



ALEXANDER  
HOLBURN

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December 12, 2025

VIA ELECTRONIC FILING

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British Columbia Court of Appeal  
The Law Courts  
400-800 Hornby Street  
Vancouver, BC V6Z 2C5

Attention: Registrar Timothy Outerbridge

Dear Sirs/Mesdames:

**Re: Air Passenger Rights v. WestJet Airlines Ltd.  
Court of Appeal File No. CA51094**

We write further to the correspondence of Mr. Lin (counsel for the appellant) dated December 10, 2025, and the Court's request for our availability for the hearing of the appeal.

While we are not of the view that the appellant's claim of urgency is warranted, we are amenable to working with all involved counsel and the Court to schedule the hearing of the appeal with dispatch.

We note that claimants are not being deprived of their rights to compensation under the *Air Passenger Protection Regulations*; they are simply unable to obtain a decision from the Civil Resolution Tribunal in respect of such claims at this time. In our view, this does not constitute hardship as the appellant suggests. The recent decision of the CRT declining to decide another *APPR* claim is an entirely expected result of the decision under appeal. While the issue does need to be resolved, it need not be done overnight.

We do not intend to use the present correspondence to litigate submissions made by our client in other proceedings. We will simply point out that in the extract provided by counsel for the appellant, the concluding sentence in the first paragraph is as follows: "WestJet submits that the BC CRT Tribunal does not have jurisdiction to adjudicate or make binding decisions **on matters concerning the applicants' Air Passenger Protection Regulations complaint** (our emphasis)". The submission is clearly limited to the complaint brought under the Regulations. In any event, there does not appear to be any confusion on the part of the CRT. In its decision, the CRT dealt with compensation claimed under the Regulations separately from food/hotel expenses claimed under the Montreal Convention.

Counsel for WestJet is not available for a hearing from January 5 to 7, 2026. WestJet is opposed to a hearing during the week of January 12, 2026. Appellant's counsel will have until

December 24 to provide his reply factum, leaving only four to six business days (three of which are between Christmas and New Year's) until the date of the hearing, if it were scheduled for one of the early January dates.

WestJet is available on January 22 and 27, 2026. However, we expect that even later January dates may not provide sufficient time for the Attorney General to review the factums, obtain instructions with respect to participation, and prepare their factum if they decide to participate.

Taking into account the dates that appellant's counsel is not available (according to his letter dated December 10, 2025), WestJet is available on the following dates in February and March:

- February 3 and 4, 23, and 26
- March 6, 9-12, and 17-20

Please do not hesitate to let us know if you require anything further.

Yours truly,

**ALEXANDER HOLBURN BEAUDIN + LANG LLP**

Per:

A handwritten signature in black ink, appearing to be 'Michael Dery', written over a horizontal line.

Michael Dery\*  
Partner  
MAD/KAM  
Encl.

\*Professional Law Corporation

cc. Simon Lin, counsel for the appellant  
Eliza McCullum, counsel for the Civil Resolution Tribunal  
Tyna Mason, counsel for the Attorney General of British Columbia