



# **TP 4711**

## **Air Operator**

### **Certification Manual**

**Volume 1 – General Matters**

**Volume 2 – Commercial Air Operations**

**Volume 3 – Operations Specifications**



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# TP4711 VOLUME 1 – GENERAL MATTERS

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## Chapter 1 - Introduction

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### 1.1 The TP 4711 Air Operator Certification Manual Series

#### 1.1.1 Purpose

- (1) The purpose of the TP 4711 manual series is to provide a national standard, consistent with regulatory requirements, for issuing, amending, suspending or cancelling an Operator Certificate, including all its associated permissions.
- (2) This publicly available manual series is applicable to all Transport Canada Civil Aviation (TCCA) employees, operators, manufacturers, training providers, flight crews, and to individuals or organizations exercising privileges granted to them under an External Ministerial Delegation of Authority.

#### 1.1.2 Application

- (1) TP4711 applies to all certified operations (both aeroplane and helicopter) falling within the scope of Subparts 702-705 of the Canadian Aviation Regulations (CARs).
- (2) The instructions and guidance in this volume are to be applied in conjunction with those contained in the other volumes of the TP4711 manual series, along with other current guidance documents.
- (3) Considering the broad scope of operations covered by this manual and the many variables involved, it is not possible to provide detailed procedures and guidance for all requirements. Therefore, sound judgement must be applied in the use of the TP 4711 manual series. TCCA Inspectors should have a thorough knowledge of the content of this manual series, and adhere to the policies, procedures and guidelines contained herein.
- (4) Although parts of Volume 3 (Operations Specifications) of the TP 4711 manual series apply to Subpart 604, in general, activities of Private Operators are not included in this manual series. Subpart 604 operations are covered in Advisory Circular (AC) 604-004.

#### 1.1.3 Structure of the TP 4711 Manual Series

##### (1) Volume 1 – General Matters

- (a) Provides an overview of the air operator certification process, including both initial application procedures and ongoing certificate change requirements.
- (b) Describes applicable Acts and Regulations and associated guidance documentation.
- (c) Provides guidance on determining whether changes to an air operator's name, entity or ownership would result in an amendment to an existing certificate or the requirement to issue a new certificate.
- (d) Contains guidance on the Manual review process.

##### (2) Volume 2 – Commercial Air Operations

- (a) Details specific certification procedures for the issuance and amendment of an operating certificate for Aerial Work (Subpart 702), Air Taxi (703), Commuter (704) or Airline (705) operations based out of Canada.
- (b) Provides guidance on all subjects related to domestic commercial air operations.
- (c) Contains references to all relevant tools and forms used in the Part VII certification process.



(3) Volume 3 – Operations Specifications

- (a) Contains information on Operations Specifications, including a list of Special Authorizations/Specific Approvals available to operators.
- (b) Describes the process and requirements for issuance of Operations Specifications.
- (c) Contains references to all relevant tools and forms used in the Special Authorizations/Specific Approval certification process.

**1.1.3.1 Structure of this Volume**

(1) Chapter 1 - Introduction

- Contains general information on the layout and content of this Volume.

(2) Chapter 2 – Certificate Overview

- Describes the Operator Certificate.
- Provides a basic description of what types of operators need a certificate.

(3) Chapter 3 – Certification Process

- Gives a brief overview of the certification process.
- Follows on to fully describe the certification process, including all phases and gates an applicant/operator is required to undergo when requesting a new certificate.

(4) Chapter 4 - Amendments

- Reviews the differences in the certification process when an operator is requesting a change to their certificate.

(5) Chapter 5 – Manual Approval/Acceptance

- Contains guidance material for the manual review process.
- Describes the phases of the manual review process.

(6) Chapter 6 – Other Applicable Legislation

- Provides a brief overview of other applicable legislation relevant to air operator certification that is not contained within the Canadian Aviation Regulations and Standards.

(7) Appendices

- Includes supporting information for the Accountable Executive selection process.

**1.1.4 Typographic Conventions Used**

*Reserved* - content to be added at a later date

**1.1.5 Revisions**

- (1) Transport Canada welcomes feedback regarding the processes, procedures and tools contained in this Manual. Please send feedback to:

[TP4711@tc.gc.ca](mailto:TP4711@tc.gc.ca)

- (2) The TP 4711 manual series is expected to evolve, based on user feedback and the need to add content over time. The latest revision will be posted on the Transport Canada website.

- (a) The latest revision can be found on the TCCA website, at:

<https://tc.canada.ca/en/aviation/publications/air-operator-certification-manual-tp-4711>





- (b) The expected revision cycle for the TP 4711 manual series will be each successive 365-day period.

### 1.1.5.1 Changes found in this Revision

- (1) Changes to the content in this volume are accompanied by a bold vertical line found in the right-hand margin of the affected pages.
- (2) The following sections contain material that has changed:
  - (a) Table of Contents
  - (b) 1.1.2 Application
  - (c) 2.5 Ability to Hold Multiple Certificates
  - (d) 3.4 Design Assessment Phase
  - (e) 3.5 Performance Assessment Phase
  - (f) 3.6 Administrative Functions Phase

## 1.2 References and Requirements

### 1.2.1 Reference Documents

- (1) AC 100-001 – *Glossary for Pilots and Air Traffic Services Personnel*
- (2) AC 604-004 - *Private Operator - Subpart 604 of the Canadian Aviation Regulations*
- (3) *Aeronautics Act (R.S., c. A-2)*
- (4) *Article 31 of the Convention on International Civil Aviation*
- (5) CAD FIN-003 - *Recovering the Incremental Costs of Providing Services Inside/Outside Canada*
- (6) *Canadian Aviation Regulations (CARs) and associated Standards (CASS)*
- (7) IPB 2015-17 - *Process to Determine office of Primary interest (OPI) for Enterprises*
- (8) RDIMS# 11150697 – *Enterprise OPI Identification Tool*
- (9) SI 106-001 - *Validation of an Accountable Executive*
- (10) SI SUR-001 – *Surveillance Procedures*
- (11) SI SUR-014 - *Suspension or Cancellation of Canadian Aviation Documents for Safety Reasons*
- (12) SI SUR-016 - *Suspension or Cancellation of Canadian Aviation Documents for Regulatory Purposes (Ref. S. 6.8 of the Aeronautics Act)*
- (13) TP 9908 - *Air Operator Merger or Takeover Procedures*
- (14) TP 11524 - *Foreign Air Operator Certification Manual*
- (15) TP 14984 - *Transport Canada Civil Aviation Service Standards Activities (With and Without Charges)*

### 1.2.2 Cancelled Documents

- (1) By default, it is understood that the publication of a new edition of a document automatically renders any earlier editions of that same document null and void.

### 1.2.3 Definitions and Abbreviations

- (1) Definitions for various terms can be found in the “Interpretation” sections of:



- (a) CAR 101, at:  
<https://lois-laws.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-101.01>
- (b) CAR 700, at:  
<https://lois-laws.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-700.01>
- (2) Further, Transport Canada has published a glossary of terms, definitions and abbreviations (AC 100-001 – *Glossary for Pilots and Air Traffic Personnel*). Please consult that document for definitions of terms commonly used in the TP 4711 manual series and other TCCA documents.
  - (a) AC 100-001 can be found at:  
<https://tc.canada.ca/en/aviation/reference-centre/advisory-circulars/advisory-circular-ac-no-100-001>
- (3) For the purposes of this volume, to supplement those provided in the above sources, the following definitions are used:
  - (a) **Acceptance:** An implicit acknowledgement by TCCA to an applicant/operator of a matter submitted by, or on behalf of, that applicant/operator.  
  
Acceptance by TCCA may be implied through the absence of the operator receiving any notification to the contrary, and ultimately, by the issuance of the Certificate for which the application was made.  
  
Although the mechanism of Acceptance may differ from Approval, for all intents and purposes, Acceptance by TCCA carries the same meaning (rights/obligations/liabilities) as Approval.
  - (b) **Air Operator:** The holder of an air operator certificate; includes Part VII Commercial Operators.
  - (c) **Air Operator Certificate:** A certificate issued under Part VII of the CARs that authorizes the holder of the certificate to operate a commercial air service.
  - (d) **Air Transport Service:** A commercial air service that is operated for the purpose of transporting persons, personal belongings, baggage, goods or cargo in an aircraft between two points.
  - (e) **Approval:** A formal act by TCCA to approve an application or a proposed change submitted by, or on behalf of, an applicant/operator. The Approval attests to compliance by the applicant/operator with all applicable provisions.
  - (f) **Canadian:** A Canadian citizen or a permanent resident within the meaning of the *Immigration Act*, a government in Canada or an agent of such a government or a corporation or other entity that is incorporated or formed under the laws of Canada or a province, that is controlled in fact by Canadians and of which at least seventy-five percent, or such lesser percentage as the Governor in Council may by regulation specify, of the voting interests are owned and controlled by Canadians.
  - (g) **Canadian Aviation Document:** Any licence, permit, accreditation, certificate or other document issued by the Minister under Part I of the *Aeronautics Act* to or with respect to any person, or in respect of any aeronautical product, aerodrome, facility or service.
  - (h) **Certification Project Manager:** The Inspector placed in charge of a Certification Team, tasked with completing a certification activity in response to an operator's application.
  - (i) **Charter:** A non-scheduled, commercial air service that is operated for the purpose of transporting persons, personal belongings, baggage, goods or cargo in an aircraft between two points.



- (j) **Charterer:** The entity who, by way of a written agreement, charters aircraft from a Canadian operator in order to supplement the charterer's fleet.
  - (k) **Commercial Air Service:** An air service provided by means of an aircraft for hire or reward as defined in subsection 3(1) of the *Aeronautics Act*.
  - (l) **Conformance Report:** A form created to collect information on a manual, procedure or list submitted with an application; to be completed by the operator and TCCA separately.
  - (m) **Domestic Air Service:** An air service between points in Canada, from and to the same point in Canada, or between Canada and a point outside Canada that is not in the territory of another country, as defined in section 55 of the *Canada Transportation Act*.
  - (n) **Flight Training Unit Operator Certificate:** The Canadian operator certificate for Flight Training Units issued under Part IV of the CARs.
  - (o) **International Service:** An air service between Canada and a point in the territory of another country, as defined in section 55 of the *Canada Transportation Act*.
  - (p) **Lease:** A contractual arrangement whereby a properly licensed operator gains commercial control of an entire aircraft without the transfer of ownership (i.e., requirement of obtaining a new certificate of registration).
  - (q) **Legal Entity:** A sole proprietorship, partnership, corporation, or co-operative.
  - (r) **Main Base:** The location at which an operator has personnel, aircraft and facilities for the conducting of aerial work or the operation of an air transport service, which is established as the principal place of business for the operator.
  - (s) **Maintenance Base:** The location where regular, scheduled maintenance is performed.
  - (t) **Operations Specifications:** The approvals, conditions and limitations associated with the operator certificate, and subject to the conditions in the operations manual.
  - (u) **Operator:** For the purposes of clarity and brevity in this document, an operator is any person, entity or organization planning to or already operating a business related to providing aviation services.
  - (v) **Private Operator:** An operator of an aircraft or a fleet of aircraft conducted under Subpart 604 of the CARs.
  - (w) **Process Aid:** A type of inspection checklist that provides guidance on the inspection requirements associated with a certificate action; this document refers to regulatory references, forms, record of completion, etc.
  - (x) **Sub-Base:** The location at which an operator positions aircraft and personnel, and from which operational control is exercised in accordance with the operator's operational control system.
  - (y) **Scheduled Point:** A specific aerodrome where an air operator arrives or departs with passengers and/or cargo, for remuneration according to a published timeline, or as regular or frequent as to constitute a recognizably systematic series.
  - (z) **Special Authorization:** An approval which is documented in the Operations Specifications. The term is interchangeable with Specific Approval.
  - (aa) **Specific Approval:** An approval which is documented in the Operations Specifications. The term is interchangeable with Special Authorization.
- (4) The following abbreviations are used in this document:
- (a) **AARTF:** TCCA, Commercial Flight Standards



- (b) **AC:** Advisory Circular
- (c) **ADO:** Associate Director, Operations
- (d) **AOC:** Air Operator Certificate
- (e) **AOHS:** Aviation Occupational Health and Safety
- (f) **AOHSR:** Aviation Occupational Health and Safety Regulations
- (g) **ATPL:** Airline Transport Pilot Licence
- (h) **CAD:** Canadian Aviation Document
- (i) **CAR:** Canadian Aviation Regulation
- (j) **CASS:** Commercial Air Service Standard
- (k) **CDL:** Configuration Deviation List
- (l) **CLC:** Canada Labour Code
- (m) **COM:** Company Operations Manual
- (n) **CPM:** Certification Project Manager
- (o) **CUSMA:** Canada-United States-Mexico Agreement
- (p) **FTA:** Free Trade Agreement
- (q) **ICAO:** International Civil Aviation Organization
- (r) **MEL:** Minimum Equipment List
- (s) **MCM:** Maintenance Control Manual
- (t) **MOU:** Memorandum of Understanding
- (u) **NACIS:** National Aviation Company Information System
- (v) **NAFTA:** North American Free Trade Agreement
- (w) **PA:** Process Aid
- (x) **PI:** Principal Inspector. For the purpose of inclusion in this document, this abbreviation represents the PI of the applicable specialty area supervising the application process (e.g.: Flight Operations, Airworthiness, Cabin Safety).
- (y) **QA:** Quality Assurance
- (z) **QC:** Quality Control
- (aa) **RDIMS:** Records, Document and Information Management System
- (bb) **SA:** Special Authorization or Specific Approval
- (cc) **SOE:** Schedule of Events
- (dd) **SOI:** Statement of Intent
- (ee) **TCC:** Transport Canada Centre
- (ff) **TCCA:** Transport Canada Civil Aviation
- (gg) **TP:** Technical Publication
- (hh) **TTL:** Technical Team Lead. For the purpose of inclusion in this document, this abbreviation represents the TTL of the applicable specialty area supervising the application process (e.g.: Flight Operations, Airworthiness, Cabin Safety).



## Chapter 2 - Certificate Overview

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### 2.1 General

#### 2.1.1 Operator Certificates: Canadian Aviation Document

- (1) The Minister's duty is to develop, regulate and supervise aeronautics under Part I of the CARs, pursuant to section 4.2 of the *Aeronautics Act*. The Minister issues an individual, entity or organization a Canadian Aviation Document (CAD) to formally grant them certain privileges under those Regulations and that Act.
- (2) Operators of aircraft or facilities engaged in a commercial aviation services in Canada must hold an operator certificate, which represents a specific type of CAD.
- (3) This certificate is issued by TCCA, on behalf of the Minister, when the operator provides to TCCA sufficient evidence to prove that they have the ability to operate their aviation service within the bounds of the CARs.
- (4) In order to continue to hold a certificate, the operator must conduct their business while following the CARs.
  - (a) TCCA provides ongoing surveillance activities of operators, in order to ensure that the operator is in compliance with the regulations.
- (5) Certificates are not transferrable between operators.
- (6) Operators may choose to change aspects of their business over time. However, if these changes would likely result in differences in their operations as compared to how these operations were originally presented when they were certified; the operator must apply for and receive amendments to their certificate(s).

#### 2.1.2 Guidance for Certificate Holders

- (1) TCCA publishes many documents that provide operators with guidance and tools to help them conduct their business within the bounds of the CARs.
  - (a) Information and links to TCCA documents can be found on TCCA's web pages.
  - (b) Operators can subscribe to TCCA's *e-Bulletin* service, which provides email notification of changes to TCCA's published documents. The subscription page can be found at:  
<https://tc.canada.ca/en/aviation/transport-canada-civil-aviation-e-bulletin>  
TCCA highly recommends that operators subscribe to this service, as it will provide them with timely notice of changes to documents that are relevant to them.
- (2) Operators are encouraged to become Canadian Aviation Regulation Advisory Council (CARAC) members.
  - (a) CARAC members receive email notifications of:
    - i. upcoming consultations regarding updates to the Canadian Aviation Regulations; and
    - ii. the issuance of important regulatory information, such as Interim Orders, the coming into effect of new and amended regulations and standards, as well as the issuance of regulatory exemptions.
  - (b) CARAC registration can be accomplished using the following webpage:



<https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/canadian-aviation-regulation-advisory-council-carac>

### **2.1.3 Certificates Covered in the TP 4711 Manual Series**

- (1) The Canadian certificates provide information on the operator, their aircraft and/or facilities, and the conditions under which they are allowed to operate.
- (2) This manual series describes Part VII domestic Air Operator Certificates.
  - (a) Part VII certificates include those provided for Subpart 702 Aerial Work, Subpart 703 Air Taxi, Subpart 704 Commuter, and Subpart 705 Airline operators.
  - (b) Guidance for the issuance of commercial air service AOC's can be found in this volume, in Volume 2 (Commercial Air Operations) and in Volume 3 (Operations Specifications).

### **2.1.4 TCCA's Responsibility Over Certificates**

- (1) Inspectors, through review and approval of submitted documentation and follow-up verification inspections, make recommendations on the issuance of certificates. Such decisions must be based on the determination as to whether or not the operator meets the regulations and standards set forth in the applicable CARs, relative to their proposed type of service.
- (2) Pursuant to subsection 6.71(1) of the *Aeronautics Act*, the Minister may refuse to issue, suspend or cancel a certificate, where the Minister is of the opinion that it is in the public's interest to do so; of particular concern would be if the aviation record of the operator, or of any key personnel of the operator, warranted action by the Minister.
- (3) Regions are responsible for commercial air services operating under Subparts 702, 703, 704 and 705 of the CARs.
- (4) National Operations is responsible for commercial air services operating under Subpart 700, 701, and national air carriers operating under Subpart 705 of the CARs.

## **2.2 Who Requires a Certificate?**

- (1) Generally, any person, entity or organization operating a commercial (for hire or reward) air service in Canada requires a certificate.
- (2) Typically, the person, entity or organization will be based out of a location in Canada.

Note: Foreign based operators conducting service within Canada, are also required to have a certificate.
- (3) Canadian persons, entities or organizations wholly operating outside of Canada will not normally be required to hold a Canadian certificate. Typically, it is not deemed to be in the public's interest for these types of operators to be certified under Canadian regulations.
- (4) Examples of services requiring certificates would be:
  - (a) An air transport service – see CAR 700.02(1)
  - (b) An aerial work service – see CAR 700.02(2)

## **2.3 Who Does Not Require a Certificate?**

- (1) There are specific exceptions to the descriptions of who must have a certificate (as provided above in section 2.2). Only through review of the applicable CAR references, and including appropriate consultation with TCCA, should an operator decide as to whether or not they need to apply for a certificate.



- (2) Examples of services that typically do not require a certificate would be:
  - (a) A commercial air operator conducting training services for company related persons, where those services aren't used by that person to obtain a license, permit or instructor rating. – see CAR 406.03(2) for specific details.
  - (b) A farmer owning an aircraft, and using it for dispersing agricultural products – see 700.02(3).

## 2.4 Who May Apply for a Certificate?

- (1) To be able to hold a Certificate, the operator must meet both eligibility, aircraft and facilities requirements (as applicable).

### 2.4.1 Eligibility for a Certificate

- (1) A person, entity or organization must be:
  - (a) a Canadian to hold a Part VII Certificate; or
  - (b) a citizen, permanent resident or corporation of the United States of America or Mexico to hold a Foreign Air Operator Certificate-Free Trade Agreement (FAOC-FTA), in accordance with the *Canada-United States-Mexico Agreement*, pursuant to an exemption to CAR 700.03 and 700.04(3)(b).

Note: Foreign Air Operator Certificates are covered in TP 11524 - *Foreign Air Operator Certification Manual*

### 2.4.2 Aircraft Requirements

- (1) Operators must have at least one aircraft (of the same category as they plan to operate) registered in their name to obtain and maintain eligibility to hold a certificate.
- (2) Aircraft being/to be operated under a certificate must have a valid certificate of airworthiness that meets the requirements of *Article 31* of the *Convention on International Civil Aviation*.
- (3) Canadian operators wishing to use an aircraft that is registered in another contracting state must obtain from the Minister:
  - (a) an authorization to operate under Part II; and
  - (b) , where a Canadian type certificate has not been issued for that aircraft type, approval to operate under Part V.
- (4) An aircraft must have and be maintained under an approved maintenance schedule.
- (5) An aircraft must be properly equipped, configured and maintained for its intended use.

