation of the air service, and establish that

relativement à toute question se rapportant à l'assurance ou au sujet assuré, que ce soit avant ou après une perte.

**(4)** Le transporteur aérien peut souscrire une assurance tous risques à limite d'indemnité unique lorsque sa responsabilité est couverte par une seule police ou par un ensemble de polices primaires et complémentaires, auquel cas cette assurance doit prévoir une protection pour un montant au moins égal aux montants minimaux d'assurance combinés prévus aux alinéas (1)a) et b).

DORS/96-335, art. 3.

**8 (1)** Toute personne qui demande la délivrance, la modification ou le renouvellement d'une licence ainsi que tout licencié doivent déposer auprès de l'Office un certificat d'assurance valide, conforme à l'annexe I, à l'égard du service projeté ou fourni, selon le cas.

**(2)** En cas de dépôt par voie électronique, l'intéressé doit, à la demande de l'Office, déposer sans délai une copie certifiée conforme du certificat d'assurance.

DORS/96-335, art. 4.

## Exigences financières

**8.1 (1)** Dans le présent article, « demandeur » s'entend d'un Canadien qui demande :

**a)** soit une licence intérieure, une licence internationale service à la demande ou une licence internationale service régulier qui autorise l'exploitation d'un service aérien utilisant des aéronefs moyens, ou le rétablissement d'une telle licence suspendue depuis au moins 60 jours;

**b)** soit une licence intérieure, une licence internationale service à la demande ou une licence internationale service régulier qui autorise l'exploitation d'un service aérien utilisant des gros aéronefs, ou le rétablissement d'une telle licence suspendue depuis au moins 60 jours.

**(2)** Sous réserve du paragraphe (3), le demandeur doit :

**a)** quant au service aérien visé par la demande, remettre à l'Office, par écrit, un relevé à jour des frais de démarrage qu'il a engagés au cours des 12 mois précédents, une estimation des frais de démarrage qu'il prévoit d'engager ainsi qu'une estimation des frais d'exploitation et des frais généraux qu'il prévoit d'engager pendant une période de 90 jours d'exploitation du service aérien, et démontrer :

(i) in respect of the start-up costs, the statement is complete and accurate and the estimates are reasonable,

(ii) in respect of the operating and overhead costs, the estimates are reasonable and are based on utilization of the aircraft solely on the specified air service under conditions of optimum demand, which utilization shall be no less than that which is necessary for the air service to be profitable,

(iii) subject to subparagraph (b)(i), the applicant has acquired or can acquire funds in an amount at least equal to the total costs included in the statement and in the estimates,

(iv) the funds are not encumbered and are comprised of liquid assets that have been acquired or that can be acquired by way of a line of credit issued by a financial institution or by way of a similar financial instrument,

(v) the terms and conditions under which those funds have been acquired or can be acquired are such that the funds are available and will remain available to finance the air service,

(vi) subject to paragraph (b), where the applicant is a corporation, at least 50% of the funds required by subparagraph (iii) have been acquired by way of capital stock that has been issued and paid for and that cannot be redeemed for a period of at least one year after the date of the issuance or reinstatement of the licence, and

(vii) subject to paragraph (b), where the applicant is a proprietorship or partnership, at least 50% of the funds required by subparagraph (iii) have been acquired by way of the proprietor's or partners' capital that has been injected into the proprietorship or partnership and that cannot be withdrawn for a period of at least one year after the date of the issuance or reinstatement of the licence;

(b) where the applicant is or has been in operation,

(i) increase the amount of funds required by subparagraph (a)(iii) by the amount of any shareholders', proprietor's or partners' deficit that is disclosed in the applicant's current audited financial statements which are prepared in accordance with generally accepted accounting principles in Canada, and those additional funds shall be acquired by way of capital stock that has been issued and paid for in the case of a corporation, or by way of the proprietor's or partners' invested capital in the case of a proprietorship or partnership, which capital stock

(i) que le relevé est complet et exact et que l'estimation est raisonnable quant aux frais de démarrage,

(ii) que l'estimation des frais d'exploitation et des frais généraux est raisonnable et fondée sur l'utilisation des aéronefs uniquement pour ce service aérien dans des conditions de demande optimale, laquelle utilisation représente au moins le minimum nécessaire pour assurer la rentabilité du service aérien,

(iii) sous réserve du sous-alinéa b)(i), qu'il a acquis ou est en mesure d'acquérir des fonds au moins équivalents au total des frais inscrits dans le relevé et dans les estimations,

(iv) que les fonds ne sont pas grevés et qu'ils sont constitués de liquidités acquises ou pouvant l'être au moyen d'une marge de crédit accordée par une institution financière ou au moyen de tout instrument financier semblable,

