



TRANSPORTATION APPEAL TRIBUNAL OF CANADA

Citation: *Gian Piero Ciambella v. Canada (Minister of Transport)*, 2023 TATCE 6 (Ruling)

TATC File No.: RA-071-22

Sector: Aviation

BETWEEN:

Gian Piero Ciambella, Applicant

- and -

Canada (Minister of Transport), Respondent

Heard by: Written submissions on February 17 and 20, 2023

Before: Andrew Wilson, Member

Rendered: February 22, 2023

RULING

Held: The applicant's request for a stay of the suspension of his commercial pilot licence, issued on June 13, 2022, is granted.

I. BACKGROUND

[1] By Notice of Suspension dated June 13, 2022, the Minister of Transport (Minister) suspended the pilot licence of the applicant pursuant to section 6.9 of the *Aeronautics Act* for a combined total of 425 days with respect to the alleged violation of subparagraph 602.14(2)(a)(i) and sections 702.16 and 702.65 of the *Canadian Aviation Regulations*. These allegations all relate to a single incident involving aerial towing which occurred on October 2, 2021.

[2] On July 13, 2022, the applicant requested a review by the Transportation Appeal Tribunal of Canada (Tribunal) of his suspension. He also requested a stay of his suspension at that time.

[3] In subsequent correspondence with the Tribunal Registry, the applicant, then self-represented, advised that he would not be pursuing the stay application. However, at the case management conference (CMC) of February 10, 2023, he renewed this request.

[4] In accordance with my directions at the CMC, on February 17, 2023, the applicant provided written submissions with respect to his request for a stay. On February 20, 2023, the Minister submitted that it did not oppose the stay.

II. ANALYSIS

[5] Pursuant to subsection 6.9(4) of the *Aeronautics Act* (the Act), the Tribunal may direct a stay of a suspension until the review of the Minister's decision to suspend has been concluded. Under subsection 6.9(5) of the Act, a stay may not be granted if the member considering the matter is of the opinion that it would result in a threat to aviation safety or security.

[6] In this case, the applicant submits that he is a commercial pilot with some 50 years of flying experience. He states that he poses no threat to aviation safety. He further advises that Publicité Aero-Gramme Inc., the company for which he was conducting the aerial towing operation concerned, has voluntarily relinquished its operating certificate to the Minister and has permanently ceased flying operations.

[7] The Minister makes no allegation that a stay of the suspension would constitute a threat to aviation safety and security and does not otherwise oppose a stay.

[8] Therefore, based on the materials before me, I have no basis upon which to conclude that a stay would result in a threat to aviation safety or security.

[9] Clearly, substantial prejudice would accrue to the applicant if a stay is not granted and subsequently, on review, the suspension is reduced or cancelled. For its part, the Minister does not allege any prejudice flowing from the applicant's delay in seeking a stay.

[10] Therefore, I direct that the herein suspension be stayed until the Tribunal completes its review of the Notice of Suspension, pursuant to subsection 6.9(4) of the Act.

III. RULING

[11] The applicant's request for a stay of the suspension of his commercial pilot licence, issued on June 13, 2022, is granted.

February 22, 2023

(Original signed)

Andrew Wilson

Member

Representations

For the Minister: Martin Forget

For the Applicant: Self-represented