

THE AVIATION LAW REPORT



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Mandatory Retirement for Commercial Pilots

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Mandatory retirement for commercial pilots is a perennial issue that attracts human rights challenges. Pilots have, on the whole, not made out well with these attempts: tribunals and courts side with air operators' restriction on working as a pilot past sixty. In spite of this adversity (and perhaps because pilots are, on the whole, a stubborn bunch), yet another challenge is winding through the Canadian Human Rights Tribunal process, this time targeting Air Canada's and the Air Canada Pilot's Association's mandatory retirement policy.

The challenge remains before the Human Rights Tribunal; it has recently been the subject of a Federal Court judicial review decision. The applicants sought review of the Tribunal's decision to use Air Canada pilots as the comparator group for industry practices in Canada. This group is important because it is the measure of industry standards for pilots in Canada. If Air Canada's pilots, who easily outnumber other pilot groups in Canada, are the group by which any legal challenge against industry standards is measured, any challenge by Air Canada's pilots that is measured against industry standards is bound to fail.

This challenge attacks the Air Canada pilots' collective agreement as discriminatory on the basis of age. Its core argument mimics the challenge in *Thwaites / Adamson*: mandatory retirement at age sixty is discrimination on the basis of age.

The innovation in this case is its target: by attacking the collective agreement, the applicants effectively allege that their union failed to properly represent them when negotiating the collective agreement. This allegation, though not made in so many words, creates room for new arguments against pilots' unions' authority.

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Mandatory Retirement CONT

The distinguishing feature of this challenge is its focus on finding the appropriate comparator group of pilots. The applicants' argue that the comparator group must look beyond Air Canada to allow for other airline practices or safety cultures. Air Canada and the union defeated this argument at the Tribunal by relying on Air Canada's employment of the majority of commercial pilots flying for large airlines. The Tribunal agreed with this approach, which is backed by precedent.

The danger with this approach is that it makes Air Canada and its pilots' union legislators. Any Canadian human rights challenge against industry standards will be compared with Air Canada's standards. If Air Canada sets the standard, its standard cannot come under scrutiny under the Canadian Human Rights Act . This legislated reality creates problems for Air Canada's pilots, for it allows their employer and union to evade scrutiny under the *Act*.

With this concern in mind, the pilots' choice of forum in this case may also undermine their case. The alleged discrimination is that the union negotiated a collective agreement that disadvantages pilots on the basis of age. The union's duty of fair representation includes preventing discrimination against its members and not itself discriminating against members (section 37 of the Canada Labour Code). The union may thus be vulnerable for having negotiated an agreement that openly discriminates against pilots who reach or exceed sixty years of age.

The question of union liability for negotiating a discriminatory collective agreement provision has not been addressed. The union has been challenged for applying the mandatory retirement provision in a

discriminatory manner, but that challenge failed because the union is entitled to negotiate unfavourable terms for a minority group in a collective agreement (2011 CIRB 619, paras. 34-5). The underlying issue, whether the union had a rational basis for negotiating the discriminatory provision, has not been raised at the Canada Industrial Relations Board.

The applicants did not, moreover, frame their Federal Court challenge as a *Charter* issue, yet the *Charter* seems to play up in these circumstances. The *Canadian Human Rights Act* must be read alongside the *Charter*. It must also operate in harmony with the *Canadian Bill of Rights*. The *Charter* and *Bill* conflict with the *Act* in this case because the *Act* authorizes the discrimination and deprives the applicants of a fair review of the discriminatory conduct: the CHRT is empowered to measure the respondents' standards against the respondents' standards. This weakness derives from the *Canadian Human Rights Act*, the structure of which favours Air Canada and its pilots' union at individual pilots' expense. The offending provision may be read down or read in harmony with the *Charter* and *Bill*, which reading could obligate the Tribunal to account for other practices at other airlines.

These arguments, however, will have to wait for another day. Pilots have been tilting at this particular windmill for decades—with little success. The answer to a mandatory retirement age for commercial pilots may rest with unions and employers; it may eventually be a matter for the *Canadian Aviation Regulations* or the *Aeronautics Act*, but these instruments are more open to *Charter* challenges.

