

Transportation Appeal Tribunal of Canada



Annual Report 2008-2009





Transportation Appeal Tribunal of Canada Tribunal d'appel des transports du Canada

May 29, 2009

The Honourable John Baird, P.C., M.P.
Minister of Transport, Infrastructure and Communities
Transport Canada
Place de Ville, Tower "C"
330 Sparks Street, 29th Floor
Ottawa, Ontario K1A 0N5

Dear Minister:

Pursuant to section 22 of the *Transportation Appeal Tribunal of Canada Act*, I am pleased to submit to Parliament, through your intermediary, the Annual Report of the Transportation Appeal Tribunal of Canada for the fiscal year 2008-2009.

Yours sincerely,

Faye Smith
Chairperson

Canada 

Tel./Tél. : 613-990-6906 Fax/Télécopieur: 613-990-9153 E-mail/Courriel : info@tatc.gc.ca

Transportation Appeal Tribunal of Canada



**Annual Report
2008-2009**

TABLE OF CONTENTS

MESSAGE FROM THE CHAIRPERSON.....	2
OVERVIEW.....	3
Introduction	3
Mandate.....	3
Program Objective and Description.....	3
Organizational Structure	4
Basic Principles	4
ORGANIZATION CHART.....	5
TRIBUNAL MEMBERS – FULL TIME	6
TRIBUNAL MEMBERS PART-TIME.....	7
STAFF OF THE TRIBUNAL.....	15
TRIBUNAL RULES	16
2008-2009 IN REVIEW	20
Activities	20
Effectiveness	20
Training and Development.....	21
Annual Seminar.....	21
Future Plans	22
Resources.....	23
STATISTICAL DATA.....	24
Fiscal Year 2008-2009	25
HISTORICAL DATA	30

MESSAGE FROM THE CHAIRPERSON



This annual report for 2008-2009 represents the 22nd report tabled in Parliament detailing the ongoing activities of the Transportation Appeal Tribunal of Canada, formerly the Civil Aviation Tribunal.

Established in 1986, the Civil Aviation Tribunal was unique in the world as a quasi-judicial tribunal set up as an independent administrative body of experts to adjudicate matters in aviation. Over the course of the first decade, the Tribunal's operations grew with the changing aviation legislation. This was followed by the expansion of the Tribunal to include the rail and marine modes, pursuant to the *Transportation Appeal Tribunal of Canada Act*.

A review of the Tribunal's operations over the past two decades demonstrates that it has been successful in disposing of the matters that have come before it in an expeditious fashion. It has certainly been more successful than the previous system from an aviation perspective.

Over the years, its practice and procedures were flexible and straightforward and the Tribunal became one of government's best practices. It worked well over time because the Tribunal took great pains to keep its process simple and accessible for applicants, thereby providing effective recourse rights regarding certain administrative decisions. The basic principles governing the Tribunal are those of independence and expertise.

The very existence of the Tribunal, as a forum for review of enforcement and licensing decisions has, in and of itself, created an environment for the resolution of matters between Transport Canada and the industry that it regulates. That is to say, that the Tribunal provides a forum for the parties to talk to each other, to communicate and that alone resolves many matters such as aviation medical cases and files in the railway sector.

I am pleased to add that the Tribunal has continued to make progress and innovations over this past year, while keeping up with its expanding mandate to include cases in the marine sector, hearing its first cases under the *Canada Shipping Act, 2001*.

As I will be leaving the Tribunal this year after 14 years as Chairperson and CEO, I wish to extend my gratitude to the staff and members whose loyalty, dedication and commitment to excellence made every day a pleasure to be on their team. I offer my very best wishes for continued success in the years ahead.

A handwritten signature in black ink, reading "Faye Smith". The signature is fluid and cursive, with the first name "Faye" being more prominent.

Faye Smith
Chairperson

OVERVIEW

Introduction

The Transportation Appeal Tribunal of Canada replaced the Civil Aviation Tribunal which was established under Part IV of the *Aeronautics Act* in 1986. On the recommendation of the Minister of Transport, pursuant to section 73 of the *Transportation Appeal Tribunal of Canada Act*, assented to on December 18, 2001, being chapter 29 of the Statutes of Canada, 2001, the Act officially came into force on June 30, 2003. The Transportation Appeal Tribunal of Canada, a multi-modal tribunal, is available to the air, rail and marine sectors. Sections 2 and 3 of The *Transportation Appeal Tribunal of Canada Act* amends the *Aeronautics Act*, the *Canada Shipping Act*, the *Marine Transportation Security Act*, the *Railway Safety Act*, the *Canada Transportation Act*, the *International Bridges and Tunnels Act* and the *Canada Marine Act* to establish the jurisdiction and decision-making authorities of the Tribunal under those Acts.

Mandate

The Tribunal's principal mandate, as a multi-modal review body, is to hold review and appeal hearings at the request of interested parties with respect to certain administrative actions taken under various federal transportation Acts.

Program Objective and Description

The objective of the program is to provide the transportation community with the opportunity to have enforcement and licensing decisions of the Minister of Transport reviewed by an independent body.

The Minister's enforcement and licensing decisions may include the issuance of orders, the imposition of monetary penalties or the suspension, cancellation, refusal to renew, or the refusal to issue or amend documents of entitlement on medical or other grounds. The person or corporation affected is referred to as the document holder.

These decisions are reviewed through a two-level hearing process: review and appeal. All hearings are to be held expeditiously and informally, in accordance with the rules of fairness and natural justice.

At the conclusion of a hearing, the Tribunal may confirm the Minister's decision, substitute its own decision, or refer the matter back to the Minister for reconsideration.

It is noteworthy to mention that the increased jurisdiction for the Tribunal will enlarge the caseload considerably over the next few years, but the business line will not be amended.

OVERVIEW

Organizational Structure

The Tribunal's Chairperson is also its Chief Executive Officer. The Chairperson is responsible for the direction and supervision of the work necessary to facilitate the functions of the Tribunal. The Chairperson, Vice-Chairperson and immediate staff account for 12 full-time equivalents.

Twenty-seven part-time members were in office during 2008-2009. Members are drawn from across Canada and are appointed by order in council on the basis of their knowledge and expertise. During fiscal year 2008-2009, eight part time members were appointed: three in marine and five in aviation.

Basic Principles

The basic principles governing the Tribunal are those of independence and expertise. The sound and competent execution of the Tribunal's mandate determines its effectiveness in dealing with the Canadian transportation community.

