

CIVIL AVIATION TRIBUNAL

BETWEEN:

les Entreprises Jacques Lévesque Enr., Applicant

- and -

Minister of Transport, Respondent

LEGISLATION:

Air Navigation Orders, Series VII, No. 3, s. 5(1)(d)

Suspension of operating certificate, Qualified managerial personnel

Review Determination
J. Rouleau

Decision: December 20, 1991

Heard: Québec City, Quebec, December 20, 1991

The matter is referred back to the Minister of Transport for reconsideration.

On or about November 18, 1991, the Applicant received a Notice of Suspension of its operating certificate for noncompliance with *Air Navigation Orders* (ANO), Series VII, No. 3, paragraph 5(1)(d).

As the Applicant did not comply with the conditions required to cancel the Notice of Suspension within the prescribed time limit, the suspension came into force on December 14, 1991.

From the evidence produced before the Tribunal, there is no doubt that the Applicant did not meet the conditions laid down in ANO, Series VII, No. 3, paragraph 5(1)(d), on December 14, 1991, but the suspension of an operating certificate is an event with major consequences for a business concern.

While the Tribunal cannot deny that the Applicant acted with some negligence, the Applicant did ask two candidates, Mr. Joubert and Mr. Grondin, to report for a Transport Canada examination

which, it seems, if one of the candidates had passed, would have brought the Applicant into compliance with some of the requirements of Transport Canada.

The Applicant cannot be held entirely responsible for the failure of these candidates.

In view of these circumstances, the Tribunal refers the matter back to the Minister of Transport for reconsideration but recommends that reconsideration be done quickly and firmly because prolongation of this situation might possibly pose a danger.