For the moment, Air Canada pilots are (yet again) left with mandatory retirement at age sixty.



Case law

June 22, 2023--Roberts v Flair Airlines LTD--
2023 BCCRT 525

AIR PASSENGER RIGHTS--Pax. claimed cancelled flight compensation after she made multiple attempts to obtain information about travelling with her dog. Pax. booked flight through third-party website before knowing whether she could travel with dog. Pax. cancelled flight two days after booking. Flair responded to Pax. inquiry four days after booking. Pax. was not entitled to a refund because she canceled outside the grace period. Flair's communication was reasonable and made in a timely fashion. Pax. claims could not succeed.

June 22, 2023--Thomas v Aeolus Air Charter, Inc.--
2023 U.S. Dist. LEXIS 128213

WRONGFUL DEATH--Court granted plaintiff's motion to remand and remands matter to the Superior Court of California. Plaintiff was the successor-in-interest to Ryan Thomas, Decedent, who died when Defendant's private plane crashed. Since there were no substantial federal issues in the context of the case and the federal system, remand was appropriate.

June 29, 2023--Air Canada v Canadian union of public employees--2023 CanLII 58239 (CA LA)
ARBITRATION—Letter of Understanding 35 (LOU 35) provided that annual wage increases would be subject to further negotiations if the consumer price

index of the previous year exceeded wage increases by a certain amount. Although there was a dispute over whether the obligation to negotiate was even triggered, the parties did negotiate, without reaching a substantive agreement to increase wages. Did the Company exhaust its obligations by virtue of engaging in negotiations, or was the Union entitled to a further substantive outcome?

Although negotiations were unsuccessful, the Union was not entitled to any additional remedy. LOU did not require that negotiations result in a substantive agreement to increase wages; did not provide the arbitrator with the jurisdiction to amend the Collective Agreement to increase wages; and did not establish that the Company had breached its obligations under LOU 35 such that a further remedy was warranted.

July 6, 2023--Warbird Adventures, Inc. v FAA--
2023 U.S. App. LEXIS 17046

FLIGHT INSTRUCTION--Petition for review of a FAA decision finding that, by providing flight instruction in a "limited category civil aircraft," Warbird violated the prohibition against operating such an aircraft "carrying persons or property for compensation for hire," and ordering Warbird to pay a civil penalty. The court found no reversible error in the agency's final decision. "Carrying persons" under s. 91.315 covers flight instruction. The petition for review was denied.





Case law CONT.

July 13, 2023--Ashraf v Jazz Aviation LP--
2023 BCCA 284

JURISDICTION--Did the BCSC have jurisdiction to adjudicate the claims of a former Jazz Aviation LP employee where the claims were related to his employment and governed by the collective agreement? If a dispute arises from a collective agreement, it should be resolved through arbitration unless the remedy sought is unavailable or would be insufficient: Weber v Ontario Hydro (1995) and New Brunswick v O’Leary (1995). Emphasizing that the appeal lacks merit, the court also ordered the former employee to post security for costs of \$10,000, and the appeal was stayed until security was posted. If security was not posted, the respondents had the option to apply to have the appeal dismissed as abandoned.

July 13, 2023--Nedelec v Rogers--2023 FC 950
MANDATORY RETIREMENT--Judicial review of an interlocutory decision of the CHRT. Complaint by former Air Canada pilots alleging age discrimination. Application dismissed. The application was premature.

July 20, 2023--Zone Five, LLC v. Textron Aviation, Inc.--73 F.4th 423

LATENT DEFECT IN AIRCRAFT—Hundreds of Plaintiffs allege that the Defendant designed and manufactured an aircraft with latent defects which caused serious safety of flight issues. Defendant promised to fix the problems but never did. The

plaintiffs’ motion for leave to amend the complaint was granted.

