



Canadian
Transportation
Agency

Office
des transports
du Canada

Enforcement Manual

Making Transportation Efficient and Accessible for All

available in multiple formats

Canada 

TABLE OF CONTENTS

Chapter 1 - Introduction

- 1.1 General
- 1.2 Mission Statement
- 1.3 Enforcement Program Overview
 - 1.3.1 Periodic Inspections
 - 1.3.2 Targeted Investigations
 - 1.3.3 Special Field Projects
- 1.4 Publication of Enforcement Results

Chapter 2 - Legislation

Chapter 3 - Periodic Carrier and Facility Inspections

- 3.1 General
- 3.2 Scheduling of Inspections
- 3.3 Inspection Procedures - Carriers
- 3.4 Inspection Procedures - Facilities

Chapter 4 - Targeted Investigations

Chapter 5 - Contraventions

- 5.1 General
- 5.2 Administrative Monetary Penalties
- 5.3 Administrative Sanctions
- 5.4 Prosecution
- 5.5 Selection of Appropriate Sanction
- 5.6 Contraventions of Similar Provisions Under More Than One Statute

Chapter 6 - Administrative Monetary Penalties

- 6.1 Designated Enforcement Officers
- 6.2 Administrative Monetary Penalties: Program Overview
- 6.3 Warning Procedure
- 6.4 Notice of Violation
- 6.5 Payment of Administrative Monetary Penalties
- 6.6 Transportation Appeal Tribunal of Canada
 - 6.6.1 Review and Appeal Hearings
- 6.7 Tables of Designated Provisions
 - 6.7.1 *Canada Transportation Act*
 - 6.7.2 *Air Transportation Regulations*
 - 6.7.3 *Personnel Training for the Assistance of Persons with Disabilities Regulations*
- 6.8 Individual vs Corporation
- 6.9 Table of Penalty Amounts: Individual
- 6.10 Table of Penalty Amounts: Corporation
- 6.11 Time limit for Proceedings
- 6.12 Records

Chapter 7 - Administrative Sanctions

- 7.1 General
- 7.2 Formal Reprimands
- 7.3 Cease and Desist Orders
- 7.4 Licence Suspension
- 7.5 Licence Cancellation
- 7.6 Review and Appeal Provisions of the *Canada Transportation Act*

Chapter 8 - Prosecution

- 8.1 General
- 8.2 Limitation of Action
- 8.3 Sentencing

Chapter 9 - Contacts

- 9.1 Canadian Transportation Agency Headquarters
- 9.2 Regional Enforcement Offices

Chapter 10 - Sample Documentation

- 10.1 Sample Warning Letter
 - 10.1.1 Attachment to Warning Letter
- 10.2 Sample Notice of Violation

Disclaimer: This manual is intended to be a guide. Should there be any discrepancy between what is contained in this document and what is contained in the *Canada Transportation Act*, the *Air Transportation Regulations*, the *Personnel Training for the Assistance of Persons with Disabilities Regulations* and the *Canadian Transportation Agency Designated Provisions Regulations*, the Act and regulations will prevail.

Chapter 1

INTRODUCTION

1.1 General

This manual applies to the publicly-available portion of the federally regulated air transportation industry and, with respect to the *Personnel Training for the Assistance of Persons with Disabilities Regulations*, to air, marine and rail transportation service providers and terminal operators that are subject to these regulations.

1.2 Mission Statement

The Mission Statement of the Canadian Transportation Agency reads as follows:

... to assist in achieving a competitive, efficient and accessible transportation system through dispute resolution, essential economic regulation and communication in a fair, transparent and timely manner.

The Agency protects the interests of consumers, shippers and carriers by ensuring that air carriers operating to, from and within Canada meet certain minimum economic requirements. To this end, it administers an air carrier licensing system, international agreements and international air tariffs. The Agency also ensures that persons with disabilities have access to the federal transportation network without undue obstacles. Moreover, through an active enforcement program, the Agency monitors and enforces compliance with the *Canada Transportation Act* and its related regulations.

1.3 Enforcement Program Overview

The Enforcement Division administers the Agency's Inspections and Investigations Program. This program is designed to encourage voluntary compliance with the *Canada Transportation Act*, the *Air Transportation Regulations* and the *Personnel Training for the Assistance of Persons with Disabilities Regulations*.

The Inspections and Investigations Program consists of three elements: Periodic Inspections, Targeted Investigations and Special Field Projects.

The program is delivered through six enforcement offices located in Moncton, Montréal, Toronto, Winnipeg, Edmonton and Vancouver, each of which is staffed by an Enforcement Officer. A small headquarter staff in Gatineau, Quebec, provides program support.

1.3.1 Periodic Inspections

The Periodic Inspection element has two components: Periodic Carrier Inspections and Periodic Facility Inspections.

Periodic Carrier Inspections ensure that one of the Agency's Enforcement Officers periodically reviews the operations of all Canadian-based air carriers licensed by the Agency to verify compliance with the *Canada Transportation Act* and its related regulations.

Periodic Facility Inspections ensure that an Enforcement Officer regularly visits air, rail and marine passenger terminal operators which are subject to the *Personnel Training for the Assistance of Persons with Disabilities Regulations* to verify that required personnel have the appropriate level of training to meet the needs of persons with disabilities.

1.3.2 Targeted Investigations

Targeted Investigations focus on companies or individuals suspected of operating illegal air services in Canada, regardless of their country of origin. Investigations are initiated when there is reason to believe that a possible contravention has occurred.

1.3.3 Special Field Projects

Special Field Projects include educating the public; other law enforcement organizations, such as the RCMP and Canada Border Services Agency; and certain provincial agencies, such as ministries of natural resources, about the provisions of the legislation and regulations.

Given suitable notice, Enforcement Officers can meet with company officials, trade associations and other interested parties to discuss the application and workings of the *Canada Transportation Act* and its related regulations.

1.4 Publication of Enforcement Results

All Agency orders and decisions are published on its Web site. In addition, when the Agency identifies contraventions, it publishes summaries of all enforcement actions (including prosecutions, notices of violation and warnings) on its Web site once the case is closed. The summary includes the name of the accused, the violation, the penalty assessed and the outcome of the case.

Chapter 2

LEGISLATION

The Agency, as a quasi-judicial body, administers laws concerning the economic regulation of various modes of transportation under federal jurisdiction.

The *Canada Transportation Act*, the *Air Transportation Regulations* and the *Personnel Training for the Assistance of Persons with Disabilities Regulations* provide the framework under which the Agency regulates publicly-available air carriers, federal passenger rail and marine carriers, and certain passenger terminal operators. The Agency seeks to ensure compliance with the legislation and regulations by monitoring and inspecting carriers and facilities and by investigating possible contraventions of the legislation and regulations. The enforcement process plays an integral role in the Agency's efforts to achieve an efficient and accessible transportation system.

The *Canada Transportation Act* contains general enforcement provisions, which include the authority to impose administrative monetary penalties when a transportation service provider or terminal operator fails to comply with a legal requirement. The Agency's *Designated Provisions Regulations* list the provisions of the *Canada Transportation Act* and its related regulations, or conditions of a licence, the contravention of which may be subject to the imposition of a monetary penalty, and set out the maximum penalty allowed for each designated provision (see Chapter 6 for details on Administrative Monetary Penalties).

Chapter 3

PERIODIC CARRIER AND FACILITY INSPECTIONS

3.1 General

The Periodic Inspection element of the Inspections and Investigations Program consists of both carrier and facility inspections.

Under Periodic Carrier Inspections, Enforcement Officers regularly inspect the operations of all Canadian-based air carriers licensed by the Agency. These inspections are intended to verify ongoing compliance with the *Canada Transportation Act*, the *Air Transportation Regulations* and, where applicable, the *Personnel Training for the Assistance of Persons with Disabilities Regulations* and to identify instances of non-compliance.

Similarly, under Periodic Facility Inspections, Enforcement Officers regularly inspect terminals that are subject to the *Personnel Training for the Assistance of Persons with Disabilities Regulations*. They verify that appropriate training programs are in place for persons to whom the regulations apply.

3.2 Scheduling of Inspections

Agency Enforcement Officers try to visit each carrier or terminal operator at least once every three years. The frequency of inspections is determined by the volume, the resources available and the contravention history of the operator.

