

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

AIR PASSENGER RIGHTS

Applicant

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF AMANDA BUTTINEAU
(Affirmed March 5, 2026)

I, **Amanda Buttineau**, of the Township of Dawson, in the District of Rainy River, **AFFIRM**:

1. I am a law clerk employed by Judson Howie LLP, counsel to the applicant, Air Passenger Rights [**Applicant**].
2. I have personal knowledge of the matters I address in this affidavit, except where I indicate otherwise or the context suggests that I have obtained the information from other sources, in which case I have stated the source of my information and I verily believe that information to be true.
3. I am advised by Douglas W. Judson, the lawyer at our office with carriage of this matter, that Dr. Gábor Lukács is the founder, a director, and president of the Applicant.
4. On February 9, 2026, Mariya Postelnyak, a reporter with the *Globe and Mail*, sent Dr. Lukács a statement she had received from the Canadian Transportation Agency [**CTA**]. Ms. Postelnyak's email to Dr. Lukács reproduced the CTA's statement. I attach hereto as [Exhibit "A"](#) a copy of this email transmission. I am advised by Mr. Judson that Dr. Lukács provided our office with this PDF copy of Ms. Postelnyak's email.

5. This statement indicates that it is written by Jadrino Huot, on behalf of the CTA. It includes the following paragraphs:

The process for CROs to resolve complaints through decision is labour intensive. It is a legally binding process, the outcome of which is subject to be challenged to the Federal Court through judicial review. Each complaint that requires a decision must be analyzed in accordance with the law and regulations and must be well articulated.

When making a decision, complaints resolution officers must assess each individual complaint based on its own unique set of facts, as provided by the passengers and the airline. This includes the nature of the flight disruption and the level of control of the airline (within control, within control but required by safety, outside control), the complexity of travel itineraries (as compensation depends on how late the passenger is at destination), and the involvement of single vs multiple airlines, among other factors.

The *Air Passenger Protection Regulations* (APPR) are also complex and set out key standards (e.g., “reasonableness”; “as soon as feasible”; “required for safety”), which do not have set criteria, and depend heavily on the exact circumstances of each disruption, requiring analysis and interpretation. Flight disruptions, which account for the highest volume of cases received, typically involve multiple overlapping causes, and the APPR requires determining the most significant contributing factor for the disruption.

Airline responses to these complaints can be extensive at times, including upwards of 80-100 pages of technical information submitted in their defense. Evidence is also variable, evolving, and sometimes incomplete, and airlines often submit different evidence for complaints involving the same flights. CROs must undertake a careful analysis of the evidence submitted on the record in each case individually, prior to issuing a decision.

6. I affirm this affidavit for use in this application and for no other or improper purpose.

AFFIRMED remotely by Amanda Buttineau, stated as being located in the Town of Fort Frances, in the District of Rainy River, before me in the Town of Fort Frances, in the District of Rainy River, on the 5th day of March, 2026, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits

Douglas W. Judson
Barrister & Solicitor (LSO No. 70019H)
Phone: 807-208-0351 | Fax: 807-789-1661
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AMANDA BUTTINEAU

This is

Exhibit “A”

to the Affidavit of Amanda Buttineau,
affirmed March 5, 2026



COMMISSIONER FOR TAKING AFFIDAVITS

Douglas W. Judson
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Fw: Media Request: Globe and Mail - 5pm

Postelnyak, Mariya <MPostelnyak@globeandmail.com>
To: Gabor Lukacs <lukacs@airpassengerrights.ca>

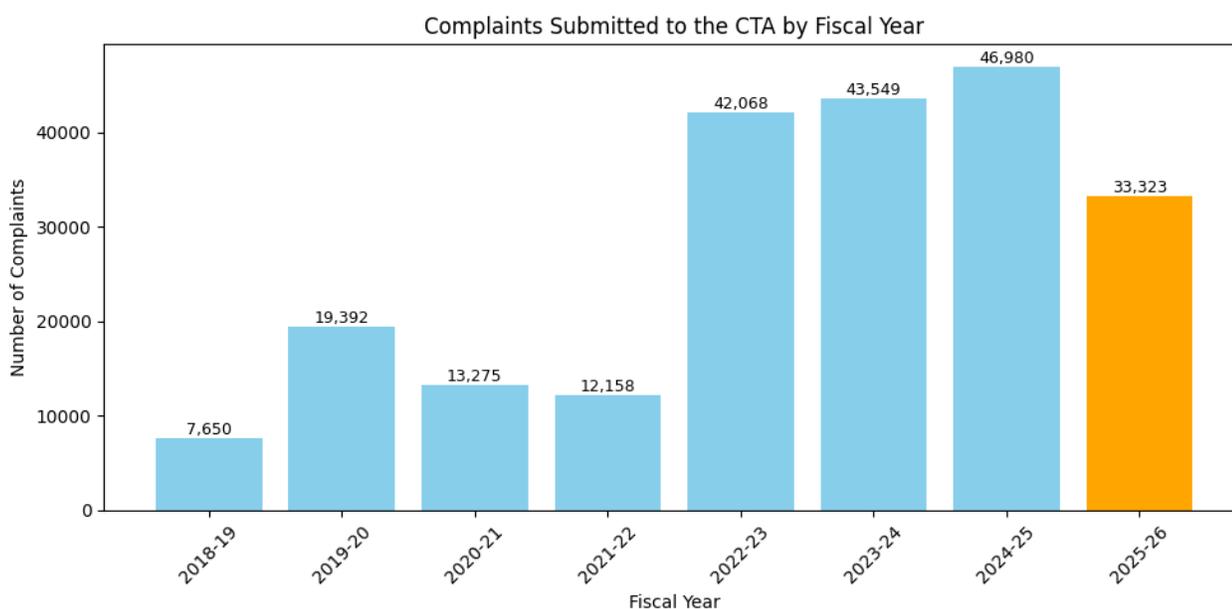
Mon, Feb 9, 2026 at 7:12 PM

From CTA:

The number of air travel complaints being submitted to the Canadian Transportation Agency (CTA) has continued to increase significantly and, in particular, starting in 2022-2023 when the CTA received for the first time over 40,000 complaints in a year. Last fiscal year, this number reached a record 46,980 complaints.

