



Annual Report 2023–2024



Canadian
Transportation
Agency

Office
des transports
du Canada

Canada

Annual Report 2023-2024

Message from the Chair and CEO.....	3
The context of the Agency's work	6
An efficient transportation system for Canada.....	8
Consumer protection for air passengers.....	15
Accessible transportation for Canadians.....	20
Compliance Monitoring and Enforcement Policy and Priorities.....	26
Where we are going	28
Assessment of the Act	30
Appendices	35

This document and other Canadian Transportation Agency publications are available on our website at otc-cta.gc.ca.

For more information about the Agency, please contact:

Canadian Transportation Agency

Ottawa, Ontario K1A 0N9

Telephone: 1-888-222-2592

Facsimile: 819-997-6727

Email: info@otc-cta.gc.ca

Website: otc-cta.gc.ca

© His Majesty the King in Right of Canada, as represented by the Canadian Transportation Agency, 2024

Catalogue No. TT1E-PDF

ISSN 1494-7927

Available in alternate formats

Version française disponible



Message from the Chair and CEO

A transformational change to better serve Canadians

The last fiscal year (2023-2024) was a period of transformation and renewal at the Canadian Transportation Agency (Agency).

Over the past several years the Agency has had to adapt to important changes to the environment within which it operates and more specifically changes to each of its three key areas of responsibility, namely: the efficiency of the national transportation system; consumer protection for air passengers; and the human right of persons with disabilities to an accessible transportation network. This is highlighted by a significant increase in the number of requests being submitted to the Agency. From requests for level of service dispute resolutions and applications for construction in rail, to complaints related to air passenger protections and accessibility, the Agency has seen meaningful increases in the level of demand for many of its core functions.

In response to the changing demands, at the beginning of 2023 the Agency was provided \$75.9 million over three years primarily to support the processing of air passenger complaints, but also to better enable the Agency to efficiently deliver on its core mandate for Canadians. Then on June 22, 2023, Parliament passed the *Budget Implementation Act* (BIA) which provided the Agency the ability to streamline its air complaints process, develop new stronger regulations for passenger protections, begin implementing a pilot to temporarily extend interswitching distance and begin the process to cost recover.

As a result of the changing environment, the increase in demand for Agency services, and the tools provided by parliament over the past year, the Agency has made significant investments in its processes, its systems and data, and how it delivers on its mandate for Canadians.

This is highlighted by the successful launch of the Complaints Resolution Office (CRO) for air travel complaints. In response to the BIA and in only 3 months the Agency completely redesigned and implemented a new streamlined complaints process which launched officially on September 30, 2023. It was designed to be more straightforward, rapid, and cost-effective, with clearly established timelines and a greater ability to benefit from automation. By the end of the fiscal year, the new CRO was staffed with

112 resolution officers, who were hired and trained in waves, and processed roughly 11,000 complaints. To put this in perspective, 11,158 cases were processed for the entire 2022-2023 fiscal year.

These preliminary results are promising and it is anticipated that this process will become increasingly performant with the adoption of new technology, tools and with experience, but it is also important to recognize that the backlog of complaints continued to grow in 2023-2024 reaching 71,109 by the end of the period.

Unfortunately there continues to be an unpredictably high volume of received complaints and the Agency received a record 43,549 complaints over the fiscal year, a second straight year over 40,000 and roughly double the number we received in 2021-2022. The Agency remains committed to continuously improve its processes and close as many cases as possible with the resources it has been provided.

At the same time, the recent legislative amendments were also made to strengthen the air passenger protections regime by requiring compensation for all flight disruptions except in the case of exceptional circumstances, which will be established in regulations by the Agency, and to put the burden of proof on airlines. To that end, a first phase of consultations on proposed modifications to the [Air Passenger Protection Regulations](#) (APPR) was conducted in the summer of 2023, and in the year ahead, the regulatory process will continue.

The legislative amendments also provide for cost recovery from airlines for the processing of eligible passenger complaints, for which the Agency will initiate the process, starting with public consultations in the coming year.

Finally, the Agency remains committed to improving the accessibility of the transportation system using all the tools it has to achieve results for persons with disabilities including specifically issues concerning the safe transportation of mobility aids and the training of employees in the transportation industry. These are issues that have gained important attention over the past year and there is an important opportunity for the Agency and for Canada to meaningfully advance the rights of persons with disabilities in these areas and in particular internationally. The ATPDR are world leading and providing greater consistency for persons with disabilities traveling internationally would represent a significant step forward.

As the Agency navigates these transformative times, I am grateful to be able to count on a highly professional staff of public servants and appointed Members, without whom this period of change and renewal would not have been possible.

In 2024, the Agency was named as one of the Top Employers in the National Capital Region. We were recognized for our commitment to creating a positive and inclusive work environment and our dedication to offering competitive benefits, professional development opportunities, and a supportive workplace culture.

I am confident that Canadians will continue to be well served by the professionalism, integrity and dedication of the team at the Canadian Transportation Agency.

A handwritten signature in blue ink, appearing to read "France Pégeot". The signature is stylized with a large, looped initial "P" and a horizontal line underneath.

France Pégeot

The context of the Agency's work

The transportation sector is critical to the success of the Canadian economy and serves as the backbone of domestic and international trade. In 2022-2023, significant disruptions to supply chains worldwide resulted from the pandemic, labour disputes, container shortages, the impacts of climate change, and the consequences of Russia's invasion of Ukraine. This led to the Government of Canada establishing a National Supply Chain Task Force in 2022 with the goal of making Canada's supply chains more efficient, fluid, resilient and reliable. In 2023-2024, we saw significant stabilization, and the supply chain generally functioned well, partly due to decreasing demand for consumer goods. The system had to respond to a few critical external disruptions. Alberta wildfires in May, a 13-day strike at BC ports in July, and a polar vortex in January 2024 all contributed to disruptions in the rail network. Such events underscored the vulnerability of supply chains and the importance of investing in resilient and sustainable processes and infrastructure.

Passenger air travel in Canada has almost returned to pre-pandemic levels in 2023. However, on-time performance by Canadian airlines ranked 40th out of the 46 countries with the largest airlines in the world according to OAG on-time performance flight data. This may have contributed to the unprecedented number of complaints filed with the Agency, primarily related to flight disruptions. The air travel ecosystem also continued to report challenges with hiring and training staff. Of note is the shortage of available pilots, an issue brewing for several years. This has incentivized airlines to use their limited number of pilots to fly fewer, larger planes and has been one of the primary reasons for reductions in the number of regional flights. That said, in many cases, the number of available passenger seats to and from small and medium airports across the country is increasing due to the larger aircraft being used. Finally, it was a tumultuous year for Canada's ultra-low-cost carriers, highlighted by Lynx Airlines ceasing operations in February 2024.

Regarding accessibility, there were many significant events and issues throughout the year primarily related to air transportation. There continued to be far too many incidents of lost or damaged wheelchairs, as well as problems with inadequate services and assistance being provided to persons with disabilities.

There is also a building momentum to resolve these issues. In Canada, two parliamentary committees, the Standing Committee on Transport, Infrastructure and Communities and the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, held meetings on the accessibility of the air transportation system. At the end of the fiscal year, it was announced the Minister of Transport, Pablo Rodriguez, and the Minister of Diversity, Inclusion and Persons with Disabilities, Kamal Khera, would host Canada's first National Air Accessibility Summit in May 2024, building toward Canada's commitment to ensuring transportation is accessible and barrier-free by 2040.

