



Transportation Appeal  
Tribunal of Canada

Tribunal d'appel des  
transports du Canada

# Annual Report 2022-2023



Canada



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Transportation Appeal  
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transports du Canada

June 9, 2023

The Honourable Omar Alghabra, P.C., M.P.  
Minister of Transport  
Transport Canada  
Place de Ville, Tower "C"  
330 Sparks Street, 29<sup>th</sup> Floor  
Ottawa, Ontario K1A 0N5

Dear Minister:

**RE: ANNUAL REPORT 2022-2023**

In reference to the above and 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 2022-2023.

It is an honour and privilege to serve Canadians in Canada's national transportation sector.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Drouin'.

**Gary Drouin**

Chairperson



Transportation Appeal Tribunal of Canada

Annual Report  
**2022-2023**



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# MESSAGE FROM THE CHAIRPERSON

I am pleased to present the 2022-2023 Annual Report of the Transportation Appeal Tribunal of Canada (TATC). While this report continues to be an important expression of the TATC's role within Canada's transportation sector, the past year has reaffirmed the extent of its influence on the lives and livelihoods of many Canadians.

The TATC has shown perseverance during the pandemic, thanks to the dedication of the staff who supported the Tribunal's mandate over the past few years. In this regard, I would like to thank Patrick Vermette, the outgoing chairperson, and Fabien Lengellé, the TATC's outgoing executive director. I would also like to extend a special thank you to the members in all sectors of the TATC who, under the strain, stress and uncertainty of the pandemic, have continued to preside over review and appeal hearings to ensure that Canadian society has access to justice through fair and accessible procedures.

Now that we have emerged from the worst part of the pandemic, we need to adapt to reflect the new reality of Canadian society and implement the necessary infrastructure, adaptability and professional expertise that have helped Canadians persevere through this unprecedented period.

The TATC continues to provide Canadians with an independent, impartial and transparent avenue for adjudication by conducting review and appeal hearings in areas under its jurisdiction. The TATC's mandate to adjudicate the regulatory actions of the Minister of Transport and the Canadian Transportation Agency impacts the lives and livelihoods of Canadians. It plays a unique and active role in the relationship between the federal government and members of Canada's transportation community. The TATC is committed to providing fair and expeditious hearings to the parties that take part in its adjudicative process.



At the same time, the TATC introduced a number of tools and efficiency measures. For example, the TATC has made hearings by videoconference its default adjudication method and expanded the use of case management conferences (CMCs). An internal Tribunal study showed that holding CMCs has a positive impact, as it encourages parties to attempt to resolve matters through dialogue and disclosure of evidence before appearing at a TATC hearing. In addition, CMCs often allow parties to resolve matters, in whole or in part, without the intervention of the Tribunal.

Not only do CMCs represent significant savings for the Tribunal and for Canada, they also provide an open forum for discussion for the applicant party, especially if that party is unrepresented. This forum is free of procedural constraints and gives the litigant a positive impression of the Canadian justice system and confidence in its proper functioning. We also introduced a questionnaire for applicants in medical cases, which they must complete when they file a request for review. The results of the questionnaire allow us to better distinguish between cases where the parties are ready to appear at a hearing, and those where an applicant is waiting for new medical reports or is primarily seeking a discussion with a Minister's representative to better understand the initial decision affecting them. This makes it possible to deal with urgent cases more quickly and to avoid holding premature and unproductive CMCs.

Although virtual hearings are now the main method of adjudication, the TATC can hold in-person hearings if one of the parties submits a reasoned request. The Tribunal may also convene the parties to a hearing in person or by written submissions when it deems it appropriate and in the interests of justice. This shift represents a significant modernization of the TATC's adjudicative process, providing it with a fundamental balance. This ensures access to justice that meets the needs of the parties.

One of the remaining challenges during this reporting period was the recruitment and retention of members with the skills required to conduct hearings in all of the

TATC's areas of jurisdiction, an issue which directly affects the Tribunal's ability to fulfill its mandate. Minister Alghabra's support in recommending to Cabinet the appointment or reappointment of additional members has had a positive impact on the Tribunal's operations in both official languages, and the TATC hopes that the Minister will reiterate this initiative, given the increasing number of cases the Tribunal must address in all transportation sectors. For its part, the TATC continues to explore best practices and innovative methods for raising public awareness among stakeholders, in order to encourage the recruitment of members from diverse backgrounds. As part of a collaborative effort between the TATC and the bodies responsible for recruitment and appointments, we will be looking at best practices and innovative methods for raising public awareness to ensure that the Tribunal reflects the diversity of Canadian society.

In this report, the TATC has modernized the methods used to calculate the Tribunal's statistics, following the implementation of the case management system in 2022. As a result, the statistical tables presented below are intended to provide more nuanced data than in previous reports.

It is a great pleasure and honour to serve as chairperson of the TATC during this extraordinary time, and alongside such a dedicated and united group of professionals, serving some of the most dynamic and diverse sectors of the Canadian economy. I look forward to continuing our work to improve the Tribunal's operations and services to fulfill our mandate in the next reporting period.

Finally, it is important to mention that the TATC acknowledges that its office is located on the unceded lands of the Algonquin Anishinaabe Nation and that we show our gratitude.

Yours sincerely,

Gary Drouin  
Chairperson

# OVERVIEW

## Introduction

The Transportation Appeal Tribunal of Canada replaced the Civil Aviation Tribunal in 2003, originally 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 (TATC 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 Tribunal is mandated to hear review and appeal hearings originating from the aviation, marine, rail, motor vehicle safety, and international bridges and tunnels sectors. The Tribunal provides an independent review process for anyone who has been given notice of an administrative or enforcement action taken by the Minister of Transport or the Canadian Transportation Agency, under various federal transportation acts.

Section 2 of the *Transportation Appeal Tribunal of Canada Act* establishes the Tribunal and sets out its jurisdiction and decision-making authorities as provided by a variety of federal transportation legislation, including: the *Aeronautics Act*; the *Pilotage Act*; the *Canada Shipping Act, 2001*; the *Canadian Navigable Waters Act*; the *Canada Marine Act*; the *Marine Transportation Security Act*; the *Marine Liability Act*; the *Wrecked, Abandoned or Hazardous Vessels Act*; the *Railway Safety Act*; the *Canada Transportation Act*; the *International Bridges and Tunnels Act*; and the *Motor Vehicle Safety Act*. Section 18 of the TATC Act enables the Tribunal to make rules (the TATC Rules) to govern the management of its affairs and the practice and procedure in connection with matters brought before it.

## Mandate

The mandate of the Tribunal is to conduct independent review and appeal hearings on administrative and enforcement actions taken by the Minister of Transport and the Canadian Transportation Agency at the request of affected parties from across Canada's transportation sectors.

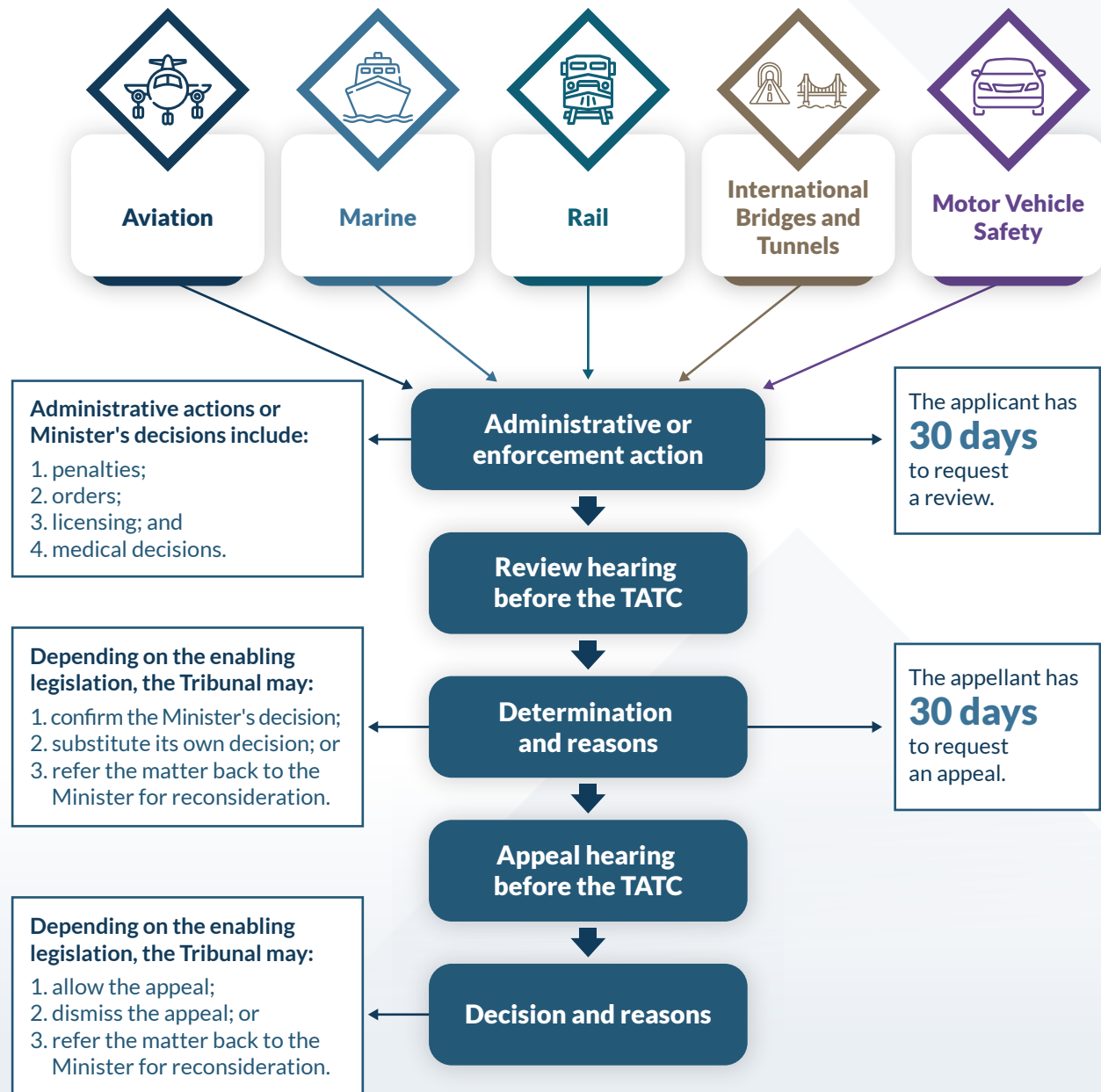
## Objective and Description

The Tribunal's objective is to provide the multimodal transportation community with the opportunity to have enforcement and licensing decisions of the Minister of Transport, as well as enforcement decisions of the Canadian Transportation Agency, reviewed by an independent, quasi-judicial body specialized in transportation law.

