

January 22, 2026

**By Email:** [Ottawa.associatejudges@ontario.ca](mailto:Ottawa.associatejudges@ontario.ca)

Ottawa Courthouse  
Ontario Superior Court of Justice  
161 Elgin Street, 2<sup>nd</sup> Floor  
Ottawa, Ontario  
K2P 2K1

Dear Sirs/Mesdames:

**RE: Air Passenger Rights v. Attorney General of Canada**  
**Court File No.: CV-25-00100065-0000**  
**Our File No.: 4200 153**

We are counsel for the National Airlines Council of Canada, Air Canada, Air Transat, Jazz Aviation LP, and WestJet in respect of the above-noted matter and write to request an urgent hearing date for our motion for leave to intervene. We have already submitted our material for filing. The confirmation number is 3741797.

Our clients are seeking leave to intervene in the matter of *Air Passenger Rights v. The Attorney General of Canada*, Court File No. CV-25-00100065-0000 (“the Application”). The hearing of the Application is presently scheduled for March 16, 2026.

In the event our motion is not heard before the Application, our clients will miss their opportunity to intervene in the proceeding.

The Application is centered on a question which directly affects our clients. The central question asks this Court to read down s. 85.09(1) of the *Canada Transportation Act* (“the Act”), on the basis of an alleged violation of the *Charter*. Section 85.09(1) mandates the confidentiality of the Air Travel Complaint process.

As the large air passenger carriers operating to, from and within Canada, our clients are subject to the *Act* and a party to air passenger complaints brought under the Air Travel Complaint process. They have a direct interest in the Application and may be adversely affected by the Court’s ruling. As a result, in the event our clients are not granted an urgent hearing date, they will miss their opportunity to present this Court with their necessary perspective and evidence in a matter which directly affects them.

On this basis, we request the motion for leave to intervene be heard on an urgent basis and prior to the March 16, 2026 hearing on the Application.

We have proposed this motion be heard in writing. If orally, it should require less than two hours.

Please find attached a copy of our Notice of Motion for your review. We trust that this assists in your consideration and, respectfully, the granting of our request for an urgent hearing date.

All of which is respectfully submitted.

Yours truly,

**Paterson MacDougall LLP**

Per:



Alison Duda

AD/rmb

Attachment

cc: Douglas W. Judson  
Judson Howie LLP  
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Lawyers for the Applicant

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Lawyers for the Respondent

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Intervenor