

May 1, 2013

File No. M 4120-3/13-01696

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Attention: Clay S. Hunter, Counsel

Dear Sirs:

Re: Complaint by the Nawrot family against Sunwing Airlines

This refers to the above-noted complaint filed with the Canadian Transportation Agency (Agency) on March 21, 2013.

Pleadings respecting this complaint were opened on March 27, 2013. Sunwing Airlines (Sunwing) was given until April 17, 2013 to provide its answer to the complaint and the Nawrot family was given 7 days, upon receipt of Sunwing's answer, to provide its reply. On April 5, 2013, Sunwing advised that, respecting the issue of compensation for alleged denied boarding, it would file a response within the prescribed time, i.e. April 17, 2013. With respect to the matter of the reasonableness of Sunwing's denied boarding policy, Sunwing requested an additional 2 weeks from April 17, 2013 to file a response.

On April 23, 2013, the Nawrot family filed a motion pursuant to section 32 of the *Canadian Transportation Agency General Rules*, SOR/2005-35 (General Rules) requesting the following:

- 1) Directions from the Agency respecting the following statement of Sunwing in its response of April 17, 2013: "We can see that there are purchases on the credit card payment summary between the time of the purchase of a railway ticket and the hotel at Gatwick which have been redacted. These are relevant and should be revealed and disclosed as well as any supporting invoices/receipts.";
- 2) The production by Sunwing of an unredacted version of some exhibits appended to Ms. Johanne Dhue's affidavit, as well as a sworn affidavit by Mr. Vic Tydeman;
- 3) An extension of 7 days from the receipt of the requested documents and/or the determination of its motion, whichever is later, to file a reply.

In Decision LET-C-A-67-2013 dated April 26, 2013, the Agency, made, among others, the following determinations:

1. The Agency orders the Nawrot family to produce, by not later than 3 p.m. on April 29, 2013, an unredacted copy of the credit card payment summary at issue, along with supporting invoices/receipts. Alternatively, the Nawrot family must submit a claim for confidentiality and file the documents in accordance with section 23 of the General Rules;
2. The Agency orders Sunwing to produce, by not later than 3 p.m. on April 29, 2013, an unredacted version of the redacted documents attached as exhibits to Ms. Dhue's affidavit. Alternatively, Sunwing must submit a claim for confidentiality and file the documents in accordance with section 23 of the General Rules.

On April 28, 2013, the Nawrot family filed, among other matters, a claim for confidentiality respecting the credit card payment summary, and on April 29, 2013, Sunwing also filed a claim for confidentiality certain exhibits.

The Agency orders the parties, should they wish to contest each other's claims for confidentiality, to file a request for disclosure of the documents, in accordance with subsections 23(7) and (8) of the General Rules, by not later than 5 p.m. on Friday May 3, 2013. The Agency also orders that any reply the parties may wish to make must be filed in accordance with subsection 23(9) of the General Rules by 5 p.m. on May 7, 2013.

The Agency will rule on Sunwing's motion for reconsideration filed on April 26, 2013 and on the Nawrot family's motion filed on April 28, 2013 after having dealt with the claims for confidentiality.

Should you have any questions regarding the foregoing, you may contact Sylvie Giroux at telephone number 819-997-6410, facsimile number 819-953-7910 or by e-mail at sylvie.giroux@otc-cta.gc.ca.

Sincerely,

(signed)

Cathy Murphy
Secretary

BY THE AGENCY:

_____(signed)_____
Raymon J. Kaduck
Member

_____(signed)_____
Sam Barone
Member