

CIVIL AVIATION TRIBUNAL

BETWEEN:

Aviation les Iles Ltée, Applicant

- and -

Minister of Transport, Respondent

LEGISLATION:

**Review Determination
J. Rouleau**

Decision: August 12, 1988

TRANSLATION

Heard: Montréal, Quebec, May 5, 1988

Considering the situation of the Applicant, the Tribunal amended the decision of the Minister and suspended its operating licence for 24 hours. This suspension shall take effect within two months of the date hereof; but, so as not to prejudice the efforts of the Applicant, which is undergoing a reorganization and is attempting to recreate a new image, the Tribunal is giving it the opportunity to select such date as long as it notifies the Tribunal thereof within 15 days. Should it fail to notify the Tribunal thereof, the suspension of its operating licence shall take effect at noon, September 9, 1988, until noon, September 10, 1988.

With respect to the above-mentioned files, the representative of the applicant company admitted the contraventions which were imputed to the latter and which were described in the various notices of suspension. However, he contended that the offences committed under section 48 of *Air Navigation Order*, Series VII, No. 3, that is, offences relating to the qualifications and proficiency checks of the pilot-in-command and second-in-command, were committed because the inspectors of Transport Canada had postponed the proficiency checks several times. The Tribunal cannot accept this argument as a ground of defence. The offences were committed over a period of nearly two months, and the company contravened the law on several occasions. It did not file any proof of the action taken to improve the situation during that period.

For these reasons and taking cognizance of the admissions of the representative of the company, the Tribunal confirms that the applicant company was guilty of the contraventions described in the above-mentioned files.

However, pursuant to section 5.9(8), the Tribunal modifies the penalty imposed by the Minister, namely the suspension of the Applicant's operating certificate for 15 days.

The Applicant has been experiencing certain difficulties for six months; it seems to be undergoing a reorganization and since then, has been complying with the requirements of Transport Canada.

At this time, the suspension of its operating licence for 15 days would have inestimable consequences on its operations. It definitely committed several offences, but they were interrelated since the situation was always the same over a period of time.

Considering the situation of the Applicant, the Tribunal amends the decisions of the Minister and suspends its operating licence for 24 hours. This suspension shall take effect within two months of the date hereof; but, so as not to prejudice the efforts of the Applicant, which is undergoing a reorganization and is trying to recreate a new image, the Tribunal is giving it the opportunity to select such date, as long as it notifies the Tribunal thereof within 15 days.

Should it fail to notify the Tribunal thereof, the suspension of its operating licence shall take effect at noon, September 9, 1988, until noon, September 10, 1988.