

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

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	)	
Brent Nickle,	)	
	)	
v.	)	Docket DOT-OST-2020-_____
	)	
Air Canada	)	
	)	
-----)	)	

**COMPLAINT OF BRENT NICKLE**

Comments with respect to this document should be addressed to:

Brent Nickle

[redacted]

[redacted]

[redacted]

E-mail: bnenickle@outlook.com

Dated: August 20, 2020

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

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v. ) Docket DOT-OST-2020-\_\_\_\_  
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Air Canada )  
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**COMPLAINT OF BRENT NICKLE**

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)(1), it is the policy of the Department to regard as an

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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.

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 March 10, 2020, I purchased a ticket for a one-way flight on Air Canada from Tampa Bay, Florida (TPA) to Toronto, Ontario (YYZ) departing on May 16, 2020 (Attachment 1).
4. On April 6, 2020, I learned that my flight was cancelled by Air Canada (Attachment 2).
5. On August 17, 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 4 person(s). The name(s) of the individual(s) are the following: [redacted]

**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 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

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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).

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 read 'Brent Nickle', with a stylized, cursive script.

Brent Nickle



# Brent Nickle Complaint – Air Canada

## Attachment 1

### Copy of flight itinerary/eticket receipt

Passenger:  
Booking Reference:  
Ticket number: Air Canada Reservations, 1-888-247-2262  
Issuing date: Mar-10, 2020

#### ELECTRONIC TICKET RECEIPT

This is your 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.  
NOTE: You may be receiving this itinerary/ Electronic Ticket Receipt due to a change in your itinerary. Please contact the Air Canada Contact Centre immediately if you have any questions concerning any schedule change.

From	To	Flight	Departure	Arrival
TAMPA, Tampa Intl (TPA)	TORONTO, Lester B. Pearson Intl (YYZ)	AC1655	12:50	15:35
	Terminal: 1		Saturday 16 May 2020	Saturday 16 May 2020
Fare: Flex, A Fare basis: A14RSFL/IN Booking status: NS				
Operated by: AIR CANADA ROUGE Aircraft type: Airbus Industrie A321 Number of stops: 0				
Cabin: Economy Rouge Duration: 02:45				

Passenger:  
Booking Reference:  
Ticket number: Air Canada Reservations, 1-888-247-2262  
Issuing date: Mar-10, 2020

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	Terminal: 1		Saturday 16 May 2020	Saturday 16 May 2020
Fare: Flex, A Fare basis: A14RSFL Booking status: OK				
Operated by: AIR CANADA ROUGE Aircraft type: Airbus Industrie A321 Number of stops: 0				
Cabin: Economy Rouge Duration: 02:45 Seat: 20A				

Passenger:  
Booking Reference:  
Ticket number: Air Canada Reservations, 1-888-247-2262  
Issuing date: Mar-10, 2020

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	Terminal: 1		Saturday 16 May 2020	Saturday 16 May 2020
Fare: Flex, A Fare basis: A14RSFL Booking status: OK				
Operated by: AIR CANADA ROUGE Aircraft type: Airbus Industrie A321 Number of stops: 0				
Cabin: Economy Rouge Duration: 02:45 Seat: 20C				

Passenger:  
Booking Reference:  
Ticket number: Air Canada Reservations, 1-888-247-2262  
Issuing date: Mar-10, 2020

#### ELECTRONIC TICKET RECEIPT

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NOTE: You may be receiving this itinerary/ Electronic Ticket Receipt due to a change in your itinerary. Please contact the Air Canada Contact Centre immediately if you have any questions concerning any schedule change.

From	To	Flight	Departure	Arrival
TAMPA, Tampa Intl (TPA)	TORONTO, Lester B. Pearson Intl (YYZ)	AC1655	12:50	15:35
	Terminal: 1		Saturday 16 May 2020	Saturday 16 May 2020
Fare: Flex, A Fare basis: A14RSFL/CH Booking status: OK				
Operated by: AIR CANADA ROUGE Aircraft type: Airbus Industrie A321 Number of stops: 0				
Cabin: Economy Rouge Duration: 02:45 Seat: 20B				

## Attachment 2

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

Fw: Air Canada - FLIGHT CANCELLATION - - AC1673/May 16, 2020

From: Air Canada Notification <flightnotification@aircanada.ca>

Sent: Monday, April 6, 2020 2:22 PM

To: bnenickle@outlook.com <bnenickle@outlook.com>

Subject: Air Canada - FLIGHT CANCELLATION - - AC1673/May 16, 2020

### Flight changed by Air Canada from Tampa to Orlando - April 2

We regret to inform you that AC1673 from Orlando, Orlando Intl (MCO) to Toronto, Lester B. Pearson Intl (YYZ) on May 16, 2020 has been cancelled due to the impacts of COVID-19, government travel advisories and/or health and safety concerns.