The International Civil Aviation Organization (ICAO) also designated 2024 as the Year of Facilitation and announced a Global Summit focusing on enhancing the passenger experience. One of the key themes for facilitation and the summit is accessibility in international civil aviation. Canada is a world leader in accessibility, and these events demonstrate both a willingness and an opportunity to work together collaboratively to address the gaps in air travel accessibility nationally and internationally and to build better alignment and cohesion.

An efficient transportation system for Canada

One of the primary mandates of the Agency is to support an efficient transportation system for Canada. The [Canada Transportation Act](#) (the Act) includes the National Transportation Policy, which guides the Agency. It states that competition and market forces are the prime agents in providing viable and effective transportation services and that regulation may be required to meet public policy objectives that cannot be achieved by competition and market forces alone.

Rail

The Agency was founded in 1904 as a railway regulator. This role continues to be essential in contributing to the efficient operation of an industry that moves over \$380 billion in goods each year. In 2023-24, we saw a significant increase in railway construction and certificate of fitness applications and related matters, as well as for railway helpline calls from shippers and municipalities.

The Agency:

- monitors freight rail performance in Canada;
- issues certificates of fitness for federal railway companies and enforces compliance with minimum insurance requirements;
- determines railway costs, approves rail line construction, oversees the discontinuance of service, establishes the net salvage value of railway lines;
- determines interswitching rates and the maximum revenue entitlement for the movement of Western grain;
- resolves disputes between railway companies and shippers over rates or level of service, and between individuals or communities affected by rail noise and vibration or relating to railway crossings.

Monitoring Freight Rail Performance

In 2023-24, the Agency's rail monitoring program continued to evolve. The Agency monitors rail performance and service issues using publicly available data. We use this data and information railway companies and shippers provide to help evaluate the transportation system's overall health. This data allows the Agency to broadly assess the

overall timeliness of service and identify service disruptions when they occur and as they evolve.

As part of this monitoring program, the Agency also looks at grain volumes and movement to determine how the service provided compares to the Grain Handling and Transportation System's (GHTS) needs. If the service levels don't allow the GHTS to function effectively, further investigation may be necessary to determine whether this is due to issues that are under the control of the railways.

We also monitor embargo data to ensure that any embargoes invoked by railways are imposed appropriately, i.e., they are targeted, used only when necessary, and only as a last resort. Embargo data can indicate and help provide precision on the specific causes or impacts of observed service disruptions. They can also identify commercial practices that do not align with the carrier's obligations to the transportation system and its users.

Specific data the Agency monitors include:

- Canadian National Railway Company (CN) rail volumes and Canadian Pacific Kansas City Railway Company (CPKC) rail volumes;
- traffic volume variance across Canada, the United States, and Mexico;
- grain service and volume data through the Grain Monitoring Program reports and CN and CPKC's weekly reporting of grain volumes;
- AgTransport Coalition's daily and weekly reports, as published;
- Association of American Railroads embargo details; and
- additional information provided through the Transportation Data and Information Hub (part of the Canadian Center on Transportation Data).

Using this data, Agency staff were able to identify supply chain issues and quickly engage with stakeholders to work toward more proactive communications and resolution. This intervention contributed to a general improvement in the timeliness of recovery when issues arose.

The Agency increased its outreach related to system monitoring through an expanded agenda of regularly scheduled informal meetings with various rail stakeholders, such as CN, CPKC and shipper associations, to discuss rail service issues that may not be evident from the data that the Agency monitors.

Railway costing model

To help deliver on its rail regulatory obligations, the Agency maintains a railway costing model to estimate railway operating costs. The costing model is based on railway-submitted data and has a variety of applications, such as:

- adjudicating rail service and rate disputes;
- setting interswitching rates under the *Railway Interswitching Regulations*;
- determining overhead used for charges in the construction and the maintenance of railway crossing protection at railway crossings; and,
- estimating the impact of possible changes in transportation policy and other related regulatory activities.

In support of this work, the Agency determined:

- 2023 Depreciation Rates (for CN [R-2023-236](#); for CPKC [R-2023-235](#))
- 2022 Cost of Capital Rates (for CN [R-2023-168](#); for CPKC [R-2023-167](#))

Determinations for the movement of Western grain

Since its founding in 1904, the Agency has been seized with issues regarding the transportation of Western grain to market. The Act has legislated annual requirements for the Agency to make determinations that support this activity.

The Maximum Revenue Entitlement (MRE) determination is a form of economic regulation that enables the Canadian National Railway Company (CN) and the Canadian Pacific Kansas City Railway Company (CPKC) to set their own service rates, provided that the total amount of revenue collected from their shipments of Western grain remains below the ceiling set by the Agency. This year's determination ([R-2023-254](#)) found that CN and CPKC revenues exceeded their respective maximum grain revenue entitlements for the crop year 2022–2023. Regulations require revenue above their entitlements, plus a five percent penalty, to be paid to the Western Grains Research Foundation. CN and CPKC were required to pay penalties of \$3,630,836 and \$3,537,877, respectively. [Table 1: Maximum revenue entitlements](#) provides further details from the MRE determination.

The Agency also determines the Volume-Related Composite Price Indices (VRCPI) for a given crop year. The VRCPI is an inflation factor applied when we make our Maximum Revenue Entitlement determinations. It reflects a composite of the forecasted prices for railway labour, fuel, material and capital purchases. The Agency bases the

determination on reviewing and verifying data supplied by the railway companies. In 2023, the VRCPI determination ([R-2023-91](#)) showed an increase over the previous crop year of 12.11% for CN and 5.43% for CP, primarily due to increased fuel prices and material costs.

Interswitching

In 2023, the Government changed the Act to enable a temporary 18-month pilot extending the interswitching distance in the Prairie provinces to 160 km.

Interswitching is the mandatory transfer of traffic between two railway companies under regulated rates, in order to increase the options available to a shipper that would normally only have access to one railway. It is normally required up to 30 km of an interchange.

In support of the 160-km extended interswitching pilot, the Agency determined the 2023 rates for the new interswitching zone ([R-2023-178](#)) and the 2024 rates for all interswitching zones ([R-2023-237](#)).

Railway construction applications

If a railway company intends to construct a railway line subject to section 98 of the Act, it must apply to the Agency for approval. Railway infrastructure applications to the Agency have been increasing. These applications are highly complex and have significant economic, environmental and community impacts. The Agency provides [detailed guidance to applicants](#) to ensure complete applications. In 2023, the Agency approved CN's application to build a railway for its Jansen Spur project in Saskatchewan ([R-2023-156](#)). On-going section 98 processes include a bypass at Lac-Mégantic, QC and a logistics park in Pitt Meadows, BC, among others.

Certificates of Fitness (CoF)

The Agency issues a certificate of fitness when a company proposing to construct or operate a railway under federal jurisdiction demonstrates that it holds the required third-party liability insurance. This insurance must cover the risks prescribed in the Act and regulations and, in the case of freight rail operations, cover the minimum amount of liability based on reported freight traffic volumes of crude oil and dangerous goods. In the case of passenger rail, adequate insurance coverage for the passenger operations in question must be obtained. Staff conduct annual compliance monitoring activities of

active CoF holders to ensure they meet the ongoing third-party liability insurance requirements under the Act.

In 2024, the Agency changed its process to provide more straightforward information to CoF holders, including the consequences of non-compliance, and to require them to ensure their operations' descriptions are accurately reflected in the CoF.

