



Letter Decision No. LET-A-49-2017

August 9, 2017

Air Transat A.T. Inc. carrying on business as Air Transat (Air Transat) – tarmac delays

Case number: 17-03788

On August 2, 2017, the Canadian Transportation Agency (Agency) issued Decision No. [LET-A-47-2017](#) following media reports of conditions experienced by passengers during extensive tarmac delays of Air Transat Flight Nos. 157 and 507 at the Ottawa MacDonald-Cartier International Airport on July 31, 2017. In its Decision, the Agency provided Air Transat with the opportunity to show cause why the Agency should not find that Air Transat did not properly apply the terms and conditions set out in its *International Scheduled Services Tariff*, CTA(A) No. 4 (Tariff) during these incidents, as required by subsection 110(4) of the *Air Transportation Regulations*, SOR/88-58, as amended ([ATR \(Air Transportation Regulations\)](#)).

ORAL HEARING

Upon review of Air Transat's August 4, 2017 response to the Agency's show cause decision, the Agency has decided to convene an oral hearing in order to better understand the airline's actions and what Air Transat calls "a confluence of factors beyond our control", which it asserts caused the events in question. The hearing will be held on August 30 and 31, 2017 in Ottawa at a location yet to be determined.

The scope of this oral hearing will be limited to investigating the circumstances of the tarmac delays experienced by passengers of Air Transat Flight Nos. 157 and 507 on July 31, 2017. The Agency will consider two issues in this proceeding:

1. Did Air Transat properly apply its Tariff during these incidents, pursuant to subsection 110(4) of the [ATR \(Air Transportation Regulations\)](#)?
2. Are Air Transat's applicable Tariff provisions reasonable, pursuant to subsection 111(1) of the [ATR \(Air Transportation Regulations\)](#)?

Broader questions regarding industry-wide rules around tarmac delays will not be addressed at the hearing but rather, will be dealt with through public consultations on air passenger rights regulations, which are expected to begin if and when the *Transportation Modernization Act* (Bill C-49) currently before Parliament is passed and receives royal assent.

INQUIRY OFFICER

To prepare the ground for an efficient hearing, the Agency hereby appoints Jean-Michel Gagnon, an employee of the Agency and a designated enforcement officer based in Montréal, as Inquiry Officer, pursuant to subsection 38(1) of the *Canada Transportation Act*, S.C. 1996, c. 10, as amended.

The Inquiry Officer is required to:

1. conduct interviews and take written statements from individuals and organizations directly involved in, or affected by, the incidents;
2. obtain any documents, records and information that the Inquiry Officer may deem to be relevant to the inquiry;
3. submit a summary report to the Agency no later than August 25, 2017;
4. conduct the inquiry in a diligent and rigorous manner; and,
5. refrain from making public statements about the scope and timing of the inquiry.

In conducting this work, Mr. Gagnon may exercise all of the powers described in section 39 of the *Canada Transportation Act*.

Individuals or organizations directly involved in, or affected by, the incidents should contact Jean Michel Gagnon at enquete-inquiry@otc-cta.gc.ca or at [819-635-4108](tel:819-635-4108) on or before August 11, 2017 in order that he may take their statements.

Member(s)

Scott Streiner
Sam Barone

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