(v) que les modalités selon lesquelles ces fonds ont été acquis ou peuvent l'être sont telles que les fonds sont disponibles et continueront de l'être pour financer le service aérien,

(vi) sous réserve de l'alinéa b), s'il s'agit d'une société, qu'au moins 50 pour cent des fonds exigés par le sous-alinéa (iii) ont été acquis au moyen d'actions du capital-actions émises et libérées qui ne peuvent être rachetées pendant une période minimale d'un an après la date de délivrance ou de rétablissement de la licence,

(vii) sous réserve de l'alinéa b), s'il s'agit d'une entreprise individuelle ou d'une société de personnes, qu'au moins 50 pour cent des fonds exigés par le sous-alinéa (iii) ont été acquis au moyen du capital investi par le propriétaire ou les associés dans l'entreprise ou la société qui ne peut en être retiré pendant une période minimale d'un an après la date de délivrance ou de rétablissement de la licence;

b) s'il est en exploitation ou l'a été :

(i) augmenter le montant des fonds exigés par le sous-alinéa a)(iii) du montant du déficit des actionnaires, du propriétaire ou des associés figurant dans ses états financiers courants vérifiés, établis conformément aux principes comptables généralement reconnus au Canada; ces fonds additionnels doivent être acquis au moyen d'actions du capital-actions émises et libérées, dans le cas d'une société, ou au moyen du capital investi par le propriétaire ou les associés, dans le cas d'une entreprise individuelle ou d'une société de personnes, et ces actions

or invested capital is to be subject to the condition prescribed in subparagraph (a)(vi) or (vii), and

(ii) decrease the amount of the capital stock that is required by subparagraph (a)(vi) to be issued and paid for in the case of a corporation, or the amount of the proprietor's or partners' capital that is required by subparagraph (a)(vii) to be invested in the case of a proprietorship or partnership, by the amount of any shareholders', proprietor's or partners' equity that is disclosed in the applicant's current audited financial statements which are prepared in accordance with generally accepted accounting principles in Canada; and

(c) file with the Agency, on request, any information that the Agency requires to determine whether the applicant has complied with the requirements of paragraphs (a) and (b).

(3) Subsection (2) does not apply to

(a) an applicant that, at the proposed time of the issuance or reinstatement of the licence, operates an air service using medium or large aircraft in the case of an applicant referred to in paragraph (1)(a), or using large aircraft in the case of an applicant referred to in paragraph (1)(b), pursuant to

(i) a non-scheduled international licence or a scheduled international licence, or

(ii) a domestic licence in respect of which the applicant has, within 12 months before the proposed time of issuance or reinstatement of the licence, complied with subsection (2); and

(b) an applicant for the renewal of a licence referred to in paragraph (1)(a) or (b).

SOR/96-336, s. 4.

## Provision of Aircraft with Flight Crew

**8.2 (1)** For the purposes of section 60 of the Act and subject to section 8.3, approval of the Agency is required before a person may provide all or part of an aircraft, with a flight crew, to a licensee for the purpose of providing an air service pursuant to the licensee's licence and before a licensee may provide an air service using all or part of an aircraft, with flight crew, provided by another person.

(2) The person who provides an aircraft to a licensee and the licensee shall apply to the Agency for an approval referred to in subsection (1) at least 45 days before the first planned flight.

ou ce capital investi sont assujettis à la condition prévue aux sous-alinéas a)(vi) ou (vii),

(ii) diminuer le montant des actions du capital-actions qui, selon le sous-alinéa a)(vi), doivent être émises et libérées, dans le cas d'une société, ou le montant du capital du propriétaire ou des associés qui doit être investi selon le sous-alinéa a)(vii), dans le cas d'une entreprise individuelle ou d'une société de personnes, du montant de tout avoir des actionnaires, du propriétaire ou des associés figurant dans ses états financiers courants vérifiés, établis conformément aux principes comptables généralement reconnus au Canada;

c) déposer auprès de l'Office, sur demande, les renseignements dont celui-ci a besoin pour vérifier si les exigences des alinéas a) et b) sont respectées.

(3) Le paragraphe (2) ne s'applique pas :

a) au demandeur qui, à la date prévue pour la délivrance ou le rétablissement de la licence, exploite un service aérien utilisant des aéronefs moyens ou des gros aéronefs, s'il s'agit du demandeur visé à l'alinéa (1)a), ou des gros aéronefs, s'il s'agit du demandeur visé à l'alinéa (1)b), aux termes :

(i) soit d'une licence internationale service à la demande ou d'une licence internationale service régulier,

(ii) soit d'une licence intérieure à l'égard de laquelle il s'est conformé aux exigences du paragraphe (2) dans les 12 mois précédant cette date;

b) au demandeur qui demande le renouvellement d'une licence visée aux alinéas (1)a) ou b).