With help from headquarter staff, each Enforcement Officer prepares an annual inspection schedule and submits it to the manager of the Enforcement Division for approval.

3.3 Inspection Procedures - Carriers

Before conducting an inspection, an Enforcement Officer normally contacts a carrier to arrange a convenient time to meet.

During the inspection, the Enforcement Officer reviews the carrier's operation and related documentation to determine the scope of the service operated and to verify compliance with the *Canada Transportation Act* and its related regulations. When the carrier is subject to the *Personnel Training for the Assistance of Persons with Disabilities Regulations*, the Enforcement Officer reviews the carrier's training program and records to verify compliance with these regulations.

The Enforcement Officer normally reviews the following:

- ownership of the company;
- licences;
- fleet;
- insurance policies;
- Air Operator Certificate;
- financial records, including tickets, coupons and invoices;
- domestic and international tariffs;
- aircraft journey logs;
- daily flight logs or other dispatch records; and
- other documentation, as required.

During the inspection, carriers have an opportunity to discuss any problems and to seek information on matters falling under the Agency's jurisdiction. Enforcement Officers advise carriers of the results of the inspection, either at the end of the visit or shortly thereafter.

3.4 Inspection Procedures - Facilities

Normally, an Enforcement Officer makes advance arrangements with a terminal operator or representative to inspect a terminal.

During the inspection of terminals, the Enforcement Officer reviews the operator's training program, records of training and any related documentation to verify compliance with the *Personnel Training for the Assistance of Persons with Disabilities Regulations*.

The Enforcement Officer may speak directly to employees or contractors to confirm that the training has been carried out.

Terminal operators have an opportunity to discuss any problems they may be experiencing and to seek information on matters falling under the Agency's jurisdiction. The Enforcement Officer advises them of the results of the inspection, either at the end of the visit or shortly thereafter.

Chapter 4

TARGETED INVESTIGATIONS

Targeted Investigations focus primarily on companies or individuals suspected of operating illegal, publicly-available air services in Canada, regardless of their country of origin. Enforcement Officers work closely with the RCMP, Transport Canada and other enforcement bodies on investigations.

When an unlicensed carrier operates a publicly-available air service, or a licensed carrier does not respect the terms of its licence, the public is placed at risk, since there is a very high probability that the carrier's insurance, if any, would not be valid in the event of an incident. Such illegal activities also place licensed carriers operating within the confines of the law at an economic disadvantage, since there are costs associated with meeting insurance, tariff and training requirements.

Enforcement Officers may also help investigate complaints of non-compliance with the *Personnel Training for the Assistance of Persons with Disabilities Regulations* and concerns in other transportation sectors, and may assist other government departments with their investigations.

Enforcement Officers often decide to carry out Targeted Investigations based on their own observations or knowledge of the industry in the region. However, they may also instigate such investigations as a result of information they receive from outside sources, such as other law enforcement bodies, the general public or another carrier.

Regardless of the source, all information received is treated in the same manner. An Enforcement Officer conducts a preliminary inquiry to determine whether there is probable and reasonable cause to believe that a contravention has taken place. If this preliminary review indicates that no infraction has taken place, the case is closed and, when possible, the informant is advised of this decision and the reasons behind it. When the preliminary investigation indicates that the law has likely been broken, the Enforcement Officer proceeds with a formal investigation in an attempt to ascertain the facts of the case.

Chapter 5

CONTRAVENTIONS

5.1 General

When faced with a contravention of the *Canada Transportation Act* or its related regulations, enforcement staff has three options:

- administrative monetary penalties;
- administrative sanctions; and
- prosecution.

5.2 Administrative Monetary Penalties

The Administrative Monetary Penalties Program is the normal way of dealing with a contravention, except for contraventions of Part VII (Terms and Conditions) of the *Air Transportation Regulations*. Once it has been decided to proceed by way of an administrative monetary penalty, proceeding by way of prosecution for the same contravention is precluded (details of the Administrative Monetary Penalties process are provided in Chapter 6).

5.3 Administrative Sanctions

A contravention may be referred to the Agency for administrative action. This may occur at the same time as enforcement staff is proceeding with prosecution or an administrative monetary penalty.

The following options are available to the Agency:

- formal reprimands;
- cease and desist orders;
- licence suspensions; and
- licence cancellations.

In some instances, such as cases where a carrier is operating without insurance, the Agency must suspend and cancel the licence (details of administrative sanctions are provided in Chapter 7).

5.4 Prosecution

Prosecution is reserved for the most serious contraventions and may also be used in the case of repeat offenders. Once it has been decided to proceed by way of prosecution, proceeding subsequently by way of the Administrative Monetary Penalties Program for the same contravention is precluded.

Cases are heard in provincial courts and the appeal is to the provincial appeal court (details on prosecutions are provided in Chapter 8).

5.5 Selection of Appropriate Sanction

The designated Enforcement Officer, in consultation with management, selects the appropriate sanction based on the facts and circumstances of the case. When deciding to take action other than an administrative monetary penalty, the designated Enforcement Officer bases his or her determination on the following:

- the alleged offender's compliance history;
- extenuating and mitigating circumstances;
- reasons for the contravention; and
- the severity of the contravention.

5.6 Contraventions of Similar Provisions Under More Than One Statute

In some cases, contraventions of provisions of the *Air Transportation Regulations* are also contraventions of similar provisions of the *Canada Transportation Act*. For example, operating a publicly available air service without the prescribed liability insurance violates both paragraph 57(c) of the *Canada Transportation Act* and paragraph 7(1)(b) of the *Air Transportation Regulations*. When such situations occur, enforcement action will be taken only under the provision that most closely describes the contravention.

In some cases, an illegal action can violate more than one statute, for example, the *Canada Transportation Act* and the *Aeronautics Act*. In such cases, appropriate charges are laid, or other enforcement action is taken, under both statutes.

Chapter 6

ADMINISTRATIVE MONETARY PENALTIES

6.1 Designated Enforcement Officers

Designated Enforcement Officers are authorized to issue notices of violation. While designated Enforcement Officers have full discretion to issue a Notice of Violation, they discuss these decisions with management in the Enforcement Division to ensure that the Administrative Monetary Penalties Program is applied consistently across the country.

To determine whether a violation has been committed, designated Enforcement Officers may examine and copy documents and electronic data that they reasonably believe may contain information relevant to enforcing the *Canada Transportation Act* and its related regulations.

If a designated Enforcement Officer asks someone to provide documents or data, the *Canada Transportation Act* requires that person to furnish as much information as is reasonably required and to provide all such reasonable assistance as is in their power in order that the designated Enforcement Officer may carry out his or her duties.

For the purposes of an inspection or investigation, a designated Enforcement Officer has the power to enter and inspect any place, other than a dwelling, or any structure, work, rolling stock or ship that the designated Enforcement Officer considers necessary.

6.2 Administrative Monetary Penalties: Program Overview

Where the contravention of the *Canada Transportation Act* or attendant regulations is to be addressed by way of the Administrative Monetary Penalties Program and it is a first violation, a warning in the form of a letter will usually be sent to the alleged offender indicating the particulars of the alleged violation. However, in serious cases, the designated Enforcement Officer has discretion to proceed directly to penalty assessment by way of a notice of violation.

Where an operator disagrees with a finding set out in a warning letter, the operator may write to the Agency to request a review of the warning letter.

If a review is requested and the Agency determines that the warning is not justified, the carrier's file will be amended to include this finding and the letter of warning will not be used as a basis for further enforcement action.

Where the Agency finds that the warning is justified, or if an Agency review is not requested, the letter of warning will constitute evidence of a first violation of a provision. Should an operator subsequently contravene the same provision of the *Canada Transportation Act* or regulations, the

existence of a prior warning may result in the designated Enforcement Officer proceeding to impose a monetary penalty.

6.3 Warning Procedure

A formal warning for a first violation of a designated provision precedes an administrative monetary penalty in all but the most serious cases.

The warning names the alleged offender, identifies the violation, provides details about the time and place of the violation, and informs the recipient of how to request an Agency review.

The review is normally conducted as a file hearing, using the following guidelines.

