



July 9, 2013

VIA E-MAIL

Secretary
Canadian Transportation Agency
15 Eddy Street
Gatineau, Quebec
K1A 0N9

Attention: Ms. Slyvie Giroux

**RE: Sunwing Airlines Inc. - Nawrot Complaint - Canadian Transportation Agency
E-mail Decision, June 26, 2013**

Dear Madame Secretary and Ms. Giroux:

Sunwing Airlines Inc. (“Sunwing”), pursuant to the provisions of Section 27(4) and Section 32 of the *Canada Transportation Act* (the “Act”), hereby requests the Canadian Transportation Agency (the “Agency”) to amend and vary its E-mail Decision of June 26, 2013 denying the Sunwing Application for an extension of 30 days to file its further Response to the Nawrot Complaint (the “Decision”).

In support of the above Application, Sunwing submits as follows:

1. Pursuant to Section 27(4) of the Act, the Agency may amend any of the proceedings before it.
2. Pursuant to Section 32 of the Act, the Agency may review, rescind or vary the Decision where there has been a change in the facts or circumstances pertaining to the Decision.
3. In its Decision 52-C-A-2012 (the “Bates Decision”) the Agency confirmed that it would favourably consider an Application for Review if:
 - (a) there has been a change in the facts or circumstances pertaining to the relevant decision since its issuance; and



- (b) the change is sufficient to warrant a review, rescission or variance.
4. On July 3, 2013, the Agency issued a Notice to Industry with respect to rights and remedies for passengers delayed because of overbooking and cancellation of flights (the “Agency Notice”).
 5. The Agency Notice stated that it would encourage carriers to amend their tariffs to reflect certain principles and that Agency staff would be available to work with the carriers and provide guidance to help them incorporate these principles into their tariffs.
 6. Sunwing has no record of receiving a copy of the Agency Notice. It only became aware of it by way of reference in the Response of counsel for Nawrot to the Sunwing revised filing of its proposed Rule 20.
 7. As may be seen from the above:
 - (a) There has been a material change in both facts and circumstances pertaining to the Decision since its issuance;
 - (b) The change is significant in nature; and
 - (c) The change materially affects the substance of the Decision.
 8. Sunwing requests that the Agency amend and vary the Decision granting Sunwing 15 business days to revise its proposed Rule 20 in consultation with Agency staff.

Yours very truly,

(signed)

SUNWING AIRLINES INC.

Cc: Louis Beliveau