### 2.4.3 Facility Requirements

- (1) An operator must have facilities adequate to serve the nature of their operations.
- (2) Typically, main facilities will be located within the territorial boundaries of Canada. However, provisions do exist for facilities to be located outside of Canada.

## 2.5 Ability to Hold Multiple Certificates

- (1) An operator may hold more than one certificate for the same legal entity, such as in the following example:
  - (a) having separate aeroplane and helicopter Air Operator certificates.



- (2) Where an operator has more than one legal entity, a certificate will be required for each entity, and is subject to the following criteria for each operation:
- (a) Have its own autonomous management and supervisory organization, such as Chief Flight Instructor, Operations Manager, Chief Pilot and Maintenance Manager;
    - i. An Operations Manager can act for more than one operator, as long as that person can provide full-time services for each operation without creating any impingement on their assigned duties and responsibilities for either of those operators.
      - 1. This “dual duty” function would only be effective for two small operators. However, this type of function would need to be evaluated on a case-by-case basis, as the circumstance dictates.
    - ii. In cases where the two operators are wholly independent of each other, there would be a strong likelihood that the Operations Manager would find themselves in a “conflict of interest” position that could lead to undesirable circumstances for (at least) one of the operators, potentially creating an undesirable level of risk/liability for the Minister.
  - (b) Be distinct and separately identified by type of aircraft or types of operation, and by having the aircraft registered to the particular division (i.e., ABC Limited (No. 1 Division));
  - (c) Have no overlap in authorities;
    - i. A contract with one division cannot be serviced by another division (this should be regulated through the use of special conditions on the certificates);
  - (d) Have its own approved manuals; and
  - (e) Have its own approved training program.
- (3) A certificate shall be issued to an operator that intends to have its operations managed by another certificate holder under a Management Agreement (see Volume 3 – Operations Specifications).
- Note: Both operators must hold their own certificates before operations can be undertaken under a Management Agreement.
- (4) Further Guidance on Legal Entities can be found in Chapter 4 - *Amendments*, of this Volume.





## **Chapter 3 - Certification Process**

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### **3.1 General**

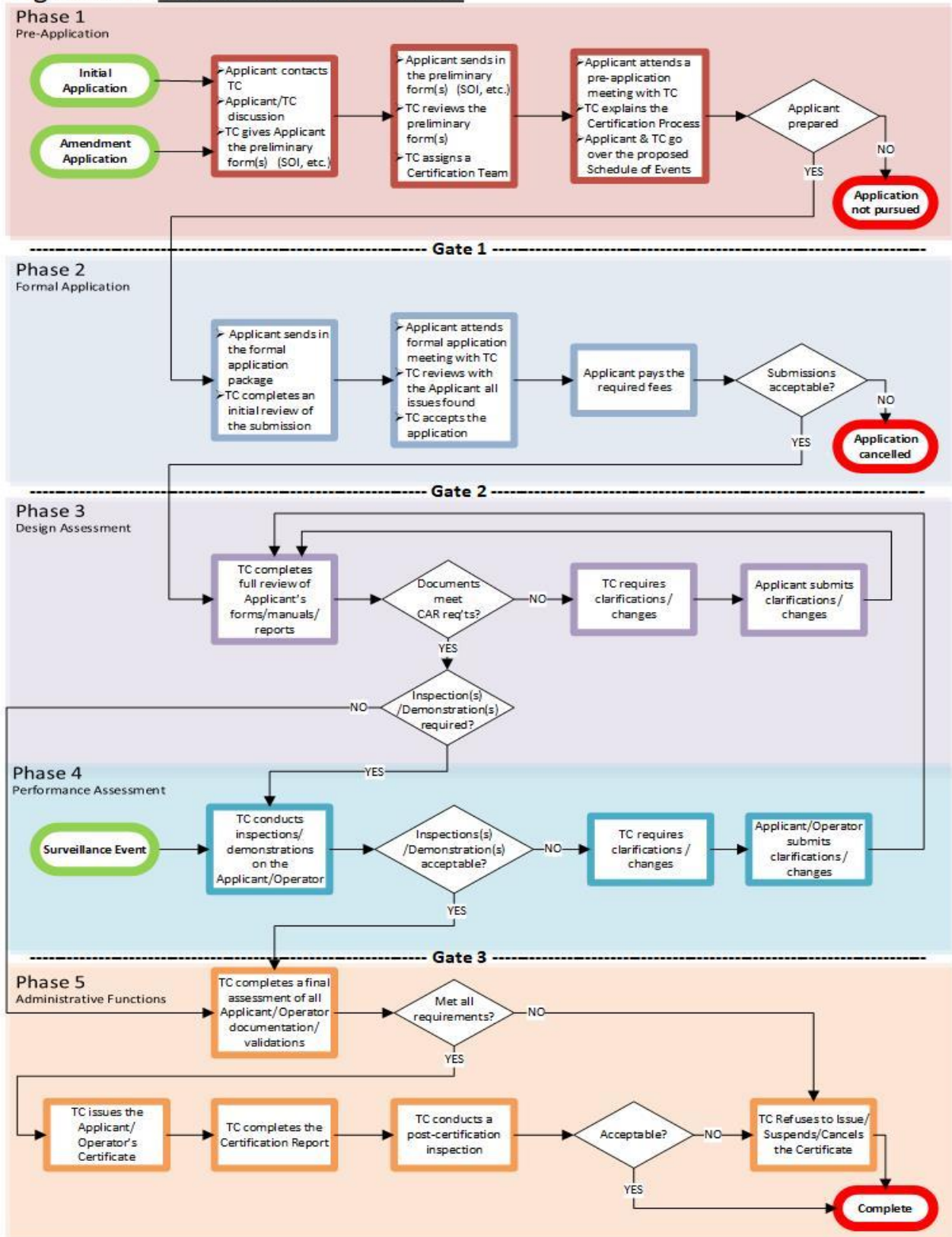
#### **3.1.1 Process Overview – The Five Phases of Certification**

- (1) The certification process is a coordinated effort which involves the participation of various TC Inspectors and, possibly, external agencies.
- (2) The procedure for the application, review and granting of a Certificate is organized into five phases, and will follow the sequence below:
  - (a) Phase 1 - Pre-Application;
  - (b) Phase 2 - Formal Application;
  - (c) Phase 3 - Design Assessment;
  - (d) Phase 4 - Performance Assessment; and
  - (e) Phase 5 - Administrative Functions.
- (3) Assessment of the operator's fitness and ability to conduct the proposed operation will require review, inspection and evaluation of personnel qualifications, facilities, equipment, service arrangements, manuals, and training programs.
- (4) The certification process employs a "Gate" system that requires the completion of certain items prior to continuation from one phase to the next. (See Figure 3 -1)



### 3.1.1.1 Diagram of the Certification Process

Figure 3-1: The Certification Process





### 3.1.2 Amendment Applications versus Initial Applications

- (1) The certification process for applications for an amendment to an existing Certificate follow the same five phases as an Initial application.
- (2) Amendment applications likely will be more abbreviated than initial applications, for a number of reasons:
  - (a) Meetings may be fewer and shorter;
  - (b) Supporting documentation for the application may build on what an Operator already has created for Initial certification;
  - (c) Amendments may not need supporting documentation beyond basic forms; and/or
  - (d) Performance assessments may be unnecessary.

### 3.1.3 Process for Smaller Operators

- (1) Small, less complex operators may be eligible to use a modified certification process. The modified process will usually be quicker and require fewer operator and TCCA resources.
- (2) Areas where the process will likely be abbreviated are:
  - (a) Pre-application meeting:
    - i. The requirement for a meeting may not be necessary, or the meeting may be very brief;
    - ii. The meeting may be held using tele or video-conferencing setups, as opposed to in-person attendance.
  - (b) Formal Application submissions
    - i. Manuals will not require as much detail, and will include less required items to be covered in them.
    - ii. Checklists will be less complex.
    - iii. Two-crew operations may not be required, hence will not need to be covered;
  - (c) Formal Application meeting – similar to the pre-application meeting, the formal application meeting may not be necessary, or may be brief;
  - (d) Design Assessment – for a less complex operator, design assessment by TC will take less time to complete;
  - (e) Performance Assessment – requirements for this phase may be reduced, or possibly eliminated; and
  - (f) Administrative Functions – will likely happen quicker, as the volume and complexity of documentation and data TC has to review will be less.
- (3) The reviewing Transport Canada Center (TCC) should ensure that the operator thoroughly understands the certification process described in this chapter, and how this process will vary depending upon the nature of the operator's proposed business.

### 3.1.4 Transport Canada Civil Aviation Service Standards Activities

- (1) The purpose of the *Transport Canada Civil Aviation Service Standards Activities (with and without charges)* is to provide applicants/operators and Inspectors with guidance on determining the amount of time the activity is expected to take when providing the services referred to in Appendix 1 of that document.



- (2) TCCA will advise the applicant/operator of the approximate period of time required to conduct the certification process subsequent to the receipt of a complete and properly executed application. This period will depend upon:

- (a) Guidance from TP 14984E; and
- (b) The scale and scope of the applicant/operator's operation.

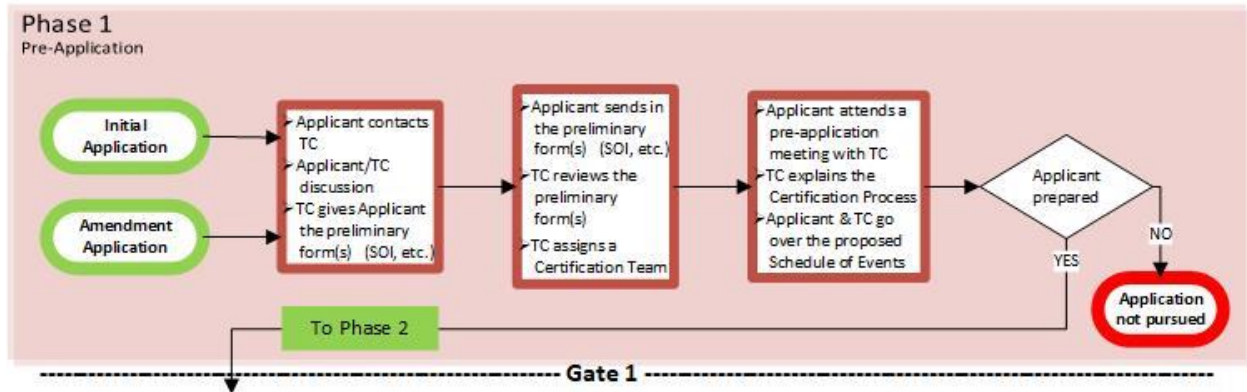
Note: If an application is rejected as being incomplete, and then resubmitted by the applicant/operator, the service time for that application is reset to "zero".

- (3) Service times do not include any time TCCA holds an application, awaiting supporting documents, forms and applications required from the client.
- (4) The *Transport Canada Civil Aviation Service Standards Activities* (with and without charges) TP 14984E manual is found at:

<https://tc.canada.ca/en/aviation/publications/transport-canada-civil-aviation-service-standards-activities-without-charges-tp-14984>



## 3.2 Pre-Application Phase



### 3.2.1 Pre-Application Inquiry

- (1) The pre-application phase commences with the applicant/operator making an initial inquiry by email, letter, telephone call or personal visit with TCCA.

### 3.2.2 Applicant/Operator Orientation and Preliminary Discussion

- (1) Upon initial contact, TCCA personnel should provide the applicant/operator with complete information concerning the types of operations which may be authorized, the data/documents to be provided by the applicant/operator and the procedures which will be followed in the processing of the application.
- (2) TCCA personnel should instruct the applicant/operator of the preliminary requirements of submitting the appropriate form for the type of work the applicant/operator wishes to pursue:
  - (a) Preliminary form options are detailed in section 3.2.3, below.
  - (b) To advise the applicant/operator as to where the forms should be sent:
    - i. For initial & new applications, TCCA personnel should utilize the Enterprise OPI Identification Tool (RDIMS# 11150697) to identify the correct office to handle the application. The use of this tool is detailed in IPB 2015-17.
    - ii. For existing certificate holders, TCCA should advise the operator to submit the forms to their Principle Inspector's office.
- (3) In addition, the applicant/operator should be encouraged to review the TC Website for further guidance material.
- (4) The applicant/operator may also request a pre-application meeting with TCCA through Commercial Flight Standards (AARTF) in Ottawa. AARTF will consult with the appropriate TCCA Regional Office.
- (5) Where an application affects more than one region, the regional office where the applicant/operator's main operations base is located will normally be responsible for processing the application.
  - (a) Where doubt exists (e.g., the maintenance base is located in one region, but the majority of services are initiated from another) and if the regions are unable to agree, Headquarters will decide which regional office should process the application.
  - (b) Where more than one region is involved, the assigned regional office will ensure that copies of all relevant forms and correspondence are sent to all concerned Regional offices.



### 3.2.3 Preliminary Form Submissions

#### 3.2.3.1 Initial Applications & New Subpart Additions

- (1) Part VII applications for new service certificates need to complete the Statement of Intent (SOI) form 26-0380, found on the internet via the TCCA Forms Catalogue, at:  
<https://wwwapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/English>
- (2) If the operator already holds an air operator certificate, but wishes to add a new Subpart privilege, the SOI form will need to be completed.
- (3) The SOI form will need to be accompanied by supporting documents to verify the legal and/or trade name(s) and the citizenship of the applicant.
  - (a) Canadian, as defined in subsection 55(1) of the *Canada Transportation Act*, means a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, a government in Canada or an agent or mandatory of such a government, or a corporation or other entity that is incorporated or formed under the laws of Canada or a province, that is controlled in fact by Canadians and of which at least fifty-one per cent, of the voting interests are owned and controlled by Canadians, and where;
    - i. no more than 25% of the voting interests are owned directly or indirectly by any single non-Canadian, either individually or in affiliation with another person, and
    - ii. no more than 25% of the voting interests are owned directly or indirectly by one or more non-Canadians authorized to provide an air service in any jurisdiction, either individually or in affiliation with another person;
  - (b) Proprietorships must state the firm name of the proprietorship and furnish a copy of the firm name registration.
  - (c) Partnerships must state the firm name and style of partnership and furnish a copy of the partnership registration.
  - (d) Corporations shall furnish a copy of the Company's Charter or Letters Patent of Incorporation and any amendments. If incorporated under the laws of a province which issues only a Certificate of Incorporation, a copy of such certificate must be accompanied by a copy of the Memorandum and Articles of Association.
  - (e) The ownership and citizenship requirements shall be verified by affidavit.

#### 3.2.3.2 Amendment Applications

- (1) When requesting a change to certificate privileges, an operator must submit the appropriate form, as listed below:
  - (a) Subpart 702, 703, 704 or 705:
    - i. Contact information or required personnel, using form 26-0047.
    - ii. Aircraft being operated, using form 26-0046.
    - iii. Operating bases or sub-bases, using form 26-0045.
  - (b) For changes in maintenance bases or maintenance arrangements for air operators, using form 26-0048.
- (2) All forms can be found on the internet via the TCCA Forms Catalogue, at:  
<https://wwwapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/English>



### 3.2.3.3 Upon Receipt of Pre-Application Forms by TCCA

- (1) The TTL will review the form to ensure that there is sufficient information to process the pre-application, and that the proposed operation is consistent with the applicable Subpart.
  - (a) If the form is acceptable, the responsible TTL will advise the applicant/operator that the certification work will continue, and that a Certification Team will be assigned shortly.
  - (b) If the form is rejected, the TTL must notify the applicant/operator in writing, describing the reasons for the rejection. It is mandatory to document reasons for the rejection, and to retain a copy of the rejected form and any correspondence in RDIMS.
- (2) Currently, there is no fee associated with the submission of the pre-application form; this form simply triggers the receiving TCCA office to arrange a TTL to review the submission.

Note: Fees will be assessed and paid in association with the formal application package.

### 3.2.4 Assignment of the Certification Team

- (1) The TTL will establish a certification team for the certification project.
- (2) At a minimum, the team will consist of an Inspector suitably qualified for the applicant/operator's requested privilege.
  - (a) For a commercial air service operation, an Operations, an Airworthiness, and a Cabin Safety Inspector.
- (3) Generally, these Inspectors will be/become the principal Inspectors (PI) assigned to the operator once the certification process is complete.
- (4) If appropriate, other Civil Aviation Safety Inspectors or specialists should be included.
- (5) For applications involving aircraft related activities, an Inspector qualified on each of the proposed aircraft types should be assigned to the team.

Note: If the prospective PI is not qualified for the aircraft, and no qualified Inspector can be found in the region, contact AARTF for further assistance.

- (6) Where an application involves the proposed use of large turbine-engine aircraft, an Evaluation Team under a "Team Leader" may be formed for the purpose of evaluating the qualifications and competency of the applicant/operator to operate that particular type.
- (7) Where necessary and with the concurrence of the concerned region, a team may be made up of both Headquarters and regional TCCA Inspectors.
- (8) Where the aircraft has not been previously certified in Canada, Commercial Flight Standards (AARTF) may conduct an Operational Evaluation in cooperation with the appropriate regional office.

Note: Commercial Flight Standards may, under certain circumstances, accept a foreign aviation authority operational evaluation equivalent.

#### 3.2.4.1 Designation of the Certification Project Manager (CPM)

- (1) The responsible TTL will designate one member of the certification team to serve as the CPM.
- (2) The person designated as CPM:
  - (a) shall have completed appropriate training on the Certification Process;
  - (b) should have previous experience in the certification of an operator under the applicable Subpart; and
  - (c) would preferentially have experience conducting Process Inspections.



### **3.2.4.2 Responsibilities of the CPM and the Certification Team**

#### **3.2.4.2.1 Responsibilities of the CPM**

- (1) The CPM must:
  - (a) serve as the primary spokesperson for TCCA throughout the certification process;
  - (b) coordinate all certification matters with all other specialists assigned to the certification project;
  - (c) be responsible for ensuring that all certification job functions are complete;
  - (d) coordinate all correspondence, both to and from the applicant/operator;
  - (e) notify the TTL of any information that may significantly affect or delay the certification project;
  - (f) ensure that individuals involved with the certification project, and the TTL, are kept fully informed of the current status of the certification activity;
  - (g) ensure that the certification process, as outlined in the TP 4711 manual series (including the use of the appropriate forms and tools), is followed during the activity; and
  - (h) coordinate with AARTF when the circumstance requires intra/inter-regional coordination.

#### **3.2.4.2.2 Responsibilities of the Certification Team Members**

- (1) Each team member must:
  - (a) respond to CPM requests for assistance;
  - (b) keep the CPM informed of the status of the certification activity they are assigned; and
  - (c) immediately bring any discrepancy that may delay the certification effort to the attention of the CPM.

#### **3.2.4.2.3 Responsibilities of the TTL**

- (1) The TTL must:
  - (a) keep Regional Management and Commercial Flight Standards (AARTF) informed of any unusual aspects of the certification process that may attract the attention of local or national political entities or the media; and
  - (b) advise the regional *TTL*, *Specialties* or national *TTL*, *Cabin Safety/Aviation Health Safety Officer* of new AOC applications.

### **3.2.5 Pre-Application Meeting**

#### **3.2.5.1 Preparation**

- (1) The pre-application meeting sets the tone for the rest of the certification process. It is important, therefore, that both the applicant/operator and TCCA thoroughly prepare for the meeting.
- (2) The CPM should inform the applicant/operator that their key management personnel should plan on attending the meeting.
- (3) At no time will TC meet with a consultant without the applicant/operator being present at the meeting.
- (4) The applicant/operator needs to bring to the meeting:
  - (a) for applications involving new authorities or for changes to key personnel, the resumes for each person assuming the key roles;
  - (b) the proposed schedule of events; and





- (c) the expected list of Special Authorizations/Specific Approvals (SA's).

