

March 27, 2026



VIA EMAIL

Court of Appeal for British Columbia
ATTN: Registrar Outerbridge
400-800 Hornby Street
Vancouver, BC V6Z 2C5

Dear Registrar Outerbridge,

RE: Air Passenger Rights v. WestJet Airlines Ltd. et al. CA51094

Please kindly bring this letter to the Division that heard this appeal on March 17, 2026: Honourable Justice Fleming; Honourable Justice Riley; and Honourable Justice Mayer.


At the conclusion of the hearing on March 17, 2026, the Division directed that the Appellant may file written submissions not exceeding eight pages, within 30 days, relating to the interpretation of the *Air Passenger Protection Regulations*. The Respondent WestJet may also file a reply not exceeding three pages within two weeks thereafter.

Considering the Supreme Court of B.C. decision’s significant public interest and implications to access to justice, the undersigned rearranged other matters to expedite the enclosed written submissions and supplemental book of authorities. Four bound copies of the written submissions will be delivered to the court registry shortly. Should the Court have any further Directions, please kindly advise.

We also take this opportunity to bring to the attention of the Division that, on March 19, 2026, the Supreme Court of Canada dismissed WestJet’s application for leave to appeal with costs in [WestJet v. Paul Gauthier, et al.](#), 2026 CanLII 23217 (SCC). This recent decision is part of a trilogy of WestJet cases that the Appellant referred to at the hearing: [WestJet v. Gauthier](#), 2025 BCCA 134; [Lewis v. WestJet Airlines Ltd.](#), 2019 BCCA 63; and [WestJet v. Chabot](#), 2016 QCCA 584. The leave to appeal applications for the latter two cases were also dismissed with costs in 2019 and 2016, respectively.

Yours truly,

EVOLINK LAW GROUP


SIMON LIN, Barrister & Solicitor

CC: Michael Dery and Kathryn McGoldrick, counsel for Respondent, WestJet Airlines Ltd.; and Eliza McCullum and Clayton Gallant, counsel for the Civil Resolution Tribunal.