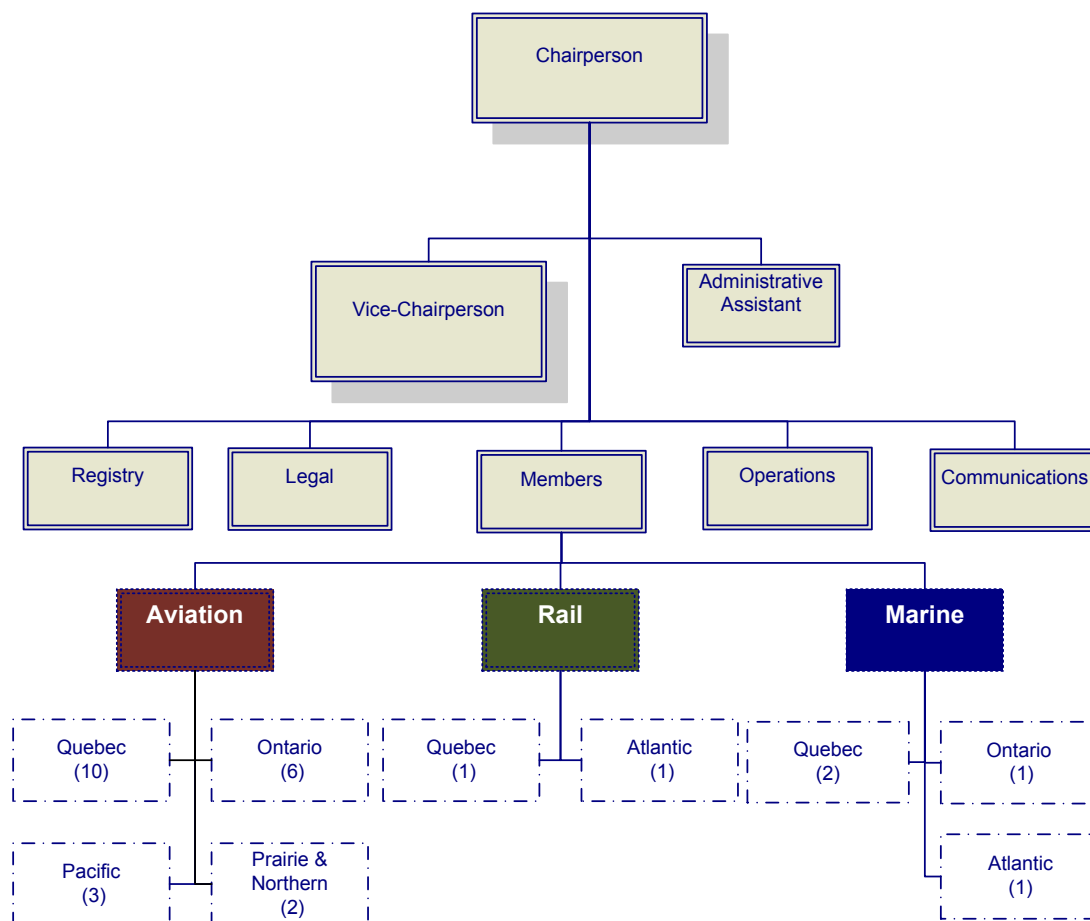
The Tribunal offers its services in both official languages of Canada. It is also itinerant, in the sense that its hearings take place throughout Canada, at the convenience of the parties to the extent possible.

In enforcement matters, the location will normally be where the alleged infraction occurred, or the nearest practical alternative, so that witnesses for the parties may present themselves with minimum displacement costs.

In medical cases, hearings will be held at the location which is nearest to the residence of the document holder and attainable by way of commercial transportation.

ORGANIZATION CHART

Figure 1: Organizational Chart



- ❖ The lower half of the organization chart displays the distribution of part-time members and their area of expertise by region. All members report to the Chairperson.
- ❖ Twelve full-time equivalents (FTEs) are utilized by the continuing full-time employees, including the Chairperson and Vice-Chairperson. The 27 part-time members utilize the equivalent of 5 full-time equivalents. During fiscal year 2008-2009, eight new part-time members were appointed.

TRIBUNAL MEMBERS – FULL TIME

Faye Smith, Chairperson



Mrs. Smith's current full-time term will end on May 29, 2009. She was originally appointed Chairperson of the Civil Aviation Tribunal on May 30, 1995. She was previously employed as counsel at Transport Canada Legal Services. Mrs. Smith is a graduate of the University of Ottawa Law School and following call to the Bar of Ontario, she practised law with a private firm in Ottawa.

Mrs. Smith has extensive background work in aviation since 1982, namely, providing advice to Transport Canada's Aviation Group on the *Aeronautics Act* and regulations. She was manager of appeals to the Civil Aviation Tribunal and formerly superintendent of inspector and engineer training for the Aviation Group. Mrs. Smith authored a *Digest of Civil Aeronautics Case Law* as well as three volumes of *Civil Aeronautics Jurisprudence*.

Eleanor D. Humphries, Vice-Chairperson



Ms. Humphries was appointed to a five-year full-time term as Vice-Chairperson of the Tribunal, effective March 3, 2008. She holds a bachelor of science and a master's in business administration degree from Dalhousie University in Halifax, Nova Scotia. She also has an executive management diploma from McGill University in Montréal, Quebec.

Ms. Humphries worked in various management positions of increasing seniority within the financial services industry, including management positions within the Bank of Nova Scotia from 1985 to 1999 and the Montreal Trust Company from 1999 to 2000. She was the president and chief executive officer of Credit Union Atlantic from 2000 to 2005 and of Halifax International Airport Authority from 2005 to 2007. In 2004, Ms. Humphries received a Distinguished Alumni Award from Armbrae Academy. In 2006, she received the Canadian Progress Club Women of Excellence Award for leadership. She has been honored on five occasions as one of the Top 50 CEOs in Atlantic Canada and in 2007 she was inducted into the Top 50 CEOs Atlantic Canada Hall of Fame. Ms. Humphries holds several board positions with business, charitable and educational organizations.

TRIBUNAL MEMBERS PART-TIME

François Audette – Salaberry-de-Valleyfield, Quebec

Mr. Audette was appointed to a part-time term of four years on May 9, 2008. He holds a bachelor's degree in mechanical engineering from the Université du Québec and a degree in aeronautical fabrication from Collège Édouard-Montpetit. He is a manager for SGS Canada and past president of Québec Levage Expert, a company specializing in lifting devices. He previously worked as an engineering, production and quality director with two Montreal-area companies, and as a teacher at the Collège de Valleyfield.

Howard M. Bruce – Sainte-Foy, Quebec

Appointed to a part-time term of three years on October 30, 2006, Mr. Bruce is a partner at a law firm, in the city of Québec, where he practises law, including transportation law relating to the Commission des transports du Québec, the *Canada Transportation Act*, the *Aeronautics Act* and the *Railway Safety Act*. He received his law degree at the University of Ottawa Law School in 1990 and was called to the Barreau du Québec in 1992. Mr. Bruce has varied and impressive experience in litigation and representation before all levels of Quebec courts.

Evariste Cormier – Shediac, New Brunswick

Appointed to a part-time term of three years on October 20, 2005, Mr. Cormier holds a bachelor of arts degree from the University of Moncton. He retired from Canadian National Railways in 1993 after 37 years of service, including 8 years as supervisor of the Moncton main car shop. Mr. Cormier served as a school trustee and president of school districts' finance, transportation and personnel committees. He was also director of the New Brunswick School Trustees' Association, a member of the executive of the Shediac Winter Carnival and president of the Boishebert Club in Shediac.

Dr. Pierre Coutu – Montréal, Quebec

Appointed to a part-time term of three years on September 29, 2005, Dr. Coutu holds a bachelor's degree in industrial relations from the Université de Montréal and a doctorate in education from the Nova Southeastern University in Miami. He also completed his postgraduate studies in air transportation at Northwestern University in Chicago. During his 13 years working at Transport Canada, he was director of special projects at the Airports Group's headquarters and served on the Airports Transfer Task Force, established to oversee the transfer of government-owned airports to the private and public sectors. In 1987, he left government to help start the International Aviation Management Training Institute, where he became executive vice-president and chief operating officer. Dr. Coutu is founder of Aviation Strategies International and teaches in the International Aviation Program at the John Molson School of Business at Concordia University.

TRIBUNAL MEMBERS – PART-TIME

André Demers – Saint-Lambert, Quebec

Appointed to a part-time term of two years on December 6, 2006, Mr. Demers is currently a strategy and planning consultant working for various businesses. He received his degree in civil law in 1966 at the Université de Montréal. He has appeared before all civil and criminal courts in the Province of Quebec as well as a number of boards, commissions and administrative tribunals. Mr. Demers was judge of the La Prairie municipal court from 1975 to 1989 and served as well in the municipal courts of Saint-Rémi, Saint-Hilaire and Sainte-Thérèse.

