

# Carlos Martins

Partner

## Toronto

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## Practice Areas

Aviation & Transportation

Commercial Litigation

Employment & Labour

Litigation & Dispute

Resolution

Media & Defamation

Carlos Martins is a skilled litigator with over 20 years' experience providing legal advice in diverse sectors. He is a member of the firm's Commercial Litigation Practice Group and specializes in aviation and defamation law.

Prior to joining WeirFoulds in 2020, Carlos was a founding partner of Bersenas Jacobsen Chouest Thomson Blackburn LLP.

Carlos has appeared before all levels of court in Ontario, including the Supreme Court of Canada. In addition, he has appeared before various administrative tribunals on behalf of his clients.

Carlos is a Fellow of the Insurance Institute of Canada, as well as a past lecturer to the Insurance Institute of Ontario. He is the co-author of the "Canada" chapter in *International Insurance Law and Regulation* (Oxford University Press).

### Called to the Bar

- Ontario (1996)

### Languages

- Portuguese

### Education

- Bachelor of Laws, Osgoode Hall Law School, York University, 1994
- B.A. (Public Administration), Carleton University, 1991

### Affiliations

- Ontario Bar Association

## WeirFoulds LLP

4100 – 66 Wellington St. West  
PO Box 35, TD Bank Tower  
Toronto, ON M5K 1B7

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## Notable Mandates

### Aviation Regulatory

- Obtaining regulatory approvals and licences for foreign air carriers, including: Canadian aviation documents; Foreign Air Operator Certificates; Code share approval agreements from Canadian

Transportation Agency; International licences from Canadian Transportation Agency; and Extra-Provincial Licences

- Obtaining waivers of regulatory requirements for air carriers
- Preparation, review and filing of tariffs and service schedules
- Representing air carriers in access to information requests made by the public
- Performing due diligence on behalf of air carriers with regard to possible General Sales Agents
- Providing general advice to station managers and country managers on local legal issues such as: Ticketing issues; Local tax issues; Employment law issues; Privacy legislation; and Review of commercial agreements
- Providing advice with respect to proposed and actual changes to aviation-industry-related legislation
- Providing advice on advertising and posting of tariffs on websites

## Litigious Matters

- Acting for air carriers and the general aviation community (and their respective insurers) in commercial and liability claims, including: Passenger injury claims; Lost, delayed, damaged baggage and/or cargo; Transportation of inadmissible passengers into Canada; and Commercial claims as between aviation industry participants
- Acting for air carriers in complaints before the Canadian Human Rights Tribunal and the Canadian Transportation Agency, including complaints relating to: Presence of kirpans (Sikh ceremonial daggers) in the cockpit of an aircraft; Carriage of obese passengers; Carriage of passenger requiring a medical attendant for travel; Carriage of passengers who require a stretcher; Accessibility requirements of passengers in the airport terminal; and Loss, damage and/or pilferage of checked baggage
- Representing air carriers in disputes with General Sales Agents
- Acting for private individuals in disputes relating to the sale of aircraft
- Representing airport service providers in surface damage claims

## Media

- Pre-publication/broadcast advice for various Canadian media organizations, including *The Globe and Mail*, CTV and Canadian University Press
- Libel reads for Canadian print publishers
- Resisting publication ban applications, including: *R. v. J.S.R.* (successfully resisting a publication ban in case relating to the murder of Jane Creba); *R. v. Carswell* (successfully resisting a publication ban in a case relating to child pornography charges); and *Hollinger v. Black* (successfully resisting a sealing order on a case relating to documents filed in a civil proceeding)
- Defence of liability claims against newspaper and book publishers, as well as broadcasters
- Acting for private and public sector clients in defamation/ abuse of public office cases, including acting as co-counsel on the successful defence of the City of Hamilton in Canada's longest defamation trial (145 trial days)
- Acting for private individuals in defamation cases
- Acting for clients on access to information requests, including: Application before Ontario Privacy Commissioner for records held by nuclear power generators; Application before Alberta Privacy Commissioner for records relating to lawsuit against Stockwell Day; and

Applications before federal Privacy Commissioner relating to records of federally regulated corporations

- Defending news media in liability claims
- Acting for publishers in copyright disputes

## Awards

- Recognized by *Best Lawyers in Canada* as a leading practitioner in Aviation Law (2024)
- Repeatedly recognized in the *Canadian Legal Expert Directory* as a leading lawyer in Aviation (Regulation & Liability)
- Repeatedly recognized in the *Chambers Canada Guide* as a leading lawyer in Transportation – Aviation Regulatory Law
- Repeatedly recognized in *Who's Who Legal* as a Thought Leader in Transport – Aviation Law in the contentious and regulatory categories

