

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS  
WASHINGTON, D.C.

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Joseph Sheehan,	)	
	)	
v.	)	Docket DOT-OST-2020-_____
	)	
Air Canada	)	
	)	
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**COMPLAINT OF JOSEPH SHEEHAN**

Comments with respect to this document should be addressed to:

Joseph Sheehan  
35 Clover St.  
San Francisco, CA, United States.  
94114

E-mail: joersheehan@gmail.com

Dated: August 17, 2020

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS  
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**COMPLAINT OF JOSEPH SHEEHAN**

1. This complaint arises out of Air Canada’s non-compliance with the Department’s rules regarding consumers’ right to be refunded for flights to or from the United States (“U.S. Flights”) cancelled by airlines, even for reasons outside the carriers’ control, as described in the Department’s “Enforcement Notice Regarding Refunds by Carriers Given the Unprecedented Impact of the COVID-19 Public Health Emergency on Air Travel”<sup>1</sup> (“Enforcement Notice”).
2. This complaint also arises out of Air Canada’s application of its refund policies, which constitutes an unfair or deceptive practice within the meaning of 49 U.S.C. § 41712<sup>2</sup>. According to 14 CFR § 399.80(1)(I), it is the policy of the Department to

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<sup>1</sup> Enforcement Notice Regarding Refunds by Carriers Given the Unprecedented Impact of the COVID-19 Public Health Emergency on Air Travel (April 3, 2020) at [https://www.transportation.gov/airconsumer/enforcement\\_notice\\_refunds\\_apr\\_3\\_2020](https://www.transportation.gov/airconsumer/enforcement_notice_refunds_apr_3_2020). See also 14 CFR § 259.5(b)(5), and Enhancing Airline Passenger Protections, 76 Fed. Reg. 23110-01, at 23129 (Apr. 25, 2011).

<sup>2</sup> Under 49 USC § 41712, the Department is authorized to investigate and decide whether a U.S. air carrier, foreign air carrier, or ticket agent engaged in an unfair or deceptive practice in air transportation or the sale of air transportation. The Department is also authorized to issue orders to stop an unfair or deceptive practice after notice and opportunity for a hearing.

regard as an unfair or deceptive practice or unfair method of competition the practices enumerated in paragraphs (a) through (n) of this section by a ticket agent of any size and the practice enumerated in paragraph(s) by a ticket agent that sells air transportation online and is not considered a small business under the Small Business Administration's size standards set forth in 13 CFR 121.201:

(l) Failing or refusing to make proper refunds promptly when service cannot be performed as contracted or representing that such refunds are obtainable only at some other point, thus depriving persons of the immediate use of the money to arrange other transportation, or forcing them to suffer unnecessary inconveniences and delays or requiring them to accept transportation at higher cost, or under less desirable circumstances, or on less desirable aircraft than that represented at the time of sale.

## FACTS

### A. Flight cancelled by Air Canada

3. On January 27, 2020, I purchased a multi-city ticket on Air Canada. Below is a table of the flight information (Departure city, Date of departure, Destination city, Airport codes, layover(s) details and if the flight was completed).

Departure city?	Airport code:	Date of departure?	Destination city?	Airport code:	Layover Details:	Flight Completed:
San Francisco	SFO	June 18, 2020	Dublin	DUB	Toronto	False
Dublin	DUB	June 26, 2020	Montreal	YUL		False

4. On April 14, 2020, I learned that my flight was cancelled by Air Canada (Attachment 2).
5. On April 15, 2020, I contacted Air Canada to request a refund for the cancelled flight, but my request was denied. I was offered a Voucher/Credit (Attachment 3). I did not accept the voucher/credit.
6. I had booked the flight on behalf of 2 person(s). The name(s) of the individual(s) are the following: Christopher Johnson.

**B. Air Canada's refund policy for cancelled flights**

7. Air Canada's current policy is that customers who purchased nonrefundable flight tickets are not entitled to receive full refunds for flights cancelled or changed by the carrier due to reasons outside its control, including cancellations attributed to the COVID-19 pandemic. Air Canada only offers flight vouchers or credits in such situations and claims in its United States English website that "in accordance with government regulations", that such bookings are ineligible for a refund (Attachments 4 and 5).

**C. Air Canada's obligations**

8. Air Canada is an airline that operates flights from and to the United States and is therefore subject to the Department's jurisdiction for such flights and bound by the rules enunciated in the Enforcement Notice, which apply to U.S. and foreign airlines operating flights from, to and within the United States.
9. In its Enforcement Notice, and based on existing federal regulation, the Department reminds airlines about their obligation to offer prompt refunds for flights significantly delayed or cancelled by the carriers, even if the reason of such flight disruptions are

outside the carrier's control, and regardless of the nonrefundability or cancellation penalty provisions of the ticket purchased by the affected consumers.