- (1) Where a warning is issued by an Enforcement Officer, the party named in the warning may request a review, by the Canadian Transportation Agency, of the facts of the violation.
- (2) The alleged offender shall request this review by applying to the Agency within 30 days of the warning's date of issue.
- (3) When the alleged offender does not request a review in the prescribed time and manner, the party is deemed to have committed the violation identified in the warning. The Agency records the case as a first violation.
- (4) The application for review shall be in the form of a letter and:
 - (a) be submitted to the Agency by hand delivery, regular or registered mail, courier, facsimile, or by other means of written or electronic communication by the applicant or the duly authorized agent or solicitor acting for the applicant;
 - (b) clearly and concisely state:
 - (i) the facts; and
 - (ii) the grounds for the application.
 - (c) include any other information that may explain or support the application;
 - (d) include the full name, address and telephone number of the applicant or the duly authorized agent or solicitor acting for the applicant; and
 - (e) include any documents that may explain or support the application.
- (5) The designated Enforcement Officer who issued the warning may comment on an application for review.

- (6) The designated Enforcement Officer shall submit his or her comments to the Agency, including any documents that may explain or support the comments, within 30 days of the Agency's receipt of the application.
- (7) The designated Enforcement Officer shall send a copy of any comments to the applicant at the same time he or she submits them to the Agency.
- (8) The applicant may file a reply to the designated Enforcement Officer's comments with the Agency, within 10 days of receiving them.
- (9) Under section 29 of the *Canada Transportation Act*, the Agency must dispose of the application no later than 120 days after it receives the originating documents.
- (10) Where, after concluding a review, the Agency determines that:
 - (a) the alleged offender has not committed the violation, the Agency shall forthwith inform the party of the determination and no further action shall be taken against the person in respect of that alleged violation.
 - (b) the offender has committed the violation, the Agency shall forthwith inform the party of the determination. A record of the violation, bearing the date of the original warning, is retained by the Agency to be used as a basis for further enforcement action. If the offender contravenes the same designated provision within four years, the record of the original warning constitutes evidence of a first violation and the offender may be subject to an administrative monetary penalty.

Applicants may mail their applications to the following address:

Canadian Transportation Agency
c/o The Secretary
Ottawa, Ontario K1A 0N9

They may also fax them to 819-953-8798.

6.4 Notice of Violation

When a person violates the same provision within four years, a Notice of Violation may be issued.

A Notice of Violation identifies the alleged violation, names the alleged offender, sets out the penalty, and tells the person how and when to pay the penalty.

When a person has violated more than one provision, the designated Enforcement Officer issues a separate Notice of Violation for each violation. When a person has violated a single provision

more than once, the designated Enforcement Officer issues only one Notice of Violation. Additional notices will be issued if the designated Enforcement Officer discovers further contraventions of the same provision after issuing the initial Notice of Violation.

6.5 Payment of Administrative Monetary Penalties

The deadline for paying a monetary penalty indicated in a Notice of Violation is no less than 30 days from the Notice of Violation's date of issue.

Payment is to be made by certified cheque or money order to the Receiver General for Canada and sent to the Agency's headquarter.

Payments by mail must be sent to the following address:

Canadian Transportation Agency
Ottawa, Ontario K1A 0N9

Payments by hand may be delivered to the following address:

Canadian Transportation Agency
17th Floor (Mailroom)
15 Eddy Street, Gatineau, Quebec

The Agency must receive the payment by 5:00 pm (EST) on the due date. If the alleged offender does not pay the penalty set out in the Notice of Violation by the due date, the contravention is deemed to have taken place. If no hearing has been requested by the violator then a certificate of payment is issued by the Transportation Appeal Tribunal of Canada.

6.6 Transportation Appeal Tribunal of Canada

The Transportation Appeal Tribunal of Canada is a quasi-judicial body that provides the aviation public with the opportunity to request a review of administrative decisions that affect licences or impose penalties under the *Aeronautics Act*. These issues fall under Transport Canada's jurisdiction. The Tribunal is also responsible for hearing reviews and appeals pertaining to an administrative monetary penalty imposed under the *Canada Transportation Act*.

6.6.1 Review and Appeal Hearings

The *Canada Transportation Act* states that sections 7.8 to 8.2 of the *Aeronautics Act* apply to the contravention of a designated provision. The following text describes the procedures outlined in those sections as they apply to an administrative monetary penalty imposed under the *Canada Transportation Act*.

If a hearing is requested by the contravenor, the Transportation Appeal Tribunal of Canada will schedule a review hearing, to be conducted by one Tribunal Member, and it will notify the contravenor and the designated Enforcement Officer (the two of whom are also known as

“the parties”). Hearings are held where the contravention allegedly occurred. Both parties have an opportunity to present evidence and to make representations.

Following the review hearing, the Tribunal member provides a written determination. The Tribunal member may confirm or reject the designated Enforcement Officer’s decision, or, under certain circumstances, substitute his or her own. Either party may appeal the determination by applying to the Tribunal, in writing, within 10 days of receiving the determination. The request for appeal must concisely state the grounds on which the appeal is based.

If the determination is appealed, the Tribunal notifies the parties of the date, time and place of the appeal hearing, and gives each of them a copy of the record of the previous proceeding. Appeal panels usually consist of three Tribunal members and are usually chaired by the Chairperson or Vice-Chairperson of the Tribunal. Following the hearing, all parties receive a written appeal determination. The appeal determination of the Tribunal is final and binding on the parties, subject only to application for judicial review to the Federal Court, Trial Division.

The Transportation Appeal Tribunal of Canada can be contacted as follows:

333 Laurier Avenue West, Room 1201
 Ottawa ON K1A 0N5
 Telephone: 613-990-6906
 Fax: 613-990-9153
 www.tatc.gc.ca

6.7 Tables of Designated Provisions

The contravention of any designated provision is potentially subject to an administrative monetary penalty. The following tables identify the designated provisions; describe the designated provision; and indicate the level of penalty associated with each provision (see sections 6.9 and 6.10 for penalty amounts by level under the Administrative Monetary Penalties program).

6.7.1 *Canada Transportation Act*

Designated Provision	Marginal Note	Violation	Level
par. 57(a)	Prohibition re operation	Operating an air service without holding a valid licence in respect of that service.	5
par. 57(b)	-	Operating an air service without holding a Canadian aviation document in respect of that service.	5
par. 57(c)	-	Operating an air service without having the prescribed liability insurance coverage in effect in respect of that service.	5
s. 59	Prohibition re sale	Selling, causing to be sold or publicly offering for sale in Canada an air service for which no licence is held.	4

Designated Provision	Marginal Note	Violation	Level
par. 66(7)(b)	-	Not complying with an Agency request to inform the Agency of the tariffs it applied in respect of the domestic services operated between two point in accordance with a published timetable or on a regular basis during the previous three years. and/or Not complying with an Agency request for additional information required for the purpose of subsection 66(6).	3 3
subs. 66(8)	Confidentiality of information	Not complying with an Agency order made under subsection 66(8) to protect the confidentiality of information that the Agency is considering in the course of proceedings under subsection 66(6).	5
par. 67(1)(a)	Tariffs to be made public	Not displaying, in a prominent place at the licensee's business offices a sign indicating that the tariffs for the domestic service it offers, including the terms and conditions of carriage, are available for public inspection at its business offices.	3
par. 67(1)(a. 1)	-	Not publishing the terms and conditions of carriage on any Internet site used by the licensee for selling domestic service offered by the licensee.	3
para. 67(1)(c)	-	Not retaining a record of licensee's domestic tariffs for a period of at least three years after the tariffs have ceased to be in effect.	2
subs. 67(2)	Prescribed tariff information to be included	Not including all prescribed information in the domestic tariff.	2
subs. 67(3)	No fares unless set out in tariff	Imposing a fare, rate, charge or term or condition of carriage not set out in a published and effective tariff applicable to a domestic service.	3
subs. 67(4)	Copy of tariff on payment of fee	Not providing a copy or excerpt of a domestic tariff on request and/or Charging more than the cost of making the copy or excerpt.	2
par. 67.1(a)	Fares or rates not set out in tariff	Not complying with an Agency order made under paragraph 67.1(a) to apply a fare, rate, charge or term or condition of carriage that is set out in a tariff applicable to a domestic service.	5
par. 67.1(b)	-	Not complying with an Agency order made under paragraph 67.1(b) for the payment of compensation.	5
par. 67.1(c)	-	Not complying with an Agency order made under paragraph 67.1(c) to take corrective measures.	5
subs. 67.2(2)	Prohibition on advertising	Advertising or applying a term or a condition of carriage that is suspended or has been disallowed	4