The full value of what you paid will become a future travel credit valid for 24 months. To store this value, if you booked with:

1. Air Canada: Visit <https://www.aircanada.com/mybookings> and enter your booking details. Select "Cancel Booking" and when you select confirm, any change fees will be waived.
2. A travel agency: They will process this for you on your behalf.
3. Air Canada Vacations: Your credit will be stored automatically.
4. Aeroplan: Visit <https://www.aeroplan.com> and select "Manage Your Bookings" to return the Aeroplan Miles into your account.

When you're ready to rebook within 24 months, if you booked with:

- Air Canada: Please call us and make sure to provide your original ticket number starting with "014".
- A travel agency: Please contact them directly.
- Air Canada Vacations: Please contact them directly.
- Aeroplan: You can rebook anytime at <https://www.aeroplan.com>.

Booking Reference:

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This is an automated message - Please do not reply to this email.

We've sent you this email about an Air Canada product or service that you've requested - this is not a promotional email. Your privacy is very important to us. To see how we're protecting your personal information, please take a look at our Privacy Policy (<http://aircanada.com/privacy/>).

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Si le présent courriel n'est pas dans la langue de votre choix (français ou anglais), appelez les Réservations d'Air Canada au 1 888 247-2262 et nous serons heureux de mettre à jour votre réservation et de vous envoyer une nouvelle copie de l'itinéraire.

### Attachment 3

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

Fw: Air Canada - FLIGHT CANCELLATION - - AC1673/May 16, 2020

From: Air Canada Notification <flightnotification@aircanada.ca>  
Sent: Monday, April 6, 2020 2:22 PM  
To: bnenickle@outlook.com <bnenickle@outlook.com>  
Subject: Air Canada - FLIGHT CANCELLATION - - AC1673/May 16, 2020

We regret to inform you that AC1673 from Orlando, Orlando Intl (MCO) to Toronto, Lester B. Pearson Intl (YYZ) on May 16, 2020 has been cancelled due to the impacts of COVID-19, government travel advisories and/or health and safety concerns.

The full value of what you paid will become a future travel credit valid for 24 months. To store this value, if you booked with:

1. Air Canada: Visit <https://www.aircanada.com/mybookings> and enter your booking details. Select "Cancel Booking" and when you select confirm, any change fees will be waived.
2. A travel agency: They will process this for you on your behalf.
3. Air Canada Vacations: Your credit will be stored automatically.
4. Aeroplan: Visit <https://www.aeroplan.com> and select "Manage Your Bookings" to return the Aeroplan Miles into your account.

When you're ready to rebook within 24 months, if you booked with:

- Air Canada: Please call us and make sure to provide your original ticket number starting with "014".
- A travel agency: Please contact them directly.
- Air Canada Vacations: Please contact them directly.
- Aeroplan: You can rebook anytime at <https://www.aeroplan.com>.

Booking Reference:

\*\*\*\*\*

This is an automated message - Please do not reply to this email.

We've sent you this email about an Air Canada product or service that you've requested - this is not a promotional email. Your privacy is very important to us. To see how we're protecting your personal information, please take a look at our Privacy Policy (<http://aircanada.com/privacy>).

\*\*\*\*\*

Si le présent courriel n'est pas dans la langue de votre choix (français ou anglais), appelez les Réservations d'Air Canada au 1 888 247-2262 et nous serons heureux de mettre à jour votre réservation et de vous envoyer une nouvelle copie de l'itinéraire.

**Also have a verbal recording from  
a call with Air Canada denying  
any refund back to initial form of  
payment**

## 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. <sup>™</sup>Altitude Super Elite 100K, Air Canada Express and Air Canada rouge are trademarks of Air Canada. <sup>®</sup>Aeroplan is a registered trademark of Aimia Canada Inc. <sup>™</sup>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

Flight cancelled.  
K.

Flight 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
Applies
<b>CHNGFEE20</b>

### 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
<b>Rebooking:</b>	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.
<b>Refund:</b>	Permissible, and applies only for a 014 ticket if an acceptable protection cannot be found.	As per fare rules. Non-refundable amounts will be lost (including non-refundable taxes). Any cancellation fees will apply. <b>or</b> Credit** ONLY for 24 months. 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.	

