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# Transport Canada

## Aeronautical Information Manual (TC AIM)

# LRA—LICENSING, REGISTRATION AND AIRWORTHINESS

OCTOBER 3, 2024

Canada 

TRANSPORT CANADA AERONAUTICAL INFORMATION MANUAL (TC AIM)

**EXPLANATION OF CHANGES**

**EFFECTIVE—OCTOBER 3, 2024**

**NOTES:**

1. Editorial and format changes were made throughout the TC AIM where necessary, and those that were deemed insignificant in nature were not included in the “Explanation of Changes.”
  2. The blue highlights in the manual represent the changes described in this section.
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# LRA—LICENSING, REGISTRATION AND AIRWORTHINESS

## 1.0 FLIGHT CREW LICENSING

### 1.1 GENERAL

The *Aeronautics Act* and *Canadian Aviation Regulations* (CARs) contain Canadian aeronautics legislation, regulations and standards for flight crew licensing.

#### NOTES:

1. The information provided in this chapter is intended only as a guide. Contact a Transport Canada (TC) regional licensing office for specific concerns.
2. In the event of a discrepancy between the information found in this chapter and the CARs, the CARs shall take precedence.

The CARs or any bilateral flight crew licensing agreement with an International Civil Aviation Organization (ICAO) contracting state, contain(s) complete licensing requirements and specific details for individual permits, licences, ratings and medical requirements. Flight crew licensing regulations and standards are found in:

- (a) CAR 401 and CAR Standard 421;
- (b) CAR 404 and CAR Standard 424; or
- (c) bilateral flight crew licensing agreements.

An aviation document booklet (ADB), designed to hold aviation-related documents, is evidence that a flight crew member is qualified for certain permits, licences, certificates and ratings. The permits, licences and medical certificates are attached as labels to the ADB. The ADB includes the holder's photograph and other security features for positive authentication.

Licences in the ADB conform to the standards set forth in ICAO Annex 1. All Canadian differences to ICAO standards are published in *AIP Canada* GEN 1.7. Permits do not conform to ICAO standards and are valid only in Canadian airspace, unless authorized by the country in which the flight is conducted.

Permit and licence holders must hold a Restricted Operator Certificate with an Aeronautical Qualification in accordance with the requirements of Industry Canada, if they are going to operate radiotelephone equipment on board an aircraft.

### 1.2 AVIATION DOCUMENT BOOKLET (ADB)

Canadian permit and licence holders must hold an *aviation document booklet* (ADB).

A first-time Canadian permit or licence applicant must also apply for an ADB at the same time. A passport-style photograph must be submitted with Form 26-0726, *Application for an Aviation Document Booklet*.

The 24-page ADB is divided into different sections and includes the holder's licensing information, as well as ADB-associated legal text and abbreviations. Three sections clearly show the holder's licence(s) and permit(s), competency records, and medical certificate(s).

The ADB allows for multiple permits, licences, rating renewals and medical certificates throughout its validity period.

Transport Canada (TC) has started issuing ADBs that are valid for 10 years. Since licence holders with operational language proficiency must be retested every five years, they will continue to be issued ADBs valid for up to five years. The *Canadian Aviation Regulations* (CARs) will be amended to reflect this change.

More information on the booklet can be found on the following Transport Canada Civil Aviation (TCCA) Web page: <<https://www.tc.gc.ca/en/services/aviation/licensing-pilots-personnel/applying-aviation-document-booklet.html>>.

### 1.3 AVIATION LANGUAGE PROFICIENCY

All flight crew licences are required by the International Civil Aviation Organization (ICAO) to be annotated with a language proficiency rating.

ICAO language proficiency requirements apply to any language used for radiotelephony communications in international operations; therefore, pilots on international flights shall demonstrate an acceptable level of language proficiency in either English or the language used by the station on the ground.

Transport Canada Civil Aviation (TCCA) annotates flight crew licences to indicate English, French or both to show that the holder has met the requirements for aviation language proficiency, provided that the holder has been assessed at an expert or operational level.

- (a) Expert level corresponds to ICAO level 6. The expert level does not expire, and requires no further testing for the licence holder.
- (b) Operational level corresponds to ICAO levels 4 and 5. The operational level is the minimum required proficiency level for radiotelephony communication; a licence holder with an operational level of language proficiency must be retested every five years.
- (c) Those persons assessed at below operational level (ICAO levels 1-3) do not qualify for a Canadian flight crew licence.

### 1.4 PERMITS AND LICENCES ISSUED BY TRANSPORT CANADA CIVIL AVIATION (TCCA)

#### 1.4.1 Permits

- (a) Student Pilot Permit
- (b) Gyroplane Pilot Permit
- (c) Ultralight Aeroplane Pilot Permit
- (d) Recreational—Aeroplane Pilot Permit

### 1.4.2 Licences

- (a) Glider Pilot Licence
- (b) Balloon Licence
- (c) Private Pilot Licence—Aeroplane
- (d) Private Pilot Licence—Helicopter
- (e) Commercial Pilot Licence—Aeroplane
- (f) Commercial Pilot Licence—Helicopter
- (g) Airline Transport Pilot Licence—Aeroplane
- (h) Airline Transport Pilot Licence—Helicopter
- (i) Flight Engineer Licence

**NOTE:**

The qualifications relating to AMEs and air traffic controllers are outlined in:

- (a) CAR Subpart 402 and CAR Standard 422
- (b) CAR Part V *Airworthiness Manual* Chapter 566

### 1.5 DEFINITIONS OF FLIGHT EXPERIENCE

For the purposes of flight training or flight proficiency to meet the *Canadian Aviation Regulations* (CARs) requirements, the following definitions apply.

- (a) **Dual instruction flight time** is the flight time during which a person is receiving flight instruction from a person qualified in accordance with the CARs.
  - (i) Pilot flying time is flight time during which a licensed pilot, for proficiency purposes, shows the required pilot-in-command (PIC) skills while carrying out duties as if they were the PIC of the aircraft.
  - (ii) Pilot monitoring/pilot-not-flying time is flight time during which a licensed pilot, for proficiency purposes, shows the required co-pilot or second-in-command skills while carrying out duties as if they were the co-pilot of the aircraft.
- (b) **Solo flight time** is the flight time necessary to acquire a flight permit, licence or rating.
  - (i) For a pilot, the flight time during which the pilot is the sole flight crew member.
  - (ii) For a student pilot permit holder, the flight time during which the permit holder is the sole occupant of an aircraft while under the direction and supervision of a qualified flight instructor for the appropriate category of aircraft.

- (c) **Instrument flight time** is any flight time in an aircraft while piloting the aircraft by sole reference to the flight instruments. This flight time can be accumulated while operating under instrument flight rules (IFR) in instrument meteorological conditions (IMC), or in visual meteorological conditions (VMC) during flight training by means which limit a pilot's ability to see outside the cockpit environment such as while under a hood or wearing limited vision goggles.
- (d) **Instrument ground time** is instrument time in a flight simulation training device (FSTD) approved by Transport Canada Civil Aviation (TCCA) for flight training purposes while controlling the simulator by sole reference to the flight instruments.
- (e) **Pilot-in-command (PIC) flight time** is flight time in an aircraft as the pilot with responsibility and authority for the operation and safety of the aircraft.
- (f) **PIC under supervision flight time** is flight time, other than for receiving flight instruction, acquired by a co-pilot under a TCCA approved pilot training program while acting as PIC under supervision of a PIC. PIC under supervision flight time can only be credited if it is obtained in accordance with CAR Standard 421.11, see <[https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-421-flight-crew-permits-licences-ratings-canadian-aviation-regulations-cars#421\\_11](https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-421-flight-crew-permits-licences-ratings-canadian-aviation-regulations-cars#421_11)> .
- (g) **Co-pilot flight time** is flight time as a co-pilot in an aircraft certified as requiring a co-pilot, as specified in the flight manual or by the air operator certificate (AOC), or flight time in an aircraft that must be operated with a minimum of two crew (as certified by TCCA).

**NOTE:**

Every holder of or applicant for a flight crew permit, licence or rating shall maintain a personal log in accordance with CAR 401.08, see <<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-401.08>>.

## 1.6 SUMMARY OF REQUIREMENTS FOR PERMITS

The following tables summarize the licensing and medical fitness requirements for all flight crew permits. For more information, refer to CAR Standard 421

### 1.6.1 Student Pilot Permits (SPP)

#### NOTES:

1. SPP holders must hold a valid and appropriate medical certificate to exercise the privileges of their permit.
2. Medical certificates associated with a permit have a validity period per CAR 404.04. In order to continue exercising permit privileges, a holder must renew the relevant medical certificate(s) before the end of the validity period.
3. When the Category 4 Medical Declaration is used for the Student Pilot Permit—Aeroplane, the declaration must be signed by a physician licensed to practice in Canada.

**Table 1.1—SPP Requirements**

SPP CATEGORY	AGE	MEDICAL CATEGORY	KNOWLEDGE AND EXAMINATION	EXPERIENCE	SKILL
Gyroplane	14	1 or 3	PSTAR* 90%	Per skill	Certified for solo
Ultralight Aeroplane	14	1, 3 or 4	CAR 421.19(2)(d)(i)	Per skill	Certified for solo
Glider	14	1, 3 or 4	CAR 421.19(2)(d)(ii)	Per skill	Certified for solo
Balloon	14	1 or 3	PSTAR 90%	Per skill	Certified for solo
Aeroplane	14	1, 3 or 4	PSTAR 90%	Per skill	Certified for solo
Helicopter	14	1 or 3	PSTAR 90%	Per skill	Certified for solo

\*PSTAR is the computer code for the Student Pilot Permit or Private Pilot Licence for Foreign and Military Applicants, Aviation Regulations written examination.

