

CIVIL AVIATION TRIBUNAL

BETWEEN:

Aviation les Iles Ltée, Applicant

- and -

Minister of Transport, Respondent

LEGISLATION:

Aeronautics Act, c. A-2, s. 6.3(1)(g)(i) (now s. 7.3(1)(g)(i))
Section 6.1(1) of the *Aeronautics Act*

Suspension, Operating certificate

Review Determination
J. Rouleau

Decision: August 12, 1988

TRANSLATION

Heard: Montréal, Quebec, May 5, 1988

The Tribunal confirms the Notice of Suspension issued on January 28, 1988.

This case concerns requests for review of two notices of suspension of the certificates of airworthiness for Piper aircraft registered C-FDMP and Piper aircraft registered C-FPEF. These notices of suspension were issued on January 28, 1988, on the ground that the aircraft no longer met the conditions subject to which the documents were issued and, more specifically, because "certain hoses were replaced by assemblies that were not up to standard".

On January 11, 1988, during a general inspection, Mr. Éthier, president of the applicant company, mentioned to Mr. Pontbriand, a Transport Canada inspector, that certain hoses of the above-mentioned aircraft had been manufactured and tested by his company's engineer. Mr. Pontbriand noted it in his report, and after a check of this report and the applicable standards, the certificates of airworthiness of the said aircraft were suspended on January 28, 1988.

Mr. Éthier claimed that the hoses were safe and that it was a current practice in Quebec for operators to manufacture this type of hose.

Furthermore, he communicated with Transport Canada several times for instructions so that everything would be in order.

Contradictory evidence was presented regarding the information provided. Mr. Éthier allegedly telephoned the Transport Canada office four or five times. Some of these calls were made after the Notice of Suspension was issued.

Mr. Galipeault of Transport Canada claimed that he had told Mr. Éthier the names of five companies authorized by the manufacturer to make the hoses in question. According to Mr. Galipeault, the hoses were not acceptable and might prove dangerous.

The documentation filed before the Tribunal indicated that there are very strict standards for the manufacture of these hoses; the manufacturer authorizes certain companies to manufacture them, and the Minister can grant special permission as long as the hoses have been checked and certified by authorized persons.

According to the evidence, the hoses were not manufactured by an authorized company. They were supposedly checked with pressure equipment but were never certified by a competent authority. The hoses were not in compliance with the standards and had not been manufactured in the prescribed manner.

Mr. Éthier wanted an extension so that he can continue to honour his contracts. According to Mr. Galipeault, when the extension was requested, it had been proven that the hoses were dangerous and that certain metal nozzles were cracked.

The issuance of a Notice of Suspension of the certificate of airworthiness of an aircraft is fully warranted when its components do not meet safety standards and when they pose an imminent risk. However, it is understandable that an operator may have had certain difficulties in sorting out and understanding various regulations and standards when it took Transport Canada personnel 17 days after learning the facts before they were certain that a dangerous situation existed.

Considering the unrefuted evidence presented before the Tribunal, the penalty imposed by the Minister on January 28, 1988, namely, the suspension of the certificates of airworthiness of the aircraft registered C-FDMP and C-FPEF, was warranted.

For these reasons, the Tribunal confirms the notices of suspension issued on January 28, 1988.