The decisions that may come before the Tribunal include the issuance of orders, the imposition of monetary penalties or the suspension, cancellation or refusal to renew, issue or amend documents of entitlement on medical or other grounds. The person or corporation requesting a review before the Tribunal is referred to as the applicant or document holder.

These decisions are reviewed through an adjudicative process that includes formal review hearings and appeal hearings. All hearings are held as expeditiously and informally as possible, and in accordance with the principles of natural justice and procedural fairness.

At the conclusion of a hearing and depending on the type of disposition included in the enabling legislation, the Tribunal may confirm the decision, substitute its own decision, or refer the matter back to the Minister for reconsideration. This decision or determination is not done orally and, according to the *Transportation Appeal Tribunal of Canada Act*, must be rendered in writing by the members who are assigned to adjudicate hearings by the Chairperson.



## Basic Principles

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

The Tribunal offers its services in both official languages of Canada. Prior to the global pandemic that was declared in March 2020, the Tribunal held its hearings in-person across Canada. The COVID-19 health crisis accelerated the Tribunal's transition to virtual hearings, which has since become the default format of Tribunal hearings. Hearings may also be conducted by written submissions with the consent of the parties. A case may be adjudicated by way of an in-person hearing when deemed necessary by the Tribunal.

## Organizational Structure

The Tribunal's Chairperson is also its accountable executive and is a full-time member of the Tribunal responsible for directing and supervising the work to accomplish the Tribunal's operational mandate, pursuant to section 5 of the *TATC Act*. This includes the apportionment of work among members, the assignment of members to hear matters brought before the Tribunal and, generally, the conduct of the work of the Tribunal and the management of its internal affairs.

The Vice-Chairperson is also a full-time member of the Tribunal and, pursuant to the *TATC Act*, assumes the duties and responsibilities of the accountable executive in the absence of the Chairperson.

The Chief Administrator of the Administrative Tribunals Support Service of Canada (ATSSC) is mandated to provide support services and facilities to the Tribunal's Chairperson. The Executive Director assigned to the TATC secretariat is responsible for the management of registry, communications and legal staff.

Full-time staff members dedicated to the TATC are assigned to the TATC secretariat and report to the ATSSC through the Executive Director on administrative and human resources management matters, and to the Chairperson on all matters related to the Tribunal's operational mandate. The *Administrative Tribunals Support Service of Canada Act* confirms that "the chairperson of an administrative tribunal continues to have supervision over and direction of the work of the tribunal".

Part-time members of the Tribunal are drawn from across Canada and are appointed based on their transportation sector knowledge and expertise. The Tribunal increased the number of its part-time members, starting in 2018, from 13 to 46 by early 2020. At the end of the reporting period, there were 39 part-time members and one full-time member appointed to the Tribunal. Of those, all could adjudicate matters in English, but only 16 members could adjudicate matters in French and in a limited number of sectors of the Tribunal's jurisdiction.

The Tribunal requires a roster of 40 to 50 part-time members who collectively have the expertise required to adjudicate matters in its five current areas of jurisdiction (aviation, marine, rail, international bridges and tunnels and motor vehicle safety), at the review and appeal levels, and in both official languages.

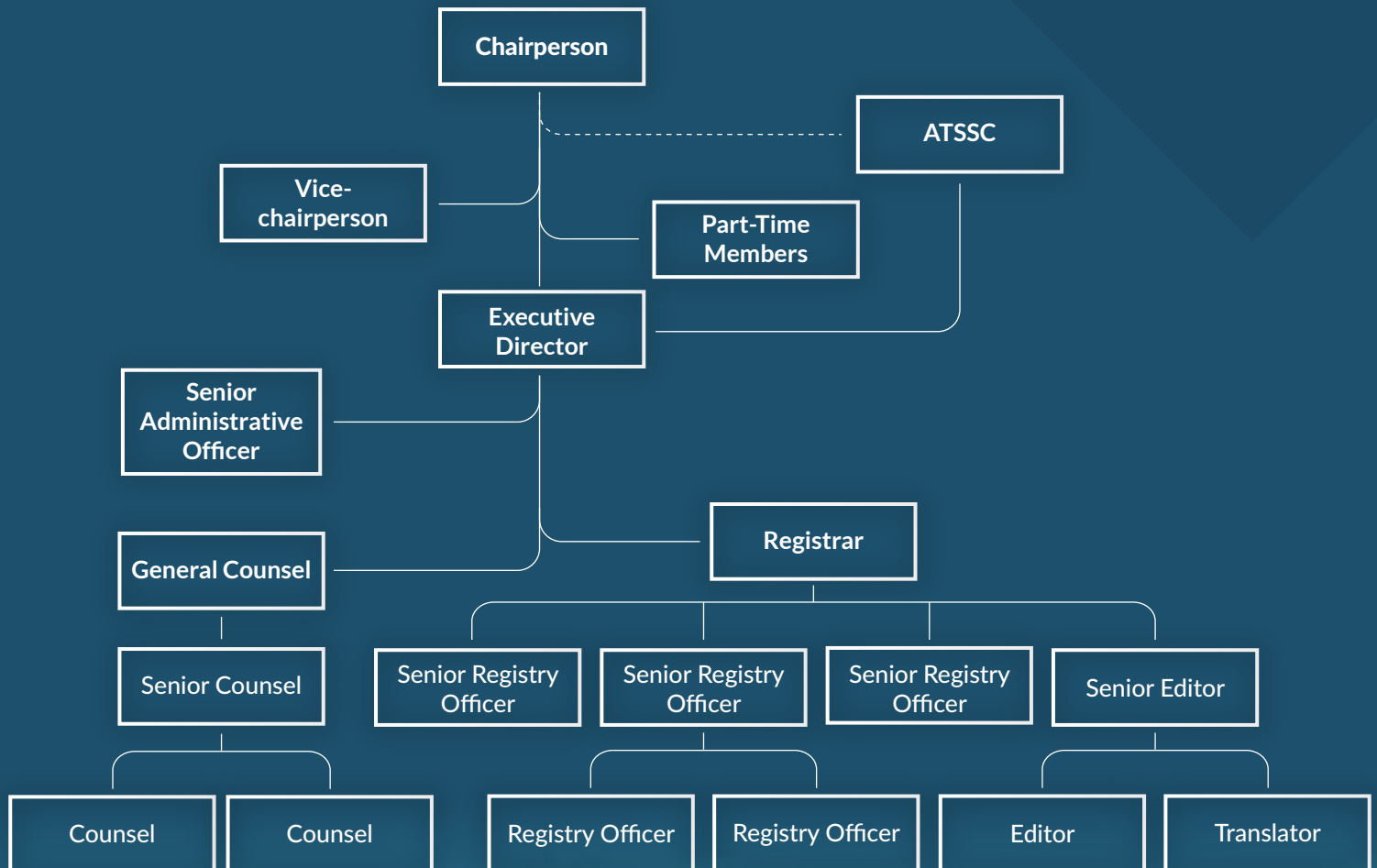
During this reporting period, 10 of the 17 part-time members with terms that came to an end were reappointed for terms ranging from two to five years. Five new part-time members were appointed to the Tribunal for five-year terms.

The Vice-Chairperson position, which was vacant since 2019, has been filled by Gary Drouin, who is now Chairperson of the Tribunal until a permanent Chairperson is appointed by the Governor in Council. He assumes all the responsibilities and obligations of the position of Chairperson under section 5 of the *Transportation Appeal Tribunal of Canada Act*.



## Organization Chart

The TATC secretariat currently consists of 17 positions, including a Chairperson, Vice-Chairperson and 15 public servants. The secretariat provides registry, legal, communications and administration services in support of the TATC mandate.





# 2022-2023

## IN REVIEW

### Effectiveness

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

"Quality decisions delivered to affected parties in a timely manner" is the hallmark of the TATC. Although the Tribunal will not sacrifice quality for timeliness, a credible and relevant administrative judicial process must endeavour to deliver its decisions to affected parties in an expeditious manner and as informally as possible.

Before a hearing takes place, the Tribunal conducts a case management conference (CMC) with the affected parties. The purpose of the CMC is to confirm any specific issues to be submitted to the Tribunal at the hearing, as well as to discuss any procedural matter or any other matter that may help in the conduct of the hearing and disposition of the proceeding.

Under normal circumstances, the Tribunal acknowledges requests for adjudication within three days of receiving the formal application for a review or appeal hearing and schedules a CMC with the parties as soon as possible. The Tribunal's goal is to carry out hearings within 12 months of receiving an applicant's request, and to serve affected parties with review determinations and appeal decisions within 90 and 120 days, respectively, of hearing completion.

During this reporting period, the Tribunal began holding CMCs by videoconference in all review and appeal matters, regardless of the sector of transport or of the case type. The Tribunal held a total of 117 CMCs in 2022-2023.

The conduct of CMCs was generally very beneficial to the parties and to the Tribunal. CMCs have proven to increase communication between the parties and to assist in resolving matters, where possible, earlier in the process and before a hearing is planned.

In all files, the Tribunal encourages communication and the exchange of documents between the parties to assist in identifying the issues that can be resolved between them before adjudication by the Tribunal. This approach reduces the length of hearings and avoids last-minute adjournments necessitated by late disclosure of information.

In 2022-2023, the number of hearings held was lower than the previous year, for a total of 42 hearings. This is explained by the fact that many hearings were postponed or cancelled at the request of the parties, allowing them to explore other means of resolution. In addition, the Tribunal noticed that many cases dealt with more complex issues requiring more hearing days than before, which has an impact on decision length and writing time and on the workload of the members. The majority of the hearings held during the reporting period were conducted by videoconference and some were dealt with by written submissions. Virtual hearings, which were introduced in 2020, enabled the Tribunal to hear more cases in a year, which increased efficiencies in the hearing process and access to justice in general while providing more flexibility with member assignment since travel is no longer required. Hearings can still be held in person at the request of one of the parties if the Tribunal is of the opinion that it is the best format for a particular case.

The average lapsed time in 2022-2023 between the conclusion of a review hearing and the issuance of a determination was 113 days (a decrease of 9 per cent from last year). This is attributed to the experience, professionalism and dedication of highly qualified members. One of the Tribunal's medium-term objectives will be to further reduce decision-writing time by offering ongoing training and providing specialized tools to Tribunal members.

In the 2022-2023 reporting period, 178 cases (requests for review and requests for appeal) were closed either by a decision of the Tribunal or by one of the parties. It should be noted that of these cases, many requests filed with the Tribunal were resolved shortly before the hearing was scheduled to take place, which means that all the logistical, administrative and support tasks that lead to a formal hearing were completed by the TATC secretariat.

The cases concluded without a hearing were resolved in several ways: the document holder paid the fine before the hearing commenced, the document holder's licence was reinstated by Transport Canada before the hearing, the request for a hearing was withdrawn by the document holder following disclosure, the notice was withdrawn by the Minister, or an agreement was reached between the parties through discussion and negotiation.

In 2022-2023, the Tribunal rendered 32 determinations on requests for review, 8 decisions on applications for appeal and 66 rulings on interlocutory motions.