### 3.2.5.2 Meeting Goals

- (1) The CPM should discuss the certification process in depth. Emphasis should be placed on:
  - (a) what TCCA expects from the applicant/operator;
  - (b) what the applicant/operator should expect from TCCA;
  - (c) the sequence of events for each phase; and
  - (d) explaining the five phases of the certification process, and the gate system.
    - i. The applicant/operator must be thoroughly aware of the fact that the *gate system* is used to ensure that all required submissions are completed prior to an application proceeding through successive phases of the certification process.
- (2) The applicant/operator and TCCA will need to review and agree upon:
  - (a) the schedule of events; and
  - (b) the Special Authorizations/Specific Approvals the applicant/operator will be requesting.

### 3.2.5.3 Subjects to be Covered

#### 3.2.5.3.1 Pertinent Regulations and Standards

- (1) It is essential that the applicant/operator understands which regulations apply to the proposed operation. The applicant/operator must access and become familiar with all applicable legislation and guidance material. These materials include, but are not limited to:
  - (a) The *Canadian Aviation Regulations*, and associated Standards;
  - (b) The *Canada Labour Code, Part II* and associated regulations, (see Chapter 6 of this volume);
  - (c) The *Canadian Aviation Security Regulations*, *Secure Air Travel Act* and *Secure Air Travel Regulations* (see Volume 2, section 10.1);
  - (d) The *Transportation of Dangerous Goods Act* and *Transportation of Dangerous Goods Regulations* (see Volume 2, section 10.2); and
  - (e) The *Canada Transportation Act* and *Air Transportation Regulations* (see Volume 2, section 10.3).
- (2) The applicant/operator and the applicant/operator's personnel must be aware of their responsibilities during the certification process.
- (3) It is to the applicant/operator's benefit to:
  - (a) submit required items as soon as they become available in order to meet the requirements to pass through each relevant gate; and
  - (b) notify the TCC immediately of any problems or changes in the proposed operation.

#### 3.2.5.3.2 Management Suitability – Pre-screening

- (1) The CARs establish mandatory management positions and the qualifications for these positions, with some variation in the requirement dependent upon the complexity of the proposed operation.
- (2) During the pre-application meeting, the certification team must review the proposed management personnel for their knowledge, qualifications and capabilities to fill their anticipated roles.
  - (a) The depth of review should only be to determine if there are obvious issues, omissions on their forms and resumes, or significant discrepancies with the content of those documents.



An example of a significant discrepancy might be that the regulation requires an individual to hold an Airline Transport Pilot Licence (ATPL), but the résumé shows that the individual only holds a commercial pilot certificate.

- (3) A detailed review of the management qualifications and effectiveness will be completed during the design assessment and the performance assessment phases.
- (4) If, during the pre-application meeting, it becomes apparent that a proposed management candidate does not meet the required experience outlined in the appropriate regulation, inform the applicant/operator that they may apply for an exemption to employ that person if the documentation shows that he/she has equivalent aeronautical experience.
  - (a) The applicant/operator should be made aware that the experience requirements quoted in the applicable regulation are considered to be the minimum necessary to hold a position, and that an exemption request would not normally be successful; extenuating circumstances will need to be provided that will outweigh the individual's lack of requisite experience.
  - (b) This request for an exemption must be made to the TCC as soon as practical in the application process, to allow time for this process, and to provide sufficient notice to the applicant to make alternate plans should the exemption not be granted.

Note: This request is considered a separate activity to the application, and will be handled accordingly (processed and charged according to established TCCA business practices).
- (5) The applicant/operator should be aware that the effectiveness of management personnel will be observed throughout the certification process.

#### **3.2.5.3.3 Verification of the Pre-Application Document**

- (1) The CPM should verify that the information on the Pre-application document is accurate, and reflects correctly the type of operation, business case, types of aircraft, geographic areas of operation, and location of facilities (as applicable).
- (2) If the requirement for changes to this information become apparent:
  - (a) the applicant/operator must annotate the changes on the form;
  - (b) the CPM needs to consider if these changes significantly affect the anticipated scope and/or type of operation; and
  - (c) if the changes indicate the potential for reassignment of the certification activity, the CPM needs to advise their respective TTL:
    - i. For assignment to another TCC within the region, the TTL should coordinate this change.
    - ii. For assignment to outside the region, the TTL should contact AARTF.

Note: It may be appropriate to terminate the pre-application meeting.

#### **3.2.5.3.4 Requirements of the Formal Application**

- (1) During the pre-application meeting that the applicant/operator has a clear understanding of the form, content, and documents required for the formal application.
- (2) A formal application package must contain:
  - (a) formal application letter;
  - (b) required forms;
  - (c) operator manuals;



- (d) Conformance Reports;
  - (e) supplemental documents (including risk assessments); and
  - (f) a Schedule of Events.
- (3) It is necessary for the applicant/operator to understand that the formal application package must be submitted to the TCC assigned to process their application.
- (4) The applicant/operator is encouraged to submit the formal application as far in advance as possible of the intended starting date for their service.
- (5) The applicant/operator should be fully aware that while TCCA Inspectors will furnish informal guidance and advice during the preparation of required documents and manuals, the production of acceptable documents and manuals is solely the responsibility of the applicant/operator.
- (6) After the initial review of the formal application is completed, the applicant/operator will be sent a letter notifying them of the formal application's acceptance or rejection within 10 working days.

#### **3.2.5.3.4.1 Formal Application Letter**

- (1) The formal application letter serves as a summary document, to describe the full contents of the application package being submitted.
- (2) The letter must:
- (a) contain a statement that the letter serves as a formal application for a certificate, or an amendment to an existing certificate;
  - (b) contain the full and legal name of the applicant/operator;
  - (c) contain the physical address of the applicant/operator's intended primary operating location;
  - (d) include the mailing address, if it is different from the applicant/operator's physical location address;
  - (e) if the applicant/operator is using an agent for service, include the full name and address of this agent;
  - (f) provide a description of the applicant/operator's business organization and corporate structure, and names and addresses of those entities and individuals having a major financial interest;
  - (g) confirm the identity of key management personnel (such as the Operations Manager, Chief Pilot, Maintenance Manager, Flight Attendant Manager, Chief Flight Instructor), as applicable;
- Note: When a request for exemption from the qualification requirements of management personnel is anticipated, it should be noted in the formal application letter. It is essential, however, to make a request for the exemption, and the justification for that exemption, in a separate letter.
- (h) include the desired date for the operation to commence or to be amended; and
  - (i) be signed by:
    - i. the owner, when applying as an individual or sole proprietorship;
    - ii. all partners, when applying as a partnership; or
    - iii. an authorized officer (i.e.; a person given signing authority), when applying as an organization such as a company or a corporation.



#### 3.2.5.3.4.2 Required Forms/Documents

- (1) Although a pre-application (Initial) form has already been submitted, a copy of this form should be included with the formal application, so as to keep the formal application complete, as a package.
- (2) If changes were made to the pre-application form following the Pre-application meeting, then the amended form should be submitted with the formal application, and the formal application letter should contain a statement noting that the pre-application form has changed in its content; this will alert TC of the change, and trigger a review to make sure the certification process is still appropriate.
- (3) Dependent upon the types of services an applicant/operator is requesting, the specific forms that will be required varies. Refer to Volume 2 of this manual series to determine which forms are relevant to the operator's service application.

##### 3.2.5.3.4.2.1 Accountable Executive Declaration

- (1) The applicant or holder of an air operator certificate must appoint an individual as Accountable Executive (AE), to be responsible for operations or activities authorized under the certificate and accountable on the operator's behalf for meeting the requirements of the regulations.
- (2) The AE is the agent for cultural change within an organisation; cultural change starts at the top. This key position is crucial to the success of the safety management system initiative, and it is, therefore, very important to have the correct individual appointed at the outset.
- (3) The regulations require that the AE have control, on behalf of the certificate holder, of the financial and human resources necessary for the operations or activities authorized under the certificate.
- (4) While the concept of "control" is not defined under the *Aeronautics Act*, if there is any uncertainty concerning the named executive, simply asking the questions "Do they have the final decision?" and "Can they be overruled?" may assist. In general terms, if the appointed person is an employee and/or reports to anyone who can overrule them, then that person is not at the correct level within the company to be the Accountable Executive.
- (5) Pursuant to CAR 106.04, the holders of more than one certificate must appoint only one AE.
- (6) A Flow Chart and Question List appear in Appendix A & B of this Volume, to aid the operator in determining the appropriate person to appoint to the AE position.
- (7) Further guidance on the validation of an Accountable Executive can be found in SI 106-001.

##### 3.2.5.3.4.3 Operator Manuals

- (1) The majority of applications require either entirely new manuals, or amendments to existing manuals the applicant/operator plans to use.
- (2) There may be one or more manuals or volumes.
- (3) These manuals must contain information about the applicant/operator's organization, general policies, duties, responsibilities of personnel, operational control policies, and procedures.
- (4) In practice, these manuals are often known as the Company Operations Manual (COM) or Maintenance Control Manual (MCM).
  - (a) COM's can contain multiple sub-manuals, such as Standard Operating Procedures (SOP), Flight Attendant Manuals (FAM), and Training Programs.

Note: The company's training program may be included/incorporated in the COM, or may be contained in a stand-alone document.

- (5) The certification process requires that the applicant/operator develop all required manuals by the time of formal application, to satisfy the requirements of **Gate II**.



- (6) The applicant/operator should ensure that the manuals are in compliance with the applicable CARs Subpart relevant to their service.
- (7) The manuals shall include the instructions and information necessary to enable company personnel to perform their duties safely, and in compliance with CARs, CASS, AFM, etc.

#### **3.2.5.3.4.4 Conformance Reports**

- (1) To guide the applicant/operator in developing specific manuals, TCCA has created accompanying Conformance Reports (CRs).
- (2) CRs:
  - (a) contain the minimum CARs required subjects that must be contained within a manual;
  - (b) ensure that the applicant/operator has adequately addressed all regulatory requirements applicable to the proposed operation; and
  - (c) aid the certification team in determining where the regulatory requirements have been addressed in the applicant/operator's manuals, programs, and procedures.
- (3) Other than the listed subjects, CRs require:
  - (a) the applicant/operator to:
    - i. confirm if the subject is applicable;
    - ii. list where the subject occurs in the manual; and
    - iii. provide any relevant comments on the subjects.
  - (b) TCCA to:
    - i. confirm that the subject has been covered;
    - ii. verify that the reference given is correct; and
    - iii. provide further comments about the content.
- (4) CRs for each manual are mandatory submissions with a formal application package.

Note: Demonstration tests (as part of the Performance Assessment Phase) will not be conducted until the certification team is satisfied, through its review of all Conformance Reports and the formal application package, that all regulatory requirements have been adequately addressed.

#### **3.2.5.3.4.4.1 Instructions for Completion of Conformance Reports**

- (1) All conformance reports follow the same general format:
  - (a) The applicant/operator will complete the following sections:
    - i. Amendment;
    - ii. Conformance Requirement Item;
    - iii. Applicability;
    - iv. Location(s);
    - v. Revision; and
    - vi. Comments.
  - (b) The applicant/operator is to leave the TCCA sections blank. The TCCA sections include the following columns:
    - i. TC Comments;



- ii. Status;
  - iii. Inspector; and
  - iv. Date.
- (c) Specific guidance information on each of these items can be found within each conformance report.
- (2) The applicant/operator must analyze each regulatory requirement contained in the Conformance Report and decide whether or not their proposed operation needs the requirement to be addressed.
- (3) For completion of a conformance report, the applicant/operator must:
  - (a) select in the Amendment column:
    - i. “Yes”, if a requirement needs to be amended; or
    - ii. “No”, if a requirement does not need to be amended.
  - (b) select whether the conformance requirement is applicable or not;
  - (c) specify the location where the conformance requirement is met in the associated document (if applicable);
  - (d) indicate the revision number of the associated document (if applicable); and
  - (e) add any additional comments (if applicable).

#### **3.2.5.3.4.5 Supplemental Documents**

- (1) Supplemental documents should provide further evidence that the applicant/operator has acquired aircraft, facilities, and services to conduct the type of operation proposed.
  - (a) These may be in the form of proof of formal purchases, leases, or contractual arrangements.
  - (b) These should confirm the applicant/operator has, in good faith, committed to making arrangement for aircraft, facilities, and services as necessary for the proposed operation.
- (2) Examples of equipment, facilities or arrangements that would necessitate supplemental documentation are:
  - (a) Aircraft.
  - (b) Station facilities and services.
  - (c) Weather and Notices to Airmen (NOTAM) gathering facilities and services.
  - (d) Communications facilities and service.
  - (e) Aeronautical charts and related publications.
  - (f) Airport analysis and obstruction data.
  - (g) Contract training or facilities.
- (3) Risk Assessments may be submitted with the formal application package, to support the applicant/operator’s certification requests.

#### **3.2.5.3.4.6 Schedule of Events (SOE)**

- (1) The applicant/operator must submit a SOE to be presented with the formal application.



- (2) The SOE:
- (a) is a list of items, activities, programs, aircraft and/or facility acquisitions that the applicant/operator must accomplish or make ready for TCCA inspection before certification;
  - (b) should be in a logical and sequential order;
  - (c) will include the applicant/operator's best estimate of the date he/she will accomplish the item, activity, program, aircraft, or facility acquisitions or have them ready for inspection; and
  - (d) must provide for a reasonable amount of time for TCCA to review and accept or approve each item or event, before scheduling other items or events that are dependent on such acceptance or approval. What would be considered as "reasonable" should be discussed at the meeting (in order for both parties have a similar understanding of this timeframe).
- (3) The applicant/operator must be aware that failure to accomplish an item or event in a satisfactory or timely manner, in accordance with the SOE, could result in a delay in certification.

### **3.2.5.3.5 Accuracy, Completeness and Quality of Information**

- (1) All information submitted by the applicant/operator will be assessed to determine if the applicant/operator meets the requirements for issuance of a certificate, as specified in the CARs.
- (2) The formal application package must include all relevant completed forms and attachments.
- (3) An incomplete, poorly prepared or inaccurate application may:
  - (a) prevent TCCA personnel from processing the application in accordance with the timeline established in the TP 14984E - *Transport Canada Civil Aviation Service Standards Activities*; or
  - (b) result in the Minister's refusal to issue or amend the certificate, as per Section 6.71 of the *Aeronautics Act* (the Act).
- (4) TCCA may suspend the application at any time pending the applicant/operator submitting complete and accurate documentation, and will advise the applicant/operator accordingly.
- (5) The submission of a formal application means that the applicant/operator:
  - (a) is aware of the regulations and rules applicable to the proposed operation;
  - (b) can demonstrate their method of compliance; and
  - (c) are prepared for an in-depth evaluation, demonstration and inspection related to the required manuals, training programs, operational and maintenance facilities, aircraft, support equipment, record keeping, flight crew and key management personnel (including the functioning of the administrative and operational organization).

### **3.2.5.3.6 Fees and Cost Recovery**

#### **3.2.5.3.6.1 Estimate**

- (1) During preliminary discussions with an applicant/operator, the appropriate TCCA Manager is to provide to the applicant/operator an estimate of the charges that will apply for the certification activity. These fees consist of the following:
  - (a) certificate application fee;
  - (b) cost recovery fees, such as TC personnel travel and overtime costs for training program approvals, inspections, etc., based on location and hours of service;
  - (c) maintenance program fees, if not included in the certificate application fee; and



- (d) aircraft registration fees, if occurring in conjunction with the certificate application process.
- (2) The estimate will:
  - (a) be provided in writing as soon as practicable after the preliminary discussion has occurred; and
  - (b) include a validity period.
    - i. Typically 180 days, but up to the discretion of the official providing the estimate to determine, based on the circumstances.
- (3) It should be noted that the charges do not include cost-recoverable expenses associated with certification, such as inspections, and proficiency check fees.
- (4) The Certificate Fee Schedule can be found in CAR Subpart 104, Schedule VII.
  - (a) Fees are charged per service item.
    - i. Service items are based on the addition/change/removal of CAR required content listed on the Certificate.
    - ii. No service charge is levied for:
      - 1. AOC content changes for items not required by the CARs; (e.g.: Operator telephone number, Fax number, E-mail, or Operational Points of Contact).
      - 2. administrative changes to the AOC initiated by TCCA.
  - (b) Fees cannot be waived.
  - (c) Individual fee items cannot be "bundled" under one item, to incur only one charge.
- (5) The following are basic guidelines for cost recovery:
  - (a) Inside Canada, cost recovery:
    - i. is not applicable for travel (i.e., transportation, meals, incidentals, etc.) if the work is completed within normal business hours;
    - ii. is applicable for all overtime incurred; and
    - iii. is applicable for all expenses, including travel and overtime if the work completed is on a statutory holiday and/or a weekend.
  - (b) Outside of Canada, cost recovery is applicable for all expenses, including travel and overtime.  
  
Note: Inspectors shall claim pre-approved overtime in accordance with their collective agreements.
  - (c) Further guidance on cost recoverable expenses and procedures can be found in CAD FIN-003 - *Recovering the Incremental Costs of Providing Services Inside/Outside Canada*.
- (6) Travel and accommodation costs shall be in accordance with Treasury Board Travel Directives. In instances where the operator provides these directly, it is imperative that managers ensure that they are not in excess of the Travel Directives.
  - (a) It is essential that there is no real or perceived conflict of interest.
- (7) Forms to be used for cost recovery:
  - (a) *Civil Aviation Estimate of Certificate Application Costs* (Form 26-0462); and





(b) *Agreement for Recovering the Incremental Costs of Providing Services Inside/Outside Canada* (Form 26-0622).

- (8) TCCA may cancel a certificate application job if it has not received the required payment within the period prescribed in the estimate letter.
- (9) Where the payment is made outside of the prescribed estimate validity period, TCCA will review the estimate to ensure it remains accurate.

#### **3.2.5.3.6.2 Payment**

- (1) It is incumbent on the applicant/operator to make payment as required in the Formal Application Phase.
- (2) The charge must be paid in full in a single payment; partial payments with a balance owing are not acceptable.
- (3) Fees may be paid via:
  - (a) using the Online Payment System, at <https://wwwapps.tc.gc.ca/Comm/5/OPS>
  - (b) contacting the appropriate department by phone (at the number provided on the requirement letter) to arrange charging to a credit card; or
  - (c) cheque payable to “The Receiver General for Canada”.
- (4) It should be made clear to the applicant/operator that TCCA will not begin the certification process, such as reviewing manuals, training programs, management personnel, etc., until the charge is paid.

#### **3.2.5.3.6.3 Adjustments to the Original Estimate**

- (1) The actual cost to the applicant/operator may vary from the original estimate as a result of differences in the actual hours required to perform the service or due to the following:
  - (a) extended assessment times due to the unsatisfactory quality of the documentation submitted to support the application;
  - (b) delays by the applicant/operator in responding to TCCA's request for documentation; or
  - (c) failures to meet required standards during inspections.
- (2) If it becomes apparent at any stage of the process that the total cost will significantly exceed the estimated cost, TCCA will contact the applicant/operator in writing, providing the applicant/operator with the option to reject the additional cost and withdraw the application.
- (3) The applicant/operator is required to pay the additional amount required before TCCA can proceed with the processing of the application.

#### **3.2.5.3.6.4 Fee Review Process**

- (1) If an applicant/operator believes either the initial estimate of costs or the final total payment requested for a service is incorrect, they may request TCCA to review the costs.

#### **3.2.5.3.6.5 Fee Reimbursement on Withdrawal of the Certificate Application**

- (1) If the certification work has not begun, the fee can be refunded to the applicant/operator upon withdrawal of the Certificate application.

#### **3.2.5.3.6.6 Fee Reimbursement on Job Closure and/or Refusal to Issue the Certificate**

- (1) An applicant/operator for a certificate is still required to pay fees for the application even if the certificate is refused, or the job is closed due to lack of response from the applicant/operator.