10. In page 2 of its Enforcement Notice, the Department lists the actions non-complying airlines must take to avoid enforcement action, as follows:

- a. the carrier contacts, in a timely manner, the passengers provided vouchers for flights that the carrier cancelled or significantly delayed to notify those passengers that they have the option of a refund;
- b. the carrier updates its refund policies and contract of carriage provisions to make clear that it provides refunds to passengers if the carrier cancels a flight or makes a significant schedule change;
- c. the carrier reviews with its personnel, including reservationists, ticket counter agents, refund personnel, and other customer service professionals, the circumstances under which refunds should be made.

11. On May 12, 2020, the Department issued a notice<sup>3</sup> in the form of answers to frequently asked questions regarding airline ticket refunds. In the answer to question 4 of the notice, the Department reiterates that airlines may not retroactively apply changes to their refund policies and must honor the policies in place at the time of ticket purchase.

#### **D. Air Canada's non-compliance and violations**

12. Air Canada's policy of not issuing prompt refunds for U.S. Flights that are significantly delayed or cancelled by the carrier for reasons outside its control, and

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<sup>3</sup> U.S. Department of Transportation, Office of Aviation Enforcement and Proceedings, Frequently Asked Questions Regarding Airline Ticket Refunds Given the Unprecedented Impact of the COVID-19 Public Health Emergency on Air Travel (See answer to question 4: "May airlines and ticket agents retroactively apply new refund policies?") [https://www.transportation.gov/airconsumer/FAQ\\_refunds\\_may\\_12\\_2020](https://www.transportation.gov/airconsumer/FAQ_refunds_may_12_2020).

- regardless of the nonrefundability and cancellation penalty provisions of the purchased ticket, is in direct violation of its obligation to offer prompt refunds to affected consumers as per the rules detailed in the Department's Enforcement Notice.
13. Before March 19, 2020 (Attachments 6), Air Canada's policies indicated that consumers can receive refunds for schedule changes and cancellations attributed to the COVID-19 pandemic. However, and since that date, Air Canada changed its refund policies for cancellations and schedule changes in a way that negatively affects consumers by no longer permitting refunds (Attachments 7A, 7B and 8). The new policy is applied by Air Canada based on the date of the cancellation or schedule change, and regardless of the policy in place at the time the passenger purchased the ticket.
14. The aforementioned no-refund policy is applied by Air Canada regardless of the policies and terms in place at the time consumers purchased flight tickets, which stipulate that Air Canada will issue refunds for cancelled flights. Air Canada's policy constitutes an unfair or deceptive practice within the meaning of 49 U.S.C. § 41712.
15. According to 14 CFR § 399.80(1)(l), it is the policy of the Department to regard as an unfair or deceptive practice or unfair method of competition the practices enumerated in paragraphs (a) through (n) of this section by a ticket agent of any size and the practice enumerated in paragraph(s) by a ticket agent that sells air transportation online and is not considered a small business under the Small Business Administration's size standards set forth in 13 CFR 121.201:
- (l) Failing or refusing to make proper refunds promptly when service cannot be performed as contracted or representing that such refunds are obtainable only at some other point, thus depriving persons of the immediate use of the

money to arrange other transportation, or forcing them to suffer unnecessary inconveniences and delays or requiring them to accept transportation at higher cost, or under less desirable circumstances, or on less desirable aircraft than that represented at the time of sale.

16. Many airlines are complying with their obligations to refund passengers, especially after the issuance of the Enforcement Notice on April 3<sup>rd</sup>. These airlines will be in an unfairly disadvantageous situation if other airlines, such as Air Canada are allowed to continue practices that violate the same obligations without incurring any penalty.

#### **REQUESTED RESOLUTION**

17. I am seeking the airline provide me with an Refund. In addition, I ask that the Department of Transportation to do the following:

- (1) Exercise its authority under 49 USC 41712 to open an investigation of Air Canada for its non-compliance with the Department's Enforcement Notice and the regulations on which the notice is based;
- (2) Order Air Canada to comply with its obligation to offer prompt full refunds to original form of payment for U.S. flights that are significantly delayed or cancelled by the carrier, regardless of the reason of such flight disturbances and regardless of the nonrefundability or the cancellation penalty of the tickets purchased by affected customers.
- (3) Order Air Canada to:
  - a. contact, in a timely manner, the passengers provided vouchers for U.S. Flights significantly delayed or cancelled by the carrier to notify those passengers that they have the option of a refund;

- b. update its refund policies, contract of carriage and tariff provisions to make clear that it provides prompt refunds to passengers if the carrier cancels a U.S. Flight or makes a significant schedule change, regardless of the reason of such flight disruptions and regardless of the nonrefundability or the cancellation penalty provisions of the tickets purchased by the affected customers;
  - c. review with its personnel, including reservationists, ticket counter agents, refund personnel, and other customer service professionals, the circumstances under which refunds should be made.
- (4) Impose appropriate civil penalties on Air Canada.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Sheehan', written in a cursive style.

