

Federal Court of Appeal



Cour d'appel fédérale

Date: 20190904

Docket: A-188-18

Citation: 2019 FCA 226

**CORAM: NADON J.A.
GLEASON J.A.
RIVOALEN J.A.**

BETWEEN:

AIR CANADA

Appellant

and

JEREMY COOPERSTOCK

and

CANADIAN TRANSPORTATION AGENCY

Respondents

Heard at Montréal, Quebec, on September 4, 2019.
Judgment delivered from the Bench at Montréal, Quebec, on September 4, 2019.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Montréal, Quebec, on September 4, 2019).

NADON J.A.

[1] We are all of the view that Air Canada's appeal must be allowed.

[2] In our view, it is undeniable that Air Canada's letter of January 28, 2016, to one of its passengers (sent by a Baggage Claims Specialist) and which dealt with that passenger's claim for delay in delivery of her luggage upon arrival in Costa Rica, cannot reasonably constitute a public statement by Air Canada within the meaning of paragraph 18(b) of the *Air Transportation Regulations*, S.O.R./88-58 (the Regulations).

[3] Consequently, the Canadian Transportation Agency (the Agency)'s conclusion that Air Canada made a false statement in accordance with paragraph 18(b) of the Regulations cannot stand as it is clearly unreasonable.

[4] For these reasons, the appeal will be allowed and the Agency's decision no. 105-C-A-2017 will be set aside.

"M. Nadon

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-188-18

STYLE OF CAUSE: AIR CANADA v. JEREMY
COOPERSTOCK, AND
CANADIAN TRANSPORTATION
AGENCY

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: SEPTEMBER 4, 2019

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
GLEASON J.A.
RIVOALEN J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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