The Agency may also vary CoFs to reflect changes in railway operations or may cancel or suspend a certificate. In 2023, Union Pacific Railroad Company obtained a variance of its CoF to reflect a change in its railway operations in Canada, namely carrying crude oil ([R-2023-107](#)). In 2024, HBR also obtained a variance of its CoF to reflect its current legal name, Hudson Bay Railway Corporation ([R-2024-23](#)). The Norfolk Southern Railway Company (NSRC) obtained a variance of its CoF to reflect a change in its railway operations in Canada relating to the volume of the prescribed goods that NSRC is authorized to carry.

Rail disputes

Rail disputes are complex undertakings that require significant technical, economic, or mediation expertise. In 2023-2024, the Agency resolved 39 rail disputes. Of these, the Agency resolved 12 through facilitation, 12 through mediation, and 15 through adjudication. We also addressed 152 enquiries via our Rail Helpline.

See our page, [Complaints and disputes about rail transportation](#), for more information on the types of complaints the Agency handles.

See [Statistics 2023–2024](#) for the Agency's detailed dispute resolution and other statistics.

Air

With respect to the efficiency of air transportation, the Agency is responsible for: issuing licences and charter permits to Canadian and foreign airlines offering services to the public; enforcing all applicable licensing requirements; participating in the negotiation and implementation of international air transport agreements as part of the Government of Canada negotiating team; ensuring airlines have tariffs (the contract between an airline and its passengers that covers the rights and obligations of both) applicable to their air services consistent with the Act.

Air licensing

In 2023-2024, the Agency approved 107 air licence applications, including 61 foreign carrier licence applications, once the Agency was satisfied that they had demonstrated that they met the requirements to hold a licence. We also issued 998 permits for passenger resaleable, passenger non-resaleable, and cargo non-resaleable.

See [Table 2: Air licensing activities](#) and [Statistics 2023–2024](#) for the Agency's detailed dispute resolution and other statistics.

Canadian status requirement

The Act requires that airlines that hold domestic licences and certain international licences issued by the Agency must be owned and controlled in fact by Canadians. The Agency regularly monitors compliance with the Canadian status requirement.

In February 2023, Volatus was granted a license with conditions about its Canadian status ([LET-A-5-2023](#)). As Volatus is a publicly traded company, its percentage of voting interests owned by Canadians can be subject to constant fluctuations. Accordingly, the Agency expected Volatus to implement, by February 12, 2024, certain voting share restrictions and changes to its articles to ensure that Volatus would continue to be controlled at all times by Canadians. The Agency granted Volatus a partial stay until August 31, 2024, for the company to demonstrate compliance with the requirements ([LET-A-3-2024](#)).

International cooperation (bilateral agreements, ICAO)

The Agency participates in the negotiation and implementation of international air transport agreements. In 2023-2024, Agency staff participated in negotiations resulting in new or expanded air transport agreements with Ecuador, Ethiopia, Jordan, Panama, Turkey, the United Arab Emirates and Uzbekistan. Work also continued on ratifying previously negotiated agreements with the Bahamas, Brazil, Cameroon, Colombia, Dominican Republic, Honduras, and Rwanda.

Marine

Under the [Coasting Trade Act](#), only Canadian-registered ships can provide marine carriage of goods or passengers between points in Canada unless no Canadian ships are available or suitable for the task in question. The Agency plays a role in the coasting trade licensing process by determining whether suitable Canadian ships are available when someone applies to use foreign ships for domestic commercial marine activities. The Agency provides this determination to the Minister of Public Safety and Emergency Preparedness for further action. Using a foreign ship is only allowed if the Minister issues a coasting trade licence.

In 2023-2024, the Agency processed 45 coasting trade applications.

See [Table 3: Rail and Marine Dispute Resolution](#).

See our [Statistics 2023–2024](#) for the Agency's detailed dispute resolution and other statistics.

Compliance Monitoring and Enforcement

The Agency [Compliance and Enforcement Policy](#) sets out how we target our compliance monitoring and enforcement resources to maximize proactive compliance with the legal obligations of the regulated entities we oversee. The Agency's compliance and enforcement statistics are in [Table 10: Compliance and verification activities](#) and [Table 11: Enforcement actions taken](#). Our website provides further updated information on our [compliance monitoring and enforcement work](#). See [Statistics 2023–2024](#) for the Agency's detailed dispute resolution, enforcement and other statistics.

Consumer protection for air passengers

Over the last year, the Agency processed a record 16,759 air travel cases, representing a 50 percent increase over the previous fiscal year. It also received a record 43,549 complaints from passengers regarding their entitlements under the APPR, a second straight year over 40,000, bringing the current backlog of air travel complaints before the Agency to 71,109. To put that in perspective, up until 2016, the Agency received roughly 850 complaints per year. That number of received complaints began to increase over the following three years, culminating in a significant increase after the coming into force of the APPR, where in 2019-2020, the number of received cases reached almost 20,000.

The high level of air travel complaints may reflect continued performance and service challenges in the air travel sector, particularly highlighted during major flight disruption situations in the summer travel season of 2022 and the winter travel season of 2022-23. To address these challenges and the increasing number of complaints, Parliament made changes to the Act through the [Budget Implementation Act 2023](#), which the Agency is implementing through a three-pronged approach, which includes:

1. the establishment of a new Complaints Resolution Office (CRO);
2. cost recovery from the airlines of eligible air travel complaints; and
3. amendments to the [Air Passenger Protections Regulations](#).

Complaints Resolution Office: A new approach

In only three months the Agency completely redesigned and implemented a new streamlined complaints process which launched officially on September 30, 2023. The new CRO was designed to be more straightforward, rapid, and cost-effective, with clearly established timelines and a greater ability to benefit from automation. This work included:

1. Designing a new complaints resolution process, including a new digitalized complaint management system;
2. Staffing and training 112 Complaints Resolution Officers, a completely new role in the organization;
3. Creating online materials to assist passengers with the new process; and

4. Launching a new online portal for industry and passengers to more easily and efficiently manage their complaints and onboarding 87 airlines into that portal.

Before September 30, 2023, the dispute resolution process for air passenger complaints had three stages that culminated in a court-like adjudication, during which the Governor in Council appointed members of the Agency (maximum of five full-time Members and up to three temporary Members) weighed the evidence and issued a decision. During the first two stages (facilitation and mediation), there were no fixed timelines, and informal dispute resolution was attempted, but the Agency had no power to decide the case. Only Agency Members could make a final decision during adjudication.

Under the new CRO process, the decision-makers are Agency public servants, similar to processes at several other tribunals, such as the Immigration and Refugee Board of Canada. These public servants – the complaints resolution officers – can deal with the entire complaint process, including rendering a final decision. The process starts with determining a complaint's eligibility based on the legislation's criteria. If the complaint is not eligible, for example, because it is clear that the passenger already received what they are entitled to or because their complaint is not within the scope of issues that the Agency can resolve, it proceeds no further. If the complaint is eligible, parties will be provided an optional opportunity to engage in mediation. If declined, a final decision is issued by a Complaint Resolution Officer who can decide whether the airline met its obligations and, if appropriate, order a remedy, such as compensation, a refund or reimbursement for expenses to the complainant.

Since its launch in September, the CRO has been leveraging automation and new digital solutions. This included a new online form, the online portal for passengers and industry, and material that better guides passengers by explaining how to submit a complete complaint.