#### **3.2.5.3.6.7 Fee Remission**

- (1) “Remission” is reimbursement of a portion of the fee paid where a service standard has not been met.
- (2) TC’s internal remission policy lays out information related to remissions, including the criteria for remission as well as exceptions to its application.
- (3) Information on the remissions policy can be found at:

<https://tc.canada.ca/en/corporate-services/transparency/transport-canada-s-policy-remissions>

#### **3.2.5.3.6.8 Adjusting Fees for Inflation**

- (1) As introduced in April 2019, TC’s material fees are adjusted annually according to the Consumer Price Index, also known as inflation.
- (2) Since our regulatory fee schedules in CAR 104 are not amended to reflect annual adjustments, we invite you to consult the following references for the most up to date information related to our service fees and service standards:

- (a) TP 14984 *Transport Canada Civil Aviation service standards activities (with and without charges)*, found at:

<https://tc.canada.ca/en/aviation/publications/transport-canada-civil-aviation-service-standards-activities-without-charges-tp-14984>

- (b) Fees and Financial Coding for Civil Aviation (RDIMS 15131420)

- (3) More information on the applicability of the Service Fees Act at TC can be found on the “Transport Canada and the Service Fees Act” website, at:

<https://tc.canada.ca/en/corporate-services/transparency/changes-regulatory-fees-under-service-fees-act>

### **3.2.6 Conclusion of the Pre-application Meeting**

#### **3.2.6.1 General**

- (1) The certification team must ensure that the applicant/operator understands that the formal application, with the previously described attachments, must be complete and acceptable or TCCA will reject the entire application.
- (2) At the close of the pre-application meeting, the CPM should determine if the applicant/operator is prepared, and can proceed with the certification process.

#### **3.2.6.2 Applicant/Operator is Adequately Prepared (Gate 1 Passed)**

- (1) If it appears that the applicant/operator understands the requirements of a formal application and will be able to proceed to the next phase, the CPM can inform the applicant/operator to do so.
  - (a) The applicant/operator should be encouraged to informally coordinate with the Certification Team, when preparing their formal application package.

#### **3.2.6.3 Applicant/Operator is Not Prepared (Gate 1 Not Passed)**

- (1) If it is evident that the applicant/operator is not adequately prepared to proceed with the certification process, the CPM should advise the applicant/operator of the reasons.
- (2) When it is apparent that the applicant/operator will not be able to prepare an adequate formal application, the CPM should advise the applicant/operator to request another pre-application meeting after the applicant/operator completes further preparation.



- (3) It is appropriate for the CPM to recommend to the applicant/operator one or more of the following actions by the applicant/operator:
- (a) Review the certification process, and all applicable guidance.
  - (b) Gain a better understanding of the applicable regulations.
  - (c) Change proposed key management personnel.
  - (d) Retain the services of a professional aviation consultant.
  - (e) Cease efforts to become TCCA-certificated.

### **3.2.7 Termination of the Pre-application Phase**

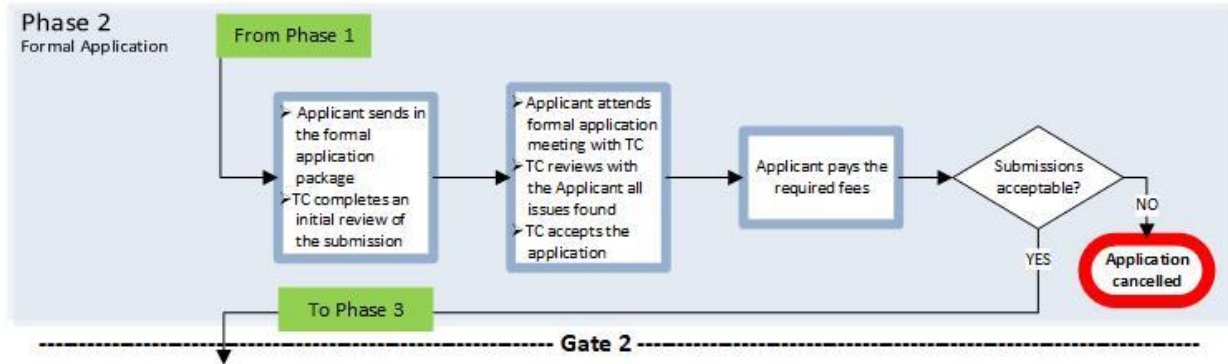
- (1) If, at any time during the pre-application phase:
- (a) the applicant/operator formally terminates all efforts toward certification; or
  - (b) the TCC determines that the applicant/operator will not proceed with the certification process;

the TCC will notify the applicant/operator in writing that:

- (a) this action terminates the pre-application process; and
- (b) the applicant/operator must submit a new pre-application form in order to initiate the certification process again.



### 3.3 Formal Application Phase



#### 3.3.1 Receipt of the Formal Application

(1) When the formal application is received, the CPM will:

- (a) inform the applicant/operator that TCCA's acceptance review of their application is expected to take at least 10 working days; and
- (b) if this is a new company:
  - i. conduct a National search within NACIS for the applicants "legal name", to ensure it is not already in use; and
  - ii. once certain it is not in use, request from **TCCA, Information Management** the five-digit 5258 (Flight Operations) number to open a company file in RDIMS.

Note: Once the general company file is created in RDIMS (requested through **TCCA, Information Management**), the CPM will use the company file number to generate a certificate file number in NACIS (5260 for Flight Operations).

Note: For applications that are exclusively for Airworthiness or Cabin Safety related changes to the certificate, there may be the need to save documentation to other than the 5258 and/or 5260 company file folders.

#### 3.3.2 Acceptance Review of the Formal Application

- (1) Upon receipt of a formal application, the certification team will review it and make a determination of its acceptability within 10 working days.
- (2) The certification project manager (CPM) will notify the applicant/operator of the results of the initial review.
- (3) The acceptance review serves the following purposes:
  - (a) It verifies that the items required for formal application have been submitted.
    - i. The required items to pass **Gate 2** are described in this chapter, and at minimum include:
      - 1. the letter requesting the certification activity; and
      - 2. the required attachments.

Note: These requirements are also listed in the certification Job Aids (see Volumes 2 & 3 of this manual series).



Note: If any of the items required for the formal application are missing or are incomplete, the entire formal application must be rejected and returned to the applicant/operator, with a letter stating the reasons for its rejection.

- (b) It permits a determination to be made by TCCA as to whether the submitted material represents a feasible proposal, and is of sufficient quality to allow for a productive formal application meeting.

- (4) Sections 3.3.2.1 to 3.3.2.6 are provided as direction and guidance for this initial review.

### **3.3.2.1 Management Qualifications Attachments (Résumés)**

- (1) Management qualifications must be reviewed by the certification team. A résumé for each individual being proposed for management positions shall accompany the application; these résumés must contain the basic information necessary to determine regulatory compliance.
- (2) The depth of review should only be to determine that there are no obvious omissions or significant discrepancies. An example of a significant discrepancy might be that the regulation requires an individual to hold an ATPL, but the résumé shows that the individual holds only a commercial pilot licence (CPL).
- (3) A detailed review of the management qualifications and effectiveness will be accomplished during the Design Assessment phase and the Performance Assessment phases.

### **3.3.2.2 Operator's Manuals**

- (1) The CPM must determine whether or not manuals will be required, and which ones they will be. Where a manual is required:
  - (a) and one has been submitted by the applicant/operator, the CPM must review the overall content and scope of the manual material, to determine if it indicates that the applicant/operator is proceeding in an appropriate manner and in compliance with the regulations.
  - (b) but has not been submitted by the applicant/operator, the CPM needs to inform the applicant/operator accordingly of this deficiency.
- (2) These completed manual submissions provide early indications of the quality of the applicant/operator's manual program.
- (3) An in-depth review and evaluation, along with the acceptance, approval, or rejection of the manual will be accomplished in the Design Assessment phase.

### **3.3.2.3 Training Programs**

- (1) The CPM must review the training program attachments to determine that each of the curriculum segments listed in the CR of the applicable Subpart have been submitted for each applicable employee position.
- (2) Each program must be reviewed to determine that basic regulatory requirements are being met and that the applicant/operator is proceeding in an appropriate manner with the development of the applicant/operator's training programs.
- (3) A detailed review, and potentially a conditional approval of the training program, will be accomplished in the Design Assessment phase after the operator has finalized all training arrangements, including instructor lesson plans.
- (4) The applicant/operator may not start training with a curriculum until that training program has been approved.
  - (a) Certain training curriculum may be eligible to receive conditional approval.



### 3.3.2.4 Conformance Reports

- (1) The CPM must do a precursory review of the submitted conformance reports, to confirm that the applicant/operator has complied with the form's content requirement.

Note: The conformance reports will be given a detailed review, and must be accepted before the applicant/operator can pass through **Gate 2**.

### 3.3.2.5 Documents of Purchase, Contracts, and Leases

- (1) Supporting documents should be reviewed for obvious omissions or significant discrepancies.
  - (a) Examples of obvious omissions might be the lack of documents indicating intent to acquire an aircraft or to arrange for a facility.
  - (b) A significant discrepancy might be a document that reflects a contractual arrangement with another organization to perform a type of maintenance when it is known that the other organization is not qualified to perform that type of maintenance.
- (2) These documents will not necessarily receive further review during the certification process since the aircraft, facilities, and services referenced in the documents will be the items inspected for acceptance or approval.
- (3) It is not necessary for the applicant/operator to supply separate documents to substantiate that they have acquired every aircraft/equipment/facility component they will need. However, there should be sufficient evidence to show that the applicant/operator has made definitive arrangements to acquire the major aircraft/equipment/facilities needed for certification.

### 3.3.2.6 Schedule of Events (SOE)

- (1) The SOE is a list of each major item, activity, program, aircraft and/or facility acquisition. It also sets milestones for accomplishment or submission of the listed items.
- (2) The SOE, when accepted, becomes the basis for agreement between the operator and the certification team on how the certification project will be accomplished.
- (3) The applicant/operator's ability to plan and carry out a realistic SOE will be a major factor in determining the applicant/operator's fitness to hold a certificate. Therefore, when reviewing the SOE, the certification team must carefully consider the feasibility of the proposed schedule with respect to the following criteria:

- (a) **Logic of Sequence** - Certain activities and events listed in the schedule must occur before other activities and events.

For example, aircraft systems training cannot begin until TCCA - Approved Flight Manual is available or the company aircraft operating manual has been reviewed and accepted/approved. Another example would be the aircraft conformity inspection needing to be completed before the emergency evacuation demonstration can be done.

The team should use the certification Job Aid as a tool to ensure that the applicant/operator's proposed SOE is logical in terms of event sequence.

- (b) **Timeliness of Events** - The SOE must be reasonable, and realistically provide sufficient time for the certification team to review the applicant/operator's various documents, manuals, and proposals.
- (c) **Completeness of Events** - The number and kinds of submissions made by the applicant/operator for evaluation and acceptance or approval varies according to the complexity of the proposed operation. Specific manuals and other documents that are required for a particular type of operation are annotated in the SOE and the certification Job Aid. The CPM should use the Job Aid to ensure that all required manuals and documents have been included in the SOE.



- (d) **Inspector or Other Resource Availability** - Availability and capability of personnel resources is another element of concern when determining whether a SOE can be met. The CPM must determine that appropriately qualified Inspectors are available for the conduct of extensive manual reviews consistent with the proposed SOE.

Note: The CPM must ascertain the qualifications of the available Inspectors with respect to the proposed operation are appropriate. The CPM will identify when resources are required from other groups and make appropriate requests to the ADO, so that these resources may be assigned.

### **3.3.3 Initial Determination of the Formal Application Acceptability**

#### **3.3.3.1 All Submissions Acceptable**

- (1) The decision to proceed is predicated on receipt of all required documents in the formal application, and an initial acceptance of those contents.
- (2) Results of informal meetings, reviews, and observations of the applicant/operator's capabilities during the pre-application phase, should supplement the decision-making process.
- (3) Other factors such as working relationships, established during the pre-application phase, should also be considered.

##### **3.3.3.1.1 Scheduling the Formal Application Meeting**

- (1) If the CPM and the certification team decide that the submissions warrant proceeding with the certification process, the CPM must contact the applicant/operator and schedule the formal application meeting.
- (2) The applicant/operator must be informed that attendance of key management personnel at the formal application meeting is required.

#### **3.3.3.2 All Submissions Not Acceptable**

- (1) If the CPM and the certification team decide that the submissions are not to a stage that the application process can continue:
  - (a) the CPM needs to inform the applicant/operator of this issue, in writing; and  
Expected contents of this letter are:
    - i. a list of the errors, omissions, or revisions that were found;
    - ii. any further information that helps to explain what is missing from the package; and
    - iii. how the documents can be re-submitted.
  - (b) all documents requiring revision should be returned to the applicant/operator.
- (2) The applicant/operator should be informed that the TCCA levels of service do not start until a complete application package has been received.
  - (a) At this stage, levels of service do not apply.

### **3.3.4 The Formal Application Meeting**

#### **3.3.4.1 General**

- (1) The purpose of this meeting is to resolve any questions on the part of either party, and to establish a common resolve towards the future proceedings of the application process.
- (2) If an applicant/operator has been thoroughly briefed and has acquired a good understanding of the requirements during the pre-application phase, the formal application package should be of



sufficient quality that any discrepancies, omissions, and/or “open” questions can be resolved during the formal application meeting.

For example, if the chronology of the SOE needs to be adjusted for logic of sequence, timeliness, or to accommodate Inspector resource requirements, such adjustments can normally be accomplished during this meeting.

- (3) Often minor and occasionally some significant discrepancies or omissions in manual material, training curricula, and/or the compliance statement can be resolved during the formal application meeting.
- (4) Questions about management qualifications and documents substantiating the acquisition of aircraft, facilities, and services can often be answered during this meeting.
- (5) The CPM is responsible for conducting the formal application meeting.
- (6) Except for unanticipated circumstances, all members of the certification team must be present.

### **3.3.4.2 Subjects to be Covered in the Meeting**

#### **3.3.4.2.1 Formal Application Package Review**

- (1) The CPM should confirm with the applicant/operator that all documents to support the formal application have been received.

#### **3.3.4.2.2 Applicant/Operator Questions**

- (1) The CPM should ask the applicant/operator and the applicant/operator’s key management personnel if they have any questions regarding the forthcoming certification process.
- (2) The CPM and certification team members should provide answers and discuss freely all aspects of the certification process.

#### **3.3.4.2.3 SOE Discussion**

- (1) The detailed SOE should be discussed, and any expected revisions should be negotiated prior to proceeding.

### **3.3.4.3 Conclusion of the Meeting**

- (1) Before concluding the formal application meeting, the CPM must make certain that the applicant/operator clearly understands the following:
  - (a) Notification of acceptance of the formal application package does not in any way constitute acceptance or approval of the separate attachments.
    - i. The attachments will be reviewed further.
      1. Additional corrective actions will likely be required.
    - ii. The applicant/operator will be expected to remedy any identified deficiencies.
    - iii. Acceptance or approval of each attachment will be indicated separately at a later point in the certification process.
  - (b) If the applicant/operator is unable to meet the SOE, TC will still require equivalent amounts of time, as agreed upon during the meeting, to make the necessary reviews and inspections.
    - i. The consequence of such delays would be that the proposed start-up date could not be met.
- (2) At the close of the formal application meeting, the CPM should determine whether or not the applicant/operator has submitted a complete formal application, and is fully prepared to continue with the certification process.





### 3.3.5 Final Determination of Formal Application Acceptability

#### 3.3.5.1 Applicant/Operator Prepared & Formal Application Package Complete

- (1) If the formal application meeting is successful, the CPM shall prepare and send a letter to the applicant/operator:
  - (a) acknowledging receipt and acceptance of the formal application package;
  - (b) containing a request that the applicant/operator pay the applicable fees; and
  - (c) including a statement that until the fees are paid, the application package will not be considered complete (and **Gate 2** will not have been passed by the applicant/operator's application).
    - i. The statement should also include direction that fee payment can be confirmed by the applicant/operator by sending a copy of the receipt or receipt number to the CPM.
- (2) The letter must be prepared and forwarded to the applicant/operator as soon as possible, but no later than 5 working days after the meeting.

##### 3.3.5.1.1 Payment of All Required Fees (Gate 2 passed)

- (1) Following issuance of the letter acknowledging receipt and acceptance of the formal application, all required fee are to be paid by the applicant/operator.
- (2) The TCCA receipt showing complete payment of all fees by the applicant/operator will indicate successful completion of Phase 2, and the beginning of the applicable Service Standards.

#### 3.3.5.2 Applicant/Operator is Not Prepared (Application Package Incomplete) (Gate 2 Not Passed)

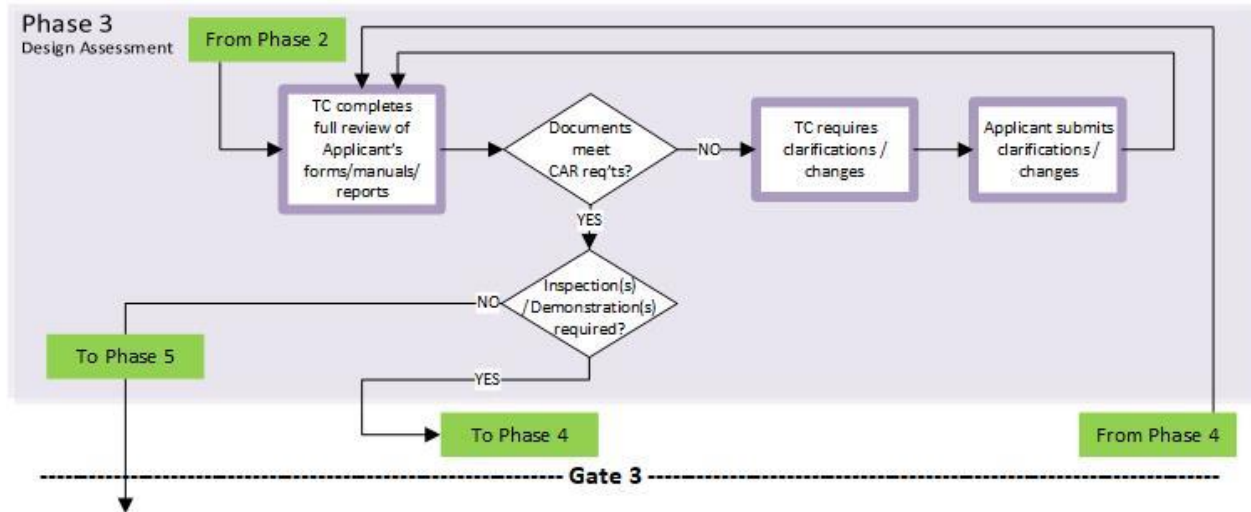
- (1) If the formal application meeting is unsuccessful (and the application package is incomplete):
  - (a) a letter must be prepared and sent to the applicant/operator to explain what were the outstanding issues that caused the application to be rejected; and
  - (b) the application package must be returned to the applicant/operator.
- (2) It is appropriate for the CPM to recommend to the applicant/operator one or more of the following actions by the applicant/operator:
  - (a) Further review of the certification process and all applicable guidance.
  - (b) A more thorough review of the applicable regulations.
  - (c) Changes in proposed key management personnel.
  - (d) Retain the services of a professional aviation consultant.
  - (e) Cease efforts to become TCCA-certificated.

### 3.3.6 Termination of the Formal Application Phase

- (1) If, at any time during the formal application phase, the applicant/operator formally terminates all efforts toward certification, or the CPM determines that the applicant/operator is not able to proceed with the certification process, the CPM will:
  - (a) notify the applicant/operator in writing that this action terminates the formal application process, and that the applicant/operator must submit a new pre-application form in order to initiate a new certification process; and
  - (f) close the 5258 company file in RDIMS and archive the company in NACIS.



### 3.4 Design Assessment Phase



Note: This phase is known as "Document Evaluation Phase" in ICAO documentation.

#### 3.4.1 General

- (1) The Design Assessment phase is the part of the certification process where the applicant/operator's manuals and other documents are reviewed in-depth to ensure compliance with applicable regulations and conformity to safe operating practices.
- (2) An important responsibility of the certification project manager (CPM) is to organize the certification team's efforts to promptly review the applicant/operator's manuals and other documents.
- (3) Two key elements useful in planning activities in the Design Assessment phase are the Schedule of Events (SOE) and the required Conformance Reports (CRs).
  - (a) The SOE determines what will be examined and when. The previously agreed-upon SOE will determine the priority of items to be reviewed.
  - (b) The CRs will help guide the Inspectors through the review of applicant/operator manual submissions.
- (4) The Design Assessment phase is an intensive process, that will most likely require additional resources to accomplish necessary tasks in a timely manner.
  - (a) The regional certification team may be augmented by other TC resources.
    - i. The CPM will provide input to the TTL to help in identifying required resources to complete each task.
    - ii. ADOs/Chiefs will determine resource availability and assign team members to support the work.