Version 4: May 7, 2020

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

## Additional Attachments

Tampa to Toronto Itinerary – [redacted]



Passenger: [redacted]

Booking Reference: [redacted]

Ticket number: [redacted]

Air Canada Reservations, 1-888-247-2262

Issuing date: Mar-10, 2020

## ELECTRONIC TICKET RECEIPT

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From	To	Flight	Departure	Arrival
<b>TAMPA</b> , Tampa Intl (TPA)	<b>TORONTO</b> , Lester B. Pearson Intl (YYZ) Terminal: 1	AC1655	<b>12:50</b> Saturday 16 May 2020	<b>15:35</b> Saturday 16 May 2020
<b>Fare:</b> Flex, A <b>Fare basis:</b> A14R5FL/CH <b>Booking status:</b> OK	<b>Operated by:</b> AIR CANADA ROUGE <b>Aircraft type:</b> Airbus Industrie A321 <b>Number of stops:</b> 0	<b>Cabin:</b> Economy Rouge <b>Duration:</b> 02:45 <b>Seat:</b> 20B		

OK = Confirmed

### 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. 23 x 40 x 55 cm [9 x 15.5 x 21.5]) and 1 personal item (max. size: 16x 33 x43 cm [6 x 13 x17 in]). Your carry-on baggage must be light enough that you can store 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.

TPAYYZ

<b>1st Checked Bag:</b>	Free of Charge	UPT050LB 23KG AND62LI 158LCM
<b>2nd Checked Bag:</b>	67.25CAD	UPT050LB 23KG AND62LI 158LCM
FEE APPLICABLE PER DIRECTION		

Name of the carrier whose baggage rules apply: AIR CANADA

**Baggage Allowance for Altitude and Star Alliance Members**

Baggage check-in must occur with Air Canada, Air Canada Express (flights operated by Jazz, Sky Regional, Air Georgian, Exploits Valley Air) or Air Canada Rouge. Air Canada Altitude status level must be valid at time of check-in to qualify for waiver of charges.

Frequent Flyer Status	Economy Class	Premium Economy	Business Class
Altitude Super Elite 100k, Elite 75k, Elite 50k & Elite 35k	3 bags 32kg (70lb)	3 bags 32kg (70lb)	3 bags 32kg (70lb)
Altitude Prestige 25k	2 bags 23kg (50lb)	2 bags 23kg (50lb)	3 bags 32kg (70lb)
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Star Alliance Silver	As per fare paid 23kg (50lb)	As per fare paid 23kg (50lb)	As per fare paid 32kg (70lb)

**Fare rules Summary**

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. Tickets are non transferable.

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---

**FARE DETAILS**

<b>Form of payment:</b>	PAYPL	<b>Air Transportation Charges:</b>	USD 311.00
<b>Endorsements:</b>	AC ONLY/NONREF/CHGFEE -BG	<b>Fare equivalent:</b>	CAD 418.00
	AC	<b>Taxes, Fees and Charges:</b>	
		Transportation International/Domestic Tax - United States(US)	CAD 25.42
		September 11th Security Fee - United States(AY)	CAD 7.53
		Passenger Facility Charge - United States(XF)	CAD 6.05
		<b>Total Amount:</b>	<b>CAD 457.00</b>

Tampa to Toronto Itinerary – [redacted]



AIR CANADA



Passenger: [redacted]

Booking Reference: [redacted]

Ticket number: [redacted]

Air Canada Reservations, 1-888-247-2262

Issuing date: Mar-10, 2020

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TAMPA, Tampa Intl (TPA)	TORONTO, Lester B. Pearson Intl (YYZ) Terminal: 1	AC1655	12:50 Saturday 16 May 2020	15:35 Saturday 16 May 2020												
<table><tr><td><b>Fare:</b> Flex, A</td><td><b>Operated by:</b> AIR CANADA ROUGE</td><td><b>Cabin:</b> Economy Rouge</td></tr><tr><td><b>Fare basis:</b> A14R5FL</td><td><b>Aircraft type:</b> Airbus Industrie A321</td><td><b>Duration:</b> 02:45</td></tr><tr><td><b>Booking status:</b> OK</td><td><b>Number of stops:</b> 0</td><td><b>Seat:</b> 20A</td></tr><tr><td><b>Special Service Request</b></td><td colspan="2">INFT - INFANT INFORMATION - CONFIRMED</td></tr></table>					<b>Fare:</b> Flex, A	<b>Operated by:</b> AIR CANADA ROUGE	<b>Cabin:</b> Economy Rouge	<b>Fare basis:</b> A14R5FL	<b>Aircraft type:</b> Airbus Industrie A321	<b>Duration:</b> 02:45	<b>Booking status:</b> OK	<b>Number of stops:</b> 0	<b>Seat:</b> 20A	<b>Special Service Request</b>	INFT - INFANT INFORMATION - CONFIRMED	
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OK = Confirmed

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FEE APPLICABLE PER DIRECTION		

Name of the carrier whose baggage rules apply: AIR CANADA



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.