Joseph Sheehan



**Attachment 1**

Copy of flight itinerary/eticket receipt



## Booking Confirmation



Booking Reference: **LIXPD9**

Date of issue: 27 Jan, 2020

This is your official Itinerary/Receipt. You must bring it with you to the airport for check-in and we recommend you keep a copy for your records. Please also take the time to review it as it contains the **general conditions of carriage and applicable tariffs** that apply to the tickets, bookings and air services detailed below, as well as baggage, dangerous goods and other important information related to your trip.

**Data Protection Notice:** Your personal data will be processed in accordance with the applicable carrier's privacy policy and, if your booking is made via a reservation system provider ("GDS"), with its privacy policy. These are available at the [IATA Travel Centre website](#) or from the carrier or GDS directly. You should read this documentation, which applies to your booking and specifies, for example, how your personal data is collected, stored, used, disclosed and transferred. We also invite you to view [Air Canada's Privacy Policy](#) directly.

### Depart

Business Class (lowest)

Thursday 18 Jun, 2020	11:35 <b>San Francisco</b> San Francisco Int.(SFO), Int. Terminal		19:23 <b>Toronto</b> Toronto-Pearson Int. (YYZ), Terminal 1	 AC738	<b>4hr48</b> Business P Operated by: Air Canada   <b>767-300ER</b> Meal
Thursday 18 Jun, 2020	20:50 <b>Toronto</b> Toronto-Pearson Int. (YYZ), Terminal 1		08:15 <b>Dublin</b> (DUB), Terminal 1	 AC842	<b>6hr25</b> Business P Operated by: Air Canada   <b>787-9</b> Breakfast, Meal

### Return

Business Class (lowest)

Friday 26 Jun, 2020	10:15 <b>Dublin</b> (DUB), Terminal 1		12:05 <b>Montréal</b> Montréal-Trudeau Int. (YUL), Quebec	 AC819	<b>6hr50</b> Business P Operated by: Air Canada   <b>A330-300</b> Breakfast, Meal
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## Passengers

<b>Joseph Sheehan</b>	<b>Seats</b>
<b>Ticket number</b> 0142126743991	<b>AC738</b> 1F
United Airlines - MileagePlus TH825478	<b>AC842</b> 1D
	<b>AC819</b> 1G
<b>Christopher David Johnson</b>	<b>Seats</b>
<b>Ticket number</b> 0142126743990	<b>AC738</b> 1K
United Airlines - MileagePlus KB904677	<b>AC842</b> 1G
	<b>AC819</b> 1K

## Purchase summary

American Express  
\*\*\*\*\*1005

Amount paid: \$4935.48

**Tax information**  
GST/HST no. 10009-2287 RT0001 \$0.80

Promotion Code :  
**QWXB7EN1 - 30 Percent Discount**

**2 adults**

 Air Transportation Charges

Base Fare (including **surcharges**) 2421.00

 Taxes, fees and charges

September 11th Security Fee - United States 5.60

Harmonized Sales Tax - Canada - 100092287 RT0001 0.40

Airport Improvement Fee - Canada 3.04

Passenger Charge - Ireland 14.30

Passenger Facility Charge - United States 4.50

Total before options (per passenger) **\$2467<sup>74</sup>**

Number of passengers **X 2**

**GRAND TOTAL (US dollars) \$4935<sup>48</sup>**

## Check-in and boarding gate deadlines

Within Canada	To/From the U.S.	International <sup>1</sup> (including Mexico and the Caribbean)
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**90**  
minutes

**120**  
minutes

**120**  
minutes

### Recommended check-in time

You should check in no later than the times indicated at left. This will ensure you have plenty of time to check in, drop off your checked bags and pass through security.

**45**  
minutes<sup>2</sup>

**60**  
minutes

**60**  
minutes

### Check-in and baggage drop-off deadline

You must have checked in, obtained your boarding pass and deposited all checked bags at the baggage drop-off counter before the end of the check-in period for your flight.

**15**  
minutes

**15**  
minutes

**15**  
minutes

### Boarding gate deadline

You must be present at the boarding gate before it closes.

1. From Algiers (Algeria), Casablanca (Morocco) and Tel Aviv (Israel) - Recommended check-in time: 180 minutes. Check-in and baggage drop-off deadline: 60 minutes. Boarding gate deadline: 30 minutes.
2. From Toronto City Airport (YTZ) - Check-in and baggage drop-off deadline: 20 minutes.