Danièle Dion – Kirkland, Quebec

Appointed to a part-time term of four years on May 9, 2008, Ms. Dion holds a bachelor of arts degree in social communication, a licence in civil law and a bachelor's degree in common law from the University of Ottawa. She also holds a master's degree in maritime and international law from Dalhousie University. She was called to the Barreau du Québec in 1985. She currently is a partner in a law firm specializing in admiralty litigation, transportation and insurance laws. She is a director of the Canadian Maritime Law Association and a member of the editorial board of the *Journal of Maritime Law and Commerce*.

Michel Ferland – Sainte-Marcelline, Quebec

Appointed to a part-time term of four years on June 4, 2007, Mr. Ferland holds a bachelor of arts degree from Collège Jean-De-Brébeuf, and a licentiate in laws degree from the Université de Sherbrooke. He was called to the Barreau du Québec in 1973. He currently is a law associate with a law firm in Joliette, Quebec. He entered into private practice in 1973. He became a prosecutor for the city of Joliette in 1985, and was a member of the Human Rights Tribunal Committee from 1991 to 1993. Mr. Ferland is a member of the Canadian Bar Association, a member of and former legal advisor to the Barreau des Laurentides, and a former member of the Comité pour la pratique privée – Barreau du Québec – Tarification. He has been involved in a number of community organizations in the Lanaudière region since 1973.

James Edward Foran, Q.C. – Winnipeg, Manitoba

Appointed to a part-time term of three years on September 15, 2005, Mr. Foran is a partner at a law firm in Winnipeg, Manitoba, where he practises administrative law with a focus on transportation law. He received his bachelor of laws degree from the University of Manitoba and was called to the Manitoba Bar in 1962 and the Saskatchewan Bar in 1981. In 1985, he was appointed a Queen's Counsel. Over the course of his career, Mr. Foran provided legal counsel for a variety of industry and government clients before the Supreme Court of Canada, the Federal Court, provincial courts, the Canadian Transportation Agency and various provincial boards. He was also involved in drafting several major pieces of provincial and federal transportation legislation.

TRIBUNAL MEMBERS – PART-TIME

Jean-Marc Fortier – Ville Mont-Royal, Quebec

Appointed to a part-time term of three years on November 22, 2005, Mr. Fortier received his law degree from the Université de Montréal and his master's degree in air and space law from McGill University. He has been a member of the Barreau du Québec since 1971. He received a master's degree in business administration from Richard Ivey School of Business Administration of the University of Western Ontario in London, Ontario. Mr. Fortier acted as legal advisor to many aviation societies, including Quebecair and the Société québécoise des transports. He was vice-president of Télésystèmes Ltée (a private investor in telecommunications), executive vice-president of BCE Media and a member of the Civil Aviation Tribunal of Canada. He has also been a lecturer on aircraft financing at the Institute of Air and Space Law of McGill University. He has been treasurer and president of the Canadian division of the International Law Association from 1990 to 1998 and he is currently honorary president of the Association. Mr. Fortier is currently a senior partner at a law firm in Montréal and Québec City.

Dr. Trevor Allan Gillmore – Kleinburg, Ontario

Appointed to a part-time term of three years on May 9, 2008, Dr. Gillmore holds a doctor of medicine degree from McMaster University. In 2008, he received his fellowship in occupational medicine and completed a master's degree in aviation medicine through Otago University in New Zealand. He currently serves as a provincial coroner for Ontario. He is also a flight surgeon and pilot for Air Canada and a medical support specialist for the Transportation Safety Board of Canada. He was previously an emergency room physician at three Greater Toronto Area hospitals. He has worked and trained extensively in the forensic sciences field and is a member of a number of committees and associations, including the College of Physicians and Surgeons of Ontario and the Canadian Aerospace Medical Association.

Richard W. Hall – Surrey, British Columbia

Appointed to a part-time term of four years on October 12, 2007, Mr. Hall holds a bachelor of laws degree from the University of Victoria, a master of science in geography and an honours bachelor of arts in geography from the University of Western Ontario. He currently serves as president of Lion Hall Bancorp Limited, providing executive and legal consulting services. He began his legal career in 1984. From 1989 to 1994, he worked for the Province of British Columbia with three different administrative tribunals, providing advice in law and policy. From 1995 to 1997, he was a senior labour relations officer for Vancouver Hospital and Health Sciences Centre, after which he became legal counsel for the Vancouver School Board until 2001. That same year, he became regional director of human resources and compensation for physicians of the Vancouver Coastal Health Authority, a position he held until 2005. Mr. Hall is a member of the Law Society of British Columbia and the Canadian Bar Association, and has served on the boards of directors of two publicly traded companies and one private sector company.

TRIBUNAL MEMBERS – PART-TIME

Maurice Jaques – Pointe-Claire, Quebec

Mr. Jaques was appointed to a part-time term of four years on May 9, 2008. He studied at Lower Canada College and McGill University before entering the maritime insurance business. He became president of Eastern Marine Underwriters, serving insurance brokers across Canada in marine cargo, hull and liability insurance and related claims. Following a merger with the Maritime Insurance Company in 1995, he became managing director of the Montréal office and occupied that position until his retirement. During his career, he was president of the Canadian Board of Marine Underwriters for two separate terms. He was president of the International Union of Marine Insurance from 1988 to 1991. He also served as deputy chairman of the Canadian Committee of Lloyd's Register of Shipping. He recently completed a six-year term as a member of the Audit Committee of the International Oil Pollution Compensation Fund.

C. Michael Keefe – Mount Pearl, Newfoundland and Labrador

Mr. Keefe was appointed to a part-time term of three years on September 4, 2008. He graduated from the Canadian Coast Guard College in 1974. Mr. Keefe is a registered professional engineer practising in the province of Newfoundland and Labrador. As well, he holds a certificate of competency issued by the Government of Canada as a first class marine engineer. Mr. Keefe spent several years with the Canadian Coast Guard serving as a ship's engineering officer and chief engineer and later ashore, as the supervisor of engineering for the Newfoundland Region. He then spent several years with Transport Canada Marine Safety as the manager of examinations and enforcement for the Atlantic Region. He has held ministerial appointments with Marine Safety as a steamship inspector, examiner of engineers, pollution prevention officer and health and safety officer. Since 2006, Mr. Keefe has been employed as manager of Marine Fleet Maintenance with Diesel Injection Sales & Service Ltd. of Mount Pearl in Newfoundland.

Alan Laing – Fergus, Ontario

Mr. Laing was appointed to a part-time term of four years on September 20, 2007. At the time of his retirement, he was a captain for the Airbus A340 with Air Canada. He started his career as a pilot in 1972 and became a captain in 1985. During this time, he was also director, Central Region for the Canadian Air Line Pilots Association for two years, and later became the Association's president, a position he held for one year. Mr. Laing is a director of the Fergus Scottish Festival and Highland Games, a counsellor and advisor for the Trenton Air Cadet Summer Training Centre, an officer of the 121 Squadron Royal Canadian Air Cadets and a lecturer on technology at Confederation College.

Jean-Marc Lalonde – Rosemère, Quebec

Mr. Lalonde was reappointed to a part-time term of three years on August 29, 2005. He is a former chairman of the Safety and Operations Management Committee of the Railway Association of Canada, a member of the American Association of Railway Superintendents, and a member of the National Rail Passenger Committee. With 35 years hands-on rail operating experience, he rose from various ranks and qualified as a conductor, to a chief of transportation at Via Rail.

TRIBUNAL MEMBERS – PART-TIME

Dr. Michel Larose – Montréal, Quebec

Reappointed to a part-time term of two years on January 25, 2007, Dr. Larose graduated in medicine from the Université de Montréal in 1965. He is currently a medical assessor at the Commission des lésions professionnelles. Dr. Larose was previously in private practice and associated with several Montreal area hospitals. He was medical director for several organizations including Quebecair and was a civil aviation medical examiner for Transport Canada.