#### 3.4.2 Plan for Review - Documentation

- (1) The plan for review should ensure that each of the required manuals and documents submitted by the applicant/operator will be reviewed in accordance with procedures and criteria outlined in Volumes 2 & 3 of this manual series.
- (2) The CRs will direct the Inspector to the location(s) in the applicant/operator's manuals where a compliance procedure is described.



- (3) Following the relevant subpart Job Aid, Inspectors shall use the specific CRs referenced in Volume 2 of this manual series to guide their decisions.

### **3.4.3 Review of the Applicant/Operator's Submissions**

#### **3.4.3.1 General**

- (1) After the formal application has been accepted, the TCCA certification team will commence a thorough evaluation of all documents and manuals submitted by the applicant/operator.
- (2) TCCA should endeavour to complete these evaluations in accordance with the schedule of events prepared by the applicant/operator and agreed to at the formal application meeting.
- (3) If a document or manual is incomplete, deficient, or non-compliant with regulations or safe operating practices, the document or manual shall be returned to the applicant/operator for corrective action.
- (4) Documents or manuals that are satisfactory will be approved as required by the CARs. Approval will be indicated by a signed document or certificate.
- (5) Acceptance of material that does not require formal approval should be indicated either by letter or by the absence of any TCCA objection to the material.
- (6) For guidance on the evaluation of specific documents, see the relevant sections of Volume 2 in this manual series.

#### **3.4.3.2 Forms & Supporting Documents**

- (1) Members of the certification team should evaluate the contents of the applicant/operator's forms & documents submission as a team. This will:
  - (a) help the team gain a broad understanding of the applicant/operator's proposed service; and
  - (b) more likely lead the team to identify if there are discrepancies in any of the forms or documents, as each team member brings to the team different perspectives and experience.
- (2) Any discrepancies found on a form or document must be clarified with the applicant/operator, as it could impact the certification process.

#### **3.4.3.3 Manuals**

- (1) Members of the certification team shall evaluate and approve or accept the applicant/operator's manuals.
- (2) At no time are Inspectors to rewrite or add to a submitted manual.
- (3) Applicant/operators should be encouraged to:
  - (a) make use of all available guidance materials; and
  - (b) seek professional assistance in preparing manuals for the Minister's approval.
- (4) All manuals shall include procedures for the development, control and distribution of each manual, the means to keep the manual up to date, and the means for the publication and distribution of amendments.
- (5) Manuals will require appropriate amendment when new requirements, operations or equipment are introduced or modified.
- (6) Review of the applicant/operator's submissions should be accomplished by simultaneous reference to the applicable CARs, CASS, and associated review tools referenced in Volume 2 of this manual series.



### 3.4.3.4 Conformance Reports

- (1) Conformance Reports (CRs):
  - (a) Guide the applicant/operator in their development of a manual that fully addresses all regulatory requirements applicable to the proposed operation; and
  - (b) Aid the certification team in determining that the regulatory requirements have been addressed in the applicant/operator's manuals, programs, and procedures.
- (2) If the applicant/operator's conformance reports do not supply the required information, the deficient areas will be communicated to the applicant/operator.
  - (a) It is the applicant/operator's responsibility to satisfy all requirements listed in the applicable CR.
- (3) In evaluating the applicant/operator's CRs, the certification team will need to compare (in a side-by-side manner) the submitted CRs, the applicant/operator's manuals, and the applicable regulations/standards.
- (4) Any required inspections and/or demonstrations (Phase 4 – Performance Assessment) will not be conducted until the certification team is satisfied, through its review of all conformance reports and formal application package, that all regulatory requirements have been adequately addressed.

#### 3.4.3.4.1 Instructions for Completion of Conformance Reports

- (1) All conformance reports follow the same general format:
  - (a) Applicants will have completed the following sections:
    - i. Amendment;
    - ii. Conformance Requirement Item;
    - iii. Applicability;
    - iv. Location(s);
    - v. Revision; and
    - vi. Comments.
  - (b) TCCA will review the Applicant's work, and complete sections:
    - i. TC Comments;
    - ii. Status;
    - iii. Inspector; and
    - iv. Date.
  - (c) Specific guidance information on each of these items can be found within each conformance report.
- (2) The Inspector will review each requirement that the applicant/operator has addressed in their conformance report by comparing the data found at the location where the conformance requirement is met with the appropriate regulations/standards, guidance material, and other regulatory files that are relevant to the specific subject matter.
  - (a) If the specific conformance requirement is met, the Inspector will:
    - i. Select: "Approved" or "Accepted" in the Status column;
    - ii. Add any additional comments in the TC Comments column;



- iii. Enter their initials or name in the Inspector column; and
  - iv. Enter the date they completed their review of the requirement in the respective Date field.
- (b) If the specific conformance requirement is not met, the Inspector will:
- i. Select: “Rejected” in the Status column;
  - ii. Provide remarks on the reasoning for rejecting the submission;
  - iii. Enter their initials or name in the Inspector column; and
  - iv. Enter the date they completed their review of the requirement in the respective Date field.
- (c) If the Inspector is still reviewing the requirement but has not rejected or approved/accepted their submission, the Inspector will:
- i. Select “Pending” in the Status column;
  - ii. Add any additional comments in the TC Comments column (i.e.; requires more information);
  - iii. Enter their initials or name in the Inspector column; and
  - iv. Enter the date they completed their review of the requirement in the respective Date field.
- (3) The Inspector’s review will be an ongoing effort until all applicable conformance requirements have been approved or accepted. As such, it is expected that this review period will consist of exchanges between the applicant/operator and TCCA.
- (4) Once all the conformance reports are approved by TCCA, then the application process moves on to the Performance Assessment phase.

### **3.4.4 Analysis and Assessment**

- (1) The CPM shall conduct a meeting with the TTL and all other relevant certification team members to review the findings from each form, manual and report.
- (2) The TTL will make an assessment as to the acceptability of each form, manual and report.

#### **3.4.4.1 All Submissions Acceptable**

- (1) Once the forms, manuals and reports are acceptable (i.e.; meet regulatory requirements), TCCA will send to the applicant/operator written notification of this conclusion.

#### **3.4.4.2 All Submissions Not Acceptable**

- (1) If the forms, manuals and reports are not of sufficient quality (i.e.; do not meet regulatory requirements), a letter will be prepared and sent to the applicant/operator, detailing the negative findings and cause for the rejection of the formal application package.
- (2) It is the applicant/operator’s responsibility to develop manuals and procedures that ensure safe operating practices and compliance with the rules.
  - (a) When submitting any revisions, the applicant/operator shall label all documents in the submission in sequential order (Revision B, Revision C, etc.).
  - (b) If the revision involves a manual, the applicant/operator shall use their manual revision process (i.e., change bars, etc.).



### **3.4.5 Requirement for Performance Assessments**

- (1) Following the final analysis, once all submissions are deemed acceptable, the TTL and certification team should decide as a group whether performance assessments will be required.
- (2) The determination by TCCA as to whether or not performance assessments will be required, and if such assessments are required, their number and type, will depend upon TCCA's assessment of the capabilities of the operational and maintenance systems established by the applicant/operator.

#### **3.4.5.1 Performance Assessments Required**

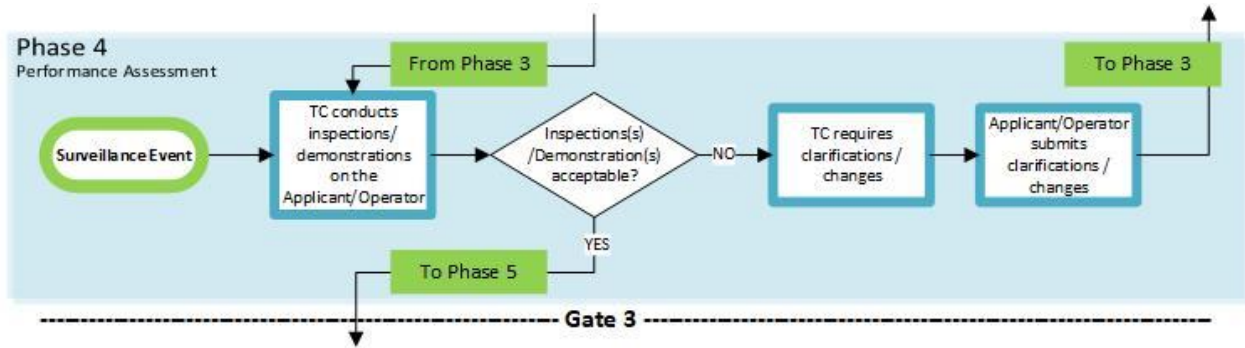
- (1) If performance assessments are required, a plan for these inspections and/or demonstrations should be prepared so that the applicant/operator can arrange appropriate persons, resources, and equipment to be available for the inspections and/or demonstrations.
- (2) For further guidance, proceed to Section 3.5 of this Volume.

#### **3.4.5.2 Performance Assessments Not Required (Gate 3 Passed)**

- (1) Following the final analysis of the submissions, once all submissions are deemed acceptable, the TTL and certification team determine that all submissions are acceptable, and that there is no requirement for performance assessments, then the certification process will proceed to the Administrative Functions Phase, referenced in section 3.6 of this Volume.



### 3.5 Performance Assessment Phase



Note: This phase is known as "Demonstration and Inspection Phase" in ICAO documentation.

#### 3.5.1 General

- (1) As previously mentioned, certain segments of the Design Assessment phase occur simultaneously with certain events in the Performance Assessment phase.
  - (a) For example, Inspectors may be observing pilot training at the applicant/operator’s facilities while other certification team members are approving and/or accepting maintenance manuals in the TCC (Design Assessment phase).
- (2) In this phase, the certification team determines whether the applicant/operator’s proposed procedures and programs have been established, are in compliance with regulations and safe operating practices, and appear to be effective.
- (3) CARs require an operator to demonstrate the ability to comply with regulations and safe operating practices before beginning revenue services.
  - (a) These inspections and/or demonstrations will include actual performance of activities and/or operations by the applicant/operator’s staff while being observed by Inspectors of the certification team.
  - (b) This will also involve on-site inspections of base facilities, aircraft equipment, and support facilities.
- (4) The certification team should pay particular attention to the applicant/operator’s management effectiveness. Deficiencies in management function should be brought to the attention of the applicant/operator, which should immediately trigger the applicant/operator to take corrective action. TCCA should take note of how these deficiencies are handled.
- (5) Before authorizing the issuance of the certificate, TCCA must thoroughly assess the operating ability of the applicant/operator. This important, and more detailed, phase of the assessment will require the applicant/operator to demonstrate thorough, day-to-day administrative and operational capabilities, including, in some cases, demonstration flights, the adequacy of facilities, equipment, operating procedures and practices, and the competence of administrative, flight and ground personnel.
- (6) Since the precise details of inspections and/or demonstrations will be determined by many factors, such as the nature, scope and type of operations, the type of airborne and ground equipment to be used and the method of operational control and supervision, it is not practicable to prepare comprehensive material adaptable for universal use. Consequently, the material that follows in this chapter should be regarded as a listing of the more important aspects of the operation to be assessed, with the exact procedure for inspection and/or demonstration being



determined by the circumstances of each case. Further guidance on the conduct of inspections and/or demonstrations is given in the pertinent sections of each relevant Volume of the TP 4711 manual series.

- (7) It will also be necessary to ascertain whether facilities located in other States which are to be utilized are adequate, and that personnel licences are acceptable to other States where operations will take place. Arrangements for this determination are a matter of agreement between TCCA and the other States concerned.
- (8) The CPM will provide input to the TTL, to help the TTL identify team resources required to complete each performance assessment element.
  - (a) The TTL will determine resource availability, and assign team members to support the Assessment Plan.

### **3.5.2 Plan for Review – Validations**

- (1) The plan for review should ensure that each of the required performance events to be completed will be evaluated utilizing the relevant Job Aid and Process Aid.
- (2) Ensure that the Plan has been developed to complete all elements.
- (3) The TTL must concur with the Plan before it will be utilized.

### **3.5.3 Observations and Monitoring of Events**

- (1) Through observation and other forms of onsite evaluation during the Performance Assessment phase, members of the certificating team observe and monitor many types of operator activities.
- (2) The manner in which the applicant/operator is to be evaluated while conducting different segments of this phase is outlined in various sections of Volumes 2 & 3 of this manual series. Refer to the certification Job Aid for specific Manual references for each activity or event.
- (3) The following list of activities is representative of events that occur in the Performance Assessment phase. This list is not all-inclusive, and certain items may not be applicable to a particular type of operation:
  - (a) conduct of training programs, including emergency drills and demonstrations (classroom, flight simulators, and aircraft training);
  - (b) crewmember testing and certification (flight crew and flight attendants (F/A));
  - (c) operational support services (equipment, procedures, and personnel);
  - (d) recordkeeping procedures (documentation of training, flight and duty times, and flight papers);
  - (e) operational control;
  - (f) flight locating capabilities;
  - (g) flight planning procedures;
  - (h) approved maintenance program procedures;
  - (i) aircraft maintenance schedule(s) is/are appropriate to the aircraft physical configuration(s);
  - (j) use of Minimum equipment lists (MEL) and Configuration Deviation Lists (CDL);
  - (k) compliance with Transport Canada (TC) approved operations manual / flight manual, maintenance procedures;





- (l) weight and balance (W&B) control, including procedures, accuracy, document control; and
- (m) aircraft demonstration and validation tests (ability of the applicant/operator to conduct activities independently, safely, and in compliance with the applicable regulations).

### 3.5.4 Data Collection

- (1) The Certification Team will verify the performance of the events using the applicable Process Aids.
- (2) The CPM will collect and analyze the completed Process Aids on an ongoing basis.
- (3) The CPM should schedule regular meetings for the whole team to review the results of the latest completed assessments. This will:
  - (a) aid the team in being aware of the progress of the performance assessment phase; and
  - (b) highlight any potential issues the team members need to be aware of.

Note: If an Inspector observes any issue(s) not related to their assigned element or he/she cannot capture it in their assigned element PA, document the issue(s) and notify the Inspector(s) working that element.

### 3.5.5 Inspect/Validate the Applicant/Operator's Processes/Facilities/Equipment

#### 3.5.5.1 Organization and Structure

- (1) During the performance assessment phase, the applicant/operator's organizational structure, managerial style, direction and philosophy will be evaluated to ensure that necessary and proper control can be exercised over the proposed operation.
- (2) A sound and effective management structure is essential; it is particularly important that the operational management will have proper authority within the applicant/operator's organization and be in suitably experienced and competent hands.
- (3) Experience has shown that the quality of an operation is directly related to the standards maintained by its management. Competent management usually results in safe operations. An excess number of managers can lead to fragmentation of responsibility and control, and to as much difficulty and inefficiency as a shortage. Either case can result in a lowering of operational standards. Thus, the evaluation of the applicant/operator's organization is a very significant phase of the certification inspection process.
- (4) The process for the Organization and Structure performance assessment is detailed in the applicable section of Volume 2 of this TP 4711 manual series.
- (5) Once it has been determined that the applicant/operator's organization is adequately staffed and managed, a detailed examination of the organization should be initiated, and the suitability and use of the associated operations will be assessed.

#### 3.5.5.2 Ground Operations

- (1) The purpose of this performance assessment is to ascertain, through on-site inspections, the adequacy and suitability of the applicant/operator's staffing, training program, ground equipment, facilities and procedures to conduct the operations specified in the application.
- (2) The process for the Ground Operations performance assessment is detailed in the applicable section of Volume 2 of this manual series.



### 3.5.5.3 Flight Operations

- (1) Following the ground operations performance assessment, it may be necessary, particularly in the case of new operators, to carry out a series of inspections in the course of flight. Such flights provide an opportunity for the operator to demonstrate the ability to carry out the proposed operations in accordance with applicable regulations.
- (2) Passengers should not be carried during demonstration flights prior to certification, and observer personnel on board the aircraft should be kept to a minimum. However, it is generally desirable for the applicant/operator to have on board company personnel who can make decisions and commitments on behalf of the applicant/operator concerning actions to correct deficiencies.
- (3) All demonstration flights are to be conducted using the methods and procedures proposed by the applicant/operator in the formal application package.
- (4) The process for the Flight Operations performance assessment is detailed in the applicable section of Volume 2 of this manual series.

### 3.5.5.4 Maintenance Control

- (1) The applicant/operator is required to demonstrate that they have maintenance arrangements in place for the performance of maintenance on their aircraft.
  - (a) an approved maintenance organization with the necessary qualified staff, equipment and facilities must be set up and responsible for ensuring that the aircraft remain in an airworthy condition for the duration of their operational life. This is also referred to as managing the continuing airworthiness of the aircraft.

Note: This approved maintenance organization may be part of the applicant/operator's company.
- (2) The process for the Maintenance Control performance assessment is detailed in the applicable section of Volume 2 of this manual series.
- (3) It is also assumed that in the case of an applicant/operator seeking authority to operate leased aircraft registered in a different State, suitable arrangements have been made between TCCA and the State of Registry regarding responsibility for the continuing airworthiness of the aircraft.

### 3.5.6 Analysis and Assessment

- (1) Along with the identified members of the certification team, and the TTL, the CPM will conduct meetings to analyze the data collected while completing the Performance Assessments.
- (2) The TTL will make an assessment as to the acceptability of these inspection findings.

#### 3.5.6.1 All Inspections and/or Demonstrations Acceptable (Gate 3 Passed)

- (1) Once all inspections and/or demonstrations for the Performance Assessment phase are completed successfully, and there are no requirements for further revision in the applicant/operator's procedures or guidance material:
  - (a) TCCA will send to the applicant/operator written notification of this conclusion; and
  - (b) The certification process will proceed to the Administrative Functions Phase, referenced in section 3.6 of this Volume.

#### 3.5.6.2 Any Inspection and/or Demonstration Not Acceptable

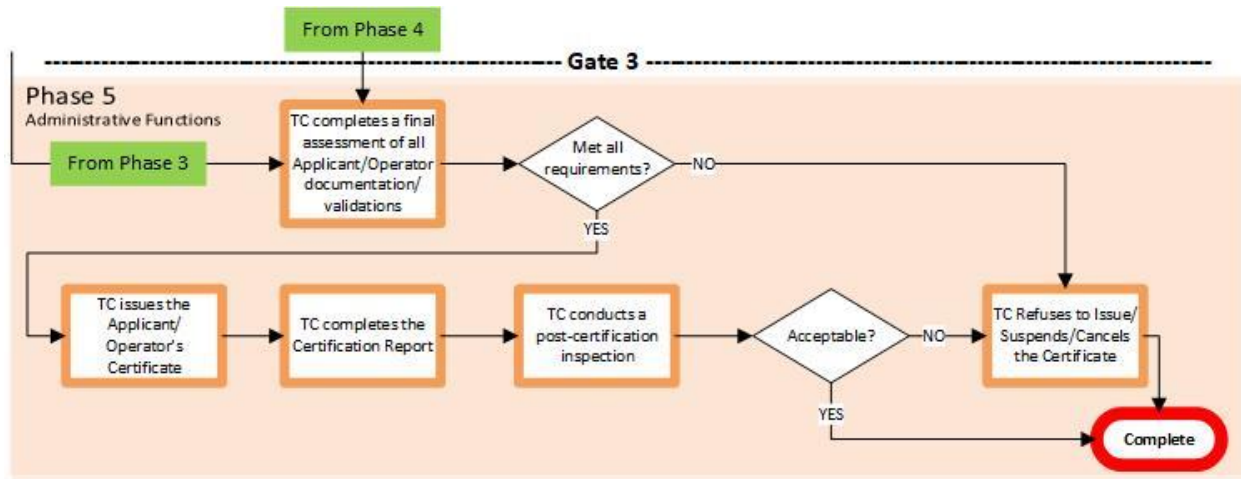
- (1) If the Inspector's reviews reveal any deficiencies in the applicant/operator's performance, the CPM should discuss with the applicant/operator a resolution of the deficiencies.



