

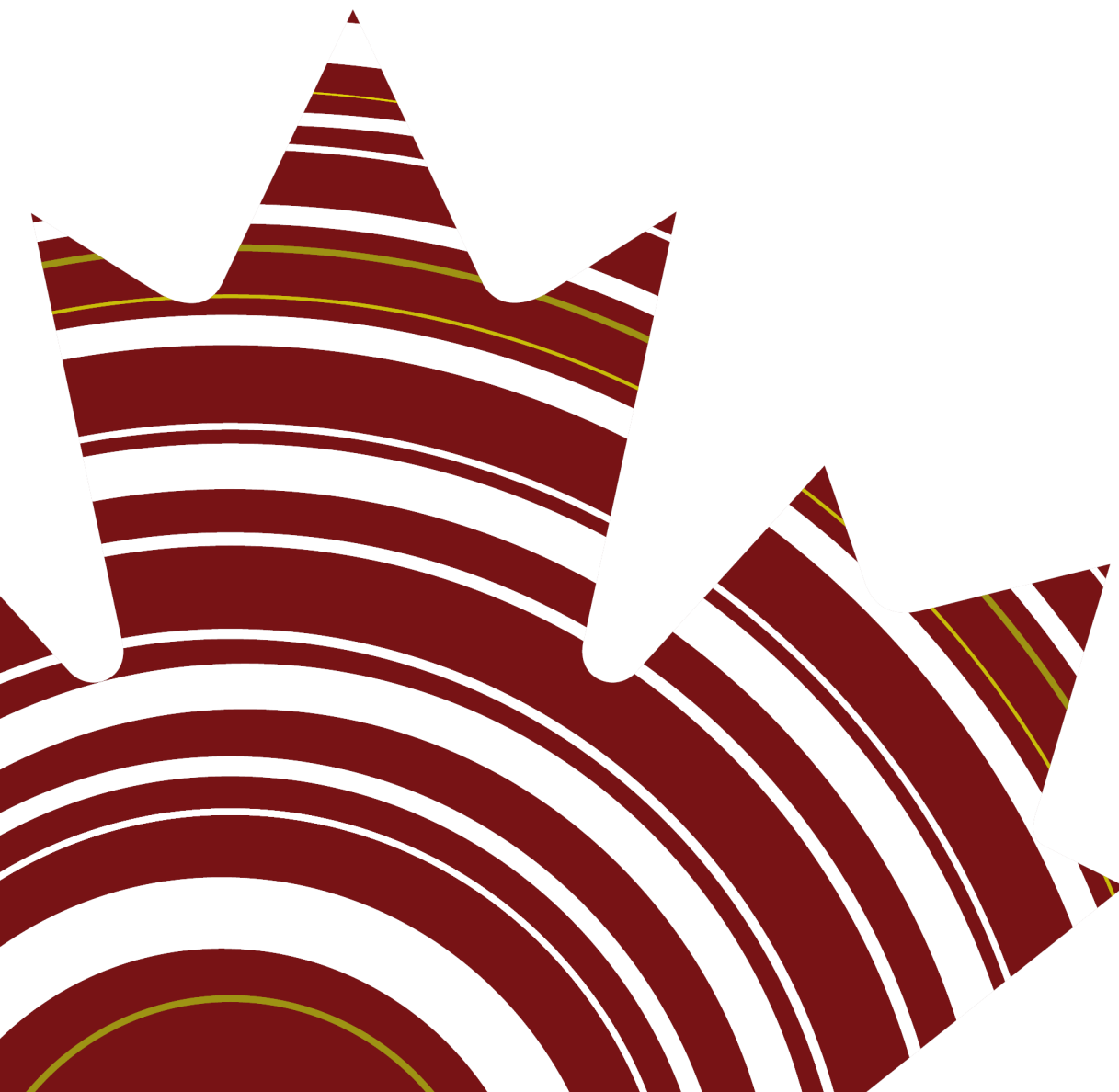


Canadian
Transportation
Agency

Office
des transports
du Canada

Accessible Transportation Complaints: A Guide

Canadian Transportation Agency



Canada 

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Introduction

This resource tool provides information on how to file a complaint regarding an [undue barrier](#) experienced by a person with a [disability](#) in the [federal transportation network](#). It explains the approaches the Canadian Transportation Agency (CTA) uses in resolving accessible transportation complaints.