## TATC Case Law

The TATC decisions are published on its website at [www.tatc.gc.ca](http://www.tatc.gc.ca). The following cases show some of the variety in both the topics and outcomes of cases heard by the TATC during the reporting period. These cases also demonstrate why the Tribunal needs specialized members who understand the technical complexities in their fields of expertise.

### Review of an Administrative Monetary Penalty under the *Aeronautics Act* and the *Canadian Aviation Regulations*

#### Case no. 2022 TATCE 22 (Review)

By way of a Notice of Assessment of Monetary Penalty (Notice) dated August 30, 2018, and pursuant to 7.7 of the *Aeronautics Act* (Act), the Minister of Transport assessed an administrative monetary penalty of \$750 against the applicant for an alleged violation of subsection 602.12(2) of the *Canadian Aviation Regulations* (regulations).

On October 4, 2018, the applicant requested a review of the Notice by the Transportation Appeal Tribunal of Canada (Tribunal). Subsection 7.91(4) of the Act provides that the Minister has the burden to prove the contravention.

After holding a hearing, the Tribunal found that the Minister had proven, on a balance of probabilities, that the applicant contravened subsection 602.12(2) of the regulations with respect to the violation under review.

The Tribunal was satisfied that the Minister had produced evidence to support the occurrence of the violation on a balance of probabilities. Although the applicant did not testify, he did put forth arguments in an attempt to avoid liability, including that his actions were permitted under the regulations. The Tribunal found that no exceptions applied under the provision in question, and that the applicant's arguments were not corroborated by any evidence.

The Tribunal upheld the penalty assessed against the applicant in relation to the alleged violation.

## **Review of a Refusal to Issue a Canadian Aviation Document under the *Aeronautics Act***

### **Case no. 2023 TATCE 17 (Review)**

Transport Canada (TC) advised the applicant that, further to his failed Pilot Proficiency Check (PPC) on December 14, 2021, and pursuant to paragraph 6.71(1)(b) of the *Aeronautics Act* (Act), it had decided to refuse to issue the applicant's B73C PPC. In the PPC Flight Test Report, the applicant was assessed a failing grade of "1" on Exercise 17 – Go Around, due to a critical deviation. An assessment of "1" is assigned when the pilot commits a critical error or deviation. The assessment of a "1" on any exercise constitutes an unsuccessful PPC and a finding that the pilot is unqualified to operate the aircraft.

On January 20, 2022, the applicant requested that the Transportation Appeal Tribunal of Canada (Tribunal) review the refusal to issue him a PPC.

Pursuant to paragraph 6.71(1)(b) of the Act, the Minister of Transport may refuse to issue or amend a Canadian aviation document on the ground that the applicant does not meet the qualifications or fulfil the conditions necessary for the issuance of the document. Standard 724.108 of the *Commercial Air Service Standards* outlines the requirements of PPCs that are used to satisfy the qualification requirement of pilots operating commuter aircraft.

TC argued that on two attempts of the same exercise, the applicant did not meet specific performance objectives, including to maintain recommended airspeeds within

+10/-5 knots. The applicant argued that he had maintained the recommended airspeed and disagreed with the Minister's calculation. The Tribunal found that, for both attempts, the Minister did not provide evidence to demonstrate how the "recommended airspeed" was calculated, and therefore failed to demonstrate that the performance criteria had not been met. As a result, the Minister was not able to prove a critical deviation that justified a score of "1". The matter was referred back to the Minister for reconsideration.

## **Appeal of an Administrative Monetary Penalty under the *Canada Shipping Act, 2001***

### **Case no. 2023 TATCE 9 (Appeal)**

By way of two Notices of Violation dated August 2, 2019, and pursuant to section 229 of the *Canada Shipping Act, 2001* (CSA 2001), Transport Canada (TC) assessed administrative monetary penalties (AMPs) of \$6,000 and \$1,250 against the authorized representative of a vessel and its Master. The Minister alleged contraventions of section 201 of the *Marine Personnel Regulations* and section 87 of the CSA 2001, respectively. The review of both notices were heard together.

The amounts of the AMPs were confirmed following a review hearing and in a determination rendered on April 5, 2022. The authorized representative of the vessel and the Master jointly appealed the determination. The appeal was conducted by videoconference on December 6, 2022.

The appellants raised several grounds of appeal; however, the panel assessed only four grounds, finding that the other grounds were not sufficiently explained by the appellants.

The panel determined that the remaining grounds assessed were not substantiated; there was not sufficient explanation from the appellants as to how the grounds related to errors of the review member.

The panel dismissed the appeal. It concluded that the review member did not make any reviewable errors. The AMPs were upheld.

## Training and Development

As part of the Tribunal's reach of excellence in delivering its mandate, when new members are appointed, they receive an intense four-day in-house training in all aspects of administrative law, adjudication, transportation law, and decision writing. In addition, each new member receives specific training to their attributed sector. Serving members receive regular professional development, including webinars and case law updates. Legal counsel assists with pre-hearing, hearing, and post-hearing activities. Members and staff are encouraged to undergo annual professional education. This combined approach helps members to maximize their effectiveness in the adjudicative process, to keep abreast of developments in administrative law and the federal transportation sectors, and to render decisions according to the values and expected outcomes mandated to the Tribunal. The Tribunal's policies and practice directions are routinely reviewed and updated as required on the TATC website, and all members are kept informed about policy updates, including those pertaining to internal administration.

Training resources for members and staff are available in various formats, including online and electronic formats. Communication with members is continuous and regular updates are provided by the Chairperson regarding the Tribunal's activities. In 2022-2023, the Tribunal held roundtables by transportation sector and continued to hold professional development webinars for members on a variety of topics, including updates on administrative law, transportation law and relevant case law. The Tribunal is a corporate member of the Council of Canadian Administrative Tribunals (CCAT) and funded some of the training offered by CCAT for members and staff interested in advancing their knowledge and skills in administrative law and hearing proceedings. For instance, a number of members and staff attended the Canadian Institute for the Administration of Justice (CIAJ) National Roundtable on Administrative Law (2022 Edition) and the CCAT Admin Law Update 2022.

The Tribunal's ongoing success can be attributed to the importance placed on the training and development of its members and staff.

## Public Outreach

Public outreach and sector engagement activities are important to the relevance and credibility of the Tribunal, as these events increase the public's awareness of the Tribunal's mandate and generate interest in the important role the Tribunal plays in carrying out independent review and appeal hearings for the Minister of Transport and members of Canada's transportation sectors. Sector engagement is also important for the recruitment of new part-time members.

During the COVID-19 pandemic, public outreach activities were difficult to organize due to public health restrictions and other constraints. However, in the coming years, the intention is to increase the Tribunal's presence and visibility to make its mandate known to the general public and to the community of experts potentially interested in a position as a Tribunal member. While the expertise remains an essential selection criterion to be appointed as a member, the Tribunal is dedicated and makes all efforts to have a roster of members representing the diversity of the Canadian population.

## Results and Future Plans

The credibility and relevance of the Tribunal are based on its members and the staff that supports them. To meet its operational mandate, the Tribunal requires an optimum number of members with the right skills and expertise from across Canada's various transportation sectors, as well as legal and medical expertise. The Tribunal also requires a roster of members who can adjudicate matters in either or both official languages in each of its areas of jurisdiction, and at both the review level (one member presiding) and the appeal level (three members of the appeal panel). The Chairperson assigns Tribunal members to adjudicate matters based on their experience and expertise in the different transportation sectors, their ability to conduct a hearing and to write a decision in the language of the proceedings, and their availability to adjudicate matters effectively and expeditiously.

The timely appointment of members to the Tribunal continues to be necessary, and for term lengths that provide for an opportunity to complete the training required to fulfill member responsibilities and to gain the adjudicator experience required to become effective and fully contributing members of the Tribunal. This is a key element of the Tribunal's ability to plan and conduct its adjudicative activities and to deliver its mandate efficiently.

The reappointment of members prior to the end of their term provides the Tribunal with stability, cost-effective scheduling of hearings and case management conferences (CMCs) and a significant reduction in delays for applicants wanting to be heard by the Tribunal. In many cases, this has a direct impact on the livelihood of Canadians, in particular hearings pertaining to medical issues which may lead applicants to become unemployed or even lose their business.

It is also important to note that, to ensure there is enough time to complete hearings and the decision writing process, members cannot preside hearings in the last months of their term. The Tribunal understands the number of files presented to the Council of Ministers for their approval can be overwhelming and time-consuming. Nevertheless, if there is a possibility of streamlining the process, the Chairperson would be pleased to work with the proper authorities to find a solution not only for the TATC but also for other tribunals.

At the same time, the Tribunal continued to measure the impact of the cost-saving efficiency measures and modernization initiatives that were implemented in 2020-2021. As noted further above, the number of hearings the Tribunal held this year was comparable to the previous year, and CMCs were expanded to all types of cases without any significant increase in resources.

After more than a year of conducting CMCs in medical cases, it became apparent that many of those files were not ready to proceed to a CMC or a hearing. To further assist the applicants on medical files, a new questionnaire was developed and sent to applicants upon receipt of a request for review. The result of the questionnaire allows the Tribunal to identify the files where applicants are ready to proceed to a hearing and the ones where applicants are awaiting new medical reports or are looking to discuss with a representative of the Minister to better understand the initial decision. This helps schedule more pressing matters and avoid holding non-productive CMCs.

In 2022-2023, the TATC implemented a new Case Management System (CMS) that contributes to streamlining and improving processes, in addition to providing real-time statistics and tracking the full life cycle of case files. The CMS includes a robust electronic records management component, which in turn facilitates the conducting of virtual hearings. A first version of the CMS was implemented in April 2022 and a second release integrated with the Secure Repository System used by parties to electronically retrieve and submit documents to the Tribunal was implemented in March 2023.

Last but not least, in an effort to increase access to justice, the TATC completed a project to publish over 150 summaries of medical jurisprudential decisions to assist the parties in medical certification matters to better prepare for these important cases.

In the coming year, the Tribunal will focus on refining some of its processes, policies and guides to make sure that they are written in plain language that is comprehensive to all Canadians and that they are as efficient, easy and helpful as possible.



# TRIBUNAL MEMBER – **FULL-TIME**



**GARY DROUIN**

Chelsea, Quebec

Gary Drouin received a Governor in Council appointment to serve as vice-chairperson of the Transportation Appeal Tribunal of Canada on October 7, 2022, for a full-time term ending on December 17, 2024. As of November 7, 2022, Mr. Drouin, as per the TATC Act, is Chairperson until a permanent Chairperson is nominated by the Governor in Council. Mr. Drouin has been an active member of the Tribunal for over eight years. He has 30 years of experience in management and administration, including 25 years in the rail portfolio at Transport Canada. Mr. Drouin has actively promoted level crossing safety and trespass prevention through the former outreach and education program, Direction 2006, that had the mandate to reduce the number of crossing collisions and trespassing incidents by 50% within a 10-year span, which was accomplished. Through his skills in facilitating partnership building, sharing knowledge, and fostering collaboration on projects, he has contributed to Canada being recognized as a world leader in railway safety. He was also a consultant on air cargo security for several years at Transport Canada, where he contributed to enhancing security for the travelling public. His role included facilitating and modernizing processes for the air cargo industry while ensuring commitment to governmental priorities on aviation security. Mr. Drouin has received several awards for excellence, including from l'Association du transport écolier du Québec for his work on school transport safety, an Award of Excellence and Achievement in the Canadian Public Service (2003), a Presidential Award USA (1998), and many more.



