



May 3, 2013

File No. M4120-3/13-01412

BY FACSIMILE: 416-203-8150

BY E-MAIL:

Porter Airlines Inc.
Billy Bishop Toronto City Airport
Toronto, Ontario
M5V 1A1

Gábor Lukács
Halifax, Nova Scotia

Attention : Robert Deluce
President and Chief Executive Officer

Dear Sirs:

Re: Complaint concerning Porter Airlines Inc.'s International Tariff Rule 16

This refers to the attached complaint filed by Gábor Lukács against Porter Airlines Inc. (Porter) concerning the above-noted matter.

The parties agreed to attempt to resolve the issue through mediation process but without success. Mr. Lukács therefore has requested the Agency to proceed with the formal adjudication process. The parties can, however, opt to go back to mediation process at any point during the adjudication process and while mediation is taking place, the formal adjudication process will be on hold.

This application process is a quasi-judicial one carried out pursuant to the *Canada Transportation Act (CTA)* and the *Canadian Transportation Agency General Rules (General Rules)*, which can both be accessed on line at <http://www.cta.gc.ca>.

The Agency strives to deal with all of its cases within 120 days. However, the Agency may take more than 120 days to issue a decision due to the complexity or the particular circumstances of a case. If any party has concerns that the time it may take to render a decision could exceed 120 days, please advise the undersigned promptly.

Porter has until May 24, 2013 to submit its answer to the Agency and provide a copy to Mr. Lukács and upon receipt of Porter's answer, Mr. Lukács will have 7 days to file a reply with the Agency, with a copy to Porter. **It is the parties' responsibility to ensure that their submissions are filed within the stated time frames.**

To ensure that Agency proceedings are effective, the Agency will only grant extensions of time in exceptional circumstances. The factors taken into consideration by the Agency for any extension request can be accessed on line at <http://www.cta-otc.gc.ca/eng/extensions>. Parties must provide clear and convincing evidence for any such request.

Furthermore, should Porter wish to dispute the facts alleged by Mr. Lukács in the complaint, it should include with its answer:

- a copy of any documents which would support its statement of the facts, including reports prepared in relation to the incident, and signed statements from the individual employees and/or contracted personnel who have direct knowledge of the incident and/or who had direct contact with the person(s) involved.

Adjudications are generally completed in writing, although the Agency may decide that a public hearing is necessary. In addition, the Agency may seek further information and/or clarifications from the parties and from third parties (such as travel agents). The Agency may also ask parties to submit witness statements and/or affidavit evidence to complete the pleadings.

It is important to read the attached privacy information.

Should you have any questions you may contact the undersigned by email at sylvie.giroux@otc-cta.gc.ca.

Sincerely,



Sylvie Giroux
Analyst, Air & Marine Investigation Division
Air & Accessible Transportation Branch

Important privacy information

Open court principle

As a quasi-judicial tribunal operating like a court, the Canadian Transportation Agency is bound by the constitutionally protected open-court principle. This principle guarantees the public's right to know how justice is administered and to have access to decisions rendered by administrative tribunals.

Pursuant to the General Rules, all information filed with the Agency becomes part of the public record and may be made available for public viewing.

A copy of the application/complaint is provided to the respondent when the pleadings process begins and all information provided during the pleadings process will be used by the Agency to adjudicate the application/complaint.

In some instances, the Agency may process other applications/complaints together with this application/complaint, where similar issues have been raised. In such circumstances, information provided to the Agency on each of the applications/complaints may be distributed to parties to the other complaints.

An Agency decision will be issued that contains a summary of the application/complaint, a summary of other information provided during the pleadings and an analysis of the case, along with the Agency's determination and any corrective action deemed necessary by the Agency.

The decision will be posted on the Agency's Web site and will include the names of the applicant/complainant, the respondent and witnesses. The decision will also be distributed to a number of organizations and individuals that have subscribed to receive Agency decisions. In its use of names and personal information in decisions and orders, the Agency has adopted the protocol approved by the Canadian Judicial Council in March 2005 for the use of personal information in judgements. This protocol sets out guidelines to assist administrative tribunals when dealing with requests for the non-publication of names.

In an effort to establish a fair balance between public access to its decisions and the individual's right to privacy, the Agency has taken measures to prevent Internet searching of full-text versions of decisions posted on our Web site. This is done by applying instructions using the "web robots exclusion protocol" which is recognized by Internet search engines (e.g. Google and Yahoo).

Therefore, the only decision-related information on the Agency's Web site that will be available to Internet search engines are decision summaries and comments contained in the Agency's annual reports and news releases. The full-text version of decisions is posted on our

Web site, but will not be accessible by Internet search engines. As a result, an Internet search of a person's name mentioned in a decision will not provide any information from the full-text version of decisions posted on the Agency's Web site.

We cannot guarantee that the technological measures taken will always be respected or free of mistakes or malfunctions.

There may be exceptional cases to warrant the omission of certain identifying information from an Agency decision. Such omission may be considered where minor children or innocent third parties will be harmed, where the ends of justice will be undermined by disclosure or the information will be used for an improper purpose. In such situations, the Agency may consider requests, supported by proper evidence, to prevent the use of information which identifies the parties or witnesses involved. Any individual who has concerns with respect to the publication of his/her name should contact the Agency's Secretariat by e-mail at NDN-NPN@otc-cta.gc.ca or by calling 819-997-0099.

Privacy of records

In all cases, the Agency's records relating to the application/complaint will be retained for 10 years. An individual has the right of access to their personal information, on request, in accordance with the *Privacy Act*. Questions or comments regarding your privacy may be directed to the Privacy Co-ordinator by e-mail at Patrice.Bellerose@cta-otc.gc.ca or by telephone at 819-994-2564 or 1-888-222-2592 or TTY at 1-800-669-5575.