About the Canadian Transportation Agency

The CTA is an independent, quasi-judicial tribunal and regulator of the Government of Canada. The CTA makes decisions on a wide range of matters involving air and extra-provincial rail and marine modes of transportation under the authority of Parliament. For accessibility matters, the CTA also has jurisdiction over extra-provincial bus transportation.

Accessible transportation mandate

Part V of the *Canada Transportation Act* (Act) provides the CTA with a human rights mandate to eliminate [undue barriers](#) to the mobility of persons with disabilities in the federal transportation network to ensure that persons with disabilities have equal access to transportation services. In exercising this mandate, the CTA uses the powers given to it under Part V of the Act and applies human rights principles, including the fundamental principle of equality.

The CTA eliminates [undue barriers](#) by:

1. developing and monitoring compliance with regulations and codes of practice concerning the level of accessibility in modes of transportation under federal jurisdiction (see [Reference information](#));

2. addressing problems likely to occur by responding to pre-travel inquiries and by educating persons with disabilities and transportation service providers regarding their rights and responsibilities; and
3. resolving complaints on a case-by-case basis using an approach that is consistent with that used for identifying and remedying discrimination under human rights law.

Accessible Canada Act

The [Accessible Canada Act](#) (ACA), which became law on June 21, 2019, establishes a framework to create a barrier-free Canada through the proactive identification, removal and prevention of accessibility barriers. The [ACA](#) applies to the federally regulated private sector, which includes the transportation, banking and telecommunications sectors, as well as the Government of Canada, Crown corporations and Parliament. These organizations will be required to develop and publish accessibility plans that describe how they will identify, remove and prevent barriers; establish a mechanism for receiving and addressing feedback on accessibility; and develop progress reports on the implementation of their plans and addressing feedback.

Jurisdiction

The CTA's responsibility to resolve accessible transportation problems is limited to circumstances where the problem relates to:

1. a person's disability; and
2. access to the [federal transportation network](#).

The CTA's jurisdiction applies to the federal transportation network, which includes:

- air carriers operating within, to, or from Canada;
- airports located in Canada;

- passenger rail carriers, ferry operators, and bus operators providing services between provinces/territories and/or between Canada and another country, and their stations or terminals located in Canada;
- terminals located in Canada at which cruise ships can dock;
- the Canadian Air Transportation Security Authority; and
- the Canada Border Services Agency.

Avoiding accessible transportation problems

Steps persons with disabilities can take

Persons with disabilities who require an [accommodation measure](#) are expected to:

- make their disability-related needs known to the transportation service provider;
- provide the advance notice requested by the transportation service provider for a disability-related service. Usually this is 48 hours in advance of departure but it can be more if the transportation service provider requires information or documentation in order to assess a request for a service;
- provide a reasonable opportunity for the transportation service provider to provide the required disability-related service (for example, persons with disabilities may have to arrive at a terminal earlier in order to allow time for their mobility aid to be prepared for storage, and may be required to wait a reasonable period for assistance with disembarking); and

- take necessary steps to mitigate accessibility issues as they do in their daily living (for example, bringing medications for allergies and other conditions in carry-on luggage so that they are readily available for use during travel).

The CTA has published several [guides](#) which address accessible transportation issues and include tips for travellers with disabilities to address the challenges that travel can present (for example, providing advance notice of disability-related needs).

Responsibilities of transportation service providers

To ensure persons with disabilities have equal access to services and facilities, transportation service providers must:

- comply with applicable regulations, such as Part VII of the Air Transportation Regulations, the [Accessible Transportation for Persons with Disabilities Regulations](#) (ATPDR), and the Personnel Training for the Assistance of Persons with Disabilities Regulations;
- accommodate persons with disabilities in a manner that respects their dignity;
- provide accommodation which considers a person's unique disability-related needs; and
- accommodate persons with disabilities up to the point of undue hardship.

