



TRANSPORTATION APPEAL TRIBUNAL OF CANADA

Citation: *Gaétan Bélanger v. Canada (Minister of Transport)*, 2019 TATCE 41 (Review)

TATC File No.: Q-4413-04

Sector: Aviation

BETWEEN:

Gaétan Bélanger, Applicant

- and -

Canada (Minister of Transport), Respondent

Heard in: Granby, Quebec, on March 26 and 27, 2019

Before: Franco Pietracupa, Member

Rendered: September 16, 2019

REVIEW DETERMINATION AND REASONS

Held: Contravention 1 – File N5504-95630 – The applicant, Gaétan Bélanger, has admitted under oath to having contravened paragraph 7.3(1)(c) of the *Aeronautics Act*.

Contravention 2 – File N5504-95630 – The Minister has proven, on a balance of probabilities, that the applicant, Gaétan Bélanger, contravened paragraph 7.3(1)(c) of the *Aeronautics Act*.

Contravention 3 – File N5504-94940 – The Minister has proven, on a balance of probabilities, that the applicant, Gaétan Bélanger, contravened paragraph 571.02(1)(c) of the *Canadian Aviation Regulations*.

Consequently, the Notice of Cancellation of Mr. Bélanger's Canadian aviation document, aircraft maintenance engineer licence no. 157104, is upheld.

I. BACKGROUND

[1] In a Notice of Cancellation (Notice) dated March 28, 2018, the Minister of Transport (Minister) alleged that the applicant, Gaétan Bélanger, contravened paragraph 7.3(1)(c) of the *Aeronautics Act* (*Act*) and paragraph 571.02(1)(c) of the *Canadian Aviation Regulations* (*CARs*). As a result, the Minister decided to cancel Mr. Bélanger's Canadian aviation document number 157104, an aircraft maintenance engineer (AME) licence, pursuant to section 6.9 of the *Act*.

[2] Annex A of the Notice lists the following contraventions:

Dossier N5504-95630 :

1. Le ou vers le 4 juillet 2016, aux alentours de Valcourt, Québec, vous avez fait une fausse inscription dans des registres dont la tenue est exigée sous le régime de la présente sous-partie, dans le dessein d'induire en erreur quant à la conformité de la tâche de maintenance aux normes de navigabilité applicables; plus particulièrement, vous avez inscrit aux dossiers techniques de l'aéronef immatriculé C-GJFN, un Morane Saulnier de type MS 893E, que la fusée de roue de nez de l'aéronef, identifiée par le numéro de pièce 880-42-0-041-0 « Nose wheel axle », avait été remplacée alors que vous aviez réinstallé la fusée endommagée sur ledit aéronef, contrevenant ainsi à l'alinéa 7.3(1)c) de la Loi sur l'aéronautique.

2. Le ou vers le 4 juillet 2016, aux alentours de Valcourt, Québec, vous avez fait faire une fausse inscription dans des registres dont la tenue est exigée sous le régime de la présente sous-partie, dans le dessein d'induire en erreur quant à la conformité de travaux de maintenance aux normes de navigabilité supplémentaires énoncées au paragraphe 571.10(4) du chapitre 571 du Manuel de navigabilité; plus particulièrement, vous avez fait inscrire par M. Éric Dupuis, aux dossiers techniques de l'aéronef immatriculé C-GJFN, un Morane Saulnier de type MS 893E, que les commandes de vol dérangées lors de la dépose et la pose d'ailes dudit aéronef ont été inspectées par ce dernier, alors qu'il n'avait pas effectué l'inspection, contrevenant ainsi à l'alinéa 7.3(1)c) de la Loi sur l'aéronautique.

