

CIVIL AVIATION TRIBUNAL

BETWEEN:

Minister of Transport, Applicant

- and -

James Edward Packard, Respondent

LEGISLATION:

Air Regulations, C.R.C. 1978, c. 2, s. 221

Airworthiness, Certification of aircraft as airworthy

Review Determination
S.M. Deluce

Decision: July 24, 1989

Heard: North York, Ontario, July 24, 1989

That James E. Packard contravened section 221 of the Air Regulations.

The assessed monetary penalty of \$500 be reduced to \$300 and is to be made payable to the Receiver General for Canada and mailed to the Civil Aviation Tribunal, 4711 Yonge Street, Suite 702, North York, Ontario M2N 6K8, on or before August 31, 1989.

The Review Hearing of James Edward Packard was held on July 24th, 1989, at 10:00 hours in North York, Ontario.

Mr. Packard, a licensed AME, carried out a certificate of airworthiness renewal on Aeronca 7AC, bearing registration CF-IFX, on the 16th of October 1988.

The Department of Transport carried out an inspection on this aircraft on the first of November 1988, and determined that Airworthiness Directive 81-16-05 had not been complied with. This was later confirmed when the magneto was overhauled by Leggat Aviation Inc., and the modification carried out at that time.

Mr. Packard admits that he made a regrettable error in accepting the owner's assurance that he had done a previous check and that it did not apply to his aircraft. The fact that several other engineers had also missed this airworthiness directive gave Mr. Packard further assurance that it was not required on this aircraft.

In view of the above, I find that James E. Packard contravened section 221 of the *Air Regulations*. The assessed monetary penalty of \$500 is reduced to \$300.