

**PRESS RELEASE**  
**FOR IMMEDIATE RELEASE**

Halifax, NS  
lukacs@AirPassengerRights.ca



**Court orders Air Canada to comply with its own rules**

Halifax, April 24, 2014 – A Halifax court rebuked Air Canada for refusing to compensate a bumped passenger, and ordered the airline to pay general damages and costs on top of the standard \$800.00 denied boarding compensation. According to the 20-page decision released yesterday, Air Canada ignored its own tariff rules, and its arguments at the hearing added insult to injury.

Earlier this year, Halifax passenger Dan Lachance was asked to deplane his Vancouver-Whitehorse flight after Air Canada discovered that another passenger held a boarding pass for the same seat that he was occupying. Lachance, who was delayed by more than 8 hours as a result of the incident, took Air Canada to court for refusing to compensate him according to the airline's own rules.

The court dismissed Air Canada's argument that Lachance missed his connection in Toronto and that he was "mistaken" as to what flight he took, describing the airline's position as adding "insult to injury" and holding that Lachance "was in fact able to make his connecting flight [...] out of Toronto to Vancouver."

Air Canada also argued that it was entitled to change reservations unilaterally, without consulting the affected passengers, if delay of an incoming flight raises the *mere possibility* that passengers *might* miss their connections. Preposterously, according to the airline, even if the passenger makes it to the connecting flight on time only to find that their seat has already been given away, the passenger is not entitled to compensation.

The court disagreed: "A passenger's time has value. He or she has organized that time around the previous commitment made by Air Canada with respect to departure times. If Air Canada decides to change that commitment solely for reasons of maximizing its own profits, why should it not compensate the passenger for the impact of that decision on the passenger's time?"

In addition to the standard \$800 denied boarding compensation, Air Canada was also ordered to pay Lachance \$100 for general damages (the maximum permitted in Nova Scotia small claims court) and \$150 for costs.

“It is a shame that Air Canada would not comply with its own rules without a court order,” says Gábor Lukács, a Halifax air passenger rights advocate and mathematician who represented Lachance in court. In 2013, a successful complaint of Lukács forced Air Canada to raise the amount of compensation payable to bumped passengers from \$100 to a maximum of \$800, depending on the length of the delay caused.

A copy of the decision is available online:

<http://www.canlii.org/en/ns/nssm/doc/2014/2014nssm14/2014nssm14.html>

###

For further information, please contact:

Dr. Gábor Lukács

Email: [lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)

Twitter: [@AirPassRightsCA](https://twitter.com/AirPassRightsCA)

Web: <http://topgroups.ca/>