- (a) A letter will be prepared and sent to the applicant/operator, detailing the negative findings and cause for the findings.
- (2) Should the deficiencies require the applicant/operator to revise their manuals and/or procedures, then the application process will be redirected back to the Design Assessment Phase, as applicable to the manual/procedure.
  - (a) When submitting any revisions, the applicant/operator shall label all documents in the submission in sequential order (Revision B, Revision C, etc.).
  - (b) If the revision involves a manual, the applicant/operator shall use their manual revision process (i.e., change bars, etc.).
- (3) Prior to the conduct of a follow-up performance review of any element, the applicant/operator's proposed revisions must be fully approved.
  - (a) For further guidance, proceed to Section 3.4 (Design Assessment) of this Volume.



### 3.6 Administrative Functions Phase



Note: This phase is known as "Certification Phase" in ICAO documentation.

#### 3.6.1 Final Assessment

- (1) A final review meeting should be set up by the CPM, to include all Certification Team members and the TTL.
- (2) The purpose of this meeting is to:
  - (a) have a final assessment to confirm all steps in the certification process up to **Gate 3** have been completed; and
  - (b) determine whether there are any outstanding items that need to be addressed by the applicant/operator.

##### 3.6.1.1 Applicant/Operator Has Met All Requirements

- (1) A Certificate is issued or amended only after all regulatory certification requirements have been met, including the payment of required fees.
- (2) Complete documentation must be in the Regional office's possession prior to that region issuing a Certificate.

###### 3.6.1.1.1 Preparation of TCCA Certificates

- (1) Before issuing the Certificate, the assigned delegated person will electronically sign the document in NACIS.

###### 3.6.1.1.2 Presentation to the Applicant/Operator

- (1) The CPM or TTL should take the opportunity of the certificate issuance to present the document to the applicant/operator in person, if at all possible.
  - (a) This permits:
    - i. TCCA to fully explain the contents of the certificate; and
    - ii. the applicant/operator to ask any final questions.

##### 3.6.1.2 Applicant/Operator Has Not Met All Requirements

- (1) If it is determined that the applicant/operator is not able or willing to meet the conditions for issuance of the certificate, official notification that meets the requirements of section 6.71(2) of the *Aeronautics Act* and CAR 103.06 must be issued.



- (a) The notification must be given in writing by TCCA, and sent by personal service or by registered or certified mail to the applicant/operator's latest known address.

#### **3.6.1.2.1 Refusal to Issue or Amend**

- (1) Where an assessment indicates that certain elements of the application are not satisfactory, those elements will not be recommended.
- (2) In the event that a recommendation for refusal is likely to be made, a statement of reasons must be prepared by the CPM for inclusion in the certification file.
  - (a) This may be done in conjunction with Legal Services.
  - (b) The CPM must inform Commercial Flight Standards (AARTF) and the TCCA Regional Manager.
- (3) Prior to issuance of the notice of refusal, a letter of intent to refuse to issue the certificate must be sent to the applicant/operator.
  - (a) The letter of intent must describe accurately the conditions of issuance that have not been met, and offer the applicant/operator an opportunity to make submissions to the issuing authority within TCCA as to why the applicant/operator believes that they do meet all the conditions, or how the issuing authority may be in error in their assessment of the applicant/operator's status regarding the conditions of issuance.
- (4) Under 6.71 of the *Aeronautics Act*, the Minister may refuse to issue or amend a Certificate if the applicant/operator does not meet the qualifications or fulfil the conditions necessary.
  - (a) In such cases, CAR 103.06(4) requires a notice be issued by the Minister under subsection 6.71(2) of the Act informing an applicant/operator of the Minister's decision made under subsection 6.71(1) of the Act to refuse to issue or amend the CAD.
  - (b) The notice shall be in the form set out in Schedule I of Subpart 103 of the CARs.
- (5) Under the *Aeronautics Act*, the decision of refusal to issue or amend an application or any part of an application may be subject to a review. Consequently, such decisions must be carefully considered and fully documented.

#### **3.6.1.2.2 Suspension of Certification Activity**

- (1) TCCA will suspend the processing of a certificate application under the following circumstances:
  - (a) TCCA has not received payment following an estimate sent to the applicant/operator;
  - (b) the applicant/operator has not supplied required information and/or documentation requested by TCCA;
  - (c) the applicant/operator has not addressed deficiencies found during the documentation assessment or verification and testing phases; or
  - (d) on receipt of a written request by the applicant/operator to do so.
- (2) TCCA will notify the applicant/operator when the certification activity the applicant/operator has applied for has been suspended.

#### **3.6.1.2.3 Certification Process Cancellation on Request of the Applicant/Operator**

- (1) The applicant/operator may request TCCA to cancel their application at any time in writing.
- (2) TCCA will reconcile the applicant/operator's account and send an invoice or refund accordingly.

#### **3.6.1.2.4 Certification Job Closure**

- (1) Jobs that have been suspended for 90 days may be closed by TCCA.



- (2) TCCA will send the applicant/operator a written notification, providing the applicant/operator an opportunity to submit the required documentation, before making a final decision to close the job and return the application.
- (3) During the initial certification process, if an applicant/operator has not replied to a letter from the Minister within nine months, a final letter is to be sent to the applicant/operator informing them the job will be closed.
  - (a) If no response is received within 90 days, the files are to be archived.
- (4) If the applicant/operator desires to reactivate their application, the files are then retrieved from archives, and the certification process may be continued.

## **3.6.2 Certification Report**

### **3.6.2.1 Composition**

- (1) When the applicant/operator receives the new or amended certificate, the CPM is responsible for assembling the Certification Report.
- (2) The report will consist of the following eight documents:
  - (a) Statement of Intent (SOI);
  - (b) certification Job Aid and Schedule of Events (SOE);
  - (c) the formal application letter;
  - (d) the final Compliance Reports;
  - (e) Performance Assessment reports;
  - (f) a copy of the issued certificate; and
  - (g) a Summary Report of major difficulties experienced during the certification process and/or any recommendations noted by phase and specialty that may enhance the process.

Note: Attaching DM Hyperlinks to the summary report is preferable to rescanning the original documents.

- (3) The CPM must sign the report, which includes the name and title of each team member who assisted in the certification project.

#### **3.6.2.1.1 Summary Report Format**

- (1) The Summary Report will be entered into NACIS in chronological order and maintained in the archival records within NACIS. It should contain summaries of difficulties or recommendations by specialty (Operations, Airworthiness). The sections in the report are:
  - (a) Phase 1—Pre-application;
  - (b) Phase 2—Formal Application;
  - (c) Phase 3—Design Assessment; and
  - (d) Phase 4—Performance Assessment.

### **3.6.2.2 Certification Report Retention**

- (1) The certification report will be saved in the operator file in RDIMS, in the 5260 file for Air Carriers.



### **3.6.3 National Certification Quality Assurance Program**

- (1) HQ will design the QC and QA procedures for the Certification Process.

*Reserved*

#### **3.6.3.1 QC Process (Regions)**

*Reserved*

#### **3.6.3.2 QA Process (HQ)**

*Reserved*

### **3.6.4 Post Certification Inspections of Operators**

- (1) A Post Certification Inspection of operators, operating under all Subparts of the CARs, will be carried out following the issuance of the Certificate.

- (a) This inspection would typically be approximately 6 months following issuance of the certificate, but should not be any later than 12 months following it.

- (2) The post-certification inspection should follow similar procedures to on-going surveillance activities (described in the following section).

- (a) This inspection can be combined with any planned surveillance activity scheduled for the operator.

- (3) Post certification activities of Subpart 705 operators shall include a review of the operator's SMS.

### **3.6.5 On-Going Surveillance of Operators**

- (1) Surveillance activities conducted on operators, operating under all of the CARs, are carried out by TCCA Inspectors based in the responsible region, on a periodic basis.

- (a) Details of the areas that are surveyed by TCCA Inspectors are outlined in Staff Instruction SUR-001.

- (b) Where applicable, details of the areas that are surveyed by Cabin Safety Inspectors are outlined in the Cabin Safety Inspection Manual.



## Chapter 4 – Amendments

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### 4.1 Amendments to the Certificate

#### 4.1.1 General

- (1) The operator must notify the minister within ten working days after:
  - (a) changing its legal name, its trade name, or its contact information;
  - (b) changing its managerial personnel;
  - (c) its ownership has changed;
  - (d) the aircraft types it operates change;
  - (e) it changes its main and/or sub-base, or adds/removes a scheduled point; or
  - (f) changing its maintenance arrangements/operations.

Note: These changes may result in an amendment to or suspension of the Certificate.

- (2) Amendment procedures follow the same 5 Phases of the Certification Process.
  - (a) See Chapter 3 of this Volume for procedural details and guidance.
- (3) Where changes to an operator's name, ownership, or organizational structure have occurred, TCCA personnel have the responsibility to employ a risk-based approach to safety; they must analyse and predict, with confidence, the likelihood of the operator being able to continue operations safely under these new circumstances.
- (4) It is highly recommended that operators consult with TCCA prior to making changes, as this will help to ensure a smooth transition.
  - (a) In situations where significant changes are occurring, the operator is advised to contact TCCA early, as there may be some disruptions in their operation due to the need for TCCA to make certificate changes (including the commensurate work involved in reviewing changes to operator manuals and procedures).
- (5) Changes to ownership involving partnerships or corporations can be particularly complex; there are numerous derivatives of corporations (quasi-public, joint stock, S-corporation, etc.) and partnerships (general, limited liability, public/private limited, etc.). Regional TCCA personnel are asked to consult Commercial Flight Standards (AARTF) when they are unsure of the appropriate actions to take.
- (6) Where significant amendments to the certificate are requested, the operator should prepare and submit a risk assessment detailing their analysis of these changes, the risks associated, and the mitigations planned to maintain the safety of their operation.

#### 4.1.2 Change of Legal Name

- (1) If an operator changes their legal name, while not undergoing any other change in ownership or organizational structure, the operator can apply for an amendment to change the legal name on their certificate.
- (2) The operator will have to supply supporting documentation to substantiate that this name change has been officially recognized by the jurisdiction responsible for their name registration.
- (3) The associated RDIMS file for the operator, along with the certificate number, will remain the same, so as to preserve the record of the operator's interactions with TCCA (i.e.; no new 5258 or 5260 file needs to be created).





- (4) Should the operator not be able to substantiate that a legal name change has occurred, then TCCA would require the operator to put in an application for an initial certificate should they wish to pursue obtaining a certificate under this different legal entity name.
- (5) The key element to a name change from TCCA's perspective is that since nothing substantial has changed in the operation, there will not need to be an in-depth review of any documentation, or a requirement for inspections to occur. Hence, human and financial resource commitments by TCCA should be low for this activity.

### 4.1.3 Change of Ownership

#### 4.1.3.1 General

- (1) A legal entity, by definition, is one of the following:
  - (a) a sole proprietorship;
  - (b) a partnership;
  - (c) a corporation; or
  - (d) a co-operative.

In this section the term *legal entity* can be understood to be any one of these, and is italicised for easy recognition.

- (2) In general, an operator certificate is given to a specific *legal entity*, and is not transferrable to another *legal entity*.

Note: The exception to this statement would be if the *legal entity* that holds the certificate becomes part of a new *legal entity*, remaining with equal or greater control of that new *legal entity*, and no substantial aspects of the original operation have changed. Then, the certificate may be transferred (i.e.; effectively, this will be similar to a name change).

- (3) An operator certificate may be issued to two or more *legal entities* that constitute a partnership.
- (4) A change requiring the removal of an original *legal entity* from a certificate, and the addition of a new *legal entity* that is not associated in any substantive way with the previous *legal entity*, is not normally permitted. This type of change will require an application for an initial issue of an operator certificate.

Note: The exception to this requirement occurs in partnerships, where one partner leaves the partnership and is replaced by a new and wholly unassociated partner; with this case, an original partner remains with the operation, and has equal or greater control of that operation (i.e.; in effect, nothing substantial has changed in the operation).

- (5) Common situations where an ownership change has occurred can be categorized as follows:
  - (a) the ownership of the *legal entity* changes, but **no significant change to the operation** occurs;
  - (b) a *legal entity* completes the **acquisition of shares** of an unrelated *legal entity*;
  - (c) an **amalgamation** of two or more *legal entities* occurs; or
  - (d) a *legal entity* completes the **purchase of assets** of another *legal entity*.

- (6) Unusual situations of ownership change will require their own unique consultation process, involving the legal entity/entities and TCCA, and potentially requiring assistance from AARTF and/or TC Legal resources.

- (7) Further guidance on ownership changes can be found in TP 9908 - *Air Operator Merger and Takeover Procedures*.



#### **4.1.3.1.1 No Significant Change to the Operation**

- (1) A change in ownership of the *legal entity* holding a certificate will not be considered to constitute a transfer of that certificate where there is no significant change to the operation.
  - (a) There would be no requirement to notify TCCA, or change the certificate, as the operator continues to conduct business (as usual).
- (2) Examples of change of ownership where no significant change of operation occurs are:
  - (a) a sole proprietor who becomes at least an equal partner in a registered partnership;
  - (b) a sole proprietor who forms a corporation and holds controlling interest of the company;
  - (c) a partnership that dissolves and one of the partners becomes a sole proprietorship;
  - (d) a partnership that dissolves, and a new partnership is formed with at least one of the original partners being an equal or greater partner in the new partnership;
  - (e) a partnership that dissolves and a corporation is formed with at least one original partner holding controlling interest of the corporation; or
  - (f) shares of the corporation are sold to another *legal entity* – See 4.1.3.1.2(1)(a), below.
- (3) For the purposes of subsection (1), no significant change will be considered to have taken place where changes are limited to:
  - (a) the name of the operator (legal or trade name);
  - (b) the name of the accountable executive;
  - (c) the replacement of one operator management person (multiple positions permitted); and
  - (d) amendments to approved manuals to reflect the changes referred to in paragraphs (a) to (c).

Note: All of the above changes would require TCCA approval.
- (4) For the purposes of subsection (1), a person holds controlling interest of a corporation if:
  - (a) the person holds securities of the corporation that represent 50% or more of the voting shares; and
  - (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

#### **4.1.3.1.2 Acquisition of Shares**

- (1) Where a *legal entity* purchases the shares of a corporation that holds a certificate, leaving the corporation in existence and operating under its original certificate:
  - (a) There has not been a transfer of ownership if the *legal entity* holds a similar certificate to that of the corporation.
  - (b) There has been a transfer if the *legal entity* holds no similar certificate (or no certificate at all) to that of the corporation.
- (2) The corporation remains as an unchanged *legal entity*, with a compliant operation. However, fundamental control of the corporation has changed.
- (3) The corporation is required to continue meeting CARs requirements, and should the change of ownership result in non-compliance to such provisions as Section 106.02 of the CARs, or the requirements to be Canadian, as specified in the CARs, the operator will be required to resolve these issues.



- (4) When involving a corporation as the *legal entity*, this type of ownership change may be known of as a Non-Integrated Take-over.

#### **4.1.3.1.3 Amalgamation**

- (1) In the case where two or more *legal entities* choose to combine their operations (i.e.; under one certificate):
- (a) There has not been a transfer of ownership if all *legal entities* hold similar certificates, and the intent is that the operation, as a whole, will continue to function. However, there will very likely be a significant number of changes that will need to occur, hence the need for a comprehensive Transition Plan.
  - (b) There has been a transfer if the certificates held separately by the *legal entities* are significantly different, or if a new *legal entity* was formed as the result of the amalgamation.
- (2) Sole Proprietorships that are amalgamating become a Partnership or Corporation, and are required to submit an initial certificate application (i.e.; two independent legal entities are being disbanded, and a new legal entity is beginning its existence).
- (3) Partnerships amalgamating:
- (a) may stay as a Partnership under one of the original Partnership registrations (likely the one having a certificate that best covers the scope of the Partnership's future operational plans);
  - (b) can form a new Partnership, disbanding the previous partnerships; or
  - (c) may form a new corporation (and disband the previous Partnerships).
- (4) Corporations amalgamating fall into one of two broad categories, based on certificates held:
- (a) One Corporation with a Certificate:
    - i. When two or more corporations amalgamate and one of the amalgamating corporations holds a certificate, the resultant corporation can continue to operate under that certificate, as long as there is no significant changes to the operation. The Amalgamated corporation will be expected to keep the operation in compliance with the CARs.
  - (b) Two or More Corporations with Certificates:
    - i. Where two or more corporations hold certificates, the concept of continuance results in the amalgamated corporation becoming the holder of two (or more) separate certificates.
    - ii. In this situation, the Accountable Executive for each certificate is required to be the same person (see Subsection 106.04 of the CARs).
    - iii. The amalgamated corporation is responsible for managing each operation in accordance with the appropriate certificate until a merger or consolidation can be undertaken. (i.e.; the corporation may choose to surrender one or more certificates).

Note: The amalgamated corporation can decide to continue to manage the certificates separately, if it so desires.

- (5) The Concept of Continuance:
- (a) Federal and provincial law (business corporation acts) specify that the rights and obligations of an amalgamating corporation (i.e.; the one surrendering its certificate) continue with the amalgamated corporation (i.e.; the one keeping its certificate). What



this means is that the amalgamating corporation does not dissolve; it continues in the name of the amalgamated corporation (i.e.; the corporate record is preserved, but joined with the other corporate records).

- (b) Although exercising the authorities granted by a certificate is not considered a right, the concept of continuance is accepted by TCCA, provided the amalgamated corporation continues to meet the obligations required to exercise the privileges their certificate affords.

- (6) When involving a corporation as the *legal entity*, this type of ownership change may be known of as a Merger.

#### **4.1.3.1.4 Purchase of Assets**

- (1) The restriction to transferring a certificate applies where:

- (a) a *legal entity* is dissolved or discontinued; and
- (b) another *legal entity* purchases the assets for the purpose of starting an aviation service.

Note: These two items may occur in any order.

- (2) The *legal entity* purchasing the assets will be required to undergo the process for initial issuance of a certificate, and the charges to be applied are those specified in CAR 104.

- (3) When involving corporations as the *legal entities*, this type of ownership change may be known of as an Integrated Take-over.

Note: Where the *legal entity* purchasing the assets is already an operator, and the purpose of the purchase is to expand its operating capabilities, amendments to the certificate (e.g., addition of a new aircraft type) will need to be undertaken in accordance with this Chapter, and the charges to be applied will be those specified in CAR 104.

#### **4.1.3.2 Transition Plans**

- (1) Changes in ownership can be particularly complicated, and will likely require the operator to come up with a Transition Plan, which will need to be agreed to by TCCA.

- (a) Transition Plans are mandatory for corporate ownership changes.

- (2) TCCA must be sure that all *legal entities* concerned that hold existing certificates continue to be in compliance with regulatory requirements and safe operating practices during any transition period.

- (3) The plans should reference all the issues that need to be dealt with to accomplish the change. They should be as detailed as possible, but where any details remaining to be worked out, there should be timelines for when those details will be provided to TCCA.

- (4) The plans may be in the form of Gantt Charts, but in this case, there should be supporting documentation that give detailed explanations of the various issues.

- (5) As the integration process evolves, it is important that TCCA be kept abreast of any changes to the plans.

- (6) For plans to be acceptable, they must contain a target date for completion of each and every activity listed in those plans.

- (a) These dates must be agreed to between the operator and TCCA representatives.

- (7) Transition plans should allocate significant time for manual development and approval.

- (a) Since the quality of the documents will influence review time, the operator should thoroughly review these documents for accuracy and consistency prior to submitting them to TCCA for approval.



#### **4.1.4 Change of Main Operations Base and/or Maintenance Base**

- (1) An operator wishing to operate on a permanent basis from a base other than the certified main base will be required to submit a formal application for the new base and obtain the requisite certificate amendment.
- (2) Although a change of main base of operations and/or maintenance base is a matter that involves amending the Certificate, the change may involve a transfer of regional office responsibility. When this occurs, the regional office which has been responsible for the operator will inform Commercial Flight Standards.
- (3) The regional offices involved in the intended transfer will cooperate and coordinate closely to ensure mutual agreement on the date of transfer of certificate responsibility, as well as continuity of surveillance.

