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## RE: URGENT: Notice of Violation and Cover Letter

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secretariat <Secretariat.Secretariat@otc-cta.gc.ca>  
To: Gabor Lukacs <lukacs@airpassengerrights.ca>

Tue, Dec 5, 2017 at 11:39 AM

Dr. Lukacs,

In determining the penalty of \$295,000, the Designated Enforcement Officer (DEO) took into consideration the Designated Provisions Regulation under the Canada Transportation Act, the CTA framework for the issuance of such penalties, the number of violations (considered one violation per passenger) and the severity of the situation.

The CTA has discretion in deciding whether to use the mechanism provided at law for collection of penalties following a notice of violation. In this case, it was deemed appropriate to exercise this discretion so as not to pursue collection action in proportion to the amounts paid to passengers themselves.

This approach is consistent with the CTA's updated procedures that ensure that enforcement officers consider whether to take action in every case where a decision by Members finds a contravention of legal requirements enforceable through Administrative Monetary Penalties, including tariff provisions.

Kind regards,

Office des transports du Canada / Gouvernement du Canada  
[secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Site Web [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca)  
Tél. : 819-997-0099 / Télécopieur 819-953-5253 / ATS : 1-800-669-5575

Canadian Transportation Agency / Government of Canada  
[secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Web site [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca)  
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-----Original Message-----

From: Gabor Lukacs [mailto:[lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)]  
Sent: December-04-17 10:20 PM  
To: secretariat  
Subject: RE: URGENT: Notice of Violation and Cover Letter

Dear Madam Secretary,

I am writing to follow-up on my urgent request of November 30, 2017. On December 1, 2017, you advised that a response to my question is "being prepared."

In light of the significant public interest in this matter, kindly please advise when I may expect to receive the Agency's response.

I look forward to hearing from you.

Best wishes,  
Dr. Gabor Lukacs

On Fri, 1 Dec 2017, secretariat wrote:

> The Agency acknowledges receipt of your e-mail.

>  
> A response to your question is being prepared.  
>  
> Kind regards,  
>  
>  
> Office des transports du Canada / Gouvernement du Canada  
> [secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Site Web [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca) Tél. :  
> [819-997-0099](tel:819-997-0099) / Télécopieur [819-953-5253](tel:819-953-5253) / ATS : [1-800-669-5575](tel:1-800-669-5575)  
>  
> Canadian Transportation Agency / Government of Canada  
> [secretariat@otc-cta.gc.ca](mailto:secretariat@otc-cta.gc.ca) / Web site [www.otc-cta.gc.ca](http://www.otc-cta.gc.ca)  
> Tel: [819-997-0099](tel:819-997-0099) / Facsimile [819-953-5253](tel:819-953-5253) / TTY: [1-800-669-5575](tel:1-800-669-5575)  
>  
> -----Original Message-----  
> From: Gabor Lukacs [mailto:[lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)]  
> Sent: November-30-17 6:16 PM  
> To: secretariat  
> Subject: URGENT: Notice of Violatio and Cover Letter  
>  
> Dear Madam Secretary,  
>  
> I am writing to inquire about the Notice of Violation that has been issued to Air Transat (No. 17-05835),  
> and the cover letter, which states that:  
>  
> "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."  
>  
> I would be grateful if you could advise as to:  
>  
> 1) What is the legal authority for providing such a "credit" for a corporation that has been issued an  
> Administrative Monetary Penalty under s. 180 of the Canada Transportation Act?  
>  
> 2) The Notice of Violation identifies only two contraventions of s. 110(4) of the Air Transportation  
> Regulations, each carrying a maximum Administrative Monetary Penalty (AMP) of \$10,000. What method  
> was used to determine that an AMP in the amount of \$295,000 can be issued and that such a penalty is  
> appropriate and adequate in the circumstances?  
>  
> I look forward to hearing from you.  
>  
> Best wishes,  
> Dr. Gabor Lukacs  
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> --  
> Dr. Gabor Lukacs  
> Air Passenger Rights  
> Tel : (647) 724 1727  
> Web : <http://AirPassengerRights.ca>  
> Twitter : @AirPassRightsCA  
> Facebook: <https://www.facebook.com/AirPassengerRights/>  
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