Herbert Lee – Richmond, British Columbia

Appointed to a part-time term of three years on September 20, 2007, Mr. Lee is the managing director of a Vancouver-based travel agency. He is also a licensed private pilot and a certified travel manager. Mr. Lee is a member of the Richmond Chamber of Commerce, the Hong Kong Aviation Club and the Royal Canadian Mounted Police Advisory Committee for Multiculturalism in Richmond and a past member of the Hong Kong Chamber of Commerce. He has studied at Simon Fraser University, the Hong Kong Polytechnic University and the Royal Navy School in the United Kingdom.

Barrie LePitre – Gloucester, Ontario

Appointed to a part-time term of four years on December 3, 2007, Mr. LePitre holds a bachelor of arts degree from Carleton University in Ottawa, and a bachelor of laws degree from Osgoode Hall Law School of York University in Toronto. He began his career in 1977, as counsel for the Commercial and Property Law Section of the regional office of Justice Canada in Toronto, Ontario. In 1983, he began serving as counsel with the Department's legal services offices in Ottawa. Recently retired, Mr. LePitre served as counsel, senior counsel and general counsel to many client departments during his 30-year career. Of special note is his service as general counsel for transport from 1996-2007, during which time he provided a wide range of advisory legal services with respect to the marine component of Transport Canada, particularly concerning the *Canada Marine Act*. Mr. LePitre is a member of the Law Society of Upper Canada and a notary public for the Province of Ontario.

Sandra Kathleen Lloyd – Vancouver, British Columbia

Reappointed to a part-time term of one year on May 9, 2008, Ms. Lloyd is an A320 Captain with Air Canada. She began flying in 1973, flew float and wheel aircraft commercially in British Columbia and northern Manitoba between 1975 and 1979, and commenced her airline career with CP Air in 1979. Ms. Lloyd has since been a crew member on DC8, DC10, B737 A319/A320/A321 and A330/340 aircraft. She received a bachelor of business administration degree from Simon Fraser University in 1985 and a bachelor of laws degree from the University of British Columbia in 1990. Ms. Lloyd was called to the Bar of British Columbia in 1991 and has practised law in Vancouver.

TRIBUNAL MEMBERS – PART-TIME

Arthur W. Lyon – Ottawa, Ontario

Appointed to a two-year part-time term on November 10, 2006, Mr. Lyon, also a lawyer, was called to the Bar of Ontario in 1976 having received his law degree from the University of Ottawa Law School in 1974. In 1979, Mr. Lyon attended an air transport course at the Royal Aeronautical Society, Oxford, England, subsequent to which he was coordinator of the Air Transport Task Force at Transport Canada and is currently involved in international assignments as a consultant. In 1981, Mr. Lyon obtained his private pilot licence having trained at Toronto Airways Limited.

Elizabeth MacNab – Ottawa, Ontario

Appointed to a part-time term of four years on December 3, 2007, Ms. MacNab holds a bachelor of laws degree from the University of Toronto, a diploma in legislative drafting and a licentiate in laws degree from the University of Ottawa. She was called to the Bar of Ontario in 1967. She began her legal career as counsel for a private law firm and participated in studies with the Law Reform Commission of Ontario. From 1981 to 1986, she worked as a legislative officer with Transport Canada's *Aeronautics Act* Task Force. In 1986, she moved to the Department's Aviation group, where she oversaw the preparation of draft regulations for review by Justice Canada, and provided policy advice on amendments to federal transportation Acts. In 1990, she became counsel for Transport Canada, providing legal advice on matters relating to various modes of transportation and administrative law. Ms. MacNab also represented the Department at international conferences and committees on aviation-related matters.

Franco Pietracupa – Dollard-des-Ormeaux, Quebec

Appointed to a part-time term of four years on June 18, 2008, Mr. Pietracupa received his college diploma in aeronautical pilot instruction in 1997. He has worked for various companies in aviation, including CESSA Flight College, and has held the position of Class 1 instructor/chief flight instructor from 1997 to 2000 in different flight training organizations. With his extensive experience as a flight instructor and operator, he was designated as flight test examiner with Transport Canada. Since April 2000, Mr. Pietracupa has held the position of manager of business aircraft flight training, Global and Challenger programs at Bombardier Aerospace in Montréal.

Suzanne Racine – Kirkland, Quebec

Ms. Racine was reappointed to a part-time term of five years on November 30, 2004. A lawyer since 1980, she holds a licence in civil law from the University of Ottawa (1979), mediator training (1992) and a master's degree from the Institute of Air and Space Law, McGill University (1987). She was a director of Regulatory and Government Affairs at Air Transat and has acted as a consultant in the areas of travel and air transport. Ms. Racine is a member of the Barreau du Québec and the Institute of Air and Space Law Association.

TRIBUNAL MEMBERS – PART-TIME

Dr. John Saba – Brossard, Quebec

Appointed to a part-time term of three years on September 29, 2005, Dr. Saba holds a master of arts degree in economics and political science, a doctor of civil law degree, and a diploma in air and space law from McGill University. At McGill, he is a lecturer in economics and an adjunct professor of law at the Institute of Air and Space Law, secretary general of the Institute of Air and Space Law Association and the editor-in-chief of its newsletter. He is a professor in economics and political science at Champlain Regional College in St-Lambert, Quebec, and director of its world studies program. Dr. Saba has served as manager and chairman for a number of worldwide air and space conferences and seminars for the International Civil Aviation Organization, the American Bar Association and McGill University. He has also served as president of a number of companies.

Arnold Price Vaughan – Calgary, Alberta

Appointed to a part-time term of three years on September 20, 2007, Mr. Vaughan began his career by enrolling in the Canadian Armed Forces Regular Officers Training Plan as an officer cadet in 1966 and was then trained as a military pilot. He served for 18 years in the regular and reserve forces and gained senior officer status. He currently possesses both Canadian and American airline transport pilot licences and a commercial helicopter licence. He retired as captain from Air Canada. He is a member of the Royal Aeronautical Society, the Aviation Security Association of America International and the Council of Aviation Accreditation. Mr. Vaughan holds a bachelor of arts from the University of Waterloo and a master of business administration, with a major in aviation and international business, from Concordia University.

Dr. James M. Wallace – Ottawa, Ontario

Appointed to a part-time term of four years on April 11, 2008, Dr. Wallace holds a bachelor of medicine and surgery from the University of Edinburgh, Scotland, and a diploma in aviation medicine from the Royal College of Physicians of London. He is also a Fellow of the Aerospace Medical Association. Dr. Wallace started his career with general medical practice in Nova Scotia and the West Indies, and in 1980, he joined Transport Canada Aviation as a regional aviation medical officer for the Ontario region. Prior to his retirement in 2005, Dr. Wallace was senior consultant, policy and planning, and was also the chairman of the Aviation Medical Review Board. Dr. Wallace is also very active in his community. He is a member of the Aerospace Medical Association and the International Academy of Aviation and Space Medicine and a former member of the Canadian Medical Association.

TRIBUNAL MEMBERS – PART-TIME

Richard Willems – Alton, Ontario

Reappointed to a part-time term of three years on January 25, 2007, Mr. Willems is the senior captain flying a Canadair Challenger for Rogers Communications in Toronto. His flying career began in central Saskatchewan in 1963 and has continued through North, Central and South America as well as Africa, Asia and Europe. Mr. Willems has held Transport Canada check pilot authority since 1976 on various piston, turbo-prop and jet aircraft. He has accumulated over 21 000 hours on 118 types of airplanes and gliders. In his spare time he enjoys flying his ASW-27b sailplane on long cross country flights.