### 1.6.2 Pilot Permits

**NOTES:**

1. Permit holders must hold a valid and appropriate medical certificate to exercise the privileges of their permit.
2. Medical certificates associated with a permit have a validity period per CAR 404.04. In order to continue exercising permit privileges, a holder must renew the relevant medical certificate(s) before the end of the validity period.
3. When the Category 4 Medical Declaration is used for the Recreational Pilot Permit—Aeroplane, the declaration must be signed by a physician licensed to practice in Canada.

**Table 1.2—Pilot Permit Requirements**

PERMIT CATEGORY	AGE	MEDICAL CATEGORY	KNOWLEDGE AND EXAMINATION	EXPERIENCE (Minimum instruction flight time)	SKILL
Gyroplane (GYP)	17	1 or 3	40 hr ground school and GYROP* 60%	Total - 45 hr including: Dual - 12 hr Solo - 12 hr	Flight demonstration and letter from instructor
Ultralight Aeroplane (ULP-A)	16	1, 3 or 4	20 hr ground school and ULTRA* 60%	Total - 10 hr including: Dual - 5 hr Solo - 2 hr	Flight demonstration and letter from instructor
Recreational-Aeroplane (RPP-A)	16	1, 3 or 4	RPPAE* or PPAER* 60%	Total - 25 hr including: Dual - 15 hr Solo - 5 hr	Flight test

\*GYROP is the computer code for the Pilot Permit—Gyroplane written examination.  
 ULTRA is the computer code for the Pilot Permit—Ultralight Aeroplane written examination.  
 RPPAE is the computer code for the Pilot Permit—Recreational Aeroplane written examination.  
 PPAER is the computer code for the Private Pilot Licence—Aeroplane written examination.



## 1.7 SUMMARY OF REQUIREMENTS FOR LICENCES

### 1.7.1 Pilot Licence

The following tables summarize the licensing and medical fitness requirements for all flight crew licences. For more information, refer to CAR Standard 421.

#### NOTES:

- Licence holders must hold a valid and appropriate medical certificate to exercise the privileges of their licence.
- Medical certificates associated with a licence have a validity period per CAR 404.04. In order to continue exercising licence privileges, a holder must renew the relevant medical certificate(s) before the end of the validity period.

**Table 1.3—Glider and Balloon Licence Requirements**

LICENCE CATEGORY	AGE	MEDICAL CATEGORY	KNOWLEDGE AND EXAMINATION	EXPERIENCE (Minimum instruction flight time)	SKILL
Glider (GPL)	16	1, 3 or 4	15 hr ground school and GLIDE* 60%	Total - 6 hr including: Dual - 1 hr Solo - 2 hr	Flight demonstration and letter from instructor
Balloon (BPL)	17	1 or 3	10 hr ground school and PIBAL* 60%	Total - 16 hr including: Untethered - 11 hr including a minimum of: Dual - 3 hr Solo - 1 hr	Flight demonstration and letter from instructor

\*GLIDE is the computer code for Pilot Licence—Glide written examination.

PIBAL is the computer code for the Pilot Licence—Balloon written examination.

### 1.7.2 Private Pilot Licence (PPL)

**Table 1.4—PPL Requirements**

LICENCE CATEGORY	AGE	MEDICAL CATEGORY	KNOWLEDGE AND EXAMINATION	EXPERIENCE (Minimum instruction flight time)	SKILL
Aeroplane (PPL-A)	17	1 or 3	40 hr ground school and PPAER* 60%	Total - 45 hr including: Dual - 17 hr Solo - 12 hr	Flight test
Helicopter (PPL-H)	17	1 or 3	40 hr ground school and PPHL* 60%	Total - 45 hr including: Dual - 17 hr Solo - 12 hr	Flight test

\*PPAER is the computer code for the Private Pilot Licence—Aeroplane written examination.

PPHEL is the computer code for the Private Pilot Licence—Helicopter written examination.

### 1.7.3 Commercial Pilot Licence (CPL)

**Table 1.5—CPL Requirements**

LICENCE CATEGORY	AGE	MEDICAL CATEGORY	KNOWLEDGE AND EXAMINATION	EXPERIENCE (Minimum instruction flight time)	SKILL
Aeroplane (CPL-A) If a PPL-A is held.	18	1	80 hr ground school and CPAER* 60%	Total - 200 hr including: PIC - 100 hr AND Commercial flight training - 65 hr consisting of: Dual - 35 hr Solo - 30 hr	Flight test
Aeroplane (CPL-A) For graduates from an approved integrated course.	18	1	A course completion certificate in lieu of these requirements	A course completion certificate in lieu of these requirements	Flight test
Helicopter (CPL-H) If a PPL-H is held.	18	1	40 hr ground school and CPHEL* 60%	Total - 100 hr including: PIC - 35 hr AND Commercial flight training - 60 hr consisting of: Dual - 37 hr Solo - 23 hr	Flight test
Helicopter (CPL-H) If a PPL-H is not held.	18	1	80 hr ground school and CPHEL 60%	Total - 100 hr including: PIC - 35 hr AND Commercial flight training - 100 hr including: Dual - 55 hr Solo - 35 hr	Flight test

\*CPAER is the computer code for the Commercial Pilot Licence—Aeroplane written examination.  
CPHEL is the computer code for the Commercial Pilot Licence—Helicopter written examination.

### 1.7.4 Airline Transport Pilot Licence (ATPL)

**Table 1.6—ATPL Requirements**

LICENCE CATEGORY	AGE	MEDICAL CATEGORY	KNOWLEDGE AND EXAMINATION	EXPERIENCE (Minimum instruction flight time)	SKILL
Aeroplane (ATPL-A)	21	1	SAMRA* 70%, SARON* 70% and INRAT* 70%	Total - 1 500 hr including: Aeroplane - 900 hr PIC - 250 hr	Flight test for a Group 1 Instrument Rating
Helicopter (ATPL-H)	21	1	HAMRA* 70% and HARON* 70%	Total - 1 000 hr including: Helicopter - 600 hr PIC - 250 hr	Flight test as PIC on a two-crew helicopter

\*SAMRA is the computer code for the Airline Transport Pilot Licence (Aeroplane)—Meteorology, Radio Aids to Navigation and Flight Planning written examination.  
SARON is the computer code for the Airline Transport Pilot Licence (Aeroplane)—Air Law, Aeroplane Operation and Navigation General written examination.  
INRAT is the computer code for the Instrument Rating.  
HAMRA is the computer code for the Airline Transport Pilot Licence (Helicopter)—Meteorology, Radio Aids to Navigation and Flight Planning written examination.  
HARON is the computer code for the Airline Transport Pilot Licence (Helicopter)—Air Law, Helicopter Operation and Navigation General written examination.

### 1.7.5 Flight Engineer (FE) Licence

**Table 1.7—FE Requirements**

LICENCE CATEGORY	AGE	MEDICAL CATEGORY	KNOWLEDGE (Examination)	EXPERIENCE (Minimum Hours)	SKILL
Flight Engineer (FE)	18	1	FLENG* 60%	Total - 100 hr	Flight demonstration and letter from instructor
Flight Engineer (FE) If a CPL-A is held.	18	1	FLENG 60%	Approved training program Total - 50 hr	Flight demonstration and letter from instructor

\*FLENG is the computer code for the Flight Engineer Licence written examination.

### 1.8 DIFFERENCES BETWEEN THE NATIONAL REGULATIONS AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION’S (ICAO) ANNEX 1 STANDARDS AND RECOMMENDED PRACTICES

Licences conform to the standards set forth in the International Civil Aviation Organization’s (ICAO) Annex 1. All Canadian differences to ICAO Standards are published in *AIP Canada* GEN 1.7 (see <<https://www.navcanada.ca/en/aeronautical-information/aip-canada.aspx>>).

Medical fitness for a Category 4 Medical Certificate is established by completing Form 26-0297, *Medical Declaration for Licences and Permits Requiring a Category 4 Medical Standard*, available at <[https://www.tc.gc.ca/wwwdocs/Forms/26-0297\\_0712-06\\_BO.pdf](https://www.tc.gc.ca/wwwdocs/Forms/26-0297_0712-06_BO.pdf)>. It is recommended that pilots applying for a Category 4 Medical Certificate do so by e-mail to their appropriate regional service centre. E-mail addresses can be found at <[https://tc.canada.ca/en/aviation/civil-aviation-contacts-offices#headquarters\\_and\\_regional](https://tc.canada.ca/en/aviation/civil-aviation-contacts-offices#headquarters_and_regional)>. Medical declarations should be sent to the regional service centre and not Civil Aviation Medicine to avoid unnecessary delays.

### 1.9 MEDICAL FITNESS FOR PERMITS AND LICENCES

The medical standards for civil aviation flight crew licences have been established in accordance with the International Civil Aviation Organization’s (ICAO’s) standards and recommended practices and are outlined in *Canadian Aviation Regulations* (CARs) Standard 424. A medical assessment is required to allow permit or licence holders to exercise their privileges.

The age of the applicant and the type of permit or licence applied for determine the frequency of the medical examinations needed to meet the medical fitness requirements.

The validity period of a medical certificate is calculated from the first day of the month following the date of the medical examination or declaration.

**NOTE:**

A Category 4 Medical Certificate is issued for certain permits and licences for use in Canadian airspace only.

Medical fitness for a Category 1, 2 or 3 Medical Certificate is established by a medical examination conducted by a Canadian Civil Aviation Medical Examiner (CAME) or an aviation medical examiner designated by the licensing authority of an ICAO contracting state.

If the medical examination is conducted by an aviation medical examiner designated by the licensing authority of an ICAO contracting state, the completed medical examination report shall be forwarded to the following Transport Canada Civil Aviation (TCCA) Medicine Branch address for review and assessment:

Civil Aviation Medicine Branch  
 Transport Canada  
 330 Sparks Street  
 Place de Ville, Tower C, Room 617  
 Ottawa ON K1A 0N8



### 1.9.1 Medical Validity Periods

The following table is an abridged list of the medical validity periods provided in the CARs for the following permits, licences and ratings.