Additionally, small transportation service providers not subject to the [ATPDR](#) are encouraged to meet the expectations set out in the CTA's [codes of practice](#) and consult the CTA's [guidance material](#) which explains the regulatory obligations and expectations regarding accessible transportation.

Efficiently resolving accessibility complaints

Referrals between federal organizations

The organizations responsible for enforcing the [ACA](#) have established a Council of Federal Accessibility Agencies. The [ACA](#) requires these member organizations to work collaboratively to refer federal accessibility complaints to the appropriate organization and to foster complementary policies and practices. The Council is made up of the Chairs and the Chief Executive Officers of the CTA and the Canadian Radio-Television and Telecommunications Commission; the Chairs of the Canadian Human Rights Tribunal and the Federal Public Sector Labour Relations and Employment Board; and the Chief Commissioner of the Canadian Human Rights Commission, serving as Chair. The Council will also include an Accessibility Commissioner who is a member of the Canadian Human Rights Commission.

The Council organizations are developing a common approach for the treatment of accessibility complaints, regardless of which organization receives a complaint. This approach, referred to as the "no wrong door", is intended to minimize the burden and confusion for persons who file accessibility complaints. An organization that receives a complaint for which it does not have jurisdiction will quickly refer the complaint to the correct organization.

Contacting the CTA to resolve problems

Sometimes even the best-planned trip can go wrong. If a problem arises, or a person with a disability has a concern related to their trip, they should:

- keep receipts and documents, including a record of who they communicated with and when;

- write a description of what happened as soon as possible, while the details are still fresh; and
- contact their transportation service provider. Often, a discussion is all that is required to fix the problem or address the concern.

If a person has tried to resolve their problem with their transportation service provider and isn't satisfied with the result, they may file a complaint with the CTA to initiate one of the CTA's dispute resolution processes. Before filing a complaint with the CTA, a person is encouraged to allow their transportation service provider 30 days to respond to their concerns.

How to file a complaint with the CTA

To file a complaint, the CTA's [accessibility-related complaint form](#) should be completed. In some cases, additional information may be required to complete a complaint. The CTA's accessibility complaint form specifies the following minimum information required:

- contact information;
- representative information and authorization (if applicable);
- specific information relating to a person's disability;
- reservation information;
- reservation agent (if applicable);
- disability-related disclosure, that is, the information about a person's disability and related needs which was provided to the transportation service provider prior to travel;

- documents such as tickets, receipts for expenses, and correspondence with the transportation service provider;
- details about the accessibility problems encountered; and
- the requested solutions.

When to file a complaint

After providing their transportation service provider with a reasonable period to propose a solution to their accessibility problem, a person who wishes to file a complaint should do so as soon as possible to meet any statutory deadlines for obtaining remedies or relief from the CTA. Delays may also make it difficult to substantiate allegations or obtain records, and excessive delays may create an unreasonable burden on the transportation service provider to adequately respond to the complaint.

Does a person who wishes to file a complaint need to hire a lawyer or other representative?

Although it is not required, a person may choose to be represented by a lawyer. If this is the case, written authorization for the lawyer to act on the person's behalf is not required.

If a person chooses to be represented by someone who is not a lawyer, such as a family member or friend, they must provide the CTA with written authorization for the representative to act on their behalf (see [Authorization of Representative form](#)). If the representative provides a description of an incident that they did not witness, either in the initial complaint or subsequently, the person who they are representing must confirm, in writing, that the representative's descriptions are factual. In some cases, the person may be required to substantiate the information provided by their representative, for example, by providing an affidavit.

Options to resolve a complaint

The CTA offers a number of dispute resolution options, ranging from informal (facilitation and mediation) to formal ([adjudication](#)). These options are free of charge.

Option 1: Facilitation

Overview

Facilitation is a voluntary process that involves a CTA employee having informal discussions – usually by phone or email – with the person filing the complaint (or their representative) and the transportation service provider (collectively referred to as "parties"). These discussions can be held separately with each party or together, if desired). The goal is to assist the parties in developing their own solution to the issues in dispute. CTA employees have extensive knowledge of accessible transportation issues and they can offer this expertise to define the issues involved, which may clear the way for a solution.