Clear eligibility rules allow the Agency to automate the first steps of the process. Applicants receive information about the eligibility of their complaint quickly without extensive staff intervention, ensuring resources are allocated to cases that need further consideration.

The new tools ensure that complaint resolution officers efficiently interact with parties and limit the need to request clarification or additional information. This simplified, digital, single-step process eliminates administrative back-and-forth and eliminates wait times associated with multiple steps and manual processes.

Of the 16,759 complaints processed during the past year, 10,829 were processed in a six-month period under the CRO. This is equal to 95% of the productivity for the previous fiscal year and was possible even as the Agency underwent a profound operational transformation. Increased experience with the new system, additional efficiencies and increased automation will continue to be incorporated into the CRO process, and the Agency expects to see continued increases in productivity.

Eliminating the backlog of air travel complaints remains a top priority for the Agency and will continue to be a focus of attention for the rest of 2024 and beyond. The new CRO process will have significant positive impacts. However, an important factor related to the backlog will continue to be the number of incoming complaints.

Air travel complaints processing statistics can be found in the following tables:

[Table 4: New complaints and backlog of complaints](#)

[Table 5: Number of complaints per 100 flights operated by Canadian airlines](#)

[Table 6: Number of complaints per 100 flights operated by foreign airlines](#)

[Table 7: Number of complaints processed \(by carrier\)](#)

Air Passenger Protection Regulations

Under the original [Air Passenger Protection Regulations](#) (APPR), passenger protection entitlements in the case of flight disruptions depend on the categorization of the flight disruption. There are three categories of flight disruption: within airline control, within airline control but required for safety, or outside carrier control.

As the Agency implemented the regulations and processed complaints, it was increasingly apparent these categories were unclear, leading to differing interpretations, with passengers often lacking the information to determine whether they were entitled to compensation. For these same reasons, the APPR has proved challenging to enforce.

The changes to the Act, as a result of the [Budget Implementation Act 2023](#), will eliminate the three flight disruption categories once the amended APPR provisions are made and brought into force. These changes will require airlines to compensate passengers for inconvenience when there is a flight disruption unless there are exceptional circumstances, which the Agency will define by regulation. The changes to

legislation also put the burden on airlines to prove that compensation does not have to be paid for a specific flight disruption.

Legislative changes also provided the Agency with new tools to support consumer protection for air passengers. Among those, the Agency will be able to increase the maximum [administrative monetary penalties \(fines\)](#) it can impose on airlines from \$25,000 to \$250,000 for violations of the APPR.

"The Canadian Transportation Agency welcomes the opportunity to improve the air passenger protection regime. We are committed to improving how air passengers' complaints are processed and to provide better services to Canadians."

France Pégeot
Chair and CEO, Canadian Transportation Agency

APPR 2024 Process and Consultations

Following the passage of the legislative amendments, the Agency undertook pre-consultations in July 2023, with the publication of a [consultation paper](#) on the proposed regulatory changes. The Agency received over 290 submissions from airlines, consumer organizations, passenger advocates, academics, and the general public. The results of these consultations are published in [What We Heard: Proposed Changes to Strengthen the Air Passenger Protection Regulations](#). The next step is for the Agency to develop draft regulations for publication in *Canada Gazette* Part I in 2024, after consultation with the Minister of Transport as required by the Act.

Cost recovery

The [Budget Implementation Act 2023](#) also introduced changes that provide the Agency with tools for cost recovery. First, the Agency must recover all or a portion of the costs associated with processing eligible air travel complaints through the new CRO process, regardless of the outcome. Second, the legislation also provides the tools necessary to allow the Agency to pursue cost recovery related to all the programs it is responsible for administering.

The charge applies to eligible air travel complaints, as defined in the legislation and will apply to the airlines in question. The revenues will be used to cover some costs of the Complaint Resolution Process.

The Agency is developing a proposal for cost recovery for eligible air travel complaints, which will be the subject of public consultations before implementation. In the future, the Agency will review its costs annually and publish an annual fees report that includes the amounts collected in that fiscal year.

Compliance Monitoring and Enforcement

The Agency [Compliance and Enforcement Policy](#) sets out how we target our compliance monitoring and enforcement resources to maximize proactive compliance with the legal obligations of the regulated entities we oversee. The Agency's compliance and enforcement statistics are in [Table 10: Compliance and verification activities](#) and [Table 11: Enforcement actions taken](#). Our website provides further updated information on our [compliance monitoring and enforcement work](#). See [Statistics 2023–2024](#) for the Agency's detailed dispute resolution, enforcement and other statistics.

Accessible transportation for Canadians

One of the Agency's core responsibilities is to protect the fundamental right of persons with disabilities to accessible transportation services.

As a regulator and a tribunal, the Agency plays an essential role in establishing and implementing accessible transportation in Canada and in rendering decisions that shape accessible transportation services for Canadians.

The ATPDR are, in many regards, world-leading regulations. They establish clear, consistent accessibility requirements for all types of federally regulated transportation. These requirements cover accessible communications, services, equipment and infrastructure, and the provision of training to transportation sector employees. For example, the regulations help ensure:

- Someone in a wheelchair receives proper assistance from the curb to the plane at airports.
- There is enough space for a service dog on a plane.
- Transportation service providers communicate information in formats accessible to travellers with various disabilities.
- Personnel are trained to provide effective and appropriate services to persons with disabilities.

The Agency has developed guidance and best practices material to ensure that the ATPDR requirements are as clear as possible for persons with disabilities and the industry.

Performance Audit by the Auditor General

Following the tabling of the [performance audit by the Auditor General on accessible transportation](#) on March 27, 2023, the Agency has been working diligently to address the recommendations. These include increasing the Agency's capacity to identify accessibility barriers and enforce their removal by implementing additional oversight approaches. This oversight includes:

- direct observations of available services to capture the experience of travellers with disabilities;

- reviewing and adjusting its enforcement staffing level; and
- identifying and pursuing opportunities to gather descriptive information on the number and nature of accessibility complaints filed with service providers.

In response to the recommendations, the Agency has implemented a collaborative compliance pilot project to shadow persons with disabilities during their travel to better understand their lived experience, the services available to them, and their unique needs and challenges. The Agency is also expanding its enforcement staff and using complaints data from service providers provided under existing inspection authorities to inform its verification of ongoing compliance and the prevention of non-compliance. The Agency is on track to successfully implement all the recommendations of the Auditor General and will provide final reports to the House of Commons Public Accounts Committee in 2025.

Accessibility complaints and decisions

In cases where travellers believe they have encountered a barrier to their mobility, they can file a complaint with the Agency. The Agency received 396 accessibility complaints over the last year, a 101% increase compared to the year prior. Complaints about mobility aids represented about 30% of the total complaints. The Agency also received 143 enquiries on its Accessibility Helpline.

Several notable accessibility decisions were issued by the Agency this year. The Agency issued a significant decision on travelling with Emotional Support Animals ([105-AT-C-A-2023](#)), which brings greater clarity to travellers who seek to travel with an animal that is or could be an Emotional Support Animal (ESA). The Agency determined that carriers are only required to accommodate dogs as ESAs and only under specific conditions. The decision also laid out the conditions that persons with disabilities would have to meet for their Emotional Support Dog (ESD) to be accepted in the passenger cabin. A second decision related to an obstacle encountered when the aircraft used by the airline was unable to accommodate the user's motorized wheelchair and culminated in an order for corrective measures ([123-AT-A-2023](#)).