# TRIBUNAL MEMBERS – **PART-TIME**

The following is a complete list of part-time members who served on the Tribunal in fiscal year 2022-2023:



## **GEORGE ASHLEY**

Ottawa, Ontario  
Reappointed to a part-time term  
of four years on February 18, 2022.

Mr. George “Ron” Ashley is retired from the Canadian Pacific Railway where he was senior legal counsel. He previously worked as senior counsel at the Canadian Transportation Agency. His area of focus in both positions was the monitoring of, and need for, compliance with the laws of economic regulation affecting railway companies operating in Canada and the United States. In 2008, for a one-year period and as part of his transitioning from the public to the private sector, he was appointed as a member of the Immigration and Refugee Board of Canada where he conducted quasi-judicial hearings on immigration appeals. His early career was at the Competition Bureau, a period marked by an evolution toward de-regulation in Canada’s air and rail modes. Mr. Ashley has extensive experience in regulatory hearings and in writing quasi-judicial decisions, as well as in litigating appeals. He has degrees in business and law from Queen’s University.



## **SANDRA ATTERSLEY**

Dartmouth, Nova Scotia  
Reappointed to a part-time term  
of four years on November 29, 2021.

Ms. Sandra Attersley graduated from the Canadian Coast Guard College in 1981, the Marine Institute in 1986, and Dalhousie Law School in 1996. Ms. Attersley’s professional career has encompassed many aspects of the marine industry including ship operations with the Canadian Coast Guard, ship design and shipbuilding, and maritime law. She has also lectured on maritime transportation administration and policy in the Master of Marine Management program at Dalhousie University. As a marine lawyer, her practice included assessment of marine casualties on behalf of insurance companies and ship owners to determine causation and liability. Ms. Attersley serves on the Board of Directors of the Mission to Seafarers, Halifax, and Techsploration Inc. She is a member of the Canadian Maritime Law Association and the Canadian Institute of Marine Engineering.





## BLAINE BEAVEN

Saskatoon, Saskatchewan  
Reappointed to a part-time term  
of four years on December 2, 2022.

Mr. Beaven practices law with Scott & Beaven Law Office in Saskatoon, Saskatchewan. His focus is on criminal defence, and he has represented accused at all levels of court in Saskatchewan. He received his Bachelor of Arts degree in 2006 and his Bachelor of Law in 2009, both from the University of Saskatchewan. Mr. Beaven is also a Commercial Pilot and spent multiple summers in Northern Manitoba as a bush pilot in twin engine and float equipped aircraft. He uses his private aircraft regularly to fly to court in remote locations. Mr. Beaven holds the rank of Major in the Canadian Armed Forces working with the Canadian Cadet Organizations, and is involved in the flying program as both a glider pilot and a tow plane pilot.



## FAZAL BHIMJI

Delta, British Columbia  
Reappointed to a part-time term  
of three years on December 2, 2022.

Mr. Bhimji spent 36 years in the aviation industry in various parts of Canada as an air traffic controller and a private pilot. He started his career with Transport Canada as an airport controller (VFR) and an area controller (IFR), ending his career as a supervisor in Vancouver Tower with Nav Canada. He was formerly President of the Canadian Air Traffic Control Association and represented Canada on numerous international committees in that capacity. Mr. Bhimji has a mediation and arbitration practice where he deals with workplace and civil matters and sits as a member of the Health Professions Review Board and the Employment and Assistance Appeal Tribunal in British Columbia. Mr. Bhimji is a faculty member of the Justice Institute of BC and the BC Institute of Technology.



## DR. CHRISTOPHER J. BROOKS

Kanata, Ontario

Reappointed to a part-time term  
of two years on July 1, 2021.

Dr. Brooks is a physician, scientist and inventor. Dr. Brooks has 50 years of experience as a physician in the navy, in industry and in private practice. He holds a Fellowship in Occupational Medicine from the Royal College of Physicians in London and a Diploma in Aviation Medicine from Farnborough, UK. His background includes a wide range of positions such as medical officer onboard a nuclear submarine, flight surgeon, commanding officer for the Royal Canadian Navy at Stadacona Hospital in Halifax, and command surgeon for both the Canadian Air Command and the Canadian Maritime Command. For 11 years, he was the Director of R&D at Survival Systems Ltd., Dartmouth, N.S., where he introduced emergency breathing systems into helicopters for the Canadian offshore oil industry. Currently, he is a consultant in occupational medicine for the Transportation Safety Board of Canada and the Department of National Defence. Among the awards Dr. Brooks has received are the Order of Military Merit, the Queen's Jubilee Medal and the Canadian General Standards Board's highest achievement award for his work on survival suits and life jackets. In addition, he has published over 70 books, reports and papers on occupational health and safety issues.



## JASON BURK

Stoney Creek, Ontario

Appointed to a part-time term  
of four years on April 15, 2019.

Jason Burk completed a bachelor degree in nursing science from Queen's University. Following university, he obtained his registration to practice as a nurse (RN), and certification as a paramedic. He worked for several years as a flight nurse/paramedic providing aeromedical repatriations for ill and injured Canadians abroad. He continues to work as a paramedic in Ontario where he has served for over 17 years. Mr. Burk began his aviation career at an early age, pursuing initial flight training at the age of 17. He later completed his Commercial Pilot Licence and Airline Transport Pilot Licence, achieved the rank of Captain, and flew the Boeing 737 for one of Canada's international airlines. He actively provides training on the Boeing 737 as a Type Rating Instructor and maintains his nursing registration, paramedic certification and Airline Transport Pilot Licence all in good standing.



## MARK S. CONRAD

Winnipeg, Manitoba

Reappointed to a part-time term of four years on February 18, 2022.

Mr. Mark S. Conrad of Winnipeg, Manitoba, is retired from a 30-year career with Transport Canada. In the Airports group, he served in both Airport Commercial Development and Airport Operations. He also held positions related to policy and human resources before advancing to executive director responsible for railway safety and the transportation of dangerous goods in the department's Prairie and Northern Region. Mr. Conrad is a strong proponent for the use of analytics in all safety-focused business, and championed the enhanced use of safety data within his region to guide rail inspection programs. His educational background includes a Master of Business Administration from the University of Manitoba and a Certificate in Strategic Management of Regulatory Agencies from Harvard University.



## WILLIAM R. COTTICK

Victoria, British Columbia

Reappointed to a part-time term of three years on December 2, 2022.

Mr. Cottick is a lawyer practicing corporate/commercial, transportation and administrative law in Victoria, BC, and a member of the Health Professions Review Board of British Columbia. He holds a Bachelor of Laws degree from the University of British Columbia, a Master of Laws degree from the London School of Economics, an MBA from Ivey Business School, and a Diploma in Air and Space Law from the London Institute of World Affairs. He has held senior legal executive positions at Wardair International, Laidlaw Inc. (owner of Greyhound Bus Lines throughout North America), Jannock Limited, and most recently at BC Ferries, where he was executive vice president and general counsel. Mr. Cottick was also legal counsel to the Moshansky Commission of Inquiry into the Air Ontario crash at Dryden, Ontario, and holds a Canadian pilot licence. Active in his community, he is a governor with the Canadian Corps of Commissionaires, and a member of the Advisory Board of Blue Bridge Theatre Company. Mr. Cottick is a recipient of the Financial Post/ZSA Western Canada General Counsel Lifetime Achievement Award for his work in the transportation sector and corporate governance.



### DR. ROBERT CRONIN

Courtenay, British Columbia  
Reappointed to a part-time term  
of four years on April 29, 2022.

Dr. Cronin obtained a medical degree from Queen's University in 1970 and a family practice certification from McMaster University in 1973. He is a retired family physician who has practiced in various settings including Flin Flon and Winnipeg, Manitoba; and Yellowknife, Northwest Territories. He also worked for five years with the Northern Medical Unit at the University of Manitoba as a fly-in physician in isolated First Nations communities in Northern Manitoba. His aviation experience includes many years as a Civil Aviation Medical Examiner, three years as an Aviation Medical Officer with Transport Canada, and 12 years as an Air Reserve Medical Officer with 17 Wing in Winnipeg. During this time, he flew as a flight surgeon with 435 Squadron in Hercules aircraft on search and rescue missions and training flights, medevac and transport missions, and air to air refuelling missions. He also flew regularly with 402 City of Winnipeg Squadron on Dash 8 navigation school training flights. Dr. Cronin has a private pilot's licence and approximately 850 hours of pilot-in-command time, most of which was accumulated in the Northwest Territories while flying into native communities to conduct medical clinics. He is also a qualified Basic Dive Medical Officer and has worked with search and rescue divers, RCMP divers, and civilian commercial divers in this capacity.



### DR. THOMAS V. DAVIS

Victoria, British Columbia  
Reappointed to a part-time term  
of four years on February 18, 2022.

Dr. Davis received his Doctor of Medicine from the University of Calgary in 1981. Prior to medical school, he graduated from Royal Military College and served four years at sea with the Royal Canadian Navy as a bridge watchkeeper, navigator and destroyer Communications/Electronic Warfare Officer. After internship and a year of general surgery residency, Dr. Davis served as a flight surgeon in the Royal Canadian Air Force at CFB Cold Lake. He subsequently practiced family medicine in Victoria, B.C. Following seven years in private practice, Dr. Davis joined the federal government as a Civil Aviation Medical Officer in Toronto. At this time, he assisted the Transportation Safety Board in the investigation of over twenty-five fatal aircraft accidents, including the Swiss Air Flight 111 accident, and achieved a diploma in aviation medicine from the University of Otago in New Zealand. In 2002, Dr. Davis obtained a Master of Science (Applied) degree in occupational health from McGill University. He then worked in occupational medicine as a plant physician, health manager and as Chief Medical Officer for Alcan and Rio Tinto Alcan. Most recently, Dr. Davis worked as a medical consultant to the B.C. Ministry of Health, providing medical expertise to the Audit and Investigation branch.



## CAROLINE DESBIENS

Sainte-Foy, Quebec

Reappointed to a part-time term of four years on November 29, 2021.