The process

The CTA facilitator will email the complaint form to the transportation service provider and provide it with an opportunity to investigate internally to see whether the problem can be resolved through facilitation. Once the transportation service provider has had a chance to look into the matter, the facilitator can have a discussion with the parties. The facilitator will inform them of the relevant legislation, regulations and guidelines, and may refer to previous CTA decisions which dealt with similar issues. The facilitator will share information, with the consent of the parties, to ensure that each is fully aware of the other's position.

Resolution

Parties are encouraged to have open discussions. If the dispute isn't resolved through facilitation, any discussions that were intended to lead to settlement

of the dispute cannot be submitted to the CTA as part of an adjudication—that is, these discussions cannot form part of the record unless the parties agree otherwise. This rule is to help encourage more open discussions.

In order to assist the parties in reaching a solution, CTA employees strive to resolve matters through facilitation within 30 calendar days.

If this process results in a mutually satisfactory solution, the file will be closed. However, if facilitation is not successful, or only partially successful, the person who filed the complaint may choose to request mediation or adjudication.

Option 2: Mediation

Overview

Mediation is an informal, voluntary and confidential process that promotes open and respectful communication. A neutral and impartial mediator will assist the parties in negotiating a mutually satisfactory settlement. The mediators have no decision-making powers. CTA employees who are qualified mediators and experienced in the transportation sector and accessible transportation matters are appointed by the Chair of the CTA to manage the mediation process.

Mediation allows the parties to clarify and prioritize the issues in dispute, express their views, examine their interests and concerns, explore a variety of creative options, and develop their own solutions in a timely and cost-effective manner.

Mediation is an informal alternative to adjudication. However, it's still a structured process with requirements that the parties must follow. For instance, it must be completed within 30 calendar days, unless the parties agree otherwise.

The process

One of the key differences between facilitation and mediation is that mediation involves direct interaction between the parties, via face-to-face discussions or

conference calls, whereas in facilitation, the facilitator usually communicates with each party separately. This direct interaction allows the parties to fully express their perspectives on the dispute while actively listening to each other. During the mediation sessions, the mediator will help parties explore their interests in the issues at hand and help them to generate solutions that will be mutually satisfactory. The parties themselves will decide on the outcome; the mediator is only present to guide the discussion as a neutral third party and has no decision-making power.

Settlement

If an agreement is reached, the parties or the CTA mediator will draft a settlement agreement that will be signed by the parties. A settlement leads to a binding and final contract. Mediators will not provide advice on the legal implications of the agreement, but parties are free to seek legal advice should they feel there is a need. Any full or partial settlement that is agreed upon by the parties and filed with the CTA is enforceable as if it were an order of the CTA.

If no settlement, or only a partial settlement, is reached, any remaining issues may be addressed by the CTA through the adjudication process if the person who made the complaint wishes do so; the mediator would not participate in this process and cannot be compelled to do so. The discussions held, as well as any documents created during the mediation process (including notes taken) remain confidential and cannot be disclosed in the adjudication process.

Either party may request to have a dispute settled through mediation by making a written request to the CTA. The person who initiates the request should include a brief outline of the dispute, identify the issue(s) and provide relevant supporting documents. This information will be provided to the other party to help them determine whether they are willing to resolve the dispute through mediation.

Confidentiality is one of the key foundations of mediation. Parties must agree in writing to maintain confidentiality, regardless of whether they reach a settlement.

All information provided during mediation will be exchanged on a confidential basis for the purposes of settlement negotiations. The mediator will not disclose to anyone who is not present during the mediation session anything said or submitted by the parties unless disclosure is required by law or there is a real or potential threat to human life or safety in not disclosing the information. Additionally, the mediator will not discuss any elements brought forth during the course of the mediation session with CTA personnel, except for purposes related to the training of CTA mediators.

To learn more about mediation, see the CTA's [Resolution of Disputes through Mediation – A Resource Tool](#).