July 21, 2023--Perovic v Flair Airlines Ltd--
2023 BCCRT 609

AIR PASSENGER RIGHTS--To what extent are pax. entitled to compensation for travel expenses incurred as a result of two flight cancellations under the APPR or the parties’ contract? Flair twice cancelled and rebooked pax. return flight, not for safety reasons, and with at least 12 hours’ notice. The pax. did not successfully establish that there were contractual or tariff terms that obligated Flair to compensate them beyond Flair’s obligations under the APPR. Pax. were awarded the standard compensation under the APPR for inconvenience plus reimbursement for CRT fees.

July 25, 2023--S.M. v Westjet Airlines Ltd.--
2023 BCCRT 622

AIR PASSENGER RIGHTS--Connecting flight cancelled by WestJet believing pax. would not make the connecting flight. Westjet's belief was incorrect and resulted in a nine-hour delay to pax. before reaching their final European destination on the rebooked connecting flight. Pax. sought \$5,000.00 in compensation. Phrase “denial of boarding” has defined meaning that “essentially means overbooking”. Westjet had not overbooked the flight; pax. were running late through no fault of their own. Damages set at \$743.40, plus interest and costs, because Westjet did not notify pax. of minimum connection times.



Case law CONT.

August 8, 2023--Mohamed v Air Canada--
2023 BCCRT 661

AIR PASSENGER RIGHTS--Was the pax. flight delay of over 56 hours within Air Canada's control, therefore obligating Air Canada to compensate pax. under the APPR? Pax. claimed that the flight was delayed due to staffing issues. Air Canada claimed that the flight was delayed due to air traffic control constraints.

Air Canada was in the best position to provide evidence explaining the delay of its own flights, and Air Canada failed to show that the primary cause of the delay was outside of Air Canada's control. Therefore, Air Canada was required to compensate each inconvenienced pax. \$1000 under the APPR, plus half of their CRT fees. However, Air Canada had no obligation to briefly delay the pax. connecting flight to await their arrival, even though the connecting flight was expected to arrive 13 minutes early.

Since compensation was owed to the inconvenienced pax., the claimants did not have standing to claim compensation for their other family members, even though the claimants purchased the tickets on the other family members' behalf.

August 16, 2023--Berenguer v Sata Internacional -
Azores Airlines, S.A.-- 2023 FCA 176

AIR PASSENGER RIGHTS—Appeal from an action dismissed on the basis of preliminary motions. Pax.

commenced a proposed class action against a foreign carrier seeking compensation for flight delays to or from Canada. According to the FCA, the FC erred in concluding that it was plain and obvious that the pleading did not disclose a reasonable cause of action. However, the FCA upheld the FC's conclusion that the requirements for certification were not satisfied.

August 21, 2023--Qi v Swoop Inc--2023 BCCRT 709

AIR PASSENGER RIGHTS--Is Swoop a large carrier under the APPR obligated to pay an inconvenienced pax. \$1000, or a small carrier obligated to pay \$500? Swoop did not dispute that the pax. flight was delayed over 9 hours due to reasons within Swoop's control (a crew shortage). Carrier size was defined based solely on passenger numbers, and the Member did not have discretion to depart from the compensation scheme under the APPR. It was not relevant that a large carrier (WestJet Inc.) owned Swoop and planned to absorb it eventually. \$500 in compensation, \$125 in CRT fees, and pre-judgment interest were awarded to the pax.



CTA Decisions

June 23, 2023--Application by Shawn Lajeunesse and Shu-Hui Liu (applicants) against Ethiopian Airlines (respondent), regarding a refusal to transport--
Decision No. 106-C-A-2023

REFUSAL TO TRANSPORT--The respondent carrier failed to apply its tariff correctly when it refused to transport Ms. Liu, who had a valid electronic travel authorization (eTA) linked to her passport. The carrier's claim of a system issue lacked evidence. Ms. Liu's husband declined to board when his wife was

denied boarding. However, since he was not refused transportation, he was not eligible for compensation. This was not a case of denial of boarding, since the flight was not oversold. The APPR did not have the authority to award compensation for inconvenience and stress, or general damages, in a situation of refusal to transport. Ms. Liu was entitled to compensation for her share of the hotel accommodation, a taxi, and food and drink expenses (\$355.63 CAD total).