A lawyer since 1988, she works principally in the areas of aviation and maritime law. Ms. Desbiens received a law degree from the University of Laval in 1987, and a diploma in International Law and Comparative Law from the University of San Diego in 1988. Ms. Desbiens received a Master's degree in Air and Space Law from McGill University in 1993. A member of the Barreau du Québec, Ms. Desbiens is also a member of the Canadian Bar Association, the Association québécoise des transporteurs aériens, the Institute of Air and Space Law Association, the Canadian Maritime Law Association and the Chambre de commerce de Québec.



## SÉBASTIEN DESBIENS

Québec, Quebec

Appointed to a part-time term of five years on April 29, 2022.

Mr. Desbiens graduated from Centre québécois de formation aéronautique in 1996, airline option. He holds a Canadian Airline Transport Pilot Licence and a US Airline Pilot Certificate. In 1997, he began his career by joining a specialized air operation as a captain on turbo-prop aircraft. Specialized in airborne data acquisition, he progressed over the years in different positions in the organization, namely check pilot, chief pilot and operations manager. Mr. Desbiens had the opportunity to fly and manage multiple projects in challenging environments all over North America, South America, North Africa and the Middle East. In 2008, Mr. Desbiens transitioned to air taxi operations where he operated and managed scheduled, charter and medevac flights. In 2011, Mr. Desbiens, joined a major aircraft manufacturer in Canada where his main role was to instruct pilots and clients on heavy business jets. During that time, Mr. Desbiens served as a check pilot for European Union Aviation Safety Agency and the Federal Aviation Administration. He was also involved in testing after completion, aircraft delivery, customer support and multiple special projects related to training. In 2016, he joined a major Canadian airline as First Officer on different types of aircraft, including Airbus 321, Airbus 330 and Boeing 737. More recently, Mr. Desbiens also served as a chief pilot for a regional shuttle operator.



## JON DUECK

Delta, British Columbia

Appointed to a part-time term of four years on May 1, 2018.

Mr. Dueck is a retired Air Canada B777 pilot who has accumulated over 18,000 hours' flight time. During his career, Mr. Dueck spent two years as a Transport Canada Civil Aviation Inspector and held various airline management positions, including Chief Pilot, Manager of Flight Operations Administration with Canadian Regional Airlines, Manager—Regulatory Affairs with Air Canada Jazz, and Manager—Flight Operations IT with Air Canada Zip. Mr. Dueck is the founder of Aviation Data Systems (ADS), a BC-based consultancy that provided aviation regulatory and airline management consulting services specializing in domestic and international airline and corporate charter flight operations. ADS currently publishes Transport Canada and other regulatory documents for electronic sale and distribution.



## YVES DUGUAY

Montreal, Quebec

Reappointed to a part-time term of four years on December 2, 2022.

President of HCiWorld which he founded in 2013, Yves Duguay has acquired a unique expertise in governance in the fields of risk management, compliance and security. He has held executive positions successively with the Royal Canadian Mounted Police (RCMP), Air Canada and as the First Vice-president for operations and client experience at the Canadian Air Transport Security Authority (CATSA), where he was responsible for the security screening operations in 89 airports in Canada. Mr. Duguay holds an MBA from McGill University and l'École des hautes études commerciales de Montréal (HEC Montréal). He has received the ICD.D designation from the Institute of Corporate Directors (ICD) in Canada. Mr. Duguay is a member of the NATO committee of experts for civil aviation.





## DR. ANTOINE GAGNON

Ottawa, Ontario

Appointed to a part-time term of five years on April 29, 2022.

Dr. Antoine Gagnon is a practising family physician in Osgoode, Ontario. In 2004, Dr. Gagnon received his doctorate from the University of Ottawa and in 2006, he completed his family medicine training at the same institution. Dr. Gagnon's professional background is deeply rooted in the academic environment of the University of Ottawa MD program. He has held a number of administrative roles within the Faculty of Medicine, including serving as the clerkship director of the francophone program for almost 10 years. Dr. Gagnon's interests span a wide range of medical disciplines, from first aid to surgical assistance. As of 2019, he also focuses on occupational medicine for a private company as a consulting physician. In addition, Dr. Gagnon is an expedition physician associated with a non-profit organization. In 2020, Dr. Gagnon became a Fellow of the College of Family Physicians of Canada.



## DR. LINDA GARAND

Montreal, Quebec

Appointed to a part-time term of five years on March 25, 2022.

Dr. Linda Garand obtained a medical degree from the Université de Montréal in 1983. She served for three years in the Canadian Forces (CF) where she obtained her qualifications in aviation medicine. She subsequently worked as a family physician and as a civil aviation medical examiner. Upon her return to the CF in 1999, she held a variety of positions, including medical director of aviation hyperbaric and hypobaric chambers training, and was an expert member of the Aerospace and Undersea Medical Board. As senior medical consultant at the Directorate of Medical Policies, she created a new risk analysis matrix for the evaluation of medical employment limitation, which has remained in ongoing use. Following her release from the CF in 2012, Dr. Garand was a consultant in occupational and aviation medicine in a wide range of positions. She was a consultant at Transport Canada (as regional aviation medical officer), Health Canada, Air Canada, and Rolls Royce Canada Aviation. She became chief medical officer of CN in 2018. Dr. Garand was a course lecturer at McGill University, member of the Board of Directors of the Occupational and Environmental Medical Association of Canada, and a judge at the Tribunal administratif du Québec. She is the recipient of a Task Force Commander's Commendation and a Canadian Forces Chief of Defence Staff Commendation.





## MARTINE GUAY

Longueuil, Quebec

Appointed to a part-time term of four years on April 15, 2019.

With law degrees from the Université de Montréal and the École du Barreau du Québec, Martine Guay had a long career in the federal public service, first as a legal translator-reviser and then as a manager. She later went back to school to become a nurse and has since worked in the fields of women's health and research. Ms. Guay holds a master's degree in nursing, consulting option, from the Université de Montréal. In addition to her thesis, she has several publications to her credit and has contributed to numerous academic texts. She has also taught and presented several oral communications and posters at international conferences.



## DR. FRANCIS HANE

Murillo, Ontario

Term expired on May 1, 2022. Appointed to a part-time term of four years on May 1, 2018.

Dr. Hane is currently employed as a Boeing 737 pilot at WestJet Airlines. As an active airline pilot, he has also served on several committees for both the Air Line Pilots Association (ALPA) and the WestJet Pilots Association (WJPA). Prior to his position with West Jet, his flying activities included flight instructor, bush flying in Canada's Arctic and flying air ambulance operations in the Mitsubishi MU-2. Dr. Hane was awarded a PhD in biophysics from the University of Waterloo and completed a post-doctoral fellowship in chemistry (medical imaging) at Lakehead University. His research focused on the biophysics of Alzheimer's disease, and he has made other scholarly contributions in the fields of applied physics, physical chemistry, pharmacology, medical imaging, and law. In addition to his aviation career, Dr. Hane still actively conducts biomedical research.



## RAYMON J. KADUCK

Ottawa, Ontario

Reappointed to a part-time term of three years on February 18, 2022.

Mr. Raymon J. Kaduck of Ottawa, Ontario, is the president of Aeronavigatsia Consulting Inc., a firm specializing in transportation economics, regulatory policy and international trade. From 2007 to 2016, he was a member of the Canadian Transportation Agency and adjudicated economic disputes in the air, rail and marine sectors. He also has a decade of experience in northern air operations with Transport Canada and the government of the Northwest Territories. Mr. Kaduck is a member of the advisory boards for the Centre for Air Transport in Remoter Regions at Cranfield University, and the Hellenic Aviation Society's Journal of Air Transport Studies. He is also an honorary member of the Brazilian Institute of Strategic Studies and Public Policies in Air Transport. Mr. Kaduck earned a Master of Business Administration degree from the Richard Ivey School of Business, and a Master of Arts in International Political Economy from the Norman Paterson School of International Affairs.



## DR. DAVID KIM

Nanaimo, British Columbia

Appointed to a part-time term of five years on February 18, 2022.

Dr. David Kim received his Doctor of Medicine degree from the University of British Columbia and specialization training in emergency medicine at the Vancouver General Hospital. He is a specialist in emergency medicine as a Fellow of the Royal College of Physicians and Surgeons of Canada. He also has subspecialty training in aerospace medicine from the Royal Air Force, King's College London, and the European Space Agency. He holds a Master of Science degree in aerospace medicine from King's College London and a diploma in aviation medicine from the UK Faculty of Occupational Medicine. Dr. Kim has previously worked at the European Astronaut Centre looking at countermeasures for the harsh environment of deep spaceflight. He has also published peer-reviewed research looking at the physiologic changes of spaceflight and is a medical consultant for the European Space Agency. He is also the co-founder and director of the Canadian Society of Aerospace Medicine and is interested in advancing aerospace medicine capabilities. Dr. Kim continues to practice emergency medicine with a special interest in aerospace medicine while also working in the biotechnology sector as the co-founder of a medical device company.



## SARAH M. KIRBY

Halifax, Nova Scotia

Reappointed to a part-time term of four years on February 18, 2022.

A part-time Member of the Transportation Appeal Tribunal of Canada since 2012, Sarah Kirby was admitted to the Nova Scotia Barristers' Society as Barrister and Solicitor in 2000. From 2000 until 2011, she practiced law as a civil litigator in private practice in Nova Scotia with a focus on the marine transportation sector and made appearances in the Federal Court of Canada, the Nova Scotia Supreme Court and the Nova Scotia Provincial Court. From 2011 to 2015, she was an Assistant Dean at the Schulich School of Law at Dalhousie University, and from 2012 to 2016, served as a part-time Adjudicator for the Small Claims Court of Nova Scotia. Ms. Kirby is now a Senior Crown Attorney with the Public Prosecution Service of Nova Scotia. Ms. Kirby has served as an active member of the Canadian Maritime Law Association, the Women's International Shipping and Trading Association, and the Eastern Admiralty Law Association. She is currently a member of the Nova Scotia Barristers' Society's Hearing Committee, Credentials Committee, and the Internal Review Sub-committee, and was a member of The Advocates' Society Nova Scotia Regional Advisory Committee from 2016 to 2020.



## TEDDY KWAN

Windsor, Ontario

Term expired on May 1, 2022. Appointed to a part-time term of four years on May 1, 2018.

Mr. Kwan is a lawyer in a sole practice. He was called to the Bars of England and Wales, Hong Kong and Upper Canada. He has worked in private practice as a government lawyer, as an in-house counsel for various commercial organizations and as a refugee status determination officer for the United Nations High Commissioner for Refugees. Mr. Kwan holds an Honours Bachelor of Arts degree, a Master of Science degree and a Master of Laws degree. Additionally, he holds a Certificate of Qualification from the National Committee on Accreditation and a Certificate of Professional Specialization in International Intellectual Property Law from the University of Victoria, British Columbia.



## DR. GINETTE LALONDE-KONTIO

Ottawa, Ontario

Appointed to a part-time term  
of five years on February 18, 2022.