DORS/96-336, art. 4.

## Fourniture d'aéronefs avec équipage

**8.2 (1)** Pour l'application de l'article 60 de la Loi, la fourniture de tout ou partie d'un aéronef, avec équipage, à un licencié en vue de la prestation d'un service aérien conformément à sa licence et la fourniture, par un licencié, d'un service aérien utilisant tout ou partie d'un aéronef, avec équipage, appartenant à un tiers sont, sous réserve de l'article 8.3, assujetties à l'autorisation préalable de l'Office.

(2) Le licencié et la personne qui lui fournit l'aéronef doivent demander cette autorisation à l'Office au moins 45 jours avant le premier vol prévu.

**(3)** The application shall include the following:

- (a)** in respect of the proposed air service, evidence that the appropriate licence authority, charter permit and Canadian aviation document and the liability insurance coverage referred to in subsection (4) and, where applicable, subsection (5) are in effect;
- (b)** the name of the licensee;
- (c)** if applicable, the name of the charterer or charterers and the charter program permit or authorization number;
- (d)** the name of the person providing the aircraft with flight crew;
- (e)** the aircraft type to be provided;
- (f)** the maximum number of seats and the cargo capacity of the aircraft to be provided and, where applicable, the maximum number of seats and the cargo capacity to be provided for use by the licensee;
- (g)** the points to be served;
- (h)** the frequency of service;
- (i)** the period covered by the proposed air service; and
- (j)** an explanation of why the use by the licensee of all or part of an aircraft with a flight crew provided by another person is necessary.

**(4)** The licensee shall maintain passenger and third party liability insurance coverage for a service for which another person provides an aircraft with flight crew, at least in the amounts set out in section 7,

- (a)** by means of its own policy; or
- (b)** subject to subsection (5), by being named as an additional insured under the policy of the other person.

**(5)** Where the licensee is named as an additional insured under the policy of the person referred to in subsection (4), there must be a written agreement between the licensee and the person to the effect that, for all flights for which the person provides aircraft with flight crew, the person will hold the licensee harmless from, and indemnify the licensee for, all passenger and third party liabilities while passengers or cargo transported under contract with the licensee are under the control of the person.

**(3)** La demande d'autorisation doit contenir les renseignements suivants :

- a)** quant au service aérien projeté, la preuve que la licence requise, le cas échéant, le permis d'affrètement et le document d'aviation canadien requis ainsi que la police d'assurance responsabilité visée au paragraphe (4) et, s'il y a lieu, au paragraphe (5) sont en vigueur;
- b)** le nom du licencié;
- c)** le cas échéant, le nom de l'affréteur ou des affréteurs et le numéro du permis-programme ou de la permission;
- d)** le nom de la personne qui fournit l'aéronef avec équipage;
- e)** le type d'aéronef qui sera fourni;
- f)** le nombre maximal de places de l'aéronef et sa capacité pour le transport de marchandises et, s'il y a lieu, le nombre maximal de places et sa capacité pour le transport de marchandises offerts au licencié pour son usage;
- g)** les points à desservir;
- h)** la fréquence du service;
- i)** la période visée par le service aérien projeté;
- j)** les raisons pour lesquelles le licencié doit utiliser tout ou partie d'un aéronef, avec équipage, fourni par un tiers.

**(4)** Le licencié doit maintenir l'assurance responsabilité à l'égard des passagers et autres personnes, selon les montants minimaux prévus à l'article 7, pour tout service utilisant un aéronef, avec équipage, fourni par un tiers :

- a)** soit par l'intermédiaire de sa propre police;
- b)** soit, sous réserve du paragraphe (5), en étant inscrit à titre d'assuré additionnel dans la police du tiers.

**(5)** Si le licencié est inscrit à titre d'assuré additionnel dans la police du tiers, les deux doivent avoir conclu une entente par écrit portant que, pour tous les vols pour lesquels le tiers fournit un aéronef avec équipage, il exonérera le licencié de toute responsabilité à l'égard des réclamations des passagers et autres personnes pendant que les passagers ou les marchandises transportés aux termes du contrat avec celui-ci sont sous sa responsabilité.



(6) The licensee and the person who provides the aircraft with flight crew shall notify the Agency in writing forthwith if the liability insurance coverage referred to in subsection (4) and, where applicable, subsection (5) has been cancelled or altered in any manner that results in failure by the licensee or the person to maintain the coverage.

SOR/96-335, s. 4.