Dossier N5504-94940 :

3. Entre le 29 juin et le 14 juillet 2017, aux alentours de Valcourt, Québec, vous avez exécuté des travaux de maintenance sur un aéronef et/ou sur des pièces destinées à être posées sur cet aéronef soit, l'aéronef immatriculé C-GDIS, un Bel-Air de type II plus, de construction amateur, portant le numéro de série 00002, en utilisant des méthodes, techniques, pratiques, pièces, matériaux, outils ou équipements non conformes aux plus récentes pratiques industrielles reconnues; plus précisément, vous avez exécuté des travaux de maintenance sur des nouveaux haubans en aluminium et leurs pièces d'attache placés sous les ailes dudit aéronef ou sur lesdites pièces destinées à être posées sur ledit aéronef, alors que plusieurs trous d'attache hors alignement avaient été percés et certains trous mal percés avaient été réparés par soudure, contrevenant ainsi à l'alinéa 571.02(1)c) du Règlement de l'aviation canadien.

La décision d'annuler votre licence de technicien d'entretien d'aéronefs fait suite aux infractions ci-haut mentionnées, lesquelles ont été analysées dans le contexte de l'ensemble de votre dossier d'application de la loi.

[3] The Transportation Appeal Tribunal of Canada (Tribunal) received Mr. Bélanger's request for review on April 20, 2018. On January 9, 2019, the Tribunal informed the parties of the hearing dates set down for March 26, 27 and 28, 2019 in Granby, Quebec.

II. PRELIMINARY ISSUE

A. Expert witness

[4] The Minister elected to present an expert witness, Walter Di Genova, who was introduced to the Tribunal as an expert in maintenance and workmanship on various aeronautical structural components. His expertise in welding and tubular structures, particularly in installation methods on amateur-built aircraft, was well documented. He has extensive knowledge in welding and sheet metal work, with over 40 years of industry experience specific to general aviation welding and sheet metal structural maintenance. The applicant did not object to his status as an expert witness. Based on his expertise, the Tribunal accepted this witness as an expert in the fields of welding, workmanship and structure for general aviation and amateur-built aircraft (Exhibits M-1 and M-3, Mr. Di Genova's CV and his Expert Report, respectively).

III. ANALYSIS

[5] The Minister has the burden of proving that the alleged contraventions listed in the Notice took place. The standard of proof is the balance of probabilities, pursuant to subsection 15(5) of the *Transportation Appeal Tribunal Act*. I will address each contravention separately. I will also evaluate the Minister's decision to choose cancellation as a sanction under section 6.9 of the *Act*.

A. File No. N5504-95630—Contravention 1

[6] The applicant admitted under oath to having committed the first contravention of File No. N5504-95630, that is, to having made a false entry in a record with the intent to mislead, in violation of paragraph 7.3(1)(c) of the *Act*.

[7] I will now review the other two alleged contraventions.

B. File No. N5504-95630—Contravention 2

[8] Erick Dupuis filed a complaint against the applicant regarding work conducted on his aircraft C-GJFN, a Morane-Saulnier MS 893E, which led to the two alleged contraventions under File No. N5504-95630 (Exhibit M-7).

[9] The issue before the Tribunal is whether the applicant, Mr. Bélanger, caused a false entry into the journey logbook of C-GJFN with the intent to mislead. The alleged false entry attested to the completion of the dual inspection required after maintenance work conducted on the aircraft flight control system. The inspection was signed by both Mr. Bélanger and Mr. Dupuis; the question is whether Mr. Dupuis' signature meets the requirements.

[10] Mr. Bélanger testified that the owner of the aircraft, Mr. Dupuis, did in fact conduct an inspection of the work done on the affected flight controls and that this was duly noted and signed off in the journey logbook. He argued that this constituted a dual inspection as per subsection 571.10(4) of the *CARs*.

[11] The Minister's witness Yves Thibodeau, a Transport Canada inspector since 1999 and holder of an AME licence M1/M2, testified that the applicant entered a flight control check into the logbook (Exhibit M-14) specifically with the intent to mislead. The dual inspection requirement under subsection 571.10(4) was not met with the pilot walk-around check performed that day by the pilot and owner, Mr. Dupuis. The Minister's representative argued that the mandatory post-work flight control check was never conducted, as per Part V – Standard 571 of the *CARs*, thus the applicant contravened paragraph 7.3(1)(c) of the *Act*.