Designated Provision	Marginal Note	Violation	Level
subs. 68(2)	Provisions regarding exclusive use of services	Including in a confidential contract, between a holder of a domestic licence and another person, of provisions with respect to the exclusive use by the person of a domestic service operated by the holder of the domestic licence between two points in accordance with a published timetable or on a regular basis where the contract is not for all or a significant portion of the capacity of a flight or a series of flights.	4
subs. 68(3)	Retention of contract required	Not retaining a copy of a confidential contract for a period of at least three years after it has ceased to have effect. and/or Not complying with an Agency request to provide the Agency with a copy of a confidential contract between a holder of a domestic licence and another person made within three years after the confidential contract has ceased to have effect.	2 3
subs. 71(2)	Compliance with terms and conditions	Not complying with the terms and conditions of a scheduled international licence.	4
subs. 74(2)	-	Not complying with the terms and conditions of a non-scheduled international licence.	4
par. 82(a)	Licensee to provide notification	Not notifying the Agency that liability insurance coverage has been cancelled or altered in a manner resulting in the failure to have the prescribed coverage for that service.	4
par. 82(b)	-	Not notifying the Agency that operations have changed in a manner resulting in the failure to have the prescribed liability insurance coverage.	4
par. 82(c)	-	Not notifying the Agency that changes have been made affecting the licensee's Canadian status.	4
s. 83	Disclosure of information required	Not providing the Agency, on request, with information or documents available to the licensee that relate to any complaint under review or any investigation being conducted by the Agency.	3
subs. 172(3)	Remedies	Not complying with an Agency order made under subsection 172(3) requiring the taking of corrective measures. and/or Not complying with an Agency order made under subsection 172(3) directing the payment of compensation.	5 5
subs. 178(5)	Assistance to enforcement officers	Not providing reasonable assistance at the request of an enforcement officer and/or Not furnishing information at the request of an enforcement officer.	2 2

6.7.2 Air Transportation Regulations

Designated Provision	Violation	Level
PART I - GENERAL		
Liability Insurance		
par. 7(1)(a)	Operating an air service without having passenger liability insurance in the prescribed amount.	5
par. 7(1)(b)	Operating an air service without having public liability insurance in the prescribed amount.	5
subs. 7(3)	Having liability insurance that contains an exclusion or waiver provision reducing insurance coverage for any accident or incident below the prescribed amounts.	4
subs. 7(4)	Having single limit liability coverage for an amount less than the applicable combined insurance minima.	4
subs. 8(1)	[Licensee] Not filing a valid certificate of insurance with the Agency.	3
subs. 8(2)	Not filing a certified true copy of the certificate of insurance on request by the Agency.	2
Provision of Aircraft with Flight Crew		
subs. 8.2(1)	<p>[Lessor] Providing all or part of an aircraft with a flight crew to a licensee for the purpose of providing an air service pursuant to the licensee’s licence without prior approval of the Agency.</p> <p>or</p> <p>[Lessee] Providing an air service using all or part of an aircraft, with flight crew, provided by another person without prior approval of the Agency</p>	3
subs. 8.2(4)	Not maintaining prescribed passenger and third party liability insurance coverage for a service for which another person provides an aircraft with flight crew.	4
subs. 8.2(6)	Not notifying the Agency in writing of the cancellation of or alteration in any manner to the prescribed liability insurance coverage that results in failure by the licensee or the person who provided the aircraft with flight crew to maintain coverage.	4
subpar. 8.3(1)(b)(ii)	Operating an air service prior to having received acknowledgement from the Agency that the conditions for operating without formal approval have been met.	4
subs. 8.5(1)	Not notifying the public that an air service will be operated by a licensee using an aircraft and flight crew provided by another person.	3

Designated Provision	Violation	Level
PART II - DOMESTIC AND INTERNATIONAL LICENCES AND REDUCTION IN DOMESTIC SERVICES		
Domestic Licensing		
subs. 10(2)	Not filing with the Agency, within 30 days after each anniversary date of the licence, a declaration in the form set out in Schedule II.	2
Reduction in Domestic Services		
subs. 14(1)	Not providing prescribed notice of a proposal to discontinue or reduce the frequency of a domestic service.	2
International Licencing		
subs. 15(3)	Not filing with the Agency, within 30 days after each anniversary date of the licence, a declaration in the form set out in Schedule II.	2
International Licence Conditions		
par. 18(a)	Not providing transportation in accordance with terms and conditions of the licence.	4
par. 18(b)	Making a public statement that is false or misleading with respect to the licensee's air service or any service incidental thereto.	4
par. 18(c)	Operating or representing by advertisement or otherwise under a name other than the name on the licence.	3
s. 19	Not operating every flight in accordance with the service schedule except as prescribed.	2
par. 20(a)	Chartering an aircraft to a person who obtains payment for traffic carried at a toll per unit.	3
par. 20(b)	Not allowing the Agency to inspect records in respect of advance payments.	3
PART IV - TRANSBORDER CHARTERS		
Division I - General		
Prohibition		
s. 80	Operating a charter between Canada and the United States without holding a non-scheduled international licence valid for the charter.	5
Carriage of Goods on Passenger Charters		
s. 81	Chartering the bellyhold or main deck for the carriage of goods other than as prescribed.	2

Designated Provision	Violation	Level
Direct Sales to the Public		
s. 82	<p>[Air Carrier] Acting as a charterer in respect of a Transborder Passenger Charter (TPC), Transborder Passenger Non-resaleable Charter (TPNC) or Transborder Goods Charter (TGC).</p> <p>or</p> <p>[Air Carrier] Selling seats or space dedicated to passengers or goods on a TPC, TPNC or TGC directly to the public.</p>	3
Air Carrier's Own Traffic		
s. 83	Utilizing unused space for transporting the carrier's own goods and personnel or the goods and personnel of another carrier without prior concurrence of the charterer.	2
Subcontracting Transborder Charters Originating in Canada		
par. 84(1)(a)	Subcontracting to a Canadian or United States charter licensee who does not hold a non-scheduled international licence valid for the subcontracted charter or series of charters.	3
par. 84(1)(b)	Subcontracting to a Canadian or United States charter licensee who does not hold a Canadian aviation document valid for the subcontracted charter or series of charters.	3
par. 84(1)(c)	Subcontracting to a Canadian or United States charter licensee who imposed additional charges or other financial obligation on the passengers or the charterer.	3
par. 84(1)(d)	Subcontracting to a Canadian or United States charter licensee who does not have passenger and or third party liability insurance coverage, as prescribed, for the operation of the subcontracted charter.	4
subs. 84(2)	Not having a written agreement to the effect that, for all charters or series of charters that are subcontracted, the licensee will hold the air carrier harmless from, and indemnify the air carrier for, all passenger and third party liabilities while passengers or cargo transported under a contract with the air carrier are under the control of the licensee.	3
Records		
s. 85	Not permitting the Agency to inspect, immediately on request, the air carrier's records respecting the operation of Transborder Passenger Charters, Transborder Passenger Non-resaleable Charters or Transborder Goods Charters, including records respecting any advance payments.	3