**8.3 (1)** The approval referred to in section 8.2 is not required if, in respect of the air service to be provided, the appropriate licence authority, charter permit and Canadian aviation document and the liability insurance coverage referred to in subsection 8.2(4) and, where applicable, subsection 8.2(5), are in effect and

(a) both the person providing an aircraft to the licensee and the licensee are Canadian, the person is a licensee and the air service to be provided is a domestic service or an air service between Canada and the United States; or

(b) where the air service to be provided is an international service, a temporary and unforeseen circumstance has transpired within 72 hours before the planned departure time of a flight or the first flight of a series of flights that has forced the use of all or part of an aircraft, with a flight crew, provided by another person for a period of not more than one week, and the licensee

(i) has notified the Agency of the proposed flight or the first flight of a series of flights covering a period of not more than one week in accordance with subsection (2), and

(ii) has received an acknowledgement that the conditions of this paragraph have been met.

(2) The notification referred to in paragraph (1)(b) shall be given before the proposed flight or flights and shall contain

(a) a description of the temporary and unforeseen circumstance and an explanation of why it requires the use of all or part of an aircraft with a flight crew provided by another person;

(b) in respect of the air service to be provided,

(i) a statement that the appropriate licence authority, charter permit and Canadian aviation document and the liability insurance coverage referred to in subsection 8.2(4) and, where applicable, subsection 8.2(5) are in effect and that the liability insurance coverage is available for inspection by the Agency on request, or

(6) Le licencié et le tiers doivent aviser l'Office par écrit dès que la police d'assurance responsabilité visée au paragraphe (4) et, s'il y a lieu, au paragraphe (5) est annulée ou modifiée de façon qu'elle n'est plus maintenue par l'un ou l'autre.

DORS/96-335, art. 4.

**8.3 (1)** L'autorisation visée à l'article 8.2 n'est pas obligatoire pour le service aérien projeté si la licence requise, le cas échéant, le permis d'affrètement et le document d'aviation canadien requis ainsi que la police d'assurance responsabilité visée au paragraphe 8.2(4) et, s'il y a lieu, au paragraphe 8.2(5) sont en vigueur et si, selon le cas :

a) le tiers et le licencié sont des Canadiens, le tiers est un licencié et le service aérien est un service intérieur ou un service aérien entre le Canada et les États-Unis;

b) lorsqu'il s'agit d'un service international, une situation temporaire et imprévue est survenue dans les 72 heures précédant l'heure de départ prévue d'un vol ou du premier vol d'une série de vols et rend nécessaire l'utilisation, pour une période maximale d'une semaine, de tout ou partie d'un aéronef, avec équipage, fourni par un tiers, et le licencié :

(i) a avisé l'Office, conformément au paragraphe (2), du vol proposé ou du premier vol de la série de vols s'étendant sur une période maximale d'une semaine,

(ii) a reçu confirmation que les conditions énoncées au présent alinéa sont remplies.

(2) L'avis visé à l'alinéa (1)b doit être donné avant le vol ou les vols proposés et doit contenir les renseignements suivants :

a) une description de la situation temporaire et imprévue et les raisons pour lesquelles il est nécessaire d'utiliser tout ou partie d'un aéronef, avec équipage, fourni par un tiers;

b) quant au service aérien projeté :

(i) une déclaration portant que la licence requise, le cas échéant, le permis d'affrètement et le document d'aviation canadien requis ainsi que la police d'assurance responsabilité visée au paragraphe 8.2(4) et, s'il y a lieu, au paragraphe 8.2(5) sont en vigueur et que la police peut, sur demande, être mise à la disposition de l'Office pour examen,

(ii) where use of the aircraft and flight crew does not require an Agency licence, a copy of the Canadian aviation document and the certificate of liability insurance;

(c) where the aircraft to be used is larger than that authorized in the charter permit, a statement that the number of seats sold will not be greater than the number authorized in the charter permit;

(d) the name of the licensee;

(e) the name of the person providing the aircraft with a flight crew;

(f) the aircraft type to be provided;

(g) the number of seats and the cargo capacity of the aircraft to be provided;

(h) the date of each flight; and

(i) the routing of each flight.

SOR/96-335, s. 4.

**8.4** Where the Agency has granted an approval, or no approval is required pursuant to section 8.3, the licensee is not required to

(a) notwithstanding paragraph 18(a), furnish the services, equipment and facilities that are necessary for the purposes of the provision of the air service; or

(b) satisfy the condition set out in paragraph 18(c).

SOR/96-335, s. 4.

## Public Disclosure

**8.5 (1)** Subject to subsection (4), a licensee that intends to provide an air service described in subsection 8.2(1) shall so notify the public in accordance with subsection (2).

