



COURT OF APPEAL

THE LAW COURTS
400 - 800 HORNBY STREET
VANCOUVER, B.C.
V6Z 2C5

21 November 2025

Simon Lin

Evolink Law Group
237 - 4388 Still Creek Drive
Burnaby, British Columbia
V5C 6C6

Eliza McCullum

Civil Resolution Tribunal
200 - 1175 Douglas Street
Victoria, British Columbia
V8W 2E1

Michael Dery

Alexander Holburn Beaudin + Lang LLP
P.O. Box 10057
#2700 - 700 West Georgia Street
Vancouver, British Columbia
V7Y 1B8

Dear Counsel:

RE: AIR PASSENGER RIGHTS (A) vs. WESTJET AIRLINES LTD.
Court of Appeal File No: CA51094

I have the parties' recent letters. I agree with the appellant that case management is premature at this time.

As I am certain the parties are aware, this Court will not hear an appeal without an entered order.

This is especially so when the parties dispute its terms or if there is a question about the Court's jurisdiction. As is customary, if the parties cannot agree to a form of order, it should be settled before the Supreme Court Registrar or, if the trial court elects, by the trial judge. The parties have an upcoming appearance before Justice Sharma on 22 January 2026, so it may be efficient to address the issue then, or earlier if possible.

If we then have an order, I will entertain a proposal to expedite the appeal (including an application by the respondent under Rule 60, if they maintain their view the order, as settled, cannot be appealed).

If we do not have an order, I suspect we will all agree to hold the appeal in abeyance pending one.

I wish to reiterate that I have no desire to delay the resolution of the important issues this appeal raises, but the existence and/or terms of the order below is not merely a technical matter. It is central to this Court's ability to resolve this appeal.

Once the order below is settled, I invite the parties to renew their requests and I will act quickly to respond to them.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy Outerbridge', with a long horizontal flourish extending to the right.

Timothy Outerbridge,
Registrar