Designated Provision	Violation	Level
subs. 86(1)	Not retaining flight coupons surrendered by passengers or equivalent information contained in another format for at least one year after the date of departure of the Transborder Passenger Charters (TPC), Transborder Passenger Non-resaleable Charters (TPNC) or Transborder Goods Charters (TGC). or Not maintaining evidence that the air carrier has complied with the transborder charter requirements for at least one year after the date of departure of the TPCs, TPNCs or TGCs.	3
subs. 86(2)	Not providing evidence requested by the Agency to verify that the TPC, TPNC or TGC requirements have been complied with.	3
Division II - Transborder Passenger Charters Originating in Canada (TPC)		
Operation by Two Air Carriers		
s. 87	Not notifying the Agency before the date of the TPC of the arrangements of the charter operated by two air carriers.	2
Co-mingling Provision		
subs. 88(1)	Operating a TPC without the full capacity of the aircraft being chartered.	3
Program Permits		
par. 93(1)(a)	Operating a TPC or series of TPCs as prescribed without obtaining a program permit.	4
par. 93(1)(b)	Operating a TPC or series of TPCs as prescribed without obtaining an amended program permit from the Agency.	4
par. 93(1)(c)	Operating a TPC or series of TPCs as prescribed without filing a copy of a new or renewed financial guarantee at least 30 days before the cancellation or termination of the financial guarantee.	4
par. 93(1)(d)	Operating a TPC or series of TPCs as prescribed without filing every amendment to the financial guarantee.	4
par. 93(1)(e)	Operating a TPC or series of TPCs as prescribed without notifying the Agency in writing of the cancellation of any charter set out in the charter contract.	2
Charter Authorizations		
subs. 95(2)	Modifying the monitoring, compliance and disclosure systems referred to in par. 95(1)(c) without prior written approval of the Agency.	4
par. 95(3)(a)	Not including in every charter contract which is in force during the period of the charter authorization, the provisions required by subsections 91(3) and (4).	2

Designated Provision	Violation	Level
par. 95(3)(c)	<p>Not providing every charterer with the original of the letter of credit and of all amendments thereto respecting the TPC or series of TPCs.</p> <p>or</p> <p>Not providing every charterer with a copy of the financial guarantee and all amendments thereto respecting the TPC or series of TPCs in addition to signed prescribed documentation that establishes the advance payments received by the air carrier for each charter or series of charters are protected.</p>	4
par. 95(3)(e)	Not filing a copy of all financial guarantees, except as prescribed, with the Agency prior to any advance payments being received from the charterer.	4
par. 95(3)(f)	<p>Not filing evidence with the Agency, upon filing a copy of the specified financial guarantee, that the charterer has been provided with the financial guarantee.</p> <p>or</p> <p>Not filing evidence with the Agency, upon filing a copy of the specified financial guarantee, that the level of protection specified in the financial guarantee is such that all advance payments are fully protected at all times.</p>	2
s. 96	Not submitting to the Agency or its authorized representative within 30 days of the end of each month, a report containing all prescribed information respecting the TPC or series of TPCs.	2
s. 97	Not filing information requested by the Agency	3
Division III - Transborder Passenger Non-Resaleable Charters (TPNC)		
General		
par. 99(1)(a)	Operating a TPNC or series of TPNCs where the cost of transportation of passengers was paid for by more than three charterers.	2
par. 99(1)(b)	Operating a TPNC or series of TPNCs where a charge or other financial obligation is imposed on a passenger as a condition of carriage or otherwise in connection with the transportation.	3
subs. 99(3)	Operating a TPNC or series of TPNCs without obtaining prior Agency approval where requirements of paragraphs 99(1)(a) and (b) are not met.	3
Post Facto Reporting		
s. 100	Not submitting to the Agency or its authorized representative within 30 days of the end of each month, a report containing all prescribed information respecting the TPNC or series of TPNCs.	2

Designated Provision	Violation	Level
Division IV - Transborder Goods Charters (TGC)		
Operational Restrictions		
s. 101(1)	[Non-US Charter Carrier Licensee] Serving more than one point in the US on a single flight when operating a TGC for a courier service.	4
Post Facto Reporting		
s. 102	Not submitting to the Agency or its authorized representative within 30 days after the end of each month, a report containing all prescribed information respecting the TGC or series of TGCs.	2
Division V - Charters Originating in the United States		
Operational Restrictions		
par. 103.2(1)(a)	Operating a Transborder US Charter (TUSC) or series of TUSCs without holding a non-scheduled international licence valid for the proposed charter.	5
subs. 103.2(2)	[Non-Canadian Air Carrier] Serving more than one point in Canada when operating a TUSC or series of TUSCs using aircraft having maximum certified take-off weight (MCTOW) greater than 35,000 lbs. for a courier service	4
subs. 103.2(3)	Not notifying the Agency, which notification shall include all prescribed information, prior to subcontracting a TUSC using aircraft having MCTOW greater than 35,000 lbs.	3
Notification		
s. 103.3	Operating a TUSC or series of TUSCs without notifying the Agency in writing not less than 48 hours before the date and time of arrival in Canada of the charter or the date of the first charter in a series of charters, which notification shall include all prescribed information.	3
Passenger Lists and Flight Coupons		
par. 103.4(a)	Not submitting a passenger list showing the last names and the initials of all passengers transported on the charter to airport authorities on arrival of the flight in Canada. or Not submitting a passenger list showing the last names and the initials of all passengers transported on the charter to the Agency on request.	3
par. 103.4(b)	Not permitting the Agency or its authorized representative to examine flight coupons surrendered by the passengers or equivalent information contained in another format.	3

Designated Provision	Violation	Level
PART V - TARIFFS		
Division I - Domestic		
Contents of Tariffs		
par. 107(1)(j)	Tariff does not contain information respecting prepayment requirements and restrictions and information respecting non-acceptance and non-delivery of goods.	1
par. 107(1)(l)	Tariff does not contain the terms and conditions governing the tariff, generally, stated in such a way that it is clear as to how the terms and conditions apply to the tolls named in the tariff.	1
par. 107(1)(m)	Tariff does not contain any special terms and conditions that apply to a particular toll and, where the toll appears on a page, a reference on that page to the page on which those terms and conditions appear.	1
par. 107(1)(n)	The tariff does not contain the terms and conditions of carriage clearly stating the air carrier's policy.	1
par. 107(1)(o)	Tariff does not contain the tolls, shown in Canadian currency, together with the names of the points from, to or between which the tolls apply, arranged in a simple and systematic manner with, in the case of commodity tolls, goods clearly identified.	1
par. 107(1)(p)	The tariff does not contain the routing related to the tolls unless reference is made in the tariff to another tariff in which the routings appear.	1
Division II - International		
Filing of Tariffs		
subs. 110(1)	Commencing the operation of an international service prior to filing, with the Agency, a tariff for that service.	3
par. 110(3)(a)	[Air carrier] Advertising, offering or charging a toll where the toll was in a tariff that had been rejected by the Agency.	3
par. 110(3)(b)	[Air carrier] Advertising, offering or charging a toll where the toll is in a tariff that has been disallowed or suspended by the Agency.	4
subs. 110(4)	[Air carrier] Not charging the tolls and applying the terms and conditions set out in a tariff which has been accepted by the Agency.	3
subs. 110(5)	[Air carrier or Agent] Offering, granting, giving, soliciting, accepting or receiving a rebate, concession or privilege in respect of the transportation of any persons or goods by the air carrier whereby such persons or goods are or would be, by any device whatever, transported at a toll that differs from that named in the tariffs then in force or under terms and conditions of carriage other than those set out in such tariffs.	3

Designated Provision	Violation	Level
Public Inspection of Tariffs		
subs. 116(1)	Not keeping available for public inspection at each of its business offices a copy of every tariff in which the air carrier participates that applies to its international service.	2
subs. 116(2)	Not displaying in a prominent place at each of its business offices a sign indicating that the tariffs for the international service it offers, including the terms and conditions of carriage, are available for public inspection at its business offices.	3
subs. 116(3)	Not keeping a copy of any tariff participated in by the carrier, at the principal place of business in Canada of the carrier or at the place of business in Canada of the carrier's agent, for a period of three years after the date of cancellation of the tariff.	2
subs. 116.1	Not posting on its Internet site, in a prominent location on the site, the air carrier's terms and conditions of carriage applicable to that international service.	3
Disallowance		
subs. 127(4)	Not notifying the Secretary that the tariff or any portion thereof is disallowed by the competent authorities of the other country.	2
Rejection		
subs. 127.1(2)	Not notifying the Agency that a tariff or portion thereof has been rejected by competent authorities of another country.	2
Suspensions and Disallowances		
subs. 129(1)	[Air Carrier or Agent] Failing to file, immediately, with the Agency an appropriate tariff, to become effective not less than one working day after the date of filing, to restore a provision which was suspended or disallowed by the Agency.	4
Division III - Transborder Charters		
General		
par. 135.3(1)(a)	Failing to publish or display and make available for public inspection, at the business office of the air carrier, all the tariffs in effect in respect of the charter service offered by the air carrier.	3
par. 135.3(1)(b)	Not clearly identifying rates, charges and terms and conditions of carriage applicable in respect of the charter service offered by the air carrier.	2
par. 135.3(1)(c)	Not retaining a record of the tariffs for a period of at least three years after the tariffs cease to have effect.	2
par. 135.3(1)(d)	Not filing with the Agency tariffs that contain general terms and conditions of carriage.	2