(2) The licensee shall give notification that the air service referred to in subsection (1) is being operated using an aircraft and a flight crew provided by another person, and shall identify that person and specify the aircraft type

(a) on all service schedules, timetables, electronic displays and any other public advertising of the air service; and

(b) to travellers

(ii) dans les cas où l'utilisation de l'aéronef et de l'équipage exige l'obtention d'une licence de l'Office, une copie du document d'aviation canadien et du certificat d'assurance responsabilité;

c) lorsque l'aéronef à utiliser est plus gros que celui autorisé par le permis d'affrètement, une déclaration portant que le nombre de places vendues ne dépassera pas le nombre autorisé par ce permis;

d) le nom du licencié;

e) le nom du tiers fournissant l'aéronef avec équipage;

f) le type d'aéronef devant être fourni;

g) le nombre de places de l'aéronef et sa capacité pour le transport de marchandises;

h) la date de chaque vol;

i) l'itinéraire de chaque vol.

DORS/96-335, art. 4.

**8.4** Dans le cas où l'Office a donné son autorisation ou dans le cas visé à l'article 8.3 où cette autorisation n'est pas obligatoire, le licencié n'est pas tenu :

a) malgré l'alinéa 18a), de fournir les services, le matériel et les installations nécessaires à la prestation du service aérien;

b) de remplir la condition énoncée à l'alinéa 18c).

DORS/96-335, art. 4.

## Divulgateion au public

**8.5 (1)** Sous réserve du paragraphe (4), le licencié qui a l'intention de fournir un service aérien visé au paragraphe 8.2(1) doit en informer le public de la manière prévue au paragraphe (2).

(2) Le licencié doit annoncer que ce service aérien est exploité au moyen d'un aéronef, avec équipage, fourni par un tiers et préciser le nom du tiers et le type d'aéronef :

a) sur tous les indicateurs, horaires et systèmes d'affichage électronique et dans toute autre publicité concernant le service aérien;

b) aux voyageurs, aux moments suivants :

(i) avant la réservation, ou après celle-ci si l'entente relative au service aérien a été conclue après qu'une réservation a été faite,

(i) before reservation, or after reservation if the arrangement for the air service has been entered into after a reservation has been made, and

(ii) on check-in.

(3) A licensee shall identify the person providing the aircraft and specify the aircraft type for each segment of the journey on all travel documents, including, if issued, itineraries.

(4) Where paragraph 8.3(1)(b) applies, a licensee is exempt from having to comply with the requirements of subsection (1), paragraph (2)(a), subparagraph (2)(b)(i) and subsection (3) only if the licensee has made every effort to comply with them.

(5) Where an approval is required by subsection 8.2(1) or an acknowledgement is required by paragraph 8.3(1)(b), the licensee may give the notification referred to in subsection (2) before receipt of the approval or acknowledgement if the notification contains a statement that the provision of the air service using all or part of an aircraft, with a flight crew, provided by a person other than the licensee is subject to the consent of the Agency.

SOR/96-335, s. 4.

9 [Repealed, SOR/96-335, s. 4]

## PART II

# Domestic and International Licences and Reduction in Domestic Services

ISOR/96-335, s. 5]

## Domestic Licensing

10 (1) An applicant for a domestic licence, or for an amendment to or a renewal of such a licence, shall submit to the Agency documentary evidence to establish that the applicant

(a) is a Canadian or is exempted from that requirement under section 62 of the Act;

(b) holds a Canadian aviation document that is valid in respect of the air service to be provided under the licence;

(c) has the liability insurance coverage required by section 7 in respect of the air service to be provided under the licence and has complied with section 8; and

(ii) au moment de l'enregistrement.

(3) Le licencié doit indiquer sur tous les documents de voyage, y compris l'itinéraire, s'il y a lieu, le nom du tiers fournissant l'aéronef et le type d'aéronef pour chaque segment du voyage.

(4) Dans le cas où l'alinéa 8.2(1)b) s'applique, le licencié n'est exempté de l'application du paragraphe (1), de l'alinéa (2)a), du sous-alinéa (2)b)(i) et du paragraphe (3) que s'il a fait tout son possible pour s'y conformer.

(5) Dans les cas où l'autorisation visée au paragraphe 8.2(1) ou la confirmation visée à l'alinéa 8.3(1)b) est exigée, le licencié peut faire l'annonce mentionnée au paragraphe (2) avant d'avoir reçu l'autorisation ou la confirmation, pourvu qu'il y précise que la prestation du service aérien au moyen de tout ou partie d'un aéronef, avec équipage, fourni par un tiers est subordonnée au consentement de l'Office.

DORS/96-335, art. 4.