## Baggage allowance



### Carry-on baggage

On flights operated by Air Canada, Air Canada Rouge or Air Canada Express, you may carry with you in the cabin 1 standard item (max. size: 23 x 40 x 55 cm [9 x 15.5 x 21.5 in]) and 1 personal item (max. size: 16 x 33 x 43 cm [6 x 13 x 17 in]). Your carry-on baggage must be light enough that you can store it in the overhead bin unassisted. [See our complete carry-on baggage policy.](#)

### Checked baggage

Please see below for details on the bags you plan on checking at the baggage counter.

San Francisco (SFO) > Dublin (DUB)		
 <b>1<sup>st</sup> bag</b> Complimentary	 <b>2<sup>nd</sup> bag</b> Complimentary	Max. weight per bag: 32 kg (70 lb)  Max. dimensions per bag: 158 cm (62 in)

Dublin (DUB) > Montréal (YUL)		
 <b>1<sup>st</sup> bag</b> Complimentary	 <b>2<sup>nd</sup> bag</b> Complimentary	Max. weight per bag: 32 kg (70 lb)  Max. dimensions per bag: 158 cm (62 in)

\* For travel within Canada or between Canada and the United States, a Canadian tax of \$3.00 CAD may apply to baggage fees. For travel between Canada or the United States and Mexico, the Dominican Republic and Barbados, an applicable local sales tax of \$4.00 CAD may apply to baggage fees. For all other itineraries to/from Mexico, the Dominican Republic and Barbados as well as itineraries to/from South America, an applicable local sales tax of \$21.00 CAD may apply to baggage fees. All above tax amounts are based on the maximum applicable tax amounts per itinerary type. Actual amounts may vary and will be charged in the currency used in your departure airport. Tax amounts are subject to change without notice by local government.

#### Currency

Fee amounts are displayed in the currency of the first departure city on your ticket. On the day of travel, applicable fees will be assessed in the local currency of the country/region you are travelling from. Certain exceptions may apply where the departure airport does not charge in local currency. The currency exchange rate will be determined by the date of travel.

#### Stopovers

Checked baggage fees may be reassessed when itineraries include an enroute stopover of more than 24 hours.

#### Baggage Allowance for Air Canada Altitude and Star Alliance Members

The baggage allowance displayed below applies when you check your bags with Air Canada, Air Canada Express (flights operated by Jazz, Sky Regional, Air Georgian, Exploits Valley Air) or Air Canada Rouge. Please make sure your Air Canada Altitude status level is valid at check-in.

**Star Alliance Silver Members:** Your baggage allowance is equivalent to that of the fare option you purchased.

	Economy Class	Premium Economy	Business Class
Altitude Super Elite 100K, Elite 75K, Elite 50K and Elite 35K	<b>3 bags</b> 32 kg (70 lb)	<b>3 bags</b> 32kg (70lb)	<b>3 bags</b> 32kg (70lb)
Altitude Prestige 25k	<b>2 bags</b> 23 kg (50 lb)	<b>2 bags</b> 23 kg (50 lb)	<b>2 bags</b> 32 kg (70 lb)
Star Alliance Gold	<b>1 extra bag</b> 23 kg (50 lb)	<b>1 extra bag</b> 23 kg (50 lb)	<b>1 extra bag</b> 32 kg (70 lb)

Note: If you **exceed your baggage allowance** (in number, size and/or weight), additional checked baggage charges will apply. The policy and fees will be those of the carrier identified in the checked baggage information section.

- View [Air Canada's additional checked baggage policy](#).
- View the [additional checked baggage policy of Air Canada's codeshare and interline partners](#).



## Fare Rules

### Business Class (lowest)



#### Changes

##### Flight 1

- **Before departure of first flight**
  - Ticket reissue is allowed but may be subject to certain restrictions. Please refer to the link above for complete fare rules.
  - Penalty fee for ticket reissue between **\$0 USD - \$500 USD**
  - New travel dates must be prior to **Wednesday, 27 Jan, 2021**
  - The maximum change fee applied is **\$500 USD** per direction, per passenger, plus any applicable taxes and fare difference. Child/Infant discounts may apply.
- **After departure of first flight**
  - Ticket reissue is allowed but may be subject to certain restrictions. Please refer to the link above for complete fare rules.
  - Penalty fee for ticket reissue between **\$0 USD - \$500 USD**
  - New travel dates must be prior to **Friday, 18 Jun, 2021**
  - The maximum change fee applied is **\$500 USD** per direction, per passenger, plus any applicable taxes and fare difference. Child/Infant discounts may apply.
- Flights can only be used in sequence from the place of departure specified on the itinerary.
- Failure to show up for your flight (No Show) may result in a penalty. Please see the complete fare rules for details.



#### Cancellations

- Tickets are **non-refundable** and are **non-transferable**.
- **Partially used tickets** may be submitted for a refund assessment. The refund will be calculated as follows: Actual fare paid minus the value of the portion of the journey that has been flown and minus the applicable fee.
- **Cancellations** can be made up to 45 minutes prior to departure.
- View [Air Canada's refund policy](#).