Option 3: Adjudication

Overview

In the CTA's adjudication process, one or more CTA Members (referred to as a Panel) is appointed to make a final and binding decision on a complaint. The Members are the CTA's decision-makers, whose functions include making adjudicative rulings. Members are appointed by the Governor-in-Council or by the Minister of Transport if they are temporary Members. The Panel reaches its decision through a process similar to that of a court.

The CTA's Dispute Adjudication Rules set out the process that is followed during adjudication. They also provide information on how to make a variety of procedural requests to the CTA on matters that commonly arise in adjudications, including requests to keep information confidential. The CTA's [Annotated Dispute Adjudication Rules](#) provides explanations and clarifications of the Rules which will be useful to those unfamiliar with the CTA and its processes.

The process

During the adjudication process, each party is given an opportunity to present their case to the Panel. Most cases are resolved through written submissions

although, in some cases, an oral hearing is held to allow the Panel to ask questions of the parties and hear expert evidence. Both approaches are public, subject only to the CTA granting a request to keep certain information confidential (see the section below, [Privacy and Confidentiality](#)).

Once the CTA receives a complete complaint, it will set a timeline for the transportation service provider to file its answer and for the person filing the complaint or their representative (referred to as the "applicant") to reply. For less complex cases, the CTA strives to issue its decision within 85 business days after the filing of a complete complaint. For more complex cases, additional time may be required and in such instances, the CTA's objective is to issue its decision within 65 business days after all of the requested information is filed and the exchange of [pleadings](#) has ended.

In-person oral hearings

If an in-person oral hearing is held during the adjudication process, funding may be available to facilitate the attendance of a person with a disability (and their support person) at that hearing. Funding can also be provided to any interveners who have a disability, provided that they have been granted full participatory rights in the hearing. The funding covers the same travel and accommodation expenses that are covered for government business travel under the National Joint Council Travel Directive but does not cover any legal fees or costs.

The decision

At the completion of the process, the CTA makes a finding which results in the issuance of a public decision. The decisions are final and binding, just like decisions issued by courts. Where it finds an undue barrier, the CTA may impose corrective measures to eliminate it, order the reimbursement of related expenses, award compensation for lost wages, and award compensation for pain and suffering and for willful or reckless practice (see the section on [Corrective measures](#)).

How the CTA adjudicates an accessible transportation complaint

The CTA uses a two-part approach to adjudicating accessibility complaints, consisting of determinations on disability and barrier followed by a determination on whether a barrier is undue. The following clarifies the CTA's approach, including the respective responsibilities of applicants and transportation service providers that participate in the adjudication process.

Part 1: disability and barrier

During Part 1 of the process, the applicant must demonstrate, on the [balance of probabilities](#), that they have a disability and faced a disability-related barrier. Consistent with human rights jurisprudence, the CTA places the onus on the applicant to establish disability and barrier.

Disability

The Act defines “disability” as:

any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment – or a functional limitation – whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society

This definition is based on a social model of disability which understands disability as resulting from the interaction between an impairment or functional limitation and the social and physical environment.

The applicant has the responsibility for demonstrating that they have an impairment or functional limitation that, in interaction with a barrier, hinders their equal access to the federal transportation network.

Barrier

The Act defines "barrier" as:

Anything – including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice – that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation.

Barriers vary in nature and may:

- a) be systemic. A systemic barrier broadly impacts travellers with disabilities in their use of a transportation service provider's services, facilities or equipment;
- b) result from the lack of a policy as well as a policy that, intentionally or not, has adverse impacts on travellers with disabilities;
- c) exist even if there has been no incident; for example, when the accessibility problem relates to equipment that is in the design stage; or
- d) result from an isolated act or omission, such as the failure to apply a policy.

It is important to note that a difficulty encountered during travel does not become a barrier only on the basis that it was experienced by a person with a disability. There must be some connection between a person's disability and the difficulty.

What an applicant must do to demonstrate disability and barrier

The responsibility of an applicant to demonstrate that they have a disability and encountered a barrier can be explained in terms of their burden of proof and the evidence required.

Burden of proof

An applicant must provide sufficiently persuasive evidence to establish that they have a disability and have faced a disability-related barrier. The standard which applies to this [burden of proof](#) is the [balance of probabilities](#).

