

# One Disability, One Airfare

On November 20, 2008 the Supreme Court of Canada dismissed an appeal in *Air Canada et al. v. Canadian Transportation Agency et al.*<sup>[1]</sup> The decision means that air carriers and airports must accommodate persons with disabilities, even if doing so requires the provision of an “extra” seat. The appeal was the result of a ruling made by the Canadian Transportation Agency in January 2008 requiring that both airports and air carriers make accommodations for people with the following disabilities:

1. “those persons who are required, under the terms of the carriers’ tariff, to be accompanied by an Attendant;
2. those persons who are disabled as a result of obesity; and
3. those other persons who require additional seating for themselves to accommodate their disability to travel by air.”<sup>[2]</sup>

The airlines were directed to provide an “extra” seat (at no cost to the passenger) to those who need the assistance of an attendant, or who do not fit into a single aircraft seat. Airports were directed to develop plans to alert airlines of the decision. Both parties were given until January 10, 2009 to make plans to accomplish the directive.

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<sup>[1]</sup> Supreme Court of Canada, “*Air Canada et al. v. Canadian Transportation Agency et al.*” <http://www.scc-csc.gc.ca/information/cms-sgd/dock-regi-eng.asp?32729>.

<sup>[2]</sup> Canadian Transportation Agency, “*Decision No. 6-AT-A-2008*” (January 10, 2008) at para 25. [http://www.cta-otc.gc.ca/rulings-decisions/decisions/2008/A/AT/6-AT-A-2008\\_e.html](http://www.cta-otc.gc.ca/rulings-decisions/decisions/2008/A/AT/6-AT-A-2008_e.html).