[12] Paragraph 7.3(1)(c) of the *Act* states as follows:

7.3(1) No person shall

[...]

(c) make or cause to be made any false entry in a record required under this Part to be kept with intent to mislead or wilfully omit to make any entry in any such record; [...]

[13] Part V – Standard 571 of the *CARs* clearly states that there is a standard of airworthiness for the inspection required when the flight controls are disturbed. In this case, Mr. Bélanger was required to remove and reinstall the wings on the aircraft, which mandated the completion of a dual inspection. The standard of airworthiness describes the inspection requirement in the following details (Book of Authorities, Tab 7, page 4):

(d) Work that disturbs engine or flight controls	That the system has been inspected for correct assembly and correct locking of any parts disturbed by the maintenance performed, including an operational check for proper sense and range of motion of the engine or flight controls has been accomplished, by at least two persons, and the technical record contains the signatures of both persons.
--	---

[14] Mr. Bélanger can be one of the signatories of the dual inspection; I have no issue with that. The second signatory, Mr. Dupuis, is the issue. Mr. Thibodeau testified that, based on his experience as a licensed AME, he knows the regulations require a second person to properly inspect the work done by the first maintenance technician. Although two signatures are present in the journey logbook for this task, i.e. the signatures of Messrs. Dupuis and Bélanger (Exhibit M-14, page 61), Mr. Thibodeau testified that the dual inspection criterion was not met.

[15] During his testimony, Mr. Dupuis clearly indicated that he conducted a pre-flight walk-around check and was asked by the applicant to conduct a flight to ensure that everything was operating correctly. Both the applicant and Mr. Dupuis carried out the pre-flight walk-around inspection and the subsequent short flight. Mr. Dupuis recalls the pre-flight walk-around lasting approximately one to one and a half minutes. Although he was never explicitly told the contents or requirements of a dual inspection, he did sign the journey logbook attesting that he performed a dual inspection, relying on the experience and guidance of Mr. Bélanger.

[16] The Minister had Sylvain Melançon, a Transport Canada Inspector with an AME licence M1/M2 since 1996–97, testify as to the requirements of a dual inspection. Although the second person conducting the dual inspection does not need to be an AME, they must be briefed in detail on the inspection requirements. The inspection must cover all the parts or sections that were disassembled and reassembled or reconnected. It must be seen not as a single-component

inspection but as an inspection of the entire system that the work may have affected. On a small aircraft, this could take approximately 15 minutes. Mr. Melançon explained that in a discussion with Mr. Dupuis (Exhibit M-28), he concluded that Mr. Dupuis signed off on the dual inspection in the logbook thinking that the pre-flight check and test flight were a dual inspection. Mr. Dupuis stated that this is what Mr. Bélanger told him.

[17] Pursuant to the *CARs* 2019-1, Part V – Standard 571 – Types of Work (d), two signatures are required to certify the release stating that the work performed, in this case disassembly and reassembly of the wings, was in accordance with the applicable airworthiness requirements. One of these requirements is specifically for the system—the flight controls—to be inspected for correct assembly, locking and sense of operation. The person signing off on the maintenance release must assume full responsibility for ensuring that the work he or she performed has been satisfactorily completed. This includes that the second person conducting the important independent quality control check that is the dual inspection be qualified or at the very least briefed as to the content and extent of this dual inspection. Based on the testimony of both Mr. Bélanger and Mr. Dupuis, this was not the case.

[18] Mr. Thibodeau testified that for the dual inspection to be properly done, some access panels and flooring would need to be removed. He explained that the affected panels need to be open and accessible so that all linkages, bolts, safety pins and flight control assemblies are inspected and shown to have been properly reinstalled. Based on Mr. Bélanger’s testimony, no panels were removed, and the pre-flight walk-around check allegedly sufficed to meet this requirement.