The following members' terms have expired during the period covered by this report:

- ❖ Mr. Evariste Cormier
- ❖ Dr. Pierre Coutu
- ❖ Mr. André Demers
- ❖ Mr. James Edward Foran
- ❖ Mr. Jean-Marc Fortier
- ❖ Mr. Jean-Marc Lalonde
- ❖ Dr. Michel Larose
- ❖ Mr. Arthur Lyon
- ❖ Dr. John Saba

STAFF OF THE TRIBUNAL

Office of the Tribunal

Transportation Appeal Tribunal of Canada
333 Laurier Avenue West
Suite 1201
Ottawa, Ontario K1A 0N5
Telephone: 613-990-6906
Fax: 613-990-9153
E-mail: info@tatc.gc.ca
Web Site: <http://www.tatc.gc.ca>

Françoise Bodart
Editor/Writer

Mary Cannon
Registrar – Ontario, Prairie and
Northern and Pacific Regions

Sylvie Fournier
Administrative Assistant

Monique Godmaire
Registrar – Headquarters, Quebec
and Atlantic Regions

Louise Lacroix
Finance, Contract and
Administration Officer

Danielle Lavergne
Assistant to the Executive Services
Manager

Michel Meloche
Executive Services Manager



TRIBUNAL RULES

SOR/86-594, effective June 1, 1986
and amendment SOR/93-346, June 16, 1993

RULES GOVERNING THE PRACTICE AND PROCEDURE IN CONNECTION WITH MATTERS DEALT WITH BY THE TRANSPORTATION APPEAL TRIBUNAL OF CANADA

Short Title

1. These Rules may be cited as the *Transportation Appeal Tribunal of Canada Rules*.

Interpretation

2. In these Rules,

"Act" means the *Aeronautics Act*, the *Canada Shipping Act, 2001*, the *Marine Transportation Security Act*, the *Railway Safety Act*, or the *Canada Transportation Act* [s. 2 of the *Transportation Appeal Tribunal of Canada Act*]; (*Loi*)

"party" means a party to a proceeding; (*partie*)

"proceeding" means a review under sections 6.71, 6.9, 7, 7.1 or 7.7 or an appeal under sections 7.2 or 8.1 of the *Aeronautics Act*; a review under sections 16.1, 20.4, 231.2, or 232(1) or an appeal under sections 20.5(1) or 232.2 of the *Canada Shipping Act, 2001*; a review under sections 19.4(1), 37 or 39(1) or an appeal under sections 19.6(1) or 40(1) of the *Marine Transportation Security Act*; a review under sections 27.1, 31 or 32 or an appeal under sections 27.5, 31.2 or 32.2 of the *Railway Safety Act*; a review under section 180.1 or an appeal under section 180.6(1) of the *Canada Transportation Act*; (*instance*)

"registrar" means a registrar of the Tribunal, and includes a deputy registrar; (*greffier*)

"registry" means the principal office of the Tribunal in the National Capital Region or such other offices as the Tribunal may establish from time to time. (*greffe*)

Application

3. These Rules apply to all proceedings.

General

4. Where a procedural matter not provided for by the Act or by these Rules arises during the course of any proceeding, the Tribunal may take any action it considers necessary to enable it to settle the matter effectively, completely and fairly.

Service

5. Service of a document, other than a summons referred to in section 14, shall be effected by personal service or by registered mail.

6. Where service of a document is effected by registered mail, the date of service is the date of receipt of the document.

TRIBUNAL RULES

Filing

7. Where a party is required or authorized to file a document with the Tribunal, the document may be filed by depositing it in the registry personally, by mailing it or sending it by courier to the registry or by transmitting it to the registry by telex, facsimile or other electronic means of communication if the registry has the necessary facilities for accepting transmission in such manner.

8. The date of filing of a document with the Tribunal is the date of receipt of the document at the registry, as evidenced on the document by means of the filing stamp of the Tribunal.

Holiday

9. Where a time limit prescribed by or pursuant to the Act or these Rules falls on a Saturday, Sunday or holiday, the time limit is extended to the next following business day.

Applications

10. (1) An application for any relief or order, other than a request for review under sections 6.71, 6.9, 7, 7.1 or 7.7 or an appeal under sections 7.2 or 8.1 of the *Aeronautics Act*; a request for review under sections 16.1, 20.4, 231.2 or 232(1) or an appeal under sections 20.5(1) or 232.2 of the *Canada Shipping Act, 2001*; a request for review under sections 19.4(1), 37 or 39(1) or an appeal under sections 19.6(1) or 40(1) of the *Marine Transportation Security Act*; a request for review under sections 27.1, 31 or 32 or an appeal under sections 27.5, 31.2 or 32.2 of the *Railway Safety Act*; a request for review under section 180.1 or an appeal under section 180.6(1) of the *Canada Transportation Act*, shall be in writing and filed with the Tribunal unless, in the opinion of the Tribunal, circumstances exist to allow an application to be dealt with in some other manner.

(2) An application shall fully set out the grounds on which it is based and shall specify the relief or order requested.

(3) Subject to subsection (4), where a party makes an application, the Tribunal shall serve notice of the application on each other party and shall afford each other party a reasonable opportunity to make representations.

(4) The Tribunal may dispose of an application on the basis of the material submitted by each party or, if in its opinion there exist exigent circumstances, on the basis of the material submitted by the applicant only.

(5) The Tribunal, upon considering the material submitted to it, shall render its determination of an application in writing and shall serve on each party a copy of the determination forthwith after the determination has been rendered.

Extending or Abridging Time

11. The Tribunal may extend or abridge a time prescribed by or pursuant to these Rules for performing any act or doing any thing on such terms, if any, as seem just.

TRIBUNAL RULES

Preliminary Procedures

12. The Tribunal may, orally or in writing, direct that the parties appear before a member of the Tribunal at a specified date, time and place for a conference, or consult each other and submit suggestions in writing to the Tribunal, for the purpose of assisting it in the consideration of

- (a) the admission or proof of certain facts;
- (b) any procedural matter;
- (c) the exchange between the parties of documents and exhibits proposed to be submitted during a proceeding;
- (d) the need to call particular witnesses; and
- (e) any other matter that may aid in the simplification of the evidence and disposition of the proceeding.

Adjournments

13. At any time, the Tribunal may, on the application of any party or on its own motion, adjourn a proceeding on such terms, if any, as seem just.

Witnesses

14. (1) At the request of a party, the registrar shall issue a summons in blank for a person to appear as a witness before the Tribunal and the summons may be completed by the party requesting it.

(2) A summons shall be served personally on the person to whom it is directed at least 48 hours before the time fixed for the attendance of the person.

(3) At the time of service of a summons on a person, the party requesting the appearance of the person shall pay fees and allowances to the person in accordance with Rule 42 of the *Federal Courts Rules*.

15. (1) Where a person has been summoned to appear as a witness before the Tribunal and does not appear, the party that requested the issuance of the summons may apply to the Tribunal for a warrant directing a peace officer to cause the person who failed to appear to be apprehended anywhere in Canada and, subsequent to the apprehension, to be

- (a) detained in custody and forthwith brought before the Tribunal until his presence as a witness is no longer required; or
- (b) released on a recognizance, with or without sureties, conditional on the person's appearance at the date, time and place specified therein to give evidence at a proceeding.

(2) An application made pursuant to subsection (1) shall contain information indicating that

- (a) the person named in the summons
 - (i) was served with the summons in accordance with subsection 14(2),
 - (ii) was paid or offered witness fees and allowances in accordance with subsection 14(3), and
 - (iii) failed to attend or remain in attendance before the Tribunal in accordance with the requirements of the summons; and
- (b) the presence of the person named in the summons is material to the proceeding.

TRIBUNAL RULES

Proceeding

16. (1) Witnesses at a proceeding shall be subject to examination and cross-examination orally on oath or solemn affirmation.