Evidence required

The extent and nature of the evidence that must be provided to meet an applicant's burden of proof will vary from case to case.

In some cases, a disability is self-evident; for example, paraplegia or blindness. In other cases, however, it may be necessary for an applicant to provide evidence, such as documentation from a medical professional with relevant qualifications. The extent and nature of the evidence required to demonstrate disability will depend on various factors including the type and severity of the impairment or functional limitation and the existence of conflicting evidence.

If you do not consider your disability to be self-evident, you are encouraged to consider completing the [Medical Information Form](#) or filing additional documentation in support of your application such as documentation from a medical professional. This evidence may be challenged by the transportation service provider and, if so, the Panel will determine whether the evidence is sufficient to establish the existence of a disability.

Evidence that an applicant faced a barrier could include copies of travel itineraries and tickets; correspondence with the transportation service provider; a written account of an incident or problem, including transportation service provider personnel with whom the applicant interacted, and where and when the incident or problem occurred; and receipts for expenses incurred because of the incident or problem.

Part 2: proposals to remove a barrier or claims of undue hardship

If the CTA finds that the applicant has demonstrated, on the balance of probabilities, that they have a disability and faced a disability-related barrier, the onus shifts to the transportation service provider to either:

1. explain, taking into account any proposals from the applicant, how it proposes to remove the barrier through:
 - a general modification (one which will apply to all travellers with disabilities) to a rule, policy, practice, technology, physical structure, or anything else constituting a barrier, or
 - if a general modification is not feasible, an accommodation measure for an individual traveller with a disability; or
2. demonstrate, on the balance of probabilities, that it cannot remove the barrier without experiencing undue hardship.

What a transportation service provider must do to demonstrate undue hardship

The responsibility of a transportation service provider to demonstrate that the removal of a barrier would result in undue hardship can be explained in terms of their burden of proof and the evidence required.

Although compliance with legislation and regulations will often mean that the CTA does not find an undue barrier, the CTA may nonetheless determine that there is an undue barrier. This authority was introduced by the [ACA](#) and is set out in subsection 172(3) of the Act, which applies to complaints relating to an alleged barrier that took place after the [ACA](#) came into force on July 11, 2019. In such cases, the CTA could order corrective measures to eliminate undue barriers, but could not order compensation for pain and suffering, or willful or reckless practice.

Burden of proof

A transportation service provider must provide sufficiently persuasive evidence to establish that the removal of a barrier would result in undue hardship. The standard which applies to this [burden of proof](#) is the [balance of probabilities](#). If a transportation service provider meets this burden of proof, the CTA will find that the barrier is not undue and will not order any corrective measures.

Evidence required

The transportation service provider must consider all options for removing a barrier – including any suggestions from the applicant – before making a claim that they are unable to do this without experiencing undue hardship. In order to maximize the accessibility of the federal transportation network, transportation service providers should first identify a general modification to remove a barrier, and only rely on an individual accommodation measure if this would result in undue hardship.

The actions required to remove barriers usually entail some burden for transportation service providers; however, undue hardship only results if there are constraints that make the removal of the barrier impossible, impracticable or unreasonable. These constraints generally relate to safety, operational, cost and physical or structural constraints.

The threshold to establish undue hardship is high. Mere statements – such as, "It would cost too much" or "It would be unsafe" – are not sufficient to establish undue hardship. Instead, evidence in respect of the constraints must be objective, direct and, where applicable, quantifiable.

The following reflects examples of the types of constraints that a transportation service provider might encounter in removing a barrier and the corresponding evidence of undue hardship.

- a) **Safety** – a relevant safety rule, regulation, policy or procedure and evidence that waiving or modifying this would cause undue hardship. The evidence could include engineering reports, medical reports or expert opinions relating to the safety matter and risks – including the probability of the risks – of providing an accommodation measure to a person with a disability.
- b) **Operational** – operational realities, such as security measures which must be applied to passenger travel, departure schedules that must be adhered to, and the transportation equipment used to serve a market and evidence that providing an accommodation measure in light of these operational realities would cause undue hardship. The evidence could include witness testimony, data or reports on business operations, copies of internal policies, or expert opinions.
- c) **Costs** – the costs of providing an accommodation measure and the impact of those costs – for example on the transportation service provider's **viability** – net of benefits accruing from the removal of the barrier, such as new travel by persons with disabilities. The evidence must support the quantification of the costs and demonstrate that they are incremental (i.e., new costs which would be incurred as a result of providing an accommodation measure), and so significant that the impact would create undue hardship. The evidence could include current audited and interim financial statements; current cash flow projections and the underlying assumptions; a detailed business plan; annual reports; and other financial information that is supported by financial records.