[19] Mr. Bélanger testified that Mr. Dupuis, on carrying out the pre-flight walk-around, conducted a dual inspection. This raises the question of whether a dual inspection, as detailed in Part V – Standard 571 of the *CARs*, is the same as a pre-flight walk-around inspection lasting 60 to 90 seconds and conducted by the pilot. Based on the definition in Standard 571 and testimony from the Minister’s two witnesses Messrs. Thibodeau and Melançon, the answer is no.

[20] According to his testimony, Mr. Bélanger, an experienced AME, never explained to Mr. Dupuis the actual requirements and contents of a dual inspection of the flight controls. The *CARs* specifically detail that systems must be inspected for both correct assembly and correct locking of any parts disturbed by the maintenance performed. Although the pilot walk-around may include an operational check of the flight controls, including a check of the full motion of the systems (flaps, ailerons, elevator, rudder), it does not include verifying the linkage assemblies, locking parts or any other cable assembly units.

[21] In my view, the core issue is the term “mislead” in paragraph 7.3(1)(c) of the *Act*. This paragraph refers to an intent to mislead, which requires a purposeful act. In previous decisions, the Tribunal has looked to evidence such as what the applicant knew when an entry was made, and whether the applicant falsely encouraged a belief in relation to that entry (see for example *Barron v. Canada (Minister of Transport)*, 2009 TATCE 13 (appeal) at para. 40; and *Grenier v. Canada (Minister of Transport)*, TATC File No. H-3147-02, at para. 120 (upheld on appeal, 2007 TATCE 30)). The applicant, as an experienced and duly licensed AME since 1975 (Exhibit M-5, page 1), stated that he was aware of the dual inspection requirement under *CARs* 2019-1, Part V – Standard 571 – Types of Work (d), yet chose to not mention or more importantly explain it to Mr. Dupuis. This is misleading.

[22] Mr. Dupuis testified that he has been a private pilot since 2014–15 and that, as a recent owner of the aircraft, he was relying on the guidance provided by Mr. Bélanger. He did admit to signing the dual inspection logbook entry, but in the Tribunal’s view, with no detailed briefing from the applicant and no open panels or visibility access to any flight control assemblies or linkages, the dual inspection entry and signature are misleading. A 60- to 90-second pre-flight walk-around does not meet the dual inspection criteria under the *CARs* 2019-1, Part V – Standard 571 – Types of Work (d). In short, a pre-flight walk-around is a pilot action, while a dual inspection is a maintenance action. As the evidence demonstrated, they do not meet the same inspection criteria. I therefore find that the applicant caused a false entry into the journey logbook of C-GJFN with the intent to mislead, in violation of paragraph 7.3(1)(c) of the *Act*.

C. File No. N5504-94940—Contravention 3

[23] Another aircraft owner, Sylvain Duceppe, testified that he contracted Mr. Bélanger in mid-May of 2017 to carry out the installation of wing struts on his Bel-Air II Plus aircraft, registration C-GDIS (Exhibits M-23 and M-24, Certificate of Registration of Aircraft and a TC database entry, respectively). Mr. Duceppe stated that he dropped by the workshop on occasion to review the progress in the work. He observed work being carried out on the struts and wing assembly. On July 14, 2017, he received a call from the applicant informing him that the work was completed. He chose to not retrieve the aircraft that day as he wanted to properly inspect the installation of the wings and the angles of the leading edge and struts. He asked the applicant to not move the aircraft until such time as he could return to properly assess the work.

[24] When Mr. Duceppe returned the following Monday, he found that the aircraft had been moved and the wings were already detached. He decided to retrieve the struts and wings only and return for the aircraft later. He stated that the work time tabulated by Mr. Bélanger was not indicative of the work performed. More should have been accomplished for the time charged.

