



June 24, 2013

VIA EMAIL (sylvie.giroux@otc-cta.gc.ca)

**THE SECRETARY
CANADIAN TRANSPORTATION AGENCY
AIR AND ACCESSIBLE TRANSPORTATION BRANCH**
15, rue Eddy/15 Eddy Street
Gatineau, QC K1A 0N9

Attention: Ms. Sylvie Giroux

Dear Madam Secretary and Ms. Giroux,

Re: The Nawrots v. Sunwing Airlines Inc.
Your File: M 4120-3/13-01696
Our File: 100-006

This is in response to the submissions of the Nawrot family dated June 19, 2013.

Sunwing is strongly of the view that its request is neither excessive nor unreasonable, not least given that the issue of the applicability of Agency Decision 227-C-A-2013 to the current matter was raised by the Nawrots and Sunwing Airlines has accepted that its tariff requires revision. This is not a case in which the Agency must first render a decision disallowing the tariff rule and then allow the carrier time (typically 30 days from the date of the decision) to revise the rule. The alternative is that Sunwing Airlines refrain from making any revisions at the current time and await the decision of the Agency, which would have the effect of delaying the ultimate revisions of its tariff rule beyond the time period that Sunwing Airlines is reasonably proposing. In the circumstances, the Nawrots' objection is both unreasonable and runs contrary to their objective of obtaining a timely revision to the existing tariff rule.

Sunwing Airlines reiterates its assertion that bifurcation, should the Agency determine such to be appropriate, would not result in any prejudice to the Nawrots. The Nawrots' claim to compensation is grounded upon their assertion that, as a *factual matter*, they presented themselves for check-in on time, which is entirely separate and distinct from the question of whether Sunwing Airlines' tariff rule is reasonable and clear. Thus, Sunwing Airlines respectfully submits that rather than causing



prejudice, bifurcation would achieve the opposite result, that is, it would circumvent any delay in the rendering of a decision with respect to compensation, an issue directly affecting the Nawrots.

All of which is respectfully submitted.

Yours truly,

(signed)

SUNWING AIRLINES INC.

Cc: Mr. Louis Beliveau
Mr. Clay Hunter