Dr. Lalonde-Kontio graduated from McMaster University in 2000 with a Doctor of Medicine degree, and she completed a residency in family medicine at the University of Western Ontario in 2002. In 2003, she completed anesthesiology training at the University of Ottawa. Her academic background includes a master's in education (2008) from the University of Ottawa, as well as a master's in aviation medicine and diplomas in occupational health and aeromedical transport (2011) from the University of Otago, New Zealand. Her professional background includes numerous positions, including civil aviation medical examiner (CAME) for Transport Canada, medical officer for the RCMP, medical officer for the Canadian Forces, medical director for Canadian Group Emergency Training, and associate medical director for international assistance and insurance (Europ Assistance and Generali Global Health Services). Dr. Lalonde-Kontio remains involved in medical training at the University of Ottawa, the Medical Council of Canada and the College of Family Physicians of Canada.



## J. ED MACDONALD

New Glasgow, Nova Scotia

Reappointed to a part-time term  
of three years on February 18, 2022.

Mr. Macdonald is a retired commercial aviation pilot whose 31 years of employment with several major airlines reflects an outstanding record of performance, reliability and commitment. He retired as a captain from Air Canada after flying on domestic and international routes on various passenger aircraft. During his career, Mr. Macdonald amassed 18,000 flight hours, an achievement that required both a high level of technical skill and strong team-building and leadership abilities. A graduate of Rothesay Collegiate in New Brunswick, Mr. Macdonald was born in New Glasgow, Nova Scotia, and lives in Pictou County, where he is active in the community as a volunteer.

**DR. H. COLIN MACKAY**

Nanoose Bay, British Columbia

Appointed to a part-time term of two years on August 4, 2021.

Brigadier-General (Retired) MacKay served in a variety of senior-level positions within the Canadian Armed Forces Health Services. He served as Head of Operational Medicine, and in 2007, he was the Canadian Task Force Surgeon and Commanding Officer of the NATO Role 3 Multi-national Medical Unit in Kandahar, Afghanistan. He also held positions as the Senior Medical Advisor to Canada Command and Canadian Expeditionary Force Command, the Director of Force Health Protection, and the Deputy Surgeon General. Brigadier-General MacKay was appointed Surgeon General, Commander Canadian Forces Health Services Group, and Head of the Royal Canadian Medical Service in 2015 and retired in 2017. He was appointed as Honorary Physician to Her Majesty the Queen, is an Officer of the Order of Military Merit, and an Honorary Fellow of the Royal College of Physicians and Surgeons of Canada.

**JOELLE MALETTE**

Timmins, Ontario

Appointed to a part-time term of three years on May 18, 2022.

Ms. Malette is a lawyer practising throughout the province of Ontario. From 2005 to 2021, she practised in the areas of tort law (personal injury, motor vehicle accidents, medical negligence, insurance claims, employment disputes). In that capacity, in approximately 100 trials and administrative hearings, she appeared before the Ontario Superior Court of Justice, the Ontario Court of Appeal, the Licence Appeal Tribunal, the Social Security Tribunal of Canada, the Criminal Injuries Compensation Board, the Human Rights Tribunal and the Independent Assessment Process (IAP) arising from the Indian Residential Schools Settlement Agreement. She now specializes in dispute resolution, including mediation, negotiation, dispute prevention and workplace dispute resolution. Ms. Malette is a part-time professor at the University of Ottawa Faculty of Law, Common Law Section.



## TRACY MEDVE

Kelowna, British Columbia

Reappointed to a part-time term of two years on May 21, 2021.

Ms. Medve has been President of KF Aerospace since 2013 and prior to this was President of Canadian North Airlines. Since 1985, she has held various senior airline management positions at Norcanair, Time Air, and Canadian Regional Airlines. Prior to joining Canadian North in 2007, Ms. Medve was the co-founder of C.T. AeroProjects, a Calgary-based consultancy focused on air transport resource management. A lawyer by training, she also graduated from the John Molson School of Business Global Aviation MBA program at Concordia University in 2009. Ms. Medve is the former Chair of the Air Transport Association of Canada (ATAC) and the first woman in Canada to be inducted as an Honourary Life Member. She sits as a member of the Board for the Canadian Association of Defense and Security Industries, and is a member of the University of British Columbia, Okanagan External Community Advisory Council. She has also previously served as a member of the TATC from 2003 to 2006.



## TIM MEISNER

Ottawa, Ontario

Appointed to a part-time term of five years on June 23, 2022.

Mr. Meisner retired from Transport Canada in 2016 where he served as the director general of Marine Safety and Security, responsible for advancing the safety, security and environmental protection of Canada's marine transportation system. He has also served in a number of other key positions within the department, including director general of Marine Policy and executive director for the reviews of railway safety and aviation security. He also held management positions with the Canadian Coast Guard and is a past president of the Asia Pacific Economic Cooperation (APEC) Port Services Network and a past member of the Board of Governors of the World Maritime University. Mr. Meisner obtained a master of business administration (MBA) from Dalhousie University and his certified management accountant (CMA) designation. He currently consults on transportation safety, security and policy areas on a part-time basis.





### **CAPT. STEVEN D. NEATT**

Charlesbourg, Quebec

Appointed to a part-time term  
of four years on May 21, 2019.

Captain Steven D. Neatt graduated from the Canadian Coast Guard College in 1989 and holds a bachelor of technology in nautical science from the University College of Cape Breton. Captain Neatt has held various positions in the Canadian Coast Guard (CCG), and has 17 years seagoing experience on CCG vessels in the St. Lawrence River and extensive experience in the Arctic. He has also worked ashore with the CCG in senior positions, including six years as Icebreaking Program Superintendent. From 2013 to 2019, Captain Neatt worked as a Senior Marine Investigator for the Transportation Safety Board of Canada in the Quebec City office where he was Investigator-in-Charge of several marine investigations.



### **ARNOLD MARVIN OLSON**

Langley, British Columbia

Reappointed to a part-time term  
of three years on April 29, 2022.

Mr. Olson, Captain (ret.), recently completed a 32-year flying career, retiring as an approved check pilot – Boeing 767, based in Vancouver, and flying international routes. His previous assignments have included a management position as senior check pilot – Embraer 170/190, a training captain – Airbus 320, and a crew resource management facilitator conducting courses dealing with issues of pilot judgment. A graduate of Simon Fraser University (B.Sc.), Mr. Olson has attended various industry courses, such as: Human Factors in Aviation, Aviation Safety Program Management, and Conflict Resolution in the Workplace. He has served as Director, Trinity Western University Institute of Aviation. He is the founder of the Air Canada Pilots Bone Marrow Registry Program. He has received the Honouring Our Lifeblood Award from Canadian Blood Services and the Award of Excellence from Air Canada. He founded and chaired the Canadian Cancer Society Langley Relay for Life, is Chair of the 2013 Special Olympics BC Summer Games Organizing Committee and has served as the treasurer of Hope International Development Agency.





## DR. MITCHELL PANTEL

Kirkland, Quebec

Appointed to a part-time term of five years on April 29, 2022.

Dr. Pantel graduated in medicine from McGill University. He completed one year of training in internal medicine followed by a residency in family medicine. He engaged in post-graduate education in occupational medicine, psychiatry, and insurance and medico-legal assessment. His practice began in emergency and hospital medicine followed by a career in the fields of occupational health and operational medicine. He worked as a medical officer and advisor to several police forces, including the RCMP and the Sûreté du Québec. He has provided training, oversight, and medical support to specialized police units such as helicopter search and rescue teams, bomb technicians, K9, use of force instructors, and SWAT teams. Dr. Pantel has performed independent medical assessments and provided expert witness opinion in the evaluation of persons working in many sectors, including emergency services and safety-critical positions. He has also served as a civil aviation medical examiner and a marine medical examiner.



## ANDRÉ PAQUETTE

Gatineau, Quebec

Appointed to a part-time term of four years on June 23, 2022.

A graduate of École Polytechnique de Montréal, Mr. Paquette began his career in the operations and maintenance department of the Canadian Pacific Railway Company. He worked in Montreal, Quebec; Saint John, New Brunswick; and Sherbrooke, Quebec; before returning to Montreal. He has also worked on international projects for a consulting firm in the railway sector. He joined the Canadian Transportation Agency as a railway infrastructure engineer. He received an Award of Excellence from the Canadian Public Service in 1999. He holds a master's degree in project management from the Université du Québec en Outaouais (UQO).

**CAPT. JAMES R. PARSONS**

St. John's, Newfoundland and Labrador  
Reappointed to a part-time term  
of four years on December 18, 2020.

Mr. Parsons is a director, coordinator and lecturer at the Fisheries and Marine Institute of Memorial University, and he has held these positions since 1997. He has been responsible for the development and delivery of oil tanker, floating production storage and offloading, mobile offshore drilling unit, and marine regulatory awareness training programs for clients working with the Hibernia and Terra Nova projects. Previously, Mr. Parsons was a marine consultant at Bateman Chapman (Canada) Ltd. and he owned OTI Canada Group, a company involved in marine surveying, cargo inspections and safety and pollution control. Currently he owns a marine consultancy called Global Marine Solutions. He is a Master Mariner with significant experience in Canadian Arctic waters and, among his many degrees, he has a PhD in marine transportation and economics from the University of Plymouth in England, and a bachelor of maritime studies from Memorial University.

**JACQUELINE PENNEY**

St. John's, Newfoundland and Labrador  
Reappointed to a part-time term  
of four years on November 29, 2021.

Ms. Jacqueline Penney graduated from Dalhousie Law School in 1993 with a Bachelor of Laws. She is a practicing member of the Law Society of Newfoundland and Labrador, and the Nova Scotia Barristers' Society. Ms. Penney has extensive legal experience in the marine transportation industry. Since June 2009, she has been Corporate Counsel for Marine Atlantic Inc., practicing primarily maritime law, corporate and commercial law, labour law and insurance law. She has significant experience appearing before courts, tribunals and boards, and acting in a quasi-judicial capacity as a member of federal and provincial tribunals, boards and commissions. Prior to May 2009, Ms. Penney was a partner with McInnis Cooper in St. John's, NL. In 2013, she was appointed to the Newfoundland and Labrador Labour Relations Board as an employer representative and continues to serve on this board. From January 2015 to December 2017, Ms. Penney acted as Chair of the Newfoundland and Labrador Legal Aid Commission.



## FRANCO PIETRACUPA

Dollard-des-Ormeaux, Quebec  
Reappointed to a part-time term  
of two years on May 21, 2021.

Mr. Pietracupa received his College Diploma in Aeronautical Pilot Instruction in 1997. He has worked for various companies in aviation, including CESPA Flight College, and 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 a flight test examiner with Transport Canada. Since April 2011, Mr. Pietracupa has held the position of Chief Pilot, Business Customer Liaison Pilots at Bombardier Aerospace in Montréal.



## CAPT. MARC-ANDRÉ POISSON

Ottawa, Ontario  
Appointed to a part-time term  
of four years on August 19, 2019.