See [Table 8: Accessibility Disputes](#) and [Table 9: Reporting to Parliament \(amendments to subsection 42\(2\) of the Canada Transportation Act\) requirements](#).

Expansion of the ATPDR to small transportation service providers

During the past year, the Agency developed a consultation plan for expanding the ATPDR to small service providers with a small advisory group. This plan was shared with the Agency's Accessibility Advisory Committee for their review and input. In parallel, the Agency held seven discussion meetings with small groups of industry representatives and members of the disability community to learn about the experience of persons with disabilities when travelling with small transportation service providers and the operational realities and challenges these providers have in delivering accessibility services.

The Agency also organized visits – accompanied by representatives of the Council of Canadians with Disabilities, the Canadian National Institute for the Blind, the National Coalition of People Who Use Guide and Service Dogs and the Canadian Association of the Deaf – to three locations and the associated small transportation service providers. These engagement sessions with regional stakeholders took place in the Yukon, Northern Quebec and Northern Ontario. The stakeholders included Air North, PAL Aviation, Perimeter Aviation, Sioux Lookout Airport, Kasper Transportation, Tshiuetin Railways and government officials in charge of local airports. We will publish a What We Heard report in 2024 and pursue discussions with representatives of persons with disabilities and industry regarding how to best advance accessibility with small service providers operating in regional, rural, and northern Canadian areas.

Accessibility Advisory Committee

For advice on accessibility issues, the Agency consults its [Accessibility Advisory Committee](#) (AAC), which consists of over 40 representatives from the community of persons with disabilities, the transportation industry, and other interested parties.

The Agency held an AAC meeting in January 2024 to provide updates on the various accessibility initiatives, including [Accessible Transportation for Persons with Disabilities Regulations, for small transportation service providers](#), the [decision relating to emotional support animals](#), [Accessible Transportation Planning and Reporting Regulations](#) and recent Agency actions on the transport of mobility aids. In addition, we had three presentations:

- Airbus spoke about Airbus' aircraft design and manufacturing work concerning the accessibility of aircraft;
- Accessibility Standards Canada spoke about the work of his organization and their grants and contributions program and the
- The Innovation Centre at Transport Canada and the President of AbleFly discussed a proof-of-concept project for a seating device solution that could improve accessibility for passengers with mobility disabilities.

Mobility Aids

To help address an increase in issues regarding the handling and storage of mobility aids, the Agency has initiated several key projects. The Agency conducted site visits with small and large airlines to better understand what was occurring. During those visits, the handling of mobility aids, as well as the associated training on accessibility provided to employees, was discussed. Site visits also included direct observation of the handling of mobility aids, including how they are loaded in the cargo hold. These activities highlighted some gaps and opportunities for potential improvements.

Following these observations, the Agency engaged with Accessible Standards Canada to develop a project to create practical guidelines for the safely storing mobility aids on aircraft. In parallel, the Agency also held discussions with Transport Canada and the National Research Council to initiate the development of job aids, including the creation of mobility aid tags. These tags will contain essential information attached to the mobility aid to help service providers ensure these aids are handled and stored properly. Transportation service providers can integrate these tools into their training and have them readily available for their employees at any time as reference material to help reduce the number of adverse incidents.

Finally, over the last year, the Agency launched a Canadian Mobility Aid Working Group comprising representatives of the community of persons with disabilities, air industry representatives, including airports and airlines, and a few observers from across the government. The working group will generate ideas for voluntary initiatives to reduce issues related to the carriage of mobility aids, exchange information about best practices, and be a forum to discuss work being done internationally on this issue.

International Engagement

Canada has been a global leader in advancing accessibility. On the international stage, the Agency has been actively collaborating with international organizations to advance accessibility across the air travel ecosystem. Issues related to inconsistency in accommodation are compounded due to the global nature of air travel, which creates uncertainty for persons with disabilities and adds to the stress associated with travelling. To this end, the Agency participated in the IATA World Passenger Symposium in October 2023 in Chicago, USA. The Agency was part of a panel discussion on regulatory risks and opportunities and how effective regulations promote accessibility and make it work in practice.

In addition, as part of the Canadian delegation to the International Civil Aviation Organization (ICAO), the Agency has been acting as rapporteur of a working group on accessibility in aviation. Agency staff are participating as subject matter experts. The working group on accessibility has been advancing a compendium of regulations, statutes and policies established by ICAO members relating to accessibility in aviation and is examining possible updates and amendments to the Standards and Recommended Practices found in Annex 9 of the Convention on Civil Aviation. This work will also include reviewing and updating the ICAO Manual on Access to Air Transport by Persons with Disabilities. The Agency is supporting an ICAO/IATA seminar to be held in 2024-25 to launch a discussion on an ICAO long-term accessibility strategy.

Accessible Transportation Planning and Reporting Regulations

The [Accessible Transportation Planning and Reporting Regulations](#) (ATPRR) require service providers to consult with persons with disabilities to improve the accessibility of their services. The regulations create a framework for transportation service providers to identify and remove barriers and prevent new barriers to accessibility. To support this work, the Agency has published guidance material related to the ATPRR on its website, including plain language summaries of the guides and corresponding American Sign Language and Langue des signes québécoise interpretation.

The Agency actively promotes and verifies compliance with the ATPRR. In the past year, the Agency reviewed and verified compliance of all accessibility plans, progress reports, and feedback processes for all regulated publicly owned transportation service

providers and all accessibility plans and feedback processes for the majority of large private sector transportation service providers. We issued 122 Cautionary Notices to 109 transportation service providers for deficiencies concerning submitted plans.

To ensure a consistent government approach to compliance monitoring and enforcement of new regulatory requirements under the *Accessible Canada Act* (such as the ATPRR), the Agency participates in an interdepartmental steering committee with the Canadian Human Rights Commission, Canadian Radio-television and Telecommunications Commission, and Employment and Social Development Canada.

Compliance monitoring and enforcement

The Agency [Compliance and Enforcement Policy](#) sets out how we target our compliance monitoring and enforcement resources to maximize proactive compliance with the legal obligations of the regulated entities we oversee. The Agency's compliance and enforcement statistics are in [Table 10: Compliance and verification activities](#) and [Table 11: Enforcement actions taken](#). Our website provides further updated information on our [compliance monitoring and enforcement work](#). See [Statistics 2023–2024](#) for the Agency's detailed dispute resolution, enforcement and other statistics.

Compliance Monitoring and Enforcement Policy and Priorities

The Agency Compliance and Enforcement Policy is a results-based and risk-informed approach to compliance assurance. The policy is outcome-focused and supports each of the Agency's three core areas of responsibility. The policy sets out how the Agency targets its compliance monitoring and enforcement resources to maximize proactive compliance by regulated entities with the legal obligations the Agency oversees.

The policy speaks to four guiding principles:

1. Results-based enforcement: In securing compliance, the measures applied are intended to advance the outcomes pursued by the Agency.
2. Data-driven, risk-informed decision making: the Agency's work is informed by data to identify potential non-compliances and optimize resource allocation;
3. Fair, objective and consistent processes: Rules and processes for inspections, investigations and enforcement, are clear and applied consistently and objectively; and
4. Transparency: the Agency publishes the results of its formal enforcement actions on its website.

Recognizing that public interest objectives are best served when regulated entities undertake and comply with applicable standards and legal obligations voluntarily, the Agency resolves non-compliance by applying a graduated approach to enforcement, using informal and formal enforcement measures.

