

Halifax, NS
lukacs@AirPassengerRights.ca



June 18, 2013

VIA EMAIL

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

Attention: Mr. Mike Redmond, Chief, Tariff Investigations

Dear Madam Secretary:

**Re: Dr. Gábor Lukács v. Air Transat
Complaint about Air Transat's International Tariff Rules 5.2(a) and 5.2(b)
File No.: M 4120-3/13-02438
Response to Air Transat's May 29, 2013 post-pleading submissions**

Please accept the following submissions as a response to Air Transat's May 29, 2013 post-pleading submissions pursuant to the Agency's directions of today.

With utmost respect to Air Transat, the Applicant is struggling to understand the basis for Air Transat claiming that the Applicant misstated the Agency's decision in *Lipson v. Air Transat*, 212-C-A-2004. The relevant portions of the decision in question read as follows:

[23] Following exchanges of correspondence and discussions between Agency staff and Air Transat representatives, Air Transat filed on February 16 and March 4, 2004, the following amendments to its new international scheduled services tariff:

1. The definition of schedule irregularity was amended to include advancement of flight departure times, as follows:

“Schedule Irregularity” means any of the following irregularities but does not include disruptions resulting from labour disturbances and/or strikes:

(a) delay in scheduled departure or arrival, of more than six (6) hours, of the Carrier's flight resulting in a misconnection, or

(b) flight cancellation, omission of a scheduled stop, or any delay or interruption in the scheduled operation of the Carrier's flights, or

(c) substitution of equipment, or

(d) an advancement of scheduled departure time on the day of operation greater than the minimum period established in the Carrier's tariff for the passenger to check-in, in accordance with Rule 12 (Cancellation of Reservations).

⋮

[24] The Agency also notes that Rule 12 - Cancellation of Reservations provides, in part, that:

All reservations are subject to cancellation without notice:

[...]

(c) If the passenger does not present himself at check-in at least 45 minutes prior to scheduled departure time.

⋮

[25] The changes that have been made to Air Transat's new international scheduled services tariff came about as a result of lengthy discussions between Agency staff and Air Transat representatives, which stemmed, in part, from Mr. Lipson's complaint. These changes, *inter alia*, have redefined schedule irregularity to include flight time advancements greater than Air Transat's minimum check-in time as set out in its tariff. This check-in time is currently set at 45 minutes. [...]

[Emphasis added.]

As for the substance and merits of the Applicant's position, it is submitted that the arguments presented on pages 2-3 of the Applicant's May 27, 2013 reply speak for themselves.

All of which is most respectfully submitted.

Dr. Gábor Lukács
Applicant

Cc: Mr. George Petsikas, Air Transat