

Transportation Notes: Canada's Accessible Transportation For Persons With Disabilities Regulations

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In 2019, the Canadian federal government made a push to address barriers for persons with disabilities, including by passing the [Accessible Canada Act](#). The stated goal is to make Canada barrier-free by 2040. The legislation and related regulations target federal agencies and federally-regulated industries, including aviation.

The [Accessible Transportation for Persons with Disabilities Regulations](#) ("ATPDR") were finalized and published in July 2019 as part of the Canadian Transportation Agency's Regulatory Modernization Initiative (RMI), which launched in 2016.

The ATPDR address federally-regulated transportation participants – not only in aviation, but also rail, marine and inter-provincial bus transportation. And they apply not just to carriers, but also to airports and terminal operators and to the Canada Border Services Agency, among others.

Most of the provisions under the ATPDR come into force on June 25, 2020. These include the service requirements applicable to carriers, found in Part 2 of the regulations. Part 2 is the only part that applies to foreign carriers – Canadian carriers have additional obligations that they must meet under the ATPDR.

For the time being, only "large" carriers are subject to any requirements under the ATPDR, which has a different definition than the one found in the [Air Passenger Protection Regulations](#) ("APPR"). Under the ATPDR, a carrier is "large" if it has transported one million passengers or more in each of the previous two calendar years; under the APPR, the cutoff is two million passengers.

Part 2 of the ATPDR comprises sections 24 to 62. Among other kinds of carrier, this Part applies to "every large air carrier that provides a service for the transportation of passengers

- between points within Canada;
- from a point of origin in Canada to a point of destination in a foreign country, or
- from a point of origin in a foreign country to a point of destination in Canada."

As a general rule, carriers are required to provide the various services set out in Part 2 of the ATPDR where a passenger requests them at least 48 hours in advance of the scheduled departure. However, carriers are required to provide some services even if the request is made less than 48 hours pre-departure, including wheelchair service.

In addition, if the request for a service is received less than 96 hours (four days) pre-departure and the carrier informs the person that further information or documentation is required to allow it to assess the request and the required information is not provided more than 48 hours pre-departure, strictly speaking, the carrier is not required to provide the service.

However, s. 32(4) provides that carriers must make a reasonable effort to provide any service requested by a person with a disability no matter when it is received.

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any circumstances. For application of the law to specific situations, the reader should seek professional advice.

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