(2) The Tribunal may order a witness at a proceeding to be excluded from the proceeding until called to give evidence.

(3) The Tribunal may, with the consent of each party, order that any fact be proved by affidavit.

(4) The Tribunal may inspect any property or thing for the purpose of evaluating the evidence.

Argument

17. The Tribunal may direct a party to submit written argument in addition to oral argument.

Appeals

18. (1) An appeal to the Tribunal pursuant to sections 7.2 or 8.1 of the *Aeronautics Act*, sections 20.5(1) or 232.2 of the *Canada Shipping Act, 2001*, sections 19.6(1) or 40(1) of the *Marine Transportation Security Act*, sections 27.5, 31.2 or 32.2 of the *Railway Safety Act*, or section 180.6(1) of the *Canada Transportation Act* shall be commenced by filing in writing with the Tribunal a request for appeal.

(2) A request for appeal shall include a concise statement of the grounds on which the appeal is based.

(3) A copy of a request for appeal shall be served by the Tribunal on each other party within ten days after filing the request.

19. Where a request for appeal has been filed with the Tribunal, the Tribunal shall serve on the parties to the appeal

(a) a notice of the date, time and place of the hearing of the appeal; and

(b) a copy of the record referred to in section 20 of the *Transportation Appeal Tribunal of Canada Act*, respecting the proceedings to which the appeal relates.

Determination

20. (1) The Tribunal shall render its determination in writing at the conclusion of a proceeding or as soon as is practicable after a proceeding.

(2) For the purpose of calculating the period within which a party may appeal a determination, the determination is deemed to be made on the day on which it is served on the party.

(3) The Tribunal shall serve on each party a copy of a determination forthwith after the determination has been rendered.

Note

These Rules contain consequential amendments in the Transportation Appeal Tribunal of Canada Act and have been embodied for convenience of reference only. For purposes of interpretation of the law, the original Rules should be consulted

2008-2009 IN REVIEW

Activities

The present annual report covers the 12 months between April 1, 2008 and March 31, 2009. In the 12-month reporting period, the Tribunal registered **112** new requests for review (**96** aviation, **14** marine and **2** from the Canadian Transportation Agency) and **7** requests for appeal from the aviation sector. This represents a decrease of **29** new case files registered over fiscal year 2007-2008. Additionally, **26** requests for certificates were received from the Minister, pursuant to section 7.92 of the *Aeronautics Act*.

In addition to the new cases registered in this reporting period, **97** cases were carried over from the previous reporting period, bringing the total caseload to **216**. This represents a decrease of **42** cases over 2007-2008.

The Tribunal heard **30** first level reviews and **8** second level appeals for a total of **48** hearing days. This represents an increase of **1** hearing over the previous fiscal year. Of the **38** cases that proceeded to a hearing, many cases were postponed and rescheduled at a later date. At the end of 2008-2009, **90** cases were pending further action, **16** were awaiting decisions and **9** had been scheduled for the 2009-2010 fiscal year.

In the 2008-2009 reporting period, **75** cases were concluded without a hearing. It should be noted that of these **75** cases many were requests filed with the Tribunal and concluded shortly before the hearing was to take place, which means that all registry work that leads up to the hearing was completed. The registry prepared for **66** hearings.

The **75** cases concluded without a hearing were resolved in a number of ways:

- ❖ the document holder paid the fine before the hearing;
- ❖ the document holder's licence was reinstated before the hearing;
- ❖ the request for hearing was withdrawn by the document holder;
- ❖ the notice was withdrawn by the Minister;
- ❖ an agreement was reached between the parties.

Effectiveness

The program's effectiveness can be measured by its ability to provide the transportation community with the opportunity to have ministerial decisions reviewed fairly, equitably and within a reasonable period of time.

The average lapsed time between the conclusion of a review hearing and the issuance of a determination is **70** days and **85** days for an appeal. This brings the hearing process to a timely conclusion for both parties appearing before the Tribunal.

The Tribunal encourages the use of pre-hearing conferences to assist the parties appearing before it, to identify the issues for determination by the Tribunal and to disclose and exchange documents. This reduces the length of hearings and avoids last-minute adjournments necessitated by late disclosure.

2008-2009 IN REVIEW

Such conferences have also been particularly effective in settling licence suspensions and refusal to renew on medical grounds without the necessity of a hearing. The Tribunal registrars contact the parties to schedule mutually agreed hearing dates to the extent possible to avoid unnecessary adjournments.

In 2007-2008, the Tribunal referred **6** cases back to the Minister of Transport for reconsideration, pursuant to sections 6.72 and 7.1 of the *Aeronautics Act*, the Tribunal lacking the power to substitute its own decision for that of the Minister in these cases. The Minister confirmed its original decision in **1** case, and we are still awaiting the outcome in the **5** remaining cases.

In 2008-2009, the Tribunal referred **2** cases back to the Minister. We are still awaiting the outcome in these **2** cases.

Training and Development

For the 13th consecutive year, the Tribunal supervised a student from the Federal Tribunals Practice Seminar of the University of Ottawa, Faculty of Law. The student prepared a research paper on Notice of Cancellation of Canadian Aviation Document in the Public Interest regarding a Federal Court Judgment (Trial Division).

A three-day training session was held at the Tribunal office in Ottawa from October 6 to 8, 2008. Seven recent appointees (4 in aviation and 3 in marine) attended the session. The Tribunal's success can, in great part, be attributed to the importance placed on the training and development of its members and staff.

The quality of the hearings which are held across the country and the decisions which are rendered are reflective of the high level of training provided to all Tribunal members.

Annual Seminar

The Transportation Appeal Tribunal of Canada's fifth annual seminar was held in Ottawa, Ontario, on May 1 and 2, 2008 at the Château Laurier Hotel. The Tribunal's annual seminar ensures a trained membership through updates and discussions of legislative changes. The interaction of members and role play scenarios assist the membership in achieving quality and consistency in making and writing its decisions.

The Tribunal Chairperson, Faye Smith, welcomed new members to the Tribunal and presented an overview of the year in review. Tribunal counsel, Gerry Stobo and Jack Hughes, conducted a mock hearing and led a discussion on the conduct of hearings. An inspiring presentation was given by Justice James B. Chadwick, Q.C. (former Justice of the Ontario Superior Court of Justice) respecting decision writing.

2008-2009 IN REVIEW

The Vice-Chairperson, Eleanor Humphries, introduced the following industry panel and Transport Canada guests who provided brief presentations:

Industry Panel

- ❖ Mr. Rich Gage – Canadian Business Aircraft Association
- ❖ Mr. John McKenna – Association québécoise du transport aérien
- ❖ Captain Rick Rapagna – Airline Pilots Association
- ❖ Captain Andy Wilson – Air Canada Pilots Association
- ❖ Mr. Kevin Psutka – Canadian Owners and Pilots Association
- ❖ Mr. Greg Miles – Canadian Air Traffic Controllers Association
- ❖ Mr. Sam Barone – Air Transport Association of Canada
- ❖ Mr. Jim Facette – Canadian Airports Council
- ❖ Mr. Cliff Mackay – Railway Association of Canada

Transport Canada Guests

- ❖ Ms. Beverlie Caminsky, Chief, Advisory and Appeals
- ❖ Ms. Pauline Mang, Security Operations Branch
- ❖ Mr. Frank Ritchie and Mr. Muhammad Akhtar of Regulatory Services & Quality Assurance – Marine

Future Plans

The Tribunal's jurisdiction was increased to include the *International Bridges and Tunnels Act*. Regulations relating to the marine sector have come into effect in the last quarter of the past fiscal year. As well, additional legislation respecting airports will be implemented over the next few years that will have the effect of increasing the number of offences under the designated provisions which in turn will affect the workload of the Tribunal.

