



Air Transat: Cover letter and notice of violation

Cover letter

Case no. : 17-05835

November 30, 2017

Air Transat A.T. Inc.
5959, boul. de la Côte-Vertu
Saint-Laurent, Québec
H4S 2E6

Attention: Mr. Georges Petsikas

Re: Notice of violation – Tarmac delay of flight Nos. 157 and 507 at Ottawa's Macdonald-Cartier International Airport on July 31, 2017

Enclosed is a notice of violation issued pursuant to section 180 of the *Canada Transportation Act*, S.C., 1996, c. 10, as amended in relation to the subject matter.

Full payment of the amount specified will be accepted in complete satisfaction of the penalty. A credit up to the amount of the penalty will be applied and accepted as payment in lieu upon provision of evidence, to the satisfaction of the Chief Compliance Officer, of the amount of compensation provided to passengers on the affected flights, excluding the refund of out of pocket expenses.

Should you wish to avail yourself of this option, please contact Simona Sasova, Manager, Monitoring and Compliance at 819-953-9786.

Original signed by:

Carole Girard
Designated Enforcement Officer

Attachment: Notice of violation

c.c. Fred Gaspar, Chief Compliance Officer

Notice of violation

To:

Air Transat A.T. Inc.
5959, boulevard de la Côte-Vertu
Saint-Laurent, (Québec)
H4S 2E6

Date: November 30, 2017

Number: 17-05835

Penalty: \$295,000

Enforcement Officer: Carole Girard

Pursuant to section 180 of the *Canada Transportation Act*, S.C., 1996, c. 10, as amended (CTA), the undersigned Enforcement Officer has issued this notice of violation believing Air Transat A.T. Inc. (Air Transat) has committed the following violations contrary to subsection 110(4) of the *Air Transportation Regulations*:

(A) On July 31, 2017, while it experienced a tarmac delay of five hours and 51 minutes during its operation of flight No.TSC157 using an Airbus A330-200-type aircraft with C-GTIS registration with 340 passengers on board, Air Transat failed to properly apply the terms and conditions of Rules 5.2d) and 21.3 c) of its tariff in respect of both offering passengers drinks and snacks and disembarking thereby violating subsection 110(4) of the *Air Transportation Regulations*.

(B) On July 31, 2017, while it experienced a tarmac delay of four hours and 47 minutes during its operation of flight No.TSC507 using an Airbus A310-300-type aircraft with C-GPAT registration with 250 passengers on board, Air Transat failed to properly apply the terms and conditions of Rules 5.2d) and 21.3 c) of its tariff in respect of both offering passengers drinks and snacks and disembarking thereby violating subsection 110(4) of the *Air Transportation Regulations*.

The foregoing provision has been designated pursuant to the *Designated Provisions Regulations*, SOR/99-244, and the procedures in section 180 through 180.8 of the CTA respecting monetary penalties apply.

A copy of the evidence supporting this allegation is on file at the Canadian Transportation Agency, 15 Eddy Street, Gatineau, Quebec and can be reviewed by previous arrangement during regular business hours by contacting Simona Sasova, Manager, Monitoring and Compliance at 819-953-9786.

The penalty of **\$295,000 CAD** must be paid to “The Receiver General for Canada” on or before the date mentioned below and the payment should be sent to:

The Canadian Transportation Agency
Ottawa, Ontario, Canada, K1A 0N9

Payment may be made by certified cheque or money order and should be accompanied by a copy of this notice.

Monetary penalty must be paid before the following date:

January 3, 2018

Full payment of the amount specified above will be accepted in complete satisfaction of the penalty and no further proceedings under Part VI of the CTA shall be taken against Air Transat A.T. Inc., in respect of the violation(s).

If you wish a review by the Transportation Appeal Tribunal of Canada of the Enforcement Officer’s decision, you must file a request in writing on or before the date that is indicated above, or within any further time that the Tribunal on application may allow. Requests for review may be filed with the Registrar, Transportation Appeal Tribunal of Canada, 333 Laurier Avenue West, Room 1201, Ottawa, Ontario, K1A 0N5. The telephone number is 613-990-6906.

The Tribunal will request that you appear before it to hear the allegations against you. You will be afforded a full opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the alleged violation(s) before the Tribunal makes its determination.

If the full amount of the penalty has not been received and a request for review by the Tribunal has not been received on or before the date of payment mentioned above, you will be deemed to have committed the violation alleged in this Notice. The Canadian Transportation Agency may obtain a Certificate from the Tribunal indicating the amount of the penalty specified in this Notice.

The Tribunal has prepared a Guide for Applicants which you may obtain from the Registrar at 333 Laurier Avenue West, Room 1201, Ottawa, Ontario, K1A 0N5. Telephone: 613-990-6906, Fax: 613-990-9153.

Original signed by:

Carole Girard
Designated Enforcement Officer

Date modified:
2017-11-30