9 [Abrogé, DORS/96-335, art. 4]

## PARTIE II

# Licences intérieures et internationales et réduction des services intérieurs

IDORS/96-335, art. 5]

## Licences intérieures

10 (1) Le demandeur qui désire obtenir, modifier ou renouveler une licence intérieure doit déposer auprès de l'Office une preuve documentaire établissant à la fois :

a) qu'il est Canadien ou qu'il est exempté de l'obligation de justifier de cette qualité en vertu de l'article 62 de la Loi;

b) qu'il détient un document d'aviation canadien valable pour le service aérien visé par la licence;

c) qu'il détient une police d'assurance responsabilité conforme à l'article 7 à l'égard du service aérien visé par la licence et qu'il s'est conformé à l'article 8;

(d) where the applicant is required to meet the financial requirements set out in section 8.1, meets those requirements.

(2) Every holder of a domestic licence shall, within 30 days after each anniversary date of the licence, file with the Agency a declaration in the form set out in Schedule II.

SOR/96-335, s. 6.

**11. to 13** [Repealed, SOR/96-335, s. 7]

## Reduction or Discontinuance of Domestic Services

[SOR/2001-71, s. 1]

**14 (1)** For the purposes of subsection 64(1) of the Act, a licensee proposing to discontinue or to reduce the frequency of a domestic service to a point to less than one flight per week, where, as a result of the proposed discontinuance or reduction, there will be only one licensee or no licensee offering at least one flight per week to that point, shall give notice of the proposal

(a) to the Agency, to the Minister and to the minister responsible for transportation in the province or territory where the area to be affected is located, by sending them a notice in the form set out in Schedule III; and

(b) to holders of domestic licences operating in the area to be affected by the proposal and to persons resident therein, by publishing notice in the form set out in Schedule III in newspapers with the largest circulation in that area in each official language, the names of which newspapers shall be obtainable from the Agency on request by the licensee.

**(1.1)** For the purposes of subsection 64(1.1) of the Act, a licensee proposing to discontinue a year-round non-stop scheduled air service between two points in Canada, where the proposed discontinuance would result in a reduction, as compared to the week before the proposal is to take effect, of at least 50% of the weekly passenger-carrying capacity of all licensees operating year-round non-stop scheduled air services between those two points, shall give notice of the proposal to the persons, and in the manner, referred to in paragraphs (1)(a) and (b).

(2) The date of the notice referred to in paragraph (1)(b) shall be the same as the date on which the notice appears in the newspaper.

SOR/96-335, s. 8; SOR/2001-71, s. 2.

d) le cas échéant, qu'il remplit les exigences financières énoncées à l'article 8.1.

(2) Le titulaire d'une licence intérieure doit, dans les 30 jours suivant la date d'anniversaire de sa licence, déposer auprès de l'Office une déclaration établie conformément à l'annexe II.

DORS/96-335, art. 6.

**11. à 13** [Abrogés, DORS/96-335, art. 7]

## Réduction ou interruption du service intérieur

[DORS/2001-71, art. 1]

**14 (1)** Pour l'application du paragraphe 64(1) de la Loi, le licencié qui se propose d'interrompre un service intérieur à un point ou d'en réduire la fréquence à moins d'un vol hebdomadaire est tenu, si cette mesure a pour effet qu'il y aura au plus un licencié offrant un service à une fréquence minimale d'un vol hebdomadaire, d'aviser :

a) l'Office, le ministre et le ministre responsable des transports de la province ou du territoire où est située la région qui serait touchée, selon la forme prévue à l'annexe III;

b) les titulaires d'une licence intérieure qui exploitent leur service dans la région touchée par le projet ainsi que les résidents de cette région, par la publication d'un avis établi conformément à l'annexe III, dans les journaux — dont les noms peuvent être obtenus de l'Office sur demande du licencié — qui, dans la région, ont le plus grand tirage dans chacune des deux langues officielles.

**(1.1)** Pour l'application du paragraphe 64(1.1) de la Loi, le licencié qui se propose d'interrompre un service aérien régulier sans escale offert à longueur d'année entre deux points au Canada est tenu, si cette mesure aurait pour effet de réduire d'au moins cinquante pour cent la capacité hebdomadaire de transport de passagers, par rapport à celle de la semaine précédant son entrée en vigueur, de l'ensemble des licenciés offrant à longueur d'année des services aériens réguliers sans escale entre ces deux points, d'aviser les personnes visées aux alinéas (1)a) et b), selon les modalités qui y sont prévues.

(2) La date de l'avis visé à l'alinéa (1)b) est celle à laquelle l'avis paraît dans les journaux.

DORS/96-335, art. 8; DORS/2001-71, art. 2.

## DIVISION I

### Domestic

#### Application

**105** A tariff referred to in section 67 of the Act shall include the information required by this Division.

SOR/96-335, s. 53.