[25] Mr. Duceppe testified that once he had retrieved the struts from Mr. Bélanger, he proceeded to wash and prime them for paint. He then noticed that the holes that had been drilled in the strut frame were too large for the bolts and misaligned. The work completed by Mr. Bélanger was flawed and unprofessional. After being unsuccessful in trying to come to terms with the applicant, Mr. Duceppe filed a complaint with Transport Canada.

[26] Mr. Thibodeau stated that Transport Canada initiated an investigation of Mr. Bélanger based on a written complaint from Mr. Duceppe in which he claimed that the work performed on the struts of his aircraft was flawed. Mr. Thibodeau and Transport Canada Inspector Melançon met with Mr. Duceppe and returned from this meeting with cut-up pieces of the affected struts (Exhibit M-27). These pieces of the metal struts were inspected and evaluated by the expert witness, Mr. Di Genova.

[27] The Minister argued that the work conducted by the applicant, Mr. Bélanger, on C-GDIS, a Bel-Air II Plus aircraft, did not meet the required standard of work as per paragraph 571.02(1)(c) of the *CARs*, which reads as follows:

571.02(1) Subject to subsection (2), a person who performs maintenance or elementary work on an aeronautical product shall use the most recent methods, techniques, practices, parts, materials, tools, equipment and test apparatuses that are

[...]

(c) in accordance with recognized industry practices at the time the maintenance or elementary work is performed.

[28] The subject of the Bel-Air II Plus aircraft was raised by Mr. Bélanger. The applicant does admit to having been tasked to work on the struts and wing assembly, as requested by Mr. Duceppe. He testified that he picked up the aircraft, parts and assemblies in question in early June 2017 and transported them to his hangar. Based on the instructions from the owner, he proceeded with the requested work order. Mr. Bélanger explained that when he received the aircraft in question from Mr. Duceppe, he was convinced it was an amateur-built aircraft, and it had no registration at the time, only a partially built fuselage. He stated that the allegation in the Notice that he had worked on C-GDIS is erroneous.

[29] Mr. Thibodeau testified that during the visit to Mr. Duceppe, they took several pieces of the wing struts, bolts and excerpts of the journey logbook. An inspection of the applicable technical logs and basic structure of the aircraft was performed as well. Although Mr. Thibodeau could not recall the registration of the aircraft, he said the inspection confirmed that the aircraft was C-GDIS. He also stated that onsite at the hangar, only one aircraft was present.

[30] Mr. Bélanger raised issues as to the actual aircraft that was being worked on and the provenance of the wing assembly struts. These claims questioning the accuracy of the Minister's evidence were made several times during the review hearing. However, no supporting evidence, witnesses or corroborating testimony was presented that would contradict the evidence presented by the Minister or support Mr. Bélanger's claim that the Minister had incorrectly identified the aircraft in issue or the origins of the wing assembly struts. The Minister provided evidence that the aircraft in possession of the applicant was C-GDIS (Exhibits M-23 and M-24). Based on the evidence provided and testimony heard, I agree with the Minister that the reference to the aircraft in the Notice is accurate.

[31] Mr. Bélanger called one witness, James Benitis, to testify that Mr. Duceppe, the owner of the aircraft C-GDIS, provided the instructions as to what work was required on the strut and wing assembly. He explained that Mr. Duceppe worked alongside him for approximately a week. The holes were drilled in the struts as directed by the owner, and the struts were being held by Mr. Duceppe during the drilling. He confirmed that all the materials and specifications for the work were supplied by the owner. He could not recall whether the work specifications were given to him in writing. Mr. Benitis stated that he was not a licensed AME. He stated that he was somewhat familiar with the CARs pertaining to aviation maintenance and that he would not perform nonstandard work on an aircraft if asked to. He believed that when the work was completed on Mr. Duceppe's struts, it was verified by Mr. Bélanger and deemed acceptable.