In addition to being a part-time member of the Transportation Appeal Tribunal of Canada, Captain Marc-André Poisson spends most of the remainder of his time writing. He is the former Director of Marine Investigations at the Transportation Safety Board of Canada and immediate past Chair of the Marine Accident Investigators' International Forum. In 2017, the International Maritime Organization (IMO) appointed Captain Poisson as an IMO Maritime Goodwill Ambassador, a nomination that prompted him to start the Canadian Marine Industry Foundation in 2019. He holds a master's degree in marine policy from the University of Wales, Cardiff and completed undergraduate studies in natural and social sciences in Canada and France. He has many publications to his credit, both fiction and non-fiction, and is a recipient of the Canadian Coast Guard's highest award, the exemplary service medal.



## MICHAEL J. REGIMBAL

Beaconsfield, Quebec

Reappointed to a part-time term of four years on February 18, 2022.

Mr. Michael J. Regimbal of Beaconsfield, Quebec, is a transportation consultant with expertise in strategic, regulatory, operational and investigative fields. He has worked in the public and private sectors and has international experience. He recently concluded his term as the national director of Operation Lifesaver Canada, and was awarded the Chief's Certificate of Commendation in 2016. He is a graduate of McGill University, and HEC Paris Executive and Strategic Leadership programs. Mr. Regimbal is a past chair of Transport Canada's Railway Research Advisory Board and industry chair of the Railway Safety Act Working Group on Proximity and Operations.



## DR. DYBESH REGMI

Oakville, Ontario

Appointed to a part-time term of five years on June 20, 2022.

Dr. Regmi obtained his MD degree from Dalhousie University and training in family medicine at McMaster University. He has a special interest in occupational medicine and has held medical leadership roles at the Workplace Safety and Insurance Board of Ontario. He was also a medical adjudicator for the Licence Appeal Tribunal of Ontario. Dr. Regmi also holds faculty appointment in the Department of Family and Community Medicine at the University of Toronto where he is involved in undergraduate medical education. His previous roles include occupational health medical officer for Health Canada and examiner for the College of Family Physicians of Canada and the Medical Council of Canada. Dr. Regmi holds a master's degree in public health from the University of Waterloo and a post-graduate certificate in medical education from the University of Dundee. His research interests include epidemiology risk assessment of non-communicable chronic diseases, development of competency and community based innovative pedagogical methods and assessment tools in medical education. Dr. Regmi has over 10 peer reviewed publications and has presented in numerous regional, national and international conferences. He is a member in good standing of the College of Family Physicians of Canada, the College of Physicians and Surgeons of Ontario and the Ontario Medical Association.



## DR. PETER SEVIOUR

St. John's, Newfoundland and Labrador  
Reappointed to a part-time term  
of four years on May 18, 2022.

Dr. Seviour graduated as a Doctor of Medicine from Memorial University of Newfoundland in 1992 and completed his family practice residency at McGill University from 1992 to 1994. He received his board certification from the American College of Family Practice in 2001. Dr. Seviour has been practicing family medicine since 1994 with a special interest in occupational medicine. He has also been a Transport Canada examiner performing marine medical examinations and commercial diving medicals, and has been involved in driver's medicals and independent reviews for patients injured in auto accidents. Other professional activities include RCMP Designate Physician, Diving Medicine Physician, Insurance Examiner, Medical Director for Caregivers, and he has performed Fit to Work medicals (mining and off-shore). Dr. Seviour has also served as a board member of the College of Physicians and Surgeons of Newfoundland and Labrador.



## YVES VILLEMAIRE

Stittsville, Ontario  
Reappointed to a part-time term  
of two years on July 1, 2021.

Mr. Villemaire is a graduate of the Canadian Coast Guard College. He started his career as a ship's officer and served in various parts of the country in a number of shipboard and shore positions. He holds a Canadian Coast Guard Command Certificate and an MBA from Queen's University. He retired from the Canadian Coast Guard in 2007, where he held a number of executive positions including Director General, Fleet, Director General, Maritime Services, and Executive Director of the Canadian Coast Guard College in Sydney, Nova Scotia. Prior to holding these positions, he was Director General, Human Resources for two years with the Department of Fisheries and Oceans. This followed a three-year appointment as Director, Early Conflict Resolution Office, a service he established for the Deputy Minister. Mr. Villemaire is currently a management consultant on a part-time basis.





## DEBORAH WARREN

Surrey, British Columbia

Reappointed to a part-time term of four years on December 2, 2022.

Ms. Warren completed a 32-year career with Transport Canada (TC) where she held several management positions within TC Civil Aviation. In the Vancouver region, Ms. Warren managed the System Safety and Aerodromes divisions and spent a year overseeing the regional civil aviation planning and operations for the 2010 Olympic Games. In the Winnipeg region, Ms. Warren held the positions of Regional Director, Air Navigation System Requirements, and Director of Regulatory Compliance. From 1997 to 1999, Ms. Warren and her team established the Canadian Launch Safety Office, an office created to develop policy and regulations for rocket launch operations. Prior to TC, she flew with a commercial airline based in Manitoba. Ms. Warren has a Master of Aviation Degree from the University of Western Sydney, Australia, and a BA from the University of Manitoba. Ms. Warren is also a Canadian Airline Transport rated pilot.



## JENNIFER WEBSTER

Toronto, Ontario

Term expired on April 3, 2022. Appointed to a part-time term of four years on April 3, 2018.

Ms. Webster is a part-time member of the Human Rights Tribunal of Ontario and on the Federal Minister of Labour's roster of Arbitrators of the *Canada Labour Code*. She is also a Mediator and Arbitrator for the Sport Dispute Resolution Centre of Canada and a member of the Alternative Dispute Resolution Institute of Ontario. Prior to starting her mediation/arbitration practice, Ms. Webster worked for 16 years as a labour mediator with the Federal Mediation and Conciliation Service, a branch of Employment and Social Development Canada. Her work at Federal Mediation involved the conciliation of collective bargaining disputes and grievance mediation in the aviation, marine and railroad sectors. Ms. Webster has been a member of the Law Society of Ontario since 1992, and she practised law as union counsel for 11 years before joining Federal Mediation.





## KEITH WHALEN

Riverview, New Brunswick

Reappointed to a part-time term  
of four years on December 2, 2022.

Mr. Whalen is originally from St. John's, Newfoundland, and currently resides in Riverview, New Brunswick. He started his aviation career in 1975 when he received his pilot's licence through the Royal Canadian Air Cadets program in Summerside, PEI. His fixed-wing experience includes pilot duties on water bombing operations, turbo-prop and corporate jet aircraft. His helicopter experience includes light to heavy helicopters in the offshore oil industry. He has a Class Two helicopter instructor qualification and is certified as a Designated Flight Test Examiner for private, commercial and instrument flight tests. Mr. Whalen joined Transport Canada in 1987 as a Civil Aviation Inspector. In 1990, he deployed to the Transportation Safety Board as an investigator and subsequently Regional Manager, Air Investigations. In 1998, he returned to Transport Canada as Regional Manager, Aviation Enforcement, and held various management roles in System Safety, General Aviation, and Commercial and Business Aviation, before retiring from the executive position of Associate Director, Operations, with Transport Canada Civil Aviation. Mr. Whalen currently holds Airline Transport Pilot Licences (ATPL) for both fixed wing aircraft and helicopters.



## ANDREW WILSON

Ottawa, Ontario

Reappointed to a part-time term  
of four years on December 2, 2022.

Mr. Wilson is an experienced professional pilot and aviation lawyer. Mr. Wilson has a private and commercial pilot licence, flight instructor rating, multi-engine IFR endorsement, and an Airline Pilot License. He has received type endorsements on the Boeing 727, Airbus A-320, Bombardier CL-65 Regional Jet, and Boeing 767 and 777. During his career as an airline pilot he has flown domestic, trans-Atlantic, trans-Pacific, trans-polar, and South America routes. Mr. Wilson has also served as president of the Air Canada Pilots' Association. Mr. Wilson is a lawyer in a Toronto-based boutique litigation firm where he specialises in aviation law. Mr. Wilson earned his BA in Economics from Queen's University and his Law degree from the University of Ottawa. Mr. Wilson was called to the bar in 1991 and has remained a member of the Law Society of Upper Canada in good standing.



## GAVIN WYLLIE

Mount Royal, Quebec

Appointed to a part-time term  
of four years on July 2, 2019.

Mr. Wyllie is a civil litigation attorney and a former legal counsel for the Tribunal, prior to which he served as an advisory and appeals officer with Transport Canada. He is a graduate of Queen's and McGill universities, and a member of the Quebec Bar and the Law Society of Ontario.

# RESOURCES

Financial resources come from an integrated budget managed by the ATSSC. For more information on this subject, we invite readers to consult the Reports section on the ATSSC website.

# STATISTICAL DATA

The following pages contain data tables based on the Tribunal's new cases received in 2022-2023 and files carried over from 2021-2022.

The tables are presented according to various interests and categories:

- Total new cases by case type and sector
- Total new cases by region and sector
- Hearings, motions, and CMCs by sector
- Overview of the last five years
- Historical caseload

This annual report covers the 12 months between April 1, 2022, and March 31, 2023. In this reporting period, the Tribunal registered 175 new requests for review and appeal.

There were 164 new requests for review (103 aviation, 41 marine, 20 rail) and 11 requests for appeal (4 aviation, 3 marine, 4 rail). As opposed to the previous years, Canadian Transportation Agency (CTA) cases are now included in the specific sector of transport related to each file. In 2022-2023, the Tribunal received 7 new requests for review on CTA enforcement matters and all were from the aviation sector.

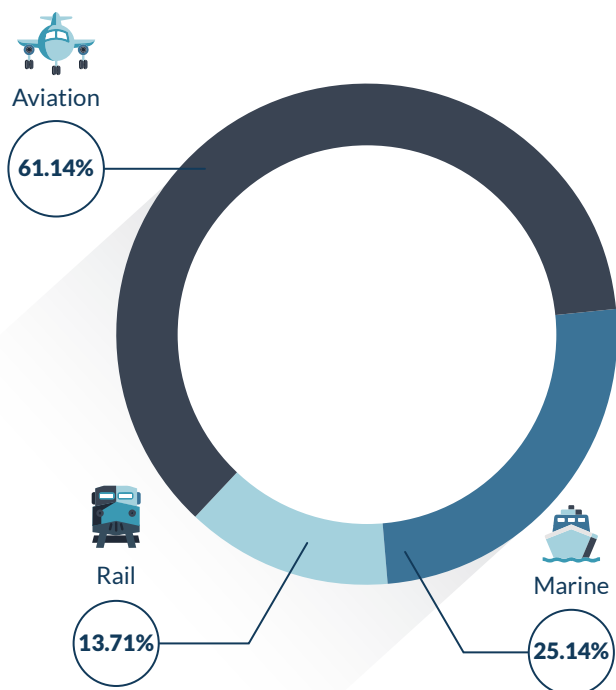
Additionally, 73 requests for the issuance of certificates for non-payment of monetary penalties were received from the Minister, pursuant to the *Aeronautics Act*, the *Canada Shipping Act, 2001*, the *Railway Safety Act*, the *Canada Transportation Act*, and the *Wrecked, Abandoned or Hazardous Vessels Act*.