Guided by the policy, the Agency employs several tools and activities to foster compliance and address non-compliance, such as compliance promotion, verification, enforcement (cautionary notices and administrative monetary penalties) and follow-up.

Compliance priorities

Over the past year, the Agency prioritized three specific areas of concern to the travelling public to ensure that airlines complied with their obligations under the [Air Passenger Protection Regulations](#). We undertook activities to verify that:

1. carriers communicated critical information to passengers when flights were delayed or cancelled,
2. passengers received the refunds and compensation to which they were entitled, and
3. carriers responded to passenger requests for compensation within the required timelines.

Our oversight included data-driven analytic activities and in-person monitoring to verify airline compliance.

Regarding accessibility, the Agency focused on enhancing our capacity to identify and remove accessibility barriers by initiating our collaborative oversight pilot project. This project addresses a recommendation from the Office of the Auditor General's recent audit and involves shadowing persons with disabilities during travel to better understand their unique challenges. The Agency is currently evaluating what we learned through the pilot to inform the development of an ongoing Collaborative Oversight Program for Accessibility and to plan future activities that will include all transportation modes and disabilities. Additionally, we actively promoted and verified compliance with the new [Accessible Transportation Planning and Reporting Regulations](#).

See [Table 10: Compliance and verification activities](#) and [Table 11: Enforcement actions taken](#).

Where we are going

The Agency's strategic priorities

This past year the Agency developed a new 3 year strategic plan and identified the following strategic priorities:



Resolve the Backlog

Develop and implement the new APPR and accelerate the timely resolution and elimination of the backlog of air travel complaints.



Improve Accessibility in the Transportation System

Leverage all of the Agency's tools to enhance accessibility within the transportation system.



Enhance Stakeholder Engagement

Engage with participants of the transportation system to advance the Agency's mandate.



Cultivate a Culture of Continuous Improvement

Develop an organizational culture of continuous improvement, innovation, and data-based decision making to drive the best results for Canadians.



Build a Diverse and Resilient Organization

Focus on creating an organization that is diverse, inclusive, accessible, resilient, and that fosters a sense of belonging.

Risks and risk mitigation

Legislative changes have already led to profound changes to key aspects of the Agency's work. The new CRO process for air travel complaints was launched three months after legislative amendments were passed, resulting in a wave of organizational and process changes, the hiring and training of new staff, and engagement with stakeholders to implement the new process. The Agency will learn from its experience over the last year and continue to improve the efficiency of the new process. We will continue to hire and train new staff, implement a new passenger portal, and enhance coordination and communication with stakeholders. These changes must be executed efficiently without compromising ongoing operations.

An additional external risk is the unpredictability of the volume of incoming air travel complaints. There is a continuing risk that the Agency will have insufficient capacity to address the number of submitted complaints. This has resulted in, and could continue to result in, an increasing backlog of complaints and increasing wait times for dispute resolution despite productivity increases. To mitigate this risk, the Agency continues to review and streamline business processes and procedures and to deploy new technologies and tools. The Agency will also move forward with changes to the APPR and implement cost recovery for eligible air passenger complaints.

Finally, a high proportion of the Agency's budget is temporary. Consequently, many employees are temporary and leave the Agency for permanent positions when available outside the organization. This results in increased time and resources dedicated to staffing and training and a loss of productivity. The Agency is closely monitoring and managing its financial resources to optimize staffing, onboarding, and staff training in light of available resources.

Assessment of the Act

Under subsection 42(2) of the [Canada Transportation Act](#) (the Act), the Agency must report on the operation of, and any difficulties observed in, the administration of the Act each year through its Annual Report.

Many of the potential challenges identified by the Agency over the last years in fulfilling its mandate were addressed in amendments to the Act passed by Parliament on June 22, 2023, that will strengthen and simplify the air passenger protection regime. These amendments placed the burden on airlines to prove that the cause of a flight disruption is outside of its control or related to safety. The amendments also provided authority to public servants to decide passenger claims related to the obligations of carriers that are set out in the APPR and in their tariffs, made dispute resolution processes simpler and more efficient, enhanced the tools available to Agency enforcement officers, and, when certain additional amendments to the Act come into effect, will eliminate the three categories of flight disruptions that are used to determine passenger entitlements following a flight disruption. In addition, these future amendments will require airlines to compensate passengers for flight disruptions unless the cause of the flight disruption is one that has been specified in a regulation by the Agency as an exception.

Further potential amendments are listed below, which could better equip the Agency to more efficiently and effectively fulfill its mandate and serve Canadians.

Efficiencies in Issuing Regulatory Authorizations

Currently, only Governor-in-Council appointed members have the power to approve of certain regulatory authorizations, such as charter permits which are no longer subject to strict requirements and conditions under the [Air Transportation Regulations](#). The Act could be amended to allow public servants to issue certain regulatory authorizations that have become routine and involve limited or no exercise of discretion. The powers of the Agency over licensing matters are similar to some of the powers of the Minister of Transport under the [Aeronautics Act](#) and the [Canadian Aviation Regulations](#). Some of these powers—such as issuing a Canadian Aviation Document—are delegated to Transport Canada staff, whereas the Agency cannot do the same.

Modernizing the Agency's Enforcement Tools

The Agency currently ensures compliance with regulatory and legislative requirements using cautionary notices in the case of inadvertent, low-impact contraventions of requirements (and warnings in the case of accessibility provisions) and administrative monetary penalties (fines). However, there are additional compliance tools that would allow the Agency to more appropriately address violations and to ensure compliance on an ongoing basis.

In particular, the Agency would benefit from being able to enter into compliance agreements with railways, as appropriate, if it determines that railways are not complying with a regulatory or legislative requirements. Depending on the violation and the compliance history of the railway in question, these agreements could be effective tools for ensuring that the railway brings itself into compliance as soon as possible while supporting it in the process. The Agency was recently given the authority to use compliance agreements in response to violations of accessibility and air passenger protection requirements, and this authority should be extended to rail requirements.

Furthermore, while the maximum amount of administrative monetary penalties for violations of accessibility and air passenger protection requirements is now \$250,000, this is not the case for rail requirements, where the maximum level of fine for most violations is much lower (\$25,000). This is not high enough to dissuade contraventions of the Act and could be increased to \$250,000.

Currently, some provisions for which Agency enforcement officers may issue notices of violations and administrative monetary penalties are designated in the Act itself, while others are separately designated in the Designated Provisions Regulations. The Act could be amended so that all legal requirements, including the requirement to comply with orders issued by the Agency, be designated as enforceable through administrative monetary penalties, without the need to go through the regulations development process unnecessarily. This would provide the Agency with the ability to immediately enforce any new legal requirement without delay, where appropriate.

Finally, the Agency should also be given the authority to suspend or cancel regulatory authorizations, such as licenses, or not to issue them, if administrative monetary penalties (and any other fees or charges imposed by the Agency) have not been paid. This would make administrative monetary penalties an even more effective tool in ensuring compliance with regulations and Agency orders.

Accessible Transportation

The [Accessible Canada Act](#) amended the Act to provide the Agency with the authority to investigate systemic issues within Canada's transportation system related to the mobility of persons with disabilities on its own initiative, with the approval of the Minister of Transport. This authority is an important tool that can be used to examine reasons for what appears to be recurring or broad-based barriers to travel by persons with disabilities and identify ways to remove these barriers. However, the Agency cannot order remedies or issue orders to address problems found through such an investigation. This limitation stands in contrast to the authority the Agency has for its own motion inquiries into whether a railway company is fulfilling its service obligations. The Act could be amended to provide the Agency with remedial powers in this area to ensure the investigation findings can be used to eliminate barriers to the mobility of persons with disabilities.

