

**CIVIL AVIATION TRIBUNAL**

BETWEEN:

**David J. Ewing**, Applicant

- and -

**Minister of Transport**, Respondent

**LEGISLATION:**

*Air Regulations*, C.R.C., c. 2, 210(1)(a)

**Certificate of airworthiness, Standards to be met**

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**Review Determination**  
**E.R. McGill**

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**Decision: October 16, 1986**

**Heard:** Thunder Bay, Ontario, October 16, 1986

*The penalty of a two-week suspension of the privileges of David J. Ewing's pilot lic. WGC284160 as imposed by the Minister of Transport be confirmed.*

Said suspension to be effective midnight October 30, 1986.

The appeal of David J. Ewing was heard on 16 October 86 at 10:20 a.m. in Thunder Bay, Ontario.

Mr. Ewing is a commercial pilot (lic. WGC 284160) based at Armstrong, Ontario. The Minister of Transport has charged that on several occasions between 19 May 86 and 7 July 86 Mr. Ewing contravened Section 210(a) of Air Regulation by flying aircraft C-GZBR when the Certificate of Airworthiness (C of A) for that aircraft was not valid.

In his testimony, Mr. Ewing described the difficult and unusual circumstances which led up to his decision to fly C-GZBR during the period in question. However, he did not deny that he knew at the time of these flights that the C of A was invalid. It was his opinion that flight safety had not been compromised by his actions, that the aircraft was airworthy and that he was acting

in the best interests of his employer by continuing to operate aircraft C-GZBR without a valid C of A on board.

The Minister of Transport imposed a penalty of 14 days suspension of Mr. Ewing's commercial pilot licence and advised him that the suspension would commence at midnight, 22 September 86. As a result of Mr. Ewing's application to the Civil Aviation Tribunal (CAT) for a review hearing, a stay of suspension was granted by CAT pending the holding of the requested hearing.

From the evidence submitted by the respondent through his representative Mr. D.W.J. Hiscock, his witnesses and the admissions of Mr. Ewing in his testimony, it has been clearly established that the applicant did contravene Section 210(a) of Air Regulations on more than one occasion between 19 May 86 and 7 July 86. I have determined, therefore, that the penalty of a two-week suspension of the privileges of David J. Ewing's pilot licence WGC 284160 as imposed by the Minister of Transport be confirmed, with said suspension to be effective at midnight, 30 October 86.