## Total New Cases by Case Type and Sector (request for Review and for Appeal)

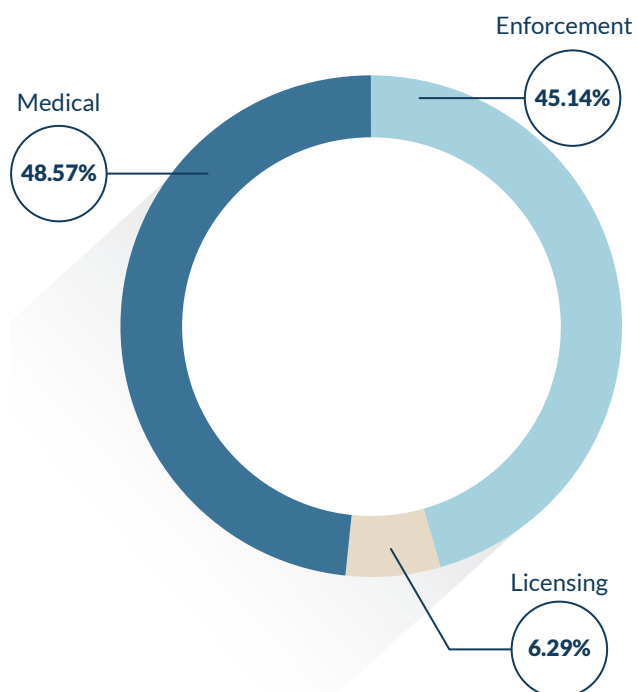
Sector \ Case type	Enforcement	Licensing	Medical	TOTALS
Aviation	38	11	58	107
Marine	17	-	27	44
Rail	24	-	-	24
TOTALS	79	11	85	175

\*Note: As opposed to the previous years, CTA cases are now included in the specific sector of transport related to each file. In 2022-2023, the Tribunal received 7 new requests for review on CTA enforcement matters and all were from the aviation sector.

### Case Distribution by sector



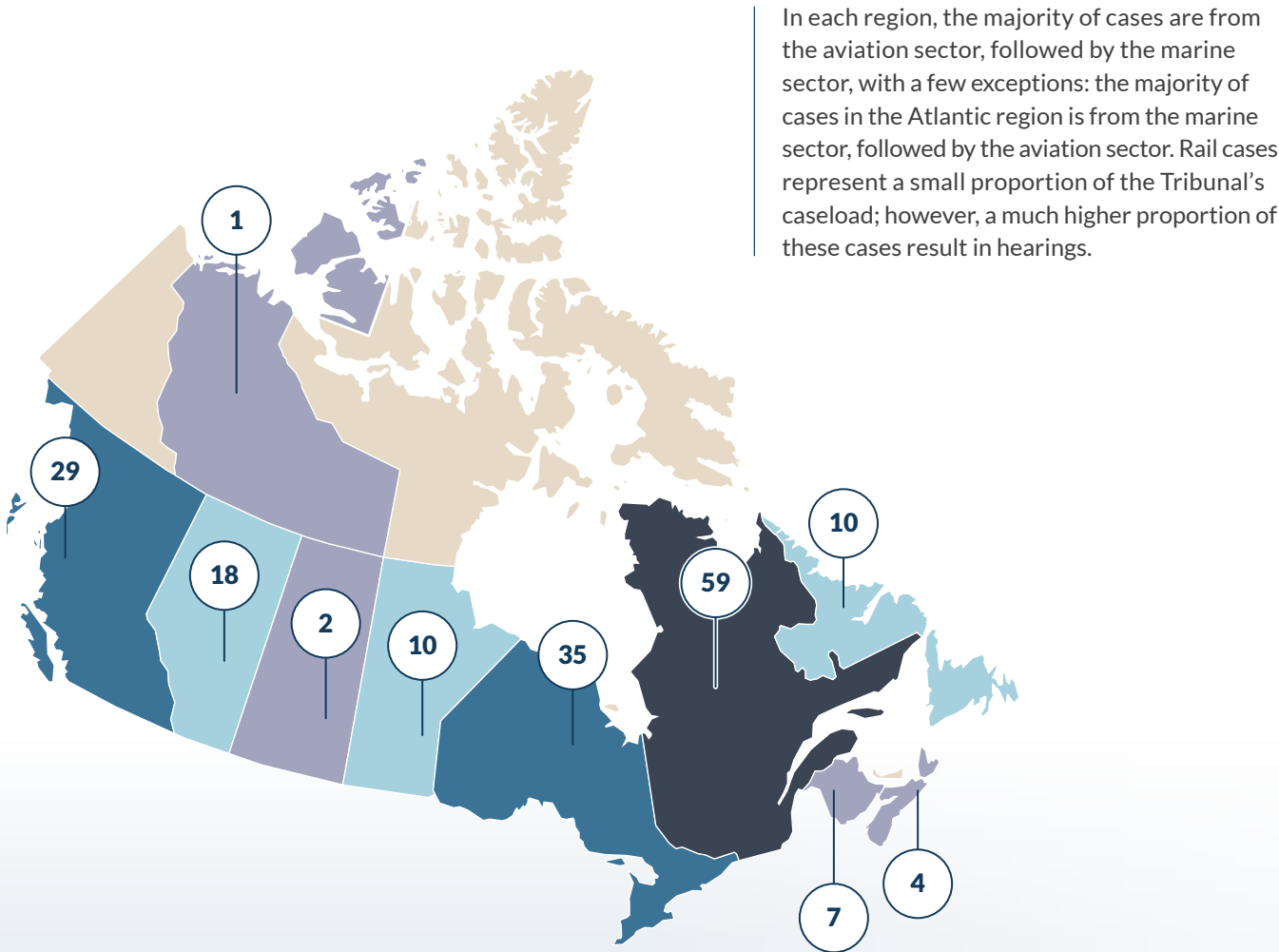
### Case Distribution by type



### Total New Cases by Region and Sector

Sector \ Region	BC	NT	AB	SK	MA	ON	QC	NB	NS	NL	TOTALS
Aviation	17	-	14	2	10	25	33	3	1	2	107
Marine	12	1	1	-	-	7	8	4	3	8	44
Rail	-	-	3	-	-	3	18	-	-	-	24
TOTALS	29	1	18	2	10	35	59	7	4	10	175

### Geographical distribution – Cases filed in 2022-23





## Hearings, Motions and Case Management Conferences by Sector

Sector \ Category	Hearings	Motion hearing	Motion in writing	CMCs
Aviation	24	-	33	79
Marine	14	1	11	25
Rail	4	-	1	13
TOTALS	42	1	45	117

### Hearings by sector

Rail



Marine



Aviation



### Hearings by Region

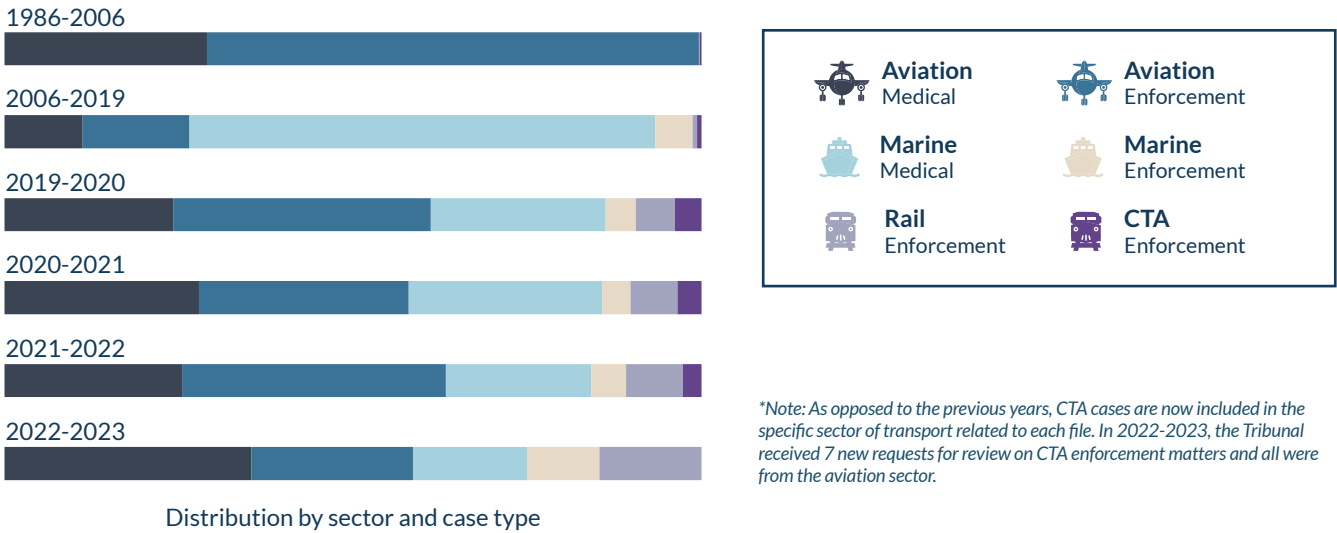
Considering the vast majority of the hearings held by the Tribunal are now virtual, the previous table entitled “Hearings by region” has been removed from the report.

## Overview of the Last Five Years

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019
New requests	175	171	162	181	162
CMCs	117	117	38	-	-
Review Hearings	34	56	12	21	38
Appeal Hearings	8	3	7	10	8
Certificate on non-payment	73	70	44	28	36
Decisions and Determinations	40	44	17	52	43
Rulings on interlocutory motions	66	-	-	-	-

## Historical Caseload

### Historical case distribution by sector, case type and period



This table shows the evolution of the Tribunal from a unimodal to a multimodal tribunal. In fact, it was only at the beginning of the previous decade that the Tribunal began to see a significant number of cases from sectors other than aviation. Aviation cases represented 61 per cent of cases filed with the Tribunal during the 2022-2023 fiscal year and marine cases comprised about a quarter of cases. Over the last decade, there has been a small but constant increase in rail cases and a decrease in medical cases.

# CONCLUSION

The TATC is in a strong position to deliver on its mandate. The professionalism of its supporting staff, the high quality and knowledgeable members appointed by the Governor in Council combined with innovative ideas and the willingness to adapt to Canadian expectations has allowed all involved in the Tribunal to be proud of its accomplishments. This, combined with the considerable efforts of individuals attributed to the reappointments and new appointments of bilingual and unilingual (French or English) members within the Minister's office, will without any doubt lead the TATC to greater achievements in the fiscal year. While always keeping the Tribunal's independence from Transport Canada, we are seeking collaboration to increase qualified membership from the various sectors, and to make sure it reflects the diversity of Canadian society.

