

Federal Court of Appeal



Cour d'appel fédérale

Date: 20200409

Docket: A-102-20

Ottawa, Ontario, April 9, 2020

Present: PELLETIER J.A.

BETWEEN:

AIR PASSENGER RIGHTS

Applicant

and

CANADIAN TRANSPORTATION AGENCY

Respondent

ORDER

WHEREAS the Court has before it a motion for an *ex parte* interim injunction and an interlocutory injunction arising from certain statements made by or on behalf of the Canadian Transportation Agency (the Agency); and

WHEREAS the urgency alleged by the applicant, Air Passenger Rights, (APR) consists in the fact that the Agency did not take action when requested to by APR on March 30, 2020 and the dissemination of allegedly misleading information by members of the travel industry under the guise of the Agency's statement; and

WHEREAS the failure of the Agency to respond to APR's deadline is not evidence of urgency; and

WHEREAS while the matters raised in the Notice of Application are important, they are not of such urgency as to require this Court to interfere in the work of a senior Canadian agency without hearing from it.

NOW THEREFORE IT IS HEREBY ORDERED THAT:

1. The portion of the motion seeking an *ex parte* interim injunction is dismissed;
2. The portion of the motion seeking an interlocutory injunction is dismissed as it was filed without proof of service but the applicant has leave to file it again upon proof of service;
3. There will be no order as to costs.

"J.D. Denis Pelletier"

J.A.