

April 15, 2026

**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 in response to Mr. Lin's letter dated April 13, 2026.

It is WestJet's position that no further submissions from the Appellant Air Passenger Rights ("APR") should be accepted. APR's decision to not address in its factum or reply the substantive issue raised in the petition necessitated this unconventional process. WestJet had only three pages to respond to the appellant's position, which involved predominantly new arguments not raised in the petition. WestJet recognizes that some of these new arguments were based on a decision published after the petition was argued, but the fact remains that it had only three pages to respond.

Further, in response to APR's assertion that WestJet's submissions involve impermissible "reply", WestJet was entitled to respond to APR's position. WestJet's submissions were not "reply" in the usual sense, because although its factum constituted the first time the substantive issue was raised in the appeal, its position in its factum was based on APR's arguments on the petition, rather than its position on the appeal. As noted above, the latter position turned out to be materially different.

In addition, APR makes this request for leave to provide further submissions having already filed an improper reply factum that resulted in it having more pages to respond to WestJet's position than it should have been allowed. The Rules provide for a maximum of five pages for reply, but APR avoided this limit by filing one 10-page reply with 9.5 pages addressing WestJet's position, rather than two reply factums, one responding to each respondent's position in a maximum of five pages.

WestJet respectfully submits that the additional submissions set out in APR's letter should not be accepted.

Yours truly,

**ALEXANDER HOLBURN BEAUDIN + LANG LLP**

Per:

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

Michael Dery\*  
Partner  
MAD/KAM  
Encl.

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cc. Simon Lin, counsel for the appellant  
Eliza McCullum and Clayton Gallant, counsel for the Civil Resolution Tribunal