#### Exception

**106** The holder of a domestic licence in respect of a domestic service that serves the transportation needs of the bona fide guests, employees and workers of a lodge operation, including the transportation of luggage, materials and supplies of those guests, employees or workers, is excluded, in respect of the service of those needs, from the requirements of section 67 of the Act.

SOR/96-335, s. 53.

#### Contents of Tariffs

**107 (1)** Every tariff shall contain

- (a) the name of the issuing air carrier and the name, title and full address of the officer or agent issuing the tariff;
- (b) the tariff number, and the title that describes the tariff contents;
- (c) the dates of publication, coming into effect and expiration of the tariff, if it is to expire on a specific date;
- (d) a description of the points or areas from and to which or between which the tariff applies;
- (e) in the case of a joint tariff, a list of all participating air carriers;
- (f) a table of contents showing the exact location where information under general headings is to be found;
- (g) where applicable, an index of all goods for which commodity tolls are specified, with reference to each item or page of the tariff in which any of the goods are shown;
- (h) an index of points from, to or between which tolls apply, showing the province or territory in which the points are located;
- (i) a list of the airports, aerodromes or other facilities used with respect to each point shown in the tariff;

## SECTION I

### Service intérieur

#### Application

**105** Les tarifs visés à l'article 67 de la Loi doivent contenir les renseignements exigés par la présente section.

DORS/96-335, art. 53.

#### Exception

**106** Le titulaire d'une licence intérieure pour l'exploitation d'un service intérieur servant à répondre aux besoins de transport des véritables clients, employés et travailleurs d'un hôtel pavillonnaire, y compris le transport de leurs bagages, matériel et fournitures, est exempté des exigences de l'article 67 de la Loi à l'égard de ce service.

DORS/96-335, art. 53.

#### Contenu des tarifs

**107 (1)** Tout tarif doit contenir :

- a) le nom du transporteur aérien émetteur ainsi que le nom, le titre et l'adresse complète du dirigeant ou de l'agent responsable d'établir le tarif;
- b) le numéro du tarif et son titre descriptif;
- c) les dates de publication et d'entrée en vigueur ainsi que la date d'expiration s'il s'applique à une période donnée;
- d) la description des points ou des régions en provenance et à destination desquels ou entre lesquels il s'applique;
- e) s'il s'agit d'un tarif pluritransporteur, la liste des transporteurs aériens participants;
- f) une table des matières donnant un renvoi précis aux rubriques générales;
- g) s'il y a lieu, un index de toutes les marchandises pour lesquelles des taxes spécifiques sont prévues, avec renvoi aux pages ou aux articles pertinents du tarif;
- h) un index des points en provenance et à destination desquels ou entre lesquels s'appliquent les taxes, avec mention de la province ou du territoire où ils sont situés;

**(j)** where applicable, information respecting prepayment requirements and restrictions and information respecting non-acceptance and non-delivery of goods, unless reference is given to another tariff number in which that information is contained;

**(k)** a full explanation of all abbreviations, notes, reference marks, symbols and technical terms used in the tariff and, where a reference mark or symbol is used on a page, an explanation of it on that page or a reference thereon to the page on which the explanation is given;

**(l)** the terms and conditions governing the tariff, generally, stated in such a way that it is clear as to how the terms and conditions apply to the tolls named in the tariff;

**(m)** any special terms and conditions that apply to a particular toll and, where the toll appears on a page, a reference on that page to the page on which those terms and conditions appear;

**(n)** the terms and conditions of carriage, clearly stating the air carrier's policy in respect of at least the following matters, namely,

- (i)** the carriage of persons with disabilities,
- (ii)** acceptance of children,
- (iii)** compensation for denial of boarding as a result of overbooking,
- (iv)** passenger re-routing,
- (v)** failure to operate the service or failure to operate on schedule,
- (vi)** refunds for services purchased but not used, whether in whole or in part, either as a result of the client's unwillingness or inability to continue or the air carrier's inability to provide the service for any reason,
- (vii)** ticket reservation, cancellation, confirmation, validity and loss,
- (viii)** refusal to transport passengers or goods,
- (ix)** method of calculation of charges not specifically set out in the tariff,
- (x)** limits of liability respecting passengers and goods,

**i)** la liste des aérodromes, aéroports ou autres installations utilisés pour chaque point mentionné dans le tarif;

**j)** s'il y a lieu, les renseignements concernant les exigences et les restrictions de paiement à l'avance ainsi que le refus et la non-livraison des marchandises; toutefois, ces renseignements ne sont pas nécessaires si un renvoi est fait au numéro d'un autre tarif qui contient ces renseignements;

