



# Cour d'appel fédérale

Date: 20190904

Docket: A-188-18

**Citation: 2019 FCA 226** 

CORAM: NADON J.A.

GLEASON J.A. RIVOALEN J.A.

**BETWEEN:** 

**AIR CANADA** 

**Appellant** 

and

#### JEREMY COOPERSTOCK

and

#### **CANADIAN TRANSPORTATION AGENCY**

Respondents

Heard at Montréal, Quebec, on September 4, 2019. Judgment delivered from the Bench at Montréal, Quebec, on September 4, 2019.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.





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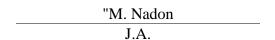
Respondents

## <u>REASONS FOR JUDGMENT OF THE COURT</u> (Delivered from the Bench at Montréal, Quebec, on September 4, 2019).

#### NADON J.A.

[1] We are all of the view that Air Canada's appeal must be allowed.

- [2] In our view, it is undeniable that Air Canada's letter of January 28, 2016, to one of its passengers (sent by a Baggage Claims Specialist) and which dealt with that passenger's claim for delay in delivery of her luggage upon arrival in Costa Rica, cannot reasonably constitute a public statement by Air Canada within the meaning of paragraph 18(*b*) of the *Air Transportation Regulations*, S.O.R./88-58 (the Regulations).
- [3] Consequently, the Canadian Transportation Agency (the Agency)'s conclusion that Air Canada made a false statement in accordance with paragraph 18(b) of the Regulations cannot stand as it is clearly unreasonable.
- [4] For these reasons, the appeal will be allowed and the Agency's decision no. 105-C-A-2017 will be set aside.



#### FEDERAL COURT OF APPEAL

### NAMES OF COUNSEL AND SOLICITORS OF RECORD

**DOCKET:** A-188-18

STYLE OF CAUSE: AIR CANADA v. JEREMY

COOPERSTOCK, AND

CANADIAN TRANSPORTATION

**AGENCY** 

PLACE OF HEARING: Montréal, Quebec

**DATE OF HEARING:** SEPTEMBER 4, 2019

**REASONS FOR JUDGMENT OF THE COURT BY:** NADON J.A.

GLEASON J.A. RIVOALEN J.A.

**DELIVERED FROM THE BENCH BY:** NADON J.A.

**APPEARANCES**:

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CANADIAN TRANSPORTATION

**AGENCY** 

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