Appeals and Judicial Reviews of Agency Decisions

As a result of the Supreme Court of Canada's decision in the 2019 [Vavilov case](#), Agency decisions are now reviewed on a standard of correctness by the Federal Court of Appeal rather than on a reasonableness standard. As such, deference is no longer owed to the Agency despite its longstanding specialized expertise in federal transportation matters. This decision is a significant departure from decades of case law in which the Agency's decisions were given deference. It also undermines the Agency's expertise and its ability to issue decisions in support of policy objectives, as well as legislative and regulatory requirements. The Act could be amended to specifically state that the intended standard of review for Agency decisions is reasonableness. Such an approach would recognize the Agency's longstanding expertise in areas under its mandate and would also provide Canadians with greater certainty as to the standard of review that will be applied by the courts when Agency decisions are challenged.

Further, the Agency's participation in appeals of its decisions to the Federal Court of Appeal has been questioned in recent proceedings. Subsection 41(4) of the Act gives the Agency the right to be heard on the argument of an appeal. The Act could be amended to clarify the right of the Agency to appear, and to confirm the scope of its participatory right. This right to respond to all arguments raised in an appeal, including at the leave stage, would help ensure that the record before the Federal Court of Appeal is as complete as possible.

In recent years, there has been an increase in judicial reviews for matters not subject to appeals, including decisions of Complaint Resolution Officers on air travel complaints. The Agency is not a party to those reviews. However, for the same reasons mentioned above, the Agency should be named as a party to allow it to be heard, consistent with the Agency's participation in appeals.

Furthermore, in judicial reviews requested by airlines of decisions of Agency complaint resolution officers with respect to air travel complaints, the Act should be amended to explicitly limit airlines' ability to seek costs from complainants. Air travel complaints are consumer matters that typically involve low value claims. Passengers need to be able to fully participate in the complaint process, without worrying that the airline may challenge the Agency decision in court and that they may seek court costs. The possibility that they could be found liable for court costs could result in passengers renouncing orders issued in their favour to avoid court costs, thereby defeating the objectives of the air travel complaint scheme and deterring passengers with valid claims from accessing justice.

Restrictions on Appointment of GIC Members

Currently, Governor in Council-appointed members of the Agency must reside in the National Capital Region. This requirement unnecessarily restricts the pool of potential members. Removing this requirement could increase the diversity of talent available to the Agency.

Also, provisions limit the ability of the Chair to expand or decrease the number of temporary members based on case file volumes. Furthermore, given that temporary members are not allowed to serve more than two consecutive one-year terms, the Agency is experiencing issues with continuity as it has to reassign cases upon the end of a temporary member's term. The Agency would have greater flexibility and respond more efficiently if the three-person cap on the number of temporary members were removed or raised and temporary members were permitted to serve more than two consecutive one-year terms.

Statutory Immunity for Members

The Act does not currently provide statutory immunity for members. As a result, if named in a civil proceeding for actions or decisions taken in their official capacity, Agency decision-makers do not have the same level of protection as members of other federal and provincial tribunals. Amending the Act to provide this immunity for such decision-makers will protect their ability to fulfill their functions impartially and without the threat of time-consuming litigation.

Appendices

Appendix 1: Our organization

Our legislation and mandates

The [Canada Transportation Act](#) includes the National Transportation Policy, which states that competition and market forces are the prime agents in providing viable and effective transportation services. It also states that regulation may be required to meet public policy objectives that cannot be achieved by competition and market forces alone.

The Agency has specific powers assigned to it under this legislation:

- The Agency is a regulator of modes of transportation under federal jurisdiction. The Agency develops and applies ground rules that establish the rights and responsibilities of service providers and users and that level the playing field among competitors. These rules can be binding regulations, less formal guidelines, or codes of practice.
- The Agency is a tribunal that hears and resolves disputes like a court. The Agency resolves disputes between service providers and their clients or neighbours, using various tools from facilitation and mediation to arbitration and adjudication. The Agency also maintains a Complaints Resolution Office for the resolution of air travel complaints.

Our mandates are:

- To help ensure that the national transportation system runs efficiently and smoothly in the interests of all Canadians: those who work and invest in it; the producers, shippers, travellers, and businesses who rely on it; and the communities where it operates;
- To protect the human right of persons with disabilities to an accessible transportation network;
- To provide consumer protection for air passengers.

Our members

The Agency's full-time Members are appointed by the Governor in Council. Their responsibilities include:

- rendering decisions and orders related to formal complaints or applications,
- approving applications for licences,
- making regulations,
- authorizing the construction of railways,
- addressing other issues affecting Canada's national transportation system.

Our people

The Agency's workforce has expanded significantly to meet the demands of new mandates and to process the backlog of air travel complaints. In the past year, we have onboarded and trained over 100 new employees. We now employ more than 450 people with various backgrounds and skill sets. Our workforce comprises economists, engineers, lawyers, financial analysts, human resource and communications specialists, mediators, case managers, licensing and enforcement officers, and other key support staff.

The Agency moved to a new office in Gatineau in 2023. We made and met a commitment to achieve gold certification under the Rick Hansen Foundation Accessibility Certification standards for the office, focusing on making the built environment more accessible.

In 2024, the Agency was named as one of the Top Employers in the National Capital Region. We were recognized for our commitment to creating a positive and inclusive work environment and our dedication to offering competitive benefits, professional development opportunities, and a supportive workplace culture.

Appendix 2: Agency statistics

See [Statistics 2023–2024](#) for the Agency's detailed dispute resolution and other statistics.

Table 1: Maximum revenue entitlements

Company	Entitlement	Grain revenue	Amount above (\$)
CN	\$1,076,064,100	\$1,079,522,039	\$3,457,939
CPKC	\$940,516,993	\$943,886,400	\$3,369,407

Table 2: Air licensing activities

Activity	Number
New licences – Canadian	46
New licences – Foreign	61
Suspensions	219
Reinstatements	170
Cancellations	117

Table 3: Rail and marine dispute resolution

Resolution method	Rail complaints closed	Marine complaints closed
Facilitation	17	0
Mediation	12	0
Arbitration	0	0
Adjudication	15	0

Table 4: New complaints, backlog, and processed

Complaints	2023- 2024	2022- 2023	2021- 2022	2020- 2021	2019- 2020
Complaints received	43549	42068	12158	13,275	19392
Backlog at year-end	71109	44319	13409	16515	13467
Total processed under pre-CRO (to September 29, 2023)	5930	11158	13409	16515	13467
Total processed by CRO (from September 30, 2023)	10829	-	-	-	-

Table 5: Number of complaints per 100 flights operated by Canadian airlines

Airline	Average (April 1, 2023 – March 31, 2024)
Air Canada	5.0
Air Transat A.T. Inc.	2.8
Canada Jetlines	5.7
Flair Airlines Ltd.	14.3
Lynx Air	18.9
Porter Airlines	1.4
Sunwing Airlines Inc.	11.9
Swoop Inc.	13.7
Westjet	5.2

