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September 9, 2015

Via email: marie-anne.dromaguet@tc.gc.ca

Ms. Marie-Anne Dromaguet
Chief, Regulatory Affairs (AARBH)
Civil Aviation, Safety & Security Group
Transport Canada
330 Sparks Street
Ottawa, ON K1A 0N5

Dear Ms. Dromaguet:

Re: Regulations Amending the Canadian Aviation Regulations (Aerodrome Work Consultations)

I am writing on behalf of the Canadian Bar Association's Air and Space Law Section (CBA Section) in response to the regulations amending the Canadian Aviation Regulations requiring proponents and operators of aerodromes to undertake public consultation with respect to certain work in connection with aerodromes, pre-published in the Canada Gazette, Part I on July 11, 2015.

The CBA is a national association of over 37,000 lawyers, law students, Québec notaries and law teachers, and our mandate includes improvements in the law and the administration of justice. The CBA Section comprises lawyers who represent aircraft operators and financiers, aerospace companies, airports and aerodromes, and equipment manufacturers.

In our view, the cost of compliance may be higher than estimated in the Regulatory Impact Analysis Statement and may have a negative impact on the development of smaller projects. The estimated valuation of \$2,000 to comply with notices and the time required to prepare the report is unrealistic. To provide full and complete notification and a report to the Minister would likely exceed the estimated \$6,472 of work and \$2,000 for the report.

These costs may result in delays in the process for small businesses, which are the target of most of these regulations. They may also lead to a lack of flexibility. Because the building and operating season for airports is short in Canada, any delay or extension of the process will have an effect on the viability of the airport and many small airport enterprises.

It is not clear in the regulations whether a review of the Minister's decision about an aerodrome would be to the Transportation Appeal Tribunal of Canada (TATC) or the Federal Court. The latter costs significantly more and we believe that TATC, as a simpler, more efficient forum with fewer cost implications to aerodrome proponents, would be the appropriate body to hear reviews of the Minister's decision.

Finally, the Regulatory Impact Analysis Statement does not outline the increased cost of operating a review mechanism at Transport Canada. The work and requirements of the regulations applies to all approximately 7,000 registered and unregistered aerodromes in Canada. The estimation that only 205 aerodromes will require consultation underestimates the level of aerodrome activity in Canada. The delay in the process to complete aerodrome projects would have an impact on other businesses on and surrounding an airport and their communities. This delay cost does not appear to have been contemplated by the regulations.

We hope our comments will assist Transport Canada in further developing the regulatory environment for aerodromes and we would be pleased to further assist in any way possible.

Yours truly,

(original letter signed by Noah Arshinoff for Patrick H. Floyd)

Patrick H. Floyd
Chair, CBA Air and Space Law Section