Designated Provision	Violation	Level
subs. 135.3(2)	Imposing a rate or charge or applying a term or condition of carriage which was not set out in the tariff.	3
subs. 135.3(3)	Not providing a copy of a tariff or any portion thereof to any person who requests it.	2
par. 135.3(4)(b)	Not retaining a copy of the page containing the charter price for at least three years after it ceases to take effect.	1
par. 135.3(4)(c)	Not making a copy of the page showing the charter price available to the Agency on request.	2
PART VI - SERVICE SCHEDULES		
Filing of Service Schedules		
s. 137	Not filing a service schedule or an amendment to a service schedule as prescribed	2
Public Inspection of Service Schedules		
s. 141	Air carrier fails to keep its current service schedule, with amendments, available for public inspection at each of its business offices.	2
Timetables		
par. 144(b)	Air carrier fails to file appropriate number of timetables with the Agency at the time of publication.	1
PART VII - TERMS AND CONDITIONS OF CARRIAGE OF PERSONS		
Services		
subs. 147(1)	Failure to provide a service listed in this subsection.	Administrative Sanction / 3
subs. 147(2)	Failure to describe, if requested when a reservation is being made, the services that the air carrier is required, pursuant to this section and sections 148 and 149, to provide to persons with a disability and any conditions in respect of those services set out in those sections and section 151, and any additional service that the air carrier provides to persons with a disability and any conditions in respect of that additional service and/or failure to confirm, after asking the person, which services that person requests.	Administrative Sanction / 3
subs. 148(1)	Failure to accept for carriage as priority baggage, without charge and in addition to the free baggage allowance permitted to a passenger, an aid listed in this subsection.	Administrative Sanction / 3

Designated Provision	Violation	Level
par. 148(2)(b)	Failure to advise a person with a disability about transportation arrangements that are available for electric wheelchairs, scooters or manually operated rigid frame wheelchairs where an air carrier operated an aircraft that had fewer than 60 passenger seats and the design of the aircraft did not permit the carriage of the person's aid.	Administrative Sanction / 3
subs. 148(3)	Failure to allow a person with a disability to remain in a manually operated wheelchair until the person reaches the boarding gate from which the person's flight is to depart; or where facilities permit, while the person is moving between the terminal and the door of the aircraft; or where space and facilities permit, while the person is moving between the terminal and the passenger seat.	Administrative Sanction / 3
subs. 148(4)	Failure by an air carrier that accepts for carriage any of the following aids: an electric wheelchair, a scooter, a manually operated rigid-frame wheelchair, a manually operated folding chair, a walker, a cane, crutches or braces, to, without charge, disassemble and package the aid; or where the person has been required to board the aircraft in advance of other passengers pursuant to subsection 147(3), identify the aid as priority baggage; or unpackage and reassemble the aid; or return the aid to the person promptly on arrival at the person's destination.	Administrative Sanction / 3
subs. 148(5)	Failure to allow a person who requires a wheelchair to store the wheelchair in the passenger cabin, where space permits, without charge or failure to allow a person who requires either a walker, a cane, crutches, braces, any device that assists the person to communicate better or any prosthesis or medical device to retain the aid in the person's custody during the flight, where space permits, without charge.	Administrative Sanction / 3
subs. 149(1)	Failure to accept a service animal for carriage without charge where the animal is required by a person for assistance and where the animal is certified, in writing, as having been trained by a professional service animal institution to assist a person.	Administrative Sanction / 3
subs. 149(2)	Failure to permit a service animal, where the animal is properly harnessed in accordance with standards established by a professional service animal institution, to accompany the person on board the aircraft and to remain on the floor at the person's passenger seat.	Administrative Sanction / 3
s. 150	Failure to inquire periodically about the needs of a person who is not independently mobile while the person was waiting for a flight after check-in or was in transit between flights and/or failure to attend to those needs where the services required are usually provided by the air carrier or are required to be provided by the air carrier under Part VII.	Administrative Sanction / 3
subs. 151(1)	Failure to provide a service set out in Part VII when a person with a disability requested the service at least 48 hours before the scheduled departure of the flight.	Administrative Sanction / 3

Designated Provision	Violation	Level
subs. 151(2)	Failure to provide an additional service set out in the air carrier's tariff when a person with a disability requested the service at least 48 hours before the scheduled departure of the flight.	Administrative Sanction / 3
Administration		
s. 153	Failure to inform a person with a disability of the passenger seats in the aircraft to be used that are most accessible to that person or assigning accessible seats to persons without disabilities where other seats are still available.	Administrative Sanction / 3
s. 154	Failure to accept the determination made by or on behalf of a person with a disability that the person does not require any extraordinary service during a flight.	Administrative Sanction / 3

Designated Provision	Violation	Level
Damaged or Lost Aid		
subs. 155(1)	Failure to immediately provide a suitable temporary replacement of a person's mobility aid, without charge, where it was damaged during carriage or not available at the person's destination.	Administrative Sanction / 3
subs. 155(2)	Failure to arrange for the prompt and adequate repair, at the carrier's expense, of a person's mobility aid where it was damaged during carriage and can be repaired promptly and adequately.	Administrative Sanction / 3
subs. 155(3)	Failure to replace a damaged or lost mobility aid with an identical one satisfactory to the person or reimburse the person for the full replacement cost of the aid where the aid is damaged during carriage and cannot be repaired promptly or adequately or where it is lost for more than 96 hours after the person's arrival at the person's destination.	Administrative Sanction / 3
subs. 155(4)	Failure to allow a person to use a temporary replacement aid until the time the person's own aid is repaired and returned or, where the aid was to be replaced or the person was to be reimbursed, until a reasonable amount of time has elapsed to replace the aid.	Administrative Sanction / 3

6.7.3 Personnel Training for the Assistance of Persons with Disabilities Regulations

Designated Provision	Violation	Level
Employees and Contractors who Interact with the Public		
s. 4	Failure by a carrier or terminal operator to ensure that all their employees and contractors who provide transportation related services and who may be required to interact with the public or to make decisions in respect of the carriage of persons with disabilities receive a level of training appropriate to the requirements of their function.	3
Employees and Contractors who Provide Physical Assistance		
s. 5	Failure by a carrier to ensure that all its employees and contractors who may be required to provide physical assistance to a person with a disability receive a level of training appropriate to the requirements of their function.	3
Employees and Contractors who Handle Mobility Aid		
s. 6	Failure by a carrier to ensure that all its employees and contractors who may be required to handle mobility aids receive a level of training appropriate to the requirements of their function.	3
Employees and Contractors who Assist with Special Equipment or Aids		
s. 7	Failure by a carrier to ensure that all its employees and contractors who may be required to assist with special equipment or aids receive a level of training appropriate to the requirements of their function.	3

Time Limit for Completion of Training		
s. 8	Failure by a carrier or terminal operator to ensure that all their employees and contractors who are required by these Regulations to receive training to complete their initial training within 60 days after the commencement of their duties.	3
s. 9	Failure by a carrier or terminal operator to ensure that all their employees and contractors receive periodic refresher training sessions appropriate to the requirements of their function.	3
Training Program Description		
s. 11	Failure by a carrier or terminal operator to keep available for inspection by the Agency and the general public a copy of its current training program prepared in the form set out in the schedule and containing the information required therein.	3

6.8 Individual vs Corporation

The *Canada Transportation Act* draws a distinction between individuals and corporations in order to separate corporate entities from all others. Thus, individuals include business entities such as sole proprietorships and partnerships. Any action taken against a sole proprietorship or a partnership is taken against the individuals collectively operating as the business entity, at the individual penalty level (refer to Table 6.9).