**Table 1.8—Medical Validity Periods**

PERMIT, LICENCE or RATING HELD	FLIGHT CREW UNDER 40 YEARS OF AGE	FLIGHT CREW 40 YEARS OF AGE or OLDER
Student Pilot Permit	Dependent on the medical certificate held (See CAR 404.04)	Dependent on the medical certificate held (See CAR 404.04)
Gyroplane Pilot Permit	60 months	24 months
Ultralight Pilot Permit—Aeroplane	60 months	60 months
Passenger Carrying Ultralight—Aeroplane	60 months	24 months
Recreational Pilot Permit—Aeroplane	60 months	24 months
Glider Pilot Licence	60 months	60 months
Balloon Pilot Licence	60 months	24 months
Private Pilot Licence—Aeroplane and Helicopter	60 months	24 months
Commercial Pilot Licence—Aeroplane and Helicopter	12 months	12 months*
Airline Transport Pilot Licence—Aeroplane and Helicopter	12 months	12 months*
Flight Engineer Licence	12 months	12 months
Flight Instructor Rating—Glider	60 months	60 months
Flight Instructor Rating—Ultralight Aeroplane	60 months	60 months

\*For the holder of a commercial pilot licence or an airline transport pilot licence, the validity period of a medical certificate is reduced to 6 months if the holder is: 40 years of age or older and engaged in a single-pilot operation with passengers on board; or 60 years of age or older.

**NOTE:**

The holder of a commercial or airline transport pilot licence may exercise the privileges of a private pilot licence until the end of the validity period for private pilot licences as specified in the table above.

**Example:**

A 39-year-old and a 40-year-old, who each hold a private pilot licence, both renewed their medical certificate on July 29, 2020. The 39-year-old’s medical certificate would be valid for 60 months and would need to be renewed before August 1, 2025. The 40-year-old’s medical certificate would be valid for 24 months and would need to be renewed before August 1, 2022.

### 1.9.2 Medical Fitness—Renewals of Category 1, 2 or 3 Medical Certificates (Assessed Fit)

Category 1, 2 or 3 Medical Certificate renewals may be conducted by a Canadian CAME or an Aviation Medical Examiner designated by the licensing authority of an ICAO contracting state.

If the holder is assessed medically fit for that permit or licence by a CAME, the examiner will renew the medical certificate for

the full validity period by placing a date and signature stamp on the applicable page of the ADB.

If the medical examination is conducted by an Aviation Medical Examiner designated by the licensing authority of an ICAO contracting state, the completed medical examination report shall be forwarded to the following TCCA Medicine Branch address for review and assessment:

Civil Aviation Medicine Branch  
 Transport Canada  
 330 Sparks Street  
 Place de Ville, Tower C, Room 617  
 Ottawa ON K1A 0N8

If the holder is assessed medically fit for the permit or licence by the TCCA Medicine Branch, a new medical certificate will be issued. See LRA 2.3 for more information.

### 1.9.3 Medical Fitness—Renewal of a Category 4 Medical Certificate

A pilot wishing to maintain a Category 4 Medical Certificate shall complete Form 26-0297, *Medical Declaration for*

*Licences and Permits Requiring a Category 4 Medical Standard*, at least 60 days before the expiry date of their medical certificate. This will allow TC licensing personnel enough time to issue a new Category 4 Medical Certificate before the original medical certificate expires. It is recommended that pilots applying for a Category 4 Medical Certificate do so by e-mail to their appropriate regional service centre. E-mail addresses can be found at <[https://tc.canada.ca/en/aviation/civil-aviation-contacts-offices#headquarters\\_and\\_regional](https://tc.canada.ca/en/aviation/civil-aviation-contacts-offices#headquarters_and_regional)>. Medical declarations should be sent to the regional service centre and not Civil Aviation Medicine to avoid unnecessary delays.

#### 1.9.4 Medical Fitness—Assessed Unfit

The underlying goal of medical assessments is to allow permit or licence holders to exercise their privileges. Some medical certificate applicants may be assessed as unfit and will not be issued a medical certificate.

In an unfit assessment where the applicant is on the borderline of a medical standard, the applicant's medical information will be reviewed by the Aviation Medical Review Board.

In this situation, flexibility may be applied to the medical standard to allow the applicant to exercise the privileges of their permit or licence provided that aviation safety is not compromised. See LRA 2.4 and LRA 2.5 for more information.

#### 1.10 REFUSAL TO ISSUE A PERMIT, LICENCE, RATING OR MEDICAL CERTIFICATE

The Minister's power to refuse to issue or amend a permit, licence, rating or medical certificate is set out in the *Aeronautics Act*.

Grounds for refusing to issue are as follows:

- (a) the applicant is incompetent per section 6.71 of the Act;
- (b) the applicant fails to meet the qualifications or fulfill the conditions necessary for the issuance or amendment of the document per section 6.71 of the Act;
- (c) public interest reasons per section 6.71 of the Act; and
- (d) the applicant fails to pay monetary penalties per section 7.21 of the Act.

Transport Canada Civil Aviation (TCCA) takes care to determine whether an application is merely incomplete or whether the applicant does not meet the requirements set out in the *Canadian Aviation Regulations* (CARs).

- (a) If an applicant has not submitted all of the required material, licensing personnel shall advise the applicant that the application cannot be processed until the specified additional documentation or information is provided.
- (b) When all options are exhausted and the information provided by the applicant demonstrates that the applicant is not qualified for the requested document, licensing personnel shall advise the applicant of the decision not to issue the document.

Where the Minister decides to refuse to issue or amend a permit, licence, rating or medical certificate in accordance with the *Aeronautics Act*, the Minister will forward a Notice of Refusal to Issue or Amend a Canadian Aviation Document Letter to the applicant. The letter states the grounds and specific reasons for the decision.

#### 1.11 REINSTATEMENT OF A SUSPENDED PERMIT, LICENCE OR RATING

To reinstate a flight crew permit, licence or rating that has been suspended under subsection 7.1(1) of the *Aeronautics Act*, the applicant shall provide proof that they have satisfied the conditions for reinstatement.

#### 1.12 REGENCY REQUIREMENTS

In addition to a valid medical certificate, flight crew must meet the *Canadian Aviation Regulations* (CARs) requirements for recency in order to exercise the privileges of their permit, licence or rating in accordance with CAR 401.05 and CAR 421.05.

The recency requirements address three time periods: five years, two years, and six months. If a pilot wishes to act as pilot-in-command (PIC) or co-pilot of an aircraft, they must meet both the five-year and the two-year recency requirements. If they wish to carry passengers, they must also meet the six-month requirement.

For five-year recency, the pilot must have either:

- (a) flown as pilot-in-command (PIC) or co-pilot within the previous five years; or
- (b) completed a flight review with an instructor and written and passed the Student Pilot Permit or Private Pilot Licence for Foreign and Military Applicants, Aviation Regulation Examination, commonly known as PSTAR, within the previous 12 months.

For the 24-month recurrent training program, the pilot must have successfully completed a recurrent training program within the previous 24 months, and therefore meet one of the following seven conditions:

- (a) complete a flight review with an instructor;
- (b) attend a safety seminar conducted by Transport Canada Civil Aviation (TCCA);
- (c) participate in a TCCA-approved recurrent training program;
- (d) complete a self-paced study program;
- (e) complete a training program or pilot proficiency check (PPC) as required by CARs Part IV, VI or VII;
- (f) complete the requirements for the issue or renewal of a licence, permit or rating; or
- (g) complete the written exam for a licence, permit or rating.

Flight crew must also meet specific recency requirements for other aircraft categories, instrument ratings and passenger carrying operations. Refer to CAR 401.05 and CAR 421.05 for more information.

### 1.13 FLIGHT CREW LICENSING CONVERSION AGREEMENT BETWEEN CANADA AND THE UNITED STATES

In June 2000, the United States and Canada signed a bilateral aviation safety agreement to coordinate various aspects of their respective aviation safety oversight systems for the benefit of users in both countries. In the agreement, the two countries developed technical annexes called implementation procedures that address specific aviation safety activity areas.

The technical annex addressing pilot licensing is called *Implementation Procedures for Licensing*. It authorizes pilots holding certain licences or certificates from one country to obtain a licence or certificate from the other country when certain requirements are met.

In order to facilitate the certificate or licence conversion, the Federal Aviation Administration (FAA) and Transport Canada Civil Aviation (TCCA) agreed to provide each other with a verification of pilot licence or certificate authenticity and the associated medical certificate(s) prior to starting the conversion. TCCA considers that a FAA Airman Certificate holder, who has complied with the respective TCCA licence conditions for conversion set forth in the *Implementation Procedures for Licensing*, shall be eligible for a TCCA licence.

#### NOTES:

1. It is intended that applicants following these implementation procedures do not also need to meet the requirements of the relevant CAR standards.
2. Licences or certificates that are endorsed “issued on the basis of a foreign licence” are **NOT** eligible for this conversion process.

The following FAA Airman Certificates may be converted using the applicable implementation procedures:

- (a) Private Pilot – Aeroplane or Rotorcraft
- (b) Commercial Pilot – Aeroplane or Rotorcraft
- (c) Airline Transport Pilot – Aeroplane or Rotorcraft

When an application is made to convert any of the above listed certificates, the ratings or qualifications already endorsed may also be transferred. The following ratings or qualifications may be converted using the applicable implementation procedures:

- (a) instrument rating,
- (b) applicable aircraft class or type ratings, and
- (c) night rating or qualification.

After the conversion of any of the above airman certificates and the issuance of the TCCA equivalent licence, a provision is made in the implementation procedure for instrument rating renewal.

No flight test is required for applicants who go through this conversion process.