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#### Fare rules Summary

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. Tickets are non transferable.

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		<b>Total Amount:</b>	<b>CAD 457.00</b>

#### GENERAL CONDITIONS OF CARRIAGE

Tampa to Toronto Itinerary – [redacted]



AIR CANADA



Passenger: [redacted]

Booking Reference: [redacted]

Ticket number: [redacted]

Air Canada Reservations, 1-888-247-2262  
Issuing date: Mar-10, 2020

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Fare: Flex, A		Operated by: AIR CANADA ROUGE		Cabin: Economy Rouge
Fare basis: A14R5FL		Aircraft type: Airbus Industrie A321		Duration: 02:45
Booking status: OK		Number of stops: 0		Seat: 20C

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#### FARE DETAILS

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Tampa to Toronto Itinerary – [redacted]



AIR CANADA



Passenger: [redacted]

Booking Reference: [redacted]

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Air Canada Reservations, 1-888-247-2262

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Fare: Flex, A

Fare basis: A14R5FL/IN

Booking status: NS

Operated by: AIR CANADA ROUGE

Aircraft type: Airbus Industrie A321

Number of stops: 0

Cabin: Economy Rouge

Duration: 02:45

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### Carry-on Baggage

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FEE APPLICABLE PER DIRECTION

Name of the carrier whose baggage rules apply: AIR CANADA

For travel within Canada or between Canada and the United States, a Canadian tax of \$3.00 CAD may apply to baggage fees. For



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.

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#### Fare rules Summary

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#### FARE DETAILS

Form of payment:	PAYPL	Air Transportation Charges:	USD 0.00
Endorsements:	AC ONLY/NONREF/CHGFEE -BG AC	Fare equivalent:	CAD 0.00
		Taxes, Fees and Charges:	
		Total Amount:	CAD 0.00

## Payment Confirmation



**Air Canada**

March 10, 2020

Payment

- \$1,371.00

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### Paid with

MasterCard Credit Card x [REDACTED]  
You'll see "AIR CANADA " on your card statement.

\$1,371.00

### Ship to

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Category

Flights

### Transaction ID

[REDACTED]

### Seller info

Air Canada

888-247-2262

[AFOP@aircanada.ca](mailto:AFOP@aircanada.ca)

### Invoice ID

[REDACTED]

### Purchase details

[REDACTED]

\$1,371.00

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Total

\$1,371.00

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Need help?

## Flight changed to depart from Orlando opposed to Tampa Bay - April 2<sup>nd</sup> – change made by Air Canada

Fw: Air Canada - REVISED ITINERARY - /May 16, 2020

**From:** Air Canada Notification <flightnotification@aircanada.ca>  
**Sent:** Thursday, April 2, 2020 10:12 PM  
**To:** bnenickle@outlook.com <bnenickle@outlook.com>  
**Subject:** Air Canada - REVISED ITINERARY - /May 16, 2020

One or more flights in your itinerary cannot be operated as planned. Please find your revised itinerary. We apologize for any inconvenience.

AC1673  
Departing Orlando, Orlando Intl (MCO) on May 16, 2020 @ 12:45\*  
Arriving in Toronto, Lester B. Pearson Intl (YYZ) on May 16, 2020 @ 15:28\*  
-- Arrival Terminal 1

Reason: Government travel advisory

If the revised itinerary does not suit your travel plans, you can also look for alternative flight options using the link provided below, or cancel your itinerary. No change fees will apply\*\*

Booking Reference:

\*\*\*\*\*

This is an automated message - Please do not reply to this email. Should you have questions concerning the booking or require assistance for alternative travel options, please contact us at <http://www.aircanada.com/contact>. If you have booked your flight with Aeroplan, you may refer to <https://www.aeroplan.com/helocenter/contact-us> or with a travel agency, please call them directly. If your flight is departing in the next 48 hours, please contact Air Canada for assistance.

We've sent you this email about an Air Canada product or service that you've requested - this is not a promotional email. Your privacy is very important to us. To see how we're protecting your personal information, please take a look at our Privacy Policy (<http://www.aircanada.com/privacy>).

\*\*More details: <http://www.aircanada.com/cancellationpolicy>

\*Please also check airport information or online flight status.  
<https://www.aircanada.com/ca/en/aco/home/fly/flight-information/flight-status-results.html>

\*\*\*\*\*

Si le présent courriel n'est pas dans la langue de votre choix (français ou anglais), appelez les Réservations d'Air Canada au 1 888 247-2262 et nous serons heureux de mettre à jour votre réservation et de vous envoyer une nouvelle copie de l'itinéraire.

**Certificate of Service**

I hereby certify that I have, this 20 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 read 'Brent Nickle', with a stylized, flowing script.

Brent Nickle