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July 4, 2014

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. WestJet
Complaint concerning WestJet's policies and practices relating to claims for delay, damage, and loss of baggage
Answer to WestJet's motion for an extension
File No.: M 4120-3/14-02973

Please accept the following submissions as an answer to WestJet's motion for an extension.

On June 3, 2014, the Applicant filed a complaint concerning WestJet's policies and practices relating to claims for delay, damage, and loss of baggage. The complaint alleges that:

- I. WestJet's policies and practices are inconsistent with the *Montreal Convention*;
- II. WestJet failed to apply terms and conditions of carriage set out in its International Tariff; and
- III. WestJet's policies and practices fail to be just and reasonable, because they are inconsistent with the *Montreal Convention*.

On June 13, 2014, the Agency opened pleadings, and directed WestJet to file its answer to the complaint within 21 days.

On July 4, 2014, that is, on the very last day to file its answer, WestJet made a motion for a 2-week extension to file its answer. According to WestJet, the extension is necessary to “collect industry information.”

The Agency’s *Practice Regarding Requests for Extensions of Time to File Submissions* sets out a number of factors for determining whether to grant an extension, including:

- the importance of the information to the case;
- the difficulty of obtaining the necessary information; and
- whether the party has made a serious effort to meet the deadline.

In the present case, WestJet has provided no explanation about the nature of the “industry information” it wishes to collect during the extension sought, nor how such “industry information” is relevant to the question of the consistency of WestJet’s policies and practices with the *Montreal Convention*, which is a question of law.

Furthermore, WestJet has made no submissions to explain why it has been so difficult to obtain the necessary information, nor about its efforts to meet the deadline set by the Agency.

Therefore, the Applicant submits that WestJet’s motion for an extension is meritless, serves no purpose in resolving the issues in dispute, and unnecessarily delays the proceeding.

In these circumstances, the Applicant asks the Agency to dismiss the motion, and determine the complaint based on any submissions that WestJet makes by July 4, 2014 (end of the day), if any, and the Applicant’s reply to such submissions.

All of which is most respectfully submitted.

Dr. Gábor Lukács
Applicant

Cc: Jeff Landmann, Senior Legal Counsel for WestJet
Lorne Mackenzie, Director of Regulatory and Government Affairs for WestJet