

**CIVIL AVIATION TRIBUNAL**

BETWEEN:

**Gilles Lachance**, Applicant

- and -

**Minister of Transport**, Respondent

**LEGISLATION:**

*Air Regulations*, C.R.C. 1978, c. 2, s. 218(a)

**Overweight aircraft**

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**Review Determination**  
**Jacques Blouin**

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**Decision: November 20, 1986**

TRANSLATION

*The suspension is overturned and replaced with a Notice describing the situation and telling the pilot to be more careful in future when loading his aircraft.*

The contravention was related only to section 218, subsection (a). The applicant was in conformance with subsections (b), (c), (d) and (e).

The pilot was leaving from a bush camp and had no scales or other means aside from judgment and experience to check the take-off weight of his aircraft.

A wind of 20 mph at the time of take-off made it difficult to use the practical method of determining the load of an aircraft on floats, especially this type of aircraft, where wind and temperature affect performance.

Mr. Lachance believed that he was within the normal load limits, as determined from his [?] aircraft operations manual[?], and that he was flying in a safe and professional manner.

There is the possibility of a difference as regards the empty weight of the aircraft. The float compartments were not checked.

The company responsible for the operation of this aircraft appears to be efficient and safe, and often loads aircraft of this type at Squaw Lake. Their operations appear to be approved, and the pilot makes only a check on the distribution of passengers and goods.

There is some contradiction in the testimony and exhibits presented during the hearing, concerning the precise weights of loads in the aircraft. Also, several checks were omitted that might have exonerated the pilot.

In all conscience, I must therefore overturn the decision. Mr. Lachance is instead to be given a Notice to be more careful in future in monitoring his loads.