CTA Decisions CONT.

June 23, 2023--Application by Yves Benoit against Société Tunisienne de l'Air (Tunisair) regarding a flight delay--Decision No. 107-C-A-2023

DELAY--A flight delay caused pax. to miss his subsequent flight and pay for a hotel room. The carrier's tariff incorporated by reference the liability rules set out in the Montreal Convention, which provide that the carrier will be liable for damage occasioned by delay unless it proves that it took all measures that could reasonably be required to avoid the damage or that it was impossible to do so. Since the carrier did not file an answer to the application, pax. claim was accepted as undisputed. Pax. was therefore entitled to compensation for the cost of the replacement ticket and hotel room.

June 29, 2023--Application by Joel Brillert against WestJet regarding a refund--Decision No. 109-C-A-2023
REFUND--Pax. claimed that he changed his ticket date and class based on advice from the carrier's representative that no flights would operate after March 25, 2020. This advice was ultimately untrue, and pax. could have travelled with his original ticket. Pax. claimed compensation for the \$421 difference in fare. Pax. claim was unsuccessful. The carrier properly applied its tariff by charging pax. the difference in fares. The tariff further provided that no employee, agent or representative of the carrier is authorized to bind it by any statement or representation regarding the operation of any flight.

June 29, 2023--Application by Maher Al-Huq against

ABC Aerolineas, S.A. de C.V. (Interjet) regarding damaged baggage--Decision No. 110-C-A-2023
DAMAGED BAGGAGE--Pax. filed an uncontested claim stating that his checked baggage had been damaged during the flight. Pax. substantiated his claim with a copy of the Property Irregularity Report filled at the airport at time of arrival, his email correspondence with the carrier, and photographs. The Member found that the baggage was damaged. The carrier was liable for this damage according to its tariff, which incorporated the Montreal Convention. Pax. was entitled to \$460.

July 5, 2023--Application by Maryam Rashidian against Air Canada and Lufthansa regarding barriers to mobility--Decision No. 111-AT-C-A-2023
LACK OF WHEELCHAIR ASSISTANCE--Pax. travelled from Toronto to Frankfurt with Air Canada and from Frankfurt to Germany with Lufthansa. At the airport in Toronto, pax. asked Air Canada for wheelchair assistance in the Frankfurt airport, but claimed she did not receive it. Pax. sought a refund of the cost of her and her family members' tickets. Pax. claim against Air Canada was dismissed because she did not demonstrate that she faced a barrier attributable to Air Canada. Air Canada acted correctly by relaying pax. request to the airport's designated contractor, who provided pax. with the required assistance. The Member did not address pax. claims that an Air Canada employee shouted, insulted, threatened, or pointed their finger at her, or Air Canada's claims that pax. "refused to relinquish" another passenger's wheelchair and was aggressive. Pax. claim against Lufthansa was dismissed because Lufthansa was not involved in the incident.





CTA Decisions CONT.

July 12, 2023--Application by Anitta Thomas and Joseph Kuriakose Nedumkaryil (applicants) against Swoop Inc. (respondent), regarding a refund-- Decision No. 112-C-A-2023

FARE REFUND--Were pax. entitled to receive compensation for their non-refundable travel tickets after their decision not to travel due to COVID-19 precautions during March 2020? Pax. sought either a refund of the ticket cost or the opportunity to travel on a future date. Applying the terms and conditions of the tickets, the Member found that the pax. did not avail themselves of any of the prescribed opportunities to mitigate their losses (e.g. by cancelling more than 7 days prior to departure, etc.). Pax. claim was dismissed.