Table 6: Number of complaints per 100 flights operated by foreign airlines

Airline	Average (April 1, 2023 – March 31, 2024)
Aer Lingus Limited	2.7
Aerovias de Mexico S.A. de C.V.	2.5
Aerovias del Continente Americano S.A.	3.1
Air India Limited	17.9
Air New Zealand Limited	4.7
ALIA - The Royal Jordanian Airline plc (Royal Jordanian)	3.5
All Nippon Airways Co., Ltd.	2.2
American Airlines, Inc.	1.9
Austrian Airlines AG	8.2
British Airways Plc	4.7
Caribbean Airlines Limited	2.9
Cathay Pacific Airways Limited	5.6
China Airlines Limited	3.3
Compagnie Nationale Royal Air Maroc	29.8
Compañía Panameña de Aviacion, S.A.	1.9
Condor Flugdienst GmbH	7.6
Corsair	1.1
Delta Air Lines, Inc.	1.2
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines)	18.1
EgyptAir	20.4
Emirates	4.3
EPE SPA Air Algérie	11.0
Ethiopian Airlines Group	4.6
Etihad Airways P.J.S.C.	15.5

Airline	Average (April 1, 2023 – March 31, 2024)
Eva Airways Corporation	2.5
Fly Play hf.	3.3
Icelandair ehf	1.6
JetBlue Airways Corporation	4.4
Koninklijke Luchtvaart Maatschappij, N.V. (K.L.M. Royal Dutch Airlines)	7.1
Korean Air Lines Co. Ltd.	2.0
Nihon Koku Kabushiki Gaisha (Japan Airlines Co., Ltd.)	1.8
Pakistan International Airlines Corporation	6.6
Philippine Airlines, Inc.	9.9
Polskie Linie Lotnicze LOT SA (LOT Polish Airlines SA)	7.1
Qatar Airways Group (Q.C.S.C.)	24.8
Sata Internacional - Serviços e Transportes Aéreos, S.A.	4.7
Société Air France	11.4
Société Tunisienne de l'Air	23.8
Swiss International Air Lines Ltd.	7.2
Transportes Aéreos Portugueses, S.A.	8.2
Türk Hava Yollari Anonim Ortakligi (Turkish Airlines Inc.)	16.5
United Airlines, Inc.	1.6

Table 7: Number of complaints processed (by carrier)

Excludes cases processed as withdrawn, declined or outside of the Agency's jurisdiction.

Carrier	Nationality	Total
Air Canada	Canada	2,269
WestJet	Canada	1,944
Flair Airlines Ltd.	Canada	1,020
Swoop Inc.	Canada	297

Carrier	Nationality	Total
Sunwing Airlines Inc.	Canada	278
Air Transat A.T. Inc.	Canada	116
United Airlines, Inc.	United States of America	116
American Airlines, Inc.	United States of America	115
Société Air France	France	97
Lynx Air	Canada	90
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines)	Germany	85
Türk Hava Yollari Anonim Ortakligi (Turkish Airlines Inc.)	Turkey	75
Transportes Aéreos Portugueses, S.A.	Portugal	68
Qatar Airways Group (Q.C.S.C.)	Qatar	63
British Airways Plc	United Kingdom	53
Porter Airlines Inc.	Canada	50
Delta Air Lines, Inc.	United States of America	48
AEROVIAS DE MEXICO S.A. DE C.V.	Mexico	44
Air India Limited	India	40
Compagnie Nationale Royal Air Maroc	Morocco	33
Etihad Airways P.J.S.C.	United Arab Emirates	30
Société Tunisienne de l'Air	Tunisia	30
ABC Aerolineas, S.A. de C.V.	Mexico	29
Koninklijke Luchtvaart Maatschappij, N.V. (K.L.M. Royal Dutch Airlines)	Netherlands	23
Philippine Airlines, Inc.	Philippines	21
EGYPTAIR	Egypt	19
Compañía Panameña de Aviacion, S.A.	Panama	15
Canadian North Inc.	Canada	11
Polskie Linie Lotnicze LOT SA (LOT Polish Airlines SA)	Poland	9

Carrier	Nationality	Total
Qantas Airways Limited	Australia	9
Corsair	France	8
Ethiopian Airlines Group	Ethiopia	8
Austrian Airlines AG	Austria	7
Emirates	United Arab Emirates	6
Alaska Airlines, Inc.	United States of America	5
Pacific Coastal Airlines Limited	Canada	5
PAL Airlines Ltd.	Canada	5
Brussels Airlines NV/SA	Belgium	4
Caribbean Airlines Limited	Trinidad and Tobago	4
Cathay Pacific Airways Limited	Hong Kong	4
Icelandair ehf	Iceland	4
Swiss International Air Lines Ltd.	Switzerland	4
Aerovias del Continente Americano S.A.	Colombia	3
Air China Limited	China	3
Air Liaison Inc.	Canada	3
Air New Zealand Limited	New Zealand	3
Pakistan International Airlines Corporation	Pakistan	3
Oman Air S.A.O.C.	Oman	3
Pascan Aviation Inc.	Canada	3
Aegean Airlines S.A.	Greece	2
All Nippon Airways Co., Ltd.	Japan	2
Calm Air International LP, représentée par son commandité/as represented by its general partner, Calm Air GP Inc.	Canada	2
China Airlines Limited	Taiwan	2
China Eastern Airlines Corporation Limited	China	2
Condor Flugdienst GmbH	Germany	2

Carrier	Nationality	Total
LATAM Airlines Peru S.A.	Peru	2
Nihon Koku Kabushiki Gaisha (Japan Airlines Co., Ltd.)	Japan	2
JetBlue	United States of America	2
Sata Internacional - Azores Airlines, S.A.	Portugal	2
Air North Charter & Training Ltd.	Canada	1
Alitalia - Società Aerea Italiana S.p.A.	Italy	1
El Al Israel Airlines Ltd.	Israel	1
EPE SPA Air Algérie	Algeria	1
Kenya Airways Ltd	Kenya	1
Korean Air Lines Co. Ltd.	South Korea	1
LATAM Airlines Group S.A.	Chile	1
Scandinavian Airlines System (SAS)	Sweden	1
Sichuan Airlines Co., Ltd.	China	1
South African Airways SOC Limited	South Africa	1
Taca International Airlines, S.A.	El Salvador	1
Tong Cong TY Hang Khong Viet Nam-CTCP / Vietnam Airlines Jsc	Vietnam	1
Van City Seaplanes Ltd.	Canada	1
Total		7,215

Table 8: Accessibility disputes

Resolution method	Number closed
Facilitation	0
Mediation	220
Adjudication	13

Table 9: Reporting to Parliament (amendments to subsection 42(2) of the [Canada Transportation Act](#)) requirements

Enforcement actions	Number in 2023-2024
Number of inspections conducted to verify compliance and non-compliance	190
Number of orders made under Section 181.2	0
Number of orders, in writing, made under Section 26, 60 to 62	0
Number of Notices of Violation issued under Section 180	11
Number of inquiries made under any of Sections 172, 172.1 and 172.3	13

Table 10: Compliance and verification activities

Activity	Number
Carrier inspections	164
Facility inspections	30
Carrier monitoring at terminals	67
Targeted verifications	51
Website monitoring	79
Targeted investigations	112
Total	603

Table 11: Enforcement actions taken

Activity	Number
1. Notices of violations issued with Administrative Monetary Penalty	75
2. Notices of violations issued with a warning	0
Total number of violations found in 1 and 2 above	642
3. Cautionary notices issued	185
Total number of potential violations found in 3 above	1409

Activity	Number
Total amount of Administrative Monetary Penalties issued	\$1,343,930