#### **4.1.5 Inter-Regional Operations**

- (1) A regional office should, on its own initiative, monitor any operations conducted by an operator within its area of responsibility, including use of a scheduled point. In such cases, reports and results of inspections should be forwarded to the certificate holding regional office.
- (2) Operators normally maintain their main operations and/or maintenance bases at a particular location within a designated region. Due to contractual or other reasons, operators are at times required to operate extensively at other locations. If the proposed operation is to be conducted for a period of 90 days or more in an area other than that covered by the certificate holding regional office, the other regional office will assist the certificate holding office in maintaining surveillance. Direct liaison between both regional offices will be maintained until termination of the temporary operation.
- (3) More often than not, ownership changes will involve more than one region, and may, in fact, involve all regions and headquarters. Cooperation and coordination at all levels within TCCA is essential.
- (4) Where an ownership change involves certificates that are held in two or more regions, a functional Director should be appointed to oversee the ownership change. The functional Director:
  - (a) Will be responsible for ensuring that all regulatory requirements are met prior to authorizing the amendment, issue, or cancellation of any certificate resulting from the ownership change process.
  - (b) May form an Integration Team of TCCA Inspectors representing different disciplines, and drawn from different regions, to participate in the review process.
- (5) In the case of an ownership change involving large corporations:
  - (a) It may be desirable to have an Operations Team and a Maintenance Team involved.
    - i. There should be a Team Lead for each team, to whom team members will report.
  - (b) There should be an integration plan to show how TCCA proposes to conduct oversight of the merged corporations.
    - i. It should contain details of any changes to TCCA's oversight, and how those changes will be made within the various regions.
    - ii. It should also contain timelines for completion of the changes and should reflect those associated with the merger/takeover process.
    - iii. It should be developed by the functional Director, in consultation with concerned policy makers and affected regional personnel.



- iv. It will be disseminated to Regional Directors and Managers.

## **4.2 Operations Conducting Services Outside of Canada**

### **4.2.1 Operations Moving Outside of Canada**

- (1) TCCA has the responsibility to ensure the safety of Canadian operator operations through regulatory compliance, wherever they occur, nationally or internationally. TCCA also strives to assist Canadian operators to compete in the global aviation market.
- (2) TCCA does not normally consider it to be in the public interest:
  - (a) to issue a certificate to a Canadian applicant who plans to operate a service wholly outside Canada; or
  - (b) to allow a Canadian operator to continue to hold a certificate when the operator moves their service wholly outside Canada.
- (3) With an operation wholly outside Canada, the Canadian operator would have no domestic operation in Canada to assist TCCA in the evaluation of regulatory compliance. Even with cost recovery for travel expenses, salaries and overtime hours, there would be significant resource requirements in order to have TCCA Inspectors fulfil TCCA's regulatory responsibilities outside Canada.
- (4) If an application is received from a Canadian applicant/operator that does not have a domestic operation and is planning to operate wholly outside Canada, the operation will be denied, pursuant to subsection 6.71 (1) of the Aeronautics Act, as not being in the public interest.
- (5) When TCCA determines that a Canadian operator is operating its air service wholly outside of Canada, or that it intends to do so, its certificate shall be suspended or cancelled pursuant to paragraph 7.1(1)(b) of the Aeronautics Act, unless the operator concerned supplies TCCA with information such that TCCA determines that it is in the public interest that the operator be allowed to maintain its Canadian certificate. In such cases, the operator should be prepared to defray any additional costs incurred by TCCA in ensuring compliance by that operator with applicable regulatory requirements.
- (6) When the certificate of a Canadian operator is suspended or cancelled, TCCA will advise the Civil Aviation Authority of the country where the Canadian operator operates, that this operator no longer holds a Canadian certificate.
- (7) When suspending a certificate, the TCCA department undertaking this action should inform other regional divisions (e.g.; Flight Operations, Airworthiness, Licensing, etc.) of the action, so as to ensure that no unnecessary resources are expended by other departments.
- (8) When an operator invokes economic or commercial arguments to support an exception to this policy on public interest grounds, Commercial Flight Standards (AARTF) in Ottawa should be contacted.

## **4.3 Procedures for Certificate Replacement**

### **4.3.1 Superseded Certificates**

- (1) In the case of certificates which have been superseded, the operator will be advised that the superseded documents shall be destroyed by them.



### **4.3.2 Mutilated, Lost or Destroyed Certificates**

- (1) A request for reissuance of a certificate that was declared mutilated, lost or destroyed shall only be actioned if the operator provides a written declaration that the document was mutilated, lost or destroyed.
- (2) The TCCA staff member tasked with generating the replacement certificate from NACIS will send it to the operator electronically, in PDF format.

Note: A paper document can be generated and sent if the operator specifically requested this service in writing.

- (3) Refer to item 2, Schedule I, General of Section 104.01 of the CARs, for the replacement charge for a mutilated, lost or destroyed CAD.

## **4.4 Suspension or Cancellation of a Certificate**

### **4.4.1 Voluntary Suspension or Cancellation**

- (1) In certain situations, an operator may wish to voluntarily surrender their CAD for either a suspension or an outright cancellation.
- (2) Guidance can be found in SI SUR-016.
- (3) The notice or letter of suspension or cancellation must be given in writing by TCCA, and sent by personal service or by registered or certified mail to the applicant/operator's latest known address.
  - (a) A copy of the notice or letter of suspension or cancellation that was sent to the operator must be forwarded to the NACIS mailbox.

### **4.4.2 Suspension, Cancellation or Variation as a Result of Enforcement Action**

- (1) In circumstances where certificate action is being contemplated, refer to SI SUR-014 or SI SUR-016 for guidance.
- (2) Additional guidance/information on the suspension or cancellation of a CAD may be obtained from the Chief, Aviation Enforcement and/or Commercial Flight Standards.
- (3) The notice or letter of suspension, cancellation or variation must be given in writing by TCCA, and sent by personal service or by registered or certified mail to the applicant/operator's latest known address.
  - (a) A copy of the notice must be forwarded to the NACIS mailbox.

### **4.4.3 Re-instatement of a Certificate**

- (1) In circumstances where an operator requests re-instatement of their certificate, TCCA will consider the request and decide whether:
  - (a) the certificate can be re-issued, based on all documentation currently held by TCCA; or
  - (b) the operator will have to re-apply for the certificate.



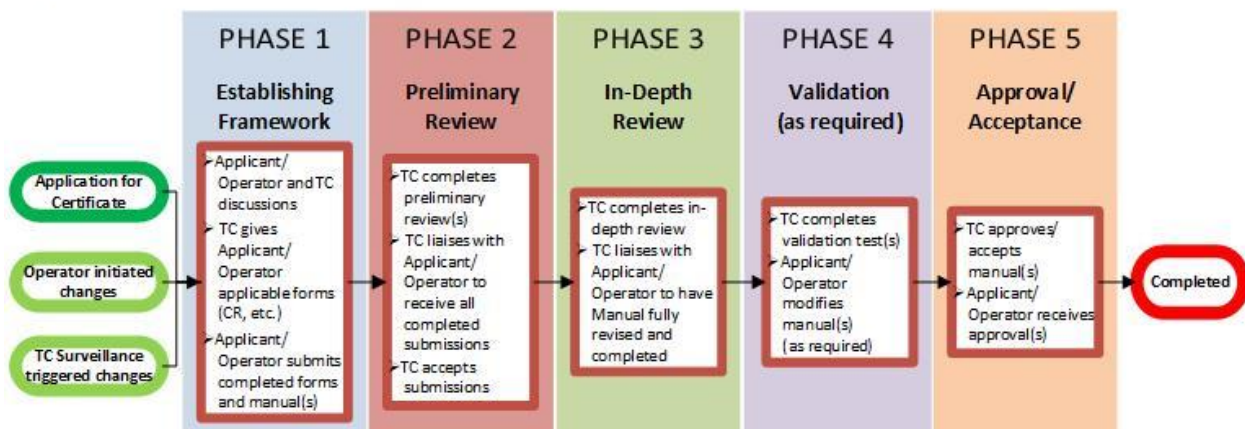
## Chapter 5 – Manual Approval/Acceptance

### 5.1 General

- (1) This section contains directions and guidance for Inspectors when approving or accepting an applicant/operator’s manuals that are not included with an application for an authority (new or amended).
  - (a) Manual approval processes associated with certificate applications are included within the body of this Volume, in Chapter 3.
- (2) Supplemental guidance specific to each Subpart can be found in Volume 2 & 3 of this manual series.
- (3) Dependent upon the requirements of the CARs, certain Manuals need approval by TCCA. Examples of manuals needing approval are:
  - (a) Company Operations Manual;
  - (b) Aircraft Operating Manuals for Subpart 705 operators;
  - (c) Standard Operating Procedures for Subpart 705 operators that have established an AOM (the SOP must be included in that AOM);
  - (d) Flight Attendant Manual; and
  - (e) Maintenance Control Manual.
- (4) Manuals or manual sections mandated through the CARs that do not require approval, but must be accepted by TCCA, include:
  - (a) Aircraft Operating Manuals for Subpart 704 operators;  
Note: The AOM’s must contain any associated SOP’s.
  - (b) Standard Operating Procedures for Subpart 705 operators that do not have associated AOM’s;
  - (c) Standard Operations Procedures for two-crew aircraft operated under Subparts 702, 703, 704; and
  - (d) FRMS manual.

#### 5.1.1 The Approval/Acceptance Process

Figure 5-1: The Manual Approval/Acceptance Process







- (1) Each phase of the general process for approval or acceptance is discussed as if it is separate and distinct; however, at times the phases may overlap.

### **5.1.2 Evaluation of Manuals for TCCA Approval or Acceptance**

- (1) An applicant/operator may develop and publish in its manual any policy, method, procedure, or checklist that the operator finds necessary for the type of operations conducted.
  - (a) These policies, methods, procedures, and checklists, however, must comply with the CARs and be consistent with safe operating practices.
  - (b) Where the applicable CASS provides a list of required content, the manual must address all applicable items in this list. The content of the manual must:
    - i. fully describe all these items, being specific to the companies' operational procedures; and
    - ii. not be a "cut-and-paste" of the contents found in the applicable CASS.
- (2) The Inspector's role in the review process is to provide an independent and objective evaluation of the applicant/operator's manual material, taking into consideration that the document must provide proper clarity, content, format, and be in compliance with the CARs.
- (3) Careful review of the provided CRs, along with side-by-side comparison of the manual content and the applicable Regulations and Standards, will aid the Inspector in being able to effectively review the manual content.
- (4) The Inspector must keep in mind that the end-user will be the applicant/operator's staff, who may or may not have the same level of expertise as the Inspector, but must be able to follow the guidance in the manual with ease and understanding. The manual must enhance the safety of the operation.

### **5.1.3 Discrepancies**

- (1) When an Inspector finds a discrepancy in an operator's existing manual material, the Inspector shall take action to have that discrepancy resolved.
  - (a) Usually, such discrepancies can be resolved through informal discussions.
- (2) For submissions involving a manual revision (where the manual has previously been approved/accepted), when an informal discussion cannot resolve the discrepancy, the Inspector should formally withdraw TCCA approval or acceptance from the operator.
  - (a) See section 5.7.1 of this chapter for guidance on the formal actions that may be taken.

## **5.2 PHASE 1: Establishing a Framework for Review**

- (1) The first phase of the approval or acceptance process begins with communication between TCCA and the applicant/operator.
- (2) There are three occasions when approval or acceptance of manuals or manual sections is required, as follows:
  - (a) when an applicant applies for a certificate (covered in Chapter 3 of this Volume, and in other sections of Volumes 2 & 3 of this manual series);
  - (b) when an existing operator determines a change is necessary; or
  - (c) when, as the result of an investigation or normal surveillance event, the Inspector determines a manual or manual section is inadequate or deficient.



## **5.2.1 Determining Basic Requirements Applicable to the Applicant/Operator**

- (1) Through discussion with of the applicant/operator, the Inspector must determine what basic requirements the applicant/operator must meet to obtain acceptance or approval of a manual or manual section.
  - (a) The Inspector must communicate these requirements to the applicant/operator.
- (2) The Inspector should review the appropriate sections of Volumes 2 & 3 of this manual series, the applicable Regulations and Standards, any advisory circulars (AC), Exemptions the applicant/operator may hold or is applying for, operations specifications (including SA's), and any other deviations applicable to subjects the applicant/operator must address in their manual.
- (3) Both the Inspector and the applicant/operator must clearly understand the topics and level of detail the applicant/operator is required to have in the material to be submitted during the next phase of this process.
- (4) The Inspector should make the following determinations, and communicate them to the applicant/operator:
  - (a) whether the submission will involve approval or acceptance;
  - (b) whether inspections or demonstrations will be required to coincide with this review; and
  - (c) whether there is a need for supplementary documentation, analysis, or other data to support the submission.

## **5.2.2 Methods for Manual or Manual Section Organization**

- (1) There are various methods that can be used to organize and format manuals and manual sections requiring TCCA approval/acceptance; the following sub-sections describe four common methods that may be used to organize this material.
- (2) Irrespective of what methodology the applicant/operator wishes to use for their documents, the approval/acceptance review and assessment tool that TCCA will use for confirming these documents meet regulatory requirements will be the applicable Conformance Report.
  - (a) Conformance Reports MUST accompany any manual or manual section.

### **5.2.2.1 Limited Content**

- (1) An applicant/operator may choose to limit the content of a manual to approved material only.
- (2) When this method is used, the entire manual must be approved, and the applicant/operator may not revise the manual without additional review by the Inspector.
- (3) While this method facilitates TCCA review and approval, the manual may be difficult to use because the intended user may have to frequently switch back and forth between the approved manual, and other manuals containing accepted material.
- (4) When the applicant/operator chooses this method, Inspectors must ensure that a header or footer is on each page of the approved material indicating that it is TCCA approved.

### **5.2.2.2 Grouping Material**

- (1) An applicant/operator may choose to group TCCA approved material in specified sections of the manual, and place accepted material in the remaining sections.
- (2) To delineate which portions of the manual are approved, a header or footer on each page of these sections must indicate that the material on that page is TCCA approved.
- (3) The applicant/operator may submit the approved and accepted sections to the Inspector as separate packages.



### **5.2.2.3 Interspersed Material**

- (1) An applicant/operator may choose to intersperse TCCA approved material and accepted material throughout the manual or manual section.
- (2) When an applicant/operator chooses this method, the applicant/operator has to clearly identify approved material each time it appears in the manual or manual section.
- (3) This method of organization allows for efficient use of the manual or manual section, but makes the applicant/operator's publication process and TCCA's approval process more difficult.

### **5.2.2.4 Approval Document**

- (1) The applicant/operator may choose to place material in an "approval document", solely for the purpose of obtaining TCCA approval of that material.
- (2) An approval document is a document, and therefore may not be used as a manual or manual section.
- (3) After the document has been approved, the applicant/operator must develop user manuals or manual sections that incorporate the approved information from the document, along with detailed guidance and supplementary information. When this method is used, the user manuals or manual sections are treated as "accepted" material and do not have to be individually approved.
  - (a) The Inspector must review the user manuals or manual sections to ensure that the information in them is consistent with the approval document.
- (4) When using this method, the applicant/operator may revise the information in user manuals or manual sections without prior TCCA approval, provided the revision is consistent with, and does not conflict with, the information in the approval document.
- (5) If the applicant/operator or the Inspector finds it necessary for the approval document to be revised, the applicant/operator must submit the proposed revision for review and approval.
  - (a) A revision to an approval document must be approved before the applicant/operator can incorporate the changed information into the user manuals or manual sections.
- (6) When an applicant/operator uses this method for submitting manual or manual section material for TCCA approval, Inspectors must ensure that the applicant/operator has stated on the first page of the user manuals or manual sections that the manual or manual section contains TCCA approved material.
  - (a) The manuals or manual sections provided to the user, however, do not have to be specifically identified as being TCCA approved ones

### **5.2.3 Submission of Material**

- (1) During phase one, the Inspector should advise the applicant/operator on how to submit the documents, manuals, Conformance Reports, and subsequent revisions for approval or acceptance.
- (2) To prevent confusion with multiple submissions regarding initial or amended documents, the document footer for each page in all submissions shall be marked with the issue name/number and date.
  - (a) For initial submissions:
    - i. the issue name/number would be "draft 1 - *date*", then
    - ii. subsequent submissions would be "draft 2 - *date*", etc., and



- iii. once the document is at an approval/acceptance state, the final document would be marked "Original - *date*".

(b) For amendments to manuals:

- i. Each amended page would be marked "Amendment #\_ - *date*". The amendment # would represent the version that contained that page, as it exists in the current document submission.

### 5.2.3.1 Submissions Requiring TCCA Approval

- (1) For material that requires TCCA approval, the Inspector should advise the applicant/operator to submit either of the following:

(a) Electronic Submission (preferred method)

- i. The document, manual, manual section or revision to be approved, preferably in PDF format.
- ii. The accompanying Conformance Report, in its original electronic format.
- iii. A report (in PDF format) indicating:
  - 1. the differences between the proposed and current versions of this document; and
  - 2. the location of the *page control sheets* for the material, if applicable.
    - a. The *page control sheets* must show an appropriate revision number or original page number for each page and the effective date of each page.
- iv. A copy of any supporting documentation or analysis (in PDF format).

(b) Paper Submission

- i. Two copies of the document, manual, manual section or revision to be approved.
- ii. The accompanying Conformance Report.
- iii. A report indicating:
  - 1. the differences between the proposed and current versions of the document; and
  - 2. the location of the *page control sheets* for the material, if applicable.
    - a. The *page control sheets* must show an appropriate revision number or original page number for each page and the effective date of each page.
- iv. A copy of any supporting documentation or analysis.

### 5.2.3.2 Submissions Requiring TCCA Acceptance

- (1) For material that is to be evaluated for acceptance by TCCA, the Inspector should advise the applicant/operator to submit the following:

(a) Electronic Submission (preferred method)

- i. A copy of the manual, manual section or revision to be reviewed.
- ii. A copy of the *page control sheets* for the material to be reviewed, when appropriate.



(b) Paper Submission

- i. Two copies of the manual, manual section or revision to be reviewed.
- ii. Two copies of the *page control sheets* for the material to be reviewed, when appropriate.

### **5.2.4 Coordination of Submitted Documents**

- (1) Inspectors should encourage applicants/operators to coordinate drafts of manuals, manual sections and revisions before making a formal submission.
- (2) Applicants/Operators should not publish or distribute material requiring TCCA approval until after they have received written notification that the material has been approved.

## **5.3 PHASE 2: Preliminary Review**

- (1) This phase centers on the Inspector conducting a preliminary review (as opposed to a detailed analysis) of the applicant/operator's submission.
- (2) This preliminary review is intended to ensure that the applicant/operator's submission is clear and contains all required documentation.
  - (a) This phase of the review should be conducted promptly after receipt of the applicant/operator's submission.
- (3) If, after preliminary review, the submission appears to be complete and of acceptable quality, or if the deficiencies are immediately brought to the applicant/operator's attention and can be quickly resolved, the Inspector may begin the Phase 3 in-depth review (see 5.4 of this section).
- (4) If the submission is incomplete or obviously un-approvable or unacceptable, the process shall be terminated.
  - (a) The Inspector must immediately return the submission (preferably within 5 working days) with an explanation of the deficiencies.
    - i. Prompt action by the Inspector in returning the submission will prevent the applicant/operator from erroneously assuming that the process is moving on to the next phase.
- (5) During this preliminary review, the Inspector should determine whether the in-depth review can be completed within 10 working days, and notify the applicant/operator accordingly.
  - (a) If any part of the submission requires TCCA approval, and the Inspector determines that it will take longer than the level of service to complete the review and approval process, the Inspector shall give the applicant/operator an estimate of the time it should take to complete the process.