#### Minimum stay

- Travel must commence after: **Thursday 25 Jun, 2020** from DUB (DUBLIN)



#### Maximum stay

- Travel must commence before: **Friday 18 Jun, 2021** from DUB (DUBLIN)



#### Aeroplan

- 150% Aeroplan Miles
- The equivalent in Altitude Qualifying Miles
- For all flights operated by Air Canada, Air Canada Express and Air Canada Rouge

### Business Class (lowest)



#### Changes

##### Flight 2

- **Before departure of first flight**
  - Ticket reissue is allowed but may be subject to certain restrictions. Please refer to the link above for complete fare rules.
  - Penalty fee for ticket reissue between **\$456 USD - \$456 USD**
  - New travel dates must be prior to **Wednesday, 27 Jan, 2021**
  - The maximum change fee applied is **\$500 USD** per direction, per passenger, plus any applicable taxes and fare difference. Child/Infant discounts may apply.
- **After departure of first flight**
  - Ticket reissue is allowed but may be subject to certain restrictions. Please refer to the link above for complete fare rules.
  - Penalty fee for ticket reissue between **\$456 USD - \$456 USD**
  - New travel dates must be prior to **Friday, 18 Jun, 2021**
  - The maximum change fee applied is **\$500 USD** per direction, per passenger, plus any applicable taxes and fare difference. Child/Infant discounts may apply.
- Flights can only be used in sequence from the place of departure specified on the itinerary.
- Failure to show up for your flight (No Show) may result in a penalty. Please see the complete fare rules for details.



#### Cancellations

- Tickets are **non-refundable** and are **non-transferable**.
- **Partially used tickets** may be submitted for a refund assessment. The refund will be calculated as follows: Actual fare paid minus the value of the portion of the journey that has been flown and minus the applicable fee.
- **Cancellations** can be made up to 45 minutes prior to departure.
- View [Air Canada's refund policy](#).



#### Minimum stay

- Travel must commence after: **Thursday 25 Jun, 2020** from DUB (DUBLIN)



#### Maximum stay

- Travel must commence before: **Friday 18 Jun, 2021** from DUB (DUBLIN)



#### Aeroplan

- 150% Aeroplan Miles
- The equivalent in Altitude Qualifying Miles
- For all flights operated by Air Canada, Air Canada Express and Air Canada Rouge

Disclaimer: The fare rules displayed above are for adult passengers only. Different rules may apply for children and infant passengers.

## ! General conditions of carriage

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1. You must obtain your boarding pass and check in any baggage by the check-in deadline. Additionally, you must be available for boarding at the boarding gate by the boarding gate deadline. Failure to respect check-in and boarding gate deadlines may result in the reassignment of any pre-reserved seats, the cancellation of reservations, and/or ineligibility for denied boarding compensation.
2. Although reconfirmation of flights is not required, we strongly recommend that you check your flight status online at [aircanada.com](http://aircanada.com) or by calling our flight information system at 1-888-422-7533 prior to your departure.
3. Advance seat assignments are not guaranteed and may change without notice. If your pre-assigned seat is unavailable, we will try to accommodate you in a comparable seat in the same class of service and will refund any applicable fees.
4. Any travel credit banked for unused tickets is non-transferable: when the credit is redeemed, it must be used by the same person whose name appears on the original ticket.
5. Air Canada will cancel any purchased ticket and provide a full refund without penalty up to 24 hours after purchase. Beyond 24 hours, voluntary changes to your itinerary may require the payment of additional fees and fare upgrades. If you are travelling on a non-refundable ticket, Air Canada will be unable to make exceptions in the event of an unexpected trip cancellation or medical emergency. We recommend the purchase of travel insurance.
6. **Dangerous goods**  
For safety reasons, dangerous goods must not be packed in checked or carry-on baggage, except as specifically permitted. Dangerous goods include, but are not limited to: compressed gases, corrosives, explosives, flammable liquids and solids, radioactive materials, oxidizing materials, poisons, infectious substances, and briefcases with installed alarm devices. For security reasons, other restrictions may apply. Please refer to the Restricted and Prohibited Items page on our website for more information.
7. Subject to the provisions of the Montreal Convention and the Warsaw Convention, as well as the provisions of its applicable tariffs, Air Canada may refuse carriage of property in checked luggage that is not suitable for transportation, such as fragile or perishable items and may refuse to carry valuable items (a valuable is deemed to be any item whose value is \$ 1,000 CAD or more, per Kilogram or \$1 CAD per gram). Air Canada may refuse claims based on the inherent nature of an item (e.g. its perishable nature), or for loss or delay of unsuitably or inadequately packed items, to the extent that the destruction, loss or damages resulted from the inherent defect, quality or vice of the baggage, or, in the case of delay, that the carrier, its agents, and servants took all measures that could reasonably be required to avoid the damage, or that it was impossible to take such measures.
8. **International travel**  
Governments may require your carrier to provide information on or permit access to passenger data. You cannot travel if you do not have all required travel documents, such as a passport and visa (where applicable), to enter in or transit through each country/region on your itinerary. Please refer to the [Travel Documents](#) page on our website for more information.
9. **In-flight health**  
Most people are fit to travel by air, but special attention is required for passengers whose health problems may be exacerbated by altitude, travel stress, hypoxia and other travel related difficulties. Our website offers important health tips and information for customers with special needs who may require medical approval before flying.  
  
