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VIA EMAIL: [FCARegistry-CAFGrefe@cas-satj.gc.ca](mailto:FCARegistry-CAFGrefe@cas-satj.gc.ca)

December 24, 2021

The Judicial Administrator  
Federal Court of Appeal  
90 Sparks Street, 1<sup>st</sup> Floor  
Ottawa, Ontario  
K1A 0H9

Dear Sir/Madam:

**Re: *Air Passenger Rights v Canadian Transportation Agency***  
**Court File No.: A-102-20**

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The Agency is seeking the direction of the Court as to the procedure to be followed for resolution of the Applicant's recent request for production of additional documents.

By Order dated October 15, 2021, this Court ordered the Agency to disclose certain documents in response to the Applicant's request under Rule 317 of the *Federal Courts Rules*: [2021 FCA 201](#).

As can be seen from the attached correspondence, the Agency disclosed responsive documents to the Applicant on December 14, 2021, as required by the Order. On December 17, counsel for the Applicant requested the disclosure of additional documents by December 24, and indicated that it might request further documents. The Agency has responded by providing clarifications, different versions of previously disclosed documents and an additional document.

On December 20, counsel for the Applicant sent further correspondence requesting confirmation that the Agency's Chairperson and Chief Executive Officer, Vice-Chairperson, and Senior General Counsel and Secretary have knowledge of the Court's order and are aware of their obligation to obey it.

The Agency is concerned that the language found in the December 20 letter mirrors that found in subsection 466(b) of the *Federal Courts Rules*, SOR/98-106 (*Rules*) and associated jurisprudence concerning contempt orders, and that this language is being used in respect of individuals at the Agency.

The Agency has taken all reasonable steps required to comply with the Court's order and to provide the materials within its possession as contemplated by section 318 of the *Rules* but an impasse has been reached.

The Agency acknowledges that there is no procedure set out in the *Rules* to address this situation. That said, we note that the most recent amendment to section 3 of the *Rules* provides that they be interpreted to secure the just, most expeditious and least expensive outcome of every proceeding and that consideration be given to the principle of proportionality.

Consistent with these principles, the Agency is asking for this Court's direction in order to achieve the goals of ensuring that the Agency has complied fully with its obligations under the Court Order and that this application may proceed fairly and expeditiously.

Yours truly,



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Encl.

c.c.: Air Passenger Rights, Applicant, via email: [lukacs@airpassengerrights.ca](mailto:lukacs@airpassengerrights.ca)

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