Dear Members of the Senate:

We are a non-profit group pursuing air passenger rights and safety. This letter addresses the part of the Bill C-49 where filing of a complaint is restricted to only those “who are adversely affected by the conduct or policy” (emphasis added) thereby neutralizing public interest groups like Air Travel Advocates.

The 800 pound gorilla sitting and watching silently in Senate Chambers is the Canadian Transportation Agency (CTA). This restrictive language is not for the benefit of the air passenger but the CTA. The thrust of this restrictive language is specifically targeted at one air advocacy group, Air Passenger Rights, founded by Dr. Gabor Lukacs; however, in reality, this language will neutralize all groups. The CTA is asking Parliament to excise the “Lukacs thorn” from the Agency to the detriment of the air traveller and for the benefit of the airlines.

In a very recent Supreme Court decision, Delta Air Lines, Inc. v. Lukacs, 2018 SCC 2, Chief Justice McLachlin chastised the CTA for the treatment of Dr. Lukacs in his seeking standing to bring a complaint concerning rights for obese passengers. The Chief Justice said, “To refuse a complaint based solely on the identity of a group bringing it prevents the agency from hearing potentially highly relevant complaints and hinders it to fulfill the statutory scheme’s objective.”

Wording within any legislation that allows for targeting of any specific group or individual in the guise of protecting the air passenger is an unacceptable and needless threat to Canadian rights and freedoms. Members of the Senate, on behalf of all Canadians, stop this public interest group neutralization from leaving the Senate Chambers. Do not alter the current statutory scheme’s objective of allowing a public interest voice.

Respectfully,
D. Lyle Elkins, LL.M