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## RE: Follow-up/URGENT: Notice of Violation and Cover Letter

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

Mon, Dec 11, 2017 at 10:36 AM

Dr. Lukacs,

Sections 180.4 and 180.7 provide the mechanism to be used by the Agency to collect the amount of a penalty imposed in a Notice of Violation (or the penalty revised by the Transportation Appeal Tribunal). The use of any such mechanism is discretionary. By indicating its intent to reduce the amount of the penalty by the amount paid to the passenger themselves, the Agency indicated its intention to exercise its discretion not to use these mechanism in proportion to the amounts paid to passengers themselves.

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)  
Tel: 819-997-0099 / Facsimile 819-953-5253 / TTY: 1-800-669-5575

-----Original Message-----

From: Gabor Lukacs [mailto:[lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)]  
Sent: December-08-17 2:58 PM  
To: secretariat  
Subject: Follow-up/URGENT: Notice of Violation and Cover Letter

Dear Madam Secreteray,

I wam writing to follow up on my inquiry of Tuesday, December 5, 2017:

What provision of the Canada Transportation Act confers on the Agency a "discretion" not to collect administrative monetary penalties that have been issued under s. 180 of the Act?

I look forward to hearing from you.

Sincerely yours,  
Dr. Gabor Lukacs

--

Dr. Gabor Lukacs  
Air Passenger Rights  
Tel : (647) 724 1727  
Web : <http://AirPassengerRights.ca>  
Twitter : @AirPassRightsCA  
Facebook: <https://www.facebook.com/AirPassengerRights/>

On Tue, 5 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 / 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)  
> Tel: 819-997-0099 / Facsimile 819-953-5253 / TTY: 1-800-669-5575  
>  
>  
> -----Original Message-----  
> From: Gabor Lukacs [mailto:[lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)]  
> Sent: December-05-17 11:13 AM  
> To: secretariat  
> Subject: RE: URGENT: Notice of Violation and Cover Letter  
>  
> Dear Madam Secretary,  
>  
> Thank you for your email email, which alas, fails to provide an answer  
> to my question that  
>  
> 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?  
>  
> Let me rephrase the question: What provision of the Canada  
> Transportation Act confers on the Agency a "discretion" not to collect  
> administrative monetary penalties that have been issued under s. 180  
> of the Act?  
>  
> Best wishes,  
> Dr. Gabor Lukacs  
>  
> --  
> Dr. Gabor Lukacs  
> Air Passenger Rights  
> Tel : (647) 724 1727  
> Web : <http://AirPassengerRights.ca>  
> Twitter : @AirPassRightsCA  
> Facebook: <https://www.facebook.com/AirPassengerRights/>  
>  
>  
>  
> On Tue, 5 Dec 2017, secretariat wrote:  
>  
>> 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,

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>> 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. :

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