



Canadian
Transportation
Agency

Office
des transports
du Canada

CHARTER PERMIT APPLICATION GUIDE

for

Canadian Originating
Transborder Passenger Non-Resaleable Charters

(TPNC)

Application filed pursuant to the
Air Transportation Regulations (ATR)



October 2003

I CANADIAN ORIGINATING TRANSBORDER PASSENGER NON- RESALEABLE CHARTERS (TPNC)

available in multiple formats

Canada

1) **LEGISLATIVE REFERENCES**

Part IV, Sections 76 to 78 of the *Air Transportation Regulations* (ATR)
Part IV, Division I, Sections 79 to 86 of the ATR
Part IV, Division III, Sections 99 and 100 of the ATR
Part V, Division III, Sections 135.1 to 135.4 of the ATR

2) **DEFINITION:**

“Transborder passenger non-resaleable charter” or “TPNC” means a one-way or return charter that originates in Canada and that is operated between Canada and the United States according to the conditions of a charter contract to carry passengers, entered into between one or two air carriers and one or more charterers, under which the charterer or charterers charter the entire passenger seating capacity of an aircraft and do not resell that passenger seating capacity;

3) **CARRIER MUST HOLD:**

Non-scheduled international licence: valid for charter operations between Canada and the United States

Insurance certificate: adequate insurance coverage pursuant to section 7 of the ATR

Operating certificate: must reflect aircraft type to be used for the operation (this document is issued by Transport Canada)

4) **OPERATIONAL RESTRICTIONS**

No air carrier shall operate a TPNC or series of TPNCs unless:

- (a) the cost of transportation of passengers is paid by **not more than three** charterers without any contribution, direct or indirect, from any other person; and
- (b) no charge or other financial obligation is imposed on any passenger as a condition of carriage or otherwise in connection with the transportation.

Carriers operating TPNC flights will not require a program permit prior to operation but must comply with the post facto requirement.

5) POST FACTO REQUIREMENT

A licensed air carrier using aircraft having a maximum certificated take off weight (MCTOW) greater than 35,000 lbs does not require a permit from the Agency prior to operating a Canadian originating TPNC or series of TPNCs. However, the carrier shall submit to the Agency or its authorized representative in writing, within 30 days after the end of each month, a report * respecting the TPNC or series of TPNCs that were operated during the previous month, which report shall set out:

- (a) the aircraft type and number of available seats for each charter;
- (b) every airport of enplanement or point of departure and every airport of deplanement or point of destination of each charter;
- (c) the dates of departure and arrival of each charter; and
- (d) for each charter, the number of passengers.

* Providing carriers file Statement 2 with Aviation Statistics Centre (ASC), the Agency considers them to be complying with the post facto requirement. Statement 2 may be obtained by contacting Francesca Thibault of Airline Traffic Unit, Aviation Statistics Centre at (819) 997-6173.

II GENERAL

Charter division contact numbers:

- The facsimile number for the charter division of the Canadian Transportation Agency is 819-953-5572.
- For further information on this guide, you can contact one of the [Team Leaders](#).¹
- The charter division also has an after hours service which can be used for emergency situations occurring at night or during weekends and Holidays. The telephone number is 613-769-6274.

The licensee must contact:

- Transport Canada, for compliance with security requirements (General Inquiries 613-990-2309);

¹ <http://sage-geds.tpsgc-pwgsc.gc.ca/cgi-bin/direct500/eng/SEou%3dRACD-DARC%2cou%3dIRDB-DGRDI%2cou%3dCTA-OTC%2co%3dGC%2cc%3dCA?SV=Team+Leader&SF=Title&ST=begin+with&x=1&y=1>

- The local airport authority for permission to operate at specific times or for the use of any airport facility;
- Canada Border Services Agency regarding the availability of clearance services and hours of operation of the port of entry (General Inquiries in English 204-983-3500 or 506-636-5064).

SHOULD THERE BE ANY DISCREPANCY BETWEEN WHAT IS CONTAINED IN THIS DOCUMENT AND WHAT IS CONTAINED IN THE *CANADA TRANSPORTATION ACT* AND THE *AIR TRANSPORTATION REGULATIONS*, THE *CANADA TRANSPORTATION ACT* AND THE *AIR TRANSPORTATION REGULATIONS* SHALL PREVAIL.