

## **DENIED BOARDING COMPENSATION**

**Rule 15 of [International Charter Tariff](#)**

**Rule 17 of [Scheduled tariff to all points outside Canada \(except the United States\)](#)**

**Rule 16 of [Domestic Tariff](#)**

### **Request for volunteers**

The Carrier will request passengers who are willing to do so, to voluntarily relinquish their confirmed reserved space in exchange for compensation in an amount to be determined by the Carrier. If a passenger is asked to volunteer, the Carrier will not later deny boarding to that passenger involuntarily unless that passenger was informed at the time he/she was asked to volunteer that there was a possibility of being denied boarding involuntarily and of the amount of compensation to which he/she would have been entitled in that event. The request for volunteers and the selection of such persons to be denied space shall be in a manner determined solely by the Carrier. In exchange for voluntarily relinquishing confirmed space, the Carrier may, at its option, offer to compensate that passenger with a credit valid for the purchase of future transportation on the Carrier in lieu of monetary compensation. The credit shall be of a value equal to or greater than the level of monetary compensation which would otherwise have been offered and shall be valid for travel only on the Carrier within one year from the date of issue and shall be non-refundable, non-endorsable and non-transferable.

### **Boarding priorities**

Passengers with the highest priority, as listed below, will be the last to be involuntarily denied boarding. Passengers within any of the following categories will be boarded in the order of their arrival at the ticket lift point:

- a) Passengers who are aged or physically disabled, regardless of fare paid, and unaccompanied children;
- b) Passengers under the age of 16 years who are traveling without a person 16 years or older and who are not traveling on a youth standby fare;
- c) (C) Passengers traveling on a Club Class fare;
- d) all other passengers.

### **Transportation for passengers denied boarding**

The Carrier will provide transportation to persons who have been denied boarding, whether voluntarily or involuntarily, in accordance with the provisions below:

- a) The Carrier will transport the passenger without stopover on its next available flight at no additional cost to the passenger;
- b) If the Carrier is unable to provide onward transportation acceptable to the passenger, any other carrier or combination of carriers, at the request of the passenger, will transport the passenger without stopover on its (their) next flight(s) in the same class of service as the passenger's original outbound flight, or if space is available on a flight of a different class of service acceptable to the passenger, such flight(s) will be used without stopover at no additional cost to

the passenger only if it will provide an earlier arrival at the passenger's destination, next stopover point, or transfer point.

### **Compensation for involuntary denied boarding**

In addition to providing transportation as described in paragraph (b) above, the Carrier will compensate the delayed passenger for failure to provide confirmed space. Compensation will be made in accordance with the following provisions:

#### a) Conditions for payment

i. A passenger holding a ticket for confirmed space must present him/herself for carriage at the appropriate time and place, having complied fully with the Carrier's requirements as to ticketing, check-in and reconfirmation of reservations and having met all requirements for acceptance of transportation published in the Carrier's tariffs.

ii. The flight for which the passenger holds confirmed space must be unable to accommodate the passenger and departs without him/her.

iii. The passenger who has been denied boarding will not be entitled to compensation in the event of the following:

- substitution of equipment of a lesser capacity when required for operational or safety reasons;
- government requisition of space;
- the passenger is offered and refuses a seat in a section of the aircraft other than that specified on the ticket at no extra charge; if a passenger is seated in a section for which a lower fare applies, the passenger shall be entitled to an appropriate refund;

#### b) Amount of compensation

i) The Carrier will tender liquidated damages in the following amounts: for flights of less than 5 hours duration – CAD 100.00; for flights of 5 hours length or more – CAD 200.00 (or equivalent in local currency) regardless of final destination or fare paid.

ii) If the offer of compensation is accepted by the passenger, such payment shall constitute full compensation for all actual or anticipatory damages incurred or to be incurred by the passenger as a result of the Carrier's failure to provide the passenger with confirmed space.

iii) The Carrier may, at its option, offer to compensate the passenger with credit for free transportation on the Carrier in lieu of monetary compensation. The credit offered will be of a value equal to or higher than that of the monetary compensation due to the passenger and the Carrier will inform the passenger of the amount of cash compensation that would otherwise be due. The passenger may decline the credit and accept the cash. If accepted, the credit will be valid for travel only on the Carrier within one year from the date of issuance and shall be valid for free transportation on any route.

iv) The offer of compensation will be made by the Carrier at the time of failure to provide confirmed space, and, if accepted, will be receipted for by the passenger. Should the Carrier arrange alternate transportation that departs prior to the time the offer can be made to the passenger, the offer shall be made by mail or other means within 24 hours after the time the failure to provide confirmed space occurs.

### **Notice provided passengers**

The Carrier shall furnish all passengers who are denied boarding involuntarily from flights on which they hold confirmed space a copy of the following written statement:

a) Compensation for denied boarding

If you have been denied a reserved seat on Air Transat you are probably entitled to monetary compensation. This notice explains the airline's obligations and the passenger's rights in the case of an oversold flight, in accordance with tariffs on file with the C.T.A.

b) Volunteers and boarding priorities

If a flight is oversold (more passengers hold confirmed reservations than there are spaces available), no one may be denied boarding against his/her will until airline personnel first ask for volunteers who will give up their reservations willingly, in exchange for payment of the airline's choosing. If there are not enough volunteers, other passengers may be denied boarding involuntarily, in accordance with the boarding priorities of the Carrier.

c) Compensation for involuntary denied boarding

If you are denied boarding involuntarily, you are entitled to payment of "Denied Boarding Compensation" from Air Transat unless (a) you have not fully complied with the airline's ticketing, check-in and reconfirmation requirements, or you are not acceptable for transportation under the airline's tariffs on file with the Canadian Transportation Agency (b) the flight has been cancelled (c) a government requisition of space has occurred or a smaller capacity aircraft was substituted for safety or operational reasons (d) a reduction of available seating capacity has occurred for safety or operational reasons (e) you are offered accommodation in a section of the aircraft other than that specified in your ticket, at no extra charge (a passenger seated in a section for which a lower fare applies must be given an appropriate refund).

d) Amount of denied boarding compensation

Passengers who are eligible for denied boarding compensation must be offered either:

- i) For flights of less than 5 hours - \$100 CDN; 5 hours or more - \$200 CDN.
  - ii) A travel credit on Air Transat equivalent to twice the monetary amount.
- e) Method of payment

The Carrier will give each passenger who qualifies for compensation a payment by check for the amount specified above, at the time the involuntary denied boarding occurs. However, if the airline arranges alternate transportation which departs before the payment can be made, the payment will be sent to the passenger within 24 hours. The Carrier may offer travel credits in place of the cash payment. The passenger may, however, insist on the cash payments, or refuse all compensation and bring private legal action.

f) Passenger's options

Acceptance of the compensation (by endorsing the cheque within 30 days) relieves the Carrier from any further liability to the passenger caused by its failure to honour the confirmed reservation. However, the passenger may decline the payment and seek to recover damages in a court of law or in some other manner