More information on application guidelines for aeroplane or rotorcraft licence conversion can be found on the following TCCA Web page: <<https://www.tc.gc.ca/en/services/aviation/licensing-pilots-personnel/flight-crew-licenses-permits-ratings/convert-us-canadian-pilot-licence.html>>.

TCCA applicants are required to fill out FAA Form AC 8060-71, *Verification of Authenticity of Foreign License and Medical Certification*, and comply with other eligibility requirements listed in FAA Advisory Circular (AC) 61-135A: see <[www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/1027574](http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1027574)>.

### 1.14 FLIGHT CREW LICENSING ADMINISTRATION

#### 1.14.1 Flight Crew Licensing Change of Address Request

TCCA shall be advised of any change of mailing address within seven days following the change in accordance with CAR 400.07. A completed Form 26-0760, *Flight Crew Licensing Change of Address Request*, should be submitted to the closest TCCA regional licensing office. A PDF copy of this form is available at

<[http://www.wapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0760\\_BO\\_PD](http://www.wapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0760_BO_PD)>.

#### 1.14.2 Application for Re-Issue of Civil Aviation Licensing Document

If a permit or licence is not received in the mail, or is lost, stolen, destroyed or rendered illegible, a completed Form 26-0738, *Application for Re-Issue of a Civil Aviation Licensing Document*, should be submitted to the closest TCCA regional licensing office. A PDF copy of this form is available at <[https://www.wapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0738\\_BO\\_PD](https://www.wapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0738_BO_PD)>.

#### 1.14.3 Flight Crew Licensing Declaration of Name

TCCA shall be advised of any change in your given name or surname. A completed Form 26-0759, *Flight Crew Licensing Declaration of Name*, should be submitted to the closest TCCA regional licensing office. A PDF copy of this form is available at <[https://www.wapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0759\\_BO\\_PD](https://www.wapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0759_BO_PD)>.

#### 1.14.4 Change of Citizenship

TCCA shall be advised of any change in your citizenship. A letter should be sent to the closest TCCA regional licensing office notifying them of the change. The letter must be accompanied by proof of new citizenship in accordance with CAR Standard 421.06.

## 2.0 CIVIL AVIATION MEDICINE

### 2.1 MEDICAL ASSESSMENT PROCESS

#### 2.1.1 Medical Examination Report

All holders of Canadian pilot licences or permits or air traffic controller licences must undergo a periodic medical examination to determine their medical fitness to exercise the privileges of

their permit or licence. This medical examination will normally be carried out by a designated CAME. The frequency of the medical examinations depends on the age of the applicant and the type of permit or licence applied for. For some examinations, supplementary tests, such as an audiogram or an electrocardiogram, may be required. The schedule for periodic examinations can be found in CAR 404.04(6) at <<https://lois-laws.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-404.04>>.

There are approximately 700 physicians who are designated by TC as CAMEs. They are strategically located across the country and overseas.

If the examination is performed in a contracting ICAO state, it must be completed by a medical examiner designated by Canada or by that state. The resulting medical examination must meet the Canadian physical and mental requirements. See CAR Standard 424 at <<https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-424-medical-requirements-canadian-aviation-regulations-cars>>.

Only designated Canadian CAMEs may validate a renewal examination with the official CAME stamp and by signing the medical certification section in the ADB.

Local flying organizations usually have a list of examiners in their immediate area. Examiner lists are also available from the regional office of Civil Aviation Medicine or on the TCCA Web site: <<http://wwwapps.tc.gc.ca/saf-sec-sur/2/came-meac/1.aspx?lang=eng>>.

### 2.1.2 Category 4 Medical Declaration

When applying for the issuance or revalidation of any of the Canadian aviation documents listed below, the applicant may apply to obtain a Category 4 Medical Certificate by completing Form 26-0297, *Medical Declaration for Licences and Permits Requiring a Category 4 Medical Standard*, at <[https://wwwapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0297\\_BO\\_PD](https://wwwapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0297_BO_PD)>

- (a) Student Pilot Permit—Aeroplane;
- (b) Pilot Permit—Recreational;
- (c) Pilot Permit—Ultralight Aeroplane;
- (d) Student Pilot Permit—Glider; and
- (e) Pilot Licence—Glider.

This medical declaration may be used to determine the applicant's medical fitness to exercise the privileges of their permit or licence. The medical declaration may be completed unless the applicant has ever suffered from any of the conditions listed in Part B of the declaration form, in which case they must undergo a medical examination with a CAME.

Form 26-0297, *Medical Declaration for Licences and Permits Requiring a Category 4 Medical Standard*, is composed of three parts.

- (a) *Part A*—All applicants must complete this part of the form. Part A requires the applicant to fill in their name, current address and other personal information.
- (b) *Part B*—All ultralight and glider pilot applicants are required to complete, sign and date Part B of the medical declaration and have it signed by a witness. Applicants for a Student Pilot Permit—Aeroplane and a Pilot Permit—Recreational are also required to complete, sign, and date Part B of the medical declaration, but a witness signature is not required.

#### NOTE:

If the applicant has ever suffered from any of the conditions listed in Part B, they must undergo a medical examination with a CAME. Failure to disclose a medical issue is a federal offence under the *Aeronautics Act*.

- (c) *Part C (applies only to Student Pilot Permit—Aeroplane or Pilot Permit—Recreational)*—In addition to completing Part B, Student Pilot Permit—Aeroplane and Pilot Permit—Recreational holders need to have Part C of the medical declaration completed by a physician licensed in Canada or by a CAME. A witness signature is not required.

All Pilot Permit—Recreational applicants need to undergo a resting 12-lead electrocardiogram after the age of 40, as well as on the first medical examination after the age of 50, and then every four years thereafter. The electrocardiogram tracing does not need to be submitted with the medical declaration form, but must be acknowledged as having been completed and read by the signing physician.

When a Category 4 Medical Declaration is completed in full, the candidate must submit the above-mentioned form to a TC regional licensing office, where a medical certificate will be issued.

An applicant who has completed the Category 4 Medical Declaration may not act as a flight crew member unless they can produce the appropriate, valid medical certificate. Please refer to CAR 401.03 for more details.

A pilot renewing a Category 4 Medical Declaration should complete the declaration form 60 days before the expiry date of the medical certificate. This will allow TC licensing personnel enough time to issue a new Category 4 Medical Certificate or label for the ADB before the original medical certificate expires.

An applicant holding a Category 4 Medical Certificate may exercise the privileges of the appropriate permit or licence while flying in Canadian airspace only.

#### NOTE:

If an applicant wishes to obtain a private pilot licence or higher or intends to pursue a career in aviation, it is advisable to forego a Category 4 application and apply directly for a Category 3 or 1 Medical Certificate in order to save time and money.

## 2.2 MEDICAL EXAMINATION REQUIREMENTS

Table 2.1—Medical Categories and Requirements by Age

Licence or Permit Type	Medical Category	Medical Report		Audiogram	Electrocardiogram	
		Age	Requirement		Age	Requirement
Airline Transport Senior Commercial Commercial  (Validates all other categories)	1	Under 40	Within 12 months of issue or revalidation	At first examination then at 55 years old	Under 30	At first examination
		Over 40	Within 6 months of issue or revalidation		30-40	At first examination and every 2 years thereafter
					Over 40	At first examination and every year thereafter
NOTE: The holder of Medical Category 1 shall be considered fit for any permit or licence for its respective duration of validity unless otherwise specified.						
Flight Navigator/ Flight Engineer  Air Traffic Controller	2	Under 40	Within 2 years of issue or revalidation	At first examination then at 55 years old	Under 30	At first examination
		Over 40	Within 12 months of issue or revalidation		30-40	At first examination and every 2 years thereafter
					Over 40	At first examination and every year thereafter
Student Pilot Private Pilot Gyroplane Pilot Balloon Pilot	3	Under 40	Within five years of issue or revalidation	(If clinically indicated)	Under 40	N.A.
		Over 40	Within two years of issue or revalidation		Over 40	At first examination and every four years thereafter
Ultralight Instructor Glider Instructor	4	All	Within five years of issue or revalidation	(If clinically indicated)	Under 40	N.A.
					Over 40	At first examination and every five years thereafter
Glider Pilot Ultralight Pilot	4	All	Medical Declaration (Full medical examination report only if clinically indicated)	(If clinically indicated)		N.A.
Recreational Pilot Student Pilot	4	All	Medical Declaration or Form 26-0297 counter-signed by a physician	(If clinically indicated)	Under 40	N.A.
					40-50	At first examination
					Over 50	At first examination and every four years thereafter



These requirements can be found in the table entitled “Physical and Mental Requirement” in CAR Standard 424 at <https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-424-medical-requirements-canadian-aviation-regulations-cars>.

### 2.3 PERIODIC MEDICAL EXAM CATEGORIES 1, 2 AND 3—MEDICALLY FIT

When the examination has been completed, the examiner will make a recommendation of fitness and will forward the medical examination report to the regional aviation medical officer (RAMO) at the appropriate regional office for review. If the person is already the holder of a Canadian pilot permit or licence or air traffic controller licence and is, in the opinion of the examiner, medically fit, the examiner will extend the medical validity of the holder’s permit or licence for the full validity period by signing and stamping the aviation document booklet (ADB) in the medical certification section.

The ADB is valid for five years.

### 2.4 AVIATION MEDICAL REVIEW BOARD

A small percentage of applicants will have medical issues that place them outside the medical standard. In those cases, their medical information may be reviewed by the Aviation Medical Review Board. The Review Board—a group of specialists in neurology, cardiology, psychiatry, ophthalmology, internal medicine, otolaryngology and aviation medicine—meets regularly in Ottawa to review complex cases and make recommendations to the regional aviation medical officer (RAMO).