[32] Mr. Duceppe stated that he provided Mr. Bélanger with instructions regarding wing dihedral angles pertaining to a Piper 18 wing and not the relevant aircraft for the present case, i.e. a Bel-Air II Plus. He clarified that no instructions regarding the actual drilling, installation or type of bolts to use in the struts were provided to Mr. Bélanger. He left this at his discretion, as Mr. Bélanger claimed that he knew how this was to be performed. As to how and where the holes were drilled, Mr. Duceppe stated that he was not present during the drilling and thus was unable to provide this information. This contradicts what Mr. Benitis said. However, the issue here is not whether Mr. Duceppe was present when the holes were drilled or provided the specifications, but the integrity of the holes drilled and the techniques used.

[33] As well, the issue of the provenance of the struts was discussed. Mr. Bélanger asked Mr. Duceppe specifically if they were certified and properly tagged as aviation parts. He replied that they were purchased from an individual and the supplier was called Aéronefs Montreal. No certification was provided for the parts. Mr. Bélanger also asked Mr. Di Genova if the materials being used were of aviation grade. Mr. Di Genova replied that they were, as the struts were being used on an aircraft and the materials given to him by Transport Canada were classified as aircraft materials.

[34] Mr. Melançon explained that Transport Canada does not certify or provide approvals for specific aircraft parts distributors. He testified that under Part V – Airworthiness Manual Chapter 549 – Amateur-Built Aircraft of the *CARs*, paragraph 549.5(b) specifically states that “Methods of fabrication and assembly, and workmanship shall be appropriate and should conform to accepted aviation standard practices” (Exhibit M-25). Although parts do not need to be certified or tagged for aviation, they do need to meet these standards.

[35] The Minister provided evidence that the struts provided by Mr. Duceppe, although not certified, were within the required specifications and tolerances for aviation. Based on the evidence provided and testimony heard, I agree with the Minister that the struts are aviation parts.

[36] Mr. Di Genova, the expert witness, testified that he was approached by Transport Canada to assess and provide a detailed report on the work performed on components of C-GDIS, specifically to determine whether the workmanship fell in line with aviation industry standards. This report was submitted to Transport Canada on February 21, 2019 (Exhibit M-3).

[37] In Mr. Di Genova’s opinion, the holes were drilled without the use of proper tooling techniques or calibration tools or equipment. This resulted in an obvious misalignment of the holes, and the bolts, once installed, did not sit at 90 degrees to the two parts that required fastening (Exhibit M-27).

[38] He stated that he had also noted that welding was performed on one of the aluminum parts of the struts. Coupled with the ill-fitting bolts, this changed the structural properties of the component in question. The aluminum tubing used in struts is elliptical in shape and heat treated. When improper welding is performed on these components, the structural integrity is reduced.

[39] The Minister asked Mr. Di Genova why, in his opinion, welding would take place around a drilled hole. Again, in his view, the holes drilled may have been elongated due to incorrect measuring techniques, resulting in an excess hole diameter. Welding could be an attempt to close the gap and camouflage the error. Finally, he reiterated that heating a material such as these struts that come from a manufacturer creates a heat-affected zone and softens and weakens the material. The only way to regain the strength of the material would be to reheat it.

[40] The report concluded that the work was of poor quality and craftsmanship and that it was performed without knowledge of properties of hardness, strength, density and elasticity. It provided more detail on the poor quality and possible defectiveness of the material due to the toughness, brittleness, fusibility and thermal expansion of ferrous aircraft metals and bolts that are modified or welded incorrectly. It stated that had these parts been installed on an airplane and

released for flight, the results could have been catastrophic, as the parts would not be able to support the compression and tension required to maintain lift (Exhibit M-3, pages 1-15, 3-45).

[41] The basic issue for the Tribunal centres on the actual elementary work that was accepted by Mr. Bélanger on the strut assembly. Did this work meet the requirements of paragraph 571.02(1)(c) of the *CARs*? The expert report provided to the Tribunal by Mr. Di Genova is unequivocal in its conclusion (Exhibit M-3, page 3-45).