In most cases, an employee is viewed as an agent of the employer. The employer is therefore liable for the misconduct of its employees and is the subject of any enforcement action.

6.9 Table of Penalty Amounts: Individual

Level	Penalty			
	1st violation	2nd violation	3rd violation	4th and subsequent violations
1	warning	\$100	\$100	\$100
2	warning	\$250	\$500	\$1,000
3	warning	\$500	\$1,000	\$2,000
4	warning	\$1,000	\$2,500	\$5,000
5	Up to \$1,000	\$2,500	\$5,000	\$5,000

6.10 Table of Penalty Amounts: Corporation

Level	Penalty			
	1st violation	2nd violation	3rd violation	4th and subsequent violations
1	warning	\$500	\$500	\$500
2	warning	\$1,250	\$2,500	\$5,000
3	warning	\$2,500	\$5,000	\$10,000
4	warning	\$5,000	\$12,500	\$25,000
5	Up to \$5,000	\$12,500	\$25,000	\$25,000

6.11 Time Limit for Proceedings

Proceedings related to a violation may be instituted no later than 12 months after the subject of the proceedings arose.

6.12 Records

The Agency retains records of enforcement actions for four years.

Chapter 7

ADMINISTRATIVE SANCTIONS

7.1 General

Administrative sanctions available to the Agency include:

- formal reprimands;
- cease and desist orders;
- licence suspensions; and
- licence cancellations.

7.2 Formal Reprimands

Formal reprimands are decisions that the Agency normally issues following an operator's response to a show cause letter from the Agency, which sets out the allegations against the operator. These decisions set out the Agency's finding that the operator has contravened applicable legislative or regulatory provisions.

7.3 Cease and Desist Orders

If a licensed carrier is operating in contravention of the *Canada Transportation Act* or its related regulations, the Agency may issue a cease and desist order to direct the carrier to stop such activity. If the carrier disregards this order, further sanctions such as licence suspension or cancellation may follow.

When a carrier does not comply with a cease and desist order, the order may be made an order of the Federal Court. If the carrier then continues the activity, contempt proceedings may be pursued.

In certain circumstances, cease and desist orders will be issued in addition to a Notice of Violation and/or other administrative sanctions.

7.4 Licence Suspension

Suspending a carrier's licence for contravention of a provision of the *Canada Transportation Act* or its related regulations is the most severe sanction the Agency can take, other than cancelling the licence altogether. It is considered appropriate when other sanctions would be inadequate deterrents, when prosecution is not considered appropriate, or when past deterrent action had little or no success. The Agency may suspend a licence indefinitely or for a specific period.

7.5 Licence Cancellation

When a licensed carrier operates in contravention of the *Canada Transportation Act* or its related regulations or fails to comply with Agency orders, the Agency may cancel the carrier's licences.

7.6 Review and Appeal Provisions of the *Canada Transportation Act*

There are three mechanisms of recourse available to those affected by Agency decisions and/or orders:

Review of Decisions and Orders (Section 32)

The Agency may review, rescind or vary any decision or order made by it or may re-hear any application before deciding it if, in the opinion of the Agency, since the decision or order or the hearing of the application, there has been a change in the facts or circumstances pertaining to the decision, order or hearing.

Governor in Council (Section 40)

The Governor in Council may, at any time, in the discretion of the Governor in Council, either on petition of a party or an interested person or of the Governor in Council's own motion, vary or rescind any decision, order, rule or regulation of the Agency, whether the decision or order is made *inter partes* or otherwise, and whether the rule or regulation is general or limited in its scope and application, and any order that the Governor in Council may make to do so is binding on the Agency and on all parties.

Appeal from the Agency (Subsection 41(1))

An appeal lies from the Agency to the Federal Court of Appeal on a question of law or a question of jurisdiction on leave to appeal being obtained from that Court on application made within one month after the date of the decision, order, rule or regulation being appealed from, or within any further time that a judge of that Court under special circumstances allows, and on notice to the parties and the Agency, and on hearing those of them that appear and desire to be heard.

Chapter 8

PROSECUTION

8.1 General

The contravention of any provision of the *Canada Transportation Act* or its related regulations can also be considered a criminal offence, which is dealt with through the provincial court system. Charges are laid by the RCMP, working in cooperation with Enforcement Officers.

Prosecution is normally used when a carrier is suspected of operating a publicly available air service without holding a licence, insurance or an Air Operator Certificate.

8.2 Limitation of Action

Section 176 of the *Canada Transportation Act* states that summary conviction proceedings related to an offence under the *Canada Transportation Act* may be instituted no later than 12 months after the subject matter of the proceedings arose.

8.3 Sentencing

Under the *Canada Transportation Act*, the maximum limits for fines are as follows:

- \$ 5,000 for an individual; and
- \$25,000 for a corporation.

The specific sentences applied in individual cases are within the discretion of the court.

Chapter 9

CONTACTS

9.1 Canadian Transportation Agency Headquarters

Manager, Enforcement Division
Canadian Transportation Agency
Ottawa, Ontario K1A 0N9

Telephone: 819-953-9786
Fax: 819-953-8798
E-mail: Headquarters
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

Senior Director, Regulatory Approvals and
Compliance
Canadian Transportation Agency
Ottawa, Ontario K1A 0N9

Telephone: 819-997-8761
Fax: 819-953-8798
E-mail: Headquarters
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

9.2 Regional Enforcement Offices

Atlantic

Enforcement Officer
Canadian Transportation Agency
1045 Main Street, Suite 109
Moncton, New Brunswick E1C 1H1

Telephone: 506-851-6950
Fax: 506-851-2518
E-mail: Atlantic Region
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

Quebec

Enforcement Officer
Canadian Transportation Agency
101 Boul. Roland-Therrien, Suite 510
Longueuil, Quebec J4H 4B9

Telephone: 450-928-4173
Fax: 450-928-4174
E-mail: Quebec Region
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

Ontario

Enforcement Officer
Canadian Transportation Agency
4900 Yonge Street, Suite 300
Toronto, Ontario M2N 6A5

Telephone: 416-952-7895
Fax: 416-952-7897
E-mail: Ontario Region
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

Central

Enforcement Officer
Canadian Transportation Agency
269 Main Street, Suite 702
P.O. Box 27007
Winnipeg Square Postal Outlet
Winnipeg, Manitoba R3C 4T3

Telephone: 204-984-6092
Fax: 204-984-6093
E-Mail: Central Region
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

Western

Enforcement Officer
Canadian Transportation Agency
9700 Jasper Avenue, Suite 1100
Edmonton, Alberta T5J 4C3

Telephone: 780-495-6618
Fax: 780-495-5639
E-mail: Western Region
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

Pacific

Enforcement Officer
Canadian Transportation Agency
800 Burrard Street, Suite 560
Vancouver, B.C. V6Z 2V8

Telephone: 604-666-0620
Fax: 604-666-1267
E-Mail: Pacific Region
[\[sap-amp@otc-cta.gc.ca\]](mailto:sap-amp@otc-cta.gc.ca)

Chapter 10

SAMPLE DOCUMENTATION

10.1 Sample Warning Letter

10.1.1 Attachment to Warning Letter

10.2 Sample Notice of Violation

Canadian Transportation Agency
c/o The Secretary
Ottawa, Ontario K1A 0N9

Fax: 819-953-8798

and should make reference to the Occurrence Number indicated in the upper right hand corner of this letter.

Your letter should contain a clear and concise statement of the facts and circumstances surrounding the case and should be accompanied by copies of any documentation or other evidence that you believe might be pertinent to your request for review (see attached).

Sincerely,

Name
Enforcement Officer

encl.

IMPORTANT

Copies of the *Designated Provisions Regulations*, the *Canada Transportation Act*, the *Air Transportation Regulations*, the *Personnel Training for the Assistance of Persons with Disabilities Regulations* and the *Canadian Transportation Agency General Rules* are available on the Agency's Web site at: www.cta.gc.ca. These documents are also available from authorized bookstores agents and other bookstores or by mail from:

Canadian Government Publishing
Ottawa, Ontario, Canada K1A 0S9

Telephone: 819-956-4800

Procedures for submitting an application to request a review of the warning.