### 2.5 UNFIT ASSESSMENT

Less than one percent of all applicants are assessed as unfit, a decision that is not made lightly. The underlying goal of the medical assessment is to allow permit/licence holders to maintain their privileges within the bounds of aviation safety. Flexibility may be applied to the medical standard if there is a counterbalancing safety restriction and/or a change in periodicity of medical surveillance that could be applied to a holder’s permit or licence, which would compensate for the deviation from the standard. For example, a pilot with certain medical conditions may be restricted to flying with or as an accompanying pilot.

If an applicant is assessed as unfit, they will be informed by the regional aviation medical officer (RAMO) in writing, and by the Regional Technical Team Lead, Flight Operations at Transport Canada Civil Aviation (TCCA). If it is an initial application, a medical certificate will not be issued. If the applicant holds a medical certificate, it will either be suspended or cancelled. If a medical certificate was previously held, a letter refusing to renew the document will be issued to the applicant.

If a medical certificate is refused, suspended, cancelled or not renewed, the applicant or permit/licence holder may wish to discuss and review their medical assessment with the RAMO. Via teleconference and/or at a meeting, the RAMO will review, with the applicant or permit/licence holder, the medical

information relevant to the assessment. As a general rule, the applicant or permit/licence holder may see these documents in the presence of the RAMO and ask questions concerning the content of the documents relative to the medical standards. In the case of sensitive or complicated medical information, the RAMO may elect to refer questions of a more clinical nature to the applicant or permit/licence holder’s personal physician, who can better explain the implications. In such cases, the applicant or permit/licence holder will be asked to sign a Consent to Release Form to designate a physician who will receive these reports.

In addition, the applicant or licence/permit holder may invoke the provisions outlined in the *Canadian Aviation Regulations* (CARs) regarding reconsideration of assessment.

CAR 404.12 states that:

- “(1) An applicant for the renewal of a medical certificate who is assessed by the Minister as not meeting the requirements referred to in subsection 404.11(1) may, within 30 days after the date that the applicant receives the notification referred to in subsection 404.11(2),
- (a) request the Minister to reconsider the assessment; and
  - (b) submit additional information to the Minister regarding the medical fitness of the applicant in support of the request.
- (2) Where the Minister is requested to reconsider an assessment pursuant to subsection (1), the Minister shall
- (a) take into consideration any additional information regarding the medical fitness of the applicant; and
  - (b) immediately notify the applicant in writing of the result of the reconsideration of the assessment.”

### 2.6 REVIEW BY THE TRANSPORTATION APPEAL TRIBUNAL OF CANADA (TATC)

After the steps outlined above, if the applicant or permit/licence holder wishes for the Transportation Appeal Tribunal of Canada (TATC) to review the medical certification decision, they must file a request by the date specified in the notice of suspension, cancellation or non-renewal. The TATC will acknowledge their request for review and subsequently set a hearing date. Any questions on hearing procedures should be directed to the TATC, which is independent from Transport Canada (TC)

If the applicant or permit/licence holder has new or additional medical information, it is strongly suggested that they share it with the regional aviation medical officer (RAMO) before the hearing; this information may be sufficient for the RAMO to recommend reinstatement of the medical certificate and spare the applicant or permit/licence holder the inconvenience of a hearing before the TATC. Whether the applicant or permit/licence holder elects to disclose this evidence or not, the right to a hearing before the TATC is not affected, but the Tribunal will decline to make a determination of the case if the new evidence has not been reviewed by Civil Aviation Medicine.

If the applicant or permit/licence holder does decide to proceed with a review by the TATC, the following are the procedural steps.

The review will normally be heard by a single medical professional, a member of the TATC. The TATC member considers the medical evidence against the regulatory medical standards promulgated by the International Civil Aviation Organization (ICAO), the *Canadian Aviation Regulations* (CARs) and appropriate Civil Aviation Medicine guidelines. The member can either uphold the Minister's decision or request that the Minister reconsider their decision. The TATC does not have the power to require the Minister to issue a valid medical certificate to the applicant or permit/licence holder.

If the TATC member does not decide in the applicant or permit/licence holder's favour, this decision may be appealed to a three-member board of the TATC. This board can only review the evidence that was presented at the review hearing. No new evidence can be considered at the appeal level. If the three-member board of the TATC decides in the applicant or permit/licence holder's favour, the determination will be that the Minister reconsider their decision. If the three-member board does not decide in the applicant or permit/licence holder's favour, there is no further avenue of appeal to the TATC.

If either the single-member TATC or the three-member TATC decides that the Minister reconsider their decision, TC does not have the right of appeal. The merits of the case, based only on the evidence available at the time of the original review, will be reconsidered by the Minister. As part of the reconsideration process, the Director, Standards will ask the Director, Civil Aviation Medicine to review the case and provide them with a recommendation regarding the applicant or permit/licence holder's medical fitness. The Director, Civil Aviation Medicine does not normally participate in the medical review by the RAMO or in the Aviation Medical Review Board recommendations and is thus able to formulate an unbiased opinion after an independent review of all of the medical evidence available at the time of the original decision. If the Director of Civil Aviation Medicine has been involved, the case will be referred outside the department for a second opinion.

A copy of this recommendation will then be sent to the applicant or permit/licence holder who will have ten working days to provide the Director, Standards with any comments they may wish to make regarding the recommendation of the Director, Civil Aviation Medicine.

After that time, a final decision will be made by the Director, Standards regarding the medical assessment, and the applicant or permit/licence holder will be notified.

## 3.0 FLIGHT CREW EXAMINATIONS

### 3.1 EXAMINATION OFFICES

Flight crew written examinations for recreational-level pilot licences can be written at certain flight training units. Most Transport Canada Civil Aviation (TCCA) regional offices and centres offer a written examination service. Visit the following Transport Canada (TC) Web page <<https://www.tc.gc.ca/en/services/aviation/licensing-pilots-personnel/flight-crew-licenses-permits-ratings/flight-crew-examinations/transport-canada-centres-authorized-examination-invigilators.html>> for contact information.

There are no TC examination facilities outside of Canada.

### 3.2 CHEATING ON AN EXAM

CAR 400.02 states that:

- “(1) Except as authorized by an invigilator, no person shall, or shall attempt to, in respect of a written examination,
- (a) copy or remove from any place all or any portion of the text of the examination;
  - (b) give to or accept from any person a copy of all or any portion of the text of the examination;
  - (c) give help to or accept help from any person during the examination;
  - (d) complete all or any portion of the examination on behalf of any other person; or
  - (e) use any aid or written material during the examination.
- (2) A person who commits an act prohibited under subsection (1) fails the examination and may not take any other examination for a period of one year.”

### 3.3 USE OF HAND-HELD CALCULATORS OR COMPUTERS

The following is a list of rules regarding the use of hand-held calculators or electronic computers during written examinations:

- (a) An applicant may use a hand-held calculator for problem solving, including those with a tape printout, if it has no memory system.
- (b) An applicant may use a hand-held electronic computer that has been specifically designed for flight operations, including a self-prompting type, provided it has been approved by Transport Canada (TC) for examination purposes and the computer memory bank is cleared before and after the examination, in the presence of the examination invigilator.

- (c) Requests for hand-held electronic computer approval—along with a functioning sample computer, all available software, and, if applicable, instructions on how to completely clear all memory without affecting any programming—should be forwarded by the manufacturer to:

Transport Canada  
Commercial Flight Standards (AARTF)  
330 Sparks Street  
Ottawa ON K1A 0N8

The memory bank clearing instructions and the process shall be simple enough to be completed with minimum distraction to invigilators.

#### NOTES:

1. No computer capable of being used to type and store a significant quantity of language text will be approved.
2. No device capable of accessing other applications or networks will be approved.
  - (a) The Jeppesen/Sanderson PROSTAR and AVSTAR, the Jeppesen TECHSTAR and TECHSTAR PRO, the ASA CX-1a Pathfinder, the ASA CX-2 Pathfinder, the ASA CX-3, the Cessna Sky/Comp, the NAV-GEM, and the Sporty's E6B electronic flight computers have been approved for use with all flight crew personnel licensing written examinations requiring numerical computations.
  - (b) An applicant may not use an instructional handbook or a user's manual when writing a TC examination.
  - (c) Upon completion of a written examination, all printout material shall be given to the invigilator.

## 4.0 AIRCRAFT IDENTIFICATION, MARKING, REGISTRATION AND INSURANCE

### 4.1 GENERAL

No civil aircraft, other than hang gliders or model aircraft, shall be flown in Canada unless they are registered in accordance with Part II of the *Canadian Aviation Regulations* (CARs), the laws of an International Civil Aviation Organization (ICAO) member state, or a state that has a bilateral agreement with Canada concerning interstate flying

To be eligible for registration in Canada, an aircraft must be of a type that has been approved in Canada for issuance of a certificate of airworthiness (C of A), special C of A or a flight permit (except ultralight aeroplanes), and the owner must be qualified to be the registered owner of a Canadian aircraft in accordance with the Part II of the CARs.

### 4.2 AIRCRAFT IDENTIFICATION

Under CAR 201.01, Canadian-registered aircraft are required to have an aircraft identification plate attached to the aircraft. The fireproof plate bears information relating to the aircraft manufacturer, model designation, type certificate number and

serial number. A photograph of the identification plate, clearly reproducing the information it contains, is required when applying for a certificate of registration (C of R).

### 4.3 NATIONALITY AND REGISTRATION MARKS

No person shall operate a registered aircraft in Canada unless its nationality and registration marks are clean, visible and displayed in accordance with the *Canadian Aviation Regulations* (CARs) or with the laws of the state of registry.

Canadian nationality and registration marks for new or imported aircraft are issued, on request, by the appropriate Transport Canada (TC) regional office. Should an applicant request a specific mark that is not the next available mark, it is deemed to be a special mark and may be obtained, if available, upon payment of a fee. Marks may be reserved for a one-year period without being assigned to a specific aircraft, also upon payment of a fee.