Please also note that aircraft disinsection is carried out on certain routes, in compliance with the requirements of the World Health Organization (WHO), the International Civil Aviation Organization, Transport Canada and applicable foreign regulatory authorities. More information is available on our website.
10. **Schedules and timetables**  
Time and aircraft type shown in timetables or elsewhere are approximate and not guaranteed, and form no part of the contract. Schedules are subject to change without notice and carrier assumes no responsibility for passenger making connections not included as part of the itinerary set out in the ticket. Carrier is not responsible for changes, errors or omissions either in timetables or other representations of schedules.
11. **Overbooking notice**  
Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for a payment of the airline's choosing. If there are not enough volunteers, the airline will deny boarding to other persons in accordance with its particular boarding priority. With few exceptions, persons denied boarding involuntarily are entitled to compensation. The complete rules for the payment of compensation and boarding priorities are available at all airport ticket counters and boarding locations.

NOTICE - SOLD SUBJECT TO APPLICABLE TARIFFS

## ! Air Passenger Protection Regulations Notice:

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If you are denied boarding, your flight is cancelled or delayed for at least two hours, or your baggage is lost or damaged, you may be entitled to certain standards of treatment and compensation under the *Air Passenger Protection Regulation*. For more information about your passenger rights please contact your air carrier or visit the Canadian Transportation Agency's website.

General terms and conditions pertaining to flight delays, cancellations, denied boarding, seating of children and lost or damaged baggage can be found in Air Canada's [General Conditions of Carriage and Tariffs](#).







## Attachment 2

Confirmation/notice that a flight in your reservation has been cancelled by the airline.

**Air Canada** FLIGHT CANCELLATION: LAXTOR AC800Jan 18, 2020 1:00 PM  
Dear Sir,  
We regret to inform you that your flight from Toronto to Los Angeles, Canada West 800, scheduled for January 18, 2020, at 10:00 PM, has been cancelled due to the impact of COVID-19. We understand that this is a difficult situation for you and we apologize for the inconvenience. We will rebook you on the next available flight to Los Angeles, Canada West 800, scheduled for January 19, 2020, at 10:00 PM. If you prefer, we can also rebook you on a flight to Los Angeles, Canada West 800, scheduled for January 20, 2020, at 10:00 PM. We will also provide you with a travel voucher for the amount of the cancelled flight. We will contact you again to confirm your new flight and to provide you with the travel voucher. We apologize for the inconvenience and thank you for your understanding. Sincerely,  
Air Canada  
Customer Service Representative  
1-800-387-8825  
www.aircanada.com

## Attachment 3

### Proof of communication that the Airline denied your request for a refund.

## Attachment 4

Captured on May 24, 2020 from <https://www.aircanada.com/us/en/aco/home/fly/customer-support/cancellation-options.html#/current-booking>

If you booked directly with Air Canada, please select one of the following:

### Air Canada has already cancelled my booking

If you have a booking cancelled by Air Canada for travel prior to March 1, 2020, please [click here](#) to learn more about your options.

If you have a booking cancelled by Air Canada for travel after March 1, 2020, you have several options available to you depending on the type of fare you purchased and whether the cancellation was within Air Canada's control.

### Cancellations outside of Air Canada's control

If Air Canada has already cancelled your booking, and the cancellation is outside of Air Canada's control (for example, due to the impacts of COVID-19, government travel advisories and/or health and safety concerns), you have two expanded options to choose from:

1. **Air Canada Travel Voucher** – Transfer the remaining value of all tickets in a booking and associated services to an Air Canada Travel Voucher. The voucher has no expiry date, is fully transferable and can be used multiple times.
2. **Aeroplan Miles** – Convert and transfer the remaining value of all tickets and associated services in a booking, minus any taxes, into Aeroplan Miles, and get an additional 65% bonus miles.

If you purchased a non-refundable fare, please note that in accordance with government regulations, non-refundable bookings that are cancelled due to the impacts of COVID-19, government travel advisories and/or health and safety concerns are outside of Air Canada's control and ineligible for a refund.