July 12, 2023--Application by Edwin David Batres Villagron (applicant) against ABC Aerolineas, S.A. de C.V. (Interjet) [respondent] regarding the loss of their piece of baggage--Decision No. 94-C-A-2023
LOST BAGGAGE--The pax. piece of baggage was lost by the respondent carrier while in the respondent's care, and the respondent failed to properly apply its Tariff when it did not provide compensation. Since the respondent did not file its tariff with the Agency, the Member applied the APPR instead. Pax. sought compensation for the value of the lost items, the baggage itself, and the fees paid for checking the baggage. Since pax. did not establish the checking fees paid, this aspect of the claim was dismissed. The Member awarded the maximum compensation at the time of the incident, 1,288 Special Drawing Rights equivalent to CAD \$2,319.25.

July 17, 2023--Application by Carmen Lidia Diaz Horna, Santiago Eugenio Acosta Diaz and Eugenio Acosta Lopez (applicants) against ABC Aerolineas, S.A. de C.V. (Interjet) [respondent] regarding flight cancellations--Decision No. 114-C-A-2023
REFUND--Were pax. entitled to a refund for the five round-trip tickets they purchased from the respondent? The pax. attempted to substantiate their claim with documents (emails) that were filed neither in English nor French, and without providing translation of the documents. The documents were not placed on the record of the proceeding. The pax. application was dismissed due to a lack of evidence demonstrating that the carrier cancelled the flights. The pax. did not show that the carrier failed to apply its tariff.

July 21, 2023--Application by Omar Gaudreau and Victoria Bélanger (applicants) against Aerovias de Mexico S.A. de C.V. (AeroMexico) [respondent] concerning lost baggage-- Decision No. 115-C-A-2023
LOST BAGGAGE--The pax. two pieces of baggage were lost by the respondent carrier and never recovered. Pax. requested compensation corresponding to the value of their baggage and an apology for poor service. The respondent failed to properly apply the conditions of its tariff by failing to compensate pax. for lost baggage. The respondent was ordered to compensate pax. \$2329.72, the maximum compensation limit under the Montreal Convention (lower than the claimed value of the lost items). The Agency did not have the authority to order the carrier to apologize.



CTA Decisions CONT.

August 9, 2023--Application by André Thibault against Flair Airlines Ltd. (Flair) regarding a refusal to transport and a schedule irregularity--
Decision No. 120-C-A-2023

REFUSAL TO TRANSPORT AND SCHEDULE IRREGULARITY--The pax. claim was dismissed because pax. did not meet his burden of proof. Pax. failed to demonstrate that he had tickets for the alleged flights with Flair and failed to demonstrate that Flair did not apply its tariff. Pax. sought no compensation.

August 17, 2023--Application by Edouard Emile Fournier (applicant) against Aerovias de Mexico S.A de C.V. (AeroMexico) [respondent] regarding denial of boarding--Decision No. 125-C-A-2023

DENIAL OF BOARDING--Pax. sought

compensation under the APPR. The respondent carrier denied pax. boarding because the flight was overbooked. The carrier provided alternative travel arrangements and a one-year travel credit for \$500 USD. Based on the carrier's failure to file evidence demonstrating that the denial of boarding was outside of the carrier's control or required for safety purposes, the Member found that the denial of boarding was within the respondent's control. Pax. was awarded \$1800 CAD.



Cases before the courts

December 6, 2022--International Air Transport Association v. Canadian Transportation Agency--
2023 CanLII 74433

CHALLENGE TO REGULATIONS-- The applicant airlines challenged numerous provisions of the new Regulations on the basis that they exceeded the Agency's authority under the CTA. They claim that the Regulations contravene Canada's international obligations, in particular, the Convention for the Unification of Certain Rules for International Carriage by Air ("Montreal Convention") and many of the Regulations' provisions are ultra vires because they have impermissible extraterritorial effects, which violate fundamental notions of international law. The FCA dismissed the appeal, except concerning s. 23(2) of the Regulations which it found ultra vires of the CTA (this section deals with liability for temporary loss of baggage).