Aircraft registration marks are composed of a nationality mark and a registration mark. The Canadian nationality marks are the capital letters "C" or "CF". "CF" may only be issued for vintage (heritage) aircraft manufactured prior to January 1, 1957. If the nationality mark is "CF", the registration mark is a combination of three capital letters. If the nationality mark consists only of the capital letter "C", the registration mark is a combination of four capital letters beginning with "F" or "G" for regular aircraft (including amateur-built aircraft). The nationality mark shall precede the registration mark and be separated from it by a hyphen.

In the case of basic and advanced ultralight aeroplanes, the registration mark is a combination of four capital letters beginning with "I".

Aircraft manufactured before January 1, 1957, are considered to be vintage aircraft and are eligible to display either the "C" or "CF" nationality mark. Aircraft manufactured after December 31, 1956, will be issued only "C" nationality marks. Aircraft manufactured after December 31, 1956, that now display the "CF" nationality mark may continue to do so until such time as the aircraft is next painted, after which the aircraft shall display the "C" nationality mark (e.g. *CF-XXX* becomes *C-FXXX*). The TC regional office shall be notified, in writing, of any changes to the mark.

The specifications for Canadian nationality and registration marks are contained in CAR 202.01 and are in accordance with CAR Standard 222. For details on the placement and size of aircraft marks, see CAR 222.01.

CAR 202.04(1) provides for marks to be changed after an aircraft has been registered. The aircraft may be removed from the register if it is destroyed, permanently withdrawn from service or exported. It is the responsibility of the owner to notify TC immediately if any of these events occur. The owner shall also notify TC, in writing, within seven days of a change to the owner's name or permanent address.

#### 4.4 CHANGE OF OWNERSHIP—CANADIAN-REGISTERED AIRCRAFT

When the ownership of a Canadian-registered aircraft changes, the registration is cancelled and the registered owner must notify Transport Canada (TC) in writing no more than seven days after the change. A pre-addressed postcard-type notice is provided with the certificate of registration (C of R) for this purpose. The C of R contains the forms and instructions necessary to apply for registration in the new owner's name.

#### 4.5 INITIAL REGISTRATION

To obtain an application for registration, the new owner should contact the applicable Transport Canada (TC) regional office. The applicant can also access the forms (Form 26-0522 or Form 26-0521) online at [www.tc.gc.ca/eng/civilaviation/standards/maintenance-regsdocs-form-2943.htm](http://www.tc.gc.ca/eng/civilaviation/standards/maintenance-regsdocs-form-2943.htm). No person shall operate an aircraft in Canada unless it is registered.

#### 4.6 IMPORTATION OF AIRCRAFT

The International Civil Aviation Organization's (ICAO) *Convention on International Civil Aviation* (Doc 7300) and the Canadian Aviation Regulations (CARs) state that an aircraft cannot be registered in more than one state at the same time. Therefore, persons proposing to import an aircraft into Canada and to have it registered should ascertain whether the aircraft is eligible for import and registration prior to making any commitments. Inquiries relating to importation and registration can be addressed to the nearest Transport Canada Civil Aviation (TCCA) regional office, TC Centre or Minister's Delegate—Maintenance.

#### 4.7 EXPORTATION OF AIRCRAFT

When a Canadian-registered aircraft is sold or leased to a person who is not qualified to be the owner of a Canadian aircraft and the aircraft is not in Canada at the time of the sale or lease, or it is understood by the vendor or lessor that the aircraft is to be exported, the vendor shall ensure that the requirements of CAR 202.38 are satisfied. The vendor or lessor shall:

- (a) remove the Canadian marks from the aircraft and, if applicable, the aircraft address from the Mode S transponder and from the other avionics equipment of the aircraft;
- (b) notify the Minister in writing, within seven days after the sale or lease, of the date of:
  - (i) the sale or lease;
  - (ii) the exportation, if applicable;
  - (iii) the removal of the Canadian marks; and
  - (iv) the removal of the aircraft address from the Mode S transponder and from the other avionics equipment of the aircraft, if applicable;
- (c) provide the Minister with a copy of all of the agreements that relate to the transfer of any part of the legal custody and control of the aircraft resulting from the sale or lease; and

- (d) return the certificate of registration (C of R) of the aircraft to the Minister.

Transport Canada (TC) will remove the aircraft from the *Canadian Civil Aircraft Register* and forward a Canadian registration cancellation notification to the national aviation authority of the country that is importing the aircraft upon receipt of a request from the registered owner and only after the foregoing conditions have been met.

#### 4.8 LIABILITY INSURANCE

Canadian and foreign aircraft operated in Canada or Canadian aircraft operated in a foreign country are required to have public liability insurance. In the case of most air operators (those operating under CAR 703, CAR 704 and CAR 705), the specific requirement can be found in section 7 of the *Air Transportation Regulations*; for other air operators, the requirement is outlined in CAR 606.02. Public liability insurance protects the owner and operator of the aircraft if the aircraft causes damage to persons or property.

Similarly, passenger liability insurance is required in certain circumstances, as indicated in section 7 of the *Air Transportation Regulations*. Passenger liability insurance is required by operators operating under the authority of an air operator certificate (AOC), a flight training unit operator certificate, or a special flight operations certificate (SFOC) for balloons with fare-paying passengers. Certain privately operated aircraft require both public and passenger liability insurance (see CAR 606.02(4) and CAR 606.02(8)). Passenger liability insurance protects the owner and operator of the aircraft if a passenger on board the aircraft suffers from injury or death.

Passenger liability insurance is not mandatory for aerial work operators certified under CAR 702 as they do not carry passengers.

Details on the specific amounts of public liability insurance required and how to calculate passenger liability insurance can be found in CAR 606.02.

### 5.0 AIRCRAFT AIRWORTHINESS

#### 5.1 GENERAL

This subpart provides an explanation of the means by which Transport Canada (TC) exercises regulatory oversight to ensure the continuing airworthiness of Canadian-registered aircraft. It focuses on the general intent of the regulatory process rather than dealing with the applicable airworthiness requirements and procedures in detail. Readers should consult the applicable *Canadian Aviation Regulations* (CARs) that are mentioned in this section if a more detailed understanding of the current airworthiness requirements and procedures is required.

It is the responsibility of the owner or pilot to ensure that Canadian-registered aircraft are fit and safe for flight prior to being flown. The primary regulatory control for meeting this objective is achieved by making it unlawful for any person to fly or attempt to fly an aircraft, other than a hang glider or an ultralight aeroplane, unless flight authority in the form of a valid

certificate of airworthiness (C of A), special C of A, or flight permit—whichever is applicable—has been issued for that aircraft (see CAR 507.02, CAR 507.03, and CAR 507.04).

## 5.2 AIRCRAFT DESIGN REQUIREMENTS

### 5.2.1 General

ICAO's *Convention on International Civil Aviation* (Doc 7300), signed in Chicago in 1944, mandates that every aircraft of a contracting state engaged in international aerial navigation be provided with a C of A issued or rendered valid by the state in which it is registered. This agreement has the following effects:

- (a) to promote the idea of mutually acceptable aircraft design standards between contracting states;
- (b) to provide all contracting states with the assurance that the aircraft of any other contracting state flying over their territories is certificated to a common minimum acceptable level of airworthiness; and
- (c) to achieve minimum acceptable standards in matters related to the aircraft's continuing airworthiness.

The ultimate objective of this agreement is to protect other aircraft, third parties, and people on the ground from any hazards associated with overflying aircraft.

### 5.2.2 Canadian Type Certificate

CAR 521 establishes the rules that govern the application for and the issuance of a design approval document. The regulation also enables the use of the *Airworthiness Manual* chapters that establish the design standards for various categories of aircraft. The standards may be defined as statements of the minimum acceptable properties and characteristics of the configuration, material, performance and physical properties of an aircraft.

Applicants are issued a design approval document once they have demonstrated that the type design of the aeronautical product conforms to the applicable airworthiness and noise and engine emission standards that are in force for the product. The design approval document certifies that the type design of the product meets the applicable standards and includes the conditions and limitations prescribed by the airworthiness authority as well as how the product meets the standards.

#### NOTE:

A design approval document is defined in CAR 521.01 as “a type certificate, a supplemental type certificate, a repair design approval, a part design approval or a Canadian Technical Standard Order (CAN-TSO) design approval.”

All information concerning the approval of a type design or a change to the type design of an aeronautical product can be found in CAR 521 at <<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-521.01>>. Guidance material supporting this regulation can be found at <<https://www.tc.gc.ca/en/services/aviation/reference-centre/advisory-circulars.html#500-series>>.

## 5.3 FLIGHT AUTHORITY AND NOISE COMPLIANCE

### 5.3.1 General

CAR 605.03 prescribes that:

“(1) No person shall operate an aircraft in flight unless:

- (a) a flight authority is in effect in respect of the aircraft;
- (b) the aircraft is operated in accordance with the conditions set out in the flight authority; and
- (c) subject to subsections (2) and (3), the flight authority is carried on board the aircraft.

(2) Where a specific-purpose flight permit has been issued pursuant to Section 507.04, an aircraft may be operated without the flight authority carried on board where:

- (a) the flight is conducted in Canadian airspace; and
- (b) an entry is made into the journey log indicating:
  - (i) that the aircraft is operating under a specific-purpose flight permit, and
  - (ii) where applicable, any operational conditions that pertain to flight operations under the specific-purpose flight permit.

(3) A balloon may be operated without the flight authority carried on board where the flight authority is immediately available to the pilot-in-command:

- (a) prior to commencing a flight; and
- (b) upon completion of that flight.”

A flight authority may be issued in the form of a C of A, a special C of A or a flight permit. The specific requirements and procedures for each are detailed in CAR 507 and its related standard.

