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December 30, 2013

**VIA FAX**

Judicial Administrator  
Federal Court of Appeal  
Ottawa, ON K1A 0H9

Dear Madam or Sir:

**Re: Gábor Lukács v. Canadian Transportation Agency  
Federal Court of Appeal File No.: A-279-13  
Request for further directions with respect to evidence and other matters  
Reply to the Agency's letter of December 30, 2013**

I am writing to reply to the Agency's third letter, dated December 30, 2013, and to draw attention to the inconsistent and contradictory positions put forward by the Agency.

The Agency claims in its December 30, 2013 letter that:

it is not alleging that the clause-by-clause for Bill C-14 formed part of the record that was before Parliament when it passed the Act.

[Emphasis added.]

However, on December 18, 2013, the Agency wrote to this Honourable Court that:

the fact that the clause-by-clause is archived in the Library of Parliament is indicative that the clause-by-clause was filed before Parliament.

[Emphasis added.]

Similarly, the Agency claimed on December 18, 2013 that it:

does not allege that the clause-by-clause was before the Committee in its current form;

[Emphasis added.]

However, at paragraph 47 of its factum, the Agency claims that the Disputed Document was “prepared for the parliamentary committee considering Bill C-14.”

These factual allegations are significant, because only documents that were before Parliament or a committee of Parliament can possibly be considered as part of the legislative history or contextual analysis of a statute (*Canada 3000 Inc., Re; Inter-Canadian (1991) Inc. (Trustee of)*, 2006 SCC 24, para. 59).

If the Agency concedes, as it appears to do in its December 30, 2013 letter, that the Disputed Document was not before Parliament nor the Committee studying the bill that became the *Canada Transportation Act*, then the Disputed Document is no more than a private and anonymous legal opinion, and as such it is not properly before the Honourable Court.

I reserve my right to seek an adjournment of the appeal hearing and to seek to introduce evidence with respect to the Disputed Document in the event that the Agency changes its position once again, and reverts to alleging that the Disputed Document was presented to Parliament or the Committee.

Sincerely yours,

Dr. Gábor Lukács

Cc: Mr. Simon-Pierre Lessard, counsel for the Canadian Transportation Agency