June 20, 2023--Investissements Nolinor inc. c. Aircraft Instrument and Electronics Ltd.--
2023 QCCS 2271

AIRCRAFT PURCHASE AND SALE--The motion

to dismiss failed. The proceeding was split into two hearings. This was a dispute over purchase and sale of aircraft. The defendants argue that the plaintiff's case has no chance of succeeding, as the aircraft purchased were on an "as is, where is" basis, and there is no factual basis for allegations of fraud related to missing documentation. The plaintiff contends that its case has a reasonable chance of succeeding, focusing on the seller's obligation to deliver the aircraft and all necessary compliance documentation and claiming that the "as is, where is" clause cannot override this obligation.

August 17, 2023--International Air Transport Association, et al. v. Canadian Transportation Agency, et al.--2023 CanLII 74433

CHALLENGE TO REGULATIONS--The application for leave to appeal was granted with costs. This case involves a challenge to the validity of regulations adopted by the Canadian Transportation Agency ("Agency") to compensate air passengers for various delays, losses and inconveniences experienced in the course of international air travel.



Legislative updates

Minister of Transport introduces Bill C-52 to ensure accountability and transparency in the national transportation sector for Canadians.

The Canadian government, through the introduction of Bill C-52, known as the Enhancing Transparency and Accountability in the Transportation System Act, aims to improve the nation's transportation sector in three key areas. Part I of the bill, known as the Air Transportation Accountability Act, seeks to enhance accountability within airports and other airport operators by establishing service standards, engaging the public on airspace changes affecting aircraft noise, promoting pollution reduction plans, and advocating for diversity reporting within federally

incorporated airport authorities. Part II focuses on enhancing accessibility for persons with disabilities by requiring transportation service providers to collect and share accessibility data to identify and address barriers swiftly. Part III amends the Canada Marine Act to ensure transparency in port fee-setting processes and introduces a mechanism for challenging fee changes, reinforcing Canada's commitment to efficiency, accessibility, and accountability in its transportation sector.

Additionally, the bill enables the government to create regulations for alternative dispute resolution in port terminal leases and allows cost recovery for rate-setting and dispute resolution provisions by the Canadian Transportation Agency.



Civil Aviation consultations

Let's Talk Interference with CATSA Screening at Airports

In recent years, there has been a concerning increase in the number of passengers exhibiting disruptive behaviour towards screening officers at airport checkpoints. This unruly conduct poses a significant threat to safety and security, not only at the screening area but also within the airport premises and aboard aircraft. To safeguard civil aviation and the well-being of airport and airline staff, as well as travellers, Transport Canada is proposing new regulations. These regulations aim to impose fines and bans on individuals who engage in disruptive behaviour that interferes with the Canadian Air Transport Security Authority's (CATSA) screening procedures at airport checkpoints. Examples of such unruly conduct include using racist or offensive language, intimidating others, bullying, verbal and physical harassment, displaying hostility, engaging in violent

actions, and damaging screening equipment. The goal is to deter and prevent ongoing disruptive behaviour to ensure the safety of all involved in air travel.

PICA-2023-001 - Global Aeronautical Distress and Safety System (GADSS)

Transport Canada has extended the consultation period to September 15, 2023. The purpose of this document is to consult with Canadian aviation stakeholders on Transport Canada's proposed approach to implementing GADSS requirements in Canada. Input received through this process will continue to guide the department as it determines the best means of further engagement with stakeholders and develops a regulatory proposal to implement GADSS.

Submit your comments in writing to TC.CARConsultations-RACConsultations.TC@tc.gc.ca no later than September 15, 2023.



Amendments, proposed amendments, and regulatory documents

Canada Gazette, Part I, Volume 157, Number 25: Regulations Amending the Canadian Aviation Regulations (RPAS – Beyond Visual Line-of-Sight and Other Operations)

The Government of Canada aims to adapt its regulatory framework for remotely piloted aircraft systems (RPAS) to keep pace with technological advancements and unlock economic opportunities in the sector. In 2019, initial RPAS regulations addressed safety concerns for small RPAS flown within visual line-of-sight (VLOS). However, as technology evolves, the lack of regulations for medium-sized RPAS and beyond visual line-of-sight (BVLOS) operations hampers economic growth. The proposed amendments would permit routine BVLOS operations with RPAS up to 150 kg over sparsely populated areas, low altitudes, and uncontrolled airspace. This eliminates the need for case-by-case approvals, streamlining operations. New pilot certification, technical standards, operational procedures, and safety measures are proposed. The estimated costs of \$26.02 million over ten years are outweighed by benefits totalling \$40.23 million, resulting in an overall net benefit of \$14.21 million. The "one-for-one rule" would reduce administrative burdens, benefiting small businesses, and TC has consulted internationally for harmonization.

