

December 30, 2021

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. The Attorney General of Canada (A-102-20)**

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We are counsel for the Applicant. We are writing to object to the December 24, 2021 letter of the Canadian Transportation Agency [CTA] seeking informal directions from the Court on a matter that must be dealt with by way of a formal motion on the basis of evidence. Kindly please bring this letter to the attention of Gleason J.A., who is seized with this file.

Gleason J.A. issued an Order on October 15, 2021 requiring the CTA to produce certain documents within 60 days [Order]. Regrettably, the CTA has not fully complied with the Order, and continues to refuse to produce certain documents even after the Applicant pointed out the obvious deficiencies on December 17, 2021.

The sole outstanding question is the CTA's non-compliance with this Court's clear and unambiguous Order, which has become final since it was not appealed to the Supreme Court of Canada and the time to do so has expired. Non-compliance with a Court Order has to be dealt with formally by way of a motion and on the basis of evidence. The CTA should not be permitted to circumvent the *Federal Courts Rules* by seeking informal directions by way of a letter.

The CTA's letter is also an improper attempt to relitigate the merits of a final order and to seek legal advice from the Court, which is not the Court's role ([Olumide v. Canada](#), 2016 FCA 287 at paras. 14-17). The CTA misinformed the Court that the Applicant requested production of additional documents beyond the Court's Order. That is incorrect. The Applicant is only seeking the CTA's full compliance with the Order and production of documents prescribed in the Order.

The Applicant will continue to secure the CTA's compliance with the Order. However, should the Court's assistance be necessary, the Applicant will, as a last resort, bring a formal motion for contempt of court and/or other available remedies.

Yours truly,

**EVOLINK LAW GROUP**

SIMON LIN, Barrister &amp; Solicitor