If you purchased a refundable fare, you have the additional option of returning the remaining refundable value of all tickets and associated services in a booking, minus any applicable fees, back to your original form of payment.

[How to process a cancellation](#)

### Cancellations within Air Canada's control

For both refundable fares and non-refundable fares, if Air Canada has already cancelled your booking, and the cancellation is within Air Canada's control, you have three expanded options to choose from:

1. **Air Canada Travel Voucher** – Transfer the remaining value of all tickets in a booking and associated services to an Air Canada Travel Voucher. The voucher has no expiry date, is fully transferable and can be used multiple times.
2. **Aeroplan Miles** – Convert and transfer the remaining value of all tickets and associated services in a booking, minus any taxes, into Aeroplan Miles, and get an additional 65% bonus miles.
3. **Return to original form of payment** – Return the remaining refundable value of all tickets in a booking and associated services back to your original form of payment.


[How to process a cancellation](#)

## Attachment 5

Captured on May 18, 2020 from <https://www.aircanada.com/us/en/aco/home/fly/flight-information/delayed-flights-and-cancellations/refund-options.html>

[Home](#) | [Fly](#) | [Flight Information](#) | [Delayed Flights / Cancellations](#) | [Refund Options](#) ^

# Refund Options

 For flight cancellations due to the impacts of COVID-19, government travel advisories and/or health and safety concerns, click [here](#).

In the event of a flight cancellation or a delay of more than three hours, **for situations other than those outside our control**, Air Canada offers you the option of requesting a refund for the unused portion of your ticket, or using the unused portion toward future travel with us. **Cancellations resulting from the COVID-19 crisis are considered outside our control.**

## To Request a Refund

If your flight is cancelled or delayed by more than 3 hours for reasons other than those outside Air Canada's control, and you'd like to obtain a refund for the unused portion of your ticket (including some fees and/or purchased travel options), please call **Air Canada Reservations**. You'll be directed to present your refund request via your original point of purchase.

If you choose to request a refund, the method with which you are refunded will accord with the method in which you paid. Your refund will include your fare and all taxes, as well as certain charges paid for added travel options.

## To Retain the Ticket Value for Future Travel

To retain the value of your ticket for future travel:

- Contact **Air Canada Reservations**. Please provide the booking reference number or ticket number. A customer service agent will cancel your current reservation.
- Air Canada will retain the value of all unused portions of your ticket and certain related travel options. (Fares available online are not necessarily available through Air Canada Reservation.)
- You may also cancel your entire reservation or all remaining portions of your ticket online. Please keep your booking reference number so we can better assist you when you are ready to use the value of your ticket.

When you're ready to use the unused portion of your ticket for travel with us:

- Please contact **Air Canada Reservations**, and make sure to have your **booking reference** handy.
- Please keep in mind that:
  - Any change fee associated to your original ticket will be waived.
  - The value can be used for future travel on Air Canada, Air Canada rouge or Air Canada Express.
  - Unused non-refundable travel options, such as assigned seat selection, Maple Leaf Lounge access, and Air Canada Bistro snack or meal vouchers may be used on future flights, subject to availability.
  - If your ticket is fully unused, you must commence your travel within 12 months of the original issue date.
  - If your ticket was partially used, you must complete your travel within 12 months of the first used portion.
  - Tickets are non-transferable: the original booking passenger(s) must use their respective amount(s).
  - Any amount remaining unused after booking a new flight is forfeited.

## Attachment 6

Captured on March 17, 2020 from <https://www.aircanada.com/us/en/aco/home/book/travel-news-and-updates/2020/covid-19.html>


Note: Air Canada removed the information displayed in this attachment on or around March 19, 2020.

**My flight has been cancelled. What should I do?** ▼

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For flight cancellations, we will contact you via the email address or phone number you provided when you booked your flight.

At a later time, when you decide you want to travel, you can apply your credit to a future booking. Please call Air Canada at **1-888-247-2262** to book your new flight with your credit.

If you decide to have your credit refunded to the original payment method, please fill out the refund form and submit it [here](#) .

**Attachment 7A**

Captured on May 21, 2020 from pagepages 2 of

[https://www.aircanada.com/content/dam/aircanada/portal/documents/PDF/agents/en/ca/policies/SKCH\\_EN\\_V13.pdf](https://www.aircanada.com/content/dam/aircanada/portal/documents/PDF/agents/en/ca/policies/SKCH_EN_V13.pdf)

**Overview**

Air Canada has revised the Schedule Change policy, effective immediately, for schedule changes processed as of March 19, 2020.