## **5.4 PHASE 3: In-Depth Review**

- (1) Phase 3 involves the detailed analysis of the applicant/operator's submission.
- (2) During this phase, a qualified Inspector must review the applicant/operator's submission in detail to determine that the submission is complete and technically correct.
- (3) The time to complete this phase depends on the scope and complexity of the submission.
- (4) This review and analysis should confirm that the applicant/operator's submission conforms to, or is consistent with, the following:
  - (a) the CARs and CASS;



- (b) criteria and guidance in Volumes 2 & 3 of this manual series;
  - (c) criteria and guidance in ACs;
  - (d) applicable Aircraft Flight Manuals (AFM), manufacturer's operating bulletins, and Airworthiness Directives (AD);
  - (e) safe operating procedures; and
  - (f) the applicant/operator's policies.
- (5) The Inspector should thoroughly consider the applicant/operator's experience and history when evaluating procedures and manuals.
- (a) When an applicant/operator has a history of successful operations, the Inspector should normally approve submissions consistent with the applicant/operator's existing procedures.
  - (b) When an applicant/operator has an incident or accident attributable to personnel error, the Inspector must thoroughly examine the basic assumptions and policies in the design of the applicant/operator's manuals and operating procedures.
- (6) Review applications that contain electronic-format checklist modifications, where the checklist automatically detects the completion of an action, need to include verification that this detection is based on an active monitoring system that consistently meets the objective of the action.
- (a) For example, a checklist action item for "LANDING GEAR . . . DOWN" would show complete on the sensing of the gear handle being down and the gear indication being down.

The review and verification of electronic checklists should be accomplished using a paper copy of the checklist annotated with the monitored condition for each action whose completion is automatically detected.

## **5.5 PHASE 4: Validation Tests**

- (1) Under certain circumstances, a validation test may have to be conducted after the in-depth review.
  - (a) In other circumstances, especially for minor types of revisions or simple procedures or checklists, validation tests may not be warranted or appropriate.
- (2) Whenever possible, a qualified Inspector should observe these validation tests.
- (3) Validations tests include, but are not limited to:
  - (a) in-aircraft ground demonstrations;
  - (b) in-flight demonstrations; or
  - (c) simulator demonstrations.
- (4) Before approving operating procedures and checklists, Inspectors should consider the following guidance concerning validation tests.
  - (a) Aircraft operating procedures and checklists should be tested in realistic real-time scenarios, with a full crew complement.
  - (b) Validation tests of normal procedures may be conducted in a flight simulator, in a flight training device, on training flights, or in conjunction with proving tests.
  - (c) Validation tests of non-normal, abnormal, and emergency procedures or checklists should be conducted in a flight simulator or flight training device.



- (d) Tests of non-normal and emergency procedures and checklists may be conducted in an aircraft; however, the operator must ensure that the test can be conducted safely.
- (e) Testing of non-normal and emergency procedures and checklists shall not be conducted during revenue service.
- (f) Applicants/Operators may submit evidence that a qualified party (such as the manufacturer or another operator) has already conducted a validation test of a procedure or checklist. When such evidence is available, the Inspector should not require a validation test unless the applicant/operator's circumstances are significantly different from those in which the original tests were conducted.
- (g) Changes in the wording of a procedure may not actually change the procedure. In such cases, validation tests are not necessary.
- (h) For those applicants/operators who intend to convert "immediate action" items to or from "challenge-do-verify" items on an emergency checklist, Inspectors shall require that the applicant/operator test the modified procedure to ensure that it is safe, effective, and has no adverse effects. Inspectors shall consult with AARTF before approving such changes.
- (i) The addition or deletion of individual items to a normal phase checklist does not usually need to be validated by a test. If the Inspector determines that the change significantly alters crewmember assignments or workload distribution, the Inspector shall require a validation test.
- (j) While electronic checklists must comply with the same guidelines discussed here, modification to an existing electronic checklist does not in itself require a validation test if the Inspector deems the modification to be minor.

## **5.6 PHASE 5: Granting Approval / Accepting Documents**

- (1) This phase consists of the Inspector granting TCCA approval or accepting content within manuals or manual sections.
- (2) During this phase the Inspector must formally notify the applicant/operator of the approval and also complete a specific record of the approval.
- (3) For manuals and manual sections which are not required to have TCCA approval, written notification of acceptance is optional, but not required.
  - (a) Acceptance of applicant/operator documents is implied where no correspondence from TCCA has indicated otherwise, and ultimately would be verified by the issuance of the certificate (or amendments) requested in the application.
- (4) In support of current TCCA initiatives, approval/acceptance documents should be prepared, signed and sent electronically, if at all possible.

### **5.6.1 Notification of Approval**

- (1) The approval notification procedure will depend upon the format of the documents that are submitted to TCCA.
  - (a) For a manual or manual section that contains page control sheets (e.g.; List of Effective Pages):
    - i. The applicant/operator will pre-format the page control sheet(s) with the phrase "TCCA-Approved", along with an area for signature and date at the bottom of the sheet(s).



- ii. The Inspector's approval annotation (signature and date) should be added electronically.

Note: Where the Inspector chooses to utilize a physical stamp and/or a manual signature to add the approval annotation, the sheet(s) will need to be printed, annotated, and then scanned back into electronic format. The scanned page control sheet(s) shall be saved to the company file in RDIMS.

- iii. The manual or manual section, along with the signed page control sheet(s) will be returned to the applicant/operator.

(b) For manuals or manual sections that do not contain page control sheets:

- i. The applicant/operator will pre-format the document(s) with the phrase "TCCA-Approved", along with an area for signature and date at the bottom of each page.
- ii. The Inspector's approval annotation (signature and date) should be added electronically to each page.

Note: Where the Inspector chooses to utilize a physical stamp and/or a manual signature to add the approval annotation, the page(s) will need to be printed, annotated, and then scanned back into electronic format. The scanned page(s) shall be saved to the company file in RDIMS.

- iii. The manual or manual section will be returned to the applicant/operator.

Note: The procedure above (listed under (b)) should only be used for very short manuals or manual sections (usually fewer than five pages), or when the use of *page control sheets* is not practical or serves little purpose.

### 5.6.2 Regional TCC Records

- (1) The Inspector shall maintain a record of approval for each applicant/operator submitted document, manual, and/or manual section.
  - (a) Records of approval to revisions of this material must also be maintained.
  - (b) The records should consist of *page control sheets* (or approved material, if *page control sheets* are not used), notification letters, and any other related correspondence.
- (2) While superseded portions of documents, manuals, or manual sections do not have to be retained, Inspectors may retain this type of material if they determine that it is appropriate.
- (3) The Inspector should include with the material in the applicant/operator's file a brief memorandum containing the reasons for retaining the material.
- (4) All of the above records need to be saved into the company file in RDIMS.

### 5.6.3 Notification of Approval Not Granted

- (1) The coordination, revision, and editing activities that take place throughout all phases of the document review process should eventually result in approved products. Under certain circumstances, however, it may be appropriate for the Inspector to terminate the process.
- (2) To terminate the approval process, the Inspector shall notify the applicant/operator that TCCA is unable to grant approval, along with the reasons why it cannot be granted.





## **5.7 Notification of Deficiencies**

- (1) When any portion of approved material that is currently in use is found to be deficient, the Inspector shall notify the applicant/operator and request prompt action to resolve the deficiency.

Note: A Finding Form (26-0676) may be used for this notification.

- (2) Deficiencies can usually be resolved through an informal process. However, when this cannot be done, the Inspector must formally notify the applicant/operator by letter that the deficiency must be corrected.

### **5.7.1 Deficiencies Involving TCCA-approved Material**

- (1) If the deficiencies involve TCCA-approved material, the letter must contain:
  - (a) a clear statement that TCCA approval of the material will be withdrawn as of a specific date if corrective action is not taken; and
  - (b) a statement that the material does require TCCA approval, and that after the specified date TCCA will begin suspension of the operator's certificate.
- (2) Guidance on suspension of an Operator's certificate can be found in SI SUR-014 or SI SUR-016.

### **5.7.2 Deficiencies Involving Applicant/Operator-developed Material**

- (1) If the deficiencies involve applicant/operator-developed material that is accepted by TCCA, the letter should clearly indicate:
  - (a) the material that is deficient, and
  - (b) the reasons why it is deficient.
- (2) If, after such notification, the applicant/operator still fails to resolve the deficiencies, the Inspector should take appropriate corrective action (suspension of the operator's certificate).
- (3) Guidance on suspension of an Operator's certificate can be found in SI SUR-014 or SI SUR-016.



## Chapter 6 – Other Applicable Legislation

### 6.1 Canada Labour Code

#### 6.1.1 Part II of the Canada Labour Code (R.S., 1985, c. L-2)

- (1) Just as each air operator has a responsibility to conduct a safe operation in accordance with the CARs, they also have a responsibility to ensure the health and safety at work of all employees, as established through the *Canada Labour Code, Part II, (CLC)*.
- (2) Responsibilities for the administration and enforcement of the CLC rests with Employment and Social Development Canada (ESDC) – Labour Program.
  - (a) Aspects of the program were delegated to TCCA because of TCCA's technical expertise in the area. These aspects are administered with ESDC through a Memorandum of Understanding (MOU).
- (3) The purpose of the CLC is to prevent accidents and injury to health, arising out of, linked with or occurring in the course of employment.
- (4) No one knows a workplace better than the people who work in it, so the CLC gives the workplace parties—the employees and employers—a strong role in identifying and resolving health and safety concerns.
- (5) The provisions of the CLC are designed to strengthen employers' and employees' self-reliance in dealing with occupational health and safety issues, and thereby making workplaces safer.
- (6) Associated Regulations:  
<https://laws.justice.gc.ca/eng/acts/L-2/index.html> (CLC)

#### 6.1.2 Oversight of Air Operators

- (1) Employee health and safety is accomplished by compliance with the CLC, Part II, and its pursuant *Canada Occupational Health and Safety Regulations (COHSR)* and *Aviation Occupational Health and Safety Regulations (AOHSR)*.
- (2) Oversight of the air operators for CLC compliance falls under two jurisdictions, dependent upon on employee work place locations:
  - (a) On Board employees – under **TCCA** and the **AOHSR**
    - i. The employees - Include those who work on-board the aircraft while it is in operation.  
e.g.: the operating crew members: pilots, flight attendants, persons assigned onboard duties.
    - ii. The employees' workplace - being the aircraft, but only while the aircraft is in operation.
    - iii. Are under the jurisdiction of AOHS Inspectors working for TCCA.
    - iv. Associated Regulations:  
[Aviation Occupational Health and Safety Regulations](#) (AOHSR).
  - (b) Ground employees – under **ESDC – Labour Program** and the **COHSR**
    - i. The employees - Include those who work on the ground.



e.g.: operating crew members while doing ground based work (unloading, office paperwork), fuellers, ramp personnel, customer service agents, office staff, maintenance engineers, etc.

- ii. The employees workplace - being the hangar, office, ramp, etc.
- iii. Are under the jurisdiction of Health & Safety Officers (HSOs) working for *ESDC - Labour Program*.
- iv. Associated Regulations:

[Canada Occupational Health and Safety Regulations](#) (COHSR).

- (3) Both jurisdictions of **TCCA** and **ESDC - Labour Program** share oversight of general compliance items required by the CLC.

e.g.: posting requirements, workplace inspections, and the responsibilities associated with the Health and Safety Representative or Health and Safety Committee.

### 6.1.3 Employer responsibilities

- (1) Employers play an important role in preventing workplace accidents and injuries, and promoting safe and healthy workplaces. These responsibilities and obligations fall under Part II of the CLC.
- (2) Employers must ensure that employees have the necessary information, training, and supervision to perform their work safely.
- (3) Employers must make timely reports to the Minister:
  - (a) For any accident, occupational disease or other hazardous occurrence - by telecommunication within 24 hours, supplying the date, time, location and nature of any.
  - (b) For any disabling injuries, loss of consciousness or for implementation of emergency procedures affecting and employee - using Form 26-0621 *Hazardous Occurrence Investigation Report*.
  - (c) For annual reporting to ESDC, by March 1st of each year:
    - i. Workplace Committee Report - to be submitted to the nearest Labour Program office.
    - ii. Employer's health and safety annual report:

<https://www.canada.ca/en/employment-social-development/services/health-safety/workplace-safety/employer-annual-report.html>

## 6.2 Aviation Occupational Health and Safety Regulations (AOHSR)

### 6.2.1 The TCCA Aviation Occupational Health and Safety (AOHS) program

- (1) The Transport Canada Aviation Occupational Health and Safety (AOHS) program began in 1987.
- (2) The program's authority is found in Part II of the CLC, and in the *Aviation Occupational Health and Safety Regulations* (AOHSR).
- (3) The philosophy behind the AOHS program is that safety at work is everyone's responsibility.
- (4) AOHS is part of the employer's overall OHS program. The word "Aviation" distinguishes the regulations that apply to an employee working on an aircraft as workplace while it is in operation.
- (5) Even with only one employee, the employer is legally required to have a compliant workplace OHS program.



## 6.2.2 The Role of TCCA AOHS Inspectors (CASI-OHS)

- (1) Specific Aviation Officers across Canada have been delegated by the Labour Program, and are:
  - (a) responsible for the AOHS program delivery;
  - (b) deemed “Health & Safety Officers”.
- (2) To verify an air operator’s compliance with the CLC, CASI-OHSs conduct on-going monitoring of the workplaces through various activities, such as:
  - (a) inspections;
  - (b) investigations; and
  - (c) promotional/educational campaigns.
- (3) Initial AOHS inspections occur at some point after an air operator has received their AOC.
- (4) The CASI-OHS is the primary contact for AOHS related issues.
  - (a) AOC applicants/operators are encouraged to contact a national/regional AOHS Inspector for guidance on their responsibilities and obligations under the CLC.

## 6.2.3 Further Guidance

- (1) The TCCA website for the AOHS Program contains links to the CLC, AOHSR, Forms, ACs, HSO contact information, etc. The website can be found via the following link:  
<https://tc.canada.ca/en/aviation/commercial-air-services/aviation-occupational-health-safety>
- (2) Advisory Circular (AC) LTA-004: Aviation Occupational Health and Safety Program  
<https://tc.canada.ca/en/aviation/reference-centre/advisory-circulars/advisory-circular-ac-no-lta-004>
- (3) Advisory Circular (AC) LTA-005: Occupational Health and Safety Inspections On-Board Aircraft by Work Place Committees or Representatives  
<https://tc.canada.ca/en/aviation/reference-centre/advisory-circulars/advisory-circular-ac-no-lta-005>
- (4) For an overview of the Minister of Labour’s requirements pertaining to Occupational Health and Safety please refer to the ESDC-Labour website, at:  
<https://www.canada.ca/en/employment-social-development/programs/workplace-health-safety.html>
- (5) The Canadian Centre for Occupational Health and Safety (CCOHS) is an excellent resource for all aspects of Occupational Health and Safety information. It provides resources applicable to Federal labour requirements which may assist with the development of your OHS program. Visit the website, at:  
<https://www.ccohs.ca>

## 6.3 Policy Committees, Work Place Committees and Health and Safety Representatives Regulations (PCWPCHSRR)

### 6.3.1 Health and Safety Committees and Representatives

- (1) Health and Safety Representatives and Committees play a vital role in preventing work-related injuries and diseases, and are an important part of what is called “the internal responsibility



system". This system, based on cooperation between employers and employees, improves the overall understanding of occupational health and safety issues in the workplace.

- (2) Depending on the size of the individual workplaces concerned, employers must:
  - (a) establish a workplace health and safety committee and/or
  - (b) designate a health and safety representative.
- (3) In addition, employers with more than 300 employees across Canada must have a Policy Committee, that will allow employees to more effectively participate in and contribute to the management of health and safety in the workplace.
- (4) Associated Regulations:

[Policy Committees, Work Place Committees and Health and Safety Representatives Regulations](#) (PCWPCHSRR)

## **6.4 Workplace Harassment and Violence Prevention Regulations**

### **6.4.1 Workplace Harassment and Violence Prevention Regulations (HVP) - 943-1-IPG-104**

- (1) Information on HVP, the Interpretations, Policies and Guidelines can be found on the Government of Canada, Labour Program site:

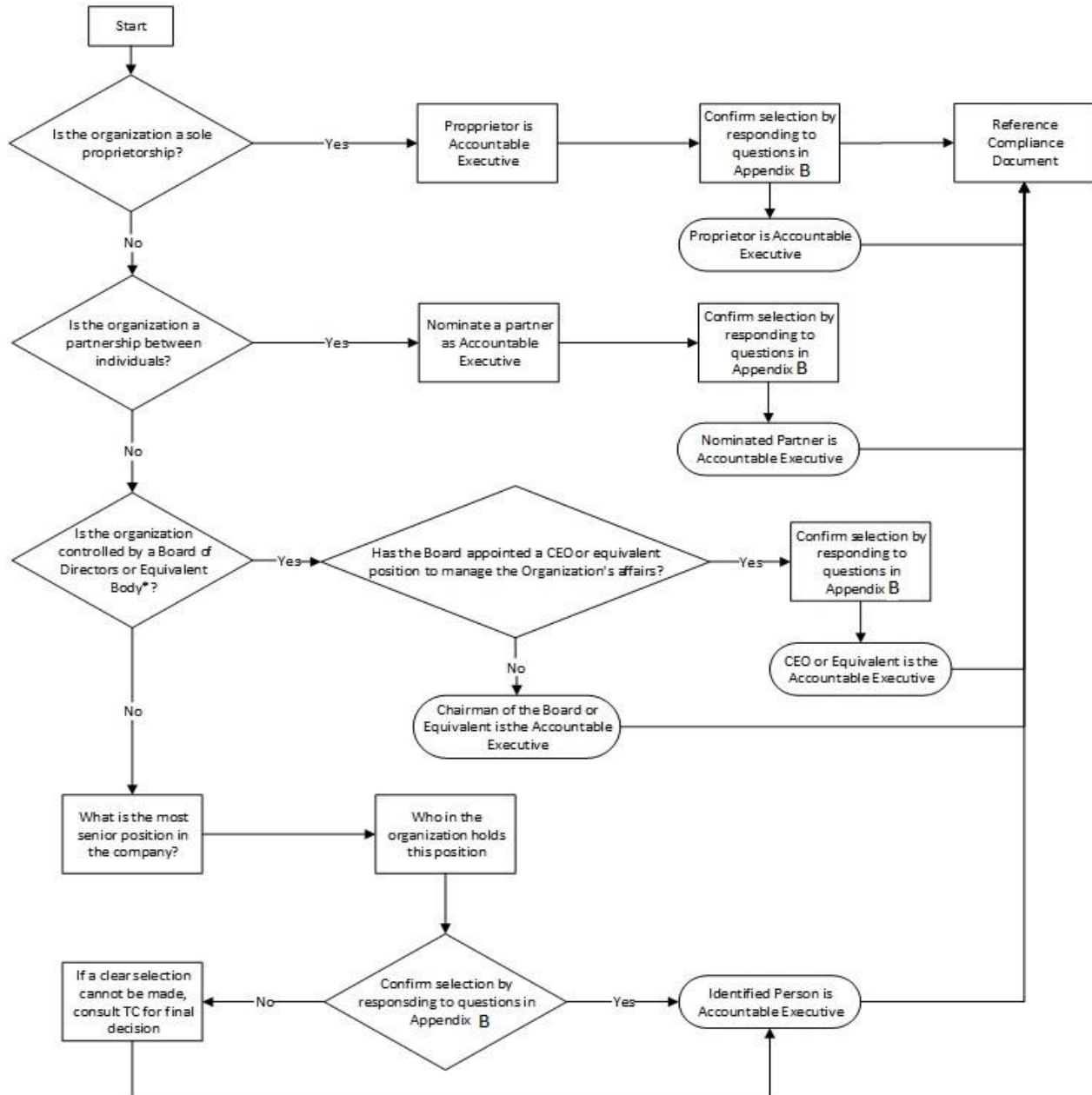
<https://www.canada.ca/en/employment-social-development/programs/laws-regulations/labour/interpretations-policies/104-harassment-violence-prevention.html>

- (2) Associated Regulations:

<https://laws.justice.gc.ca/eng/regulations/SOR-2020-130/index.html>



# Appendix A – Accountable Executive Selection Flowchart



\* Note: The term "equivalent body" is used in the flow chart and is intended to cover a variety of organizations including, but not limited to, corporations, federal, provincial or municipal governments, local airport authorities, cities or towns, native band councils or other similar title.

\*\* Note: The term "equivalent position" is used in the flow chart and is intended to cover a variety of position titles including, but not limited to, Chairman of the Board, CEO, President, Commissioner, Chief, General Manager, Administrator, Deputy Minister or other similar title.



## Appendix B – Accountable Executive Question List