- Amendments to Standard 507 - Flight Authority and Certification of Noise Compliance
- Tow Hitch and Release Control System (amended 2005/12/01)
- Emergency Locator Transmitter
- Radiocommunication Equipment
- Radio Navigation Equipment
- Hand-Held Fire Extinguisher
- Aircraft Passenger Transportation Suit Systems
- Airworthiness Chapter 551 - Aircraft Equipment and Installation - Canadian Aviation Regulations (CARs)
- Designation of International Airports in Canada
- Use of portable electronic devices
- SA CAT II: Special Authorization/Specific Approval and Guidance
- Oxygen – Portable Protective Breathing Equipment (PBE) – Missing PBE in the Forward Area of the Aeroplane
- Safety Valve – Opening During Normal Operation and Ingestion of Insulation Blankets
- Publication of Transport Canada Holdover Time (HOT) Guidelines, Winter 2023-2024
- Final version of amendment to section 551.103 of Airworthiness Manual Chapter 551
- NPA 2023-008 – Miscellaneous Amendments
- NPA 2023-011– Amendments to Standard 507 - Flight Authority and Certification of Noise Compliance
- NPA 2023-007 – Rudder Control Reversal Conditions

TSB Reports

- Collision with terrain (Enroute)--Privately registered--Cessna 150 G
- Main rotor blade failure in flight--Unregistered--RotorwayExec

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ABOUT US

We are a hub of lawyers, researchers, investigators, and assistants that help patrons understand their legal rights and strategies. We take an interdisciplinary, or hybrid approach to this work, one particularly suited to the aviation industry's legal needs. We cast a wide net to generate a global view of problems. A global view implies understanding not only the present manifestation of a problem; it also requires knowledge about the problem's origins. This approach is particularly suited to addressing complex negotiations, transactions, and litigation. Our familiarity with aviation regulations, corporate law, and commercial transactions allows us to assist members of the aviation industry.



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Adam owns and flies an Ercoupe. He enjoys pouring over Canadian aviation regulations, and, when he isn't flying or thinking of flying, likes to work with members of the aviation industry on policy and legal issues.

Adam practices as an instructing solicitor: he prepares and coordinates litigation. He is a procedural nut familiar with judicial and parliamentary procedure, which allows him to assist clients through court proceedings and parliamentary processes. Adam also serves as A.P.Strom and Associates' coordinating lawyer—he manages the day-to-day activities of the lawyers and staff working on files.

Adam draws from his research background and voluminous knowledge of Canadian law. His specialty is organizing complex litigation, such as civil trials involving claims of real property, contract, or fraud / misrepresentation. He is also experienced with administrative law matters and works on constitutional challenges. He also draws on his background in English literature to advise clients about drafting and interpreting legal instruments.

Rebecca works as a barrister and solicitor. She has enjoyed a varied career in law, business, and academia, spanning over 20 years. Her work as a lawyer began in 2003 with civil litigation with a large firm, and she has returned to litigation in this role.

Rebecca's experience includes working as Staff Lawyer, Law Reform and Equality, at the Canadian Bar Association, then as a Policy Counsel with the Federation of Law Societies of Canada. Subsequently, Rebecca served as a per diem Crown Attorney with the Ministry of the Attorney General in Ottawa. She then shifted gears and joined the management team of Gowling WLG, serving as Equity, Diversity, and Inclusion Manager for a large, multinational law firm.

Rebecca is a member of the Ontario Bar Association Council.

Rebecca is licensed to practice in Ontario and Manitoba.



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