

July 26, 2022

**VIA EMAIL**

Judicial Administrator, Federal Court of Appeal  
90 Sparks Street, 5th floor  
Ottawa, Ontario K1A 0H9

Dear Madam or Sir,

**RE: Air Passenger Rights v. AGC and CTA (A-102-20)**

---

We are counsel for the Applicant. Please bring this letter to Gleason J.A.'s attention. Her Ladyship is seized of all pre-hearing issues for this Application, pursuant to the Order of July 19, 2022. The Applicant is writing in reply to the letter from the Canadian Transportation Agency [**CTA**] today.


Respectfully, the CTA is misstating the law and making unsupported assertions of fact. The CTA is sidestepping why its Secretary now refuses to certify the authenticity of its documents. The Secretary initially filed a certificate in December 13, 2021 and her authorized delegate provided a certificate on February 1, 2022 for an email that initially had inaccurate header information.

The CTA's assertion on s. 23 of the *Canada Transportation Act* is baseless. Nothing in that section suggests that it is subject to ss. 21-22. Similarly, the CTA's assertion that s. 24 of the *Canada Evidence Act* deals only with "official" documents is without merit. While s. 24(a) refers to "official or public document...", s. 24(b) applies to any document, regardless if it is "official" or "public."

Finally, the CTA's assertion that "the Applicant has, over the years, made several requests of the Agency under Rule 317" is inaccurate. The Applicant, Air Passenger Rights [**APR**], has not been a party of any litigation before this Application. The President of APR, Dr. Gabor Lukacs, has been active in public interest litigation. In that context, we draw the Court's attention to two cases in this Court that Dr. Lukacs was involved in (A-431-17 and 19-A-14). In both cases, the Secretary signed and sealed the certificate under Rule 317. Mr. Shaar was also counsel in the A-431-17.

Should the Court have any directions, we would be pleased to comply.

Yours truly,  
**EVOLINK LAW GROUP**



SIMON LIN, Barrister & Solicitor

**Cc:** (1) Mr. Sandy Graham and Mr. Lorne Ptack, counsel for the Attorney General of Canada, and (2) Mr. Kevin Shaar, counsel for the Canadian Transportation Agency