### 5.3.2 Certificate of Airworthiness (C of A)

The C of A is issued for aircraft that fully comply with all standards of airworthiness for:

- (a) aeroplanes in the normal, utility, aerobatic, commuter and transport categories;
- (b) rotorcraft in the normal and transport categories; and
- (c) gliders, powered gliders, airships, and manned free balloons.

The C of A is transferable with the aircraft when sold or leased, provided the aircraft remains registered in Canada. The C of A may provide an indication of the aircraft's compliance status with respect to the noise limitations specified in chapter 516 of the *Airworthiness Manual*. When applying for a C of A, it is advisable for the owner to have or obtain a copy of the applicable type certificate data sheets. A copy of the data sheets can be obtained from the type certificate holder. The data sheets may also be found online at <<http://www.wapps.tc.gc.ca/saf-sec-sur/2/nico-celn/>>.

Nothing in the CARs or their associated standards relieves the operator of a Canadian aircraft from the requirement to comply with local regulations when operating outside Canada. An aircraft for which the Minister has issued a C of A is considered to be

fully compliant with article 31 of ICAO's *Convention on International Civil Aviation* (Doc 7300), thereby meeting the code established by ICAO in Annex 8. Regarding airworthiness, aircraft meeting this code can be flown without further approval in the airspace of any ICAO contracting state.

### 5.3.3 Special Certificate of Airworthiness (Special C of A)

A special C of A may be issued for an aircraft in one of the following classifications: restricted, amateur-built, limited or owner-maintenance. The requirements and procedures for each classification are specified in CAR 507 and its related standard.

An aircraft for which a special C of A is issued by the Minister is not considered to be in compliance with all requirements of the code in ICAO's Annex 8 and cannot be flown in the airspace of another country without special authorization by the civil aviation authority of that other country.

CAR Standard 507, Appendix H lists aircraft types and models that are eligible for a special C of A—owner-maintenance. This special C of A allows owners to perform and certify maintenance on their aircraft, provided the relevant requirements of the CARs and the associated standards are met.

Aircraft owners who apply for a C of A for an aircraft for which the last permanent flight authority issued was a special C of A—owner-maintenance must meet the additional relevant requirements set out in CAR Standard 507.02(3).

### 5.3.4 Flight Permit

CAR Standard 507.04 prescribes that:

- (1) "Flight permits shall only be issued on a temporary (12 months or less) basis where the aircraft in respect of which an application is made does not conform to the conditions of issue for a C of A or a Special C of A. A flight permit is issued in one of the following classifications: [...]"
- (2) **Flight Permit—Experimental**  
An experimental flight permit is issued for any aircraft, excluding aircraft that are operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, which is manufactured for, or engaged in, aeronautical research and development, or for showing compliance with airworthiness standards.
- (3) **Flight Permit—Specific Purpose**  
A specific purpose flight permit is issued for an aircraft which does not conform to applicable airworthiness standards, but is capable of safe flight. It provides flight authority in circumstances when a certificate of airworthiness is invalidated, or there is no other certificate or permit in force.

#### **Information Note:**

Specific purpose flight permits may be issued for:

- (a) Ferry-flights to a base for repairs or maintenance;
- (b) Importation or exportation flights;

- (c) Demonstration, market survey or crew training flights;
- (d) Test purposes following repair, modification or maintenance; or
- (e) Other temporary purposes."

### 5.3.5 Noise Compliance

CAR 507.20 to CAR 507.23 set out the requirements with respect to the application for, as well as the issuance and suspension of, certificates of noise compliance and validation of foreign certificates of noise compliance. Further, CAR Standard 507.20(a) states:

"In the case of a Canadian aircraft, the C of A shall be annotated to indicate that:

- (a) the aircraft complies with the applicable noise emission standards and what those standards are; or
- (b) the noise compliance requirements are not applicable to the aircraft."

## 5.4 MAINTENANCE CERTIFICATION

### 5.4.1 General

CAR 605.85 stipulates, in part, that "no person shall conduct a take-off in an aircraft, or permit a take-off to be conducted in an aircraft that is in the legal custody and control of the person, where that aircraft has undergone maintenance, unless the maintenance has been certified by the signing of a maintenance release pursuant to section 571.10." Details of the maintenance activities performed or any outstanding work must also be entered in the technical log.

Specific qualifications for personnel who can sign a maintenance release are indicated in CAR 571 and its associated standard. The owner of an amateur-built or owner-maintained aircraft can perform the work and sign the maintenance release for their own aircraft.

It is the owner's responsibility to ensure that only personnel meeting those qualifications sign a maintenance release for their aircraft, engine, propeller or other installed component. The standards and procedures applicable to a maintenance release are contained in CAR Standard 571 at <<https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/part-v-standard-571-maintenance>>.

Elementary work does not require a maintenance release to be signed by an AME. However, pursuant to CAR 571.03, any elementary work performed on an aircraft must be detailed in the technical record and accompanied by the signature of the person who performed the work. The tasks and conditions associated with elementary work are listed in CAR Standard 625, Appendix A, see <<https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-625-appendix-elementary-work-canadian-aviation-regulations-cars>>.

### 5.4.2 Certification of Maintenance Performed Outside Canada

In the case of maintenance performed outside Canada (except for the annual inspection portion of the maintenance schedule outlined in CAR Standard 625, Appendix B, Part I or II), a maintenance release may be signed by a person who is authorized under the laws of a state that is party to an agreement or a technical arrangement with Canada if the agreement or arrangement provides for such certification.

In the case of certifying of the 100-hr inspection performed annually on the basis of the maintenance schedule outlined in CAR Standard 625, Appendix B, a maintenance release can only be signed by the holder of an appropriately-rated AME licence issued pursuant to CAR 403.

## 5.5 ANNUAL AIRWORTHINESS INFORMATION REPORT (AAIR)

CAR 501.01 requires that the owner of a Canadian aircraft, other than an ultralight aeroplane, submit an Annual Airworthiness Information Report (AAIR). This report can be submitted online through the Continuing Airworthiness Web Information System (CAWIS) at <<https://wwwapps.tc.gc.ca/saf-sec-sur/2/cawis-swimn/i.aspx?lang=eng>> or by filling out Form 24-0059, *Annual Airworthiness Information Report*, as specified in Chapter 501 of the *Airworthiness Manual*.

An AAIR notice is sent to each registered aircraft owner several weeks before the due date. The aircraft owner shall complete the annual report by entering all required data and signing to certify that the information supplied is correct.

Failure to receive an AAIR notice does not relieve the owner from the requirement to submit a report. The owner should therefore notify the appropriate Transport Canada (TC) regional office or TC Centre if the form, or its online equivalent, has not been received two weeks before the anticipated due date.

An alternate due date may be granted in accordance with CAR 501.03.

The owner of an aircraft that will be out of service for one or more reporting periods (calendar years) is not required to submit an AAIR for those periods, provided the appropriate section of Form 24-0059, or its online equivalent, is completed and indicates the date the aircraft is expected to return to service.

## 5.6 MAINTENANCE REQUIREMENTS FOR CANADIAN-REGISTERED AIRCRAFT

### 5.6.1 General

Under CAR 605, it is the responsibility of the owner or operator (defined in CAR 101 as the person who has legal custody and control of the aircraft) of aircraft other than ultralight aeroplanes or hang gliders to ensure that their aircraft is properly equipped for its intended uses and maintained in accordance with an approved maintenance schedule; that the defects are recorded and properly rectified or the repairs are deferred; and that any applicable ADs have been addressed.

It is also the responsibility of owners or operators to ensure that the person intending to take off in the aircraft has the information required to establish whether or not the aircraft is airworthy for the intended flight.

It is the responsibility of the pilot to be familiar with the available information and to make an informed decision regarding the aircraft and the intended flight.

CAR 605.94 requires the pilot-in-command to enter the particulars of any abnormal occurrence to which the aircraft has been subjected, as well as the particulars of any defect in any part of the aircraft or its equipment that becomes apparent during flight, in the journey log as set out in CAR 605, Schedule I.

In addition to the general rules in CAR 605, private operators must respect the maintenance requirements in CAR 604 and its associated standard. Commercial air operators must respect the requirements in CAR 706 and flight training units must respect those in CAR 406.

### 5.6.2 Maintenance Schedules

CAR 605.86 prescribes, in part, that all Canadian aircraft except ultralight aeroplanes or hang gliders shall be maintained in accordance with a maintenance schedule that has been approved by the Minister and that conforms to CAR Standard 625.

Appendices B, C and D to CAR Standard 625 are applicable to the development of maintenance schedules.

Owners of non-commercially operated small aircraft and balloons may choose to comply with Part I or II of Appendix B, as applicable, and Appendix C to CAR Standard 625. They need not submit any documents to the Minister for formal approval. The maintenance schedule is considered to be approved for their use by the Minister. Owners need only make an entry in the aircraft technical records indicating that the aircraft is maintained pursuant to the maintenance schedule. Owners should periodically review the maintenance schedule to ensure that it meets the requirements.

Operators of large aircraft, turbine-powered pressurized aeroplanes, airships, any aeroplane or helicopter operated by a flight training unit, or any commercially operated aircraft must submit an application for approval of their maintenance schedule to the Minister through the TC regional office with jurisdiction over the area in which the applicant is located. The maintenance schedule shall address the requirements of CAR Standard 625, Appendices C and D.

### 5.6.3 Maintenance Performance

CAR 571 is applicable to the performance of maintenance or elementary work. It addresses how work should be done, as opposed to what work should be done.

### 5.6.4 Aircraft Technical Records

CAR 605 and its related standard prescribe and set out the requirements and procedures for keeping aircraft technical records. Pursuant to CAR 605.92(1), every owner of an aircraft shall keep the following technical records regarding the aircraft:

- (a) a journey log;
- (b) a separate technical record for the airframe, each installed engine and each variable-pitch propeller; and
- (c) an empty weight and balance report that meets the applicable standards set out in CAR Standard 571.