- d) **Physical or Structural** – constraints relating to the physical or structural aspects of means of transportation (e.g., airplanes, trains, ferries and buses), terminal facilities, and the equipment used in them. These may impose limitations on the ability of a transportation service provider to design, construct or modify the means of transportation, facilities or equipment in order to prevent or remove any undue barriers. The evidence could include engineering reports, witness testimony or expert opinions.

Corrective measures

If the CTA finds that an undue barrier exists, it has the power to order the transportation service provider to take corrective measures to eliminate it. The CTA can also direct that any expenses incurred by a person with a disability arising out of the undue barrier be reimbursed.

The CTA may also order corrective measures to address underlying systemic issues. For example, the CTA has required transportation service providers to amend their tariffs, policies and procedures; develop or amend training programs; train personnel; purchase or modify means of transportation, facilities and equipment; provide services; and communicate information.

Award of costs incurred as a result of participating in the adjudication of a complaint

The CTA has broad discretion regarding the awarding or denial of costs and each application for an award of costs is decided on its own merits. In making cost determinations, the CTA considers factors such as the results of the adjudication,

whether the case has important public interest dimensions, and whether a party behaved in a manner that unnecessarily lengthened the proceeding.

Compensation

The CTA may award compensation for the following when it finds that there was an undue barrier to the mobility of a person with a disability:

- expenses associated with obtaining alternative goods, services, facilities or accommodation;
- lost wages; that is, wages that the person was deprived of as a result of the undue barrier;
- pain and suffering (maximum award \$20,000, adjusted annually); and
- wilful or reckless practice on the part of a transportation service provider (maximum award \$20,000, adjusted annually).

In most cases, evidence will be required in support of expenses incurred (receipts) or wages lost. Evidence will also likely be required to support an application for compensation for pain and suffering and willful or reckless practice.

Enforcement

CTA decisions and orders are enforceable, similar to a ruling by a court.

CTA-designated enforcement officers have the power to levy AMPs to a maximum of \$250,000 for non-compliance with the [ATPDR](#), Part VII of the *Air Transportation Regulations*, the *Personnel Training for the Assistance of Persons with Disabilities Regulations* and provisions of the *Accessible Canada Act* relating to accessibility plans, feedback and progress reports. The CTA also has the ability to issue warnings and enter into compliance agreements.

Appeal and review of CTA decisions

There are three ways that a decision by the CTA can be changed:

1. Under section 32 of the Act, the CTA may review, rescind or vary any decision or order made by it or may re-hear any complaint before deciding it if, in the opinion of the CTA, since the decision or order or the hearing of the complaint, there has been a change in the facts or circumstances pertaining to the decision, order or hearing;
2. Under section 41 of the Act, a party can apply to the Federal Court of Appeal within 30 days of the issuance of an CTA decision for leave to appeal the decision on a question of law or jurisdiction; and
3. Under section 40 of the Act, a party can petition the Governor in Council to vary or rescind any decision made by the CTA."

In dealing with an application for review, the CTA must first determine whether there has been a change in facts or circumstances pertaining to the decision. If no such change exists, the decision stands. If, however, the CTA finds that there has been a change in facts or circumstances since the issuance of the decision, it must then determine whether such a change is sufficient to warrant a review, rescission or variance of the decision.

The burden of proof rests on the party requesting the review of the decision or order to demonstrate to the CTA: that there has been a change in facts or circumstances which are sufficient to warrant the review of the decision or order at issue and to explain how the alleged change affects the outcome of the matter. If a fact was known to the person or discoverable through exercise of due diligence at the time of the initial complaint, it cannot constitute a change in facts or circumstances.

