

CIVIL AVIATION TRIBUNAL

BETWEEN:

Minister of Transport, Applicant

- and -

Neil Woledge, Respondent

LEGISLATION:

Air Navigation Order Series II, Number 2, 3(1)

ANO II, No. 2, s. 3(1) -

Seats, safety belts and safety harnesses

**Review Determination
James W. Snow**

Decision: February 3, 1988

Heard: Yellowknife, Northwest Territories, February 3, 1988

That the Respondent did contravene the Air Navigation Order as charged. The penalty of \$350 assessed by the Minister is confirmed.

A Civil Aviation Tribunal Review Hearing was scheduled to commence at 09:00 hours on February 3, 1988, in the 8th Floor Board Room, Department of Indian & Northern Affairs Canada located in the Bellanca Building, 4914 50th Street, in the city of Yellowknife, N.W.T.

At the prescribed time for the hearing to commence, the Minister's representatives and witnesses were in attendance, but the Respondent, Mr. Woledge, had not arrived.

The commencement of the hearing was delayed until 09:30 hours to give additional time to see if the Respondent would arrive or had been held up that morning, however, he did not appear.

The hearing commenced at 09:30 hours with the Minister's representative, Ms. M. A. Plonka, acting as the case presenting officer for the presentation of the Minister's witnesses and exhibits.

Ms. Plonka introduced the following exhibits to the Tribunal:

No. M-1: A Notice of the Monetary Penalty sent by double registered mail to Mr. Woledge

No. M-2: A letter from Mr. C. G. Jordheim, General Manager of Ptarmigan Airways Ltd., dated February 27, 1987

No. M-3: Four photographs identified as A, B, C, and D of a Cessna 172 aircraft

No. M-4: A letter from Constable A. P. MacDonald of the RCMP dated January 19, 1988, along with a certified copy of a page from the logbook of Aircraft C-GHIB

No. M-5: A copy of the control tower daily traffic record dated February 22, 1987.

Ms. Plonka called three witnesses before the Tribunal as follows:

No. M-1: Mr. Cam Jordheim, General Manager of Ptarmigan Airways Ltd.

No. M-2: Corporal LaRocque of the RCMP

No. M-3: Inspector Swanson, a civil aviation inspector located in Yellowknife, with the Ministry of Transport

After hearing the evidence presented by the three sworn witnesses to the Tribunal, I am satisfied that Mr. Woledge did contravene the *Air Navigation Order* as charged, and I confirm the monetary penalty assessed by the Minister in amount of \$350. Said monetary penalty due forthwith to the Minister and is payable to the Receiver General for Canada.

I have issued to the Minister a certificate pursuant to paragraph 6.9(3)(b) of the *Aeronautics Act* and delivered same to Ms. Plonka, dated February 3, 1988.