On the prediction of an increased caseload of as much as 50 percent with the Tribunal's expansion to include the marine sector, the Tribunal is seeking additional funding to sustain its multi-modal mandate. The most significant upcoming challenge for the Tribunal will be the realization of its expansion as a multi-modal transportation tribunal. The reorganization of the Tribunal will increase the overall workload and require expansion of capacity in new areas of expertise: more members will have to be appointed and trained. Existing employees will likely require additional training and more staff will have to be hired to ensure that current efficiencies will be maintained.

2008-2009 IN REVIEW

Resources

**Figure 2: Financial Resources
Details of Financial Requirements by Object**

(Thousands of dollars)	Budget 2008-2009	Actual Expenses 2008-2009	Budget 2007-2008
PERSONNEL			
Salaries and wages	741.9	691.3	688.0
Contributions to employee benefit plans	121.0	114.0	126.0
Total personnel	862.9	805.4	814.0
GOODS AND SERVICES			
Transportation and communications	202.7	189.4	163.8
Information and printing services	29.0	27.8	30.7
Professional and special services	168.2	165.0	521.3
Rentals	24.1	21.9	14.5
Purchased repairs and upkeep	532.0	502.3	0.0
Utilities, materials and supplies	28.0	38.5	52.9
Total goods and services	984.0	944.9	783.2
GRAND TOTAL	1 846.9	1 750.3	1 597.2

Figure 3: Distribution of Full-Time Equivalents

	FTEs*
Governor in Council (GIC)	2
Administrative Services (AS)	7
Information Services (IS)	2
Social Science (SI)	1
Total	12

* FTEs: Full-time equivalent is a measure of human resource consumption.

STATISTICAL DATA

Pages 25 to 31 contain data tables, based on the Tribunal's new requests received during 2008-2009 and files carried over from 2007-2008.

The tables are separated into various interests.

- ❖ Comparison of files worked on for the past five fiscal years
- ❖ Hearing results by region and disposition

The tables are presented under various categories and regions.

- ❖ Suspensions
- ❖ Cancellations
- ❖ Fines
- ❖ Refusal to issue or amend
- ❖ Medicals
- ❖ Rail orders

SUSPENSIONS

- AME*
- AMO**
- CCP****
- operator certificate
- operator security
- personnel security
- pilot competence
- pilot enforcement
- pilot instrument rating
- pilot proficiency check

CANCELLATIONS

- AME
- certificate of airworthiness
- operator
- personnel security
- pilot

FINES

- AME
- AMO
- ATC***
- aircraft owner
- operator security
- operator
- personnel security
- pilot

REFUSAL TO ISSUE

- AME
- medical certificate
- pilot and others

MEDICALS

- ATC
- pilot

- * AME: aircraft maintenance engineer
** AMO: approved maintenance organization
*** ATC: air traffic controller
**** CCP: company check pilot authority

STATISTICAL DATA

Fiscal Year 2008-2009

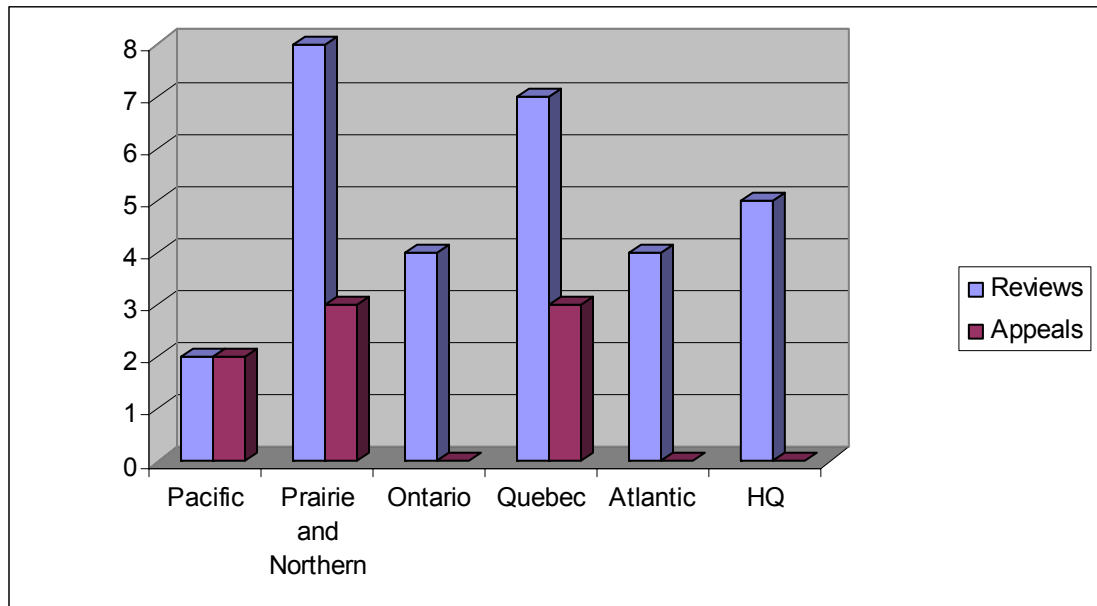
Figure 4: Total Cases by Category

Category	Pacific	Prairie and Northern	Ontario	Quebec	Atlantic	HQ	Totals	%
Medicals								
Aviation	15	5	17	19	3	1	61	28
Marine	1	0	0	0	0	0		
Suspensions								
Aviation	10	15	10	6	2	2	45	21
Fines								
Aviation	4	46	6	10	2	3	87	40
Marine	0	0	4	1	8	0		
Canadian Transportation Agency	0	0	0	0	0	3		
Cancellations								
Aviation	0	1	0	4	0	0	5	2
Refusals to issue								
Aviation	3	4	3	5	0	0	15	7
Refusals to remove a notation								
Aviation	0	0	0	0	0	2	2	1
Rail orders								
Rail	0	0	0	0	1	0	1	1
Totals	33	71	40	45	16	11	216	
%	15	33	19	21	7	5		100

STATISTICAL DATA

Figure 5: Reviews and Appeals Concluded with a Hearing

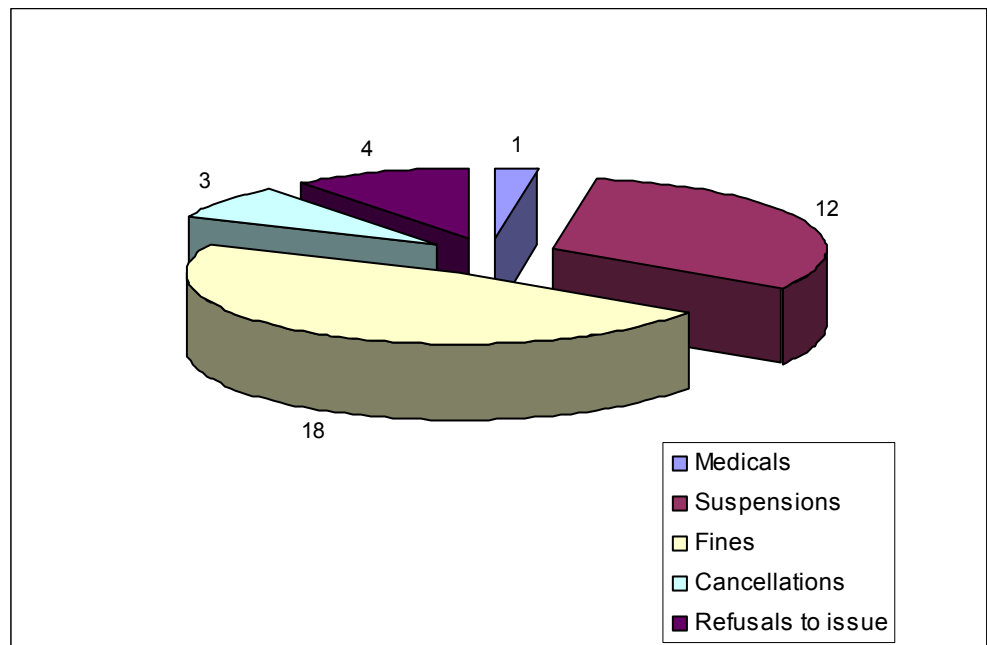
Hearing Level	Pacific	Prairie and Northern	Ontario	Quebec	Atlantic	HQ	Totals	%
Reviews								
Aviation	2	8	4	7	2	5	30	79
Marine	0	0	0	0	2	0		
Appeals								
Aviation	2	3	0	3	0	0	8	21
Totals	4	11	4	10	4	5	38	
%								100