When looking at E-1 [a photo of Mr. Bélanger's work] and C-9-1 [a photo demonstrating the correct technique] the results are obvious and C-9-1 will support the load and torsion required for flight. E-1 bolt isn't making full contact with the surface and being at an angle will cause the bolt to shear in a very short period as the load isn't spread evenly.

The picture clearly shows the flawed bolt attachment.

[42] What has been shown and confirmed through Mr. Duceppe is that Mr. Bélanger agreed to work on the wing struts and completed this work order. I agree that Mr. Duceppe did provide the bolts and instructions on some of the work required, but the responsibility for the work being performed as per specifications and signing authority rest with the applicant. Testimony showed that part of the work was accomplished by a non-AME with at times the presence of Mr. Duceppe. There is contradicting testimony as to where the holes were actually drilled and with which methods and techniques; however, responsibility for the finished work meeting all criteria of section 571.02 of the *CARs* must rest with Mr. Bélanger. This is even more the case here, where a non-AME performed work on a critical component of an aircraft, be it amateur-built or not.

[43] Having heard the evidence and submissions from both parties regarding this contravention, I find it clear the Minister has shown through evidence and testimony that the completed work did not meet the requirements and standards of paragraph 571.02(1)(c) of the *CARs*. Mr. Bélanger's argument that the parts he was provided were not certified aircraft parts is unsupported by evidence. The Minister's witness Mr. Melançon testified that on an amateur-built aircraft, the parts must conform to the specifications and quality required by the manufacturer or as accepted for aviation purposes but require no specific tag or certification. The expert witness concluded that the struts were not completed using proper tooling and techniques and stated that the calibration tools that were used were not in accordance with recognized industry practices. I concur with this report.

D. Cancellation

[44] The Minister had the burden to prove, on a balance of probabilities, each of the three contraventions against the applicant. During the review hearing, the applicant admitted to the first alleged violation. The Minister's witnesses, including the expert witness who testified regarding the third alleged contravention, provided credible and compelling testimony on the remaining two contraventions. As such, the Minister was successful in proving, on a balance of probabilities, the elements of the remaining two alleged violation.

[45] An extensive file was provided in evidence (Exhibit M-29) indicating the existence of several prior notices of suspension between 2009 and 2012. Included in this file were certain admissions of responsibility for violations and previous Tribunal decisions confirming certain suspensions. The violations forming the basis of the applicant's prior suspensions primarily

relate to false entries in technical records and inaccuracies in maintenance releases. This evidence was placed on the record by the Minister without objection from Mr. Bélanger.

[46] In support of its Notice of Cancellation of Mr. Bélanger's AME licence, the Minister has established a trend of behaviour and practices by the applicant over a considerable period of time culminating in this cancellation. Having reviewed the types of allegations and contraventions since 2009, as well as the evidence concerning the most recent violations, I agree with the Minister's decision to cancel Mr. Bélanger's AME licence pursuant to section 6.9 of the *Act*.

IV. DETERMINATION

[47] Contravention 1 – File N5504-95630 – The applicant, Gaétan Bélanger, has admitted under oath to having contravened paragraph 7.3(1)(c) of the *Aeronautics Act*.

[48] Contravention 2 – File N5504-95630 – The Minister has proven, on a balance of probabilities, that the applicant, Gaétan Bélanger, contravened paragraph 7.3(1)(c) of the *Aeronautics Act*.

[49] Contravention 3 – File N5504-94940 – The Minister has proven, on a balance of probabilities, that the applicant, Gaétan Bélanger, contravened paragraph 571.02(1)(c) of the *Canadian Aviation Regulations*.

[50] Consequently, the Notice of Cancellation of Mr. Bélanger's Canadian aviation document, licence de technicien d'entretien d'aéronefs no. 157104, is upheld.

September 16, 2019

(Original signed)

Franco Pietracupa

Member

Appearances

For the Minister: Martin Forget

For the Applicant: self-represented