General information

Official languages

Submissions must be submitted to the CTA in either English or French.

Privacy and confidentiality

The CTA is required to make all information filed during an adjudication available on the public record unless a request for confidentiality has been made and accepted by the CTA. Before submitting documents to the CTA, a party should remove information that is unnecessary to their case and that they do not want included on the public record, including sensitive personal information such as: social insurance numbers, passport details, credit card information, loyalty program reward numbers, and PIN or online access codes.

Sometimes sensitive information will have to be filed with the CTA when it is relevant to the adjudication. If this is the case, a [request for confidentiality](#) can be filed with the CTA. The party making the request will be required to file a public version of the document, from which the information for which a claim for confidentiality is being made has been blacked out, along with a full version of the document and a justification for the request. This allows the CTA to maintain the confidentiality of information where it finds that there is specific direct harm likely to result from its disclosure.

In exceptional cases, the CTA may remove identifying information from a decision; for example, when children or innocent third parties may be harmed or when disclosed information could be used improperly. For such situations, the CTA may consider requests from parties, supported by evidence, to prevent the use of information that identifies the parties or the witnesses. A person who is concerned about a name being published can contact the CTA (see CTA contact information below).

A party may file a request for confidentiality in relation to their own personal information, the personal information of the other party to the adjudication, or that of any other person. Corporate parties are expected to respect any statutory obligations they may have to protect the personal information of individuals.

The CTA posts on its website the decisions issued (which include the names of the parties and any witnesses).

More information is available in the CTA's [Privacy Notice, Public Record Advisory Notice, and Personal Information Collection Statement](#).

Reference information

- [Dispute Adjudication Rules](#)
- [Annotated Dispute Adjudication Rules](#)
- [Glossary](#)
- [Accessibility standards](#)
- [Accessible transportation guides](#)

CTA contact information

Complaint forms and submissions relating to complaints must be sent to the [Secretariat](#) of the CTA.

A party or other person who has a question or comment about privacy or access to information, can contact the Access to Information and Privacy Coordinator by email at OTC.AIPRP-ATIP.CTA@otc-cta.gc.ca by calling [819-743-7259](tel:819-743-7259) or [1-888-222-2592](tel:1-888-222-2592) or TTY [1-800-669-5575](tel:1-800-669-5575), or by writing to the Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. For more information, please [contact us](#).

Glossary

Accommodation measure

Anything that removes a barrier to a person with a disability, including a general modification to a rule, policy, practice, technology, physical structure, or anything else constituting a barrier, or, if a general modification is not feasible, an individual accommodation measure. (Source: Agency's Interpretative Decision par. 24, 1.)

Adjudication

A structured process where each party presents arguments and evidence to a Panel of one or more CTA Members.

Barrier

Anything—including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice—that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation. (Source: [Accessible Canada Act](#))

Burden of proof and balance of probabilities

A party will meet their burden of proof by providing sufficiently persuasive evidence to support their position. The party who bears the burden must establish that their position is more probable than that of the opposing party (balance of probabilities). If the positions of both parties are equally probable, the party with the burden of proof will not have met their burden.

Disability

Any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment—or a functional limitation—whether permanent, temporary or episodic in nature, or evident or not, that, in

interaction with a barrier, hinders a person's full and equal participation in society. (Source: [Accessible Canada Act](#))

Federal transportation network

All transportation services under the authority of Parliament. A description of which transportation services are included as part of the federal transportation network may be found in the section on [Jurisdiction](#)

Pleadings

In the CTA's formal adjudication process, pleadings refer to the parties' respective claims, responses and replies, and any other documentation filed with the CTA regarding the complaint.

Undue barrier

A barrier that can be removed without imposing undue hardship on the transportation service provider.

Undue hardship

Undue hardship is hardship that imposes an undue or unreasonable burden. The point of undue hardship is reached only when there are constraints that make the removal of the barrier impossible, impracticable or unreasonable. (Source: The wording comes from the 2007 SCC decision in *CCD v. VIA* as reflected in par. 27 of the Agency's Interpretive Decision.)