

Canadian
Transportation
Agency



Office
des transports
du Canada

AMPs
and
YOU

A large magnifying glass with a dark blue handle and a circular lens. The lens is positioned over the word 'YOU' in the text 'AMPs and YOU', making it appear larger and more prominent.

Administrative Monetary Penalties Program

Available in multiple formats

Canada

The Canadian Transportation Agency Administrative Monetary Penalties Program

Publicly available air carriers subject to the *Canada Transportation Act* and its related regulations, and transportation service providers subject to the Personnel Training for the Assistance of Persons with Disabilities Regulations, may be affected by the Canadian Transportation Agency Designated Provisions Regulations and by administrative monetary penalties.

AGENCY MANDATE

The Canadian Transportation Agency regulates transportation activities under federal jurisdiction. This mandate comes from the *Canada Transportation Act* (the Act) and includes ensuring that air carriers operating to, from and within Canada meet certain minimum economic requirements. To achieve this, the Agency administers an air carrier licensing system, international agreements and air tariffs. The Agency also ensures that persons with disabilities have access to the federal transportation network without undue obstacles.

ENFORCEMENT ACTIVITIES

The Agency's Inspection and Investigations Program encourages voluntary compliance with the Act, the Air Transportation Regulations (also called the ATRs) and the Personnel Training for the Assistance of Persons with Disabilities Regulations (also called the PTRs). The Agency monitors and enforces compliance with the Act and its related regulations through three key activities of this program:

- periodic inspections of Canadian-based air carriers licenced by the Agency, and of air, rail and marine terminals falling under the PTRs;

- targeted investigations that focus on anyone suspected of operating illegal air services in Canada, regardless of their country of origin; and
- special field projects, which include educating the public, other law enforcement organizations, and certain provincial agencies about the legislation and regulations.

ENFORCEMENT TOOLS

The Canadian Transportation Agency Designated Provisions Regulations (also called the DPRs), which came into force on June 11, 1999, were amended on January 30, 2001. The DPRs list all provisions of the Act and its related regulations that may be subject to an administrative monetary penalty (AMP) and their maximum penalties. The Agency designates enforcement officers who can issue notices of violation. These penalties are one of several ways the Agency can enforce the law; other options include formal reprimands, cease-and-desist orders, licence suspensions or cancellations, and prosecutions.

A **notice of violation** (NoV) identifies the alleged violation, names the alleged offender, sets out the penalty, and tells the person how and when to pay the penalty.

Designated **enforcement officers** have the power to enter and inspect any place other than a dwelling. They can require any person to produce any documents or data that may contain relevant information.

The **Civil Aviation Tribunal** (the Tribunal) is a quasi-judicial body which, with respect to AMPs imposed under the Act, is responsible for review and appeal hearings pertaining to those AMPs.

THE PROCESS

WARNINGS

When someone allegedly violates the Act or its regulations for the first time, an enforcement officer will normally send that person a letter of warning. However, in serious cases, the designated enforcement officer may issue an NoV without first issuing a warning.

After receiving a warning, an alleged offender has 30 days from the date of the warning to ask the Agency for a review.

After concluding a review, if the Agency decides that the alleged offender did not commit the violation, it takes no further action on that violation. However, if it decides that the offender has committed the violation, it records the violation in the event that further enforcement action is needed.

NOTICES OF VIOLATION

If you violate the same provision within six years, you may receive an NoV. You have at least 30 days from the date that the NoV was issued to pay the AMP. If you do not pay on time, by law the Agency must forward the NoV to the Civil Aviation Tribunal within 15 days. The Tribunal will schedule a review hearing, to be conducted by one Tribunal member, and it will notify both you and the designated enforcement officer (the two of you are also known as “the parties.”) Hearings are held at or near the place where the contravention allegedly occurred.

Following the review hearing, the Tribunal member will provide a written determination, which will confirm, dismiss, or substitute the designated enforcement officer’s decision. Either party may appeal the determination by applying to the Tribunal in writing, within 10 days.

If the determination is appealed, the Tribunal will notify the parties of the date, time and place of the appeal hearing. The Tribunal will also give each party a copy of the record of the

proceeding under appeal. Appeal panels usually consist of three Tribunal members and are usually chaired by the Chairperson or Vice-Chairperson of the Tribunal. Following the hearing, all parties will get a copy of the panel’s determination. This determination is final and binding on the parties, subject only to judicial review by the Federal Court, Trial Division.

PENALTIES

This table shows the penalties for different levels of violations.

INDIVIDUAL*				
Level	1st violation	2nd violation	3rd violation	4th and subsequent violations
1	warning	\$100	\$100	\$100
2	warning	\$250	\$500	\$1,000
3	warning	\$500	\$1,000	\$2,000
4	warning	\$1,000	\$2,500	\$5,000
5	\$1,000	\$2,500	\$5,000	\$5,000

CORPORATION				
Level	1st violation	2nd violation	3rd violation	4th and subsequent violations
1	warning	\$500	\$500	\$500
2	warning	\$1,250	\$2,500	\$5,000
3	warning	\$2,500	\$5,000	\$10,000
4	warning	\$5,000	\$12,500	\$25,000
5	\$5,000	\$12,500	\$25,000	\$25,000

* An **individual** in this case also means a sole proprietorship or partnership. In most cases, an employee is viewed as an agent of the employer. The employer is therefore liable for the misconduct of its employees and is the subject of any enforcement action.

For more detailed information and for the results of enforcement actions including the names of contravenors, visit the Agency Web site at www.cta.gc.ca.

If there is any discrepancy between this publication and the Act, the ATRs, the PTRs or the DPRs, the Act and its related regulations will prevail.

CONTACTS

Canadian Transportation Agency Headquarters

Manager, Enforcement Division

Telephone: (819) 953-9786

Fax: (819) 953-5572

Director, Tariffs, Complaints and Enforcement

Telephone: (819) 997-6643

Fax: (819) 994-0289

Canadian Transportation Agency

Ottawa, ON

K1A 0N9

e-mail: app.enf@cta-otc.gc.ca

Regional Enforcement Officers

Atlantic

Senior Investigator

Telephone: (506) 851-6950

Fax: (506) 851-2518

1045 Main Street, Unit 109

Moncton, NB

E1C 1H1

e-mail: moncton.nb@cta-otc.gc.ca

Quebec

Senior Investigator

Telephone: (450) 928-4173

Fax: (450) 928-4174

101 Roland-Therrien Blvd., Suite 802.3

Longueuil, QC

J4H 4B9

e-mail: montreal.qc@cta-otc.gc.ca

Ontario

Senior Investigator

Telephone: (416) 952-7895

Fax: (416) 952-7897

4900 Yonge Street, Suite 300

Toronto, ON

M2N 6A5

e-mail: toronto.on@cta-otc.gc.ca

Central

Senior Investigator

Telephone: (204) 984-6092

Fax: (204) 984-6093

269 Main Street, Suite 702

P.O. Box 27007

Winnipeg Square Postal Outlet

Winnipeg, MB

R3C 4T3

e-mail: winnipeg.mb@cta-otc.gc.ca

Western

Senior Investigator

Telephone: (780) 495-6618

Fax: (780) 495-5639

9700 Jasper Avenue, Suite 1100

Edmonton, AB

T5J 4C3

e-mail: edmonton.ab@cta-otc.gc.ca

Pacific

Senior Investigator

Telephone: (604) 666-0620

Fax: (604) 666-1267

Street: 800 Burrard Street, Suite 560

Post: 800 Burrard Street, Suite 641

Vancouver, BC

V6Z 2V8

e-mail: vancouver.bc@cta-otc.gc.ca

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