

August 21, 2006

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Re: Request for Review Form/Dog Killed by Air Canada

I am sending this letter along with a Request for Review Form that was downloaded from the Internet. I am filling out this form after it was recommended I do so by Mike Redmond in the Tariffs Division of the Canadian Transportation Agency. This has been recommended as my next line of action to take.

This is another, hopefully final, step in very lengthy effort to have the rules changed to have safe transport of pets ensured. I have a number of ideas of what I would like to see happen but ultimately depend on the authorities like yourselves to decide what to do. I am determined to have something change in the system to prevent happening to another family what happened to our family.

In 2004, our pet dog, Sila, was killed by Air Canada. (Actually ACE Aviation Holdings to be specific.) She was killed by (autopsy proven) carbon monoxide. On a January night in Winnipeg they pushed our prior healthy dog onto the carousel dead in her kennel. We were devastated. Having no answers from Air Canada and no apology, eventually my wife Beth and I found a lawyer and tried legal action. But we could not financially afford to take on Air Canada and after much money and effort we looked for other options. The problem is that legally a pet in Canada is worth nothing at all and can be treated as such, unless it has commercial value (like a race horse). Therefore, we didn't have a hope to get justice from the legal system. The rule was, and still is, clear. We felt, and still do feel, that an animal has some value. Our dog certainly had value to us. In fact, she was

worth an awful lot to us. But she was from the pound, and had no commercial value. Therefore, in the eyes of the law, she was worth nothing. It seemed our society and its laws did not value something unless it was worth money. It seemed Air Canada could simply hide behind this ruling and try to ignore me, hoping I would just go away. But with the help of Toronto based lawyer, Kate Kempton, we put in a claim that was to go to the Ontario Supreme Court in April 2006. But I simply could not afford the legal bills any further and we accepted a settlement. I cannot disclose details of the settlement, but the very fact that there was one, proves Air Canada knows they did wrong. But all said and done, we ultimately failed to change the system. And the next pet they kill will have the owner on the hook for a very large legal bill to get any recourse, and still the system will not have changed.

In an effort to change the system as a whole, we put a claim in to the Canada Transportation Agency (CTA) and after much (2 years) back and forth and documentation review, they elected not to have the rules changed. They ruled Air Canada did nothing wrong because existing laws and tariffs say that they can indeed kill a dog. We already knew that. That was the tariff we hoped to have changed. The CTA, with a lengthy legal document, told us what we already knew. I am not a lawyer, but as I understand it, the one thing the CTA did do was to make a new rule that the transporting body should *tell you* they might indeed kill your dog. This obviously falls far short of what we were hoping and will likely have no impact whatsoever. The CTA's final reply came as Decision No. 319-C-A-2006 dated June 1, 2006. This is available for public review. I have a copy I can provide you with if you require, and it is posted on my website.

There is much that could be done to change the system: The airlines could be told by regulation or Tariff that they must fly pets safely or face consequences. In the U.S.A. they are way ahead of Canada. There has been many cases setting a legal precedent for a set dollar value that an airline must pay should they injure or kill your pet. Also in the U.S.A., I believe the ASPCA pushed Congress to pass a law that was to go into effect June 15, 2006 requiring the airlines to report animal casualties. Supporters wanted it to cover animals shipped to zoos and those used for research and breeding, as well as household pets, and to require that cargo holds be temperature-controlled. Airlines fought the effort, and I believe lawmakers ended up approving a rule that requires tallying injuries and deaths of household pets. These are just a few examples of what could be done in Canada.

I am optimistic you at CAIRS will do something to change the system, because it is clearly broken. Of note, we are not the only ones this

has happened to. I have talked to many others that have been through similar horrible events. They do not know what to do. They feel they have no way of changing the system and do not know where to start. One person I talked to flew from Alberta to Halifax and her dog was killed by Air Canada. After much runaround she was sent a letter offering her a few thousand Air Miles for her “delay” in travel. It was understandably insulting to her. This is clearly wrong. Also importantly, I do not feel “market forces” can help change Air Canada. It’s not possible to fly a competitor because Air Canada has a monopoly over much of Canada including where I live. But the same regulations apply to all airlines anyways. The corporations have no motivation to change their ways. Something within regulations needs to change.

Finally, I am sending this letter and Request for Review Form to the National Headquarters Office. We live in B.C.. Our dog was killed between B.C. and Manitoba, and we were working in, and traveling to, Ontario at the time. We were not sure which jurisdiction our concerns belong but felt Ottawa was most appropriate to send this to. More information can be provided regarding all of the above and I have tried to put much detail into a website as listed above if you wish to view.

I look forward to your reply.

Sincerely,

Darren Jakubec on behalf of Sila