STATISTICAL DATA

Figure 6: Hearings by Category

Category	Pacific	Prairie and Northern	Ontario	Quebec	Atlantic	HQ	Totals
Medicals							
Aviation	1	0	0	0	0	0	1
Suspensions							
Aviation	3	1	3	1	2	2	12
Fines							
Aviation	0	10	0	3	0	3	18
Marine	0	0	0	0	2	0	
Cancellations							
Aviation	0	0	0	3	0	0	3
Refusals to issue							
Aviation	0	0	1	3	0	0	4
Totals	4	11	4	10	4	5	38



STATISTICAL DATA

Figure 7: Hearing Results by Disposition

Disposition	Pacific	Prairie and Northern	Ontario	Quebec	Atlantic	HQ	Totals
Suspensions (Aviation)							
Referred back to the Minister	0	1	0	0	0	0	1
Minister's allegation dismissed	1	0	0	0	0	0	1
Minister's decision confirmed	1	0	1	1	0	0	3
Awaiting decision	1	0	2	0	0	2	5
Request for review hearing withdrawn	0	0	0	0	2	0	2
Totals	3	1	3	1	2	2	12

Fines (Aviation and Marine)

Minister's allegation upheld	0	2	0	0	0	0	2
Minister's allegation dismissed	0	0	0	1	0	0	1
Notice withdrawn by the Minister	0	1	0	0	0	0	1
Appeal dismissed; sanction confirmed	0	1	0	1	0	0	2
Appeal dismissed; sanction reduced	0	1	0	0	0	0	1
Appeal allowed; sanction reinstated	0	0	0	1	0	0	1
Appeal withdrawn at hearing	0	1	0	0	0	0	1
Awaiting decisions							
Aviation	0	4	0	0	0	3	9
Marine	0	0	0	0	2	0	
Totals	0	10	0	3	2	3	18

STATISTICAL DATA

Figure 7: (continued)

Figure 7: Hearing Results by Disposition							
Disposition	Pacific	Prairie and Northern	Ontario	Quebec	Atlantic	HQ	Totals
Medicals (Aviation)							
Appeal dismissed	1	0	0	0	0	0	1
Totals	1	0	0	0	0	0	1

Refusal to Issue (Aviation)							
Minister's decision confirmed	0	0	0	2	0	0	2
Awaiting decision	0	0	1	1	0	0	2
Totals	0	0	1	3	0	0	4

Cancellations (Aviation)							
Minister's decision confirmed	0	0	0	3	0	0	3
Totals	0	0	0	3	0	0	3

HISTORICAL DATA

Figure 8: Comparison of Cases Worked on for the Past Five Years

Region	2008-2009	2007-2008	2006-2007	2005-2006	2004-2005
Pacific	33	43	48	57	35
Prairie and Northern	71	82	50	64	69
Ontario	40	42	46	92	106
Quebec	45	59	44	43	43
Atlantic	16	20	11	11	11
HQ	11	12	12	5	5
Totals	216	258	211	272	269

Since its inception in 1986, the Tribunal has registered 6 295 case files.

Figure 9: Total Case Files since 1986

Summary	Pacific	Prairie and Northern	Ontario	Quebec	Atlantic	HQ	Totals
Total case files	758	1 914	1 618	1 381	479	145	6 295
%	12	30	26	22	8	2	100

Figure 10: Total Cases Concluded with a Hearing by Region since 1986

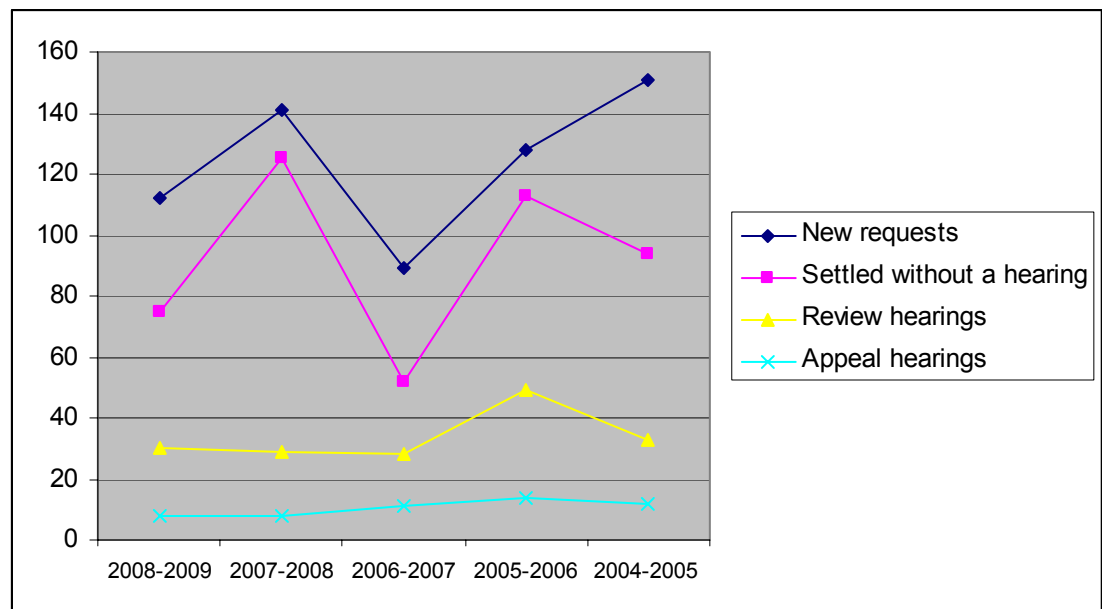
Summary	Pacific	Prairie and Northern	Ontario	Quebec	Atlantic	HQ	Totals
Total hearings	176	619	332	378	138	27	1 670
%	10	37	20	23	8	2	100

Of the 1 670 cases concluded with a hearing, 1 339 were reviews (80%) and 331 were appeals (20%).

HISTORICAL DATA

Figure 11: Caseload for the Past Five Years

	2008-2009	2007-2008	2006-2007	2005-2006	2004-2005
New requests	112	141	89	128	151
Settled without a hearing	75	125	52	113	94
Review hearings	30	29	28	49	33
Appeal hearings	8	8	11	14	12



INDEX

2008-2009 in Review	20 - 23
Activities	20
Annual Seminar.....	21
Basic Principles	4
Effectiveness	20
Fiscal Year 2008-2009	25
Future Plans.....	22
Historical Data.....	30
Industry Panel	22
Introduction	3
Mandate	3
Message from the Chairperson	2
Organization Chart.....	5
Organizational Structure	4
Overview	3
Program Objective and Description.....	3
Resources	23
Staff of the Tribunal.....	15
Statistical Data	24 - 31
Training and Development	21
Transport Canada Guests.....	22
Tribunal Members – Full Time.....	6
Tribunal Members – Part-time.....	7 - 14
Tribunal Rules	16 - 19