## Professional Activities

### Aviation

- Member, Royal Aeronautical Society, London (MRAeS) (2011 to Present)
- Member, Association of Transportation Law Professionals (2013 to Present)
- Member, Canadian Owners and Pilots Association (2000 to Present)
- Member, IATA Risk and Insurance Managers Working Group (2008 to 2010)
- Member, ATAC Legal and Facilitation Committee (2001 to 2010)
- Member, ATAC Working Group on Bill C-20 relating to the Canada Airports Act (2006)
- Editor in Chief and Contributor, BJCTB's Transportation Notes monthly newsletter
- Contributor to:

Air & Space Lawyer, a publication of the American Bar Association, Aviation Section  
Aviation Briefs, a publication of the Aviation Law Association of Australia and New Zealand (ALAANZ),

ILO Aviation Newsletter, a publication of the International Law Office

IUAL Legal Bulletin, a publication of the International Union of Aviation Insurers, London

Helicopters Magazine

Travel Law Quarterly

Wings Magazine

### Media

- Member, AdIDEM/Canadian Media Lawyers Association (1999 to Present)
- Ontario Bar Association, Entertainment, Media & Communications Section
  - Secretary (2005)
  - Co-Chair (2006)
- Canadian Bar Association, National Media & Communications Section
  - Member at Large (2002 to 2005)
  - Secretary (2006 to 2007)

## General

- Insurance Institute of Canada (2004 to Present)
  - Chartered Insurance Professional (2001 to Present)
  - Fellow of Insurance Institute of Canada (2004 to Present)
- Children's Bridge International Adoption Agency
  - Member of the Board (2007 to 2010)
  - Chairman of the Board (2008 to 2010)

## Speaking Engagements

- Speaker, "Reputation Management for Corporations and Executives: Dealing with Defamation", 2021 In-House Counsel Update: Continuing Challenges in a Changing World, WeirFoulds LLP, May 4, 2021
- Presenter, Legal Vetting, Canadian University Press Summer School, 1999 to Present (Toronto)
- Presenter, "Mandatory Retirement of Pilots", Canadian Bar Association (BC), Air Law Section, Vancouver 2011 (via teleconference)
- Panel Chair, "Unruly Passenger", McGill Conference on International Aviation Liability & Insurance, Montreal, 2011
- Speaker, "Managing Risks in the Carriage of Goods", The Canadian Institute, Aviation Updates, Toronto, 2010
- Speaker, "Your First Trial", Written Advocacy at Trial, Ontario Bar Association, Toronto, 2010
- Presenter, ATAC Annual General Meeting, Legal Committee (Accessibility Issues), Calgary, 2008
- Presenter, Libel Law, ORCUP Annual Conference, (Toronto) 2006 and (Waterloo) 2007
- Presenter, General Aviation Claims Seminar, Insurance Institute of Canada, Toronto, 2006
- Presenter, Ontario School Board Insurance Exchange, Defamation in an Education Setting, Guelph, 2006
- Chair and Presenter, "Defamation Primer", Ontario Bar Association Seminar, Toronto, 2004
- Speaker at various IATA Legal Symposia: "Canadian Aviation Law Update", Lisbon, 2010; "Passenger Accessibility Issues in Canada", Bangkok, 2009; "One Passenger, One Fare Update", Buenos Aires, 2008; "Air Carrier Liability Developments in Canada", Istanbul, 2007; "Liability Update for Canada", 2006 (Hong Kong);

## Publications

- [Transportation Notes: Ontario Court Awards \\$107 Million against Iran for Ukraine International Airlines Crash](#), February 03, 2022
- [Transportation Notes: Court Approves \\$1.5 Million Settlement of Cathay Pacific Data Breach Class Action](#), September 20, 2021
- [Transportation Notes: Québec Superior Court Allows Class Action Against Sunwing, But Not Other Airlines](#), July 27, 2021
- [Transportation Notes: Contents of Cockpit Voice Recorder Released in Class Action](#), June 08, 2021
- [Rebel, Rebel, Your Case is a Mess: More on the Challenges of Anti-SLAPP Motions](#), April 08,

2021

- Transportation Notes: Pair of Passenger Class Actions Certified Against WestJet, April 07, 2021
- Transportation Notes: Air Carrier Avoids Liability for Refusal to Transport Disruptive Passenger, February 16, 2021
- Transportation Notes: Filing of Insurance Certificates with the Canadian Transportation Agency , December 08, 2020
- Transportation Notes: Air Passenger Rights Group Challenges CTA Statements on COVID-19 Vouchers, November 06, 2020
- Transportation Notes:Transportation Appeal Tribunal Unable to Consider Costs After Withdrawal, July 27, 2020
- Transportation Notes: Passenger's Fall Due to Unsteadiness Not an Accident Under the Convention, July 20, 2020
- Transportation Notes:Proposed Class Action Claims Refunds for COVID-19 Cancellations, April 15, 2020
- Transportation Notes: Canada's Accessible Transportation For Persons With Disabilities Regulations, February 28, 2020
- Transportation Notes: Proposed Discrimination Class Action by Airline Employee May Proceed, July 17, 2019
- Transportation Notes: Québec Court Rules One Passenger One Ticket Applies in Class Action, April 26, 2019