**k)** l'explication complète des abréviations, notes, appels de notes, symboles et termes techniques employés dans le tarif et, lorsque des appels de notes ou des symboles figurent sur une page, leur explication sur la page même ou un renvoi à la page qui en donne l'explication;

**l)** les conditions générales régissant le tarif, énoncées en des termes qui expliquent clairement leur application aux taxes énumérées;

**m)** les conditions particulières qui s'appliquent à une taxe donnée et, sur la page où figure la taxe, un renvoi à la page où se trouvent les conditions;

**n)** les conditions de transport, dans lesquelles est énoncée clairement la politique du transporteur aérien concernant au moins les éléments suivants :

- (i)** le transport des personnes ayant une déficience,
- (ii)** l'admission des enfants,
- (iii)** les indemnités pour refus d'embarquement à cause de sur réservation,
- (iv)** le réacheminement des passagers,
- (v)** l'inexécution du service et le non-respect de l'horaire,
- (vi)** le remboursement des services achetés mais non utilisés, intégralement ou partiellement, par suite de la décision du client de ne pas poursuivre son trajet ou de son incapacité à le faire, ou encore de l'inaptitude du transporteur aérien à fournir le service pour une raison quelconque,
- (vii)** la réservation, l'annulation, la confirmation, la validité et la perte des billets,
- (viii)** le refus de transporter des passagers ou des marchandises,
- (ix)** la méthode de calcul des frais non précisés dans le tarif,

(xi) exclusions from liability respecting passengers and goods, and

(xii) procedures to be followed, and time limitations, respecting claims;

(o) the tolls, shown in Canadian currency, together with the names of the points from, to or between which the tolls apply, arranged in a simple and systematic manner with, in the case of commodity tolls, goods clearly identified;

(p) the routings related to the tolls unless reference is made in the tariff to another tariff in which the routings appear; and

(q) the official descriptive title of each type of passenger fare, together with any name or abbreviation thereof.

(x) les limites de responsabilité à l'égard des passagers et des marchandises,

(xi) les exclusions de responsabilité à l'égard des passagers et des marchandises,

(xii) la marche à suivre ainsi que les délais fixés pour les réclamations;

o) les taxes, exprimées en monnaie canadienne, et les noms des points en provenance et à destination desquels ou entre lesquels elles s'appliquent, le tout étant disposé d'une manière simple et méthodique et les marchandises étant indiquées clairement dans le cas des taxes spécifiques;

p) les itinéraires visés par les taxes; toutefois, ces itinéraires n'ont pas à être indiqués si un renvoi est fait à un autre tarif qui les contient;

q) le titre descriptif officiel de chaque type de prix passagers, ainsi que tout nom ou abréviation servant à désigner ce prix.

(2) Every original tariff page shall be designated "Original Page", and changes in, or additions to, the material contained on the page shall be made by revising the page and renumbering it accordingly.

(3) Where an additional page is required within a series of pages in a tariff, that page shall be given the same number as the page it follows but a letter shall be added to the number.

(4) and (5) [Repealed, SOR/96-335, s. 54]

SOR/93-253, s. 2; SOR/93-449, s. 1; SOR/96-335, s. 54.

(2) Les pages originales du tarif doivent porter la mention «page originale» et, lorsque des changements ou des ajouts sont apportés, la page visée doit être révisée et numérotée en conséquence.

(3) S'il faut intercaler une page supplémentaire dans une série de pages d'un tarif, cette page doit porter le même numéro que la page qui la précède, auquel une lettre est ajoutée.

(4) et (5) [Abrogés, DORS/96-335, art. 54]

DORS/93-253, art. 2; DORS/93-449, art. 1; DORS/96-335, art. 54.

## Interest

**107.1** Where the Agency, by order, directs an air carrier to refund specified amounts to persons that have been overcharged by the air carrier for fares or rates in respect of its air service pursuant to paragraph 66(1)(c) of the Act, the amount of the refunds shall bear interest from the date of payment of the fares or rates by those persons to the air carrier to the date of the Agency's order at the rate of interest charged by the Bank of Canada on short-term loans to financial institutions plus one and one-half percent.

SOR/2001-71, s. 3.

## Intérêts

**107.1** Dans le cas où, en vertu de l'alinéa 66(1)c) de la Loi, l'Office enjoint, par ordonnance, à un transporteur aérien de rembourser des sommes à des personnes ayant versé des sommes en trop pour un service, le remboursement porte intérêt à compter de la date du paiement fait par ces personnes au transporteur jusqu'à la date de délivrance de l'ordonnance par l'Office, au taux demandé par la Banque du Canada aux institutions financières pour les prêts à court terme, majoré d'un et demi pour cent.

DORS/2001-71, art. 3.