This policy and these procedures cover Air Canada operated flights affected by schedule changes. A schedule change (SKCH) is a flight cancellation, time change, flight number change, routing/airport change or operating carrier change which occurs **more than 48 hours prior to the original scheduled departure time.**

## Attachment 7B

Captured on May 21, 2020 from page 8 of

[https://www.aircanada.com/content/dam/aircanada/portal/documents/PDF/agents/en/ca/policies/SKCH\\_EN\\_V13.pdf](https://www.aircanada.com/content/dam/aircanada/portal/documents/PDF/agents/en/ca/policies/SKCH_EN_V13.pdf)

### Refunds

Schedule Change **occurred on/before** March 18, 2020

A refund is permitted and applies only for a 014 ticket if an acceptable protection cannot be found due to a schedule change on Air Canada, Air Canada Rouge, Air Canada Express (Jazz, Sky Regional, Air Georgian, EVAS), AC\*/OAL or OAL that is:

- A schedule change of 60 minutes or more.
- A change of operating carrier.
- A routing/airport change.
- Not permitting a same-day connection.
- An aircraft change that results in a cabin change.
- Refunds are processed back to the original form of payment.
- Apply waiver code: **ACUSKEDCHG** along with the flight number.

Schedule Change **occurred on/after** March 19, 2020

**Full refunds are not permitted.**

Please refer to the *Save as Future Credit* and *Cancel and Refund as per Fare Rules* sections below.

Exception: Refunds are permitted for flights originating from the below countries; apply waiver code **ACUSKEDCHG** along with the flight number (e.g. **ACUSKEDCHGXXXX**).

Flight Origin	Refund of Unused Coupons	Deadline to request refund after SKCH
From Algeria	Yes + return to origin	8 days

Information subject to change without notice. \*Altitude Super Elite 100K, Air Canada Express and Air Canada rouge are trademarks of Air Canada. ®Aeroplan is a registered trademark of Aimia Canada Inc. \*Star Alliance is a trademark of the Star Alliance Members. May 14, 2020. V12.

To/From Israel	Yes	21 days
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## Attachment 8

Captured on May 18, 2020 from

[https://www.aircanada.com/content/dam/aircanada/portal/html/flash-files/20/200323\\_en.html](https://www.aircanada.com/content/dam/aircanada/portal/html/flash-files/20/200323_en.html)

### As of May 7, 2020 - V8

We've waived changes for new and existing bookings made by customers worldwide. See below for additional details.

For quick reference on which policy to apply (Goodwill or Schedule Change), please refer to our helpful [one-page document](#).

## AIR CANADA CANCELLED YOUR FLIGHTS?

# NO

### Apply Goodwill Policy

not cancelled.  
k.

cancelled up to 2 hours prior to the departure flight.

	MAY 31, 2020
	Between March 1, 2020 and up to May 31, 2021
	24 months from the date you cancel your booking
	As per fare rule
	Waived - one time
OL)	Applies
	CHNGFEE20

A  
A  
A

Version 4: May 7, 2020

# YES

### Involuntary Changes - Apply Schedule Change Policy

Applies when there is a flight cancellation, time change, flight number change, cabin change, routing/airport change or operating carrier change, which occurs more than 48 hours prior to the original scheduled departure time.

	SCHEDULE CHANGE PRIOR TO MARCH 19, 2020	SCHEDULE CHANGE ON/AFTER MARCH 19, 2020
Rebooking:	Permissible as per policy guidelines (allowed OAL). Add <b>DUE SKCH</b> in ticket endorsement.	Permissible as per policy guidelines (does not allow OAL*). Add <b>DUE SKCH</b> in ticket endorsement.
Refund:	Permissible, and applies only for a 014 ticket if an acceptable protection cannot be found.  Add <b>ACUSKEDCHG + flight number</b> in waiver code field.	As per fare rules. <b>Non-refundable amounts will be lost (including non-refundable taxes). Any cancellation fees will apply.</b> <b>or</b> <b>Credit** ONLY for 24 months.</b> Add <b>CV20VL22</b> in ticket endorsement. Change fee waived – ADCOL collected if applicable.
*	Over-the-water re-protection flight must be Air Canada-operated and Air Canada-marketed.	
**	Ticket will need to be exchanged prior to the ticket expiry. Instructions can be found in the Schedule Change policy located at <a href="https://www.aircanada.com/agents">aircanada.com/agents</a> , on the Online DRS or by contacting the GDS Help Desk.	

For complete details, please refer to the Schedule Change policy.



**Additional Attachments**

**Certificate of Service**

I hereby certify that I have, this 17 day of August 2020 a copy of the foregoing Complaint to be served by electronic mail on the following persons:

Kimberly Graber, Esq.

kimberly.graber@dot.gov

Blane Workie, Esq.

blane.workie@dot.gov

Robert Gorman, Esq.

robert.gorman@dot.gov

Anita Mosner, Esq

Anita.Mosner@hklaw.com

A handwritten signature in black ink, appearing to be 'J Sheehan', written in a cursive style.

Joseph Sheehan