Just this past month, in January 2026, the CTA received its highest ever monthly total of complaints at 5,685.

Fiscal Year (Apr. 1 to March 31)	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26 (as of Feb. 1, 2026)
Complaints Submitted to the CTA	7,650	19,392	13,275	12,158	42,068	43,549	46,980	33,323



As a result, the CTA's current backlog stands at roughly 93,500 complaints which is driven not only by the number of cases closed, but by the significant increase in complaints being submitted.

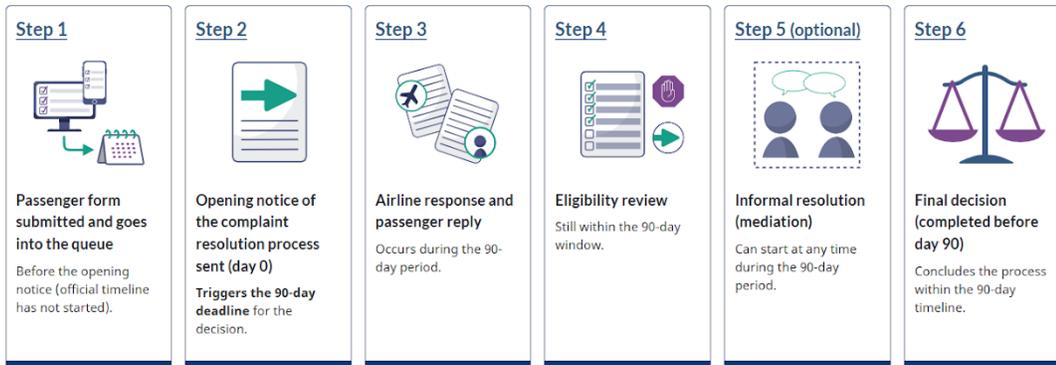
To help address the significant increase in submitted complaints, first, in April of 2023, the Government provided the CTA \$75.9 million over three years, primarily to support the processing of air passenger complaints. At the time the funding was received, the highest volume of annual complaints the CTA had received was roughly 19,000, and the backlog was just under 30,000 cases.

Second, in June 2023, Parliament made changes to the *Canada Transportation Act* with the

goal of modifying how the CTA processes air travel complaints, simplifying and strengthening the *Air Passenger Protection Regulations* (APPR), and requiring the CTA to recover from industry its cost for processing air passenger complaints.

On September 30, 2023, the CTA launched its new air travel complaint resolution office (ATCRO). The goal was, and is, to maximize the total number of complaints that the CTA can close. This has already resulted in significant improvements in productivity. During 2024-2025, its first full fiscal year of operation, the ATCRO closed over 33,600 complaints, more than ever before and a 201% increase in comparison to the last full fiscal year preceding its creation, when under the previous model, 11,158 cases were closed.

You can find more information on the specific steps of the ATCRO process on our [website](#):



Currently, the CTA has 117 designated complaints resolution officers (CROs) working on different aspects of closing complaints, which, as indicated above, amounted to 33,600 closures last fiscal year. This is the best indicator to assess the ATCRO's performance.

The number of CROs fluctuates over time. A significant portion of the CTA's budget is temporary (approximately 40%). These temporary funds include primarily the funding for CROs, which has contributed to a higher rate of turnover (staff seeking more stable employment), and requires greater allocation of time and resources to staffing and training.

The process for CROs to resolve complaints through decision is labour intensive. It is a legally binding process, the outcome of which is subject to be challenged to the Federal Court through judicial review. Each complaint that requires a decision must be analyzed in accordance with the law and regulations and must be well articulated.

When making a decision, complaints resolution officers must assess each individual complaint based on its own unique set of facts, as provided by the passengers and the airline. This includes the nature of the flight disruption and the level of control of the airline (within control, within control but required by safety, outside control), the complexity of travel itineraries (as compensation depends on how late the passenger is at destination), and the involvement of single vs multiple airlines, among other factors.

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Because of the backlog, the CTA acknowledges that passengers have to wait a long time before their complaint is addressed. Once a CRO starts a complaint, it takes on average 60 days to complete the process and render a decision, while the legislation provides 90 days.

The CTA has put in place the systems and protections that must be implemented in order to respect the Government of Canada's directives and policies on artificial intelligence (AI) to enable the use of this new technology. The implementation of AI will enable more decisions to be made per CRO and increase its current overall case processing capacity. Assuming the temporary budget is renewed and that the CTA maintains its current resources, the CTA estimates that it will be able to close over 40,000 complaints next fiscal year.

Best Regards,

Jadrino Huot
Canadian Transportation Agency's Media Team

AIR PASSENGER RIGHTS v. THE ATTORNEY GENERAL OF CANADA
Applicant *Respondent*

Court File No. CV-25-00100065-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Ottawa

AFFIDAVIT OF AMANDA BUTTINEAU
(affirmed March 5, 2026)

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