The technical records may consist of separate technical records for each component installed in the airframe, engine or propeller. In the case of a balloon or a glider, or an aircraft operated under a special C of A in the owner-maintenance or amateur-built classification, all technical record entries, referred to above, may be kept in the journey log.

### 5.6.5 Service Difficulty Reporting Program

By means of the service difficulty reporting program, reported service difficulties are collected, analyzed and used to identify and rectify, as required, deficiencies of a design, manufacturing, maintenance or operational nature, which might affect aircraft airworthiness.

TC utilizes a user-reporting system to collect service difficulty data.

The service difficulty reporting program provides a means for AMEs and private aircraft owners or operators to report service difficulties on a voluntary basis. Commercial or corporate air operators, Canadian holders of design approval documents, and approved organizations engaged in the manufacture, maintenance, repair or overhaul of aeronautical products are subject to the mandatory service difficulty reporting prescribed in CAR 521, Division IX.

Service difficulties encountered in the field that have caused or may cause a safety hazard may be reported to the Minister using either Form 24-0038, *Service Difficulty Report*, or the Internet-based TC Web Service Difficulty Reporting System application at [https://www.wapps.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/wsdrs\\_h.aspx](https://www.wapps.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/wsdrs_h.aspx).

The data collected by the service difficulty reporting program is available to interested parties from TC headquarters and regional offices and from the TC Web Service Difficulty Reporting System application.

## 5.7 AIRWORTHINESS DIRECTIVES (ADS)

### 5.7.1 General

Compliance with ADs is essential to airworthiness. Pursuant to CAR 605.84, aircraft owners are responsible for ensuring that their aircraft are not flown unless they meet the requirements of any ADs relevant to the aircraft or to its engines, propellers or equipment. Refer to CAR Standard 625, Appendix H, for further details.

When an AD is not complied with, the flight authority is not in effect and the aircraft is not considered to be airworthy.

Exemptions to AD compliance or the authorization of an alternative means of compliance may be requested by an owner pursuant to CAR 605.84(4). General information about exemptions and alternative means of compliance is given in Appendix H, subsection 3. Applications should be made to the nearest TC regional office or TC Centre in accordance with the procedure detailed in CAR Standard 625, Appendix H, subsection 4.

### 5.7.2 Availability of Airworthiness Directives (ADs)

TC endeavours to notify owners of Canadian registered aircraft of the issuance of any applicable AD or mandatory service bulletin as outlined below. To this end, the owner must advise the nearest TCCA office of any change of address in accordance with CAR 202.51. However, TC cannot guarantee that it will receive all foreign ADs. Aircraft owners are responsible for obtaining the relevant continuing airworthiness information applicable to the type and model of aircraft—including installed equipment, engine, propeller(s) (if any)—that they own.

Aircraft owners who wish to ascertain which ADs, if any, apply in Canada for a particular type of aircraft, engine, propeller or other item of equipment may do so by checking this Web site: [https://www.wapps.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/AD\\_h.aspx?lang=eng](https://www.wapps.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/AD_h.aspx?lang=eng).

### 5.7.3 Airworthiness Directive (AD) Schedule and Compliance Records

Details of the scheduling provisions and compliance with any applicable ADs shall be entered in the aircraft technical record, in accordance with CAR 605, by persons authorized to do so.

## 6.0 THE TRANSPORTATION APPEAL TRIBUNAL OF CANADA (TATC)

### 6.1 GENERAL

The process for enforcement of Canada's *Aeronautics Act* came into force in 1986. This process includes powers of suspension, an administrative monetary penalty system and an independent tribunal to review the decisions made by the Minister of Transport.

This process was expanded on June 30, 2003, when the *Transportation Appeal Tribunal of Canada Act* and consequential amendments to the *Aeronautics Act* were proclaimed in force.

The Transportation Appeal Tribunal of Canada (TATC) consequently replaced the Civil Aviation Tribunal and has expanded jurisdiction and authority. The Appeal Tribunal has the authority to review the Minister's decisions with respect to Canadian aviation documents and the assessment of monetary penalties.



The Tribunal process applies to five types of administrative actions. One type of action is the refusal to issue or amend a Canadian aviation document. There are also three types of actions that are related to the powers of suspension or cancellation of a Canadian aviation document. The fifth type of action is the Minister's power to assess monetary penalties for the contravention of certain regulatory provisions. Decisions made by the Minister of Transport to take any of these administrative actions may be reviewed by a single member of the Tribunal and may be followed by an appeal to a three-member panel.

The purpose of this scheme is to provide those affected by administrative decisions with an opportunity for a fair hearing before an independent body. The TATC is not a Transport Canada (TC) agency. It is composed of individuals with experience in many different aspects of the transportation industry. Its members, who have aviation industry experience, will hear aviation cases as the need arises.

## 6.2 REFUSAL TO ISSUE OR AMEND A CANADIAN AVIATION DOCUMENT

The Minister's power to refuse to issue or amend a Canadian aviation document is set out in the amended *Aeronautics Act*. The four distinct grounds for those powers are as follows:

- (a) incompetence of the applicant for the document or amendment;
- (b) failure to meet the qualifications or fulfill the conditions necessary for the issuance or amendment of the document;
- (c) public interest reasons; and
- (d) failure by the applicant to pay monetary penalties for which the Tribunal has issued a certificate.

Where the Minister decides to refuse to issue or amend a Canadian aviation document, they must notify the applicant of the decision, the grounds for the decision and the specific reasons those grounds apply. The applicant has the right to request a review of the Minister's decision. The Notice of Refusal to Issue or Amend a Canadian Aviation Document Letter must inform the applicant of the steps they must follow to obtain a review.

At the review, the Tribunal will consider whether or not the Minister's decision is justified, based on the facts of the case. Both the applicant and the Minister will be given full opportunity to present evidence and make representations with respect to the decision under review. The applicant may call their own witnesses and cross-examine those called by the Minister. They may also be represented by counsel or have another person appear on their behalf.

In making its determination at the review, the Tribunal may confirm the Minister's decision or, if it finds the decision is unjustified, it may refer the matter to the Minister for reconsideration.

## 6.3 SUSPENSION, CANCELLATION OR REFUSAL TO RENEW A CANADIAN AVIATION DOCUMENT

The powers to suspend, cancel or refuse to renew a Canadian aviation document are set out in the amended *Aeronautics Act*. The Minister has the power to:

- (a) suspend or cancel a document for contravention of any provision in Part I of the Act or the regulations made under the Act (e.g. the *Canadian Aviation Regulations* [CARs]);
- (b) suspend a document on the grounds that an immediate threat to aviation safety exists or is likely to occur;
- (c) suspend, cancel or refuse to renew a document on the grounds of:
  - (i) incompetence,
  - (ii) ceasing to meet the qualifications or fulfill the conditions under which the document was issued (this includes medical grounds), or
  - (iii) public interest reasons; and
- (d) suspend or refuse to renew a document for failure to pay monetary penalties for which the Tribunal has issued a certificate of nonpayment.

Where the Minister decides to suspend, cancel or refuse to renew a Canadian aviation document, they must notify the document holder. The notice must include the decision, the grounds for the decision and the specific reasons for those grounds. The document holder has the right to request a review of the Minister's decision. The notice must also inform the applicant of the steps they must follow to obtain a review.

The review process and the Tribunal's authority are the same as what is outlined in LRA 6.2 regarding the refusal to issue or amend a Canadian aviation document. The only difference is that in the case of a suspension or cancellation of a Canadian aviation document on the grounds that the holder of the document has contravened a provision of the Act or regulations, the Tribunal may confirm the Minister's decision or may substitute its own decision for that of the Minister.

## 6.4 MONETARY PENALTIES

The power to assess a monetary penalty applies only to those regulations referred to as designated provisions. These offences, generally of a regulatory nature, are designated and listed in CAR 103, Schedule II. Where a person contravenes a designated provision, the Minister may assess an appropriate fine to be paid as a penalty for the contravention. A notice of assessment of monetary penalty is then sent to inform the person that full payment of the penalty will end the matter. The notice must also inform the person of the steps they must follow to obtain a review.

In the event that full payment is not received within 30 days and no request for a review is filed with the Tribunal, the person will be deemed to have committed the contravention and must pay the penalty assessed.

If the alleged offender requests a review hearing, the process of the hearing is the same as that set out in LRA 6.2 and LRA 6.3. The Tribunal has the authority to confirm the Minister’s decision to impose a penalty and its amount, or it may substitute its own decision for the Minister’s. If a contravention is confirmed, the Tribunal will inform both the Minister and the alleged offender of the decision and the amount of the penalty payable with respect to the contravention.

**6.5 APPEALS**

If a party fails to appear or be represented at a review hearing without sufficient reason to justify their absence, that party is not entitled to request an appeal of the determination.

A person affected by the Tribunal’s review determination may request an appeal of the determination. The Minister may also request an appeal of the Tribunal’s review determination with respect to a suspension or cancellation of a Canadian aviation document on the grounds of contravention of a provision of the Act; contravention of the regulations; or with respect to a monetary penalty. In all cases, the request for an appeal must be made within 30 days after the Tribunal’s review determination.

The appeal is based on the merits of the decision and the appeal panel is limited to considering the record of the evidence introduced at the review hearing, other evidence that was not available at the review hearing and oral arguments by the parties. The appeal panel may allow the appeal or dismiss it. If the Tribunal allows the appeal, it may send the matter back to the Minister for reconsideration or, in the case of an alleged contravention or monetary penalty, the Tribunal may substitute its own decision for the review determination.

Further information regarding procedures before the Transportation Appeal Tribunal of Canada (TATC) may be obtained by consulting the *Transportation Appeal Tribunal of Canada Act*, the *Aeronautics Act* (sections 6.6 to 7.21 and sections 7.6 to 8.2), the Tribunal rules and CAR 103.

The TATC may be contacted at:

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