- (1) Where a warning is issued by an Enforcement Officer, the party named in the warning may request a review, by the Canadian Transportation Agency, of the facts of the violation.
- (2) A request for a review shall be made by application to the Agency within 30 days after the date of issuance of the warning.
- (3) Where the party who is served with a warning does not request a review in the prescribed time and manner, the party is deemed to have committed the violation identified in the warning. The case will be retained on record with the Agency as a first violation.
- (4) The application for review shall be in the form of a letter and:
 - (a) be submitted to the Agency by hand delivery, regular or registered mail, courier, facsimile, or by other means of written or electronic communication by the applicant or the duly authorized agent or solicitor acting for the applicant;
 - (b) contain a clear and concise statement of:
 - (i) the facts; and
 - (ii) the grounds for the application;
 - (c) give any other information that may be useful in explaining or supporting the application;
 - (d) include the full name, address and telephone number of the applicant or the duly authorized agent or solicitor acting for the applicant; and
 - (e) include any documents that may explain or support the application.

- (5) The Enforcement Officer who issued the subject warning may provide comments with respect to an application for review.
- (6) An Enforcement Officer who intends to provide comments with respect to an application for review shall, within 30 days after receiving the application, submit his/her comments to the Agency, including any documents that may be useful in explaining or supporting the comments.
- (7) If comments are provided, the Enforcement Officer shall serve a copy of the comments on the applicant at the same time as they are submitted to the Agency.
- (8) The applicant may, within 10 days after receiving the Enforcement Officer's comments, file a reply with the Agency.
- (9) Pursuant to section 29 of the *Canada Transportation Act*, the Agency shall dispose of the application before it no later than one hundred and twenty days after the originating documents are received.
- (10) Where, after concluding a review, the Agency determines that
 - (a) the party has not committed the violation it was alleged to have committed, the Agency shall forthwith inform the party of the determination and no further action shall be taken against the person in respect of that alleged violation; or
 - (b) the party has committed the violation that it was alleged to have committed, the Agency shall forthwith inform the party of the determination. A record of the violation, bearing the date of the original warning, will be retained by the Agency to be used as a basis for further enforcement action. Where there is a further contravention of the same designated provision, the record of the original warning will constitute evidence of a first violation. A second violation of the same provision, within four years, may be subject to an administrative monetary penalty.

PROCÈS-VERBAL DE VIOLATION

NOTICE OF VIOLATION

TO Name of Alleged Offender
Address
City, Province
Postal Code

À Nom du présumé contrevenant
Adresse
Ville, Province
Code postal

Date
Numéro - Number
Amende - Penalty
Agent verbalisateur Enforcement Officer

Aux termes du paragraphe 180(1) de la *Loi sur les transports au Canada* (LTC), l'agent verbalisateur soussigné a dressé ce procès-verbal de violation, car, selon lui, [nom de l'exploitant] a commis une violation en contrevenant à la disposition suivante :

Pursuant to subsection 180(1) of the *Canada Transportation Act* (CTA), the undersigned Enforcement Officer has issued this notice of violation believing [Operator name] has committed a violation by contravening the following provision:

[Name of Act or Regulation and appropriate section and description of the situation of unlawful act giving details of date, location etc.] [Nom de la loi ou du règlement et article approprié, et description des circonstances de l'acte illégal, y compris des détails comme la date, le lieu, etc.]
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La disposition ci-dessus a été désignée en vertu du *Règlement sur les textes désignés*, DORS/99-244, et les procédures relatives aux amendes établies à l'article 180 de la LTC et aux articles 7.8 à 8.2 de la *Loi sur l'aéronautique* s'appliquent.

The foregoing provision has been designated pursuant to the *Designated Provisions Regulations*, SOR/99-244 and the procedures in section 180 of the CTA and sections 7.8 to 8.2 of the *Aeronautics Act* respecting monetary penalties apply.

Une copie des preuves à l'appui de cette allégation ont été déposées auprès de l'Office des transports du Canada, au 15, rue Eddy, Gatineau (Québec), et peuvent être révisées selon des arrangements pris à l'avance pendant les heures d'ouverture, en communiquant avec _____, gestionnaire, Application de la loi, au 819-953-9786, ou avec _____, Directrice principale, Direction des approbations réglementaires et de la conformité, au 819-997-8761.

A copy of the evidence supporting this allegation is on file at the Canadian Transportation Agency, 15 Eddy Street, Gatineau, Quebec, and can be reviewed by previous arrangement during regular business hours by contacting either _____, Manager, Enforcement at 819-953-9786 or _____, Senior Director, Regulatory Approvals and Compliance at 819-997-8761.

L'amende de _____ \$ doit être payée à l'ordre du « Receveur général du Canada » au plus tard à la date indiquée ci-dessous et le paiement versé à l'adresse suivante :

The penalty of _____ \$ must be paid to the "Receiver General for Canada" on or before the date mentioned below to:

L'Office des transports du Canada
Ottawa (Ontario), Canada K1A 0N9.

The Canadian Transportation Agency
Ottawa, Ontario, Canada, K1A 0N9.

Le paiement peut être fait par chèque certifié ou par mandat à l'ordre du Receveur général du Canada. Une copie de cet avis devrait accompagner le paiement.

Payment may be made by certified cheque or money order payable to "The Receiver General for Canada". A copy of this notice should accompany the payment.

L'amende doit être payée avant la date suivante : Monetary Penalty must be paid before the following date: YYYY/MM/DD

Le paiement sera accepté en règlement de l'amende imposée; aucune poursuite ne pourra être intentée par la suite contre [nom de l'exploitant] pour la même violation en vertu de la Partie VI de la LTC.

Full payment of the amount specified above will be accepted in complete satisfaction of the penalty and no further proceedings under Part VI of the CTA shall be taken against [Operator name] in respect of the violation.

Si vous désirez que la décision de l'agent verbalisateur soit revue par le Tribunal d'appel des transports du Canada, vous devez déposer une demande écrite en ce sens au plus tard à la date indiquée ci-dessus ou dans tout autre délai que le Tribunal pourrait accorder sur demande. Les demandes de révision doivent être déposées au Greffe, Tribunal d'appel des transports du Canada, 333, avenue Laurier Ouest, pièce 1201, Ottawa (Ontario) K1A 0N5. Le numéro de téléphone est le 613-990-6906.

If you wish a review by the Transportation Appeal Tribunal of Canada of the Enforcement Officer's decision, you must file a request in writing on or before the date that is indicated above, or within any further time that the Tribunal on application may allow. Requests for review may be filed with the Registrar, Transportation Appeal Tribunal of Canada, 333 Laurier Avenue West, Room 1201, Ottawa, Ontario, K1A 0N5. The telephone number is 613-990-6906.

Le Tribunal vous citera à comparaître afin d'entendre les allégations contre vous. Conformément à l'équité procédurale et à la justice naturelle, vous aurez pleinement l'occasion de présenter des preuves et des arguments relativement à la ou aux présumées violations avant que le Tribunal rende une décision.

Si le montant intégral de l'amende n'est pas reçu au plus tard à la date susmentionnée, ou que le Tribunal n'a pas été saisi d'une demande de révision, vous serez considéré comme coupable de la présumée violation dont fait état le présent avis. L'Office des transports du Canada pourra obtenir du Tribunal un certificat portant le montant de l'amende précisée dans le présent avis.

Le Tribunal a préparé un guide à l'intention des demandeurs, qu'on peut se procurer auprès du greffier à l'adresse susmentionnée ou en visitant le site web du Tribunal à www.tatc.gc.ca

The Tribunal will request that you appear before it to hear the allegations against you. You will be afforded a full opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the alleged violation(s) before the Tribunal makes its determination.

If the full amount of the penalty has not been received and a request for review by the Tribunal has not been received on or before the date of payment mentioned above, you will be deemed to have committed the violation alleged in this Notice. The Canadian Transportation Agency may obtain a Certificate from the Tribunal indicating the amount of the penalty specified in this Notice.

The Tribunal has prepared a Guide for Applicants which you may obtain from the Registrar at the address mentioned above or by visiting the Tribunal's Web site at www.tatc.gc.ca

Agent verbalisateur - Enforcement Officer